



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Mayor Sam Liccardo  
Councilmember Chappie Jones  
Councilmember Raul Perez  
Councilmember Dev Davis

**SUBJECT:** SEE BELOW

**DATE:** December 14, 2018

Approved

Date

*[Handwritten signatures and initials in blue ink]*  
MF DT 12/14/18

**SUBJECT: SHARED MICRO-MOBILITY PROGRAM AND REGULATORY FRAMEWORK**

## RECOMMENDATION

Accept staff recommendations and the memorandum dated December 5, 2018 by Mayor Liccardo and Councilmembers Perez and Davis as well as:

1. Direct staff to explore:
  - a. Using fees and fines collected on shared micro-mobility permits for education, outreach, and enforcement efforts to ensure safe and responsible use of e-scooters;
  - b. Voluntary contributions from e-scooter companies – as accomplished in other cities – to support on-street bicycle facilities, and outreach and education programs;
  - c. Working with companies to include a vehicle identification number, or license plate, on scooters for the purpose of reporting issues and concerns.
2. Assess inventory and utilization data after 6 months to determine:
  - a. Whether a percentage cap in the Downtown is warranted, and;
  - b. Whether to increase targets for e-scooter deployment in Communities of Concern.
3. Require operators to provide confirmation that all device speeds are capped at 12 miles per hour, or the maximum speed established per the Administrative Regulations.
4. In collaboration with the San José Police Department (SJPD) and the Department of Transportation (DOT), require that all operators proactively prohibit users who knowingly and chronically allow minors to operate their devices or have multiple individuals on one device.
5. Return to the Transportation & Environment Committee for an update on the e-scooter program in Fall of 2019.

## **DISCUSSION**

Thank you to our DOT staff for their work in bringing forth a balanced program, and to our residents and business owners for your engagement and patience as we chart new territory in San José. We also thank the companies for their investment in San José as well as their willingness to continue innovating on the safety front.

In early 2018, an army of electric scooters (e-scooters) arrived overnight onto San José's streets. This innovation has provided both new options in first mile last-mile transit as well as challenges to pedestrian and traffic safety. Our memorandum on December 5 articulated the need for safety technology innovations to resolve those challenges. Simultaneously, we propose further tweaks in the recommended framework, which are outlined below.

### ***Fees and Fines***

We appreciate staff's thorough research to arrive at a fair cost-recovery fee structure, comparable to surrounding Bay Area cities. We agree with the need for additional staff to administer and monitor the program but there should also be consideration on allocating some of those resources towards increasing education and outreach to e-scooter users, as well as enforcement. Currently, DOT has efforts to promote our City's Vision Zero policy, a policy that most likely did not account for this new territory of shared micro-mobility. Staff should explore voluntary contributions from the companies to support on-street bike facilities, outreach, and education. Regulations and innovation should also be coupled with education so that all who are using our public right-of-ways are informed how to do so safely. Staff should also explore partnership opportunities with the Silicon Valley Bicycle Coalition to advance our micromobility outreach and education objectives.

### ***Program Scope***

Company interest in market growth is understandable, and broadly speaking, e-scooters support both our General Plan goals for more multi-modality, as well as progress on our Climate Smart San José plan that calls for ambitious reductions of greenhouse gas (GHG) emissions. But as certain areas of our city begin to rapidly densify – such as the Downtown – the amount of public right-of-way becomes an invaluable commodity. While staff continues to monitor and explore the right fit for e-scooter deployment limits, we ask that staff assess inventory and utilization data in our Downtown after six months to determine whether a percentage cap is warranted in the Downtown.

### ***Equity***

Equitable deployment and access to e-scooter fleets is an important objective of this program, and we are pleased to see that e-scooter companies offer low-income programs and pricing. As it relates to San José's deployment targets in Communities of Concern, there are lessons to be derived from the data associated with the Ford GoBike program where there is a 20 percent target, but in practice, 60 percent are deployed in Communities of Concern. After six months, staff should assess inventory and utilization data to determine whether the Communities of Concern target should be increased to reflect patterns that we are seeing with the Ford GoBike program.

***Safety***

When devices were first deployed, they were largely done so with speed caps of 15 mph. This created cause for concern for public safety officials, citing an increase in accidents. We heard from the e-scooter companies, and unsurprisingly, they would like to see higher vehicle speeds. Staff's proposed speed cap of 12 mph is fair and the operators should provide confirmation that all e-scooters are capped at 12 mph, or the maximum speed established per the Administrative Regulations. When additional safety innovations are brought to bear to keep e-scooters off the sidewalk staff can revisit the speed cap issue, but we cannot support an increase at this time.

There are many occasions where minors are observed riding these devices – often without a helmet. Most operators require that users must be 18 years or older to operate their devices. They also require that only one user is allowed to be on a device, and anecdotally there are many instances where this is not the case. Therefore, we ask that operators commit to enforcing their user regulations, and do so by prohibiting chronic violators from operating them in the future. Staff should incorporate partnership expectations between permit holders and SJPD and DOT into the regulatory framework to ensure the safe and responsible operation of e-scooters. Staff should also explore working with companies to include a vehicle identification number, or license plate, on e-scooters for the purpose of reporting issues or concerns.

As e-scooter companies and operators continue to innovate and the proposed framework is implemented, it is critical for the Council to be updated on progress. Staff should return to the Transportation and Environment Committee for an update on the e-scooter program in Fall of 2019.

We look forward to the continued evolution of this program, and making certain that this exciting mobility solution is one that is safe for all San José residents.