

THIS PRINT COVERS CALENDAR ITEM NO.: 12

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Taxis, Access & Mobility Services

BRIEF DESCRIPTION:

Making certain modifications to the Powered Scooter Share Program (Program) by amending Division II of the Transportation Code to require all scooters deployed as part of the Program to be equipped with sidewalk riding detection technology effective September 1, 2023; and suspending the requirement in the Transportation Code that the duration of Powered Scooter Share Program permit terms be up to two years and authorizing the Director of Transportation, or the Director's designee, to extend the current permits by one year to June 30, 2024.

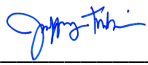

SUMMARY:

- Powered Scooter Share Permits were granted for one-year terms to three companies, Lime, Spin, and Bird (formerly Scoot) on July 1, 2021, with options for one-year extensions.
- The Director of Transportation exercised [the one-year permit extension](#) option on June 24, 2022 as to Lime, Spin, and Bird. Bird surrendered its Powered Scooter Share Permit as of February 17, 2023.
- SFMTA staff have engaged a consultant to conduct a full evaluation of the Powered Scooter Share Program which is anticipated to be complete in summer 2023.
- The proposed action will extend the term of current permits held by Lime and Spin by one year, through June 30, 2024, to allow time for completion of the program evaluation, subsequent program modifications based on the evaluation recommendations, and a new permit application or Request for Proposal process.
- The proposed amendment to Section 916 of Division II of the Transportation Code will require scooters deployed as part of the Powered Scooter Share Program to be equipped with specified sidewalk riding detection technology effective September 1, 2023.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code, Division II amendment

APPROVALS:

		DATE
DIRECTOR	 _____	<u>April 12, 2023</u>
SECRETARY	 _____	<u>April 12, 2023</u>

ASSIGNED SFMTAB CALENDAR DATE: April 18, 2023

PURPOSE

Making certain modifications to the Powered Scooter Share Program (Program) by amending Division II of the Transportation Code to require all scooters deployed as part of the Program to be equipped with sidewalk riding detection technology effective September 1, 2023; and suspending the requirement in the Transportation Code that the duration of Powered Scooter Share Program permit terms be up to two years, and authorizing the Director of Transportation, or the Director’s designee, to extend the current permits by one year to June 30, 2024.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan Goals and Objectives:

Goal 1 - Identify and reduce disproportionate outcomes and resolve past harm towards marginalized communities.

Goal 4 - Make streets safer for everyone.

Goal 5 - Deliver reliable and equitable transportation services.

Goal 6 - Eliminate pollution and greenhouse gas emissions by increasing use of transit, walking, and bicycling.

Goal 7 - Build stronger relationships with stakeholders.

Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Within San Francisco, travel by public transit, by bicycle, by micro-mobility, and on foot must be an attractive alternative to travel by private automobile.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
4. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

BACKGROUND

The current Powered Scooter Share Permit Program incorporates lessons learned from the 12-month Powered Scooter Share Pilot, the City’s 18-month Stationless Bikeshare Permit Program, and the most recent scooter technology demonstrations to create a more useful, safe, and equitable citywide program. The Program provides strong guidance and clear requirements around key issues such as the distribution of devices, operational sustainability, community

engagement processes, data sharing, and accountability standards.

On July 30, 2020, the SFMTA issued a policy directive providing updated guidance regarding expansion criteria for Powered Scooter Share fleets to allow for growth based on success meeting key service, compliance, and equity goals, and highlighting the importance of micromobility in the recovery plan of San Francisco's transportation system during the COVID-19 pandemic. On August 18, 2020, the SFMTA Board suspended the requirement that 2019-2020 Powered Scooter Share Program permits not exceed a term of one year, and authorized the SFMTA to extend the current permits by six months to respond to changes resulting from the COVID-19 emergency. On January 19, 2021, the SFMTA Board further extended the permit term for a two-and-a-half month period to align the permits with the fiscal year, typical of other SFMTA-issued permits.

The current permit term began in July 2021, with three approved permittees – Lime, Spin and Bird (formerly Scoot). The permit term was for one year with an option to extend for an additional year. The option to extend was exercised by the Director of Transportation in June 2022 and the current permit term is valid through June 30, 2023. Bird decided to stop providing service in San Francisco in February 2023 and surrendered its Powered Scooter Share Permit.

