

Communication from Public

Name: Mark Steinberg
Date Submitted: 07/22/2019 02:24 PM
Council File No: 17-1125
Comments for Public Posting: Please ignore an earlier Comment that I posted to this file, and treat the attached pdf as my submission. I apologize for any confusion or inconvenience I may have caused..

To: The Honorable Members of the Los Angeles City Council
From: Mark Steinberg (resident of Council District 4)
Re: Council File 17-1125, the Dockless Bike Share Systems/ Pilot Program,

Although I am aware that the Council took action on this matter in June, I feel obliged to submit these comments to underscore the urgent need for meaningful enforcement of the “Rules and Guidelines” section of the LADOT publication that governs the program, “Dockless On-Demand Personal Mobility One-Year Permit.”

<http://basic.cityofla.acsitefactory.com/sites/g/files/wph266/f/Final%20One-Year%20Dockless%20Permit.pdf>

Over the past several months I’ve spent significant time driving and walking through Council District 4 and adjacent Council Districts. In the course of these excursions, I’ve seen or experienced violations of the entire spectrum of prohibitions set out in the Rules and Guidelines Specifically:

1. Scooters* ridden on sidewalks;
2. Scooters ridden by two persons;
3. Scooters ridden by clearly underage operators;
4. Scooters ridden, both on sidewalks and streets, by riders wearing earphones;
5. Scooters ridden on a sidewalk with a dog leashed to the user;
6. Accidents, both injury and non-injury, involving scooters;
7. Scooters parked illegally:
 - a. in front of driveways, crosswalks, and transit stops;
 - b. near fire hydrants;
 - c. next to "color curbs," such as “no parking,” loading, and accessible parking zones;
 - d. on landscaped areas or grass;
 - e. in front of driveways, crosswalks, and transit stops; and
 - f. on private or public property (my spouse encountered a scooter abandoned halfway up a dirt trail to the Griffith Park Observatory).
8. Scooters destroyed or dismantled, with parts strewn on streets, sidewalks, and private property.

Perhaps most disturbingly, I have seen employees of the Operators unload and arrange scooters at red (“No Parking”) and other colored curbs.

The Rules and Guidelines place the lion’s share of enforcement responsibility on the Operators. Unfortunately, these responsibilities are in direct conflict with the goal of most entrepreneurs: to generate and maximize profits. As regulations, by definition, inhibit profit maximization, it’s hardly surprising that only a few months into the Pilot Program, the providers have failed repeatedly to meet their obligations.

<https://la.curbed.com/2019/6/14/1867904/los-angeles-scooters-rules-pilot>

While there are non-conflicted entities, such as the LAPD, that have been delegated the power to enforce certain of the key Rules and Guidelines, such as the prohibition on riding on sidewalks, my impression, like that of many others with whom I’ve spoken, is that the LAPD seldom exercises that power.

As I’ve noted, in the course of my neighborhood driving/walking trips I’ve seen scores of illegally parked and illegally operated scooters. Though on several occasions LAPD officers witnessed the violations, none made an effort to address them. On Hollywood Boulevard, the situation was simply absurd. Scooters sped down sidewalks within a few feet of an LAPD car, sometimes stopping to take pictures of a star imbedded in the Walk of Fame. On another occasion, I came upon three scooters leaning against a red curb, beside which a Parking Enforcement officer was ticketing an illegally parked car. When I asked the officer if he intended to ticket the scooters, he said only the LAPD had that authority.

It’s difficult to pin down the reason for the LAPD’s apparent inaction. It might be that the Department is failing to inform its officers of their responsibility to enforce the Rules and Guidelines. Alternatively, it may be that LAPD officers are aware of the laws but have relegated their enforcement to the bottom of their priority lists. If so, it would be a logical decision. Not only does pursuing a sidewalk-riding scooter scofflaw involve sometimes dangerous weaving through pedestrian traffic, it also consumes time disproportionate to its value in dollars or deterrence. The

number of trips taken on these vehicles runs in the millions, as evidenced by the fact that 1.9 million rides were taken during the limited six month test period that preceded the Council's approval of the pilot program. Such overwhelming numbers render a citation a molecule in an ocean

The question, then, resolves to whether I correctly perceive that the Dockless Mobility Program is ineffectively regulated, enforced or, perhaps, misconceived, or whether it is serving a purpose that outweighs its deficiencies. In other words, has the City instituted a program that trades safety and municipal esthetics for convenience and motorized litter?

