



# City of Culver City

## Staff Report

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File #: 18-01311, Version: 1

Item #: A-4.

**CC - (1) Discussion of Options Regarding Standup Electric Scooter-Share Services; and (2) Direction to the City Manager as Deemed Appropriate.**

**Meeting Date:** May 29, 2018

**Contact Person/Dept:** Diana Chang/Transportation Department and Sanjana Mada/Public Works Department

**Phone Number:** (310) 253-6566 / (310) 253-5616

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Public Hearing:**  **Action Item:**  **Attachments:**

**Commission Action Required:** Yes  No  **Date:**

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (05/23/18)

**Department Approval:** Art Ida, Transportation Director (05/22/18) and Charles Herbertson, Public Works Director (05/23/18)

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### **RECOMMENDATION**

Staff recommends the City Council (1) discuss options regarding standup electric scooter-share services; and (2) provide direction to the City Manager as deemed appropriate.

### **BACKGROUND/DISCUSSION**

#### **Standup Electric Scooter-Share**

Standup electric scooter-share is a new shared-mobility service that has been rapidly deployed by private companies (Scooter-Share Companies) in the past few months in multiple cities in California and other parts of the nation. The Scooter-Share Companies offer to users a pool of self-service standup electric scooters, which are deployed for pick-up in locations in the public right-of-way or on public or private property. These scooters require no docking stations and operate with a speed of up to 15 miles per hour. A user can use an app on the smart phone to locate and unlock the scooter for use. The scooter-share service offers an affordable, easy and convenient way to get around and has the potential to alleviate traffic congestion, parking demand and carbon emissions, and provide

efficient first-and-last-mile transportation connections to transit service. Some of these Scooter-Share Companies, such as Bird and LimeBike, have approached the City to discuss deployments in the City of Culver City. Staff met with representatives from Bird in May, and information obtained at the meetings is included in the staff report.

#### Issues Associated with the Deployment of Standup Electric Scooter-Share

Below are some of the issues facing cities, which are associated with the deployment of standup electric scooter-share service:

1. Violation of Vehicle Code - Currently California Vehicle Code Section 21235 imposes restrictions on the operation of motorized scooters, including requiring users to have a driver's license or instructional permit and use a helmet, prohibiting riding on sidewalks, and prohibiting the obstruction of sidewalks and other pedestrian paths of travel through the parking and/or dumping of scooters. The state law further prohibits users from operating a motorized scooter on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a Class II bicycle lane. In the context of current Vehicle Code restrictions, there are approximately 20 miles of streets (see Attachment No. 1), mostly arterials, in Culver City that do not permit the legal operation of standup electric scooters unless bicycle lanes are installed. Users of the standup electric scooter-share service have frequently been observed to violate the rules of the Vehicle Code mentioned above. Bird and LimeBike both provide directions on their App to direct riders to where they can legally ride and discourage their use on streets where not legal and on sidewalks. Enforcement would also have to play a role in ensuring riders comply with Vehicle Code regulations. Bird Scooter Share has also recently begun a helmet give-a-way program in some cities where they are operating to encourage riders to use helmets.
2. Obstruction to Access and Circulation on Sidewalk - In jurisdictions such as the Cities of Los Angeles, Santa Monica and San Francisco where these scooter-share services have been deployed, a number of issues have arisen due to the operations of the electric scooters. These jurisdictions received numerous complaints from members of the community about these scooters being operated on sidewalks and being left in locations that impede pedestrian access, including blocking access to doorways, stairs, bus stops, and ADA ramps. This is of particular concern to members of the public who travel in a wheelchair or who have visual impairments, and have greater difficulty seeing and avoiding (or moving) the scooters blocking their path. This issue is also applicable to the dockless bike-share service. Bird has indicated that they now require their customers to post a picture showing where they park the scooter at the end of each ride in order to discourage leaving the scooters in locations where they might present a hazard. LimeBike app has a feature that would allow people to report illegal parking. In addition, scooters are collected each evening for charging and relocated to designated locations for the following morning.
3. Insurance and Indemnification - Bird has indicated they will indemnify the City and provide liability insurance in the amount of \$1 million per scooter. Liability issues, including adequate insurance and indemnification, need to be reviewed further by the City Attorney's Office in order to ensure that liability for irresponsible scooter riders or Scooter Share Companies does not fall to the City.

## AB 2989 Standup Electric Scooters

This bill is currently pending in the state Legislature and it would modify how standup electric scooters are treated under state law. As currently drafted, this legislation would remove standup electric scooters with motors of less than 750 watts and a top speed that does not exceed 20 miles per hour from the definition of "Motorized Scooter" in Section 407.5 of the California Vehicle Code (Vehicle Code) and subject them instead to requirements applicable to bicycles. If passed, this legislation would eliminate the requirements for standup electric scooter users to have a driver's license or wear helmets (although helmets would still be required for minors under 18). Bird and LimeBike currently do not rent to riders under 18 years of age.

