



COUNCIL AGENDA: 9/25/2018  
ITEM: 6.3 (18-1273)

# Memorandum

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**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** September 25, 2018

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**SUBJECT:** Shared Micro-Mobility.

**RECOMMENDATION:**

As recommended by the Transportation and Environmental Committee on August 13, 2018, accept the background information report from City Staff on shared micro - mobility - dockless bikes, electric-assist bikes, and electric scooters - in and around Downtown San José, and provide feedback to staff on a proposed regulatory framework.

CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (Transportation)  
[Transportation and Environmental Committee referral 8/13/18 - Item D.1]

**DEFERRED TO 10/16/18 PER ADMINISTRATION**



# Memorandum

**TO:** TRANSPORTATION AND ENVIRONMENTAL COMMITTEE

**FROM:** John Ristow

**SUBJECT:** SHARED MICRO-MOBILITY

**DATE:** July 31, 2018

Approved

Date

8-2-18

## RECOMMENDATION

Accept the background information report on shared micro-mobility – dockless bikes, electric-assist bikes, and electric scooters – in and around Downtown San Jose, and provide feedback to staff on a proposed regulatory framework.

## BACKGROUND

With *Envision San José 2040 General Plan* and *Bike Plan 2020*, the City adopted ambitious goals for shifting automobile trips to other transportation modes. As part of an effort to create a balanced transportation system, the City's goal is to increase the share of commute trips made by bike from 1.1% to 5% by 2020 and to 15% by 2040.

Strategies discussed in *Bike Plan 2020* to increase bicycle trips include implementation and expansion of a public bicycle share system. Bike share is a point-to-point system of bicycles intended for short trips of a utilitarian purpose. In 2018, electric scooter sharing also emerged. Both bike and e-scooter sharing support the City's goals of reducing auto-dependence and fostering vibrant places and public life.

At the April 4<sup>th</sup>, 2018 Rules Committee, staff was directed to develop and bring a regulatory framework for shared micro-mobility to City Council for consideration in September 2018. The purpose of this report is to provide the Committee with background on the topic and to seek feedback on a preliminary regulatory framework.

### Docked Micro-Mobility (Bike Share)

In August 2013, Bay Area Bike Share launched a pilot program in five Bay Area Cities (San José, San Francisco, Mountain View, Palo Alto, and Redwood City). The Bay Area Air Quality Management District (Air District) funded and administered the program in partnership with the Santa Clara Valley Transportation Authority (VTA) and the partner cities. Bay Area Bike Share was initially intended to include 100 stations and 1,000 bicycles throughout the five cities; however, due to funding constraints, the pilot was only 70% implemented.

In 2014, Motivate Bike Share purchased the rights to operate Bay Area Bike Share. Motivate is a private corporation that operates successful bike share programs around the world, including in New York City, Washington DC, Boston, Chicago, Toronto, and Melbourne. Motivate rebranded Bay Area Bike Share as Ford GoBike and began an expansion to 7,000-bikes in five Bay Area cities (San José, San Francisco, Oakland, Berkeley, and Emeryville), including 1,000 bikes at 83 stations in San Jose. As of August 2018, there are 360 bikes and 45 stations in San Jose. As part of this agreement, the City and other municipalities in the Ford GoBike program gave Motivate the exclusive right to operate bike share in their public rights-of-way. In July 2018, Motivate was purchased by transportation network company Lyft.

### **“Dockless” Micro-Mobility**

As Ford GoBike’s implementation has progressed, a new type of technology, “dockless bike share,” has emerged as an alternative to station-based bike sharing. Dockless bike share is a form of bike share that is free-floating. Dockless bikes do not need stations and may be rented and subsequently parked at a user’s destination using a mobile app. Dockless shared bikes may potentially cover a wider geographic area than a station-based system allows, but can also pose challenges to the user or company. For example, users have no certainty about where bikes will be available for pickup, and operators need more resources to retrieve and relocate bikes each day. Newer developments in shared micro-mobility include dockless electric-assist bicycles and electric scooters, both of which can serve even larger geographic areas than manual pedal bikes and can serve residents with mobility issues.

### **Current Dockless Micro-Mobility Operations in San Jose**

San Jose currently has four companies operating shared micro-mobility business in San Jose – Ford GoBike, LimeBike, BIRD Rides!, and Skip. Additional companies have expressed interest in operating in San Jose, including Ofo, Jump, Lyft, and Pace.

State law in the California Vehicle Code modestly regulates these devices and specifies how they are to be used, and allows cities to develop local regulations to govern their use. The City has no existing codes to regulate these companies beyond the required business tax license from the City and City rules regarding obstructions of the public rights-of-way. Therefore, City staff in the Department of Transportation have been in regular communication with these companies regarding their operations, including safety issues, parking and right-of-way obstruction issues, and other concerns raised by Council Offices and the public.

The estimated current size of each companies’ dockless fleet currently operating on City public rights-of-way, along with their deployment date, are as follows:

- BIRD Rides! – 1,200 e-scooters launched in April 2018, primarily in Downtown and Central San Jose
- Ford GoBike – 200 manual pedal bikes launched in June 2018 and operating in North San Jose



- LimeBike – 400 e-scooters launched in February 2018, primarily in Downtown and Central San Jose
- LimeBike – approximately 25 e-bikes currently in operation citywide, launched February 2018
- Skip – 300 e-scooters launched in June 2018, primarily operating Downtown

Since the deployment of dockless bikes and e-scooters in San Jose, the City has received dozens of emails from residents expressing both support for and concern about these devices. Support has primarily focused on the devices' utility as a transportation option within the Downtown and to connect with local and regional transit.

Concerns have included improperly parked devices, the large number of devices concentrated into small areas, slow response from companies about customer service inquiries and incidences, and the use of devices on sidewalks. The vast majority of concerns received by the City have been about electric scooters.

To better understand how these devices are being used, the Department of Transportation staff conducted field observations in Spring 2018, focusing on use of electric scooters. Surveys looked at where e-scooters were being ridden and how scooters were being parked. Survey results show that 1) 76% of parked e-scooters are not causing obstructions and 2) half of e-scooter use occurs on sidewalks when a bike lane is present and nearly all use occurs on sidewalks when no bike lanes are present.

### **Better BikewaySJ**

Given the connection between infrastructure and user behavior, it is important to note that Better BikewaySJ, a safe, connected, all-ages bike route network, begins construction in August in coordination with the City's annual street paving program. Simple design changes like protected bike lanes on wide streets, protected intersections at busy crossings, and traffic diverters on small streets will make it safer for all people using the road – pedestrians, drivers, and transit users in addition to people on bicycles and e-scooters. Protected bike lanes provide more space between sidewalks and moving traffic. Narrower lanes reduce the number of cars travelling at excessive speeds. Additionally, the new street design helps to get people on bikes and e-scooters off the sidewalk and into the bike lane, freeing up space for walking and reducing the risk of collisions.

### **ANALYSIS**

In order for the City to effectively manage these devices in the City right-of-way, the Department of Transportation recommends an ordinance that would require a new operating permit for operations of a shared mobility program. The objective of such a permit is to:

- Promote safe use of the City's public rights-of-way
- Ensure the responsible operations of shared micro-mobility companies

- Advance City mobility goals contained in the *Envision San Jose 2040 General Plan*
- Promote economic development and public life

Permit guidelines would be aimed at ensuring the effective implementation of a micro-mobility ordinance; and will strive to work toward City and residents' mobility needs and goals, while allowing for companies to operate successful micro-mobility companies in the public right-of-way.

Permits guidelines may include the following elements:

- Program size, including the total number of companies and/or devices
- Types of devices covered (e.g., e-scooters, manual and/or electric bikes, and/or other micro-mobility)
- Parking and re-distribution of devices
- Speed and safety
- Equipment
- Customer service, including a set response time to incidences
- Education and code of conduct for users
- Discounted user fees based on income
- Geographic equity
- Data sharing
- Deposit, permit and cost-recovery fees, and financial responsibility
- Compliance with existing obligations (e.g., the exclusive right to operate bike share in the public rights-of-way that the City provided to Motivate/Lyft)
- Enforcement

Additionally, the guidelines will account for changes at the state level regarding these devices and will allow for new types of shared micro-mobility devices to be regulated under this ordinance.

This regulatory framework and permit system are being created based on best practices developed by national organizations including NACTO (National Association of City Transportation Officials), of which the City is a member, and NABSA (North American Bike Share Association); the experiences of other US cities in developing and implementing regulations for shared micro-mobility; and input from communities, stakeholders, and other government agencies in San Jose. NACTO and NABSA have been researching best practices, hosting webinars, releasing papers and guidelines (including NACTO's [Guidelines for the Regulation and Management of Shared Active Transportation](#)), and advising cities, including San Jose, directly. The transportation and economic development goals of *Envision San Jose 2040* were also taken into consideration when developing this regulatory framework and permit system.



## **PUBLIC OUTREACH**

This issue has been discussed at length with a variety of public groups, stakeholders, and government agencies. Outreach was conducted with the intention of: informing the public; receiving and incorporating public and stakeholder input; coordinating with law enforcement and transit operations for any future shared mobility operations that may result from approval of a regulatory framework and permit system; and to understand whether shared device companies' are able to comply with the proposed guidelines in this regulatory framework and permit system.

### **Community**

The City has received several dozen emails from San Jose residents, mostly about e-scooters. The emails have been split between support of a new transportation choice and concern over the proper use and storage of e-scooters.

On June 20, 2018, City staff participated in a public panel hosted by the American Planning Association. Approximately twenty-five people attended. Panelists included the Department of Transportation, California Walks pedestrian advocacy organization, and representatives from LimeBike and BIRD.

On June 21, 2018, the Department of Transportation held a community meeting to discuss a shared micro-mobility regulatory framework and permit system. The meeting had two parts, a demonstration where residents could try out shared bikes and e-scooters on the City Hall Plaza, and a formal community meeting inside City Hall, where City staff shared information on shared mobility devices and provided an overview of the potential regulations contained in this memorandum. Outreach for the meeting was conducted through the District 3 Office and social media on Facebook and Nextdoor.com.

Approximately 100 people attended the demonstration, where five companies (Ford GoBike, LimeBike, BIRD Rides!, Ofo, and Skip) allowed attendees to test ride their products. Seventy-four people attended the formal meeting. The vast majority of attendees spoke, offering a wide range of thoughts on and experiences with shared bikes and e-scooters. Despite varying concerns among the public, the consensus among attendees was not to ban these devices, but to create enforceable regulations governing their use to ensure public safety.

### **Stakeholders**

Many stakeholders have been consulted with during the development of this regulatory framework and permit system. Stakeholders include non-profit groups, shared micro-mobility companies, and citizen's committees. Stakeholders include:

- Silicon Valley Bicycle Coalition
- California Walks

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- City of San Jose Senior Commission
- San Jose Downtown Association
- San Jose Bicycle and Pedestrian Advisory Committee
- Micro-mobility companies
  - Ford GoBike
  - LimeBike
  - BIRD Rides!
  - Skip
  - Ofo

The micro-mobility companies listed above have had the opportunity to comment on the draft regulations for the proposed permit system.

### **Government Agencies**

City staff consulted with other government agencies to coordinate on current shared micro-mobility operations, to receive input on future operations permitted under the regulatory framework and permit system in this memorandum, and to learn best practices.

- Valley Transportation Authority - Consulted with in order to better understand their needs and concerns about shared dockless devices being parked at transit stops, on light platforms, and along the Downtown Transit Mall.
- San Jose State University's Development and Operations, Transportation Solutions, and Police Department - Consulted with to discuss concerns regarding the use of these devices on their campus along with the benefits that such devices can bring to students and to the university, including mitigating increased demand from students for automobile parking and for travel between the main and south campuses.
- Metropolitan Transportation Commission (MTC) - Consulted with Ford GoBike Program Administrator to discuss compliance with the exclusive right granted by the City to Bay Area Motivate (now Lyft) to operate Ford GoBike within City rights-of-way. The City and MTC also discussed how shared micro-mobility in San Jose and other Bay Area cities can potentially work toward meeting regional transportation needs.
- Bay Area Motivate Bike Share - As part of the Ford GoBike program, the City is in regular coordination with the other participating cities to implement the regional Ford GoBike program. These cities are Berkeley, Emeryville, Oakland, and San Francisco. These cities are working with San Jose, Motivate/Lyft, and MTC to fully implement regional bike share in the Bay Area, making regional coordination of shared micro-mobility important. Additionally, these cities are also in the process of drafting regulations around micro-mobility as these shared devices are being deployed on their respective rights-of-way. City staff have been in regular communication to understand the approach that each jurisdiction is taking, to learn from the process of each city, and to



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develop complementary permit guidelines where possible (for example, having uniform data sharing and equity requirements).

- National Best Practices - The City has also been looking carefully at the efforts of other US cities to regulate shared micro-mobility and has been communicating with staff in other cities on their experience with regulation. Looking at the experience of others has helped inform the City on a wide range of permit requirements, including data sharing, program size, speed limits, equity, and permit fees. Cities that San Jose has been communicating with and/or studying include Palo Alto, San Francisco, Santa Monica, Seattle, and Washington, DC. The City has also looked at NACTO guidelines for shared mobility.

### **Public Safety**

City staff has met members of the Public Safety community to share concerns and data about collisions, coordinate on current shared micro-mobility operations, and to receive input on future operations that would be permitted under the proposed regulatory framework and permit system. This includes the SJSU Police Department, San Jose Fire Department, San Jose Police Department Traffic Enforcement Unit, Santa Clara County Sheriff's Office Transit Patrol Division, and Downtown Safety Coordination Roundtable.

### **NEXT STEPS**

This informational memorandum will be posted on the City's website for the August 13, 2018 Transportation and Environment Committee meeting. On August 13, staff will present about and seek input into the potential ordinance and permit. DOT staff anticipates bringing the full ordinance and permit guidelines to the City Council in September 2018.

/s/

JOHN RISTOW

Acting Director of Transportation

For questions, please contact Jessica Zenk, Division Manager, at (408) 535-3543.