



Legislation Details (With Text)

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In control: City Council Regular Meeting

On agenda: 2/4/2020 **Final action:**

Title: Consider Adopting an Urgency Ordinance and Introducing an Ordinance to Maintain a Prohibition of the Use or Operation of Shared Mobility Devices in Any Public Right-of-Way or on Public Property, or Offered for Use Anywhere in the City and Adopting a Categorical Exemption (Community Development Director Tai).
a) ADOPT URGENCY ORDINANCE NO. 20-0008-U
b) INTRODUCE ORDINANCE NO. 20-0008

Sponsors:

Indexes:

Code sections:

Attachments: 1. Urgency Ordinance No. 20-0008-U, 2. Ordinance No. 20-0008

Date	Ver.	Action By	Action	Result
2/4/2020	1	City Council Regular Meeting		

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Carrie Tai, AICP, Community Development Director
Erik Zandvliet, T.E., City Traffic Engineer

SUBJECT:
Consider Adopting an Urgency Ordinance and Introducing an Ordinance to Maintain a Prohibition of the Use or Operation of Shared Mobility Devices in Any Public Right-of-Way or on Public Property, or Offered for Use Anywhere in the City and Adopting a Categorical Exemption (Community Development Director Tai).
a) ADOPT URGENCY ORDINANCE NO. 20-0008-U
b) INTRODUCE ORDINANCE NO. 20-0008

RECOMMENDATION:
Staff recommends that the City Council adopt Urgency Ordinance No. 20-0008-U and introduce Ordinance No. 20-0008 to maintain its existing prohibition of the use or operation of shared mobility devices in any public right-of-way or on public property, or offered for use anywhere in the city.

FISCAL IMPLICATIONS:
There are no fiscal implications associated with the recommended action.

BACKGROUND:

Shared mobility devices, commonly known as electric scooters and bicycles with "dockless" technology, are rented on demand from mobile phone applications at unmanned locations. Shared mobility devices are now present in cities throughout the United States. Although these devices provide additional mobility and transit options, communities are experiencing impacts from the use and misuse of such devices. Devices left in the public right-of-way obstruct vehicle and pedestrian access, and reduce sidewalk area. They create urban clutter by resulting in the use of public land for private purposes and create potential public liabilities. There are instances of scooter/pedestrian conflicts and scooter/vehicle conflicts. This collectively results in an increased demand on enforcement resources. Many shared mobility systems, primarily motorized scooters, were launched in cities throughout the United States without contracts, permits, or business licenses.

Such devices have been prohibited in the City since August 21, 2018, when the City Council voted unanimously to adopt Urgency Ordinance No. 18-0018-U and introduce Ordinance No. 18-0018. Ordinance No. 18-0018 was subsequently adopted after a second reading on September 4, 2018. Both ordinances amended the Municipal Code to temporarily prohibit the placement, operation, and offering for use of shared mobility devices in any public right-of-way or public property in the City. The ordinances included a sunset provision that would cause the prohibition to expire six months later on March 3, 2019.

Prior to the sunset date, the City Council voted unanimously to adopt Urgency Ordinance No. 19-0006-U and introduce Ordinance No. 19-0006 on February 19, 2019, which was subsequently adopted after the second reading on March 6, 2019. Both ordinances extended the prohibition for an additional year. Ordinance 19-0006 also had a sunset clause, which means the ordinance will expire on March 5, 2020 unless the Council adopts Ordinance 20-0008-U by a 4/5ths vote prior to that time.

DISCUSSION:

The City Council adopted Ordinance No. 19-0006 to prevent the negative impacts arising from unregulated placement of shared mobility devices (electric scooters) experienced in El Segundo and other cities during the summer of 2018. The temporary prohibition of shared mobility devices was intended to provide time for the City to explore whether mobility devices on public rights-of-way and public property could be regulated in such a way to mitigate the negative impacts and safety hazards associated with such devices.

The City's Traffic Engineer has been actively meeting with cities in the region to discuss the impacts of these devices in coordination with the South Bay Cities Council of Governments. The City has also solicited public input through a shared mobility questionnaire on the City's online forum for civic engagement, Open City Hall. The City of El Segundo had implemented a pilot program using draft regulations which it halted soon after implementation, while other cities in the South Bay have implemented temporary moratoriums on shared mobility use similar to Manhattan Beach. Cities with pilot programs have found the shared mobility industry is rapidly evolving, and have needed to adjust their programs and regulations to address unanticipated administrative, safety, or enforcement issues. As such, staff's assessment is that a shared mobility device program cannot be adequately administered and enforced in a manner which adequately ensures public safety at this time. Further maturity in the shared business model and refinement of the regulatory framework are needed before shared mobility devices should be offered for use in the City.

Therefore, staff recommends that the City Council adopt Urgency Ordinance 20-0008-U and introduce 20-0008-U to add Chapter 14.70 to the Municipal Code to prohibit the use of shared mobility devices in the City in the Municipal Code. It should be noted that the proposed code will not

prohibit the use of privately owned mobility devices or mobility devices rented from a retail location authorized by the City, or mobility devices rented for 30 or more days at a time.

PUBLIC OUTREACH:

Beginning with the initial prohibition of shared mobility devices in August 2018, the City has discussed this issue at four separate City Council meetings. All of the meetings were duly noticed to allow for the public to have an opportunity to share their views. In addition, the City solicited citizen input through a website survey in spring 2019 that asked numerous questions to estimate the level of support and concerns they have regarding shared mobility devices. The survey results indicated strong opposition (73%) to shared scooters and equal levels of support (50%) and opposition (50%) to a possible bikeshare program in the City. Finally, this meeting has been duly noticed to the public as required by law.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. This Ordinance is additionally exempt from CEQA pursuant to CEQA Guidelines Section 15301(c), as it involves no expansion of the use of existing facilities, a category that includes streets and sidewalks. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has approved the proposed ordinances as to form.

ATTACHMENTS:

1. Urgency Ordinance No. 20-0008-U
2. Ordinance No. 20-0008