



# CITY OF SANTA MONICA

## PEDICAB RULES AND REGULATIONS

Effective: JULY 1, 2024

### **SCOPE AND INTENT**

These rules and regulations (“Rules”) established pursuant to Santa Monica Municipal Code Section 6.50.030 shall be followed by all pedicab operators and drivers providing pedicab transportation services in the City of Santa Monica. These Rules are not intended to be duplicative.

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## I) DEFINITIONS

- a) CITY means the City of Santa Monica.
- b) SMMC means the Santa Monica Municipal Code.
- c) VEHICLE CODE means the California Vehicle Code in its latest revision.
- d) DMV means the California Department of Motor Vehicles.
- e) DRIVE or OPERATE means to be in control of a pedicab that is transporting a passenger(s) or is available for receiving passengers.
- f) IMMEDIATE OUT OF SERVICE (IOS) means the placement of a pedicab in a status such that no person may operate the pedicab, except as may be necessary to return the pedicab to the residence or place of business of the owner or Driver or to a garage, until the pedicab and its equipment are in compliance with these Rules. IOS may also mean the placement of a Driver in a status such that he or she may not operate any pedicab.
- g) INACTIVATE means a permanent annulment of an existing permit by the operator, which cannot subsequently be renewed, replaced or reinstated without the timely submission of a new pedicab Driver's permit application or pedicab Driver's permit transfer application.
- h) REVOCATION means a permanent removal of the privileges granted to the holder of an existing operator's permit, Driver's permit, or pedicab decal by the City, which cannot subsequently be renewed, replaced or reinstated without the approval of the City.
- i) SUSPENSION means a temporary removal of the privileges granted to an operator or Driver.
- j) PEDICAB ZONE means an area on private property (such as hotels) designated by the property owner for parking pedicabs while waiting for passengers.
- k) PEDICAB STAND means a curb parking area on a public street designated and posted by the City Traffic Engineer for the standing or parking of pedicabs while waiting for passengers.
- l) TERMINATION means the voluntary or involuntary separation of a pedicab Driver from employment with a pedicab operator.
- m) PEDICAB VEHICLE DECAL means a nontransferable authorization, affixed to the pedicab by the City, for pedicab to be operated in the City.
- n) PEDICAB BEACH BIKE-PATH DECAL means a nontransferable authorization, affixed to the pedicab by the City, for pedicab to be operated on the Beach Bike-Path within the City's boundaries.

- o) DRIVER means a person who is an employee of a validly permitted pedicab operation business or an independent contractor possessing a valid business license with the City of Santa Monica and who drives a Pedicab for an authorized pedicab operator.

**II) PEDICAB OPERATOR’S PERMIT GENERAL REQUIREMENTS**

- a) Owners shall inform the City, within 3 business days, of any changes in insurance, business address, storage address or mailing address.
- b) Any application that does not include all information requested by the application form or is not supported by the materials required by this Section will be rejected as incomplete.
- c) The permit shall only authorize a specified number of vehicles which may be increased by approval of the City Traffic Engineer or designee.
- d) A pedicab operator’s permit must be approved before pedicab vehicle permits may be issued for the operator.

**III) PEDICAB INSURANCE REQUIREMENTS**

Permittee shall procure and maintain against claims for injuries to persons or damages to property which may arise in connection with the performance of the services set out in Pedicab Operators permit. The costs of such insurance shall be borne by Permittee.

*Minimum Scope and Limits of Insurance*

*Commercial General Liability (CGL):* Insurance Service Office Form CG 00 01 covering GCL on an “occurrence” basis, for bodily injury, personal injury or property damage by the operation of the pedicab, with limits of no less than \$1,000,000.00 per occurrence. If the Permittee maintains higher limits than the minimums shown above, the City of Santa Monica requires and shall be entitled to coverage for the higher limits maintained by the Permittee.

*Other Insurance Provisions*

The insurance policy will contain, or be enforced to contain, the following provisions:

*Additional Insured Status:* The City of Santa Monica, its officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Permittee.

