

Memorandum

FROM: Andrew Miller/Diane Wayland
SUBJECT: Dockless Bicycles – Related PV Codes, Other City Ordinances and Regulations
DATE: March 13, 2018

Town of Paradise Valley Code

One option would be to adopt provisions making it “unlawful and a public nuisance to place” to leave a “dockless bicycle” upon the Town ROW and “abate” the nuisance by removing the bicycles from the ROW. And to then charge a fee for the costs incurred in curing the nuisance if they want the bicycles back. This is the approach used in current Town Code Section 11-2-16; and the sign removal/return fee is currently set at \$35 per sign. See the relevant sections of Code and Fee Schedule below.

Section 11-2-16 Signs on Public Right-of-Way

- A. It shall be unlawful and a public nuisance for any person or other entity to place or erect any structure or sign, either temporary or permanent on or upon the right-of-way of any public road, street or alley, not a State highway, and inside the corporate limits of the Town except as authorized by this Code or applicable law.
- B. Any person or other entity whose name or address, or telephone number serving that name or address, is indicated on such sign or structure shall be prima facie responsible for such violation, and be subject to payment of any penalty, damages to public or private property, abatement and costs thereof.
- C. Police Department, Street Department and other Town employees designated by the Town Manager may summarily abate and remove any sign or structure which is in violation of this section and may establish enforcement guidelines to carry out the purpose of this section.

Town of Paradise Valley Fee Schedule

1.4.1 Miscellaneous Fees

Sign Removal Fee	\$35.00 per sign
------------------	------------------

Sample of Ordinances Adopted in Other Cities

Diane Wayland has provided summaries of some of the Ordinances we have gathered as well as summarizing what others are doing about problems related to dockless bicycles. Those findings are summarized below. Note also that although Scottsdale is listed doing nothing at present,

Debby Robberson believes that Scottsdale staff had prepared a draft ordinance just in case the Council wanted to take action. She is trying to get a copy of that ordinance. Phoenix is also looking at a possible ordinance re dockless Bicycles due to a request by Council Member DiCiccio, but has not gone public with anything yet. Here is a sample of other city provisions that Diane has put together.

Houston, Texas:

Dockless Bikeshare Pilot Program: November 13, 2017 Report from Transportation & Infrastructure Committee

12-month pilot program to monitor

- Operator compliance
- Market demand
- Approach to regulations

Permit bikes for public right of way use

- Does not include parks, libraries, on-street parking spaces, off-street parking lots/garages, campuses, or private property

Permit Requirements

- Insurance and indemnification requirements
- Performance bond
- Data sharing
- Commitment to equity (include underserved areas in service area)
- Required staffed operations center in Houston
- Compliance staff to monitor bike storage on ROW
- Improperly stored bikes will be subject to confiscation and fine
- Return to Council to recommend termination, modification or continuation of program

Bikes

- Bicycle safety and maintenance standards
 - Meet CFR and ISO standards
- Phase-in approach, 250 bikes per month
 - Fleet increases required prior to approval
 - ARA Director has authority to adjust this amount if demand for bikes is not being met
- Contact information on bikes

Parking

- Maintain a pedestrian travel space to a width of at least six (6) feet
- Maintain unimpeded access to entrances and exits to private property or driveways
- Maintain unimpeded access to B-Cycle Bikeshare stations
- Maintaining vehicle travel area for any vehicle
- Parked upright and on a hard surface

Data

- Publicly accessible AP showing where available bikes are located
- Monthly reporting requirements on basic usage statistics
- Memberships Survey during pilot period

City of Durham, North Carolina:

Bike Share System

Ordinance to Establish Dockless Bike Share Operation Fees

- Initial Permit Application Fee \$250.00
- Permit Issuance Fee \$10.00 per bike deployed
- Bicycle Relocation Fee \$50.00 per bike
- Annual Permit Renewal Fee \$100.00

Ordinance to Establish a Permitting Procedure and to Regulate the Operation of Bike Share Companies within Durham

Permit

- Unlawful to operate without authorization
- Bike share operator shall apply for a permit
- Bike share permits will be approved by the director or his designee and will be effective for a period of one year and are renewable annually
- Bike share operator shall not restrict use of its bikes within certain geographical areas of the city
- Pricing shall clearly explain structure for ride and time period
- City reserves the right to terminate a permit and require that the entire fleet of bicycles be removed from city streets
- A permit does not grant exclusive rights to operate a bike share system in the public way

Bikes

- All bicycles used in a bike share system shall meet CFR standards
- All bicycles shall meet NCGS – Lamps on bicycles

- All bicycles shall contain visible safety language (wear helmets, follow traffic laws, not allowed to ride on sidewalk, etc.)
- Bike share operators are responsible for educating customers on how to safely ride
- Bike share operators shall keep records of maintenance and reported collisions

Insurance/Indemnification

- Bike share operators must provide proof of general commercial liability insurance and performance bond
- Bike share operators must indemnify the city against all claims and liabilities

Parking

- Bicycles shall not be parked in a way that may impede the regular flow of travel in the public way
- City retains the right to limit and/or create specific parking locations; no bike shall be parked in one location for more than 7 consecutive days
- If city crews are required to relocate or remove bicycles from any location where a bicycle is prohibited, a bicycle relocation fee shall be assessed.

