

## **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 enacts this Division to establish a process for allowing *providers* to rent *shared mobility devices* for public use in the City of San Diego. The City Council finds that authorizing City streets for this purpose furthers its goal of encouraging alternative methods of transportation while protecting public health and safety and maintaining accessibility under local, state and federal laws, including, but not limited to, the Americans with Disabilities Act.

*(“Purpose and Intent” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)  
(Amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)*

#### **§ 83.0302 Definitions**

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

*Corral* means an area designated for staging or parking *shared mobility devices* that is created either by a virtual geographic boundary, or by physical striping, marking or signage.

*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 *provider*.

*Fleet Management* means field responsibilities by the *providers* that include *fleet* deployment, sanitization, rebalancing and general care of the *shared mobility devices*.

*Geofencing* means the creation of a virtual geographic boundary, defined by Global Positioning System (GPS), radio-frequency identification (RFID), or other technology, that enables a *provider* 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.

*Shared mobility device* means an electrically motorized board as defined in Section 313.5 of the *Vehicle Code*, motorized scooter as defined in Section 407.5 of the *Vehicle Code*, electric bicycle as defined in Section 312.5 of the *Vehicle Code*, bicycle as defined in Section 231 of the *Vehicle Code*, motorized bicycle as defined in Section 406 of the *Vehicle Code*, or other similar personal transportation device, except as provided in subdivision (b) of Section 415 of the *Vehicle Code*, that is made available to the public by a *shared mobility service provider* for shared use and transportation in exchange for financial compensation via a digital application or other electronic or digital platform.

*Shared mobility device provider or provider* means a person or entity that offers, makes available, or provides a *shared mobility device* in exchange for financial compensation or membership via a digital application or other electronic or digital platform.

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

(Amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

### **§ 83.0303 Other Laws Applicable to Providers**

*Providers* 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.)

(Retitled from “*Other Laws Applicable to Operators*” to “*Other Laws Applicable to Providers*” and amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

### **§ 83.0304 Contract Required**

It is unlawful for any *person* to own or operate a *shared mobility device* business without a written contract with the City to do so.

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

(Retitled from “*Permit Required*” to “*Contract Required*” and amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

### **§ 83.0305 Provider Requirements**

- (a) The City may contract with *providers* to operate *shared mobility devices* within the City in exchange for payment of fees and costs as determined in the contract. The City reserves the right to adjust the number of *shared mobility devices* deployed in the City by a *provider* when state or local regulation dictate or the City’s needs and demands are determined for specific devices (e.g. cargo bikes, adaptive scooters, etc.).

(b) A *provider* shall:

- (1) provide to the City the *provider'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 *provider* for retrieval of any *shared mobility device* as required by this Division;
- (2) identify in writing the quantity and type of all *shared mobility devices* in the *provider's fleet*;
- (3) provide to the City proof of a valid Business Tax Certificate issued in accordance with Chapter 3, Article 1 of this Code;
- (4) provide to the City proof of insurance naming the City of San Diego as an additional insured in the form and amounts established by the City Manager and consistent with California Civil Code section 2505(b);
- (5) ensure that the *shared mobility devices* in the *provider'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) label each electric scooter or *motorized scooter* in the *provider's fleet* with a statement that is clearly visible and in at least 40-point font that reads “Riding and parking on sidewalks is prohibited. One person allowed per device.”
- (7) label each electric scooter or *motorized scooter* in the *provider's fleet* to state any minimum age requirements adopted by the *provider*, and to display a device identification number on both sides of the device's stem that is four to six digits in length in at least 88-point font.
- (8) ensure that the *provider'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 *provider* will not accept the license of a person under the *provider's* adopted age requirements as valid identification to operate a *shared mobility device*;
- (9) employ a user interface that requires users to upload a valid driver's license at least every three months to demonstrate compliance with applicable state laws as well as the *provider's* adopted age requirements for operating a *shared mobility device*;

- (10) employ a user interface that prevents the simultaneous operation of more than one *shared mobility device* per valid user identification;
  - (11) establish an application program interface or other automated mechanism that allows the *provider* to share and integrate its data as required in this Division;
  - (12) collect data during their operations within the City for all *shared mobility devices* in the *provider's fleet*, as required by this Division and as further described in the contract documents prepared by the City Manager;
  - (13) submit a performance bond or similar security, acceptable to the City Manager, based on the number of *shared mobility devices* in the *provider's fleet* and guaranteeing that the *provider* will remove all its *shared mobility devices* from the City if the *provider's* contract 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 *provider's fleet*;
  - (14) share specified data as described in the contract 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;
  - (15) indemnify, defend, and hold the City harmless from claims and damages arising out of or related to the *provider's* activities under the contract or the operation of its business in the City;
  - (16) notify users on its user platform and website of the information required by section 83.0305(b)(6);
  - (17) utilize in-application enforcement measures to identify negative *shared mobility device* user behavior patterns and hold users accountable for such behavior through a system of fines and termination of user privileges; and
  - (18) submit any other information required by the City Manager, as permitted by law.
- (c) 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.)  
(Retitled from “*Application for Permit*” to “*Provider Requirements*” and amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

