



DATE: June 25, 2019

CATEGORY: New Business

DEPT.: Public Works and
City Attorney's Office

TITLE: **Urgency Ordinance Establishing a
Temporary Moratorium on Shared
Mobility Devices in the City of
Mountain View**

RECOMMENDATION

Adopt an Urgency Ordinance of the City of Mountain View Establishing a Temporary Moratorium on Shared Mobility Devices, to be read in title only, further reading waived (Attachment 1 to the Council report). (Five votes required)

BACKGROUND

On September 26, 2017, the City Council supported the development of a one-year pilot bike share program using privately funded dockless bikes. The program, which began in May 2018 and was extended in April 2019, aimed to encourage people to use bikes for first- and last-mile trips to support the City's goals of embracing sustainable living, encouraging a healthy economy, and minimizing traffic and parking congestion. The two bike share operators that initially received permits and began operations in May 2018 have since discontinued service due to changing business models and lower use than expected. Although no bike share operators are currently operating in Mountain View, the pilot program is still active and the City continues to accept new bike share permit applications. Motorized scooters (also known as e-scooters or just scooters) are not addressed or permitted under the bike share program.

While the bike share program has experienced significant flux over the past year, interest in e-scooter share has risen steadily and e-scooter share has become more common in cities across the United States. Like bike share, many e-scooter share operators are start-up companies that continue to evolve rapidly as they develop new technologies, pursue financial viability, and learn to work with city governments. In

their efforts to innovate and disrupt markets, however, a number of scooter share operators have deliberately deployed fleets of shared e-scooters without first obtaining approval from City governments. For example:

- In San Jose, Wind, Lime, and Bird deployed e-scooters before regulations were put in place (the City of San Jose chose to allow them to operate while they put regulations in place);
- In San Francisco, Spin, Lime, and Bird deployed despite being asked to wait for San Francisco regulations and withdrew only after receiving a cease-and-desist notice with fines;
- In Campbell, Bird deployed before Campbell introduced a temporary moratorium; and
- In Santa Clara, Bird informed staff that they would deploy scooters shortly, but were prevented from doing so through a temporary moratorium.

The City has received several inquiries from e-scooter share operators over the last year and one e-scooter share operator applied for a City Business License. Staff has responded to the inquiries by informing e-scooter operators that a pilot e-scooter program will be considered after the City has evaluated the bike share pilot program. The bike share evaluation process is under way and a report will be provided to Council in fall 2019.

City staff is currently working on the parameters for a proposed e-scooter share permit pilot program. Initial concepts were presented to the Council Transportation Committee on May 13, 2019 and will be brought to a Council Study Session in fall 2019. With Council support, an e-scooter pilot program could be launched in early 2020.

ANALYSIS

While e-scooter share programs attract higher ridership and are more financially viable for operators than bike share, they also present various challenges and issues for cities. Reports from other cities indicate that e-scooter share programs are more prone to poor parking than bike share programs, including blocking sidewalks and potentially creating Americans with Disabilities Act (ADA) compliance issues. There have also been issues with sidewalk riding, despite the fact that State law does not allow e-scooter users to ride on sidewalks.

A recent study by the Centers for Disease Control and Prevention (CDC) in Austin indicated that the injury rate for e-scooters was substantially higher than that of other modes, with a large portion of those injured reporting that they were first-time users, going too fast, or drank alcohol in the prior 12 hours, and some reporting equipment malfunction. These concerns highlight the importance of program regulation regarding educating users on safe behaviors, encouraging use of helmets, and addressing product safety and maintenance.

Mountain View is committed to increasing multi-modal mobility for residents, employees, and visitors. When implemented with care, shared mobility devices (i.e., bicycles and scooters) have the potential to help achieve the City's goals of increasing transportation options, embracing sustainable living, encouraging a healthy economy, and minimizing traffic and parking congestion. However, in the absence of regulation, shared mobility device operations present serious concerns related to parking, sidewalk riding, user behavior, equipment standards, and maintenance that negatively affect public peace, safety, and health. The behavior of e-scooter operators in other cities indicate there is a risk of shared mobility device operators deploying these devices in the City without a regulatory permit.

In light of these concerns, staff recommends that the City Council adopt an Urgency Ordinance to prohibit the commercial operation of shared mobility devices to allow time for the City to enact regulations for them. The proposed ordinance defines "shared mobility device" to mean any bicycle (including a tricycle or quadricycle), electric bicycle, or scooter (including two or three wheels) and that is powered by human propulsion, motor, or electricity and is used by sitting or standing on the device. It includes an exemption for the existing bike share pilot program administered by the Public Works Department and would exclude mobility device share programs that are not available to the general public (e.g., devices available to employees of a private entity).

Should an operator deploy shared mobility devices in the City in violation of this ordinance, staff would contact the operator and inform them that they must remove their devices from the City immediately. If the operator does not comply, the ordinance would authorize the City to remove the shared mobility devices left in the public right-of-way or on public property. Other cities have taken such actions and the ability to remove the devices from revenue service has proven to be an effective deterrent.

FISCAL IMPACT

There is no direct fiscal impact on the City to this action. The City may incur some costs if it proves necessary to remove unauthorized shared mobility devices from the right-of-way; however, based on other cities' recent experiences with temporary moratoriums, this is unlikely to occur.

ALTERNATIVES

1. Decline to adopt an urgency ordinance at this time.
2. Provide other direction.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Dawn S. Cameron
Assistant Public Works Director

Katie Grainger
Student Intern III, City Attorney's Office

Nicole C. Wright
Assistant City Attorney

Approved by:

Michael A. Fuller
Public Works Director

Jannie L. Quinn
City Attorney

Daniel H. Rich
City Manager

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Attachment: 1. Urgency Ordinance