

November 18, 2019

The Honorable Kevin L. Faulconer  
Mayor  
City of San Diego  
202 C Street, 11<sup>th</sup> Floor  
San Diego, CA 92101

**RE: Shared Mobility Device Regulations**

Dear Mayor Faulconer:

We are respectfully writing to express our collective views on the City's review and possible amendments to its regulations on Share Mobility Devices (SMD) and appreciate the opportunity to provide our feedback. Our organizations are committed to the livability and economic vibrancy of San Diego and remain supportive of micro-mobility options which transport San Diegans and visitors around the region. On behalf of the San Diego Regional Chamber of Commerce and Circulate San Diego, please accept the following feedback on the SMD Regulations for your consideration. Our organizations supported the SMD regulations brought forth by your office in April of 2019, and remain committed to working with the City to improve the regulatory framework. We appreciate the thoughtfulness of the SMD regulations to address public safety, speed and staging concerns, among others. We want to see these micro-mobility options succeed and part of that is re-examining the regulations.

We support the deployment of corrals, which provide a designated drop off and pick up point for the SMDs. This has led to less clutter on City sidewalks and encourages better scooter etiquette upon completion of a ride as well as deployment of scooters each morning. Given their success, we urge you to establish additional corrals throughout Downtown and other high-ridership neighborhoods.

We would like to offer the following for your consideration:

**Funds received from operating permits should be sequestered and used to enhance safety.** Fees from SMDs beyond straight cost recovery should be used exclusively to promote safety and fund infrastructure, such as meaningful education efforts, and creating protected lanes to ensure safe use of these micro-mobility options.

**Establish a fine structure.** The creation of a tiered and escalating fine structure for regulatory violations is a better way to address alleged violations versus the only tool available today, that of permit revocation. Permit revocation should be a last resort following a series of escalating fines.

**Provide clarity around the impounding process and address third-party towing operators.** Provide photo evidence to show how operators are in violation of the regulations. It's our understanding scooters are regularly impounded without providing photographic evidence of the alleged violation under the premise of imminent public safety. In addition, private companies – who have no official relationship with the City – continue to impound scooters. This has led to thousands of devices being removed from use. We would urge the City Attorney and San Diego Police Department to work with the micro-mobility providers to address this immediate concern.

**Define "imminent threat to public safety."** Establish what it means for a device to be an "imminent threat to public safety" to provide operators with the clarity so the operators can better educate riders in order to avoid scooters being impounded.

**Delay any determination on a "curfew" requirement.** For micro-mobility to act as a true, robust mobility option, vehicles should remain available. Many San Diegans— particularly those working in the hospitality, culinary and janitorial services —start and end their shifts in the early morning hours and use scooters to reach transit, far-away parking lots and their homes. A curfew would deny them this critical, low-cost transportation option. To avoid

unintended consequences, additional discussion should occur before suggesting that scooters should be singled out among other vehicles, such as automobiles as an actual safety hazard.

**Future Considerations:** We encourage the City to come back to the Active Transportation Committee right after the first of the year to start work on future amendments to the regulations that can go deeper into creating a sustainable environment for scooter usage in San Diego. Areas of focus could be: dynamic caps tied to performance, corral staging, and fees tied to usage, among others. Adequate time should be given to delve into these amendments so the Council can consider them prior to the next renewal period in the summer of 2020.

In closing, SMDs are an innovative first- and last-mile solution the City should embrace by creating an improved regulatory framework. We hope to see revisions of these regulations enhancing SMDs as a micro-mobility option to provide transportation options for citizens and tourists, and to help meet Climate Action Plan goals. On a similar note, we look forward to an opportunity to support the infrastructure necessary to make these micro-mobility options successful. We want to see this industry succeed in San Diego and amendments to the regulations that are needed now could help achieve that.

Thank you for the opportunity to provide feedback on the implementation of the shared mobility device regulations. We appreciate your consideration of the feedback outlined here and look forward to continued dialog. Please do not hesitate to reach out with any questions.

Sincerely,

