



September 1, 2020

The Honorable Kevin Faulconer
Mayor, City of San Diego
202 W C St.
San Diego, CA 92101

Dear Mayor Faulconer:

We are writing to call on the City of San Diego to take appropriate action to end the illegal activities of Scooter Removal LLC, dba ScootScoop.

Both Circulate San Diego and the San Diego Regional Chamber of Commerce support the availability of new and innovative mobility choices. Shared mobility device operators have provided San Diego with access to safe, sustainable, and cost-efficient transportation. They have worked closely with the community to create a service that supports the needs both our residents and visitors. Scooters have been cited as an important component of San Diego's Climate Action Plan, helping to remove cars from the streets and promote sustainable transportation options. Many have also provided essential workers with free trips amidst COVID-19, adding a safe transportation in these troubling times.

Through the SMD program, the city regularly communicates directly with operators to remove scooters in problematic locations, giving operators three hours to rebalance scooters. Additionally, through communication with the city and working with local businesses, scooter companies can create geofenced locations where riders are unable to park and leave their vehicles - completely removing the need to tow or impound the vehicles in the first place.

Contrary to the City's efforts to create a mechanism to work directly with operators when a scooters is improperly parked, ScootScoop, a San Diego based enterprise backed by Talon Auto Adjusters (a traditional automobile towing company) is currently illegally removing scooters around San Diego.

Citing California Vehicle Code 22658, ScootScoop's business practice consists of removing and impounding scooters that allegedly encroach on private properties and businesses. In many cases, when they are unable to locate scooters parked on private property, they instead turn to illegally taking scooters parked on [public right-of-way](#). Scoot Scoop employees hide near popular tourist destinations to steal and hold hostage any SMDs they find, providing no notice and fraudulently removing scooters from [public property](#). While the removal of properly parked scooters itself is more often than not illegal, ScootScoop fails to follow Vehicle Code requirements when a scooter is actually improperly parked on private property by failing to provide timely notice to operators, time to remediate, o evidence of the lawfulness of their removal.

One of the co-owners of ScootScoop also owns a competing electric mobility device rental company, Boardwalk Electric Rides, that operates in some of the same locations as the “violators” he directly tows. ScootScoop appears to be conducting its business, at least in part, to stifle competition. ScootScoop representatives have previously met with scooter companies, claiming that the best way to avoid their towing actions would be to contract out their entire operations team to ScootScoop. In other words, ScootScoop has offered to stop impounding SMDs, if scooter companies pay them. This is an absolutely improper approach to “ensuring protection” from ScootScoop’s own misconduct.

ScootScoop currently utilizes a suspicious “tow authorization” form to “authorize” its towing activities. The form, [accessible online](#), requires no evidence of who is submitting the form. This process creates no protections to ensure that ScootScoop, or its agents, are not forging these authorizations on behalf of private properties. ScootScoop has been asked to provide these tow authorizations for examination in the past, but to date has refused to do so. Additionally, while California Vehicle Code 22658 only allows these types of general authorizations to be used to tow vehicles within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with an entrance to, or exit from, private property, ScootScoop’s online form illegally “authorizes” towing for any condition or reason.

We ask the City of San Diego to take immediate action to curtail the illegal acts of ScootScoop by adopting ordinances that would protect shared mobility device providers from the predatory actions of tow companies. We also request the San Diego Police Department and the City Attorney further investigate, make appropriate referrals to the District Attorney, assess penalties for the illegal actions of ScootScoop, and immediately demand ScootScoop to cease their operations.

Sincerely,



Jerry Sanders
President & CEO
San Diego Regional Chamber of Commerce



Colin Parent
Executive Director & General Counsel
Circulate San Diego