## **§ 83.0306 Terms and Issuance of Contracts**

- (a) The contract shall obligate *providers* to:
- (1) identify the types of *shared mobility devices* the *provider* is authorized to deploy;
  - (2) identify the quantity of each type of *shared mobility device* permitted in the *provider's fleet*.

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

(Retitled from “*Terms and Issuance of Permits*” to “*Terms and Issuance of Contracts*” and amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

## **§ 83.0307 Provider Fees**

*Providers* selected to enter into a contract with the City must pay an Annual Operator Fee in full to the City at the time of execution of the contract. If a contract allows for additional yearly terms, then the Annual Operator Fee must be paid in full 30 days prior to the start of the next additional yearly term. Additionally, the City will invoice *providers* for a daily Device Fee, for each *shared mobility device* deployed, as well as a per device Climate Equity Fee. The City will invoice *providers* for these fees monthly and *providers* must pay these fees within 30 days of issuance of the invoice. (“*Permit Fees*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)

(Retitled from “*Permit Fees*” to “*Provider Fees*” and amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

## **§ 83.0308 Geofencing Speed and Operating Restrictions**

- (a) Through *geofencing* or similar technology, a *provider* shall reduce the speed of any *motorized scooters* and *motorized bicycles* in the *provider'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, a *provider* shall prevent any *motorized scooters* and *motorized bicycles* in the *provider'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 section 84.18, a *provider* shall, through *geofencing* or similar technology, prevent any *motorized scooters* and *motorized bicycles* in the *provider'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;
  - (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.
  - (8) on the public walkway on the westerly and northerly side of Ellen Browning Scripps Park, from Ocean Street to Coast Boulevard; and
  - (9) the pedestrian area adjacent to the Children's Pool in La Jolla, known as the Children's Pool Plaza.

- (d) Through *geofencing* or similar technology, a *provider* shall prevent any *motorized scooters* and *motorized bicycles* in the *provider's fleet* from being operated, locked, parked, or ending a ride on a City sidewalk, except for shared use bikes or e-bikes that can lock to existing City bike racks. *Providers* shall reduce the speed of any *motorized scooters* and *motorized bicycles* in its *fleet* to three miles per hour on all City sidewalks, once such technology is commercially available and has been demonstrated by a *provider* that it can be implemented safely and effectively across its entire *fleet*. This speed reduction is intended to effectuate the prohibition of operating *shared mobility devices* on the sidewalks.
  - (e) 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).
  - (f) The City Manager may require *providers* to temporarily lock down and prevent the operation of *shared mobility devices* in a specific area using *geofencing* or similar technology 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.
  - (g) When a rider operates a *shared mobility device* in the *provider's fleet* within a location subject to *geofencing*, the *provider* shall notify the rider of the reduced speed limit and any other applicable conditions of this section.
  - (h) In instances where a *geofencing* zone overlays a Class IV protected bike lane or a Class II bike lane as defined in Section 890.4 of the California Street and Highways Code, the City Manager may exempt the protected bike lane from *geofencing* speed restrictions.
  - (i) *Providers* shall prevent *shared mobility devices* from being reserved or otherwise activated for rider use between the hours of 12:00 a.m. and 2:30 a.m.
- (“*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.)  
(Amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

**§ 83.0309 Data Sharing**

- (a) *Providers* shall provide anonymized trip and device status data in the most current released version of the General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) formats through an Application Program Interface (API) made available to the City Manager, the San Diego Association of Governments, and the authorized third-party data aggregator contractor of the City.
- (b) *Providers* shall provide anonymized historical trip data via MDS format using the provider API. *Providers* shall provide real-time device or historical device status only via GBFS API or MDS using the provider API.
- (c) *Providers* shall anonymize all data shared with the City, the San Diego Association of Governments, or any authorized third-party contractor of the City.
- (d) *Providers* shall comply with all applicable federal, state, and local data privacy laws.

