



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: June 12, 2018

AGENDA TITLE: Second reading and consideration of a motion to adopt Ordinance 8246 amending Title 4, “Licenses and Permits,” B.R.C. 1981, creating a Dockless Bicycle Share Licensing Program.

PRESENTERS

Jane S. Brautigam, City Manager

Maureen Rait, Executive Director of Public Works

Michael Gardner-Sweeney, Director of Public Works for Transportation

Kathleen Bracke, GO Boulder Manager

David Kemp, Senior Transportation Planner, GO Boulder

EXECUTIVE SUMMARY

The purpose of this agenda item is the second reading of an ordinance that would create a dockless bicycle share licensing program. The [first reading of the ordinance](#) provides the background and analysis for why staff is proposing an ordinance to regulate dockless bike share operations in the City of Boulder.

Several for-profit bike share operators have approached the City of Boulder seeking the opportunity to begin operating “dockless” or “stationless” bike share programs that do not require bikes to be parked or checked out from a docking station. Based on research of other city’s experiences, city staff has learned that dockless bike share systems can create many negative community consequences, including obstructions in the public right of way and safety impacts, if not managed in a comprehensive manner.

To prevent these negative consequences, staff is proposing dockless bike share regulations. It is important for City Council to consider regulations now to take advantage of possible benefits of dockless bike share, while reducing the potential for negative consequences.

The Transportation Advisory Board (TAB) held a public hearing on April 9, 2018, regarding the

proposed dockless bikeshare ordinance and regulations. TAB moved to recommend adoption of the ordinance as drafted to City Council to provide dockless bikeshare, noting concerns that 1) maximum flexibility be allowed for the integrated lock, 2) the limit of 100 maximum initial bikes per operator may be too low, and 3) 50 percent ratio of e-bikes required may be too high.

In response to TAB's concerns, staff removed the required 50 percent e-bike requirement from the ordinance. Staff has maintained the initial deployment requirement at 100 per operator, as there will be opportunities for operators to expand each fleet when they meet key performance indicators.

Staff also recommends maintaining the requirement to have integrated locks on the bikes, which will allow the bikes to be locked to a bike rack or other fixed object. Locking bikes to a fixed object will prevent some of the issues faced by other cities without this requirement, such as bikes being moved into inappropriate locations, especially by people who are not dockless bikeshare users. (Many articles have been written about this challenge; for example, [some of the issues](#) faced [by Washington D.C.](#)). Some bikeshare operators would be able to meet this requirement, while others would not.

If approved by council, dockless bike share operators will be able to apply for licenses beginning in July 2018. Staff will monitor implementation and coordinate with the operators on a quarterly basis to ensure they are meeting the city's expectations regarding safety and reliability. Staff will continue community engagement and will evaluate the overall effectiveness of the proposed regulations prior to the sunset of the provision in August 2020.

Staff is also monitoring the recent introduction of electric scooter-share [in numerous cities](#) across the U.S., [including Denver](#). Based on the Boulder Revised Code (BRC) and Colorado Revised Statute (CRS), electric scooters are prohibited from operating on sidewalks, multi-use paths, bike lanes and streets within the City of Boulder. Based on the level of interest locally in this technology, staff will evaluate the potential role of electric scooters in our community's mobility options. Based on this evaluation and community feedback, amendments to the BRC and soliciting supporting amendments to the CRS may be advanced in the future, as well as establishing a local permitting system for electric scooter-sharing companies.

STAFF RECOMMENDATION

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance 8246 creating a Dockless Bicycle Share Licensing Program by amending Title 4, "Licenses and Permits," B.R.C. 1981, and setting forth related details.

COMMUNITY ENGAGEMENT

Community engagement regarding the introduction of dockless bike share began at the Transportation Master Plan (TMP) Update launch event on March 21, 2018, and is planned to continue, pending the outcome of the City Council direction on the proposed dockless bike share ordinance. Some community members are supportive of dockless bike share, particularly the option for e-bikes, while others are concerned about the potential for bicycles to be illegally parked or abandoned, based on the experience of other cities.

Staff continues to coordinate with community organizations to create awareness around the dockless bike share industry and the City of Boulder's proposed approach. Staff has met with Commuting Solutions, Downtown Boulder Partnership, Boulder County's Mobility for All, and the Center for Disabilities. Staff has also met with numerous municipal staff within the region, including Longmont, Louisville, Westminster, Broomfield, and Superior, in an effort to have consistent bike share ordinances in the region.

Staff also continues to communicate with the dockless bike share providers that have expressed interest in operating in Boulder. The dockless bike share industry continues to evolve, grow and change. Information provided by operators has helped inform the proposed regulations. Some dockless bike share providers have indicated that they are currently able to meet the proposed regulations, while others are not. Additional information on feedback from providers is included in the [first reading of this ordinance on April 17, 2018](#).

Additionally, staff recently attended a National Association for City Transportation Officials (NACTO) training concerning dockless bike share operations and municipal regulations to learn and share experiences and best practices.

