



Title: AB 371 continues the assault on affordable and sustainable bike share and scooter programs in California

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California has historically been a leader in shifting to clean transportation through innovation. Dozens of cities across California were quick to implement shared bike and scooter systems to provide low-cost, low-impact transportation to cover that “last mile” to transit or the short trip that most people take by automobile but which is better suited for micromobility. These systems proved incredibly valuable in the last year, and already are seeing an increase in usage as people begin to travel again.

As organizations dedicated to sustainable, healthy and equitable transportation, we want to see these options expand to all our neighborhoods, and at affordable prices. We have only begun to see how this key transportation innovation will benefit all of us, especially low-income folks and transit passengers. We need more.

This is why we are frightened by a bill in the state Senate that could kill shared bike and scooter systems. It would require nonprofits, government agencies, and private companies that operate shared bike and scooter systems to extend their liability coverage to the sole negligence or reckless behavior of a rider, setting a legal precedent that no other industry is subject to. Just like a rental car company cannot be held liable for the reckless actions of their drivers (Graves Amendment), neither should shared bike and scooter operators. Further, the proposed form of insurance would be highly susceptible to fraud due to the low cost and ease of staging accidents, with minimal burden of proof.

The bill would even apply to the nonprofits and government agencies that just got funded to operate bike share systems with some of the \$20 million in Clean Mobility Options grants. The Air Resources Board clearly understands the potential of these systems; the legislature should also, and abandon this attempt to impose a fatally impractical requirement.

California is already home to some of the highest insurance limits for micromobility programs and operator’s existing insurance already covers up to \$1 million in liability for 3rd party bodily injury and

property damage. For comparison, in CA the minimum insurance requirements (MFR) for personal automobiles is \$15K per person / \$30K per accident. What makes the legislation even more unfeasible is that no such insurance product exists in the market. Insurers even wrote to the legislature to inform them that they had no intent to create such a product and, if they did, it would be costly for the operators. Forcing bikeshare providers and other micromobility companies to shoulder this unprecedented level of liability will make it financially impossible for them to continue operations, eliminating an essential element of a city's transportation system. It's for this very reason that cities like Santa Monica have joined the broad based chorus of opposition to this bill.

The bill's provision to require braille on their shared bikes and scooters so people with visual impairments can report a scooter blocking the sidewalk is welcome, but otherwise the bill does nothing to improve safety, which is our paramount concern. For that, we need rider education and above all, safer streets. We're getting there, and the rise in popularity of biking, and an expansion of shared bike systems, will help push our society further in that direction. This bill's insurance provisions will halt that progress. It is an unnecessary regulatory measure that reduces access to sustainable, healthy and equitable modes of transportation, especially for communities of color who have suffered disinvestment in transportation options for decades.

As California looks to rebound from the Covid-19 pandemic, this is not the time to eliminate affordable, socially distanced, transportation modes. The legislature should do its part in supporting bike and scooter programs, which replace tens of millions of car trips and reduce greenhouse gas emissions, rather than saddle cities' micromobility programs with an onerous array of costs that will ultimately impact our most vulnerable communities the most. Bikeshare and other micromobility programs have proven invaluable to essential workers and car-free homes during the pandemic and will into the future. They should be expanded, not quashed.

Signed,

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These organizations have been among the leaders in California advocating for better, more equitable communities where walking and bicycling are commonplace. They have followed the issue of shared bikes since the very first bikes arrived in California in 2013.

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