

BOARD of SUPERVISORS




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MEMORANDUM

Date: November 30, 2022

To: Jeffrey Tumlin, Executive Director, Municipal Transportation Agency
Carla Short, Interim Director, Public Works

From:  Angela Calvillo, Clerk of the Board, Board of Supervisors

Subject: Urging SFMTA to Enforce Powered Scooter Safety Violations and Modify Permits Accordingly (File No. 220957)

On October 18, 2022, the Board of Supervisors adopted Resolution No. 443-22, sponsored by Supervisors Peskin, Walton, Chan, Ronen, Stefani, Preston, Melgar, Mandelman, Mar, Dorsey, and Safai and enacted October 28, 2022.

A copy of the Resolution is being forwarded to you, pursuant to Resolution No. 443-22.

If you have any questions or concerns, please contact Erica Major, Assistant Clerk, at (415) 554-4441 or by email at: Erica.Major@sfgov.org.

c: Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency
David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works

1 [Urging SFMTA to Enforce Against Powered Scooter Safety Violations and Modify Permits
2 Accordingly]

3 **Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) to**
4 **empower Parking Control Officers to issue administrative citations for powered scooter**
5 **safety violations, including but not limited to double-riding, riding on sidewalks, and all**
6 **parking violations; and immediately modify all permits to Powered Scooter Share**
7 **companies to mandate an immediate cease of operations for devices not equipped with**
8 **city-approved anti-sidewalk riding technology available citywide.**

9
10 WHEREAS, Starting in March 2018, several private motorized scooter companies
11 began operations in San Francisco, including Bird and Lime, without permits to protect against
12 misuse of the public pedestrian realm and violations of public street safety; and

13 WHEREAS, On April 16, 2018, the San Francisco City Attorney issued a cease-and-
14 desist letter to Bird, Lime, and Spin motorized scooter companies, stating that the companies
15 were operating in the public right-of-way without permits, creating a public nuisance and
16 endangering public health and safety; and

17 WHEREAS, On, April 17, 2018, the Board of Supervisors unanimously adopted an
18 ordinance amending Division I of the Transportation Code to establish a violation for Powered
19 Scooters that are a part of a Powered Scooter Share Program, to be parked, left standing, or
20 left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of the San
21 Francisco Municipal Transportation Agency (SFMTA) or Department of Public Works (DPW)
22 without an MTA-issued permit authorizing the scooter to be parked, left standing, or left
23 unattended at that location; and amending the Public Works Code to take enforcement action
24 to abate or remove unauthorized Powered Scooters that are likewise not a part of a permitted
25 Powered Scooter Share Program and operating in the public right-of-way, on file with the

1 Clerk of the Board of Supervisors in File No.180214, which is hereby declared to be a part of
2 this resolution as if set forth fully herein; and

3 WHEREAS, On May 1, 2018, the SFMTA Board of Directors unanimously adopted
4 Resolution No. 180501-073, amending Division II of the Transportation Code to establish a
5 pilot Powered Scooter Share Program requiring a permit issued by the Director of
6 Transportation, establishing a fee for the issuance of the permit, administrative penalties for
7 failure to obtain the permit or violation of permit requirements, and a procedure for the
8 assessment and collection of administrative penalties for permit violations or for parking or
9 leaving standing on a sidewalk, street, or other public right-of-way an unpermitted Powered
10 Scooter subject to the Program, on file with the Clerk of the Board of Supervisors in File No.
11 220957, which is hereby declared to be a part of this resolution as if set forth fully herein; and

12 WHEREAS, SFMTA's Powered Scooter Share Program currently permits three
13 motorized scooter companies that have collectively deployed more than 4,000 scooters
14 citywide; and

15 WHEREAS, The SFMTA claims that motorized scooter devices are a first/last mile
16 transportation solution that will reduce reliance on automobiles but SFMTA's own data shows
17 that scooter companies predominantly deploy scooter devices in high tourist areas such as
18 the Embarcadero promenade and Fisherman's Wharf, where users ride illegally on public
19 sidewalks at great inconvenience and danger to pedestrians; and

20 WHEREAS, The SFMTA has the authority to modify certain permit conditions, including
21 the numerical limits on powered scooter devices by geographic area; and

22 WHEREAS, Numerous scooter devices have been thrown into the San Francisco Bay,
23 causing significant environmental harm, with some being retrieved by the Port of San
24 Francisco at significant financial cost to the Port; and

