



CITY COUNCIL Agenda Item #18-310

Date: October 10, 2018

Consent Discussion

SUBJECT: Presentation and discussion of Bird electric scooter trial program in Montpelier

SUBMITTING DEPARTMENT: Council Member Casey

RECOMMENDED ACTION: Discussion and Council approval of Bird Interim Operating Agreement

RELATED COUNCIL GOAL/PRIOR ACTION: Responsible Government; Environmental Stewardship; Welcoming Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: "Bird is a dockless scooter-share company based in Santa Monica, California. It operates electric scooters in cities throughout North America, at a cost of one dollar to rent plus fifteen to twenty cents per minute." The company, which was founded in 2017, is interested in bringing their electric scooter service to Montpelier, and suggests a trial period to run for 60 days starting Oct. 18. The company will provide helmets to users who need them, pays a small fee to the host community, and provides financial assistance to certain groups such as veterans. Bird would hire local people to collect the scooters at the end of each day and charge them. The scooters can be located in 'nests' around the City, and use is activated by a phone app. Some concerns have been raised about the scooters, including their safety in traffic.

Councilor Casey is interested in the scooters as a more environmentally friendly means of transportation. He would like the Bird company to discuss their program with the Council and hear feedback from other members of the City Council and the public.

For information on Bird, visit www.bird.co

SUPPORTING DOCUMENTS: Proposed Interim Operating Agreement.

INTERESTED PARTIES: City Council

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman".

INTERIM OPERATING AGREEMENT

This Interim Operating Agreement (the “Agreement”) is entered into by and between Bird Rides, Inc., located at 406 Broadway #369 Santa Monica, CA 90401 (“Company”), and the City of Montpelier, Vermont located at 39 Main St, Montpelier, VT 05602 (the “City”) as of October 18, 2018, shall remain in effect for a period of sixty (60) days, and shall automatically renew for successive one month terms thereafter unless terminated by either party.

1. Statement and Purpose

The purpose of this Agreement is to establish interim rules and regulations governing the operation of Stand-up electric scooters sharing systems within the City and to ensure that such mobility sharing systems are consistent with the safety and well-being of bicyclists, pedestrians, and other users of the public right-of-way.

2. Scope

This Agreement applies to any proposed deployment of Stand-up electric scooter sharing systems within the City’s jurisdictional boundaries by Company.

3. Procedures

- a. Upon effectiveness of this Agreement, the Company shall provide an affidavit of compliance with the rules in this Agreement and provide appropriate indemnification until Operating Regulations are formally promulgated.
- b. Within ninety days after the effective date of this Agreement, the City shall establish Operating Regulations governing the operation of Stand-up electric scooter sharing systems. Company shall be required to comply with this Agreement as it may be amended from time to time.

4. Operating Regulations

- a. Stand-up electric scooters shall mean a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood upon, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no more than twenty miles per hour on a paved level surface.
- b. Company shall provide easily visible contact information, including toll-free phone number and e-mail address on each Stand-up electric scooter for City employees and/or members of the public to make relocation requests or to report other issues with devices.

5. Parking Guidelines. Company acknowledges and understands the following guidelines for parking Stand-up electric scooters:

- a. For Stand-up electric scooter sharing systems, devices shall be parked upright on hard surfaces in the furniture zone of the sidewalk, beside a bicycle rack or in another area specifically designated for bicycle parking, or on the street next to an unmarked curb.

- b. Stand-up electric scooters shall not be parked in such a manner as to block the pedestrian clear zone area of the sidewalk; any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box.
- c. Stand-up electric scooters shall not be parked in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.
- d. Stand-up electric scooters shall not be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- e. Stand-up electric scooters may be parked in on-street parking spaces in the following circumstances:
 - i. When marked parking spaces are officially designated stations for the Stand-up electric scooter program in business districts;
 - ii. Where the furniture zone is less than three feet wide;
 - iii. Where there is no furniture zone;
 - iv. In neighborhoods with rolled curbs, or with inadequate sidewalk space;
 - v. In marked parking spaces designated for motorcycles.
- f. Stand-up electric scooters may be parked on blocks without sidewalks only if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.
- g. Stand-up electric scooters shall not be parked in the landscape/furniture zone directly adjacent to or within the following areas, such that access is impeded:
 - i. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - ii. Loading zones;
 - iii. Disabled parking zone;
 - iv. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - v. Curb ramps;
 - vi. Entryways; and
 - vii. Driveways.
- h. To the extent Company desires to park Stand-up electric scooters in areas other than the public right-of-way (e.g. parks, plazas, parking lots, private property, or transit stations), the Company must first obtain the right to do so from the appropriate City department, property owner, or public agency and shall communicate this right to users through signage approved by the respective entity and/or through a mobile or web application.

6. Operations

- a. Company shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions.
- b. Company will implement a marketing and targeted community outreach plan at its own cost or pay an in-lieu fee to the City to provide these services and promote the use of Stand-up electric scooter sharing citywide, particularly among low-income communities.

- c. In the event a safety or maintenance issue is reported for a specific device, that Stand-up electric scooter shall be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
- d. Company shall respond to requests for rebalancing, reports of incorrectly parked Stand-up electric scooters, or reports of unsafe/inoperable Stand-up electric scooters by relocating, re-parking, or removing the Stand-up electric scooters, as appropriate, within 2 hours of receiving notice.
- e. In the event a Stand-up electric scooter is not relocated, re-parked, or removed within the timeframe specified herein, or any Stand-up electric scooter is parked in one location for more than 72 hours without moving, such Stand-up electric scooters may be removed by City crews and taken to a City facility for storage at the expense of the Company.
- f. Company shall provide notice to all users by means of signage and through a mobile or web application that:
- i. Stand-up electric scooters are to be ridden on streets, and where available, in bike lanes and bike paths;
 - ii. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths;
 - iii. Helmets are encouraged for all users and required for minors (to the extent minors are permitted as users);
 - iv. Parking must be done in the designated areas; and
 - v. Riding responsibly is encouraged.
- g. Stand-up electric scooter riders are required to take a photo whenever they park their scooter at the end of a ride.
- h. Company shall provide education to Stand-up electric scooter riders on the City's existing rules and regulations, safe and courteous riding, and proper parking.
- i. Company shall begin operations with a fleet size of at least 100 Stand-up electric scooters. Company is permitted to increase its fleet size on a regular basis in the event that Company's fleet provides on average more than three rides per Stand-up electric scooter per day. City may require Company to reduce its fleet size on a monthly basis in the event Company's fleet provides on average less than one rider per Stand-up electric scooter per day. City may request data from Company on a weekly basis to determine and demonstrate the utilization rate of vehicles in the Company fleet.

David Estrada
Bird Chief Legal Officer

City of Montpelier, Vermont