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

(Amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

**§ 83.0310 Staging of Shared Mobility Devices**

- (a) *Shared mobility devices* shall not be parked, staged, offered, or made available for rent by a *provider*:
  - (1) in violation of this Division or the *Vehicle Code*;
  - (2) in quantities greater than four *shared mobility devices*, per *provider*, per on-street *corral*;
  - (3) outside of a *corral*, except for shared use bikes or e-bikes that can lock to existing City bike racks;
  - (4) on City sidewalks;
  - (5) in Disabled Persons Parking Zones;
  - (6) 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, within a bus stop pad, or where any *shared mobility device* deployment may impact a bus stopping, on-boarding, or off-boarding;

- (7) within the locations identified in Section 83.0308(c);
  - (8) in a manner that blocks the flow of storm water to a drain or damages landscaping.
- (b) Every *provider* is subject to all applicable parking provisions of the *Vehicle Code* and the San Diego Municipal Code.
- (c) *Providers* that park, stage, offer or make available for rent *shared mobility devices* shall place their *shared mobility devices* in such a way that maintains a clear and continuous 48-inch wide pedestrian path of travel. The clear path of travel must not be impeded by any part of a *shared mobility device*, including any handle bars, wheels, and kickstand. *Providers* shall ensure that their placement of *shared mobility devices* complies with all federal, state and local laws related to disability access, including but not limited to the Americans with Disabilities Act.
- (“*Staging of Shared Mobility Devices*” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)
- (Amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)

## **§ 83.0311 Retrieval and Impoundment of Shared Mobility Devices**

- (a) Within one hour of notice from the City, a *provider* 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) Only the City and its authorized agents may impound a *shared mobility device* located on City right-of-way. In such circumstances, the City or its authorized agent may impound a *shared mobility device* that is:
  - (1) not retrieved within one hour of notice to the *provider* pursuant to section 83.0311(a); or

- (2) in a condition or parked in manner that, in the City's opinion, poses an *imminent life safety hazard*, meaning any condition which creates a present, extreme, and immediate danger to life, property, health or public safety, as defined in Chapter 1 of this Code. *Shared mobility devices* that are blocking an accessible path of travel or ramp, vehicular travel lane, or transit travel lane in the City right-of-way may be an *imminent life safety hazard*. Impound of a *shared mobility device* that poses an *imminent life safety hazard* may be immediate and notice shall not be required.
  - (3) non-operational and is left in the City right-of-way for more than 24 hours.
- (c) *Providers* 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 a fee schedule established by resolution of the City Council and filed in the Office of the City Clerk.
- (d) *Providers* are required to retrieve any *shared mobility device* impounded by the City or its authorized agent within 10 days of the impound. No *provider* may retrieve an impounded *shared mobility device* without first demonstrating proof of ownership and payment of the applicable impound fees. Acceptable forms of proof of ownership are:
- (1) Written authorization on the *provider*'s letterhead signed by an authorized representative of the *provider*, which allows release of the *shared mobility device* to the named agent or employee bearing the authorization; or
  - (2) A bill of sale that includes the *shared mobility device*'s serial number or other information specific to that *shared mobility device*.
- (Retrieval and Impoundment of Shared Mobility Devices" added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)*  
*(Amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)*

**§ 83.0312      Unauthorized Impounding of Shared Mobility Devices**

- (a) It is unlawful for any person or business who is not a member of law enforcement, a City employee, or a City-contracted enforcement agent to impound a *shared mobility device* that is parked, standing, or otherwise placed in the public right-of-way or on City-owned property.
- (b) Any impounding of shared mobility devices from private property is governed by the Vehicle Code.

*(“Unauthorized Impounding of Shared Mobility Devices” added 6-27-2022 by O-21467 N.S.; effective 7-27-2022. Former Section 83.0312 “Revocation of Permit” renumbered to Section 83.0313 and retitled to “Penalties and Violations.”)*

**§ 83.0313      Penalties and Violations**

In addition to the remedies provided in Chapter 1 of this Code, the City Manager may, in accordance with a fee schedule established by resolution of the City Council and filed in the Office of the City Clerk, assess monetary penalties against any *provider* who, after receiving notice from the City, violates sections 83.0308 or 83.0310.

*(“Revocation of Permit” added 5-17-2019 by O-21070 N.S.; effective 6-16-2019.)  
(“Revocation of Permit” renumbered from former Section 83.0312 to Section 83.0313, retitled to “Penalties and Violations” and amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)*

**§ 83.0314      Removal of Fleet Upon Contract Termination or Expiration**

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

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

*(“Removal of Fleet Upon Permit Termination or Expiration” renumbered from former Section 83.0313 to Section 83.0314, retitled to “Removal of Fleet Upon Contract Termination or Expiration,” and amended 6-27-2022 by O-21467 N.S.; effective 7-27-2022.)*