

Article 3: Alternative Transportation

Division 3: Shared Mobility Devices

(“Shared Mobility Devices” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§83.0301 Purpose and Intent

The City Council finds that *shared mobility devices* are a popular form of transportation and that *operators* are using technology-based platforms to rent *shared mobility devices* for public use in the City of San Diego. This Division is enacted to establish a process for permitting the *operators* to achieve the City’s goals of encouraging alternative methods of transportation while protecting public health and safety.

(“Purpose and Intent” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0302 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply to this Division:

Electric bicycle has the same meaning as in *Vehicle Code* section 312.5.

Fleet means all *shared mobility devices* in the City owned by a specific *operator*.

Geofencing means the creation of a virtual geographic boundary, defined by Global Positioning System (GPS), radio-frequency identification (RFID), or other technology, that enables an *operator* to regulate speed, issue notifications, and take other actions, when a *shared mobility device* in its *fleet* enters or leaves an area.

Motorized scooter has the same meaning as in *Vehicle Code* section 407.5.

Motorized bicycle has the same meaning as in *Vehicle Code* section 406.

Operator means a *person* who manages, owns, or operates a *shared mobility device* business.

Permit means a permit issued to an *operator* under this Division.

Shared mobility device means any *motorized scooter*, *electric bicycle*, or *motorized bicycle* by which a natural person can be propelled or moved, that is displayed, offered, or made available for rent to the public.

(“Definitions” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0303 Other Laws Applicable to Operators

Operators are subject to all applicable laws, rules, and regulations, including those in the San Diego Municipal Code and the *Vehicle Code*, pertaining to the operation and safety standards of the *shared mobility devices* in their *fleet*.

(“*Other Laws Applicable to Operators*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0304 Permit Required

It is unlawful for any *person* to own or operate a *shared mobility device* business without a *permit* unless otherwise authorized by the City.

(“*Permit Required*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0305 Application for Permit

- (a) The City Manager shall issue *permits* in January and July of each year. The City Manager will not accept *permit* applications during any other month.
- (b) An *operator* shall submit a *permit* application containing, at a minimum, the following:
 - (1) the *operator’s* name and business address, and the name of the natural person or natural persons who will serve as a local point of contact for the *operator* for retrieval of any *shared mobility device* as required by this Division;
 - (2) the number and type of all *shared mobility devices* in the *operator’s fleet*;
 - (3) proof of a valid Business Tax Certificate issued in accordance with Chapter 3, Article 1 of this Code;
 - (4) proof of insurance naming the City of San Diego as an additional insured in the form and amounts established by the City Manager;
 - (5) certification that the *shared mobility devices* in the *operator’s fleet* comply with applicable federal and state laws with respect to their design and operation and that the *shared mobility devices* are maintained in good working order consistent with industry standards;
 - (6) proof that the *shared mobility devices* in the *operator’s fleet* are labeled in accordance with section 83.0306 and as required in the *permit*;

- (7) proof that the *operator's* user interface provides accurate information about *Vehicle Code* requirements, including state licensing requirements, applicable to the operation of a *shared mobility device* and that the *operator* will not accept the license of a person under the *operator's* adopted age requirements as valid identification to operate a *shared mobility device*;
 - (8) proof that the *operator* has established an application program interface or other automated mechanism that allows the *operator* to share and integrate its data as required in this Division;
 - (9) data collected by the *operator* during the calendar month immediately prior to the *operator's* application for all *shared mobility devices* in the *operator's fleet*, as required by this Division and as further described in the application documents prepared by the City Manager;
 - (10) a performance bond or similar security, acceptable to the City Manager, based on the number of *shared mobility devices* in the *operator's fleet* and guaranteeing that the *operator* will remove all its *shared mobility devices* from the City if the *operator's permit* is terminated or expires, in an amount that the City Manager determines is sufficient to cover the cost for the City to collect and dispose of the *operator's fleet*; and
 - (11) any other information required by the City Manager, as permitted by law.
- (c) With its *permit* application, an *operator* may request a temporary increase in *fleet* size for up to 10 days each calendar year as specified in the *permit*, by adding *shared mobility devices* that total not more than 20 percent of the *operator's permitted fleet*. The *operator* shall pay an additional non-refundable fee for each additional *shared mobility device* temporarily added to its *fleet*, in accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk.
- (d) The City Manager may make other rules and regulations reasonably necessary to implement this Division.

