

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: NANCY ADAMS, TRANSPORTATION PLANNER
TRANSPORTATION AND PUBLIC WORKS DEPARTMENT
SUBJECT: SHARED MOBILITY DEVICES

AGENDA ACTION: STUDY SESSION

RECOMMENDATION

It is recommended by the Transportation and Public Works Department that the Council hold a Study Session to receive information, ask questions, discuss and provide feedback to staff regarding the regulation of Shared Mobility Device.

EXECUTIVE SUMMARY

The emerging shared mobility industry is posing challenges for cities to manage, regulate and enforce shared mobility devices within the public right of way. Cities have developed different approaches such as ordinances and permits to regulate the devices. Shared Mobility Devices (SMDs) supports the City Council Goal – Promote Environmental Sustainability. Enhancing transportation options to reduce vehicle miles traveled supports the City Council Tier 1 priority – to implement the Climate Action Plan. In addition, SMDs support the city’s Silver Bicycle Friendly Community designation.

This study session is provided for the Council’s information and no action will be taken. The Council will have the opportunity to ask questions, discuss, and provide feedback to staff regarding the regulation of SMDs.

BACKGROUND

The evolution SMDs has surged in the last several years. Examples of these devices include electric scooters and electric bikes.

Since the arrival of electric scooters in California in 2017, the landscape has evolved from being dominated by two vendors to being crowded with competitors. The e-scooter companies typically offer wheeled electric mobility that may be accessed via a smartphone app and a credit card and picked up and dropped off anywhere. The dock-less nature of e-scooters is primarily what makes them more convenient and appealing than a system with docking stations.

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As cities struggle to meet the mobility needs of residents, workers and tourists, e-scooters can provide a convenient solution for improved mobility options. On the other hand, e-scooters can pose challenges to riders and pedestrians and the use of public right of way.

It is anticipated that in 2021 a pilot bike share project will be launched in several cities in Sonoma County along the Sonoma Marin Area Rail Transit (SMART) rail corridor which will include e-bikes. Santa Rosa is proposed to have four bike share hubs: 1) Downtown SMART station, 2) North Santa Rosa SMART station, 3) Courthouse Square and 4) the Santa Rosa Junior College. Though bike share systems can offer unique opportunities, there are many challenges to effective implementation and regulation. Docked systems require significant infrastructure investment and they need to limit availability to designated docking areas. Conversely, dock-less shared bicycles offer more flexible transportation options but can result in bicycles being left in areas where they do not belong (including public right of way), causing accessibility concerns or nuisances.

Relationship to Climate Action Plan and the Bicycle and Pedestrian Master Plan Update 2018

The Climate Action Plan (CAP) was developed to meet the requirements of the Greenhouse Gas (GHG) Reduction Strategy and outline a clear path to successfully implement policies, programs, and activities that will achieve the City's adopted GHG reduction targets. The transportation sector accounts for approximately 51% of the total GHG emissions. The sources of emissions from the transportation sector is quantitatively tracked by vehicle miles traveled (VMT).

In order to achieve the state-recommended reduction target of 15% below 2007 emissions levels by 2020 and the locally adopted reduction target of 25% below 1990 levels, the City will need to implement the goals, policies and actions set forth in the CAP. The CAP includes - Goal #4: Improve Transport Options which increases the availability of safe, reliable and convenient alternatives to single-occupancy vehicular travel.

Implementation strategies related to increase safe, reliable alternatives to vehicle travel identified in the CAP are to monitor progress of improving non-vehicular network to promote walking and biking, implement the Bicycle and Pedestrian Master Plan Update 2018 (BPMPU2018) and implement a bike share program. The Plan targets that by 2020 25% of the BPMPU 2018 be implemented and 100% by 2035. SMDs will create and strengthen first and last mile connections to SMART and CityBus further supporting efforts to reduce VMT.

With the emergence of SMDs, staff has seen an increase in the number of messages from vendors promoting and marketing their devices.

PRIOR CITY COUNCIL REVIEW

On September 22, 2020, the City Council Climate Action Subcommittee provided comments and feedback on how SMDs integrate into Climate Action Plan goals and policies.

In 1996 and 2001, the City Council adopted ordinances 3249 and 3516, respectively prohibiting skating activities on sidewalks and streets within the specified downtown area, the specified Railroad Square area, in shopping centers and other specified areas of public property.

In 2019, the City Council approved the Bicycle and Pedestrian Master Plan Update 2018 which included a policy to related to the City's commitment to monitor and report on the pilot two-county bike share program funded by the Metropolitan Transportation Commission (MTC).

Shared Mobility (bike share, scooter), other forms of micro mobility either for personal use or e-commerce use are rapidly changing fields. Continued input for users, cities with robust SMDs policies and programs and law enforcement will assist staff in tracking and developing regulations that contain best practices.

