



March 28, 2018

Travis VanderZanden
Bird Rides, Inc.
2621 Pico Boulevard, Unit G
Santa Monica, CA 90405

RE: Motorized Scooter Share in San Francisco

Dear Mr. VanderZanden:

The SFMTA and San Francisco Public Works are the two City agencies primarily responsible for maintaining and protecting the public right of way in the City and County of San Francisco (City). While San Francisco actively promotes alternative modes of transportation, please understand that San Francisco will actively enforce local laws protecting the City's right of way.

We understand that your company has begun placing shared motorized scooters in the public right-of-way in San Francisco. As you may know, the San Francisco Municipal Transportation Agency (SFMTA) is developing a permitting program for motorized scooter sharing systems. We request your cooperation as we finalize the legislation and permit application.

First, on March 6, 2018 the San Francisco Board of Supervisors introduced legislation requiring a permit to operate a motorized scooter on San Francisco's streets. While this legislation is not yet in effect, it is clear that San Francisco intends to regulate operations of motorized scooters.

Second, we request that you provide us with your business plan for operations in San Francisco including how you will comply with San Francisco's requirements for the use of its right of way. That plan must include, but not be limited to: how you intend to use our public right of way (i.e., sidewalks, plazas and any other public spaces and assets for your motorized scooter share business); where motorized scooters will be located in the public right of way, including for pick-up and drop-off by users; any use of bike racks or other existing infrastructure in the public right of way; any installation of new infrastructure in the public right of way; any plan to redistribute motorized scooters in the event of an overconcentration in one area; the customers you plan to target; the number of motorized scooters you intend to introduce to the City; how motorized scooters are secured if placed in the public right of way; and how you plan to maintain the motorized scooters in safe working order.

Third, the City expects businesses to conduct operations in compliance with state and local laws by making sure that they understand and will meet all those requirements and will obtain all required permits, before they begin their operations. To the extent that your shared motorized scooters will occupy the public right of way, we require they do so in compliance with local law and in a manner that does not constitute a public nuisance or public safety hazard. For example, San Francisco Public Works Code section 723 provides that it is "unlawful ... to pile, cap or otherwise obstruct any street, lane, alley, place or court, or any portion thereof" without permission from Public Works. We will not tolerate any business model that results in obstruction of the public right of way or poses a safety hazard.

You are no doubt aware of the state law provisions governing the operation of motorized scooters that are set forth in Sections 21220 et seq. of the California Vehicle Code, including specific requirements in Section 21235 that operators must have a valid driver's license or permit and wear a helmet, and that operators are prohibited from operating a scooter on the sidewalk except where necessary to enter or depart adjacent property. We expect that Bird is taking affirmative steps to ensure that customers are made aware of these and other relevant rules of the road. In addition, while there is currently no requirement that a motorized scooter share business obtain a permit in order to operate in San Francisco, you should be aware that there is legislation currently pending before the Board of Supervisors that would make it a violation of the City's Transportation Code operate a motorized scooter share business without a permit from the SFMTA.

Fourth, if your company intends to install infrastructure in the public right of way, the City requires that your company obtain any and all appropriate permits in advance of installation.

Finally, we presume that you are aware that a City business registration is required to conduct a business.¹ We request that you provide us a copy of this business registration.

Since your company has already begun to deploy motorized scooters in San Francisco, we request that you respond to this letter by April 6, 2018.

We look forward to your response.

Sincerely,



Edward D. Reiskin
Director of Transportation
San Francisco Municipal Transportation Agency

¹ <http://sftreasurer.org/registration>

