



The City of San Diego

Staff Report

DATE ISSUED: April 15th, 2022

TO: City Council

FROM: Sustainability & Mobility Department

SUBJECT: Amendments to the City's Municipal Code for Shared Mobility Device (SMD) Regulations

Primary Contact: Kristy Reeser Phone:(858) 492-6005

Secondary Contact: Ahmad Erikat Phone:(619) 533-3045

Council District(s): Citywide

Overview:

In May 2019, the San Diego City Council passed the Shared Mobility Device (SMD) Ordinance to permit, manage, and enforce rules for new micro-mobility devices on public property and within the public right-of-way. Since permitting started in July 2019, the City has been analyzing ridership data, collecting resident and operator feedback, enhancing operations based on internal feedback from impacted departments, and enforcing violations to the Ordinance and the Vehicle Code. In our efforts to continue to improve the SMD program and operations in the City, several amendments to the Ordinance are proposed.

Proposed Actions:

Approve a resolution determining that the ordinance amending Chapter 8, Article 3, Division 3 of the San Diego Municipal Code for Shared Mobility Devices is categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 and 15306; Approve an ordinance with amendments to Chapter 8, Article 3, Division 3 of the San Diego Municipal Code for Shared Mobility Devices; and Approve a resolution authorizing the fee structure for companies providing Shared Mobility Devices.

Discussion of Item:

Shared Mobility Device Program Overview

In February 2018, several Shared Mobility Device (SMD) companies began operations in San Diego. Dockless bikes and scooters could be rented via a mobile phone application and, unlike docked mobility devices, could be parked wherever the rider's trip ended. The proliferation of SMDs around San Diego proved both their popularity and the need for a regulatory framework to resolve conflicts due to device staging and parking, speeding in general low speed or pedestrian areas, and unsafe rider behavior that endangers public safety to address these concerns, staff in numerous operating departments worked together to draft regulations for council consideration. In May 2019, the City Council passed the Shared Mobility Device Ordinance (O-21070) to permit, manage, and enforce rules for new micro mobility devices in the public right-of-way.

In the first of two annual permit cycles, seven SMD operators applied for, and received, operating permits, allowing a total of up to 22,300 shared mobility devices to operate between July 1, 2019 and January 31, 2020. By October 2019, two of the seven operators had withdrawn their devices from San

Diego. During that time there were approximately 9,000 devices deployed per day, and an average of 13,000 daily trips, yielding an average of 1.8 trips per device per day.

In January of 2020, prior to the onset of the Covid-19 pandemic, five operators sought permits, for a total of up to 11,050 devices. During the first couple months, patterns of usage were similar to 2019; however, with the stay-at-home order in March 2020, most scooter companies contracted or removed their devices from the City in response to the effects of the pandemic on tourism and general demand. One operator, Lyft, maintained a fleet primarily staged for essential workers who continued to work throughout the early months of the Covid-19 pandemic.

During the second permit cycle, in July 2020, five operators obtained permits, with a maximum of up to 6,400 devices permitted. By September 2020, the average daily deployed devices were rebounding to approximately 3,000, averaging 5,000 trips per day -an approximately 60% reduction from the same time in the prior year. Through the remaining months of 2020 and 2021, scooter operations continued incremental upward growth.

The most recent permit cycle, in January 2022, permitted seven operators to provide a total of up to 11,050 permitted devices. Based on the data the City has received from operators throughout the day, the average number of scooters deployed in the City has declined since January from 7500 devices daily to the present weekly average at approximately 6000 scooters deployed daily. Additionally, one operator has temporarily withdrawn from deployment despite paying for permits due to device theft occurring and resulting in devices tracking south of the border into Mexico.

City Program Management

The Shared Mobility Device (SMD) program and enforcement is managed by City staff across many departments, including the Sustainability & Mobility Department as the Citywide program lead, Development Services Department for permitting, Performance and Analytics Department for data management oversight, and Transportation Department for corral installation and maintenance. The Sustainability & Mobility Department is responsible for coordinating with internal departments, engaging SMD operators, and collecting resident feedback and concerns. The Sustainability & Mobility Department holds regular meetings for both the internal departments that collectively oversee or administer the program, as well as a monthly operator meeting to convey City staff and resident feedback to all authorized SMDs companies to correct and improve operations within our city and neighborhoods.