Key requirements of the Powered Scooter Share Program include:

- All scooters must have a lock-to device
- Clear parking guidelines and parking enforcement
- Complaints database
- Low-income plan
- Bike rack fee
- Adaptive Scooter Pilot
- Community Engagement Plan
- Labor Harmony Provision
- Safe scooter riding and parking plan

As part of the application process for the 2021 Powered Scooter Share Program permit, SFMTA required that applicants develop mechanisms for safe parking and riding, including specific mechanisms to deter users from sidewalk riding. The promises made in the applications by successful applicants are included as part of the Powered Scooter Share Program permit terms and conditions. To date, all permittees have implemented safe parking and riding measures, including:

- Lime has an in-app message that pops up every time the rider opens the app with a reminder not to ride on the sidewalk, and Lime also sends refresher messages about rider safety and proper parking via the app, email, and text message. To close out the trip, Lime riders must submit a photo of a properly parked device.
- Spin has push notifications in the app that warn riders not to ride on the sidewalk and in-app refresher training for riders that includes videos about safe riding and a mandatory quiz.
- Lime and Spin have begun implementation of their sidewalk riding detection technology.

During the current Program permit term, the SFMTA has issued policy directives on [scooter parking citations and permit extensions](#), [sidewalk riding technology best practices](#), and implemented [an incentive program](#) to further encourage safe and proper scooter parking. These measures have further helped to support scooters and micromobility in San Francisco's overall transportation system recovery plan since the COVID-19 pandemic.

During the scooter pilot program, most complaints were regarding improper parking – and additional parking legislation and parking guidance was issued. In this current term, the biggest concern is sidewalk riding, with staff proposing to amend the transportation code to strengthen sidewalk riding detection technology.

Staff are working with a consultant to conduct an evaluation of the Program that is scheduled to complete in late summer 2023. Details on how staff will use this evaluation are outlined further below. Some of the key areas the consultant will research include:

- Peer city interviews on program structure
- Sidewalk riding detection technology best practices
- Adaptive scooter program improvements and best practices from other jurisdictions
- Device safety research
- Equity analysis and community outreach rules
- Climate impacts
- Rider surveys and analysis
- Permittee application process

Proposed Suspension of Section 916(a)(2)

Under Section 916(a)(2) of Division II of the Transportation Code, a scooter permit may be issued with a term of up to two years. The current permits were issued in June 2021 and thus will have been in effect for the maximum of two years at the end of June 2023. Staff are requesting the Board suspend this requirement to allow the permits to continue for another year due to the time needed to conduct a program evaluation, conduct community outreach, propose revisions to the Transportation Code to the SFMTA Board, and to develop a new permit application or Request for Proposals process, while allowing current permittees to continue to operate scooters in the City. SFMTA staff recommends that the Board suspend the requirement in the Transportation Code, and authorize the Director of Transportation, or the Director's designee, to extend the Powered Scooter Share Program permit terms by one year, through June 30, 2024.

During the one-year extension period, TAMS division staff will review the program evaluation report and recommendations, propose any recommended updates to the permit program based on findings from the evaluation, and undergo a new permit application or Request for Proposal process. Staff will conduct community outreach to gather feedback on the proposed changes to the Program. Staff will develop recommended amendments to the Transportation Code for MTAB's consideration, based on findings from the evaluation and community feedback. A buffer period will be necessary for securing MTAB approval of the revised rules if necessary, followed by processing new permittee applications, scoring them, and authorizing selected companies to operate in the updated Program. To address concerns with sidewalk riding, staff are also proposing technology requirements as part of the proposed code revisions.

Proposed Amendment to Transportation Code Section 916(d) to Require Sidewalk Riding Detection Technology

As noted above, as part of the 2021 permit application process, SFMTA required all permittees to submit a plan to address safe scooter riding and parking. All permittees submitted applications promising some level of sidewalk detection, but implementation of the plans has been challenging due to factors such as theft of devices with camera-based technology, supply chain issues, scaling technology to the entire fleet, and reliability of the technology. Since 2021, SFMTA has worked with the permittees to deliver on their promises and has conducted three extensive sidewalk riding technology demonstrations and other targeted audits of the technology. Based on the demonstrations and audits, SFMTA has developed a list of best practices regarding sidewalk riding detection technology. Both Lime and Spin operate devices that have sidewalk riding detection technology, but neither company currently has 100% of their devices enabled with this technology.

As part of SFMTA's ongoing commitment to ensuring safe sidewalks for all pedestrians, and particularly our most vulnerable sidewalk users, staff is proposing to strengthen the sidewalk riding detection technology requirement by requiring that all powered scooter share devices deployed as part of the Program meet certain sidewalk riding detection technology requirements.