Letters from dockless operators and community organizations are provided in **Attachment B**.

RESPONSES TO FIRST READING QUESTIONS

How does this ordinance apply to shared scooters?

Staff is monitoring the recent introduction of electric scooter-share [in numerous cities](#) across the U.S., [including Denver](#). Based on the Boulder Revised Code (BRC) and Colorado Revised Statute (CRS), electric scooters are prohibited from operating on sidewalks, multi-use paths, bike lanes and streets within the City of Boulder. Based on the level of interest locally in this technology, staff will evaluate the potential role of electric scooters in our community's mobility options. Based on this evaluation and community feedback, amendments to the BRC and soliciting supporting amendments to the CRS may be advanced in the future, as well as establishing a local permitting system for electric scooter-sharing companies.

Why would the ordinance automatically sunset in 2 years? Does that mean dockless bikes will be illegal if not reestablished?

The ordinance contains a proposed sunset to create an initial program duration. If the introduction of dockless bike share operations goes well, the city can remove the sunset provision in 2020. Having an initial sunset provision is similar to how the city handled the introduction of the original e-bike ordinance several years ago.

If 50 percent e-bike percentage is too high, why not set lower percentage (even 10 percent)?

The draft ordinance says dockless operators will include e-bikes in their fleet—I thought this requirement was removed?

Staff removed the e-bike requirement from the ordinance. The percentage of e-bikes per operator will be determined through the City Manager rule-making process and can be adjusted if needed. If operators are unable to provide an e-bike, alternative bikes, such as adaptive bikes for people with mobility challenges may be substituted.

How are ebikes charged in a dockless system?

Currently, batteries are manually switched out. When a bike has a low battery, it is replaced with a charged battery by the bike share operator. The drained battery is then recharged at a private charging station.

Are we prepared to install all of the new bike parking that would be required?

The proposed approach is for each operator to provide bike parking for the first 100 bikes deployed. The 100 bike parking spaces is equivalent to 50 bike racks (one rack parks two bikes). The bike racks will be installed throughout the city, including downtown, University Hill, parks, trailheads, and numerous transit stops. An installation plan will be developed and updated over time.

The draft ordinance requires a management plan that addresses accessibility of dockless programs—do we require the same of B-Cycle, and if so, how do they address accessibility/equity?

Yes, we do work with Boulder Bike Share (B-Cycle) to address equitable access. B-cycle is currently coordinating with Boulder County's Mobility for All program to provide free B-cycle annual memberships to 300 low-income participants in a MyRide pilot program (details of this program are still being worked out).

Instead of requiring dockless bikes to be locked to bike parking infrastructure, is it possible to have users who illegally park bikes be charged a fee?

Yes, it is possible for operators to impose a customer fee for improperly parked bikes; however, this does not guarantee that the bike wouldn't be moved by someone else after it is parked, and this is a primary concern. For example, if a bike is not locked to a fixed object, a third party could potentially pick up the rear wheel (after it is parked) and relocate the bicycle(s) to an unsafe or non-desirable location. Requiring the bikes to be locked by the customer to a fixed object is a fundamental element of the proposed regulations to manage the dockless bike share model and avoid the potential negative consequences of bikes being improperly parked, re-located, discarded, or abandoned as has been experienced by many other U.S. cities.

Is the initial deployment of 100 bicycles enough to make the program viable for operators?

Operators have expressed concern that the initial deployment seems low. However, to avoid some of the problems that have faced other cities that have experienced a large influx of dockless bikeshare bikes, staff believes it is important to transition incrementally and to be adaptable to changing conditions and community needs. Additionally, staff is concerned that with a larger deployment of bicycles at the time of launch, staff will be required to manage and physically relocate improperly parked bikes while operators work out initial operational challenges.

However, staff will allow an operator to expand their fleet on a quarterly basis by 10 to 20 percent, if they are able to meet quarterly key performance indicators. A maximum number of bikes, per operator, will be determined by a demand-based cap at a minimum of two rides per bike per day. This rule will ensure the community is not oversaturated with too many bikes that are unused.

Are the requirements so strict that no operator will be eligible to apply for a license?

While some operators have indicated they are not able to meet the city's regulations, primarily due to the requirement that bikes must be locked to a bike rack, other operators have indicated they are able to meet the city's regulations pertaining to the "lock to" requirement.

ATTACHMENTS

Attachment A: Draft ordinance 8246 creating a Dockless Bicycle Share Licensing Program by amending Title 4, "Licenses and Permits," B.R.C. 1981, and setting forth related details.

