



Agenda Report

19-1008

Agenda Date: 11/5/2019

REPORT TO COUNCIL

SUBJECT

Action on Introduction of an Ordinance Extending a Temporary Moratorium on Motorized Scooter and Bicycle Share Programs

BACKGROUND

In December 2018 and January 2019, the City Council discussed and took action on the operation of bicycle and scooter share devices in Santa Clara. The Council approved emergency and regular ordinances, which prohibit the operation of bicycle and scooter share programs in Santa Clara from December 20, 2018 to December 19, 2019. The City Council also directed staff to return with a proposed permanent bicycle and scooter share program to allow the City to properly regulate the use of this new mobility option within City limits.

Pursuant to Government Code Section 65858(d), this Report is required to identify the steps that the City has taken to address the conditions that led to adoption of the moratorium. Staff developed and implemented a workplan to help establish a permanent bicycle and scooter share 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 Administrative Regulations for a bicycle and scooter share program 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 meeting, staff provided the BPAC with an update on the City's proposed bicycle and scooter share program and the 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.

DISCUSSION

Recently, there have been several new developments in regard to American Disabilities Act compliance and changes in legislation that have the potential to impact the draft Administrative Regulations. Based on this, the City Attorney's Office has recommended temporarily pausing the development of the bicycle and scooter share program to allow the City sufficient time to evaluate additional considerations including:

- Americans with Disabilities Act compliance
- Evolving State Legislation regarding motorized scooter share and bicycle share programs, including Assembly Bill 1112 and 1286.

As the Council approved the current moratorium while the City was creating the bicycle and scooter share program, staff recommends that the moratorium be extended for an additional year to allow for adequate time to ensure that the proposed program will be successful. The ordinance (Attachment 1) presented today for City Council's consideration would extend the temporary moratorium on all bicycle and scooter share programs in the City until December 20, 2020.

This Report to Council was issued on October 18, 2019, in compliance with Government Code Section 65858(d), which requires a report to be issued at least ten (10) days prior to the extension of a moratorium.

Staff is recommending that the City Council introduce the attached ordinance to extend the moratorium. If approved today, the proposed ordinance will return for Council adoption on November 19, 2019. If adopted, the ordinance will go into effect 30 days after adoption, on December 19, 2019. Pursuant to Government Code Section 65858, this extension requires a four-fifths (4/5) vote of the Council, which would be six (6) votes if all members are present.

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

There is no fiscal impact with establishing a moratorium.

COORDINATION

This report has been coordinated with 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>> or at the public information desk at any City of Santa Clara public library.

A notice of the public hearing on the proposed moratorium extension was also published in the Weekly, a newspaper of general circulation, on October 23, 2019.

RECOMMENDATION

Introduce an Ordinance Extending the Temporary Moratorium on Motorized Scooter and Bicycle Share Programs.

Reviewed by: Craig Mobeck, Director of Public Works
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Ordinance