City staff manages SMDs through the analysis of ridership data through our contracted data platform, Populus, which was selected in July 2020, following an open, competitive bid process. This platform provides real-time and historic data that can be used for permit compliance and development of new policy and regulations. Data provided to the City by Populus is anonymized with no rider information and the start and end locations of rides are "blurred" to obscure precise locations. This ensures that scooter trips cannot be linked to a specific rider or route, maintaining user privacy.

The City's Get It Done (GID) application has also been incorporated into the management of the SMDs and can be accessed on a smart phone or a desktop computer. Through updates to GID, City staff has included a subcategory for reporting scooters that residents observe in their neighborhoods that may possibly be an immediate hazard or could be impacting ADA accessibility. A user can select the operator, attach a photo, and characterize the observed problem, and can even report broken or inoperable scooters so that they can be picked up quickly by the operator. These reports are pared down to remove all personal information of the user filing the report, such as a name, email and phone number, and then the report is sent to the City's third-party contractor, SWEEP, who is responsible for the enforcement and impoundment of scooters. In a recent update to the GID application, City staff made those same reports available to the scooter companies so that their field staff could address the matter more quickly.

Proposed Municipal Code Amendments

A holistic look at the SMD program over the last few years has revealed aspects of the Ordinance that could be modified to improve the management and operations of scooters in our City. The recommendations, below, are based on the feedback of both internal and external stakeholders, and

although not exhaustive, are designed as actionable steps to further mitigate the ongoing concerns of operator accountability, public health, safety and accessibility, underage usage, and City operational efficiency.

To address these topics, the following amendments to the Municipal Code, Sections 83.0301 through 83.0315, are proposed:

- Inclusion of e-bikes as shared mobility devices;
- Demonstration of compliance with age requirements through a required scan of a valid user identification into the operator's platform at least every three months;
- Limitation to prohibit simultaneous operation of more than one shared mobility device per valid identification;
- Removal of the provision for temporary increase in fleets for special events;
- Requirements for a user interface on the operator's platform to educate and inform riders of City regulations, geofencing and use prohibitions, and reminders about proper usage and parking of scooters;
- Requirement for the privatization (anonymized) of user information and trip data, and an update to reflect the current data formats for data sharing;
- Prevention of parking or use of motorized scooters on all City sidewalks through geofencing or similar technology;
- Prohibition of parking devices outside of a corral, except for shared use Bikes or E-Bikes that can lock to existing City bike racks;
- Expanding the prohibition of staging shared mobility devices in quantities greater than four (4) , per operator, per on-street corral to apply Citywide;
- A clear prohibition of parking a shared mobility device that would impact transit operations, such as bus pads in the right-of-way and at locations for on-boarding and off-boarding, or an accessible pathway along sidewalks and curbs;
- Clarification of the parameters for immediate impounding by the City, or an authorized contractor;
- Impoundments of devices when a non-operational device is left in the City Right-of-Way for more than 24 hours of it being identified as such per the live data Feed.
- Reduction of the required response time by operators following notification from 3-hours to 1-hour in conjunction with the City's upgrade to Get It Done for direct messaging of reports to operators;
- Labeling on each electric scooter or motorized scooter in the operator's fleet, including labeling that is clearly visible and in at least 40-point font, stating "Riding and parking on sidewalks are prohibited", and the minimum age requirements to operate a Shared Mobility Device.
- The device identification number, four to six digits in length, must be displayed on both sides of the device's stem in at least 88point font;
- Inclusion of penalties, regulatory actions, and grounds for contract termination.

In addition to the above list of proposed amendments, City staff have moved forward with development of an RFP for an open, competitive procurement process to replace the current permit process. Under this new process, a limited number of operators (vendors) will be selected to operate within the City, and the requirements and regulations that are contained within the Municipal Code would be included in a legally binding contract. Many of the above amendments also reflect requirements for operation that were included in the RFP.

To supplement the amendments proposed above, the contracts with the operators will have details on enforcement measures including device impounds, citations and other contractual obligations. In addition to the administrative remedies and in accordance with a fee schedule established by resolution of the City Council and filed in the Office of the City Clerk, the City may assess monetary penalties against any provider who, after receiving notice from the City, violates sections 83.0308 or 83.0310 of the Municipal code.

Continuous failure by an operator to adhere to the terms of the contract and the Municipal Code will be treated as a contract violation and may result in the termination of the contract.

Fiscal Considerations:

Presently, the City receives permit revenues on a bi-annual basis that cover costs incurred by Development Services Department, contracted services for data management (Populus), enforcement and removal of devices (SWEEP), staff time, and administrative support. Additional revenues are received as a result of the impoundment of scooters based on the practices outlined within the existing Municipal Code. The proposed fine structure for violations of a permit, or related to the unauthorized removal, could result in additional fees paid to the City.

Under the proposed changes to the Municipal Code, revenue will be received monthly based on the average number of deployed devices per day, in addition to an annual fee per operator. The proposed fee schedule is an annual fee of \$20,000 per operator and \$0.75 per day per deployed device, comprised of \$0.65 Daily SMD Device Fee and \$0.10 Climate Equity Fee. The Shared Mobility Devices program is budgeted in the General Fund and the fees noted herein are expected to recover the City's cost to manage and operate the program.

Charter Section 225 Disclosure of Business Interests:

N/A; there is no contract associated with this action.

City of San Diego Strategic Plan:

Micro-mobility services, including Shared Mobility Devices (SMDs), increase access to public transportation, reduce the number of cars on the road, lower carbon emissions, and provide affordable, convenient methods of transportation for short trips.

Priority Area: Advance Mobility & Infrastructure

- San Diegans in all communities, of all ages and abilities, can efficiently get from point A to point B with mobility options that are safe, affordable, and sustainable.
- San Diegans travel on high-quality infrastructure that creates safe and comfortable spaces for people to walk, roll, ride, or drive.

Priority Area: Champion Sustainability

- The City of San Diego leads by example with zero emission vehicles, net zero emission facilities, and resilient and efficient delivery of services.

Climate Action Plan Implementation:

The action will help achieve the mode-shift targets identified in Strategy 3 by facilitating access to micro-mobility devices, providing connections to mass transit, and replacing short trips that might otherwise have been conducted by a non-electric vehicle.

Environmental Impact:

The Planning Department has determined that this activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2), as it would not result in any direct or indirect physical change in the environment, and that nevertheless, is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and 15306 (Information Collection), and no exceptions to the exemptions as set forth in CEQA Guidelines Section 15300.2 apply to the activity.

Planning Commission Action:

N/A

Equal Opportunity Contracting Information (if applicable):

N/A

Previous Council and/or Committee Actions:

The Municipal Code was amended on May 17, 2019, to include a section for Shared Mobility Devices (O-21070: Shared Mobility Device Ordinance) and the related fees were adopted by the City Council on April 26, 2019 (R-312433).

An update to the Municipal Code to institute a ban on the use of shared mobility devices on the Mission Bay Park Bayside Walk, and on the Mission Beach, Pacific Beach, and La Jolla Shores boardwalks was presented to Active Transportation and Infrastructure Committee on November 20, 2019 and adopted by the City Council on January 30, 2020 (O-21170).

Proposed amendments to the Municipal Code were presented to Active Transportation and Infrastructure Committee on May 19, 2021.

Key Stakeholders and Community Outreach Efforts:

City staff has continually been working with Shared Mobility Device Operators since the adoption of the original SMD ordinance in May 2019. On April 21, 2021, the City of San Diego Sustainability & Mobility Department held an Equity Stakeholder Working Group Meeting to discuss the current program and future needs of the City including an RFP for operators, program coordination, and data analysis/management. A request for proposals for Shared Mobility Devices (RFP 10089831-22-V) was issued November 10, 2021.

Alyssa Muto

Director, Sustainability & Mobility Department

Jeff Sturak

Deputy Chief Operating Officer

Attachments:

- Attachment A: Proposed Shared Mobility Devices Municipal Code Amendments
- Attachment B: Permitting and Operation of Shared Mobility Device Rental Companies Ordinance O-21070
- Attachment C: Boardwalk Ban Ordinance O-21170