Data

- All permitted bike share operators shall have a staffed operations center in the city
- Bike share operators shall provide the department with a direct contact for staff

City of Key Biscayne, Florida:

On May 24, 2017 the Village of Key Biscayne, Florida signed an agreement with Neutron Holdings, Inc. d/b/a LimeBike, as the exclusive provider of bike share services within its Village limits.

LimeBike agreed to the following:

- Terms for the use of the Village property, i.e. developing a map of public areas where rebalanced bikes will be concentrated for bike parking.
 - “Bikes utilized by the public shall be parked by users legally in public areas and bikes may not be parked on private property without prior written authorization from property owner.”
- The Village may support the bike sharing program with the installation of bike racks or painted bike parking spots throughout the Village
- Village assuming no liability for loss or damage to LimeBikes’s bikes or other property

- LimeBike is solely responsible for maintaining Village property and for obtaining the property permits required by the Village
- For the initial term, LimeBike will be responsible for all operations and bike rebalancing. Following the initial term, LimeBike will report any bike balancing calls to Customer Service to Village staff and LimeBike will cover all maintenance costs for the bike fleet and maintenance to minimum level of service.
- Indemnification of the Village
- LimeBike will hold insurance and Commercial General Liability coverage and provide Certificates of Insurance
- A “Pilot Commencement” term of 120 days from June 15, 2017.

City of Scottsdale, Arizona:

Currently under discussion.

City of Charlotte, North Carolina:

The City of Charlotte, North Carolina has Bike Share Permit Requirements. Any operator interested in apply for a permit shall submit an application CDOT.

Safety

- All bicycles used in systems issued a permit under the pilot program shall meet the standards outlined in the CFR

Maintenance and Operations

- All permitted operators shall continuously maintain throughout the entire term of the permit the insurance coverage and limits of liability
- Indemnifying and holding harmless the City
- Staffed operations located within the City
- A direct contact for bicycle share operator staff that are capable of rebalancing and relocating improperly parked bicycles
- 24-hour customer service phone number
- City may remove bicycles from the right-of-way if it interferes with pedestrian or vehicular traffic or if the bicycle impedes or obstructs the right-of-way

Parking

- Bicycles shall not be parked in any vehicular travel lane or bicycle lane

- Shall not be parked at the corner curb sight radius area of sidewalks and shall not conflict with the required intersection sight triangle
- Shall not be parked on blocks where the pedestrian zone is less than six feet wide
- Shall not be parked on blocks without sidewalks
- Shall not be parked in pedestrian zones
- City reserves the right to determine certain areas where free-floating bicycle share parking is prohibited
- Permit operator shall remove any free-floating bicycle that is parked in one location for more than seven consecutive days

Data Sharing

- All permitted operators shall distribute and collect a customer survey, to be provided by CDOT, to all users prior to the end of the Pilot Program
- Shall provide CDOT with data on a monthly basis

Insurance

- Operator shall obtain and maintain during the life of the contract automobile liability, commercial general liability workers' compensation and employers liability. The City shall be named as an additional insured for operations or services rendered under the general liability coverage. Certificates of insurance will be furnished to the City.

Seattle, Washington:

Seattle has Bike Share Permit Requirements

Permit

- All operators shall pay \$146 for an Annual Permit for the pilot bicycle share program
- All bicycles used in systems issued a permit under the pilot program shall meet the CFR standards
- All bicycles shall have lights during hours of darkness
- Provide a mechanism for customers to notify the company
- Have commercial general liability insurance
- Shall have a performance bond of \$80/bicycle, with a cap of \$10,000
- Safety language (helmets shall be worn, bicyclists shall yield to pedestrians on sidewalks)
- Indemnification agreement indemnifying and holding harmless the City
- City of Seattle is not responsible for educating users regarding helmet requirements and other laws
- All operators shall have a staffed operations center in the City

Parking

- Bicycles shall not be parked at the corners of sidewalks
- Bicycles shall not be parked on blocks where the landscape/furniture zone is less than 3 feet wide
- On blocks without sidewalks, bicycles may be parked if the travel lane(s) and 6-foot pedestrian clear zone are not impeded
- Bicycles may not be parked in loadings zones, disabled parking zone, curb ramps, entryways, driveways, parklets, transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks.
- SDOT retains the right to create geo-fenced stations within certain areas where bicycles shall be parked
- Any free-floating bicycle that is parked in one location for more than 7 consecutive days without moving may be removed by City
- Permitted operators shall provide on every bicycle contact information for bicycle relocation requests
- Any fees arising from the need for City crews to relocate or remove bicycles from any location where a bicycle is prohibited under this permit shall equal the City crews' hourly rate plus fifteen percent

Data Sharing

- All operators shall provide SDOT with real-time information on the entire Seattle fleet through a documented application programs interface