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Staff's Review of Regulations Regarding Shared Active Transportation and E-scooter Activity Within the City and the Public Right-of-Way

SUMMARY AND RECOMMENDATIONS

Staff will review the City's current Municipal Code and State/Federal regulations governing Shared Active Transportation and E-scooter activity within the City and related issues.

BACKGROUND

Shared Active Transportation as defined by National Association of City Transportation Officials (NACTO) is a network or system of small vehicles, placed in the public right-of-way, for rent in short time increments that provides increased mobility options over short distances in urban areas. Small vehicles include bicycles, e-scooters and other small, wheeled vehicles designed specifically for shared use and deployed by Shared Active Transportation companies.

These Shared Active Transportation companies have come into existence over the last decade starting with bike share systems where customers checked out and returned bikes at stations placed strategically throughout participating cities in the right-of-way and adjacent public and private property. The latest of these systems have gone "dockless" where stations are eliminated, and small vehicles can be picked up or left anywhere with rental facilitated through a mobile phone application. As Shared Active Transportation companies have matured, they are moving toward combined options, where systems can be station-based or dockless or both depending on need.

Analysis

In January 2017, new types of Shared Active Transportation companies began operating in cities across United States that were not selected by municipality via a competitive bidding process or

regulated through a contract or legal agreement. The new companies have exclusively used “dockless” technology and, as such, the public right-of-way in various communities including San Leandro has seen numerous occasions in which unrestricted parking has led to obstructions in the travel way for pedestrians, bicyclists and vehicles. These challenges have necessitated the need for local jurisdictions to exercise their fundamental responsibility to ensure safe passage on the public right-of-way (PROW), to protect public safety and welfare, and to govern commerce in the PROW and on private property.

The responsibility of government’s authority to regulate and manage activity and commerce manifests itself in regulations at the Federal, State and local level. The Federal regulations primarily focus on proper small vehicle construction and labeling to identify the intended use. California regulations began in 1999 with the first motorized scooter definition, and with further definitions added in 2002 to the Vehicle Code that included insurance disclosure. Most recently, AB 2989 authorized local jurisdictions to allow motorized scooters with a speed limit of 35 mph and only require helmets for riders under 18.

The San Leandro Municipal Code does not currently have any specific regulations governing Shared Active Transportation companies or small vehicles such as e-scooters that are typically provided by these companies. The City Municipal Code does, however, provide in a general manner the necessary provisions to govern Shared Active Transportation Company’s activity in the City. Chapter 5-5 “Franchise” provides the authority for the City to grant franchises to furnish the City and its residents with transportation services or to use the public streets for such purposes. The Municipal Code also provides for enforcement by considering operating without a permit as a misdemeanor. Finally, Chapter 3-1 “Community Preservation Ordinance” and specifically Section 3-1-205 “Unlawful Property Nuisance-Public Property” along with 1-12-500 “Summary Abatement Procedure” currently provide sufficient authority for the City to abate any condition that poses an imminent or immediate endangerment to public health, welfare or safety. In their totality, these provisions allow our Public Works staff to act immediately and without notice to eliminate the endangering condition by removing small vehicles such as e-scooters when they obstruct the PROW.

Based on the above regulations, current practice in San Leandro is for Public Works staff to promptly remove e-scooters from sidewalks and public spaces when they are left abandoned. Residents can report abandoned e-scooters via the MySL mobile application or by calling Public Works. To date, the volume of abandoned e-scooters has not posed a significant challenge and Public Works has been able to address concerns promptly.

Attachment to Staff Report

None.

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