



# Shared Mobility: Ins and Outs

Prepared for the League of California Cities 2020 Planning Commissioners Academy

March 5, 2020

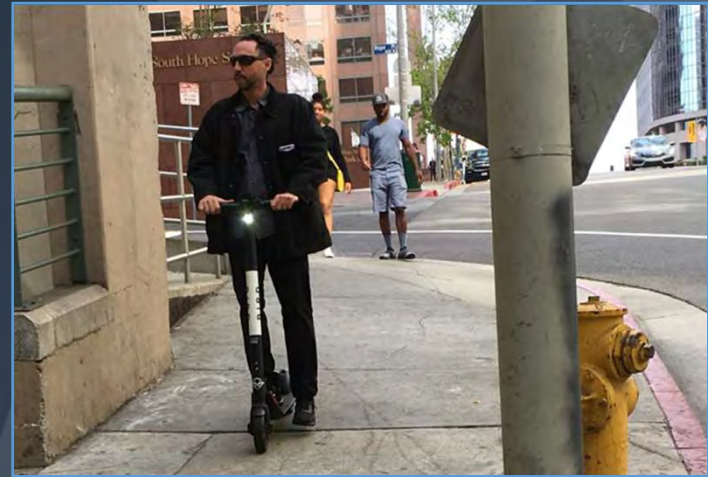
**Presented by: Zach Heinselman**

# Agenda

- Introduction
- Benefits & Problems
- Examples of Regulations
- Vehicle Code
- Legislation
- Liability Issues
- ADA



# What are Shared Mobility Devices (“SMD”)?

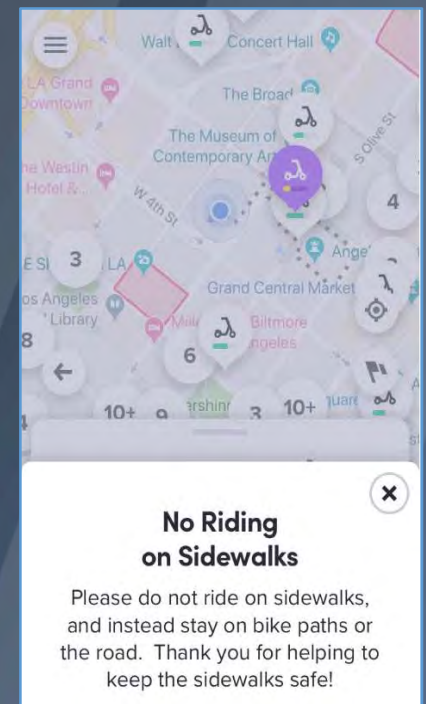
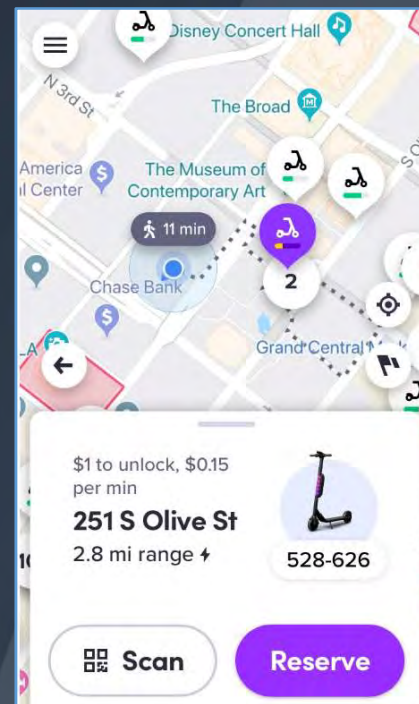
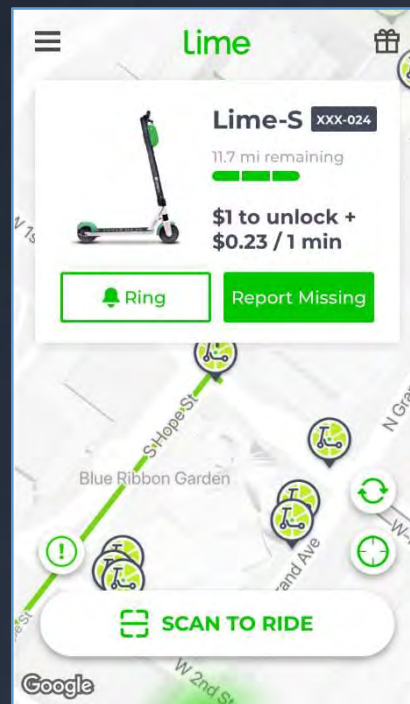
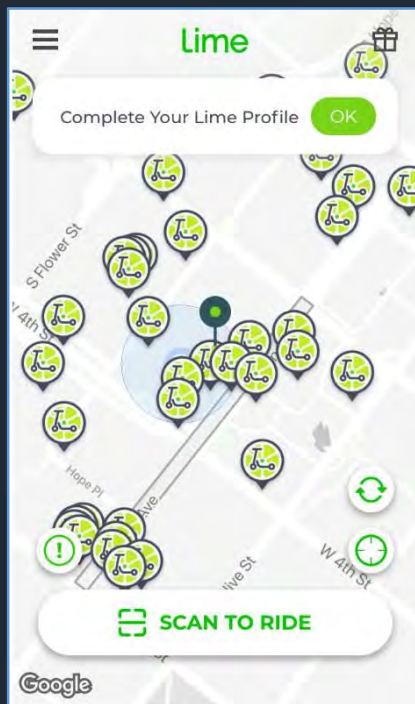




