

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Jeffrey Tumlin, Executive Director, Municipal Transportation Agency  
Carl Short, Interim Director, Public Works

FROM: Alisa Somera, Clerk, Public Safety and Neighborhood Services Committee  
Board of Supervisors

DATE: November 24, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Peskin on November 16, 2021:

**File No. 211208     Urging Bicycle Share and Powered Scooter Share to Enhance User Compliance with Terms and Conditions Designed to Protect Pedestrians, Seniors and People with Disabilities**

Resolution urging permittees of San Francisco's Bicycle Share and Powered Scooter Share Programs to implement measures to advance rider compliance with existing terms and conditions of San Francisco's Bicycle Share and Powered Scooter Share Program requirements, and urging the San Francisco Municipal Transportation Agency and its Board of Directors to establish new permit terms and conditions that further serve the goal of ensuring the public health and safety of pedestrians, seniors and people with disabilities.

You are being provided this informational referral since the legislation may affect your department.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency  
David Steinberg, Public Works  
Bryan Dahl, Public Works

1 [Urging Bicycle Share and Powered Scooter Share to Enhance User Compliance with Terms  
and Conditions Designed to Protect Pedestrians, Seniors and People with Disabilities]

2  
3 **Resolution urging permittees of San Francisco’s Bicycle Share and Powered Scooter**  
4 **Share Programs to implement measures to advance rider compliance with existing**  
5 **terms and conditions of San Francisco’s Bicycle Share and Powered Scooter Share**  
6 **Program requirements, and urging the San Francisco Municipal Transportation Agency**  
7 **and its Board of Directors to establish new permit terms and conditions that further**  
8 **serve the goal of ensuring the public health and safety of pedestrians, seniors and**  
9 **people with disabilities.**

10  
11 WHEREAS, In March 2017, the Board of Supervisors unanimously adopted, and the  
12 Mayor approved, an Ordinance amending Division I of the Transportation Code to establish a  
13 violation for bicycles that are part of a Stationless Bicycle Share Program to be parked, left  
14 standing, or left unattended on any public right of way under the jurisdiction of San Francisco  
15 Municipal Transportation Agency (SFMTA) or Public Works without a permit issued by the  
16 SFMTA; and

17 WHEREAS, In April 2018 the Board of Supervisors unanimously adopted, and the  
18 Mayor approved, an ordinance expanding that permit requirement to Powered Scooters that  
19 are a part of a Powered Scooter Share Program; and

20 WHEREAS, While the Board of Supervisors has jurisdiction to establish the permit  
21 requirement in Division I of the Transportation Code, general permit requirements and criteria  
22 for Stationless Bicycle Share Program Permits and Powered Scooter Share Program Permits  
23 are established by the SFMTA Board of Directors and set forth in Division II of the  
24 Transportation Code; and

25

1           WHEREAS, The General Permit Requirements for the Stationless Bicycle Share  
2 Program and Powered Scooter Program, respectively, include requirements to address a wide  
3 range of workforce, environmental, pedestrian safety, and other public health and safety  
4 issues; and

5           WHEREAS, In January 2018, SFMTA issued its first permit to operate a stationless  
6 bicycle share service to JUMP Bikes, a stationless electric-assist bikeshare service, and has  
7 subsequently contracted with Lyft to continue operation of a stationless bicycle share service  
8 in San Francisco; and

9           WHEREAS, In June 2021, SFMTA re-issued two 12-month permits to operate a  
10 powered scooter share service to Lime and Spin, and deferred action on Scoot's renewal in  
11 order to further investigate their compliance with the 2019 permit terms and conditions after  
12 learning that Scoot had been operating with unauthorized and inadequately insured  
13 contractors; and in August 2021, following that investigation and a re-evaluation of Scoot's  
14 application, issued a renewed permit to Scoot; and

15           WHEREAS, SFMTA regularly updates permit terms and conditions to ensure the safety  
16 and integrity of bicycle share and scooter share programs; and

17           WHEREAS, Regulation of scooter and bicycles share programs has, in the past,  
18 resulted in technological innovation around shared public safety goals, including when SFMTA  
19 established a lock-to requirement for scooters and bicycles in public rights of way, and  
20 permittees created locking mechanisms that have become standard across the industry; and

21           WHEREAS, Despite SFMTA's best efforts to monitor for compliance with permit terms  
22 and conditions, compliance remains a challenge, enforcement policies are inconsistent across  
23 permittees, and data regarding the number and type of violations is incomplete; and

24           WHEREAS, Compliance and enforcement has been a particular challenge for parking  
25 requirements and the prohibition on riding scooters and bikes on sidewalks, which violations

1 have proven particularly dangerous for pedestrians, people with disabilities, and riders  
2 themselves, eliciting concern and calls for reform from pedestrian safety, senior and disability  
3 advocates; and

4 WHEREAS, In October 2021, Director Nicole Bohn of the Mayor's Office on Disability  
5 was struck and injured by a rider while illegally riding a scooter permitted under San  
6 Francisco's Powered Scooter Share Program; and

7 WHEREAS, Powered Scooter Share Program permittees have variously expressed  
8 that they are developing new technologies to prevent their customers from riding powered  
9 scooters on the sidewalk, including geo-fencing, sidewalk recognition, and asphalt detection  
10 hardware and software; now, therefore, be it

11 RESOLVED, That the Board of Supervisors of the City and County of San Francisco  
12 hereby urges the SFTMA and its Board of Directors to refrain from re-issuing or expanding  
13 any permits or agreements pursuant to San Francisco's Bicycle Share or Powered Scooter  
14 Share Programs until adequate measures have been implemented to significantly expand  
15 compliance with existing public health and safety conditions pertaining to safe and accessible  
16 parking methods and prohibition on the riding of bicycles and scooters on sidewalks; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San  
18 Francisco urges SFMTA and its Board of Directors to establish new permit terms and  
19 conditions to:

- 20 1) Prohibit permittees from including in agreements with riders any provision by which  
21 the rider waives, releases, or in any way limits their legal rights, remedies, or forum  
22 under the agreement; and
- 23 2) Require the use of sidewalk detection technology that automatically disables the  
24 powered scooter or bicycle from being used on a sidewalk; and

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1           3) Standardize categories of improper rider behavior and corresponding penalties to  
2           hold riders and permittees accountable for repeated improper, unsafe and/or illegal  
3           parking or riding behavior.  
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