Attachment B: Letters from dockless bike share companies and community organizations

ORDINANCE 8246

AN ORDINANCE CREATING A DOCKLESS BICYCLE SHARE LICENSING PROGRAM BY AMENDING, TITLE 4, "LICENSES AND PERMITS," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THE FOLLOWING:

- A. The 2014 Transportation Master Plan ("TMP") update builds on a strong foundation of success through policy direction, using a collaborative approach and addressing the current and future transportation needs of the community while integrating with the city's broader sustainability framework and climate commitment.
- B. As part of the 2018 TMP update, the Transportation Division is introducing new strategies to encourage bicycling and provide more convenient and easy-to-use travel options for first and final mile transit connections.
- C. The purpose of this ordinance is to establish a dockless shared bicycle licensing program that would allow deployment of a transportation system providing residents, employees and visitors the ability to access bicycles that are not attached to a fixed location using mobile technology. Users will be able to download an application onto their mobile devices that will locate a parked bicycle, allow the user to pay for its use, unlock the bicycle, ride to a different location, lock it, and log the bicycle back into the system so that it is available for other users.

1 D. The dockless bicycle share program will expand bicycle accessibility to areas of
2 Boulder that are not currently served by fixed location bicycle share stations. Dockless
3 shared bicycle operators will include electric-assisted in their fleets, which will
4 alleviate some of the challenges associated with cycling in Boulder today, including
5 longer distances and hilly terrain.

6 E. On April 9, 2018, the Transportation Advisory Board held a public hearing to consider
7 the staff recommendations on the dockless bicycle share program and make a formal
8 recommendation to City Council.

9 F. This program will expire and be of no further force and effect after August 7, 2020,
10 unless extended by affirmative council action.

11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
12 COLORADO:

13 Section 1. Chapter 4-20, "Fees," B.R.C. 1981, is amended by the addition of a new Section
14 4-20-70, to read as follows:
15

16 **4-20-70. – Dockless Bicycle Share License Fees.**

17 (a) An applicant for a dockless bicycle share license shall pay \$3,300 per year for the initial
18 license and \$1,800 annually thereafter.

19 (b) In addition to the fees established in subsection (a) of this section, any person issued a
20 dockless bicycle share license under this Chapter shall pay \$100 per bicycle that will
be used by the city to purchase and install additional bicycle parking spaces and for
related administrative expenses.

21 (c) The fees herein prescribed shall not be refundable.

22 Section 2. Title 4, "Licenses and Permits," B.R.C. 1981, is amended by the addition of a
23 new Chapter 31, to read as follows:
24
25

Chapter 31 – Dockless Bicycle Share

4-31-1. - Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare to prevent or mitigate against any adverse impact that dockless shared bicycles may have to public or private property by licensing all persons who make available dockless shared bicycles in the city.

4-31-2. - Definitions.

For the purpose of this chapter, the following words and phrases have the following meanings unless the context clearly indicates otherwise:

Dockless means without a structure at a permanent, fixed location from which shared bicycles may be deployed for use by the public.

Dockless bicycle share means a transportation system providing users the ability to access bicycles via mobile technology and that do not need to be attended by the operator, allowing the user to pick up a bicycle from one location and leave it at another within a system's service area.

Dockless shared bicycle or *shared bicycle* means a bicycle offered or operating in a dockless bicycle share transportation system.

Mobile application means the software installed on a user's mobile device that allows the user to access dockless shared bicycles.

Operator means a person or entity who offers dockless shared bicycles.

Rebalancing means redistributing bicycles throughout the city to ensure all areas are served by dockless bicycle share.

4-31-3. - License Required.

No person shall conduct or carry on the business of offering shared bicycles that are not deployed from a fixed docking station without first obtaining a license therefor from the city manager under this chapter.

4-31-4. – License Application.

- (a) An applicant for a license under this chapter shall apply on forms furnished by the city manager and pay the fee prescribed in Section 4-20-70, "Dockless Bicycle Share License Fee," B.R.C. 1981.
- (b) The applicant shall maintain insurance during the period of the license as required by Section 4-1-8, "Insurance Required," B.R.C. 1981.
- (c) The applicant shall provide a financial guaranty upon which the city may draw, in the amount of \$80 per bicycle, with a cap of \$8,000, to secure performance of the terms of

1 this license. The financial guaranty shall be cash, a letter of credit from a surety or
2 financial institution and in a form acceptable to the city manager, payable to the city as
3 beneficiary, or another form of financial guaranty approved by the city manager. If a
4 permitted operator increases the size of its fleet as permitted by this chapter, the
5 financial guaranty shall be adjusted appropriately before deploying additional bicycles.
6 The financial guaranty will be used to pay city expenses including without limitation
7 the following:

