

City of Coral Gables City Commission Meeting
Agenda Item G-9
May 31, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago

Vice Mayor Michael Mena

Commissioner Rhonda Anderson

Commissioner Jorge Fors, Jr.

Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Police Chief, Ed Hudak

Senior Sustainable Analyst, Matt Anderson

Public Speaker(s)

Agenda Item G-9 [Start: 5:10 p.m.]

Discussion regarding scooters.
(Sponsored by Commissioner Anderson)

Mayor Lago: Let's move onto G-9.

Commissioner Anderson: There are some pictures, I'll ask staff to bring up. A picture is worth a thousand words. While you're bringing those up, there was an accident on Miracle Mile between a scooter and a resident, the resident ultimately needed surgery. Mr. Anderson here has reviewed the GPS data, going to address the Spin scooter that was involved in the accident. These photos are something different now, and I'm bringing this to you so we can have a discussion about scooters in our city, the parking of them. That particular location is near Merrick Park, the other one was, it looked like it was near Publix.

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Mayor Lago: By the way, just in case when you do fall off your scooter and break your leg, you already have a crutch there waiting for you right there (shown in picture).

Commissioner Anderson: Just in case you do.

Mayor Lago: It comes with the scooter.

Commissioner Anderson: I can't see whether or not these are Spin scooters, Bird scooters, private scooters, but we clearly have an issue. Then we have the range of scooters whether they are on...

Mayor Lago: Commissioner, if I may. We've been dealing with this for some time now. You have a flotilla of scooters that are basically Uber Eats throughout Coral Gables. They park in the alleys; they dump tons of garbage. This is probably in front of Starbucks, right in front of Georges, that nice French restaurant – no, that's Crema.

Commissioner Anderson: That's in front of Crema, in between the cars, interfering with parallel parking of cars, and I wanted to bring this to your attention, because we need to discuss it, whether it's this time or next time. At least there is someone sitting on the scooter there, so you can ask him to move and the rest of them just go ahead and put through.

Commissioner Menendez: The previous photos just blocking the sidewalk for anybody.

Vice Mayor Mena: Just a traffic enforcement issue though, right?

Commissioner Menendez: How about the sidewalks?

Vice Mayor Mena: On these scooters, I'm talking about.

Mr. Anderson: I can speak to the scooters on the first two slides, the other ones are...

Commissioner Anderson: These were sent to me by residents.

Commissioner Menendez: The Chief here is "Scooter King."

Commissioner Anderson: "Scooter King."

Vice Mayor Mena: I've seen some of that, that's at Care Express.

Commissioner Anderson: Some of it is worse than others.

Chief Hudak: So, on Friday, or Thursday I should say, we are trying to address these issues, not only just the scooters. The only way to stop a scooter or a bicycle person on a sidewalk is almost to clothesline them, which I had to do to grab somebody's attention in front of Copper 29, on Thursday in uniform. The issues in the parking lots and specifically this week the Columbians had the five-day election, so traffic in the garages were packed, the alleyways were packed, for the
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better part of an hour-and-a-half. I was out there myself and then we moved the entire motor unit there and we cleaned it up for the most part. The Uber drivers on the scooters have got to be moved constantly, they find wherever they can, so we continue, it's a concerted effort. The Mayor brought up the other issue that was brought up to our attention through his office was the jay walking, which is, you've heard me say this before, sometimes they think I'm wearing a Halloween costume if I'm sitting there waiting for the red light to turn to a right hand and they walk right by me. I'm just telling you now, you will get phone calls because when we start writing the jay walking tickets, people get very upset like we don't have something better to do, but I agree wholeheartedly, as though our Traffic Section that this is a problem. I had a meeting with the City Attorney's office, we know our people had been well-versed on the code that we will be writing on the sidewalks for the scooters and the bikes, bicyclists, the officers will be instructed to do that. One of the issues that we have with the delivery trucks is, we stop writing parking tickets, now we write moving violations because that goes against the driver. A lot of these delivery companies just think the parking tickets are part of doing business. A lot of the drivers don't want us to check their status other than the fact that they can drive those scooters. So, we have tried with the Mayor's office in the past to try and find different areas where they can park, they chose not to. When we get complaints from businesses that are all parked out there in a gaggle, we respond. It is a concerted effort of both the bike patrol unit and the motorcycle unit. So, the real zero tolerance policy will start as soon as we get out of school. Right now, I can't take the people that we have around the schools inbound, outbound, but within a week we should be able to really focus on that throughout the entire summer and try and change that. The scooter issues that we see on a regular basis are people whipping in and out, thinking they have the right of way on the street. So, the education falls a little short, so there's going to be a lot of citations, I can tell you that right now.

Commissioner Anderson: What are citations right now for scooters on Miracle Mile, the dollar amount?

Vice Mayor Mena: Are we talking about the motor, the fully motorized or the...

Commissioner Anderson: Electric scooters, anybody on the Mile, bicycles.

Chief Hudak: The electric scooters and bicycles by city ordinance are prohibited from certain parts of Ponce and all of Miracle Mile. It's a city ordinance violation.

