THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: March 3, 2010 REPORT NO: 10-028

ATTENTION: Public Safety & Neighborhood Services Committee
Agenda of March 10, 2010

SUBJECT: Status of the Pedicab Program

REFERENCES: Manager's Report 09-037, March 26, 2009, Pedicab Permit Fee Update
Executive Summary, February 10, 2010, Parking Program for Pedicabs
Manager's Report 09-111, July 20, 2009, Amendments to the Pedicab Ordinance

REQUESTED ACTION: This is an information item only. No action is required on the part of the Committee or the City Council.

STAFF RECOMMENDATION: Accept the Report.

SUMMARY:

The City of San Diego recently enacted new regulations governing pedicabs, pedicab owners, and pedicab operators. The main purpose of the change in regulations was to increase safety and improve the effectiveness of enforcement. This was accomplished by amending the City's pedicab Ordinance No. 19898 in the San Diego Municipal Code, Chapter 8, Article 3, Division 1 (effective 10-11-2009). At the request of the Public Safety & Neighborhood Servises Committee the following status of the program is submitted.

The current number of pedicab operator permits is 175. The current number of pedicab owner restricted permits is 235. The current number of pedicab owner permits for the nonrestricted areas is one. Permits are non-transferable.

The Lottery

A lottery was held on December 18, 2009 to allocate the 35 restricted permits that remained in addition to the 215 restricted permits that are allocated to existing owners. One hundred and one (101) participants showed up and registered for the drawing. Thirty five applicant names were drawn. An additional 25 alternates were also drawn. These alternates would be eligible to apply for permits if any of the initial 35 applicants did not complete the application process. The 35 lottery winners had 30 days to return a completed application.

Thirty four of the original lottery winners completed the application process and were issued permits. The first alternate lottery winner was then offered an opportunity to apply for a permit.

Insurance Requirements

Per the Ordinance it is unlawful for any person to operate a pedicab unless the owner has in effect a valid policy of commercial general liability coverage or business auto coverage with a pedicab endorsement from a company with a rating of A in Best's Key Rating Guide in an amount not less than $1million per occurrence for bodily injury and personal injury or property damage. We work with the Risk Management Department to review submitted policies. There are a number of owners that have been issued a letter notifying them that they are not in compliance with these requirements primarily because a number of owners are sharing a policy. They have been given until March 10, 2010 to comply.

Parking for Pedicabs

Amendments to the Municipal Code to create the Pedicab Parking Zones and the Pedicab Resting Zones is being forwarded to Council subsequent to being approved by this Committee February 17, 2010. We anticipate the item being presented to Council in April 2010.

Communication with Operators and Owners

We are utilizing various modes of communication in an effort to ensure the best possible contact with Pedicab owners and operators. The following are the various methods we use:

City Website. The City's website has a section on the Pedicab Program. It is accessible via www.sandiego.gov, selecting DEPARTMENTS & DIRECTORIES tab, selecting Engineering & Capital Projects, clicking on www.sandiego.gov/engineering-cip/index.shtml, looking under Featured Programs and selecting Pedicab Program or enter "pedicab" in the SEARCH box on the City's initial public website and select the first found item. The Pedicab Program section of the website will be updated regularly as new information becomes available.
E Mail. We have the E mail addresses for the owners and will solicit this information for the operators.
Phone Number. We have the business phone of the owners and a contact phone number for the operators.
Address. We have an address for the owners and operators.
Bulletin Boards at the Owners place of work. We will ask the owners to post information they receive concerning the program on their bulletin boards at the site where the bikes are stored if they have one.
Communication with the San Diego Police Department. Police officers communicate with the operators in the field.

In addition to these modes, our Program Administrator is available by phone at (619) 533-3126 and in person at 1010 Second Ave. 8th floor, San Diego CA, 92101.

Enforcement

The San Diego Police Department has authored two training bulletins to provide direction related to the proper enforcement of the new pedicab ordinance. The second bulletin will be released upon the adoption by the City Council of the new enforcement sections relating to pedicab parking/resting zones.

At this time, the San Diego Police Department is enforcing all violations of the Pedicab Ordinance except for the following:

- Sections related to pedicab identification (decals , PINS, labeling)
- Sections related to parking violations
- Sections related to pedicab impounds

Police officers have observed a higher compliance rate by pedicab operators of seatbelt use and carrying proof of insurance.

Legislation to Allow Cities to Regulate Pedicabs

Council authorized city staff to seek legislation that would allow cities to regulate pedicabs. On February 18, 2010 Assembly Bill 2294 was introduced. The bill defines the term "pedicab" and "allows a city or county to adopt a pedicab licensing ordinance or resolution that includes, but is not limited to, a requirement that the operator of the pedicab obtain a valid California driver's license". We will continue to work with our State Legislature to refine and support this Bill so as to comply with Council direction.

FISCAL CONSIDERATIONS: None with this action.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: Council approved modifications to the Municipal Code related to pedicabs on September 11, 2009, by Ordinance 19898 N.S. The Public Safety and Neighborhood Services Committee approved the creation of Pedicab Parking Zones and the Pedicab Resting Zones on February 17, 2010.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: As mentioned above, we will continue to keep contact with the Pedicab operators and owners thru various modes of communication. In addition we will communicate with the appropriate Community Planning group when items related to the Pedicab program may affect their communities.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Pedicab operators, pedicab owners, vehicle drivers, visitors, business owners and residents of San Diego. Thru these efforts we will increase safety and improve the effectiveness of enforcement.

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