1 WHEREAS, Permittee companies have been slow to respond to relocation requests,
2 as demonstrated by the following average response times from July 1, 2021 through
3 September 6, 2022, when Bird's average response time was 7.22 hours, Lime's average
4 response time was 7.25 hours, and Spin's average response time was 3.34 hours; and

5 WHEREAS, From July 1, 2021 through September 6, 2022, SFMTA has issued a total
6 of 12,078 citations for improperly parked motorized scooter devices, including 3,356 citations
7 issued to Bird, 5,261 citations issued to Lime and 3,461 citations issued to Spin and during
8 which same period, Bird paid \$387,200, Lime paid \$577,800 and Spin paid \$390,850 for those
9 citations; and

10 WHEREAS, The SFMTA recently increased the penalty for citations to \$200 but has
11 the ability to issue fines up to \$500; and

12 WHEREAS, The SFMTA has required permitted motorized scooter companies to
13 develop, test and implement anti-sidewalk riding technology that would prevent motorized
14 scooter devices from riding on sidewalks, but has rarely enforced the law, until March 2022,
15 after which the Agency issued a total of 401 citations for improper and unsafe riding from
16 March 1, 2022 through September 6, 2022, including 123 violations to Bird, 186 violations to
17 Lime, and 92 violations to Spin; and

18 WHEREAS, The City of San Diego ceased all motorized scooter device use until all
19 their permitted scooter companies deployed anti-sidewalk riding technology; and

20 WHEREAS, San Francisco's permitted Powered Scooter Share companies have been
21 very slow in implementing anti-sidewalk riding technology and only a small percentage of their
22 devices are equipped with this technology; and

23 WHEREAS, Motorized scooters can reach speeds of 15 mph or more, and most often
24 operate silently without warning, which can result in serious injuries to pedestrians in the
25 event of a collision, including in the case of the Director of the Mayor's Office of Disability,

1 Nicole Bohn, who suffered serious injuries and was hospitalized for several months after a
2 motorized scooter recklessly struck her wheelchair; and

3 WHEREAS, The number of motorized scooter collisions, including those owned by
4 individuals, rose from 97 in 2020 to 153 in 2021, a 58% increase, with the city's TransBASE
5 data documenting that 2021's collisions resulted in 21 severe injuries and one fatality, not to
6 mention an increase of minor to moderate injuries; now, therefore, be it

7 RESOLVED, That the SFMTA is strongly urged to immediately modify all permits to
8 Powered Scooter Share companies to mandate an immediate cease of operations for all
9 devices not equipped with city-approved anti-sidewalk riding technology citywide; and, be it

10 FURTHER RESOLVED, That the SFMTA is urged to modify all permits under its
11 authority now to carve the Embarcadero out of the Downtown Zone specifically and apply the
12 maximum limit on powered scooter devices to this high-use area; and, be it

13 FURTHER RESOLVED, That the SFMTA is urged to empower Parking Control Officers
14 to issue administrative citations for powered scooter violations including but not limited to
15 double riding, sidewalk riding, and all parking violations; and, be it

16 FURTHER RESOLVED, That the SFMTA is urged to immediately increase the penalty
17 for permittee citations to the maximum \$500.00; and, be it

18 FURTHER RESOLVED, That in order to change consumer behavior, the SFMTA is
19 urged to require that at least 50% of the penalty fee associated with all administrative citations
20 issued be passed on to the Powered Scooter Share Program user who was responsible for
21 the ticketed offense; and, be it

22 FURTHER RESOLVED, That if the SFMTA does not take action on these
23 programmatic policy directives by July 1, 2023, it is the intent of the Board of Supervisors to
24 rescind the authority granted to the Agency by the Board to impose administrative citations.
25



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220957

Date Passed: October 18, 2022

Resolution urging the San Francisco Municipal Transportation Agency (SFMTA) to empower Parking Control Officers to issue administrative citations for powered scooter safety violations, including but not limited to double-riding, riding on sidewalks, and all parking violations; and immediately modify all permits to Powered Scooter Share companies to mandate an immediate cease of operations for devices not equipped with city-approved anti-sidewalk riding technology available citywide.

October 03, 2022 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

October 03, 2022 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

October 18, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220957

I hereby certify that the foregoing Resolution was ADOPTED on 10/18/2022 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board


Unsigned

London N. Breed
Mayor

10/28/2022

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board



Date

File No. 220957