Vice Mayor Mena: Sidewalk of Miracle Mile.

Chief Hudak: Sidewalk.

Commissioner Anderson: How much does it cost in a ticket?

Chief Hudak: I don't know what the first-time offense is on that. I have to check.

Commissioner Anderson: It was \$129 in another city, someone sent me that.

Chief Hudak: Right.
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Commissioner Anderson: Whether it was from Miami Beach or not; and then we have the parking issue of them.

Assistant City Attorney Throckmorton: I think the catchall is up to \$500, so I'm not sure what amount we have cited for before, it's not delineated in the ordinance itself.

Commissioner Anderson: This is what I'd like to see, so we can have more intelligent discussion and move forward, because I think the bicycle lane may solve some of this if we can get the scooters in the bike lanes is, where should we be prohibiting the scooters? – should we also prohibit them in additional areas on Ponce? – where is our range right now? I don't know the answer to that. You need to post better signage at eye level where scooter traffic can see it. Use better signage, use that glow-in-the-dark paint so they can see it, and avoid situations where you have these scooters zipping along, because not all of them are Spin and Bird scooters on Miracle Mile, and prevent injury to pedestrians. How are we going to be able to deal with this?

Commissioner Menendez: The people that were on the scooter that injured that person, were they cited?

Mr. Anderson: From my understanding, I was looking at the police report, they did stay on scene and then left the scene as the police arrived. So, we are working with the vendor, Spin, and they are investigating that. I did want to point out that we have geo-fenced certain areas of the city, as the Chief had already mentioned, the sidewalks on Miracle Mile, Giralda Plaza, three blocks north and south on Ponce of Miracle Mile; and then we are also doing the parking garages because we don't want people riding through our city parking garages on the scooters. And then, as you enter and I went out and tested this on Friday is, you enter on Miracle Mile and the GPS picks you up on Miracle Mile, it will throttle down the scooter to where you can't use the accelerator and it gives you an audible warning.

Vice Mayor Mena: That's on the sidewalk.

Mr. Anderson: That's on the sidewalk, correct.

Vice Mayor Mena: They are effectively subject to the same rules as bicycles, right.

Mr. Anderson: Yes.

Assistant City Attorney Throckmorton: There is a state preemption a few years ago and it's supposed to be regulated similarly to bicycles.

Vice Mayor Mena: By the way, from my perspective, I think it's worked pretty well. I think the cap we put on the number of scooters has been effective. I can tell you that outside of my office building is a place where they regularly stage scooters, both Bird and Spin, every morning they are reorganized. The given afternoon could somebody have thrown a couple? – maybe, but by the next morning they are lined up and T'd up. So, I think frankly, both companies have done a good

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job of doing that, at least from my personal observance of --- you can't control an individual not responsibly doing it or not responsibly riding it. You can try to and do the best you can.

Mr. Anderson: And they have to have mechanisms in place, like when you are using a scooter and you go to park it, the apps require you to take a picture of it and that sort of thing now. If a lot of people are using them and I can tell you since we started the pilot program; I started overseeing the program a little over a year ago. Since we started the program in 2018, we've had about 200,000 rides between both vendors, so it has become a popular way for people to use.

Vice Mayor Mena: I use it almost weekly, not every day, but if I'm going to meet somebody somewhere in the middle of the day and I don't want to have to get my car out of the garage, I use it. It's a great option.

Commissioner Anderson: I'm not anti-scooter. We had two pictures of collages and that's a problem we need to address.

Mr. Anderson: And I just want to say that we do have representatives from both companies here, Bird represented and Spin is on Zoom, so if you guys had questions for them directly, but there are parking rules that are included in the ordinance which require that you can't park and block more than three feet of the sidewalk, as per ADA, and they can't stage on a sidewalk that's less than six feet in diameter, which we'll also be taking a look at, so we are trying now. If there are a lot of people, a group that went riding together and they go to park it, they should be parking them responsibly, but they do have, the vendors do have representatives going around our community at all times rebalancing them, so we are going to try effectively for that not to happen where they are blocking the sidewalk because that is not the intent.

Commissioner Anderson: I've moved scooters lots of times and that collage did not shock me. Since the vendors are here, it's not working, so we need to find a result. You don't have to have the answer today, but I would hope that we can have an answer by the next Commission meeting with some solutions and let's look at our fines, let's look at our parking and staging locations, because this is just not Bird and Spin, this is also the private ones, the skateboards that come along, the bicycles. I can forward you some of the e-mails I've received on the bicycles on Ponce, since we need to really start looking for solutions so someone doesn't get hurt again.

Mr. Anderson: Yes – and there is currently signage out there. I actually had a PowerPoint for you all, but there is signage out there right now and I think according to – we can't bring it below seven feet, so most of them are right at seven feet that we have posted right now, as far as indicating no scooters, bikes or skateboards on the sidewalk on Miracle Mile in particular where we have it posted. So, I just want to let you know that as well.

Commissioner Anderson: We have two signs, because what happens is you're looking where you are driving here and the sign's up there, so they are not seeing it.

Vice Mayor Mena: I also think sometimes we kind of sign things to death. People aren't going to follow the rules sometimes, that's just the nature of rules. They don't do it for parking cars, they
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don't do it for parking bicycles, and they don't do it for scooters, some people do, some people don't. We have to have enforcement; I think that's important. I agree wholeheartedly.

Commissioner Anderson: Our signage is like plain vanilla, you don't see it, it just blends right in.

Vice Mayor Mena: I just don't subscribe to the theory that if you put the sign lower, all of a sudden, it's all going to be solved. I think you are still going to have people that really just don't care and dump it on the side of the road.

Assistant City Attorney Throckmorton: The geo-fencing should stop that for the vendors that we currently have in the pilot program, at least the geo-fencing that throttles it on Miracle Mile, so that they are not capable of going on Miracle Mile.

Mr. Anderson: And the reality too is, there is also an enforcement mechanism within the companies themselves, so if there is somebody that's frequently using the scooters that is egregiously violating the rules, they have set in place not only that we have set in place as a city, but they as a company, there are thresholds within that where eventually they can get their account permanently suspended if they are egregiously violating whatever the rules, the riding rules, the parking rules, and so on an so forth.

Commissioner Menendez: Do we know how often they have to violate those rules before...

Mr. Anderson: So, under Spin, they have a warning, obviously for their first strike, then there is a \$10 fine, a \$25 fine when they are required to take a safety quiz associated with that and then their account is suspended for 24 hours, and then if they get another violation, then the account is permanently suspended.

Commissioner Anderson: Well, I've been in other cities, okay, pedestrian safety very seriously and as you are driving down Main Street it says on the sign right near the crosswalk \$500 fine if you don't yield to the pedestrian, and I'm sure I'm not the only one that's been crossing at a pedestrian crosswalk that's had horns blaring at you, because they want to get moving instead of slowing down in the crosswalk. So, we have some problems and its not just Bird and its not just Spin and there is a visibility problem on the signage, and it doesn't have the fine posted, so its not grabbing the attention of folks and I don't want to see another pedestrian hit.

Mr. Anderson: Absolutely, that's not what anyone...

Commissioner Anderson: Let's get back together and study some options to keep this up.

Mr. Anderson: So, we did pull that data. We've had, Bird has indicated they've had one reported incident since 2018; Spin has indicated they've had 13. Now that is somebody that either Police has responded or it's been self-reported whoever their user, because if there is an accident.

Vice Mayor Mena: What do you mean by self-reported?

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Mr. Anderson: Like the person who is using the scooter would have reported it to Spin, like I was in an accident or I caused some sort of damage or something like that; and then PD also provided me their police reports and there were eight documented cases, I'll say nine in addition to the recent one, since 2018, and most of those involve vehicle hitting someone on a scooter that they had responded to.

Mayor Lago: So, you're averaging about two a year, two accidents a year. You said 8, right?

Mr. Anderson: Well, no I'm saying – and looking at that data we need to look a little closer to see if any of those are double counted where it was reported to Spin and PD responded, so I'm in the process of getting that information from Spin and comparing that with the police reports.

Mayor Lago: So, is there some sort of guidance, Commissioner, that we can move forward?

Commissioner Anderson: Yes. I'd like it to be brought back so we can stiffen it up and look at the routes, improve the signage, look at the fines, and also find out why the GPS geo-fence was not working on Spin for that particular vehicle.

City Manager Iglesias: We will take a look at the signage, Commissioner, but they cannot be lower than seven feet in height.

Commissioner Anderson: We need to do something to make them a little bit more visible and have the fine on there, people pay attention to that.

Vice Mayor Mena: Is it on the app when you log in?

Mr. Anderson: Is what?

Vice Mayor Mena: Some of the rules.

Mr. Anderson: Yes, they are. Yes. So, there are and that's part of the PowerPoint I have for you guys showing when you log in to see when you are going to rent one of the scooters, the rules that are put in place, where you are not allowed to ride, and that sort of thing, and then obviously the geo-fencing is the most important part of that.

Commissioner Anderson: People aren't obviously reading it. Its like that accept all, accept, accept to get...

Vice Mayor Mena: I think it's like anything else, some people care, some people don't. Some people are driving their car while texting, some people are just jerks. Its not a good thing, but its just part of the deal.

Mayor Lago: I see people all the time in the Gables dual riding on scooters.

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Mr. Anderson: I don't know if that's on personal scooters, but on the ones that we have in the pilot program, there is no tandem riding and no under-age riding, because I know that has been an issue in other cities, in particular, I know City of Miami has had some issues with that, so that is something that is being enforced in our city. So, if you do see that, please let me know and need to let the vendors know and I will say the vendors have been extremely responsive when we've had issues where...

Mayor Lago: I'll take a picture next time.

Mr. Anderson: Absolutely. Please send that directly to me and I'll definitely get that taken care of.