

THIS PRINT COVERS CALENDAR ITEM NO.: 10.2

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Taxis, Access & Mobility Services

BRIEF DESCRIPTION:

Amending Transportation Code, Division II, Section 901 to expand the definition of Powered Scooter to allow devices that have a seat and footrests in place of the floorboard, to better meet the needs of a broader range of riders.



SUMMARY:

- The current Powered Scooter Share permit term expires on June 30, 2024.
- There are currently two companies authorized to operate in San Francisco— Lime and Spin.
- The current permit terms and conditions require each permittee to comply with the adaptive program requirements and the complementary adaptive program plan submitted by each permittee as part of their application process.
- In an effort to improve outcomes in the adaptive program and allow for more types of devices intended to better meet the needs of a broader range of riders, staff is proposing to amend the definition of Powered Scooter, which currently requires the device, even it also has a seat, to be capable of being stood upon when riding.
- New device types that are purpose built to expand mobility options for riders who may need a seated device are now available in the market and the SFMTA wants to allow such devices to be operated as part of the Powered Scooter Share Program. While the current definition allows for a seated device and there are seated devices in service, the devices, by definition, must have a floorboard and allow the rider to stand while riding.
- The proposed amendment to Section 901 of Division II of the Transportation Code will update the definition of Powered Scooter to allow devices deployed as part of the Powered Scooter Share Program to have a seat and footrests in place of the floorboard.

ENCLOSURES:

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

APPROVALS:

DIRECTOR 
SECRETARY 

DATE

February 14, 2024
February 14, 2024

ASSIGNED SFMTAB CALENDAR DATE: February 20, 2024

PURPOSE

Amending Transportation Code, Division II, Section 901 to expand the definition of Powered Scooter to allow devices that have a seat and footrests in place of the floorboard, to better meet the needs of a broader range of riders.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan Goals:

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 term ends on June 30, 2024. There are two scooter companies providing service, Lime and Spin. Each company is authorized to operate up to a maximum of 2,750 devices.

Key requirements of the Powered Scooter Share Program include:

- All scooters must have a lock-to device
- Clear parking guidelines and parking enforcement
- Safe scooter riding and parking plan
- Low-income plan
- Bike rack fee
- Community Engagement plan
- Labor Harmony provision

- Adaptive Scooter program

One important aspect of the Powered Scooter Share Program that staff has identified as needing programmatic updates for the FY24-FY25 permit term is the Adaptive Scooter Program.

Adaptive Scooter Program

San Francisco is home to an estimated 187,000 adults ages 60 and older, and 38,000 adults ages 18 to 64 living with a disability. Together, these two groups represent about 25% of the city's population. The SFMTA believes in a transportation system that moves everyone, and serving this diverse, vibrant, and vital community population is a cornerstone of our efforts to ensure the transportation network is accessible to all. Accessibility is a key value in the SFMTA's strategic plan, and is considered a 'bridge value,' which is a value commonly held across both the workplace the transportation system. The SFMTA's focus on accessibility as a bridge value ensures that staff focuses on the needs of those with the fewest mobility choices, including seniors and individuals with disabilities, to ensure access to all transportation modes.

To ensure that the Powered Scooter Program expands access to people with various physical disabilities, the SFMTA developed the Adaptive Scooter Program, which consists of two distinct elements: On-Street and Complementary.

On-Street Adaptive:

The on-street adaptive program requires that at least 5% of each permittees fleet is comprised of Adaptive Scooters that must be available through each permittee's application (app) in the same manner as standard scooters and cannot cost more to rent. Adaptive Scooters must fit within the standard bike rack footprint and have two or more of the following features:

1. Three wheels
2. Seat
3. Basket

These Adaptive Scooter requirements were developed based on an earlier adaptive scooter pilot and community feedback. While a seat is one feature of an adaptive device, the definition of Powered Scooter requires that the device be designed for standing and may include a seat that does not impede a rider's ability to stand and ride. This has resulted in devices that are manufactured to be standing and then a seat is typically added as a post-manufacture retrofit.

Permittees have informed staff that the adaptive scooters currently in use, which are modified versions of the standard scooters, are frequently stolen or vandalized. The seats are often stolen shortly after deployment, which may be partially attributable to the current design. This has led to a lack of on-street adaptive devices available on city streets.

Complementary Adaptive:

The Complementary Adaptive program was developed as an option in the last application

process, to allow applicants to develop and pilot additional adaptive device types and service models. While not required as part of the application, applicants received additional points for committing to providing a Complementary Adaptive program. Both current permittees (Lime and Spin) committed to providing Complementary Adaptive programs in their applications, which then became part of their obligations under the permit.

As a new shared transportation mode, best practices for adaptive scooter device types and service models are still being developed. To allow permittees to innovate, the Complementary Adaptive program allows for free rentals, longer check-out periods, and scheduled device pick-up and drop-off by the permittee. The Complementary Adaptive program is intended to allow more flexibility for permittees to pilot different adaptive device types and service models. While this program has received praise during outreach, the program has been fairly small and not widely known. Additionally, permittees can be slow to respond to scheduled requests for check-out.

In an ongoing effort to work with the disability community to test a range of adaptive devices, the SFMTA has sponsored two [adaptive device demonstration](#) events. These events are coordinated in conjunction with [AccessSFUSD](#), a community-based program for students 18-22 with disabilities. Located across 11 sites in San Francisco, the program focuses on teaching functional life skills within the community setting. Developing advocacy skills is a key component of the program, and students shared their input about a variety of design elements, including the wheels, seat, throttle, basket location, floorboard width and the ease of acceleration.

Disability Community Feedback:

During the current Powered Scooter Share permit term, the SFMTA has received valuable feedback from the disability community, through the SFMTA's Multimodal Accessibility Advisory Committee and Paratransit Coordinating Council, the Mayor's Disability Council, AccessSFUSD and through 311 complaints. In addition to feedback about the Adaptive Scooter Program, safety remains a key concern, including device parking that doesn't block the path of travel on the sidewalk and sidewalk riding.

Many aspects of the Powered Scooter Share program are intended to address these safety concerns, and the SFMTA has continued to update the Transportation Code and other requirements to improve safety outcomes. The SFMTA requires a locking mechanism on all devices and has established clear [device parking requirements](#) in collaboration with the Mayor's Office on Disability. The SFMTA requires that permittees move improperly parked devices within two hours of notification, and established [an incentive program](#) to further encourage safe scooter parking. The incentive program has been successful in improving safety outcomes; it has resulted in improperly parked devices being moved in less than 45 minutes on average as compared to over six hours on average prior to the incentive program.

Proposed Amendment to Transportation Code Section 901. DEFINITIONS

Based on feedback from the disability community, staff is proposing to expand the definition of Powered Scooter to allow the operation of purpose-built seated devices in the Powered Scooter

Share program. The proposed amendment to Section 901 of Division II of the Transportation Code will allow scooters deployed as part of the Powered Scooter Share Program to have a seat and footrests in place of the floorboard. The purpose-built seated devices typically have larger wheels and a sturdier seat that is not easily stolen because it is part of the frame, and not a post-manufactured element.

Allowing seated devices that are not necessarily designed to be stood upon when riding is intended to improve the Adaptive Scooter program. It will allow for more choice and improved device availability.

STAKEHOLDER ENGAGEMENT

Staff conducted outreach about the Adaptive Scooter program to the Paratransit Coordinating Council (PCC), Multimodal Accessibility Advisory Committee (MAAC), and with staff at the Mayor's Office of Disability (MOD), and to the SFMTA's Citizen's Advisory Council. Staff continue to hear that the disability community is most concerned about safe riding behaviors, including ending sidewalk riding. Staff heard that the on-street adaptive program rarely is useful as there are often no adaptive scooters deployed. Staff received praise for the complementary adaptive program as a useful program that should be further publicized. Feedback is particularly positive about the pick-up and drop-off aspects of the complementary program. Key stakeholder engagement strongly supported expanding and improving the Adaptive Scooter program.

ALTERNATIVES CONSIDERED

Alternatives considered include allowing the current definition of Powered Scooter to remain unchanged. The current definition does allow for seated devices, as long as the seat does not interfere with the ability of the rider to stand and ride. There are currently seated devices in service, but these devices are not purpose-built to be seated. They are retrofitted with a seat after the production of the device, leaving them prone to theft. Staff has determined that the needs of a broader range of riders would be better met by allowing devices that are built to be seated during the original production (i.e. purpose-built to be seated), and therefore is recommending that the current Powered Scooter definition be updated accordingly.

FUNDING IMPACT

Updating the definition of Powered Scooter will have no funding impact on the SFMTA.

ENVIRONMENTAL REVIEW

On January 29, 2024, 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 of 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

Amending Transportation Code, Division II, Section 901 to expand the definition of Powered Scooter to allow devices that have a seat and footrests in place of the floorboard, to better meet the needs of a broader range of riders.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) has engaged a consultant to evaluate the current Powered Scooter Share Permit 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, One key aspect of the Program that staff has identified to need programmatic updates is the Adaptive Program; and,

WHEREAS, Permittees have informed staff that the adaptive scooters, which are modified versions of the current deployed scooters, are frequently stolen or vandalized, which has led to a lack of on-street adaptive devices available on city streets; and,

WHEREAS, While the complementary program has received praise during outreach, the program is not well known, and permittees can be slow to respond to scheduled requests for check-out; and,

WHEREAS, Based on feedback from the disability community, staff is proposing to expand the definition of Powered Scooter to allow the operation of purpose-built seated devices in the Program; and,

WHEREAS, Staff has determined that the definition of Powered Scooter should be amended to include devices that have a seat and footrests in place of the floorboard, to better meet the needs of a broader range of riders; 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 January 29, 2024, 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 Transportation Code, Division II, Section 901 to expand the definition of Powered Scooter to allow devices that have a seat and footrests in place of the floorboard, to better meet the needs of a broader range of riders.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 20, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Powered Scooter Definition]

Resolution amending the Transportation Code to revise the definition of a Powered Scooter to allow for powered scooters that have a seat and footrests in place of the floorboard.

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:

SECTION 901. DEFINITIONS.

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

* * * *

Powered Scooter. Any device that has two or more wheels, has handlebars, ~~has and is~~ configured with either a floorboard that is designed to be stood upon when riding , a driver seat that does not interfere with the ability of the rider to stand and ride, or a seat and footrests in place of the floorboard, 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.

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Section 2. 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 3. 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: _____
STEPHANIE STUART
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of February 20, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency