



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: February 2, 2021

TO: Christine Daniel, City Manager

FROM: Mary Grace Houlihan, Public Works Director

SUBJECT: **Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 13, "Dockless Shared Mobility Systems," to Title 4 Of The Emeryville Municipal Code To Establish Regulations And New Permits To Operate Dockless Shared Mobility Systems In The Public Right Of Way (CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15061(b)(3), 15378(a),(b)(3))**

RECOMMENDATION

Staff recommends that City Council approve the introduction and first reading of the above-entitled ordinance amending Chapter 13, "Dockless Shared Mobility Systems," of Title 4 of the Emeryville Municipal Code. The proposed amendment addresses parking requirements and response times for issues and complaints related to dockless shared mobility systems.

BACKGROUND

Shared mobility programs, including docked and dockless traditional bicycles, docked and dockless electric bicycles (e-bikes), and electric scooters, are already operating in and near Emeryville. Emeryville is a party to one contract with Bay Area Motivate LLC, which allows the exclusive deployment of docked bicycles for a period of ten years, and sets parameters for allowing e-bike deployment by other entities during that contract term. Exceptions to that contract include non-automated non-self-service bike rentals, electric scooter rentals, electric bike rentals, and round-trip bike share operations. On April 19, 2019, the City Council adopted Ordinance 19-005, "Ordinance Of The City Council Of The City Of Emeryville Adding Chapter 13, "Dockless Shared Mobility Systems," To Title 4 Of The Emeryville Municipal Code To Establish Regulations And New Permits To Operate Dockless Shared Mobility Systems In The Public Right Of Way. This item proposes amendments to that ordinance to address issues related to the use of electric scooters and dockless electric bicycles in the City of Emeryville.

DISCUSSION

Shared mobility systems are beneficial modes of transportation that reduce demand for private vehicles, decrease per-capita greenhouse gas emissions, and create more affordable mobility options. However, as with all modes of transportation, their presence and use in the public right of way must be kept in balance with other uses, and regulated in the interest of public safety. Unregulated shared use devices proliferating in the public right of way can cause public safety issues including impeding the right of way for other modes of transit, creating hazards and causing additional work for the City's Public Works Department who may have to remove damaged or inoperable devices from City streets

and sidewalks. The proposed amendments are in alignment with requirements in nearby cities, and are intended to improve the availability of the sidewalk for all users.

The proposed amendments are as follows: to require dockless shared mobility devices to be equipped with a "Locking Mechanism" (defined as an integrated locking mechanism which cannot be removed using simple tools and which securely holds the device upright when parked at a bike rack or other fixed object) to permit locking to bike racks or other appropriate fixed objects; to require that devices are locked upright to racks or appropriate fixed objects; and to standardize the timeframe in which Operators must address complaints regardless of day of the week or time of day.

If the Council adopts the first reading of the proposed ordinance on February 2, 2021, with a second reading on February 16, 2021, the ordinance amendments would take effect on March 16, 2021. In addition, staff will bring a separate recommendation to Council on February 16, 2021, recommending that the permit fees originally included in the Master Fee Schedule associated with Dockless Shared Mobility Systems be amended to recognize regional changes in fees.

FISCAL IMPACT

Adoption of the Ordinance amendments will have no direct fiscal impact on the City.

STAFF COMMUNICATION WITH THE PUBLIC

The proposed amendments were discussed at the January 14, 2021 meeting of the Transportation Committee; the Committee passed a motion in support. A representative from Bird attended that meeting and indicated his approval as well. Staff has also had conversations about these proposed amendments with representatives from Lyft and Spin.

RECOMMENDATION

Staff recommends that the City Council take the following actions:

1. The Ordinance be introduced after a motion to read by title only;
2. Public testimony be taken regarding the Ordinance;
3. The City Council adopt the first reading of the Ordinance.

PREPARED BY: Nancy Humphrey, Environmental Programs Supervisor

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Christine Daniel, City Manager

ATTACHMENTS

- Proposed Ordinance