Section 916(d)(5) outlines the minimum requirements to be eligible for a Powered Scooter Share Program Permit. Staff is proposing to add a new section requiring permittees to deploy only devices that are equipped with sidewalk detection technology. Because this technology is still in its early stages of development, staff is proposing specific requirements as well as a menu of technology options to meet this requirement.

Staff is proposing that effective September 1, 2023, all devices deployed in the Powered Scooter Share Program must be enabled with all of the following sidewalk detection technologies:

- GPS location-based technology that detects mounting or riding on the sidewalk.
- Technology to emit continuous and audible messages to riders when mounting or riding on sidewalk either through the scooter or mobile device application. The scooter or application message should give an audible message such as "No Sidewalk Riding."
- Technology to analyze and provide an end-of-trip performance report informing the rider of any possible riding violations.
- Technology to implement geofencing restrictions in areas designated by the SFMTA.

Additionally, staff is proposing that effective September 1, 2023, all devices deployed in the Powered Scooter Share Program must be equipped with at least one of the following sidewalk detection technology options:

1. Camera based detection technology that detects mounting or riding on the sidewalk.
2. Gyroscopes, accelerometers, or other similar methods of detecting patterns of vibration typical of mounting or riding on the sidewalk.

3. Active deceleration of the scooter upon mounting or riding on the sidewalk to a speed of 3 miles per hour within a 10 second period, accompanied by directions to the rider to get off the sidewalk or to come to a complete stop.
4. Second GPS location-based device or additional location signal processing that allows the permittee to determine the location of a scooter within a meter or less of the scooter's location.; or

Sidewalk riding detection technology equivalent to the above technologies as approved by SFMTA staff. In order to track occurrences and develop additional requirements to address unsafe riding, staff is also recommending that Scooter Share permittees be required to provide a monthly sidewalk riding report to SFMTA in a form designated by staff.

STAKEHOLDER ENGAGEMENT

Staff solicited feedback from key stakeholders about the proposed one-year permit term extension, and generally the response was positive. Stakeholder meetings included the Paratransit Coordinating Council, Multimodal Accessibility Advisory Committee, SFMTA Citizens' Advisory Council, San Francisco Bicycle Advisory Committee, and Lighthouse for the Blind as part of an Active Communities Plan outreach meeting. Stakeholders indicated a desire for continued engagement after the program evaluation, especially on topics of sidewalk riding and enforcement.

ALTERNATIVES CONSIDERED

Alternatives considered include allowing the current permit program to expire at the end of the current permit term, but this would create a gap in service. Staff also considered a six-month extension of the permit term, but this was not considered enough time to allow for the program evaluation to finalize and then address all the related next steps. Past SFMTA program evaluations have found the permit program aligned with SFMTA strategic goals. Staff recommends continuing the current program during the program evaluation and taking time during the extension to plan for the evolution of the program moving forward.

FUNDING IMPACT

The financial impact of the SFMTA of the proposed amendment is expected to be minimal. The Powered Scooter Share annual permit fee is \$38,340 and will be charged to permittees for the one-year extension.

ENVIRONMENTAL REVIEW

On April 7, 2023, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this calendar item.

RECOMMENDATION

Make certain modifications to the Powered Scooter Share Program (Program) by amending Division II of the Transportation Code to require all scooters deployed as part of the Program to be equipped with sidewalk riding detection technology effective September 1, 2023; and suspending the requirement in the Transportation Code that the duration of Powered Scooter Share Program permit terms be up to two years, and authorizing the Director of Transportation, or the Director's designee, to extend the current permits by one year to June 30, 2024.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The current Powered Scooter Share Program Permit for 2021-2022 began on July 1, 2021. The SFMTA issued permits to three companies, Spin, Bird (formerly Scoot), and Lime to operate for a one-year term, beginning July 1, 2021; and,

WHEREAS, The current Powered Scooter Share Permit Program incorporates lessons learned from the 12-month Powered Scooter Share Pilot as well as the City’s 18-month Stationless Bikeshare Permit Program to create a more useful, safe, and equitable citywide program with stronger guidance and clearer requirements around key issues such as the distribution of devices, operational sustainability, community engagement processes, and data sharing, and accountability standards; and,

WHEREAS, The Director of Transportation recently issued a new policy directive with updated requirements for scooter fleet expansion to ensure that, as the scooter program continues, enforcement of scooter parking and sidewalk riding will continue to be a high priority; and,

