



# CITY COUNCIL AGENDA STATEMENT



February 5, 2019

File ID: ~~18-0044~~  
19-0029

## TITLE

A. ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHULA VISTA MUNICIPAL CODE CHAPTER 5.67 TO ESTABLISH A SHARED MICRO-MOBILITY DEVICE PILOT PROGRAM (SECOND READING AND ADOPTION)

B. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 10.72 (BICYCLES) TO AMEND OR DELETE OUTDATED SECTIONS OF THE CODE (SECOND READING AND ADOPTION)

## RECOMMENDED ACTION

Council adopt the ordinances.

## SUMMARY

City staff is proposing a Shared Micro-Mobility Device Pilot Program that includes permit requirements designed to encourage the safe use of the various shared micro-mobility devices, educate the users of parking etiquette, control fleet deployment, and create a permit fee structure that does not fiscally impact City operations. Adoption of Chula Vista Municipal Code Chapter 5.67 - Shared Micro-Mobility Device Pilot Program, and amendments to Chula Vista Municipal Code Section 10.72 are necessary for the deployment of the proposed program.

## ENVIRONMENTAL REVIEW

The proposed Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the Project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities) and/or Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Thus, no further environmental review is required.

## BOARD/COMMISSION/COMMITTEE RECOMMENDATION

The Safety Commission, at their December 5, 2018 meeting, voted 5-0-2 (Jackson and Marshall absent) to adopt the resolution recommending the approval of the Shared Mobility Device Permit Requirement by City Council.

## **DISCUSSION**

Over recent years, the region has seen an evolution in transit options that now encourages use of public transportation systems while also reducing carbon emissions to the atmosphere. Bicycle and Electric Scooter Sharing companies are becoming common and in operation within many major cities throughout the nation and in several countries worldwide. The device sharing industry offers a low cost and convenient alternative to using personally owned motor vehicles to reach destinations near and far. When combined with the mass transit system, trips outside the City are more viable and convenient. In order to encourage the use of non-personal vehicles while managing the deployment of shared mobile device within the City, staff developed the Shared Micro-Mobility Device Program.

The goal of Chula Vista's Shared Micro-Mobility Device Program is to:

1. Support an active, healthy lifestyle;
2. Ensure affordable and equitable service;
3. Fill mobility gaps and improve "First Mile/Last Mile" connections to transit;
4. Provide a low-carbon mobility option to reduce carbon emissions;
5. Manage public space to ensure sidewalks are organized and free from obstruction;
6. Derive insights using the data provided from the shared micro-mobility devices to guide permanent regulation development and potential future infrastructure investments.

The Shared Micro-Mobility Device Program supports the City's Climate Action Plan (CAP) by expanding bike-sharing of the region and providing "last mile" transportation options to the resident and visitors of the City. The program will assist the City in achieving CAP performance goals for citywide alternative commute rates and reducing average vehicle miles traveled.

As the device sharing industry grows and evolves, developing the right regulatory structure will continue to be an iterative process. The City reserves the right to modify or supplement the permit requirements as needed to address unanticipated impacts.

## **PERMIT REQUIREMENTS**

Over the last year, City staff performed research on various shared micro-mobility device programs across the nation for the development of the City's Shared Micro-Mobility Device Permit Requirements (Attachment 1). These permit requirements were based mainly on active and successful programs developed by other public agencies, such as Seattle, Los Angeles and Santa Monica. The City's Permit Requirements were divided into several sections as described below:

### **Equipment and Safety**

The Equipment and Safety requirements provide qualified vendors (Operators) with baselines for device requirements and list applicable California Vehicle Code (CVC) rules and regulations for the safe operations of shared bicycles and electric (motorized) scooters. These requirements include device specifications, maximum permitted speeds for electric assist devices, user age and license requirements, Global Positions System (GPS) equipment and customer service contact information.

## **Parking**

The Parking requirements provide qualified vendors with guidelines for acceptable parking of the shared devices within City right-of-way. Emphasis is made to discourage/prohibit device parking within ADA facilities (pedestrian ramps and sidewalk paths), private property and landscaped areas. These requirements put the responsibility on the Operators to address any complaints regarding unacceptable parking of said devices.

## **Operations**

The Operations requirements assist the City with the proper management of shared devices citywide. Considering multiple vendors may be interested in launching a device share fleet within Chula Vista, fleet deployment will be limited in the initial months to allow for City monitoring of the overall program. Requirements are also included to encourage equitable deployment across the City and lists Operator responsibility for the maintenance and upkeep of its fleet in service.

## **Data Sharing**

The Shared Micro-Mobility Device program plans to utilize GPS data collected from each device for research and analysis to develop usage trends citywide. This information will be valuable for Capital Improvement Program (CIP) project planning and future grant opportunities.

## **Fees and Application**

The Fees and Application requirements were intended to ensure the City does not assume any fiscal impacts and liability due to the operation of the various device share vendors. The fee calculation assumes a minimum level of staffing requirements and potential third-party analytics company expenses. In order to have a revenue neutral full cost recovery program, a minimum staffing effort was used to determine program costs. Additionally, the estimate assumes a minimum of two permitted companies would be in operation with the initial required deployment of 500 devices per permitted company. These calculations are summarized in the Fee Analysis table (Attachment 2).

The Fee Analysis includes the minimum effort needed for the following program components: Permit review and Issuance, on-going program evaluation, equity-based outreach and engagement, compliance audits, compliance mitigation and third-party data analytics. If additional permit fees are received due to additional vendors or deployments, staff recommends using the fees for additional efforts in the aforementioned program components as well as the initial evaluations and implementation of infrastructure improvements, such as device parking racks and striped parking corrals, and guidance signs and markings as necessary.

Throughout the development of the City's proposed program, staff learned that permit requirements vary from agency to agency. Moreover, as some agencies proceeded beyond the pilot program stage to adopting the formal program, the permit requirements also updated to adapt to trends or issues specific to each region. Due to the constantly evolving device sharing industry, it is necessary that these permit requirements be considered as a starting point for the pilot program and minor revisions may be required during the course of the pilot.

Based on the benefits that a Shared Micro-Mobility Device program can provide to the residents of the City as well as the environment, the staff recommends that the City Council accepts the staff report and approve the Shared Micro-Mobility Device Permit Requirements and authorize the City Engineer to make amendments to the permit requirements.

MUNICIPAL CODE CHAPTER 5.67 – SHARED MICRO-MOBILITY DEVICE PILOT PROGRAM

To properly establish the Shared Micro-Mobility Device Pilot Program, it is recommended that the City adopt a new Municipal Code Chapter that further describes the details of the program and indemnifies the City against potential liability. The ordinance outlines the parameters for the Pilot Program including but not limited to the initial term (12 months) of the Pilot Program, the process for the promulgation of regulations and standards for the Pilot Program, prohibited conduct and enforcement under the Pilot Program, and the establishment of administrative fees to cover City’s costs under the Pilot Program.

On September 9, 2018, Assembly Bill 2989 passed which, effective January 1, 2019, amends the California Vehicle Code §21235(b) to read:

21235. The operator of a motorized scooter shall not do any of the following:

(b) Operate a motorized scooter on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a Class II or Class IV bikeway, except that a local authority may, by ordinance or resolution, authorize the operation of a motorized scooter outside of a Class II or Class IV bikeway on a highway with a speed limit of up to 35 miles per hour. The 15 miles per hour maximum speed limit for the operation of a motorized scooter specified in Section 22411 applies to the operation of a motorized scooter on all highways, including bikeways, regardless of a higher speed limit applicable to the highway.

Staff reviewed the City’s roadway network and determined that several roadways are posted with a 30 and 35mph speed limit and have Class II bike lane facilities. Since it was determined that these roadways would provide vital connections for use of motorized scooters (such as those included in the above mentioned Shared Micro-Mobility Device Program) to access mass transit hubs, adoption of the above ordinance will authorize the operation of a motorized scooter outside of a Class II or Class IV bikeway on a highway with a speed limit of up to 35 miles per hour.

MUNICIPAL CODE SECTION 10.72 - BICYCLES

The establishment of the Shared Micro-Mobility Device Program requires the amendment of the existing Municipal Code Section 10.72 – Bicycles. In the past, the practice of renting bicycles was not permitted with the City. In addition, this section lists bicycle licensing requirements that are no longer in practice throughout the region. Staff recommends the amendment of Municipal Code Section 10.72, Bicycles, in conjunction with the adoption of Municipal Code Chapter 5.67 to properly establish and deploy the Shared Micro-Mobility Device Program for the City of Chula Vista.

**DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11),

is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The Shared Micro-Mobility Program supports the Healthy Community and Strong and Secure Neighborhoods goals as it reduces greenhouse gases, promotes an active lifestyle, and improves resident connectivity to public transit and nearby destinations within the City.

### **CURRENT-YEAR FISCAL IMPACT**

Adoption of this ordinance will have no direct fiscal impacts to the General Fund. The permit fees and deposits will make the Shared Micro-Mobility Device Program revenue neutral (Attachment 2).

### **ONGOING FISCAL IMPACT**

The ongoing permit fees and deposits will make the Shared Micro-Mobility Device Program revenue neutral, creating no impact to the General Fund.

### **ATTACHMENTS**

1. Shared Micro-Mobility Permit Requirements
2. Fee analysis

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