



Staff Report

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Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of October 13, 2020

**UPDATE ON IMPLEMENTATION OF TEMPORARY BAN OF
DOCKLESS SCOOTER AND BIKESHARE IN HERMOSA BEACH**
(Environmental Analyst Leeanne Singleton)

Recommended Action:

Staff recommends that the City Council:

1. Receive an update on the City's implementation efforts related to the temporary ban of shared mobility devices; and
2. Introduce upon first reading, an ordinance extending the ban on the deployment and operation of scooters/bikeshare within the City of Hermosa Beach for a period of six months or until the City adopts guidelines for shared mobility operations. (**Attachment 1**)

Executive Summary:

In August 2018, City Council enacted a temporary ban for one year on shared mobility devices; amended regulations for motorized equipment on the Strand and Pier Plaza; adopted an administrative fee related to the release of impounded bicycles, scooters, and other personal mobility devices; and provided input on the preliminary South Bay Shared Mobility Goals with the intent to implement a shared mobility pilot program in coordination with other neighboring South Bay cities.

In April 2019, Council received an update on the City's implementation efforts related to the temporary ban of shared mobility devices and efforts to develop shared mobility guidelines with neighboring South Bay cities. At that meeting, Council provided direction to staff to pursue participation in a South Bay Shared Mobility Pilot Program with neighboring cities and return with a final set of guidelines and municipal code changes for Council consideration.

At the March 10, 2020 Regular City Council Meeting, Council directed staff to return with an ordinance to extend the temporary ban on the deployment and operation of scooters/bikeshare within the City of Hermosa Beach for a period of six months or until the City adopts guidelines for shared mobility operations. The updated ordinance was introduced on April 14, 2020 and adopted on April 28, 2020 with an expiration date of November 28, 2020.

As of September 2020, Hermosa Beach's neighboring cities of Manhattan Beach and Redondo Beach have not taken action to approve the South Bay Shared Mobility Guidelines. Manhattan Beach

has taken action to adopt an indefinite ban on the operation of shared mobility devices. Redondo Beach staff has indicated they intend to present a similar ordinance that would prohibit shared mobility devices indefinitely.

Due to COVID-19, City staff has observed virtually no shared mobility devices in Hermosa Beach over the past six months but has observed a significant increase in the number of electric and motorized bikes and scooters in use.

Background:

A recent surge of shared mobility systems and devices with "dockless" technology, including motorized scooters (e.g., Bird, Lime, Spin, Lyft) and dockless bicycles (e.g. Lime, JUMP, Mobike, Spin, Wheels), has emerged in cities throughout the United States. Currently, there are operational programs in a number of cities in Los Angeles County including: Culver City, Long Beach, Los Angeles, Monrovia, and Santa Monica.

Establishing a bikeshare program in Hermosa Beach and the South Bay has been a topic of discussion in various Hermosa Beach commission and City Council meetings for several years as an opportunity to expand transportation choices for residents and visitors to Hermosa Beach. The 2016 Strategic Plan identified Bike Sharing as an item "on the horizon" for 2017-2021. In addition, PLAN Hermosa, the City's integrated General Plan, and Coastal Land Use Plan, include policies and implementation actions associated with expanding transportation options and facilitating rentals in the Coastal Zone.

These shared mobility devices (SMDs) offer additional transportation choices and are ideal for short distance trips by providing users the ability to pick up equipment at a variety of designated locations and return it to any other location within the system's service area. These services allow users to only pay for the equipment while they are actually riding the bike or scooter. The technology associated with bikeshare equipment has evolved rapidly in the last year, with several companies now offering dockless equipment in which the bike or scooter self-locks, can be left virtually anywhere in the public right of way, and has the potential to create a nuisance condition if not properly regulated.

Although these devices provide additional mobility and transit options, the disruptive nature of this new technology does not fall under conventional regulations related to bicycles or vehicles and has resulted in many communities experiencing negative impacts from the use and misuse of such devices. These issues include: parking in the public right-of-way and obstructing vehicle and pedestrian access; reduced sidewalk area or parking spaces (docked systems); urban clutter (dockless systems); aggressive competition and oversupply; use of public property for commercial purposes; potential public liabilities; unsafe operation of equipment by riders; scooter/pedestrian conflicts; scooter/vehicle conflicts; and increased demand on enforcement resources.

In addition to concerns over shared mobility equipment, these same technology innovations have resulted in a dramatic increase in the number of privately-owned electric and motorized bicycles, skateboards, scooters, hoverboards, and other wheeled devices. While these privately-owned devices eliminate some of the parking and blocked access concerns of shared devices, they exhibit many of the same rider/pedestrian safety concerns such as riding without a helmet, speeding on the Strand, riding on sidewalks, that have raised the need to further clarify regulations, particularly on the Strand and Pier Plaza, and provide additional education and awareness around safe rider practices for all users regardless of shared or privately-owned equipment.