In addition, if AB 2989 is enacted, standup electric scooters would be permitted to operate on sidewalks in the absence of a bikeway on the adjoining street, unless the City passes a law prohibiting such operation. Currently, Culver City has approximately 20 miles of arterial streets without any kind of bikeway. Under the current draft of AB 2989, a standup electric scooter would be permitted to ride on the sidewalk of these arterial streets (See Attachment No. 2), as well as on the sidewalk of residential streets without any kind of bikeway. Pursuant to Culver City Municipal Code 7.04.250, bicycles are not permitted on the sidewalk in any business district or sidewalk adjacent to any public school building, church, recreation center or playground or a walkway specifically designated as closed to all vehicular or bicycle traffic. However, this restriction would not apply to the standup electric scooters unless the CCMC is amended to add a similar prohibition. If AB 2989 is enacted, its provisions likely would not go into effect until 2019.

## How Other Jurisdictions Are Addressing Standup Electric Scooter-Share Service

Cities such as Santa Monica, San Francisco, and Los Angeles are working on/have adopted pilot regulatory programs with rules and guidelines that regulate and address the issues associated with the standup electric scooter share service.

- **San Francisco** - San Francisco adopted a 24-month Pilot Powered Scooter Share Permit Program that will go into effect on July 1, 2018.
- **Los Angeles** - City of Los Angeles has a moratorium on new dockless bike share and scooter share programs with exception of Council approved existing programs, and they are drafting the guidelines for a 12-month permit program.
- **Santa Monica** - City of Santa Monica adopted an emergency ordinance in March 2018; the new rule allows the city to collect a \$60 impound fee for any "shared mobility device" that poses an immediate hazard or obstructs access to public space. City of Santa Monica is currently working on guidelines for a 12-month pilot permit program, including interim regulations, which is tentatively scheduled to be considered by its City Council on June 12<sup>th</sup>. During this interim period, Santa Monica has issued "vending" permits, with conditions, to allow Scooter-Share Companies to deploy their scooters from private property only, not from the public right-of-way.
- **Austin** - The City of Austin is drafting a 6-month pilot program for dockless mobility permits.
- **Palo Alto** - In March 2018, City of Palo Alto adopted guidelines for a 12-month dockless bike share and e-scooter share pilot program.

## Considerations for a Regulatory Program for Standup Electric Scooter Share

To properly accommodate and address the issues on the standup electric scooter-share service, City may notify the Scooter-Share Companies of the planned development of a shared scooter regulatory program and request their cooperation with the City to ensure compliance with existing regulations. The following should be considered as part of the regulatory program:

- 1) Safety
- 2) Parking
- 3) Number of companies and allowable fleet size
- 4) Operations, maintenance, and customer service
- 5) Data sharing
- 6) Outreach/education
- 7) Equality
- 8) Insurance requirements
- 9) Fees and revenue sharing
- 10) Business tax certificate structure
- 11) Liability and enforcement

As some of the issues associated with the standup electric scooter share may apply to dockless bike share, City may elect to include all shared-mobility services in this regulatory program.

#### City Council Directions on the Scooter-Share Service

Below are strategies for standup scooter-share service for City Council's consideration and direction:

1. Maintain the status quo and not enact a regulatory program for the standup electric scooter-share service - this option may result in increasingly cluttered and obstructed sidewalks and public spaces and as well as uneven and inequitable distribution of rental standup electric scooters as unregulated Scooter-Share services continue to expand into Culver City.
2. Prohibit standup electric scooter share service altogether - given the potential for scooters to help reduce vehicle trips and add a sustainable and low-emission last-mile solution for people using public transportation, this option could deny the community a new mobility option.
3. Issue a short moratorium on the standup electric scooter share service deployment until a regulatory program is in place - this option may give City more control over potential impacts associated with scooter-share and allow City time to put a regulatory program in place.
4. Allow for deployment with an Interim Operating Agreement (to be negotiated with a Standup Electric Scooter Share company) for a short duration (3 month pilot period) while permit regulations are developed and put in place. This option, (which Bird is very interested in), would allow for quick deployment of this mobility service. However, based on existing law, there are a number of arterial streets in Culver City on which standup electric scooters would not be permitted to legally operate. In addition, such an operating agreement would not allow for any activity which is otherwise currently prohibited (i.e. deployment from the public right-of-way).

Staff recommends the City Council consider the various options and provide direction to the City Manager as deemed appropriate.

#### FISCAL ANALYSIS

City may incur costs on the administration, oversight, and enforcement of a regulatory program on the standup scooter share service. The costs associated with the regulatory program may be recovered through the permit fees. Bird has indicated they are currently setting aside \$1/day/scooter deployed in each city they are operating in for the purpose of revenue sharing once a mechanism to do so is put in place.

## **ATTACHMENTS**

1. Map on the Operability of Standup Electric Scooters on Culver City Streets Under Existing Law
2. Map on the Operability of Standup Electric Scooters on Culver City Streets Under Proposed AB 2989

## **RECOMMENDED MOTIONS**

That the City Council:

1. Discuss options regarding standup electric scooter-share services; and
2. Provide direction to the City Manager as deemed appropriate.