

**THIS PRINT COVERS CALENDAR ITEM NO.: 10.4**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Taxis and Accessible Services

**BRIEF DESCRIPTION:**

Amending Transportation Code, Division II, Section 901, to update the definition of Powered Scooter to allow for powered scooters that have two or more wheels.

**SUMMARY:**

- In May 2018, the SFMTA Board of Directors amended the Transportation Code, Division II, to establish the Powered Scooter Share Pilot Program.
- As authorized under the pilot program, in October 2018, the SFMTA granted two 12-month permits. SFMTA staff released a Mid-Pilot Evaluation in April 2019 to the Board of Directors summarizing key findings.
- In July 2019, the SFMTA Board of Directors amended the Transportation Code, Division II, to remove the limitations of the pilot program, and modify the permit program to incorporate lessons learned to create a more useful, safe, sustainable, equitable, and accountable citywide Powered Scooter Share Program.
- In August 2019, the SFMTA issued permit applications, which included requirements to propose Adaptive Scooter Pilot plans, and after review of 11 applications, announced it selected four permittees to be awarded permits to be issued in October 2019.
- Because several of the Adaptive Scooter Pilot plans included adaptive scooters with more than two wheels, staff recommend updating the definition of Powered Scooter to clarify that it includes devices with more than two wheels to allow for the operation of a broader range of adaptive scooters that may better meet the needs of the disability community.
- This amendment also will confirm SFMTA staff's position that devices that functionally operate like powered scooters, except that that they have more than two wheels, will be regulated under the Powered Share Scooter Program as Powered Scooters.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Transportation Code Division II Legislation

**APPROVALS:**

DIRECTOR 

SECRETARY 

**DATE**

October 8, 2019

October 7, 2019

**ASSIGNED SFMTAB CALENDAR DATE:** October 15, 2019

**PURPOSE**

Amending Section 901 of the Transportation Code, Division II, to update the definition of Powered Scooter to allow for powered scooters that have two or more wheels.

**STRATEGIC PLAN GOALS & TRANSIT FIRST POLICY PRINCIPLES**

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

- Goal 1 - Create a safer transportation experience for everyone.
  - Objective 1.2: Improve the safety of the transit system.
  - Objective 1.3: Improve security for transportation system users.
  
- Goal 2 - Make transit and other sustainable modes of transportation the most attractive and preferred means of travel.
  - Objective 2.2: Enhance and expand use of the city's sustainable modes of transportation.
  
- Goal 3 - Improve the quality of life and environment in San Francisco and the region.
  - Objective 3.1: Use agency programs and policies to advance San Francisco's commitment to equity.
  - Objective 3.3: Guide emerging mobility services so they are consistent with sustainable transportation principles.

This action supports the following 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 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.
10. 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**

In response to numerous challenges that surfaced in March 2018 when several companies deployed scooter share programs in San Francisco in the absence of a permitting or regulatory scheme, the Board of Supervisors and the SFMTA Board of Directors amended Divisions I and II, respectively, of the Transportation Code to address scooter services. The amendments authorized the SFMTA to implement a 12-month Powered Scooter Share Pilot Program (Pilot) to address the initial significant concerns observed.

As authorized under the Pilot, in October 2018, the Director of Transportation issued two permits for a one-year period to two operators. Based on the conclusions of the mid-Pilot evaluation, which staff presented to the Board in April 2019, and the benefits of scooters to the overall transportation network in the City, the SFMTA Board amended the Transportation Code, Division II, to revise the Powered Scooter Share Permit Program by lifting the limitations of the Pilot, and modify the permit program to incorporate lessons learned from the Pilot and the Stationless Bikeshare Permit Program to create a more useful, safe, sustainable, equitable, and accountable citywide Powered Scooter Share Program.

In August 2019, the SFMTA issued permit applications consistent with the amendments to the Transportation Code, which included requirements to propose Adaptive Scooter Pilot plans, which will enable more disabled people to use Powered Scooters. The SFMTA reviewed 11 applications, and announced it selected four permittees to be awarded permits to be issued in October 2019. As part of the permit application process, applicants were required to propose Adaptive Scooter Pilot plans detailing their plans to deploy adaptive scooters to increase accessible travel options. The application defined an “adaptive scooter” as a powered shared scooter that is adapted to expand access to people with various physical disabilities. In their applications, some applicants proposed adaptive scooters that included more than two wheels and the SFMTA would like to consider these types of innovative approaches within the context of the permit program.