In November 2017, staff presented an update to Council on options for a South Bay bikeshare program, and some discussion of the newly emerging scooters. The November 2017 staff report provided a detailed summary of bikeshare technology, local businesses renting bicycles, bikeshare operations in other cities in Los Angeles County, and the goals and objectives of implementing a similar program in the South Bay/Beach Cities. At that time, staff recommendation was to introduce an ordinance that established a permit requirement for bikeshare and establish administrative penalties for parking or operating bikeshare equipment that was not part of a City-permitted program. Council direction at that meeting was to have staff return at a future meeting with an ordinance that would prohibit bikeshare, conduct additional community engagement, and to form and expand the multi-jurisdictional group to discuss bikeshare/scooter approach so that a program may be implemented.

In August 2018, Council received an update on shared mobility operations within the City and staff recommended that the City Council:

- Adopt a temporary ban on shared mobility devices;
- Amend regulations clarifying current regulations for motorized equipment on the Strand and Pier Plaza;
- Adopt an administrative fee related to the release of impounded bicycles, scooters, and other personal mobility devices; and
- Provide input on the preliminary South Bay Shared Mobility Goals with the intent to implement a shared mobility pilot program in coordination with other neighboring South Bay cities.

Council action in August 2018 reflected the staff recommendation and the ordinance temporarily prohibiting shared mobility devices in Hermosa Beach for one year went into effect on October 17, 2018, 30 days following second reading of the ordinance.

In April 2019, Council received an update on the City's implementation efforts related to the temporary ban and development of shared mobility guidelines for the South Bay Cities.

- *Shared Mobility Ban Implementation and Enforcement Efforts*-since August 2018, staff has worked across departments toward education and enforcement of the temporary ban on shared mobility devices and other electric bicycle/scooter regulations while simultaneously working with neighboring cities on drafting shared mobility guidelines for a proposed South

Bay Pilot Shared Mobility Program. Staff efforts toward enforcement, education, and the development of shared mobility guidelines are provided within this staff report.

- *South Bay Shared Mobility Pilot Program Guidelines*-the Draft Guidelines were developed based on guidelines from other operational shared mobility programs including the City of Santa Monica, City of Long Beach, City of Los Angeles, City of Portland, and Culver City. The Draft Guidelines identify 15 primary areas of regulation, including those areas of concern identified through previous Council discussions, input from the City's Risk Manager and City Attorney, as well as community input and dialogue. City staff, neighboring cities, and the South Bay COG have additionally developed a process to implement a regionwide shared mobility pilot program and this proposed process is detailed within the staff report along with next steps required for implementation of a pilot program or continuation of a ban on shared mobility devices.

At that April 2019 meeting, Council directed staff to pursue participation in a South Bay Shared Mobility Pilot Program with neighboring cities and return with a final set of guidelines and municipal code changes for Council consideration.

In August 2019, Council extended the temporary ban on shared mobility devices for a period of six months and requested staff to return with quarterly updates on outreach and enforcement efforts. An update was provided at the December 17, 2019 City Council meeting highlighting the City's outreach and enforcement efforts.

At the March 10, 2020 Regular City Council Meeting, Council directed staff to return with an ordinance to extend the temporary ban on the deployment and operation of scooters/bikeshare within the City of Hermosa Beach for a period of six months or until the City adopts guidelines for shared mobility operations. The updated ordinance was introduced on April 14, 2020 and adopted on April 28, 2020 with an expiration date of November 28, 2020.

Discussion:

Hermosa Beach's neighboring cities of Manhattan Beach and Redondo Beach have not taken action to approve the South Bay Shared Mobility Guidelines and are not yet ready to participate in a shared mobility pilot program. The status of action on this topic by neighboring cities is provided below:

- **Manhattan Beach**-after extending their temporary ban on shared mobility devices (SMDs), Manhattan Beach passed an ordinance on February 4th indefinitely prohibiting the use of SMDs anywhere in the City. There are a few exceptions granted:
 1. Personally-owned devices are allowed.
 2. Devices rented for 30+ days to the same person are allowed.
 3. Devices rented from and returned to a City-approved "brick-and-mortar" location are allowed.

Staff from Manhattan Beach has said that they may reconsider in the future once there are

assurances that users are responsible for the devices and where they are parked.

- **Redondo Beach**-the topic of shared mobility devices and review of the draft South Bay Shared Mobility Guidelines was included on an August 2019 City Council Agenda. The Redondo Beach City Council deferred taking action at that time. In January 2020, Redondo Beach adopted an urgency ordinance prohibiting the placement or use of shared mobility devices in Redondo Beach and there is no planned date to revisit this topic in Redondo Beach.

In addition to the local shared mobility guidelines, additional legislation related to shared mobility devices was recently enacted at the State level. AB 1286, which was sponsored by Assembly Member Al Muratsuchi, and signed by the Governor on September 18, 2020, now requires shared mobility service providers to enter into an agreement or obtain a permit from the city or county with jurisdiction over the area. The bill also requires providers to maintain a specified amount of general liability insurance in a user agreement and requires that a city or county that authorizes a provider to operate within their jurisdiction to adopt operation, parking, and maintenance rules by January 1, 2021.

Since previous Council direction indicated interest in moving forward with a pilot program, only in conjunction with neighboring cities, staff recommends introduction of an ordinance to extend the temporary ban on the deployment and operation of scooters/bikeshare within the City of Hermosa Beach for a period of six months or until the City adopts guidelines for shared mobility operations. The draft ordinance provided as **Attachment 1** would extend the temporary ban until April 2021.

Staff continues to implement education and enforcement measures around vehicle code and municipal code regulations including the use of electric or motorized devices on the Strand (whether shared or privately owned), speeding, and adherence to the walk zone along the Strand. An update on these efforts is provided as **Attachment 2**.

General Plan Consistency:

PLAN Hermosa, the City's General Plan, was adopted by the City Council in August 2017. The Vision Statement and Guiding Principles adopted as part of PLAN Hermosa describe a future where "Hermosa Beach is the small town others aspire to be; a place where our beach culture, strong sense of community, and commitment to sustainability intersect" and a desire to be a catalyst for innovation with "forward-thinking approaches to anticipating future lifestyles, transportation trends and environmental realities are necessary for creating a durable sustainability plan."

As part of PLAN Hermosa, the City set goals and adopted policies aimed at offering greater transportation choices to the community and reducing traffic congestion/demand for parking. PLAN Hermosa also speaks to the need for collaboration with neighboring jurisdictions when it comes to transportation and projects of mutual interest and concern.

While shared mobility programs are inherently consistent with the goals and policies to expand mobility choices, there are also policies in PLAN Hermosa that speak to the need to create safe, comfortable, accessible and attractive public spaces for non-motorized travelers, and the need to facilitate safe and confident use of alternative modes of transportation by promoting safety and education programs for active transportation users. Given the operation of shared mobility equipment such as dockless bikes and scooters in other cities adequate mechanisms and regulations are necessary to prevent nuisance conditions in the public right-of-way that maintain accessible walkways and ensure safe operation of equipment by users.

Based on the PLAN Hermosa policies listed below, staff believes that it is important in the long-term to implement additional shared mobility options in coordination with neighboring jurisdictions, once safety and accessibility concerns are adequately addressed through a combination of technology, regulation, and proactive education efforts.

Governance Element:

- **4.2 Leadership in sustainability.** Establish the City as a regional leader in sustainable development and encourage compact, walkable development patterns that conserve land resources, supports active transportation, reduces vehicle trips, improves air quality, and conserves energy and water.
- **4.3 Collaboration with adjacent jurisdictions.** Maintain strong collaborative relationships with adjacent jurisdictions and work together on projects of mutual interest and concern.
- **4.4 Regional transportation and infrastructure decisions.** Actively support regional transportation and infrastructure projects and investment decisions that benefit the City and the region.

Mobility Element:

- **2.1 Prioritize public rights-of-ways.** Prioritize improvements of public rights-of-way that provide heightened levels of safe, comfortable and attractive public spaces for all non-motorized travelers while balancing the needs of efficient vehicular circulation.
- **3.1 Enhance public rights-of-way.** Where right-of-way clearance allows, enhance public rights-of-way to improve connectivity for pedestrians, bicyclists, disabled persons, and public transit stops.
- **3.4 Access opportunities.** Provide enhanced mobility and access opportunities for local transportation and transit services in areas of the City with sufficient density and intensity of uses, mix of appropriate uses, and supportive bicycle and pedestrian network connections that can reduce vehicle trips within the City's busiest corridors.
- **3.6 Complete bicycle network.** Provide a complete bicycle network along all designated roadways while creating connections to other modes of travel including walking and transit.
- **3.7 Transportation project considerations.** Ensure transportation planning projects provide consideration to access, health and safety, and individual responsibility that enhances the quality of life of residents in the community.
- **4.9 Encourage TDM strategies.** Encourage use of transportation demand management

strategies and programs such as carpooling, ride hailing, and alternative transportation modes as a way to reduce demand for additional parking supply.

- **6.3 Transportation sharing programs.** Facilitate greater local and regional mobility through programs for shared equipment or transportation options such as car sharing and bike sharing.
- **7.8 Active transportation education and safety.** Promote the participation in pedestrian, bicycle, and skateboard safety and education programs to facilitate safe and confident use of alternative modes of transportation.

Fiscal Impact:

There is no fiscal impact associated with this update.

Attachments:

1. Ordinance Extending a Temporary Ban on the Deployment and Operation of Shared Mobility Devices
2. Information Item - Strand Education and Enforcement Measures Update

Respectfully Submitted by: Leeanne Singleton, AICP, Environmental Analyst

Concur: Landon Phillips, Lieutenant

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager