

Dockless Electric Scooters – Local and State Regulation Status Update

(by Chris Spitz, PPCC Secretary, November 6, 2020)

Background: Palisades community members have recently expressed concerns about the proliferation of Lime and Bird scooters parked haphazardly on sidewalks and in other right-of-way areas of the Palisades. We've been asked whether these scooters are permitted, if we can prevent them from being permitted, if something can be done to remove them, and what exactly are the regulations. PPCC had previously been following this issue and passed a motion in 2019 demanding that as a matter of public safety, permit issuance should be conditioned on scooter providers' cooperation with law enforcement.¹ Here is an update on recent developments:

LA Permit Status: Dockless scooters are currently operated under a permit issued pursuant to a one-year pilot program that began in March 2019; the current permit program and operating rules are detailed in: <https://ladot.lacity.org/projects/transportation-services/shared-mobility/micromobility>. In August 2020 -- on the recommendation of the Public Works & Gang Reduction Committee and the Transportation Committee (chaired by Councilmember Bonin) -- the City Council extended the pilot program to December 31, 2020. The Council also directed the City Attorney to prepare an ordinance to allow for annual permitting,² and required LADOT to amend certain rules and report back on the program's status in six months.

Parking Rules: CD 11 Palisades-Brentwood Field Deputy Durrah Wagner explains:

"Bird [*also Lime/other providers*] is a permitted operator and is therefore required to follow rules that are designed to protect neighborhoods from being inundated with scooter blight while still having the opportunity to take advantage of the new mobility option. Community members should be aware that part of their permit conditions includes **responding within 2 hours to complaints about improperly parked scooters** (e.g. blocking the sidewalk, blocking wheelchair ramps, etc.).

Scooters are supposed to be parked in the "furniture zone" of the sidewalk, which is the part immediately adjacent to the curb where you would often see things like parking meters, benches, and newspaper racks. They must be parked in a way that leaves minimum clearance for people in wheelchairs, pushing strollers, etc. Therefore we invite you as community members to report improperly parked scooters by calling 311, or using the myLA311 app or website. Reports will need a photo of the violation and information like the device ID, if possible.

This way there is a record of when and where these issues are happening.

LADOT tracks these reports, so in addition to requiring individual response by companies to complaints, they also base their proactive enforcement activities based on the numbers of complaints coming from any given neighborhood."

Status of PPCC's Motion: Seven other members of the Westside Regional Alliance of Councils (WRAC) to date have passed the PPCC-sponsored motion, which is still pending in WRAC at this writing. Meanwhile, in June 2019, the City Council adopted recommendations by the Transportation Committee (arising from a motion by Councilmember Koretz, which in turn was based on the Palisades hit-and-run incident described in PPCC's

¹ See PPCC's motion/position letter: <http://pacpalicc.org/wp-content/uploads/2019/05/PPCC-re-dockless-scooters.pdf>; and prior summaries/updates: <http://pacpalicc.org/index.php/reports-summaries/> (scroll down to Legislation Summaries).

² CD11 Transportation Advisor Eric Bruins advises that "the new ordinance will include much stronger penalties for violating permit conditions, such as parking violations, etc. This would add a fine schedule on top of sanctions for violations. This is a key element of any long-term program to address the concerns most frequently raised by community members."

motion/position letter) and required additional expedient procedures to facilitate cooperation between providers and law enforcement; see: https://clkrep.lacity.org/online/docs/2017/17-1125-s7_rpt_tran_6-25-2019.pdf.³

State Legislation Status:

AB 1112 (Friedman): In 2019, PPCC joined with the League of California Cities and the City of LA in opposing AB 1112⁴ – a bill that would have restricted the ability of cities to retrieve individual trip data from scooter providers. The bill passed in the Assembly but after moving on to the Senate was stalled for over a year in the Senate Transportation Committee. Then, in July 2020 the bill’s author suddenly deleted and replaced all prior language that related to *restrictions or limitations on trip data retrieval* with different new provisions addressing *relocation of illegally parked scooters* (unauthorized persons would be prohibited from moving scooters from the roadway to a garage or other storage space). The bill (as amended in an apparent “gut-and-amend” process) was never taken up this past session and remains in Committee.

AB 1286 (Muratsuchi): This bill – which, among other public safety protections, requires scooter providers to maintain sufficient levels of insurance -- passed in both legislative houses and was signed into law in September 2020. In our legislation summaries in 2019, we had expressed concern with a prior provision in the bill that would have prohibited providers from including a waiver or release of privacy or other rights in user agreements (*e.g.*, language that PPCC had suggested be included in user agreements: notifying the user that the provider will reveal the user’s identifying information to law enforcement in the event of a hit-and-run incident; see PPCC motion/position letter linked in Footnote 1 above). Prior to the Senate’s vote on the bill this past August, *the author amended AB 1286 to remove the prohibition on such waivers*.

³ According to the Committee’s report, the City Attorney (C.A.) advised that the release of individual user information to law enforcement *cannot be compelled without a warrant*. The Council also directed the C.A. in June 2019 (again per the Committee’s report) to “report back on additional steps that the City can take to require cooperation with law enforcement as a permit condition.” Eric Bruins confirms that to date, the C.A. has not yet reported back with this information.

⁴ See <http://pacpalicc.org/wp-content/uploads/2019/05/PPCC-Letter-Bloom-re-AB-1112-with-linksR.pdf>; the City thereafter adopted a resolution by Councilmember Bonin to oppose AB 1112; we understand that LADOT GM Seleta Reynolds even lobbied Senators in Sacramento to oppose the bill.