ANALYSIS

1. SMDs have created a handful of issues/concerns for local jurisdictions such as:
 - a. drop off/parking (clutter of devices) in public right of way,
 - b. safety concerns with operations,
 - c. interaction with pedestrians, cyclists, and vehicles,
 - d. enforcement, and
 - e. liability/indemnification.
2. California cities (such as Emeryville, Fremont, Mountain View, Oakland, Palo Alto, Sacramento, San Diego, San Francisco, San Jose, Santa Barbara and Santa Monica) have responded to the presence of SMDs in their jurisdictions by adopting local ordinances to regulate SMDs.
3. Staff has reviewed ordinances related to SMDs from eleven (11) cities in California. Attachment 1 presents a summary comparison of the ordinances. Below are some common elements in several of the ordinances that staff suggests could be included in the City's draft ordinance:
 - a. requires operators to obtain an operating permit – includes establishing a schedule off fees and charges,
 - b. requires operators to hold insurance and indemnify the City,
 - c. describes enforcement,
 - d. establishes Administrative Regulations that govern operations,
 - e. describes compliance with federal, state and local law, and
 - f. designates parking areas.

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4. Based on the permit regulations from the CA cities, staff is suggesting that the City's permit process include the following elements:
 - a. program scope
 - b. safe operations,
 - c. parking and redistribution of devices,
 - d. operation and maintenance plan,
 - e. customer service,
 - f. community engagement and education requirements for users,
 - g. equity requirements and affordability for underserved populations,
 - h. data sharing and reporting and privacy,
 - i. compliance with federal, state and local law,
 - j. enforcement – citations, penalties (users and operators),
 - k. accessibility to persons with disabilities,
 - l. deposit and fees, and
 - m. insurance and indemnification.

5. Staff is seeking input and feedback from Council on the following key issues/questions:
 - a. should it be a pilot program,
 - b. areas where devices are prohibited,
 - c. right of way and curb space management,
 - d. flexible to accommodate changes in mobility options technology such as, automated first and last mile delivery of goods,
 - e. SMDs and transit integration – connection to the Downtown SMART station and the North Santa Rosa station, and
 - f. are we missing any opportunities or needs?

6. There are two recent state bills (AB 1286 and AB 1112) related to SMDs. AB 1286 – Shared mobility devices - agreements would require a shared mobility service provider to enter into an agreement with, or obtain a permit from, the city or county with jurisdiction over the area of use. AB 1112 – Micro-mobility devices - relocation would authorize a person to relocate an illegally parked micro-mobility device a short distance in order to clear a highway, sidewalk, doorway, or public bicycle path or trail for vehicle or pedestrian traffic. AB 1286 was passed in the Assembly and Senate in August 2020 and enrolled in September 2020. AB 1112 was amended in July 2020.

7. Sections of the California Vehicle Code address the regulation and operation of scooters and E-bikes. (See Attachment 3)
 - a. E-bikes are classified into three class with the following definitions and restrictions:

- i. Class 1 – low-speed pedal-assisted electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and that stops providing assistance when the bicycle reaches 20 mph. These are legal on any paved surface that regular bicycles are allowed.
 - ii. Class 2 – low-speed throttle-assisted electric bicycle are equipped with motors that can exclusively propel the bicycle, but that cannot provide assistance when the bike reaches 20 mph. These are legal on any paved surface that regular bicycles are allowed.
 - iii. Class 3 – speed pedal-assisted electric bicycle that is equipped with a motor that provides assistance only when the rider is pedaling and stops providing assistance when the bike reaches 28 mph. Operators must be 16 years or older and wear a helmet. These bicycles are prohibited from Class 1 multi-use paths unless specifically authorized by local ordinance.
 - b. Motorized scooters have several restrictions with some highlighted here:
 - i. Shall not operate on a highway with speed limit in excess of 25 mph unless operated within a Class II or Class IV bikeway, except by local authority, by ordinance or resolution, may authorize the operation of a motor scooter outside of a Class ii or Class IV with speed limit up to 35 mph.
 - ii. The maximum speed limit for a motorized scooter is 15 mph.
 - iii. Operators under 18 must wear a helmet.
 - iv. Shall not operate a motorized scooter upon a sidewalk except as necessary to leave an adjacent property.
- 8. City of Santa Rosa Municipal Code also includes regulations related to scooters, prohibiting their use on public streets in the downtown and Railroad Square areas (See Attachment 4). This ordinance would need to be amended to allow the use of scooters in the downtown and Railroad Square areas as well as introduce the permit requirements described above.
- 9. Based on Council input and direction related to SMDs polices, staff will bring an ordinance for the Council consideration at a future meeting.

FISCAL IMPACT

This item does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

This study session is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3) and 15378 in that there is no possibility that this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

1. On November 21, 2019, staff made a presentation to the Bicycle and Pedestrian Board (BPAB) on SMDs.
2. BPAB is scheduled to meet on October 15, 2020 to discuss SMDs. Staff will provide Council with a summary of the BPAB discussion during the study session.
3. Staff is scheduled to present an update to the Community Advisory Board (CAB) on October 28, 2020. Staff will provide Council with a summary of the CAB discussion during the study session.

NOTIFICATION

Not applicable

ATTACHMENTS

- Attachment 1 - Summary Comparison of SMDs Ordinances - Selected CA Cities
- Attachment 2A/B - State Legislation AB 1286 and AB 1112
- Attachment 3 - California Vehicle Code Scooters and E-bikes
- Attachment 4 - City of Santa Rosa Municipal Code Scooters

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