



**LEGISLATION AND
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April 15, 2019

Honorable Jim Frazier
Chair, Transportation Committee
California State Assembly
Capitol Building, Room 3091
Sacramento, CA 95814

RE: AB 1112 (Friedman) as amended April 8, 2019 – CONCERN

Dear Assembly Member Frazier:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, has concerns with **AB 1112**. This bill is scheduled for hearing in the Assembly Transportation Committee on April 22, 2019.

DRC applauds the author for bringing this bill that would authorize local authorities to regulate motorized scooter operators, collect fees for the costs of the regulation, collect trip data, and require operators to maintain liability insurance coverage. However, we have concerns with a number of provisions that do not adequately ensure that either local jurisdictions or scooter share operators, or both, are protecting the use of public sidewalks and other rights of way for persons with disabilities.

The advent of motorized scooters and shared scooters and scooter shared-operators using public rights of way have created a virtual obstacle course of danger and threats for persons with disabilities. Scooters block full access and use of sidewalks, crosswalks, curb ramps, transit stops, pedestrian crossings and other walkways. The capacity for high rates of speed make them particularly dangerous. Left unregulated scooter share operators enable and recklessly allow scooter customers to operate

scooters at a speed much faster than the speed of foot traffic through the system of sidewalks, crosswalks, curb ramps, transit stops, pedestrian crosswalks and other walkways. In many places, they have turned systems of sidewalks into scooter highways.

In addition to their operation, scooters are just left behind after the customer's operation anywhere the user may see fit to leave them. The idle scooters end up on public property on sidewalks and rights of way on the ground, parked upright, or left resting sideways blocking pedestrian use. Thus, the idle scooters pose as much danger to pedestrians, and particularly those with disabilities, as they do in operation.

Persons with disabilities, in the unregulated scooter market, are hindered and inhibited from using the sidewalks and other public rights of way because they have become so dangerous and inaccessible. Those with mobility or visual impairments must roll the dice every time they choose to use the system of sidewalks and other pedestrian rights of way, as they gamble as to whether the system of sidewalks and other walkways might be unfettered or instead be blocked by encountering scooters strewn along their path. The burgeoning proliferation and uncurbed growth of the scooter market comes at the detriment of the rights of all persons with disabilities who have mobility and/or visual impairments by diminishing their comfort and discriminating against them based on their disabilities by denying them access to and safe use of public walkways and other essential public services.

DRC filed a lawsuit on January 9, 2019 in U.S. District Court for the Southern District of California challenging the failure of the City of San Diego and private scooter companies to maintain the accessibility of the City's public sidewalks, curb ramps, crosswalks, and transit stops for people with disabilities, in the face of an onslaught of unregulated dockless scooters. *Montoya et al v. Bird Rides Inc. et al.* 3:19-cv-00054-JM-BGS. Defendants have been allowed to appropriate the public commons for their own profit, regardless of the impact on people with disabilities who live and/or visit the City. Persons with mobility impairments, including people who use wheelchairs or walkers, and people with significant visual impairments are being denied their right to travel freely and safely on our public walkways in violation of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and state anti-discrimination laws.

DRC supports the regulation of scooter share operators and scooter share customers. The lack of regulation leaves the public, and particularly persons with disabilities, subject to the unfettered dangers of scooters on the public rights of way. The operators are well aware of the market created by the lack of regulation. For example, Bird Scooters rents electric scooters to its customers through a mobile application. Bird's CEO, stated recently that "[w]e don't go to New York because it's technically illegal to use a scooter at the state level" and that "[w]here there's no laws, that's where we go in." *The Places Where There Are No Laws, That's Where We Go In*, *Fortune*, at <http://fortune.com/2018/10/09/bird-ceo-scooters-laws/>.

We have some concerns with this bill that we are hopeful that we will be able to work with the author to address. First, the bill "authorizes" the local regulation of motorized scooters. The bill should require the regulation statewide. Federal law, Title II of the Americans with Disabilities Act, 42 U.S.C. Section 12131, et seq., Title III of the ADA, 42 U.S.C. 12182, et seq., the Rehabilitation Act and their accompanying regulations, and analogous state law, including Government Code Sections 11135 and 4450 and Civil Code Sections 51 and 54 require the protections that should be afforded by regulation. These provisions ensure that persons with disabilities have access to or full enjoyment of the system of sidewalks, crosswalks, transit stops, curb ramps, pedestrian crossings and other walkways because of their disabilities. The better alternative is, from our perspective, a detailed state regulatory scheme.

Second, we question the adequacy of a minimum of \$1 million per occurrence and \$5 million aggregate in insurance coverage. AB 1286 (Muratsuchi), which would require insurance coverage of providers of shared mobility devices, which includes motorized scooters, requires \$5 million for each occurrence.

Finally, the bill permits a local authority to require trip data from an operator on trips within the jurisdiction. While we agree that there should be no sharing of personalized trip data we believe that there should be public access to anonymized data submitted by the operator. This data could be an important source of public safety information and impacts of operation on persons with disabilities. The data could show the safety of the scooter operations on the public and, particularly, persons with disabilities, including the number of accidents, persons involved, and locations.

For these reasons, DRC has concerns with this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director
Disability Rights California

cc: Honorable Members, Assembly Transportation Committee
Eric Thronson, Chief Consultant, Assembly Transportation
Committee
Honorable Laura Friedman, California State Assembly
Jim Metropulos, Legislative Director, Office of Assembly Member
Chiu
Daniel Ballon, Consultant, Assembly Republican Caucus Committee