



Legislation Details (With Text)

**File #:** 19-103      **Version:** 1      **Name:**

**Type:** Public Hearing/General Business      **Status:** Agenda Ready

**File created:** 1/16/2019      **In control:** City Council and Authorities Concurrent

**On agenda:** 1/29/2019      **Final action:**

**Title:** Presentation of the Workplan for Developing New Ordinances and Regulations for Motorized Scooter and Bicycle Share Programs

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Projects

Date	Ver.	Action By	Action	Result
1/29/2019	1	City Council and Authorities Concurrent	Approved	Pass

**REPORT TO COUNCIL**

**SUBJECT**

Presentation of the Workplan for Developing New Ordinances and Regulations for Motorized Scooter and Bicycle Share Programs

**BACKGROUND**

As heard earlier in today’s Council Agenda, the City Council has taken recent actions on a moratorium of Scooter and Bicycle Share programs. Below is a summary of recent actions:

- **Emergency Ordinance:**
  - Went into effect immediately, December 20, 2018.
  - Will expire 45 days later, on February, 3, 2019, unless extended by City Council action.
  - Extension being heard today, January 29, 2019.
  - Staff is recommending that the City Council extend the moratorium, at today’s Council meeting, for 10 months and 15 days.
  - If extended, the moratorium will then expire on December 19, 2019.
  
- **Regular Ordinance:**
  - Introduced on December 20, 2018.
  - Adopted on January 15, 2019.
  - Ordinance goes into effect 30 days after adoption, February 14, 2019.
  - To match the emergency ordinance, the regular ordinance is set to expire on December 19, 2019.

When implemented correctly, shared mobility services can be an integral part of a multimodal

network. However, there are also significant concerns that have arisen in other cities where similar scooters have been implemented:

- They can travel at up to 15 mph, much faster than pedestrians.
- While the California Vehicle Code prohibits the use on sidewalks, scooters are frequently being used and stored on sidewalks.
- Scooters can amass at bus stops and transit hubs in a disorganized manner that affects transit access.
- Scooters are sometimes left along pedestrian paths of travel where they impair accessibility for mobility devices, block the public right-of-way, and become trip hazards.

The opportunity for the City to establish regulations prior to permitting this activity allows for the City to mitigate the above outcomes and work collaboratively to establish business practices in Santa Clara. Having the appropriate regulatory program is a necessity to assure a successful implementation and operations.

**DISCUSSION**

The City’s goal is to ensure that there is a successful deployment of shared bikes and scooters and to protect the public interest in addition to promoting innovation and mobility. City staff has begun investigating a regulatory program for motorized scooters and shared bicycles and has identified the following elements as important components of such a program:

- Fees
- Safety
- Liability
- Rules
- Parking
- Monitoring
- Enforcement
- Permits

This work will be managed by the Department of Public Works Traffic Division. In developing the work plan staff also needed to account for the significant outreach and coordination that will be required as well as current workload and schedules. As our Department of Public Works is already committed to other Council priorities and operational initiatives, it is worth understanding the workload impact by absorbing an unanticipated assignment.

While this assignment requires the participation of multiple offices/departments (e.g., City Attorney, Finance, City Manager, etc.), the bulk of the workload falls on the Department of Public Works Traffic Division. The Traffic Division consists of 9 staff members to support the City’s full service and robust transportation needs. Traffic staff is currently working on a number of significant projects which are summarized in Attachment 1. In addition to those projects, traffic staff needs to continue their day-to-day work and a number of other significant local and regional efforts currently underway. Table 1 below shows those areas of workload:

**Table 1: Summary of Ongoing Work and Significant Local/Regional Projects**

Ongoing Day-to-Day Work	Significant Local/Regional Projects
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<ul style="list-style-type: none"><li>• Signal and street operations</li><li>• Traffic analysis for a high volume of development projects</li><li>• Stadium operations</li><li>• Neighborhood requests</li><li>• Neighborhood studies</li><li>• Review and traffic analysis of Specific Plans</li><li>• Other administrative requests (e.g., resident inquiries, Public Record Act requests, etc.)</li></ul>	<ul style="list-style-type: none"><li>• CityPlace implementation including coordination with outside agencies and implementation of the Multimodal Improvement Plan</li><li>• Measure B Implementation</li><li>• BART extension to Santa Clara</li><li>• Conversion from Level of Service to Vehicle Miles Travel for traffic analysis</li><li>• Oversight of the Santa Clara/San Jose Settlement Agreements</li><li>• VTA coordination on development and local and regional transportation issues</li><li>• Caltrain and High Speed Rail Coordination</li></ul>
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While the above summaries do not include the full workload, it does help inform the limited available capacity to implement this new program and the inevitable delays in the other assignments. In some cases, the Traffic Staff will need to prioritize the existing workload to ensure that there are not delays given other workplan requirements that mandate timely response (e.g., development agreements, regional schedules, etc.). Staff took all available information into consideration and reviewed two deployment options:

**Option 1 - City Wide Ordinance and Regulations for All Operators**

Staff would research regulations implemented in other jurisdictions to develop the appropriate ordinance and regulations for Santa Clara. These would apply to all operators in Santa Clara. It is expected this would require approximately six to eight months as detailed below:

- Development of draft ordinance and regulations - 2 months
- Community and operator outreach - 2 to 2.5 months
- Bicycle and Pedestrian Advisory Committee - 1.5 months
- Finalize and Council Approval (2 readings of ordinance and 30 day initiation period) - 2 months
- Council could direct a 6 month check in to assess the operations of the program and make additional changes, if warranted.

**Option 2 - Pilot project through Request for Proposals (RFP)**

Staff would develop an appropriate ordinance and regulations through a pilot project with selected operators. Once the pilot project is completed, a final ordinance and regulations would be completed that would be implemented citywide for all operators. It is expected this would require approximately nine to twelve months as detailed below:

- Development of draft ordinance and regulations - 2 months
- Community and operator outreach - 2 to 2.5 months
- Bicycle and Pedestrian Advisory Committee (BPAC) - 1.5 months
- Develop and advertise RFP to select operators - 2 months
- Selection and agreement negotiation with operators - 2 months
- Finalize and Council approval - 2 months
- After completion of the pilot project (one year), staff would make any appropriate modifications and finalize the ordinance and regulations for Council approval.

**Preferred Option**

Staff recommends Option 1, to develop a citywide ordinance and regulations that apply to all operators. Although this type of deployment is new to Santa Clara, staff believes that enough programs have been implemented in other jurisdictions that can provide as much information as a local pilot project. In addition, this approach reduces the schedule. Even without a pilot project, if any changes are identified to the approved ordinance and regulations after implementation, staff would come back to Council for additional modifications.

While the schedules could be modified to reduce the timeline, that would require delaying schedules for projects currently underway (in many cases not feasible) or reducing/eliminating outreach and coordination with BPAC. It is also important to note that ordinances would not become effective until 30 days after Council approval.

### **ENVIRONMENTAL REVIEW**

The action being considered falls under several exemptions found in the California Environmental Quality Act (CEQA). It is exempt under CEQA Guidelines Section 15061(b)(3) because it is designed to preserve the status quo and therefore does not have the potential to significantly impact the environment. It is also categorically exempt under CEQA Guidelines Section 15308 as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of potential local legislation, regulation, and policies. It is also categorically exempt from review under CEQA Guidelines Section 15301 ("Existing Facilities") since it will temporarily perpetuate existing environmental conditions.

### **FISCAL IMPACT**

The City will need to develop any fees related to the program. These fees could include license, permits, franchise, penalties, and impound. The moratorium ordinances also allow for impounding scooters and bikes and can charge fees to recover the cost of removal and impoundment. The Finance Department is currently working with an outside Consultant on a cost of services study to update all municipal fees and will analyze these fees as part of that process. This study is expected to be completed in early 2019.

### **COORDINATION**

This report has been coordinated with the Departments of Public Works, and Finance, and the City Attorney's Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **ALTERNATIVES**

1. Option 1 - Proceed with the development of Citywide ordinances and regulations for all operators
2. Option 2 - Proceed with a pilot project

### **RECOMMENDATION**

Alternative 1: Proceed with the development of Citywide ordinances and regulations.

Reviewed by: Manuel Pineda, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Projects