(“*Application for Permit*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0306 Terms and Issuance of Permits

- (a) Each *permit* shall contain the following:
 - (1) the types of *shared mobility devices* the *operator* is authorized to deploy;
 - (2) the number of each type of *shared mobility device* permitted in the *operator's fleet*, including any temporary increase in the *fleet* permitted in accordance with section 83.0305(c);
 - (3) locations identified in this Division and any additional locations identified by the City Manager where an *operator* shall reduce the speed of the *operator's shared mobility devices* through *geofencing* or similar technology;
 - (4) locations identified in this Division and any additional locations identified by the City Manager where an *operator* shall use *geofencing* or similar technology to prevent any *shared mobility device* from being locked or parked or ending a ride;
 - (5) the *operator's* agreement to share specified data with the City, the San Diego Association of Governments, and any third-party contractor of the City through an application program interface or similar technology;
 - (6) the *operator's* agreement to indemnify, defend, and hold the City harmless from claims and damages arising out of or related to the *operator's* activities under the *permit* or the operation of its business in the City; and.
 - (7) specifications on the labelling of each *electric scooter* or *motorized scooter* in the *operator's fleet*, including labelling on each *electric scooter* and *motorized scooter* that is clearly visible and in at least 40-point font, stating "Riding on Sidewalks is Prohibited" and any minimum age requirements adopted by the *operator*.
- (b) The City Manager shall issue a *permit* upon the *operator's* payment of fees required in this Division and the City Manager's determination that the *operator's permit* application is complete, accurate, and in compliance with this Division.

- (c) *Permits* shall be effective upon signature by the *operator*. *Permits* shall expire on the first occurring July 31st following the January date of issuance or the first occurring January 31st following the July date of issuance and are not transferable.
- (d) The City Manager may adopt a process to renew *permits* for *operators* who are in compliance with this Division and the terms of their current *permit*. Renewal *permits* shall be subject to additional terms and conditions consistent with this Division, including any increase in adopted *permit* fees.

(“*Terms and Issuance of Permits*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0307 Permit Fees

- (a) *Operators* shall bear the cost of reviewing and processing applications for *permits* and of *permit* administration and enforcement. All *permit* applications shall be accompanied by a non-refundable application fee in accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk, which will cover the cost of processing the *permit* application and administration and enforcement of the *permit*.
- (b) *Operators* shall include a non-refundable fee for each *shared mobility device* in the *operator’s fleet* for use of City property (hereafter, per-device fee), in accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk.
 - (1) If the *operator* adopts a program, acceptable to the City Manager, to provide increased ridership opportunities to low income individuals, the City Manager will charge a reduced per-device fee in accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk. Acceptable programs include discounts, equitable distribution, or methods to unlock *shared mobility devices* without a credit card or handheld mobile device.
 - (2) To qualify for the reduced per-device fee, the *operator* shall provide evidence of its program to the City Manager with its *permit* application.

(“*Permit Fees*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0308 Geofencing Speed and Operating Restrictions

- (a) Through *geofencing* or similar technology, an *operator* shall reduce the speed of any *motorized scooters* and *motorized bicycles* in the *operator's fleet* to eight miles per hour or less at the following locations:
 - (1) on the public walkways within Balboa Park;
 - (2) on the public walkways within Liberty Station NTC Park; and
 - (3) on the public walkways within Spanish Landing Park and Trail.
- (b) Through *geofencing* or similar technology, an *operator* shall prevent any *motorized scooters* and *motorized bicycles* in the *operator's fleet* from being locked, parked, or ending a ride, and shall reduce the speed of its *motorized scooters* and *motorized bicycles* to eight miles per hour on the public right-of-way within the Petco Ballpark Zone, as defined in Chapter 8, Article 3, Division 1 of this Code.
- (c) To effectuate the ban on the operation of *motorized transportation devices* on the City's boardwalks and baywalks pursuant to Municipal Code section 84.18, an *operator* shall, through *geofencing* or similar technology, prevent any *motorized scooters* and *motorized bicycles* in the *operator's fleet* from being locked, parked, or ending a ride, and shall reduce the speed of any *motorized scooters* and *motorized bicycles* in its *fleet* to a maximum of three miles per hour at the following locations:
 - (1) *Martin Luther King Promenade*, as defined in Chapter 8, Article 3, Division 1 of this Code;
 - (2) North and South Embarcadero pedestrian walk;
 - (3) The pedestrian area on West Date Street east of India Street and west of Columbia Street, known as the Piazza della Famiglia;
 - (4) on the public walkway on Ocean Front Walk in Mission Beach, beginning at the South Mission Beach Jetty northward to the terminus of the public walkway at Ocean Boulevard at Law Street in Pacific Beach;
 - (5) on the public walkway on the west side of Mission Bay Park from San Diego Place (adjacent to the South Mission Beach Jetty) to Corona Oriente Road (terminus of Crown Point Park), known as Bayside Walk;

- (6) on the public walkway on the east side of Mission Bay Park from De Anza Road southward to the South Shores Boat Launch and Park; and
- (7) on the boardwalk from Avenida De La Playa (adjacent to La Jolla Shores) north to the terminus of La Jolla Shores Park at its northeast corner.
- (d) The City Manager may adopt additional locations subject to *geofencing* or similar technology consistent with section 83.0308(a), section 83.0308(b), or section 83.0308(c).
- (e) The City Manager may require *operators*, through *geofencing* or similar technology, to temporarily lock down and prevent the operation of *shared mobility devices* in a specific area during an emergency situation or within the perimeter of a permitted *Special Event*, as defined in Chapter 2, Article 2, Division 40 of this Code, when necessary to maintain public health and safety.
- (f) When a rider operates a *shared mobility device* in the *operator's fleet* within a location subject to *geofencing*, the *operator* shall notify the rider of the reduced speed limit and any other applicable conditions of this section.