- 8 (1) Public property repair and maintenance costs caused by the operator's equipment;
 - 9 (2) Any cost for removing or storing bicycles improperly parked; and
 - 10 (3) Any cost to the city to remove bicycles if its license expires or is otherwise
11 terminated.
- 12 (d) An applicant for a license shall submit, along with the application, a management plan
13 that addresses accessibility of the dockless bicycle share system, and how the applicant
14 will prevent or mitigate against adverse impacts that dockless shared bicycles may have
15 to public or private property. The city manager will not approve a management plan
16 unless it adequately addresses such impacts. The management plan shall include the
17 following components:
- 18 (1) A description of how the application will develop and implement assistance
19 programs to enhance equitable access to potential dockless bicycle share users who
20 do not have access to smart phones or credit cards;
 - 21 (2) A proposed service plan to achieve equitable distribution of shared bicycles and
22 electric assisted bicycles as defined in section 7-1-1, "Definitions," B.R.C. 1981
23 within the city including deployment of dockless shared bicycles at transit facilities,
24 high demand areas of the city and areas of the city that are not currently served by
25 shared bicycle stations;
 - (3) A description of how the applicant will respond to complaints of improperly parked
or abandoned shared bicycles;
 - (4) A description of how the operator will respond when notified of safety or
operational concerns of a shared bicycle in the system;
 - (5) A maintenance plan for shared bicycles; and
 - (6) A proposed user education and outreach plan for proper bicycle parking and riding.
- (e) By applying for a license under this chapter, the applicant consents to the city using its
own staff or a third-party consultant for evaluation of records and reports required to
be maintained by this chapter and the dockless bicycle share license program
authorized by this chapter.

23 **4-31-5. – Authority to Deny Issuance of License.**

24 The city manager may deny an application for a license under this chapter if the applicant
25 fails to demonstrate that it meets all of the requirements in subsection 4-1-9(a), B.R.C. 1981.

1 **4-31-6. – Suspension or Revocation of License.**

- 2 (a) The city manager may suspend or revoke the license issued under this chapter for the
3 grounds and under the procedures prescribed by section 4-1-10, “Revocation of
4 Licenses,” B.R.C. 1981.
- 5 (b) In addition to any other provision of this code, the city manager may suspend or revoke
6 a license issued under this chapter if the operator does not comply with the
7 requirements of this chapter.
- 8 (c) Any operator whose license has been suspended or revoked by the city manager shall
9 reclaim and remove their entire fleet of shared bicycles from wherever the shared
10 bicycles are located, within thirty days of notice of revocation or suspension.

11 **4-31-7. – Operator Responsibilities.**

- 12 (a) No person shall offer a dockless shared bicycle for use that does not meet each of the
13 standards set forth in this section.
- 14 (b) An operator shall provide, on its mobile application, a link for customers to notify the
15 operator if there is a safety or maintenance issue with the bicycle, and shall
16 conspicuously post the operator’s privacy policy on the application and shall comply
17 with such policy.
- 18 (c) An operator shall include, in its mobile application, prominently displayed notification
19 to users that:
- 20 (1) Helmet use is encouraged while riding a bicycle;
- 21 (2) Bicyclists shall yield to pedestrians on sidewalks;
- 22 (3) When riding on-street, users must comply with all traffic regulations, as drivers
23 would in a motor vehicle; and
- 24 (4) Shared bicycles may only be parked in bicycle racks, designated bicycle parking
25 areas or on private property with the consent of the property owner.
- (d) An operator shall provide users with a 24-hour customer service telephone number to
report safety concerns, complaints, or ask questions.
- (e) An operator shall understand and educate users regarding the laws applicable to riding
and operating a bicycle in the City of Boulder, on the University of Colorado Boulder
campus, and within Boulder County.
- (f) An operator shall provide the city manager with current contact information for the
operator or its staff that are capable of rebalancing shared bicycles.
- (g) An operator shall relocate or rebalance shared bicycles within two hours of receiving a
request from the city.
- (h) An operator shall remove or maintain any inoperable shared bicycle or shared bicycle
that is not safe to operate, within twenty-four hours of notice by any means to the
operator by any individual or entity.
- (i) An operator shall comply with the record keeping, ridership data, and reporting
requirements established by the city manager under this chapter.
- (j) No operator shall initially deploy more than 100 shared bicycles, which shall include
the number of electric assisted bicycles required by the license. The city manager is

1 authorized to modify the number of shared bicycles each operator may deploy based
2 on the operator's ability to meet key performance indicators established by the
3 manager.

(k) No operator shall violate the conditions of the license or approved management plan.

4 **4-31-8. – Dockless Shared Bicycle Standards.**

5 No person shall offer a dockless shared bicycle for use that does not meet each of the
6 standards set forth in this section.

6 (a) The shared bicycle shall meet the standards outlined in the Code of Federal Regulations
7 (C.F.R.) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for
8 Bicycles. Additionally, the shared bicycle shall meet the safety standards outlined in
9 International Organization for Standardization (I.S.O.) 43.150 – Cycles, subsection
10 4210.

9 (b) Each electric assisted shared bicycle shall meet the definition of *electric assisted*
10 *bicycles* under the provisions of Section 7-1-1, "Definitions," B.R.C. 1981.

10 (c) The shared bicycle shall meet the requirements established of Section 7-5-11, "Bicycle
11 Headlight and Reflector Required," B.R.C. 1981.

11 (d) The shared bicycle shall be equipped with a locking mechanism that enables the bicycle
12 to be locked to a fixed structure.

12 (e) The shared bicycle shall be equipped with technology to track ridership data required
13 by the license.