As a result, staff is proposing to update the definition of Powered Scooter in Section 901 of the Transportation Code, Division II, to allow for devices that have two or more wheels. Currently, the Powered Scooter definition includes any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor or other power source. This update will allow for the operation of a broader range of adaptive scooters under the Powered Scooter Permit Program that may better meet the needs of the disability community. In addition, this update will clarify that the public policy rationale to regulate powered scooters is not limited to devices that have two wheels, but can apply to similar devices that, for whatever reason, happen to have more than two wheels. As different companies seek to enter the shared powered scooter market, the SFMTA would like to clarify staff’s position that devices that functionally operate like powered scooters, regardless of the number of wheels, will be regulated under the Powered Share Scooter Program.

## **STAKEHOLDER ENGAGEMENT**

In developing these proposed amendments, SFMTA staff drew upon lessons learned thus far from the Powered Scooter Share Pilot Program, the 18-month Stationless Bicycle Share Pilot Program, and global best practices from emerging mobility standards. This included discussions and correspondence with permit holding operators, elected officials, residents, community leaders, subject matter experts, scholars, program participants, staff from other city departments, and staff from other cities. The SFMTA also held an open house on April 2, 2019, attended by over 50 people, to gather feedback on the Pilot from a wide range of stakeholders.

These discussions covered a wide range of topics, from operational needs and efficiency standards, to equity concerns and outreach recommendations. Existing San Francisco shared

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mobility operators GoBike, JUMP, Skip and Scoot provided data, monthly updates, and operational success and challenges to better inform the future of the permit program. The Mid-Pilot Scooter Evaluation provides a detailed description of the range of feedback received by the SFMTA.

**ALTERNATIVES CONSIDERED**

Staff considered leaving the definition of Powered Scooter to include devices with two wheels, but would like to consider innovative approaches, such as adaptive scooters within the context of the permit program. This will clarify that functionally equivalent powered scooters with more than two wheels also fall under the requirements of the permit program.

**FUNDING IMPACT**

There is no impact on funding with this proposed amendment.

**ENVIRONMENTAL REVIEW**

On September 27, 2019, 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).

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 report.

No other approvals are required.

**RECOMMENDATION**

Staff recommends that the SFMTA Board amend Transportation Code, Division II, Section 901, to update the definition of Powered Scooter to allow for powered scooters that have two or more wheels.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, In May 2018, the SFMTA Board of Directors approved changes to the Transportation Code, Division II, to establish the Powered Scooter Share Pilot Program (Pilot); and,

WHEREAS, Under the authorization of the Pilot, in October 2018, the SFMTA granted two 12-month permits; and, in April 2019, SFMTA staff released a Mid-Pilot Evaluation to the SFMTA Board of Directors summarizing key findings, including that the Pilot yielded notable public benefits as a useful component of San Francisco's transportation system; and,

WHEREAS, In July 2019, the SFMTA Board of Directors approved changes to the Transportation Code, Division II to, among other things, remove the limitations of the pilot program and modify the permit program to incorporate lessons learned from the Powered Scooter Share Pilot and the Stationless Bikeshare Permit Program to create a more useful, safe, sustainable, equitable, and accountable citywide Powered Scooter Share Program; and,

WHEREAS, The revisions that the SFMTA Board of Directors adopted in July 2019 did not amend the definition of Powered Scooter, which is defined as any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor or other power source; and

WHEREAS, In August 2019, the SFMTA issued permit applications consistent with the amendments to the Transportation Code, which included requirements to propose Adaptive Scooter Pilot plans, and after review of 11 applications, SFMTA announced it selected four permittees to be awarded permits to be issued in October 2019; and

WHEREAS, In their applications, because some applicants proposed adaptive scooters that included more than two wheels, staff recommend this update to the definition of Powered Scooter to allow for the operation of a broader range of adaptive scooters under the Powered Scooter Permit Program that may better meet the needs of the disability community, as well as to clarify that the public policy rationale to regulate powered scooters applies to similar devices that, for whatever reason, happen to have more than two wheels; and

WHEREAS, On September 27, 2019, 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,

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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 Board of Directors amends Transportation Code, Division II, Section 901 to update the definition of Powered Scooter to allow for powered scooters that have two or more wheels.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 15, 2019.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code - Powered Scooter Definition]

**Resolution amending Section 901 of the Transportation Code, Division II, to update the definition of Powered Scooter to allow for powered scooters that have two or more wheels.**

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 901, to read as follows:

**SEC. 901. DEFINITIONS.**

As used in this Article 900, the following words and phrases shall have the following meanings:

\* \* \* \*

**Powered Scooter.** Any ~~two-wheeled~~ device that has two or more wheels, has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor or other power source. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. A motorcycle, as defined in Section 400 of the California Vehicle Code, a motor-driven cycle, as defined in Section 405 of the California Vehicle Code, or a motorized bicycle or moped, as defined in Section 406 of the California Vehicle Code, is not a Powered Scooter.

\* \* \* \*

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The SFMTA Board of Directors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 4. Scope of Ordinance. In enacting this ordinance, the SFMTA 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 ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
JULIE VEIT  
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 15, 2019.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency