



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 12, 2019

TO: Mayor and Councilmembers

FROM: Transportation Planning and Parking Division, Public Works Department

SUBJECT: Update On The Regulation Of Powered Scooter Share Services

RECOMMENDATION:

That Council direct staff to return to Council with appropriate amendments to Chapter 10.53 to establish permanent regulations for a powered scooter share business including a permitting program that specifies requirements for safer operation and technology that prevents scooter operation on sidewalks.

EXECUTIVE SUMMARY:

Following the adoption of an emergency Ordinance prohibiting powered scooter share services without a permit, staff has enforced the ordinance, observed scooter programs in other cities, conducted public outreach, and researched scooter technology. While powered scooter share services have the potential to provide a convenient, environmentally-friendly transportation alternative, many challenges persist. Questions remain about the safety of the equipment, the ability of scooter share operators to respond to local problems, as well as City liability issues. Some cities have launched pilot permitting programs, and an emerging body of best practices can inform rules and regulations that address some of the concerns about scooter share. Staff believes that the scooter pilot and permitting process should address these issues before being permitted on Santa Barbara streets.

DISCUSSION:

On June 19, 2018, following the rogue deployment of over 150 Lime powered scooters, City Council adopted Ordinance No. 5840 adding Chapter 10.53 to the Santa Barbara Municipal Code to regulate the operation of shared mobility services, including powered scooter share services. Chapter 10.53 prohibits the operation of Shared Mobility Services in the City without a permit, authorizes the Director of Public Works to implement a one-year pilot permit program, and provides for the removal and impoundment of unpermitted powered scooters found unattended and standing in the public right-of-way and public places. At the time, Council directed staff to continue to study powered scooter share issues and best practices and return with a detailed proposal for a pilot powered scooter share permitting program.

Since Chapter 10.53 was adopted, staff has enforced the ordinance, met with scooter share operators, conducted public outreach, researched permit programs in other cities, observed scooter operations in other jurisdictions, and tracked scooter-related changes in state law. Having gathered additional information, observations, and public input, staff now seeks further guidance from Council on scooter regulation.

Policy Environment

Powered scooter share services have launched in many other cities nationwide. Cities and counties have taken a variety of approaches to scooter regulation, with some implementing permit programs and others banning them altogether. Locally, Bird and Lime launched powered scooter share services in Isla Vista and Goleta beginning in September 2018. The Goleta City Council recently voted to prohibit shared powered scooters from being operated, parked, or offered for use in the right-of-way. The County of Santa Barbara has chosen to allow them, provided that the operators receive an encroachment permit. The City of Carpinteria intends to address scooter share in 2019, and the Santa Barbara County Association of Governments (SBCAG) is coordinating efforts to develop a regional approach to regulating shared mobility services.

State laws governing the operation of powered scooters have also changed. When Council last heard this matter, the California Vehicle Code required a driver's license or permit to operate a powered scooter, prohibited scooters from being ridden on streets with speed limits over 25 miles per hour (unless in a Class II bike lane), required scooter riders to wear a helmet, and prohibited operating scooters at speeds in excess of 15 miles per hour. On September 19, Governor Brown signed AB 2989, which amended the California Vehicle Code to require helmet use only for individuals under eighteen years old, to allow operation of scooters in Class II or Class IV bikeways on any road, and to allow local authorities to authorize use of powered scooters (outside of bikeways) on roads with speed limits up to 35 miles per hour.

Enforcement

With the launch of scooter share in the unincorporated areas of the County and Goleta, a number of scooters have been found standing unattended in the City. The City's Downtown Parking Section and the Airport Department have impounded a total of 36 Bird scooters and 14 Lime scooters. While all Lime scooters have been claimed, Bird has yet to retrieve its property.

Public Outreach

On August 15, the City hosted a Scooter Share Listening Workshop to gather public feedback on the prospect of scooter share. Participants were asked three questions:

- *What do you like about the prospect of scooter share in Santa Barbara?*
- *What are your concerns about scooter share?*

- *What needs to be worked out before scooter share should be allowed in Santa Barbara?*

Staff also published these questions in an online survey that was open for approximately two and a half months. Approximately 20-25 people attended the public workshop, and an additional 157 completed the online survey.

When discussing what they liked about the idea of scooter share, participants cited convenience and efficiency. They were hopeful about the potential for scooters to provide another alternative transportation option and reduce dependency on cars. Participants felt that scooters could help reduce traffic congestion and would provide a last-mile solution for transit connectivity. Many participants also cited the potential environmental benefits of powered scooters.

Participants expressed many concerns about scooter share. Most of these comments related to safety – trip hazards caused by improperly parked scooters, reckless and inattentive riders, riding on sidewalks, and the potential for collisions with pedestrians, cyclists, and motorists. Participants worried that scooter riders would not follow rules for scooter operation, would scoot while intoxicated, and wouldn't wear helmets. Respondents were also very concerned about scooters being parked in the right-of-way. In addition to creating trip hazards, participants worried about the impacts on individuals with mobility challenges, such as the elderly or disabled. Many participants expressed concern that scooters would create visual blight and litter, and would be detrimental to the look and feel of Santa Barbara.

Workshop and survey participants echoed many of their concerns when discussing the issues that the City should address before allowing scooter share, and most expressed support for robust rules and regulations. Safe scooter parking was a priority for participants, many of whom felt that the City should regulate where and how scooters can be placed in the right-of-way. Respondents expressed considerable support for establishing designated scooter “corrals” or parking zones where scooters must be dropped off or picked up. Participants also felt the City should establish where scooters could be operated safely, and limit riders to these areas through geofencing, signage, and education.

Enforcement was another major concern. Participants encouraged the City to determine how any laws and regulations will be enforced – who will be responsible for enforcement, how companies and riders will be held accountable for bad behavior, and what sorts of fines and penalties will be assessed. Several participants also expressed concerns about scooter services being provided equitably, and suggested provisions for balancing scooter availability across different neighborhoods and ensuring access for low-income and underserved populations.

Best Practices

Per Council's direction, staff has continued to monitor and research the implementation of powered scooter share programs in other cities. Many cities with powered scooter share operations have launched permit programs. Though each city adopts its own rules and regulations for scooter permits, these programs have many similarities. Additionally, the National Association of City Transportation Officials (NACTO) has published Guidelines for the Regulation and Management of Shared Active Transportation, which outline best practices for shared mobility services. As cities have developed their own regulations, best practices have emerged. These include:

- Detailed parking guidelines
- Customer service availability
- Required complaint response times
- Strategy for balanced, equitable deployment
- Services for low-income and unbanked customers
- Repair and maintenance endowment
- Multilingual services
- Data security and privacy
- Data sharing with the city
- Plan for educating riders about laws and regulations
- Limited number of scooters - dynamic caps on scooter numbers.
- Equipment and maintenance standards
- Insurance and indemnification requirements
- Speed limits
- Speed and deployment adjustments for special events
- Geofencing to exclude specific areas

Incorporating these best practices into rules and regulations for a permitting program could address many of the concerns expressed by the public.

Observations

Staff has had the opportunity to interact with two scooter operators (Lime and Bird) during the enforcement process to test scooters, and to observe scooter share operations deployed in the unincorporated areas of the County.

Scooter share operations are highly decentralized. Scooter operators typically outsource their local operations, including charging and maintenance, to contract or freelance-type employees recruited through Craigslist and other means. Training is frequently conducted remotely by video. While this enables scooter operators to deploy and scale quickly, it can make management, regulation, and communication challenging. Scooter company management may be well-intentioned, but in some circumstances there seems to be little communication between scooter company management and the contractors. This can make it difficult for chargers and other local staff to be responsive to City requests and adhere to local regulations.

Staff has also visited Isla Vista to test ride scooters. When signing up for the services, users are prompted to scan a driver's license and are provided with basic safety

information. The scooters were a quick, convenient way to get around; however, both scooters that were tested had mechanical deficiencies, including loose handlebars, misaligned wheels, and faulty acceleration. Staff also observed that it was very difficult to operate the scooter safely with only one hand on the handlebar, which made it hard for riders to signal turns in traffic.

Conclusion

Given the City's experiences with scooter companies to date and the rapidly changing micro-mobility landscape, staff believes that more agile management practices need to be developed, as well as more scooter innovation that produces a safer vehicle. The industry continues to evolve to address the issues sited in this report. Staff is recommending the pilot permit program and Ordinance be modified to include specifications for safer scooters and technology that would prevent riding on sidewalks.

BUDGET/FINANCIAL INFORMATION:

The City collects \$100 for each scooter retrieved from impound. Adopted permit program fees include a \$5,000 application fee, a \$10,000 permit fee, plus \$100 per permitted scooter. These fees are intended to offset the cost of program administration and enforcement.

SUSTAINABILITY IMPACT:

If properly managed, powered scooters may offer an attractive alternative transportation option for residents and visitors.

PREPARED BY: Rob Dayton, Transportation Planning and Parking
Manager/VG/SC/mj

SUBMITTED BY: Rebecca J. Bjork, Public Works Director

APPROVED BY: City Administrator's Office