13 (f) The shared bicycle shall have affixed, in a prominent location, identifying information
14 that includes:

14 (1) The name, address, electronic mail address, and 24-hour customer service
15 telephone number of the operator; and

15 (2) A unique identifier number or series of numbers for each shared bicycle.

16 **4-31-9. – Parking Dockless Shared Bicycles.**

17 (a) No user of a dockless shared bicycle shall park a shared bicycle in any location except
18 where authorized by this chapter or pursuant to rules issued by the city manager under
19 this chapter. Both the operator and user are jointly and severally liable for any parking
20 in violation of this chapter or the city manager rules issued under this chapter.

20 (b) The city manager is authorized to relocate any shared bicycle left in an unauthorized
21 location to a location authorized pursuant to rules issued by the city manager, to dispose
22 of any abandoned or improperly parked shared bicycle, and to collect the cost of such
23 relocation or disposal from the operator either through the financial guaranty required
24 by this chapter or directly from the operator if the financial guaranty is insufficient to
25 cover the cost. Section 2-4-6, "Disposition of Property Other Than Motor Vehicles,"
B.R.C. 1981, shall not apply to dockless shared bicycles.

1 **4-31-10. – Rules and Regulations.**

2 (a) The city manager may promulgate such rules and regulations consistent with this
3 chapter as the manager considers necessary to implement and enforce this chapter. In
4 addition, the manager may adopt rules that enhance public safety or to prevent or
mitigate against any adverse impact that dockless shared bicycles may have to public
or private property.

5 (b) No person shall fail to comply with any city manager rule adopted pursuant to this
6 chapter.

7 Section 3. This program will expire and be of no further force and effect after August 7,
2020.

8 Section 4. This ordinance is necessary to protect the public health, safety, and welfare of
9 the residents of the city, and covers matters of local concern.

10 Section 5. The city council deems it appropriate that this ordinance be published by title
11 only and orders that copies of this ordinance be made available in the office of the city clerk for
12 public inspection and acquisition.

13
14 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
15 TITLE ONLY this 17th day of April 2018.

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18 _____
Suzanne Jones
Mayor

19 Attest:

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21 _____
Lynette Beck
City Clerk

1 READ ON SECOND READING, PASSED AND ADOPTED, this 12th day of June 2018.

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Suzanne Jones
Mayor

5 Attest:

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Lynette Beck
City Clerk

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May 14, 2018

Boulder City Council
1777 Broadway
Boulder, CO 80302

Dear Council Members:

The Board of the Downtown Boulder Partnership supports the efforts by the Transportation staff to implement reasonable limits on the potential wave of dockless bike share operators.

We strongly support alternative modes and recognize the positive impact of additional cycling options in Boulder. However, many of our members have witnessed the negative impacts of unregulated dockless bike sharing in other cities. The most common issue is the sheer number of bikes that can overwhelm public spaces and obstruct pedestrians from using sidewalks and plazas.

Limiting fleets to 100, requiring providers to be licensed and mandating "lock to" technology are all prudent measures. These and the other proposed requirements will help ensure that Boulder avoids the worst impacts while enjoying the benefits of dockless bike sharing.

We encourage Council to approve the proposed ordinance to create the dockless bicycle share licensing program.

Sincerely,

A handwritten signature in black ink, appearing to read "Bing Chou".

Bing Chou
Board Chair
Downtown Boulder Partnership

A handwritten signature in blue ink, appearing to read "Sean Maher".

Sean Maher
CEO
Downtown Boulder Partnership



May 31, 2018

City of Boulder
City Council
1777 Broadway Street
Boulder, CO 80302

Subject: Support for the Dockless Bike Share Licensing System

Dear City Council:

On behalf of the Boulder County Local Coordinating Council (LCC), we submit this letter of support for the Dockless Bike Share Licensing System. The Boulder County Local Coordinating Council is an alliance of government and nonprofit organizations collaborating for accessible, affordable, and equitable transportation for people with mobility challenges, including older adults, people with disabilities, and low-income families. We believe that dockless bike sharing systems have the potential to positively impact the mobility of vulnerable populations by expanding geographic accessibility of affordable transportation options.

We have concerns with dockless bike sharing systems that are self-locking, as they could easily be moved or placed in the public right of way, which could impede the mobility of people with disabilities and older adults. By approving dockless bike sharing systems that lock to bike racks, it is more likely that the bike parking placement meets minimum accessibility requirements according to the Americans with Disabilities Act.

We hope that by focusing on social equity as a requirement of the ordinance, the City of Boulder can also increase the availability of adult trikes and other adaptive bikes in the bike sharing system. People with disabilities and older adults could greatly benefit from such options.

Thank you for making affordable transportation modes a priority. Please do not hesitate to contact us regarding this letter of support, MobilityForAll@BoulderCounty.org.

Sincerely,

Boulder County Local Coordinating Council

Boulder County Local Coordinating Council Members



May 24, 2018

Boulder City Council
1777 Broadway
Boulder, CO 80302

RE: Support of the City of Boulder's Dockless Bike Ordinance #8246

Dear Council Members,

In an effort to increase mobility options, support the City of Boulder's sustainability goals, and promote economic development, the City of Boulder has recently created the Dockless Bike Ordinance #8246, allowing for private dockless bike companies to apply for operating permits. Commuting Solutions commends the City of Boulder's methodology in creating these regulations and its diligent approach to incorporating a dockless system with the local and regional mobility choices and cycling options already in place.

While the concept of dockless bike share is relatively new, Ordinance #8246 proactively addresses any issues or complications that could arise from implementing such a system. With over ten operating companies and twenty-five cities that have introduced dockless options, the City of Boulder did thorough due diligence, including obtaining community and peer city feedback, before establishing the regulations in this Ordinance to prepare Boulder for a seamless operation. The following are just a few key elements included in this Ordinance that will accomplish a successful implementation of a dockless bike system:

- **Companies must ensure** that bikes are equipped with a locking mechanism to control parking. Further, bicycles must be locked to a rack in designated bike park areas after use.
- **Companies will provide a financial guarantee per bike**—these funds are to be used by the City to remove illegally parked bikes, maintenance, etc.
- **Companies will create and execute outreach strategies** to help educate residents on how to use and park dockless bikes. They must also implement assistance programs to provide equitable access to those without smartphones or credit cards.
- **Companies must share data with the City** regarding system use, bike parking demand, rider demographics, etc. to help future planning.

Commuting Solutions is a transportation management organization serving the northwest metro region, and we are excited to support this effort. Commuting Solutions believes this innovative and comprehensive Ordinance will serve as a model for dockless bikeshare moving forward. You can learn more about Commuting Solutions at www.commutingsolutions.org.

Thank you for your time.

Sincerely,



Audrey DeBarros
Executive Director

May 31, 2018

David Kemp
Senior Transportation Planner
GO Boulder
1777 Broadway
Boulder, CO, 80302

Dear Mr. Kemp,

JUMP Bikes is writing the City of Boulder to discuss the benefits of the lock-to approach to dockless bike share. Our company has seen strong results and is thrilled to see the emerging precedent for lock-to bike share. Other cities, like San Francisco (CA), Chicago (IL), and Dublin (Ireland), have recently included a lock-to provision in their dockless permit and Boulder could benefit from similar policy.

JUMP has been offering flexible station-based and dockless bike share solutions to cities for over five years. We have watched the bike share industry shift from procurement to permit and from station-based to dockless.

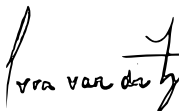
However, one thing that should not change is how shared bikes interact with the public right of way. Specifically, trips on lock-to bikes end with users locking their bike to a bike rack, bike corral, or other infrastructure. The rider must take thoughtful action before ending their ride, which keeps bikes parked where they're meant to be and limits impediments to the right of way. Additionally, in a dockless environment, lock-to offers accountability in instances of improper parking, vandalism, and theft. In most cases, we can isolate liability to the previous user, reach out, and explain how to properly park our bikes. In the event of repeat offences, we can freeze or suspend the user for their inappropriate activity. Bikes without lock-to do not seem able to hold riders equally accountable.

Our decision to keep "lock-to" capabilities on our bikes is by design. We have always worked in partnership with cities and understand the value that our products can bring to residents. But we have to make sure our bikes add to, not detract from, residents' experience in public space. And so far it's working. We are seeing our bikes — and our version of bikeshare — transform cities for the better. JUMP has received a complaint rate of less than 0.5% of all trips. In contrast, a Toole Design Group field survey found that 27% of free-floating dockless bikes surveyed in D.C. and Seattle were improperly parked as defined by their permits.

In Washington D.C. and San Francisco, local government officials continue to recognize us for how our lock-to approach helps avoid the bike litter issues.

We appreciate the hard work that has already gone into developing Boulder's pilot program and learning more about Boulder's upcoming dockless permit.

Sincerely,



Avra van der Zee
Chief Strategy Officer & General Counsel



April 25, 2018

Boulder City Council
1777 Broadway St.
Boulder, CO 80302

Dear Honorable Councilmembers,

Shared dockless bikes shouldn't make it harder for pedestrians and people with disabilities to get around. That's why we strongly support a requirement in the ordinance under consideration that shared bicycles must be equipped with a locking mechanism that enables the bicycle to be locked to a fixed structure.

At Zagster, we're working to revolutionize how people get around cities, and bring more transportation options to those in need. In December 2017, we announced the arrival of 'Pace.' Pace is a service that delivers all of the benefits of dockless bike sharing, with none of the drawbacks. Pace bikes lock to racks and other fixed objects — not just to themselves — so that cities don't have to settle for urban clutter, or bikes being blown over by the wind, parked in the middle of sidewalks, or dumped in rivers or lakes. We've seen that Pace bikes in cities across the country are being parked incorrectly approximately 4% of the time. An independent study in Washington, DC and Seattle found that almost 30% of our competitors' bikes without secondary locks were improperly parked.