# What are Shared Mobility Devices?



# SMD Users: Anyone with a Smartphone





# Even those making the rules!

What good are L.A.'s new rules for scooters if even a city councilman can't obey them?

SEP 07, 2018 | 4:00 AM



Los Angeles City Councilman Joe Buscaino rides a Bird rental scooter around City Hall on Sept. 4. (Al Seib / Los Angeles Times)



Joe Buscaino  
@JoeBuscaino

Follow

The future is here. Los Angeles must create citywide multimodal infrastructure to reduce traffic, link people to public transit, & reduce green house gas emissions. #escoters #ebikes



10:07 AM - 4 Sep 2018 from Los Angeles City Hall

# Who provides SMDs?

- Bird
  - Bolt
  - Lime
  - Skip
  - Spin (Ford)
  - Scoot
  - Lyft
  - Jump (Uber)
  - Uscooters
  - Hopr
  - Ofo
  - Razor
  - Ridecell
  - Wheels
- ... and more.



# Benefits

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- Rider experience
- First/last mile transportation options
- Help cities meet mobility needs
- Convenient to use



# Problems

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- Blocked sidewalks
- Injury potential
- ADA compliance
- Aesthetics

# Sidewalk Problems

## ■ Vehicle Code § 21235

- No operation on sidewalk
- No leaving/parking on sidewalk



# Unsafe Operation

## ■ Vehicle Code § 21235

- Helmet required if under 18
  - New state law exempts 18+
- No doubled-up riders
- Need a valid driver's license or instruction permit





# Injuries: Making Headlines

## 8 Deaths Now Tied to E-Scooters

The reports come as a CR survey finds riders confused about where to use scooters, and some cities consider banning them

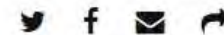
By Ryan Felton  
June 03, 2019

LOCAL

### How dangerous are electric scooters? Two deaths in California show the risks are real

BY TONY BIZJAK

MARCH 20, 2019 12:41 PM, UPDATED MARCH 20, 2019 02:37 PM



# Injuries: Making Headlines

TECH

## The CDC is studying the rise in e-scooter injuries for the first time as start-ups expand to more cities

PUBLISHED FRI, MAR 8 2019 - 10:18 AM EST



Yasmin Khorram

SHARE     

## Head injuries make up 40% of e-scooter ER visits: Study

Head injuries are 40 percent of e-scooter-related ER visits, a UCLA study says.

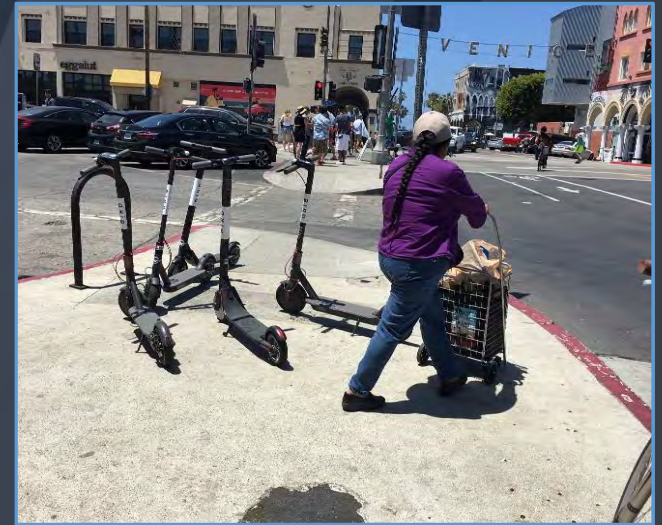
# Result = Public Animosity

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## Examples of City Regulations: Balancing mobility needs with safety. Where does risk belong?