WHEREAS, SFMTA has engaged a consultant to evaluate the current program; and,

WHEREAS, Past scooter program evaluations found that the program aligned with SFMTA Strategic Goals and the San Francisco Transit First Policy; and,

WHEREAS, Staff has determined that a one-year permit term extension will allow SFMTA staff time to conduct a full program evaluation, create an updated scooter permit program, solicit feedback from stakeholders on key program changes, and propose a revised program to the SFMTA Board; and,

WHEREAS, The California Environmental Quality Act (CEQA) applies to “projects” that have the potential for resulting in either a direct physical change in the environment, or a reasonable, foreseeable indirect change in the environment; and,

WHEREAS, On April 7, 2023, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency adopts legislation to amend the Transportation Code, Division II, Section 916(d)(5) to add sidewalk riding detection technology requirements to the scooter program effective September 1, 2023; and suspends the requirement in the Transportation Code that the duration of Powered Scooter Share Program permit terms be up to two years, and authorizes the Director of Transportation, or the Director's designee, to extend the current permits by one year to June 30, 2024.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2023.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Powered Scooter Share Program]

Resolution amending the Transportation Code to revise the permit requirements for the Powered Scooter Share Permit Program to require all scooters deployed as part of the Program to be equipped with sidewalk riding detection technology effective September 1, 2023; and suspending the requirement in the Transportation Code that the duration of Powered Scooter Share Program permit terms be up to two years and authorizing the Director of Transportation, or the Director’s designee, to extend the current permits by one year to June 30, 2024.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by revising Section 916 to read as follows:

SEC. 916. POWERED SCOOTER SHARE PROGRAM.

* * * *

(d) General Permit Requirements for Powered Scooter Share Program Permits.

* * * *

(5) To be eligible and qualified to obtain a Powered Scooter Share Program

Permit, a Powered Scooter Share Program Operator shall agree to, as applicable, the following minimum requirements:

* * * *

RESOLUTION NO.

(T) Sidewalk Riding Detection Technology.

(i) Effective September 1, 2023, all devices deployed in the Powered Scooter Share Program must be enabled with all the following sidewalk riding detection technologies:

- a. GPS location-based technology that detects mounting or riding on the sidewalk.
- b. Technology to emit continuous and audible messages to riders when mounting or riding on the sidewalk, either through the scooter or mobile device application. The scooter or application message must give an audible message such as “No Sidewalk Riding.”
- c. Technology to analyze and provide an end-of-trip performance report informing the rider of any possible riding violations.
- d. Technology to implement geofencing restrictions in areas designated by the SFMTA.

(ii) Effective September 1, 2023, in addition to the requirements in subsection (d)(5)(T)(i) above, all devices deployed in the Powered Scooter Share Program must be equipped with at least one of the following additional sidewalk riding detection technologies:

- a. Camera-based detection technology that detects mounting or riding on the sidewalk.
- b. Gyroscopes, accelerometers, or other similar methods of detecting patterns of vibration typical of mounting or riding on the sidewalk.
- c. Active deceleration of the scooter upon mounting or riding on the sidewalk to a speed of 3 miles per hour within a ten-second period, accompanied by directions to the rider to get off the sidewalk or to come to a complete stop.
- d. A second GPS-based device, or additional GPS signal processing, that allows the permittee to determine the location of a scooter within a meter or less of the scooter’s location.
- e. Sidewalk riding detection technology equivalent to the above technologies as approved by SFMTA staff.

RESOLUTION NO.

(iii) Monthly Report. Effective October 1, 2023, Scooter Share permittees must provide a monthly sidewalk riding report to SFMTA in a form designated by staff.

* * * *

Section 2. Powered Scooter Share Program Permit Term. For Powered Scooter Share Program permits issued in 2021, the San Francisco Municipal Transportation Authority Board suspends the requirement in Transportation Code, Division II, Section 916(a)(2), that the duration of Powered Scooter Share Program permit terms be up to two years, and authorizes the Director of Transportation, or the Director's designee, to extend the current permits to no later than June 30, 2024.

Section 3. Effective Date. This resolution shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this resolution.

Section 4. Scope of Resolution. In enacting this resolution, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this resolution as additions or deletions in accordance with the "Note" that appears under the official title of the resolution.

APPROVED AS TO FORM:
David Chiu, City Attorney

By: _____
LILLIAN A. LEVY
Deputy City Attorney

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RESOLUTION NO.

I certify that the foregoing resolution was adopted by the San Francisco
Municipal Transportation Agency Board of Directors at its meeting of April 18, 2023.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency