



CITY OF POMONA COUNCIL REPORT

May 6, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Rene Guerrero, Interim Public Works Director

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 4259
AMENDING CHAPTER 30 OF THE POMONA CITY CODE
PROHIBITING SHARED DOCKLESS MICRO-MOBILITY DEVICE
BUSINESSES**

RECOMMENDATION: It is recommended that the City Council adopt, at second reading, Ordinance No. 4259 (Attachment No. 1) adding Article XIII to Chapter 30, titled “Shared Dockless Micro-Mobility Device Businesses; e-Scooters and e-Bicycles” in the City of Pomona Municipal Code to prohibit shared dockless micro-mobility devices from being offered, placed or operated on any public property or right-of-way.

PREVIOUS COUNCIL ACTION: On April 15, 2019, the City Council introduced the first reading of Ordinance No. 4259 amending Chapter 30 of the Pomona City Code prohibiting shared dockless micro-mobility device businesses in the City.

EXECUTIVE SUMMARY: Ordinance No. 4259 will prohibit shared dockless micro-mobility device businesses in the City. At present, the business of renting dockless e-scooters/e-bicycles is not a specified permitted use within the City. The City currently does not allow businesses to operate in the public right-of-way without proper permitting or licensing. The City Council may expressly prohibit these businesses unless and until regulations are enacted, so the businesses function compatibly with the public rights-of-way on which they operate.

DISCUSSION: On November 27, 2018, Bird Rides, Inc. (“Bird”) delivered several e-scooters on public sidewalks around the City. Bird notified the City that morning via an email that it would be seeking a business license but did not provide any warning of the deployment. After the denial of its business license, Bird removed its e-scooters from the City in mid-December. Due to the media coverage regarding the appearance and subsequent removal of Bird scooters in the City, Staff has received multiple inquiries from other shared mobility device vendors expressing interest in offering similar services within the City.

Recently, many cities in California have seen private companies introduce “shared dockless micro-mobility devices,” including e-scooters and e-bicycles, on their sidewalks and streets. Often, these businesses will unexpectedly place many e-scooters or e-bicycles on public rights-of-way overnight. These businesses are similar to bike-share programs in that they allow

individual users to access and rent a shared pool of electric-powered scooters and bicycles, often through a smart-phone app or other self-service method. Examples of shared dockless micro-mobility device businesses include Bird, Lime, Spin, Razor, Scoot, and Skip.

The California Vehicle Code (CVC) currently regulates the use of motorized scooters and allows their use on certain bike paths and streets. State law prohibits the use of motorized scooters on sidewalks and prohibits leaving motorized scooters lying on their side on the sidewalk. However, the disorderly storage or end-of-ride abandonment of shared mobility devices within the public right-of-way path of travel has resulted in Americans with Disabilities Act (ADA) class action lawsuits being filed against operators in multiple cities within the State.

State law authorizes local jurisdictions to adopt regulations to manage the registration of motorized scooters, and their operation and parking on local streets or pedestrian paths, as long as those regulations do not conflict with state law (CVC §21225). Local jurisdictions may also prohibit the operation of motorized scooters on paths, trails, and bikeways (CVC §21230).

The use of motorized scooters through a share program appears to be growing as companies expand the areas where the scooters are made available in the public right-of-way. Mobile apps allow registered users to rent motorized scooters from virtually anywhere they find them and allows them to leave them anywhere when they are done. The businesses have no fixed or permanent pick-up or storing location, such as a store or docking station. The e-scooters are “dockless,” meaning that they are deployed in local jurisdictions without providing any designated physical platform, charging station, or other parking area. Some operators advertise that individuals can be paid to pick up scooters on behalf of the company, charge them at home, and then re-deploy them the next day. In some cities, businesses have conducted overnight launches by dropping the devices throughout an area without seeking permits, business licenses, or regulation, as was the case in the City of Pomona.

The unregulated and sudden introduction of shared dockless micro-mobility device programs comes with significant safety concerns that have already been seen in other cities. Motorized scooters can cause safety hazards in the public right-of-way, particularly in large and unregulated numbers, because they can travel up to 15 mph, increasing risk of collision and injury to riders, pedestrians, and other vehicles. Scooters are also often left parked or unattended on streets, sidewalks and other public locations like parks due to the convenience of leaving them anywhere that a customer’s trip ends. This convenience to users, however, results in the often haphazard placement of the devices on sidewalks, streets, and private property where they can become trip hazards, and block pedestrian and wheelchair access. This can lead to an increased risk of injury to persons and property, and constitutes a nuisance on streets and sidewalks, particularly when shared dockless micro-mobility device programs are implemented without regulation or notification to users about proper use, parking, and state law restrictions. Regulation of shared dockless micro-mobility device programs will help deter the proliferation of unsafe motorized scooters and bicycles use within the City.

In order to avoid the immediate and significant impact of unregulated scooter share programs operating in the City, Ordinance No. 4259 will prohibit operation of shared dockless micro-mobility device businesses in the City, unless and until authorized and permitted by future action of the City Council. The Ordinance is intended to preempt potential illegal sidewalk riding and scattering of motorized scooters across the City, by preventing the adverse impacts of

unregulated shared dockless micro-mobility device businesses while the City considers appropriate regulations. The Ordinance also allows for the removal and impounding of devices that are illegally parked or are causing a nuisance such as hindering the free passage of pedestrians and wheelchairs on sidewalks. Importantly, the Ordinance does not affect personal ownership of motorized scooters, whose use can continue in accordance with existing laws.

This approach would allow the City to evaluate how other jurisdictions are regulating e-scooters and e-bicycles and what has worked in those jurisdictions.

Prepared by:

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ATTACHMENT(S)

Attachment No. 1 – Ordinance No. 4259