Finally, we ask that you change the requirement in the ordinance that dockless shared bicycle operators have electric-assisted bikes in their fleets. We suggest an allowance for companies who do not have e-bikes, but do have adaptive cycles for the disability community. We suggest an either/or option for operators. Those who do not provide e-bikes should ensure that 2% of the bikes in their fleets are adaptive cycles and accessible through the bike share operator's app (not a third-party provider).

Thank you for your consideration. Please don't hesitate to reach out if you have questions or concerns.

Best regards,

A handwritten signature in black ink, appearing to read "T. Alborg".

Tim Alborg
Director of Public Policy & Government Relations
Zagster, Inc.
talborg@zagster.com

cc: Dave "DK" Kemp, Senior Transportation Planner



Ofo U.S.
Katie Stevens
Head of Public Policy - West
2420 17th St, Attn: ofo
Denver, CO 80202

April 9, 2018

Transportation Advisory Board
City of Boulder
1739 Broadway
Boulder, CO 80306

RE: Boulder Bike Share Pilot Program, TAB Meeting 4-9-18

Dear Transportation Advisory Board Members:

Thank you for your leadership in promoting sustainable and active transportation in the City of Boulder. We share your commitment to improving transit connectivity, easing traffic congestion and promoting a healthier lifestyle for all Boulder residents, students and visitors. It is with this commitment in mind that we write to respectfully urge you to permit truly dockless bike share companies, like ofo, that can meet high operational standards as set forth by the City, to participate in the two-year bike share pilot.

At ofo, we strive to empower “anyone, anywhere” with access to sustainable, convenient, and affordable transportation options. Founded in 2014, by passionate cyclists, ofo is the world’s largest dockless bike share platform, with a fleet of more than 10 million bikes in more than 250 cities and 200 campuses across 21 countries. Our 200 million global users have taken more than 6 billion trips since inception. Ofo is the most capitalized bike share company globally. Importantly, we are proud of our non-profit partnerships through which we have demonstrated a strong philanthropic commitment in our local communities.

We look forward to participating in the City of Boulder dockless bicycle share pilot program. Although we wholeheartedly support and respect the economic, environmental and social goals of a dockless bicycle share program, there are several recommendations in the current proposal which we believe hinder the ability for Boulder to take full advantage of the bike share solution.

A dockless bike share program, by its very definition, does not require a docking station. The dockless bike share model is an evolution from the dock station model, currently utilized in Boulder. Dockless bike share truly addresses the “first mile/last mile” challenge for users by eliminating the need to return bikes to a designated docking station. The docking station model, in turn, only succeeds where a station can also be located. Oftentimes, the stations are then restricted to specific areas, leaving other areas of the city, often the areas most dependent upon multi-modal transportation options, without a

bicycle sharing alternative. Dockless providers like ofo can offer a viable solution to address this challenge with “preferred” parking areas designated throughout the city (visible on the app) that don’t require much, if any, capital investment.

As the dockless model in the U.S. quickly evolves, dockless bike share companies continue to work in tandem with city planners and utilize advanced technology options to address challenges, such as parking education and response times. There are several recommendations in the proposed ordinance to which ofo and the industry would ask to engage in further dialogue: e.g. e-bike requirement, bond, fees, etc. However, the largest obstacle identified in the proposed ordinance is the requirement for an integrated locking system that requires a bicycle to be locked to a fixed object, such as a bike rack. This requirement runs counter to the premise of a dockless bike sharing program.

Our recommended alternative to requiring providers to use integrated locking systems, would be to utilize the pilot program to test a range of providers - “lock-to,” dockless, e-bikes - and hold them all to the same operational standards. In effect, the operator standards as proposed would not substantively change, but the prescriptive requirement of integrated locking systems would be determined by the providers as their method for addressing the operator standard.

We appreciate your consideration of our comments and request for ongoing dialogue. We firmly believe the greatest bicycle sharing program Boulder can offer must include a pilot program that fully considers the range of providers and options, allowing for a greater test of benefits for local residents, while also preserving local safety through high operator standards.

Sincerely,

A handwritten signature in black ink that reads "Katie Stevens". The signature is written in a cursive, flowing style.

Katie Stevens
Head of Public Policy - West

Cc: David Kemp, Senior Transportation Planner

Sam Sadle
Director of Strategic Development
LimeBike
2121 South El Camino Real B-100
San Mateo, California 94403

Boulder Transportation Advisory Board
1739 Broadway
Boulder, Colorado 80302

April 9, 2018

Dear Members of the Boulder Transportation Advisory Board,

Thank you for your commitment to improving mobility in Boulder. We welcome the opportunity to discuss the City of Boulder's proposed Dockless Bikeshare Licensing System. LimeBike, the leading bike share provider in the country in more than 50 markets, has significant concerns with the proposal and believe that if it is adopted without modifications, the resulting dockless mobility system will fail to meet the needs of the City of Boulder's residents, students, and visitors. With subsidy free, dockless innovation improving carbon free mobility options around the country from Seattle and San Diego to Boston and Miami, this proposal threatens to put Boulder on the opposite path in 21st Century mobility.