(“*Geofencing Speed and Operating Restrictions*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)
(Amended 1-30-2020 by O-21170 N.S.; effective 2-29-2020.)

§ 83.0309 Data Sharing

- (a) *Operators* shall provide anonymized data in the General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) formats to the City Manager, the San Diego Association of Governments, and any authorized third-party contractor of the City through an application program interface made available to the City.
- (b) The City Manager may adopt additional data sharing requirements that provide the City, the San Diego Association of Governments, and any authorized third-party contractor of the City with real-time and collected *shared mobility device* data available through the *operator's* application program interface. The City Manager may require *operators* to distribute surveys to their users.
- (c) Operators shall anonymize all data shared with the City, the San Diego Association of Governments, or any authorized third-party contractor of the City.

- (d) *Operators* shall comply with applicable federal, state, and local data privacy laws to protect the privacy of any personal information they receive.
(“Data Sharing” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0310 Staging of Shared Mobility Devices

- (a) *Shared mobility devices* shall not be parked, displayed, offered, or made available for rent:
 - (1) in violation of this Division or the *Vehicle Code*;
 - (2) within 40 feet of another *shared mobility device* on a City sidewalk or other City property located in the beach impact area in the Parking Impact Overlay Zone as defined in Chapter 13, Article 2, Division 8 of this Code, except in groups of up to four where the *shared mobility devices* are spaced no more than one foot apart. This section 83.0310(a)(2) does not prohibit *shared mobility devices* from being placed in any location designated by the City for *shared mobility devices*;
 - (3) on a City sidewalk located in the Downtown Community Plan area as defined in Chapter 15, Article 6, Division 3 of this Code. This section 83.0310(a)(3) does not prohibit *shared mobility devices* from being placed in any location designated by the City for *shared mobility devices*;
 - (4) on City sidewalks or other City property on the block adjacent to a location designated by the City for *shared mobility devices*;
 - (5) in Disabled Persons Parking Zones;
 - (6) within 500 feet of a hospital;
 - (7) within 500 feet of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. “School” for purposes of this Division does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university; or
 - (8) within six feet in any direction of any sign marking a designated bus stop or trolley stop or within six feet in any direction of any transit shelter, bench, or information kiosk associated with the bus stop or trolley stop.

- (b) Every *operator* is subject to all applicable parking provisions of the *Vehicle Code* and the San Diego Municipal Code.

(“*Staging of Shared Mobility Devices*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0311 Retrieval and Impoundment of Shared Mobility Devices

- (a) Within three hours of notice from the City, an *operator* shall retrieve its *shared mobility device* that is in any of the following conditions:
 - (1) inoperable or not safe to operate and parked on a City street, sidewalk, or other City property;
 - (2) parked, displayed, offered, or made available for rent in violation of this Division or the *Vehicle Code*; or
 - (3) parked on a City street, sidewalk, or other City property in a manner that prevents a reasonable person from safely renting or operating the *shared mobility device*.
- (b) The City may impound a *shared mobility device* that is:
 - (1) not retrieved within three hours of notice to the *operator*; or
 - (2) in a condition or parked in manner that poses an *imminent life safety hazard*, as defined in Chapter 1 of this Code. Impound may be immediate and no notice is required.
- (c) *Operators* shall bear the cost of the City’s enforcement, investigation, storage, and impound through fees charged on any impounded *shared mobility device*, in accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk.
- (d) No *operator* may retrieve an impounded *shared mobility device* without first demonstrating proof of ownership and payment of the applicable impound fees.

(*Retrieval and Impoundment of Shared Mobility Devices*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0312 Revocation of Permit

In addition to the remedies provided in Chapter 1 of this Code, the City Manager may revoke an *operator's permit* if the *operator* violates any provision of this Division or the terms of the *permit*. If the City revokes an *operator's permit*, the *operator* shall wait at least six months from the date the *permit* was revoked before applying for a *permit* pursuant to section 83.0305.

(“Revocation of Permit” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

§ 83.0313 Removal of Fleet Upon Permit Termination or Expiration

Within ten business days of the termination or expiration of an *operator's permit*, the *operator* shall remove its *fleet* from operation within the City and shall retrieve any *shared mobility devices* impounded by the City. If the *operator* fails to remove or retrieve any of its *shared mobility devices*, the City may remove and dispose of the *shared mobility devices* at the *operator's* cost.

(“Removal of Fleet Upon Permit Termination or Expiration” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)