*Primary Coverage:* For any claims related to this permit, the Permittee's insurance shall be primary as respects the City of Santa Monica, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City of Santa Monica, its officers, officials, employees, or volunteers shall be in excess of the Permittee's insurance and shall not contribute with it.

*Notice of Cancellation:* The policy shall state that coverage shall not be cancelled, except after 30 days prior written notice (10 days for non-payment) has been given to the City of Santa Monica.

*Waiver of Subrogation:* Permittee hereby grants to the City of Santa Monica a waiver of any right of subrogation which any insurer of said Permittee may acquire against the City of Santa Monica by virtue of payment of any loss. Permittee agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the City of Santa Monica has received the a waiver of subrogation endorsement from the insurer.

*Deductibles and Self-Insured Retentions:* Any deductibles or self-insured retentions must be declared to and approved by the City of Santa Monica.

The City of Santa Monica may require the Permittee to reduce or eliminate the deductible or retention applicable to the contracted work or provide satisfactory proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

*Acceptability of Insurers:* Insurance is to be placed with insurers with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City of Santa Monica.

*Verification of Coverage:* Permittee shall furnish the City of Santa Monica with original certificates and amendatory endorsements or copies of the applicable policy language providing the insurance coverage required herein. All certificates and endorsements are to be received and approved by the City of Santa Monica before work commences. However, failure to obtain required documents prior to the work beginning shall not waive the Permittee's obligation to provide them. The City of Santa Monica reserves the right to require complete, certified copies of all required insurance policies, including the endorsements required herein, at any time.

#### **IV) PEDICAB OPERATOR'S PERMIT APPLICATION PROCEDURES**

Any person desiring a permit to operate a pedicab business shall complete a pedicab supplemental application to its business license application. Such application shall include:

- a) Name, age and address of the applicant; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses.
- b) The application shall be verified by oath or affirmation of the applicant, or an officer or partner of the applicant if applicant is a firm, partnership, or corporation.
- c) The application shall include:
  - 1) The trade name or style, if any, under which the applicant proposes to operate.
  - 2) Full information pertaining to operations and the manner in which such proposed operations are to be conducted.
  - 3) Address and manner that pedicabs are to be stored when not for hire or in operation.
  - 4) The route(s) to be traveled and the hours to be operated.
  - 5) A completed pedicab permit application form for each pedicab.
  - 6) Such other or additional information as the City may require.

#### **V) PEDICAB VEHICLE PERMIT GENERAL REQUIREMENTS**

- a) Applications must include a description of the pedicab, including the type, model, body style, serial number, capacity, and condition of each pedicab proposed to be operated.
- b) Any applicant who does not meet all the requirements of this Section shall have the application denied, and the application fee shall be forfeited.
- c) A pedicab vehicle permit or Beach Bike-Path Decal shall only be valid for the registered owner of the vehicle who was granted a pedicab operator's permit for such vehicle. In the event of ownership change or revocation of the operator's permit, the pedicab vehicle permit and/or Beach Bike-Path Decal shall be considered invalid and revoked at such time of ownership change or loss of operator's permit.

- d) A pedicab operator that fails to renew a pedicab vehicle permit before the date established by the City must reapply for a new pedicab vehicle permit and pay applicable fees.

## **VI) PEDICAB EQUIPMENT GENERAL REQUIREMENTS**

- a) No vehicle shall be operated as a pedicab unless it is a single frame construction and in reasonably clean and safe conditions, so as not to injure or damage the person, clothing or possessions of a passenger.
- b) The pedicab's exterior shall be reasonably clean and shall be generally free from cracks, breaks and major dents. It shall be painted to provide adequate weather protection and a neat and clean appearance. Every pedicab shall have the following dedicated properly working equipment:
  - 1) Seatbelts.
  - 2) Headlights and taillights.
  - 3) Taillights must be securely mounted on the right and left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the pedicab.
  - 4) Turn signals visible from the front and rear of the pedicab.
  - 5) Hydraulic or mechanical disc brakes.
  - 6) Spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the pedicab.

## **VII) PEDICAB EXTERIOR MARKINGS**

Owners shall permanently affix the company trade name, the company phone number and the identification number assigned by the City, on the pedicab in a location that is clearly visible to the public at all times. These markings shall meet the following requirements:

- a) Font – An easily readable font (e.g. Arial Bold or Helvetica) in a color to produce maximum contrast, adequately spaced for maximum readability.
- b) Font Size – Minimum 2 inches tall.
- c) Owners shall also permanently stamp a City-assigned identification number on each pedicab, on the pedicab seat tube or pedicab trailer draw bar, in manner that is clearly visible.
- d) Pedicabs must affix their city-issued Operators Permits on the pedicab's seat post.

- e) Beach Bike-Path Decals and Pedicab Vehicle Decals are to be placed on the rear panel of the pedicab on the upper right side.

## **VIII) PEDICAB OPERATING REGULATIONS**

In addition to the provisions outlined in SMMC Chapter 6.50, all operators and Drivers shall comply with the following operating regulations:

- a) A Driver shall promptly comply with all lawful requests or orders issued by City personnel charged with regulating or enforcing the Pedicab program.
- b) A Driver shall have in his or her immediate possession a valid California driver's license while operating a pedicab and shall present the license upon request by an authorized enforcement officer or police officer.
- c) A Driver shall not drive, and an operator shall not allow, a pedicab to operate that is in an unsafe operating condition.
- d) A pedicab shall not be operated during the hours of darkness without the taillights and headlights activated. (Also see Rule VII)
- e) Pedicab operators must use City-designated Pedicab Stands once established by the City if loading or unloading passengers within 400 feet of the Pier.
- f) An operator shall, upon reasonable notice, make its pedicabs available to the City for inspections, including annual inspections.
- g) Fare schedule signs must meet the following requirements:
  - 1) Size –minimum of 8 inches in width x 6 inches in height.
  - 2) Fare Font – An easily readable font (e.g. Arial Bold or Helvetica), at least one inch tall or a minimum font size of 50, in a color to produce maximum contrast with the background, adequately spaced for maximum readability.
  - 3) Format – The Fare Schedule shall list all applicable fares, including minimum charges, per person charges, by distance fares, by time fares, tour fares, and any other fare or fee charged. Each fare or fee must be listed on a separate line.
  - 4) Location – securely attached to the pedicab in a location clearly visible to all passengers while seated in the pedicab.
  - 5) Telephone Numbers - must include the telephone number for the City's and Operator's comment/complaint lines. The City's Code Compliance office phone number is (866) 311-7266.
  - 6) Operators may include City's Code Compliance email:  
[311@santamonica.gov](mailto:311@santamonica.gov).



## **IX) BEACH BIKE-PATH OPERATION DECAL LOTTERY**

- a) To operate on the Beach Bike-Path within the City of Santa Monica boundary, the vehicle and operator must be selected through the Beach Bike-Path Lottery process.
- b) Pursuant to Santa Monica Municipal Code 6.50.030, this section governs the lottery for the allocation of Beach Bike-Path decals to ensure that all operators participating in the lottery have a fair and equal opportunity to operate a pedicab on the Beach Bike-Path.
- c) To be eligible for a Beach Bike-Path decal, operators must be licensed to operate a pedicab in the City of Santa Monica and have at least one non-electric pedicab (SMMC 3.12.600). A non-electric pedicab shall not have a motor. A pedicab with a disabled motor does not meet the City's standard for a non-electric pedicab.
- d) Only pedicabs that have been inspected by the City, recorded as a non-electric vehicle, and received a Pedicab Vehicle decal by the lottery inspection deadline may qualify for entry into the lottery.
- e) Decals to operate on the Beach Bike-Path are valid for the annual duration (or renewal) that they are issued.
- f) The City will post notice each year on the City's website and in the Santa Monica Daily Press indicating the date of the lottery together with the deadline for each operator to submit an application.
- g) The City will post the number of decals available for the fiscal year on the City's Pedicab webpage.
- h) Operators must submit an application indicating their interest in the decal and the number of non-electric pedicabs licensed by the City by the deadline.
- i) Operators that miss the deadline must wait for the next lottery for the chance to operate on the Beach Bike-Path.
- j) The Lottery Proctor will stop accepting application at the deadline.
- k) The Lottery Proctor will have full control of the lottery.
- l) If the supply of decals exceeds the number of applications, the Lottery Proctor will distribute at least one decal to each valid operator/application for as long as the supply can be distributed evenly. Once the number of decals cannot be distributed evenly, the Lottery Proctor will record the remaining operator's permit number and enter it into the "Lottery Bucket." Numbers will then be drawn at random to determine who obtains the remaining decals.

- m) If the number of applications exceeds the supply of decals, the Lottery Proctor will record each operator's permit number and enter it into the "Lottery Bucket." Numbers will then be drawn at random to determine who obtains a decal.
- n) Lotteries will include the creation of a Waitlist. This will include drawing additional decal winners above the number of available decals identified for that fiscal year in effort to have reserve decals should a decal holder forfeit their decal.
- o) Once the lottery is complete, the Lottery Proctor will post the results on the City's pedicab webpage.
- p) The City may elect to extend the term of decals for an additional year in the following circumstances:
  - 1. If there are no new operators seeking a decal or the supply of decals exceeds the number of operators; and
  - 2. The existing decal holder remains licensed and in good standing with the City.
- q) If the City extends the term of decals, the City will charge renewal fees for the extended term.

## **X) ENFORCEMENT**

A pedicab operator's business license may be revoked, suspended, or denied by Department of Transportation for a violation of one of the grounds specified in SMMC Section SMMC 6.50.080(a), as further specified below.

- a) Suspension – If a pedicab operator has received three citations for violation of any provision of the SMMC or these Regulations that have become final during the term of the pedicab operator's business license, the pedicab operator's business license shall be suspended for 45 days or as long as at least one citation is open, whichever is longer. For these purposes, if a pedicab operator contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. The suspension shall become effective 10 days after the mailing of a Notice of Intent to Suspend to the pedicab operator, unless the pedicab operator appeals the decision in accordance with SMMC Chapter 6.16.
- b) Revocation – Upon the fourth or more citation for violation of any provision of the SMMC or these Regulations that have become final during the term of the pedicab operator's business license, the pedicab operator's business license shall be revoked. For these purposes, if a pedicab operator contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. In addition, a pedicab operator's business license shall be revoked if the pedicab operator made a materially false,

misleading or fraudulent statement or material omission in any applicable application or during the application process. The revocation shall become effective 10 days after the mailing of a Notice of Intent to Revoke to the pedicab operator, unless the pedicab operator appeals the decision in accordance with SMMC Chapter 6.16.

- c) Denial – If a pedicab operator submitting an initial business license/pedicab vehicle application has received four or more citations that have become final for violation of the SMMC or these Regulations or any such citation remains unpaid within the prior fiscal year (i.e., July 1-June 30), the City may, in its sole and absolute discretion, deny the initial application. If a pedicab operator has received four or more citations that have become final for violation of the SMMC or these Regulations during the term of the immediately preceding pedicab operator’s business license or any such citation remains unpaid, the City may, in its sole and absolute discretion, deny the renewal application. For these purposes, if a pedicab operator contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. In addition, an initial or renewal application for an pedicab vehicle/business license shall be denied if the pedicab operator makes a materially false, misleading, or fraudulent statement or material omission in the application or during the application process. If the City denies either the initial application or the renewal application for any of these reasons, the City shall notify the host in writing.
- d) Right to Appeal – If an pedicab operator’s business license has been suspended, revoked, or denied, the pedicab operator shall have the right to appeal from this decision in accordance with SMMC Chapter 6.16.
- e) Cessation of Operations – The City maintains discretion to immediately suspend or revoke pedicab operator’s business license and ability to operate.
- f) Surrender of Licenses and Permits – Licenses, permits, and decals shall be surrendered within ten (10) calendar days to the Finance Department’s Business License Unit upon revocation or suspension of the permit.