If the Council chooses to address these questions, I suggest it needs more than occasional reports from the LADOT. Rather, it needs detailed information about what is (or isn't) happening on the ground, as well as a tool for taking the public's temperature on the use and ubiquity of these devices. To that end, I propose that the Council consider an order to the following effect:

1. Directing all firms and individuals holding permits to operate Dockless Mobility Vehicles in the City of Los Angeles to provide:

- a. Documents and records that specify the location of the Operators' operations centers and the number of employees at the operations centers who are assigned to work in the City of Los Angeles;
- b. A description of the operators' practices in enforcing the Rules and Guidelines;
- c. All documents summarizing or reporting the average number of personnel assigned to enforcing the Rules and Guidelines on each day over the period [insert dates], specifying as to each such individual whether he or she was assigned to enforcement duties in the streets or in the Operations Center;
- d. All documents reporting, summarizing or recording, for the period [insert dates], the results of the enforcement activities referenced in 1.c., above, including logs of "live" conversations in the streets, telephone conversations, emails, and text messages received at the telephone numbers imprinted on their devices;
- e. All documents recording the results of their enforcement practices, including records of the number of vehicle riders who have been banned from using the devices and the reason for the banishment;
- f. All documents reporting or reflecting the improper operation of devices by users, including their use on sidewalks and other pedestrian thoroughfares, and the responses to such events;
- g. All documents reporting or reflecting the operation of devices by underage users;
- h. All documents reporting or reflecting the operation of devices with two passengers;
- i. All documents recording or reflecting the operation of devices by users wearing earphones or other items that interfere with the safe operation of the devices.

2. Directing the LAPD, LADOT, LAFD, Parking Enforcement, all Traffic Divisions, and the Bureau of Sanitation, to provide the following information:

- a. All documents reporting the number and subject matter of citations or tickets issued for violation of the Rules and Guidelines, including but not limited to the operation of vehicles on sidewalks and the illegal parking of vehicles;
- b. All records, including all electronic recordings, received by the City's 311 line concerning violation of the Rule and Guidelines;
- c. The number of users personally warned (as distinct from warnings attached to the vehicles) or banned from use of vehicles for violation of any of the Rule and Guidelines;
- d. The number of reported accidents or other incidents involving a scooter or vehicle, as defined, including any reports by public or private health facilities, resulting in human injury or property damage.
- e. All documents reporting or reflecting the number of citations or other enforcement actions taken in response to calls to the City's 311 line;
- f. All documents or electronic recordings that report or reflect the number of citations or enforcement actions initiated by any source other than the City's 311 line, identified by source;
- g. All documents, records, whether in paper or electronic form, that detail or explain any training given to personnel of any of the entities enumerated above, the provisions of the Dockless Mobility Program, including but not limited to the Rules and Guidelines;

h. All notes, reports and any other records, whether written or electronic, of citizen comments concerning the Dockless Mobility Program, including the enforcement of its Rules and Guidelines.

3. Directing the LADOT to commission a poll by an independent research organization for the purpose of determining the public's opinions regarding the Dockless Mobility Program. A partial list of the relevant questions might include the need for such a Program; its likely or actual effectiveness; its impact upon individuals and the physical City; the age, gender, geographic home and [if appropriate] ethnicity of the actual or likely users; and any experiences a subject of the poll has had with the devices.

You will be pleased, perhaps shocked, to learn that you have come to the end of my comment, and I apologize for its length. My only excuse is my belief that the City is losing its grasp and control of the Dockless Mobility Program, and that addressing its deficiencies should not abide the expiration of the Pilot Program's life.

Respectfully submitted
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