We ask that this proposal — released just last week — be given more time for public review and consideration.

Our concerns are enumerated below:

Fleet size: By limiting providers to initial deployment of no more than 100 bicycles, the city's proposed ordinance fails to adequately meet the needs of the community as a whole. With a resident population of more than 100,000 people and some 33,000 University of Colorado students, expanding mobility access as is envisioned in the ordinance will require significantly more than 100 bicycles per company. For instance, South Bend, Indiana, which has a very similar population to Boulder and hosts the University of Notre Dame (roughly 12,000 students) has had a very successful LimeBike program with 1,200 bikes that students and residents use every day because they are easily accessible and always available. Limiting each company to no more than 100 bicycles means all of the bicycles will quickly end up clumped in downtown Boulder and will not serve the broader community. Such a low cap on the number of bicycles per provider will leave lower-income areas out of the system, particularly East Boulder residents that do not have access to the Boulder bCycle system.

Another challenge posed by the limited fleet size is that because bikeshare companies are profitable thanks to economies of scale, any company that deploys a fleet that is limited to no more than 100 bicycles will not have the requisite resources necessary to adequately maintain, rebalance, and provide service at the level envisioned in the ordinance.

Integrated Locking Mechanism: The city of Boulder’s proposed ordinance includes a requirement that service providers utilize only bicycles that can lock to an existing bicycle rack. We believe that a true dockless solution is the best possible system to implement in Boulder because it provides the utmost in flexibility in service to the community and avoid the pitfalls of bikes being locked to objects and creating hazards. For instance, in anticipation of CU football games, companies such as LimeBike can ready a fleet of bicycles outside Folsom Field, or at the Boulder Creek Festival festival to help limit potential gridlock associated with this and other events. This level of flexibility and responsiveness to community needs is fundamentally not possible with a “lock-to” system.

We see a number of other advantages in allowing true dockless solutions:

- When a bicycle is blocking the right-of-way (which can happen with both dockless and lock-to), it is much easier for a third party to move the bike a few feet to get it out of the way instead of submitting a request with the company and waiting for them to arrive to deal with what may be a significant challenge;
- “Lock-to” bikes are often attached to trees, construction equipment, and temporary fencing, or even worse, blocking ADA access, necessitating a third party pay to unlock the bicycle in order to fix the poor decisions of another user; and
- “Lock-to” bikes utilize precious publically available bike racks, limiting options for riders who utilize their own bicycles instead of a bikeshare bike.

Lastly, by requiring an integrated locking mechanism, the city of Boulder is closing the dockless mobility market to all but a very small number of companies, companies who have no proven the ability to scale, and none of whom have the experience or track record of providing dockless service to more than a handful of communities.

Requiring a lock-to solution from dock-free mobility vendors presents a myriad of challenges in an attempt to solve a problem that generally not exist in the United States. In a recent dockless bicycle survey, the city of Seattle determined that 70% of bikes were found to be in compliance with city parking regulations, 26% partially compliant and not blocking the right-of-way, and 4% were blocking the right-of-way.

Fees: Under the proposed ordinance, the city of Boulder is requesting fees far outside of the national norm and at a level which would likely discourage nearly all companies from participating in the market. The vast majority of markets where we operate do not assess a per bike fee. Those that do (primarily major metropolises) typically charge between \$10 and \$15 per bike per year. In smaller communities, such as Boulder, communities that elect to charge a fee will typically charge a fixed fee. For instance, Plano, Texas, a community of more than 280,000 residents, has an annual fee of \$5,000 for a fleet of unlimited size. The fees as envisioned in the draft ordinance total \$133 per bike for the first year, or \$13,300 for a fleet of only 100 bicycles, far above generally prevailing fees. The majority of the cities where we operate have no fees.

Additionally, very few communities require per bike performance bonds. Doing so only further increases the cost of providing a dockless mobility system to the city of Boulder, limiting the likelihood that



companies will be willing to invest in providing high quality repair and rebalancing efforts. A bond should be unnecessary given the inherent value of the equipment serving as collateral.

Conclusion: Fundamentally, we see significant challenges with the proposed ordinance and believe that not only will LimeBike, as the nation's leading provider, likely be unable to operate under such a regulatory structure, but the vast majority of companies will not be able to meet the requirements and Boulder will be left with a system that fails to adequately meet the mobility and equity challenges facing the city today.

We look forward to continuing to work with your team and the Boulder community to discuss changes to the ordinance that would enable a market under which companies can thrive and Boulder residents, students, and visitors alike have access to a dock-free mobility system that serves their needs and helps to create a more mobile and active community.

Sincerely,

Sam Sadle
Director of Strategic Development
LimeBike Colorado

CC:

- David Kemp, City of Boulder
- Elaine Erb, Boulder Transportation Connections
- Amy Lewin, City of Boulder
- Clark Rider, University of Colorado Boulder
- Brandon Crockett Smith, University of Colorado Boulder