



## Agenda Report

21-1475

Agenda Date: 10/25/2021

### REPORT TO BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

#### SUBJECT

Update on Shared Mobility Device (Bicycle/Scooter) Regulations (Garcia)

#### BACKGROUND

In December 2018 and January 2019, the City Council discussed and acted on the operation of shared mobility devices (i.e. bicycle and scooter share) in Santa Clara. The Council approved emergency and regular ordinances, which prohibited the operation of shared mobility programs in Santa Clara from December 20, 2018 to December 19, 2019. The City Council also directed staff to return with a proposed permanent shared mobility program (Program) to allow the City to properly regulate the use of these new mobility options within City limits.

Staff developed and implemented a workplan to help establish a Program and provided a detailed progress update at the June 4, 2019 City Council meeting. Based on feedback from that meeting, staff updated the draft Shared Mobility Permit Administrative Regulations (Administrative Regulations) and conducted additional outreach with the public, operators, and other stakeholders. On June 20, 2019, staff posted the updated draft Administrative Regulations to the City's website.

In addition, at the June 24, 2019 Bicycle and Pedestrian Advisory Committee (BPAC) meeting, staff provided the BPAC with an update on the Program and draft Administrative Regulations. After an extensive discussion focused on data-sharing and privacy rights under the Program, the BPAC approved a recommendation that the City Council approve the draft Administrative Regulations with the following two amendments: 1) that the Administrative Regulations provide more clarity regarding which rules apply to bicycles, scooters, or both, and 2) that Operators not be allowed to share user data with third party vendors. Following the June 24, 2019 BPAC meeting, staff was preparing to return to City Council with a final proposed Program and draft Administrative Regulations (Attachment 1) in August 2019.

In July 2019, staff was informed of Americans with Disabilities Act (ADA) litigation that had the potential to impact the Program and draft Administrative Regulations. Additionally, there were two proposed State Assembly Bills (Assembly Bill 1112 and Assembly Bill 1286) that could affect the Program. Based on this, the City Attorney's Office recommended temporarily pausing the development of the Program to allow the City sufficient time to determine how these new developments would impact the Program.

On November 5, 2019, City Council adopted Ordinance 2010 to extend the City's temporary moratorium on shared mobility programs. The temporary moratorium expired on December 19, 2020. Recent discussions with the City Attorney's Office indicate that potential risk regarding ADA litigation

has been addressed and that Assembly Bill 1286 has been approved. At the November 17, 2020 City Council meeting, staff provided an informational report (Attachment 2) which provided an update on the proposed Shared Mobility permit program in Santa Clara.

Since then, staff has been working to update the draft Administrative regulations based on any further changes to State Law, COVID-19 considerations, and feedback from shared mobility program operators.

### **DISCUSSION**

Staff has updated the draft Administrative Regulations originally brought to BPAC in June 2019 for several reasons, including:

- compliance with current State Law regarding the operation of mobility share devices in the public right-of-way
- compliance with accessibility or potential ADA requirements resulting from the Oakland lawsuit
- advancements in technology and equipment
- operational improvements of mobility share service providers
- to address questions and comments from the June 24, 2019 BPAC meeting.

The updated Administrative Regulations were developed through several steps. First, the program regulations were reviewed by the City Attorney's Office to ensure compliance with current State Law and recent litigation requirements. Second, staff met with several Mobility Share operators to discuss the draft Administrative Regulations and current capabilities of their devices. Third, staff reviewed the latest administrative regulations from the Cities of Oakland, Sacramento, San Francisco, and San Jose to ensure regulations were consistent with nearby agencies in the region. Finally, staff reviewed the BPAC meeting from June 24, 2019 to determine if any changes were needed to address comments and questions that were expressed during the meeting. Based on these tasks, the draft Administrative Regulations were updated as shown in the list of changes (Attachment 3).

To allow the operation of the Shared Mobility Device program in the City and to comply with state law, the revised program regulations along with an ordinance will be taken to Council for review and consideration at their December 7, 2021 meeting. If approved by Council, shared mobility devices could begin operation in the City as early as July 2022.

### **RECOMMENDATION**

Staff recommends the BPAC vote to recommend that the City Council approve the Shared Mobility Device Permit Administrative Regulations with the modifications listed in Attachment 2.

Written by: Ralph Garcia, Senior Civil Engineer, Public Works

Reviewed by: Carol Shariat, Principal Transportation Planner, Public Works

Reviewed by: Jonathan Yee, Transportation Manager, Public Works

Approved by: Michael Liw, Assistant Director/City Engineer, Public Works

### **ATTACHMENT**

1. 2019 Draft Shared Mobility Regulations

2. File #20-1168 Note and File Informational Report on a Proposed Shared Mobility Permit Program and Updates to State Law
3. Mobility Share Program - Notable Modifications