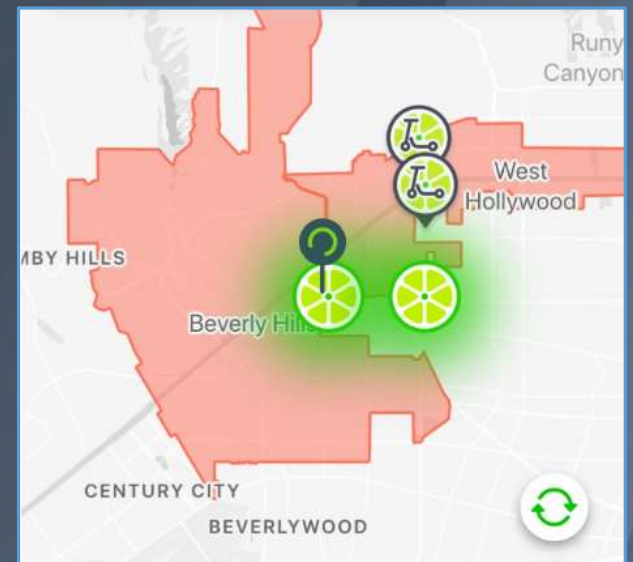


Bans, Permit Systems, License Agreements, and No Regulations

# Bans on SMDs

## ■ E.g., Beverly Hills

- July 2018 urgency ordinance
- Followed by regular ordinances to continue the prohibition of certain SMDs until January 2021
- Unlawful to park/leave in right of way, operate in right of way, or offer for use in the City
- Bird sued the City (settled)



# Permit Systems

## Examples

- Los Angeles
- Oakland
- Sacramento
- Santa Monica
- San Francisco
- San Jose

## Common Provisions

- Selection or open permits
- Device caps
- Fees
- Device safety requirements
- Speed limits & restricted areas
- Insurance & Indemnification
- Customer service
- Data
- Equity



# Safe Parking Solutions

## Examples

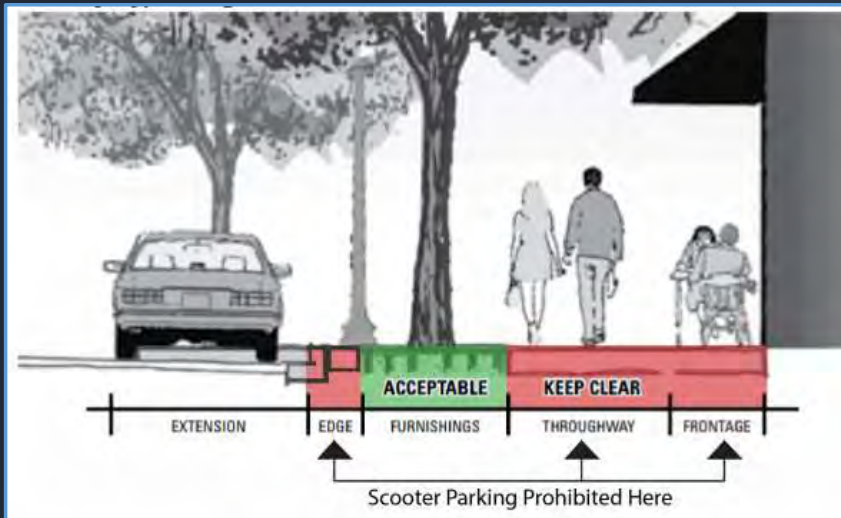
- Los Angeles - designated shared mobility parking or “drop zones.”
- Santa Monica - installed in-street shared mobility parking corrals throughout the City.

## Parking Corral

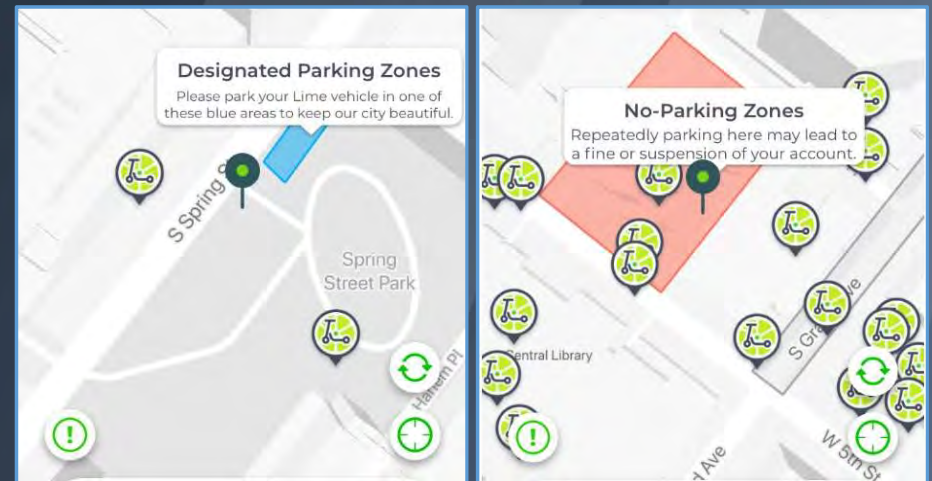


# Parking Solutions

## Furniture Zone



## App Assistance



# Geo-fencing

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- The use of GPS or RFID technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device enters or leaves a particular area.
- Speed reduction zones
- Restrictions on parking, locking devices, ending rides



# Data

## Data Cities Seek

- **Mobility Data Specification**
  - Trips starting, & ending in, & pass through the jurisdiction
- **Use rates**
- **Complaint and incident reports**

## Privacy Concerns

- If cities have the individual trip data, re-identification will be possible—by city transportation agencies, law enforcement, or any other third parties that receive data from cities.

# License Agreement

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- **E.g., South Lake Tahoe**
- **Some provisions included in agreement:**
  - Allows the use of scooters
  - Fleet cap
  - 5 cent per trip fee
  - Speed limit
  - Requires Lime to remove improperly parked scooters within 4 hours
  - Enables the City to remove scooters parked in unsafe locations and recover City costs (via a new \$35 fee per scooter removed by City staff)

# No Regulations



- Nearly all cities when scooters first arrive
- May rely on state law to enforce prohibitions like riding on sidewalks

VENTURE • SILICON BEACH

**Bird CEO: 'The Places Where There Are No Laws,  
That's Where We Go In'**

By [Andrew Nusca](#) October 9, 2018



# Vehicle Code & Crafting Regulations

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- **Preliminary Issue: Defining Shared Mobility Devices**
  - No definition in Vehicle Code for Shared Mobility Device
  - But, Vehicle Code defines devices that are used:
    - Motorized Scooters (§ 407.5)
    - Electrically Motorized Boards (§ 313.5)
  - Definitions overlap and scooters presently offered meet both definitions

# Shared Mobility Devices



# Vehicle Code: Scope of Regulation



- **§21:** express preemption of local regulation in field of motor vehicle traffic
- **§21225:** “regulate” registration, parking & operation of motorized scooters
- **§21230:** “prohibit” motorized scooter on bike paths
- **§21967:** “prohibit[] or restrict[] persons from riding... electrically motorized boards, on highways, sidewalks, or roadways”



# Legislation

AB 1112 & AB 1286



## AB 1112 (Friedman)

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- **Defines “shared mobility device” and “shared mobility device service provider”**
- **Local authority can enact “reasonable regulations”**
  - But previously stated that cities can not impose “unduly restrictive” requirements or penalties more restrictive on those on private scooter or bikes
- **Clarifies that local jurisdictions may ban SMDs**
- **Ensure that local authorities receive only aggregated or non-identifiable trip data**

## AB 1286 (Muratsuchi)

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- Shared Mobility Device Definition
- Before distribution, SMD company must enter into agreement/obtain permit from jurisdiction
- Requires cities and counties to adopt operation, parking, maintenance, and safety rules
- Prohibits any waiver of user's legal rights
- \$1 million / occurrence, \$5 million aggregate liability insurance



# Liability Issues



When a scooter is involved in an accident, who will be held responsible?

# Dangerous Condition of Public Property

- **Government Code § 835: city may be liable for injury caused by a dangerous condition of its property**

News

## Man sues city over scooter crash injuries

By City News Service - March 5, 2019

65 0

LOS ANGELES (CNS) – A man is suing the city of Los Angeles, alleging a large pothole on Wilshire Boulevard caused him to crash the electric scooter he was riding and suffer serious injuries in 2018.

# ADA

Cities must keep sidewalks accessible





# California Scooter Lawsuits

- **Pedestrians with disabilities have filed at least 4 lawsuits against cities in California (alongside scooter providers) alleging violations of the ADA & other laws:**
  - **San Diego** (*Montoya et al v. City of San Diego et al*, United States District Court, Southern District Case No. 3:19-cv-00054-JM-BGS, filed Jan. 9, 2019)
  - **Los Angeles, Santa Monica, Beverly Hills** (*Mia Labowitz v. Bird Rides, Inc. et al*, United States District Court, Central District Case No. 2:18-cv-09329-MWF-SK, filed Oct. 31, 2018)
  - **Oakland, Piedmont, Santa Clara, San Jose, Mountain View, San Mateo, Burlingame, Walnut Creek, Richmond** (*Dee Ann Evans et al v. Bird Rides, Inc. et al*, United States District Court, Northern District Case No. 3:19-cv-01207-VC, filed Mar. 5, 2019)
  - **Culver City, Long Beach, Santa Ana, Irvine, Riverside, Anaheim, Garden Grove** (*Amber Machowski et al v. Bird Rides, Inc. et al*, United States District Court, Central District Case No. 2:19-cv-01014-JAK-MRW, filed Feb. 11, 2019)

# Takeaways

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- Consider needs of jurisdiction when balancing safety and mobility
- Allocate risk to the appropriate party; for now, cities can try to mitigate risk that should arguably be factored into the cost of doing business

# Thank you!

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