

**ORDINANCE NO. 2019-\_\_ (DRAFT)**

(Regulating Shared Bicycles, Scooters, and Other Similar Devices)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code).

**SECTION 1. Summary.** This ordinance amends Division 1002 of the Ordinance Code to require an encroachment permit to maintain shared bicycles, electric bicycles, electrically motorized boards, motorized scooters, and other shared mobility devices within the County right-of-way. This ordinance is intended to establish regulations that protect the health, safety, and welfare of the public, while also advancing the County’s goals of reducing vehicle trips and increasing alternative first-and-last-mile connections to public transit.

**SECTION 2.** Section 1002-8.048 is added to Chapter 1002-8 of this code to read:

**1002-8.048. Shared mobility devices.**

- (a) Definitions. For the purposes of this section, the following terms have the following meanings.
  - (1) “Dockless shared mobility device” means a shared mobility device that does not require a docking structure for deployment. A dockless shared mobility device must include both of the following: (A) a locking mechanism that allows the device to be unlocked and rented through a smartphone application or website; and (B) a GPS locator that allows the device to be located using a smartphone application.
  - (2) “Docked shared mobility device” means a shared mobility device that must be rented from and returned to a docking structure.
  - (3) “Docking structure” means a modular structure where docked shared mobility devices are rented and returned at the end of a rental.
  - (4) “Shared mobility device” means a transportation device or conveyance that is made available to persons for renting on a self-service basis, including but not limited to the following: a bicycle, as defined in California Vehicle Code section 231; an electric bicycle, as defined in California Vehicle Code section 312.5(a); an electrically motorized board, as defined in California Vehicle Code section 313.5; and a motorized scooter, as defined in California Vehicle Code section 407.5.
  - (5) “Shared mobility device vendor” means a person, firm, company, corporation, partnership, limited liability company, association, organization, or other legal

entity that makes shared mobility devices available for renting on a self-service basis.

- (b) General requirements. Docked shared mobility devices and docking structures are prohibited within the right-of-way. A dockless shared mobility device may not be placed or parked in the right-of-way except under an encroachment permit issued under this division. A shared mobility device vendor shall comply with all applicable requirements in Division 1002 throughout the term of a permit.
- (c) Term. An encroachment permit to park dockless shared mobility devices in the right-of-way will be issued for a one-year term. An encroachment permit may be renewed for successive one-year terms, subject to the then-current requirements of this division.
- (d) Parking requirements.
  - (1) A dockless shared mobility device may not be parked at any location that obstructs access to the sidewalk by pedestrians or persons with disabilities. A dockless shared mobility device may not be parked within a travel lane, or within a paved on-street parking area, of a public highway.
  - (2) No dockless shared mobility device may be parked within 10 feet of any of the following: a fire hydrant, fire department connection, or fire hose cabinet; a disabled parking zone (blue curb) or an area required to access a disabled parking zone; an emergency vehicle parking zone (red curb); a commercial loading zone (yellow curb); a passenger loading zone (white curb); a utility cover; a curb ramp or wheelchair ramp; a sidewalk corner; a crosswalk; a transit stop, shelter, platform, or loading zone; a public bench or other form of street furniture; an outdoor seating area of a business; a driveway; a building entrance; a parking pay station.
  - (3) A dockless shared mobility device must be parked in an upright position.
  - (4) A dockless shared mobility device must be parked only at a location or locations designated in the encroachment permit. The number of dockless shared mobility devices that may be parked at any location may not exceed the number specified in the encroachment permit. A location designated for parking dockless shared mobility devices must be at least 1,500 feet away from any other location designated for parking shared mobility devices.
- (e) Maintenance and operational requirements.
  - (1) A dockless shared mobility device must comply with all applicable requirements of the California Vehicle Code, and all other applicable local, state, and federal laws and regulations.

- (2) A dockless shared mobility device must include both (A) self-locking technology, and (B) a GPS-based tracking system that allows the device to be located by the shared mobility device vendor.
  - (3) A dockless shared mobility device must have affixed to it a label that identifies both (A) the shared mobility device vendor, and (B) the vendor's 24-hour toll-free customer service telephone number for reporting shared mobility devices that are abandoned, improperly parked, or inoperable.
  - (4) A dockless shared mobility device must be maintained in good operating condition.
  - (5) A shared mobility device vendor shall provide the director special-rights access to allow the director to unlock each of the vendor's deployed dockless shared mobility devices.
- (f) Retrieval and communication requirements; impoundment.
- (1) Retrieval and communications.
    - (A) Before a permit is issued, the shared mobility device vendor shall provide the director a retrieval plan that identifies the names and telephone numbers of all persons that will be responsible for relocating, removing, retrieving, and rebalancing dockless shared mobility devices.
    - (B) A shared mobility device vendor shall maintain a 24-hour toll-free customer service telephone number that allows the director and the public to notify the shared mobility device vendor about dockless shared mobility devices that are abandoned, improperly parked, or inoperable. Within two hours after notification by the director or a member of the public, a shared mobility device vendor shall relocate, to a designated parking area, a dockless shared mobility device that is improperly parked or abandoned. Within four hours after notification by the director or a member of the public, a shared mobility device vendor shall remove a dockless shared mobility device that is inoperable. An inoperable dockless shared mobility device may not be redeployed until it has been repaired. Within 12 hours after notification by the director, a shared mobility device vendor shall rebalance the distribution of its dockless shared mobility devices among the parking areas designated in the encroachment permit.
  - (2) Impoundment.
    - (A) If a shared mobility device vendor fails to relocate, remove, retrieve, or rebalance a dockless shared mobility device in the manner required by subsection (f)(1), the director may impound the dockless shared mobility

device. Following an impoundment, the director will provide the shared mobility device vendor with written notice of impoundment.

- (B) If the County incurs costs to impound a dockless shared mobility device, within 30 days after receiving a written notice of impoundment, the shared mobility device vendor shall reimburse the County for the costs of impoundment, based on the fully-loaded hourly rate of the Public Works Department employee or employees who impound the device.
  - (C) The shared mobility device vendor shall pay a storage fee in an amount established by the Board of Supervisors for each day that a dockless shared mobility device remains impounded. If a dockless shared mobility device is not retrieved within 30 days after being impounded, the shared mobility device vendor's encroachment permit may be revoked.
- (g) Insurance. Before an encroachment permit is issued, the shared mobility device vendor shall provide the director certificates of insurance for all of the following policies of insurance, which must provide primary coverage for all covered losses. Each certificate of insurance shall identify the County, its governing body, officers, employees, and agents as additional insureds. Each certificate of insurance shall indicate that the insurer will provide the County 30 days' advance written notice prior to expiration or cancellation of, or material change to, the policy. Throughout the term of the permit, the shared mobility device vendor shall maintain all of the following insurance policies:
- (1) Workers' compensation insurance in an amount that satisfies the state statutory minimum requirements.
  - (2) Comprehensive general liability insurance in an amount not less than two million dollars (\$2,000,000) combined single-limit coverage, and two million dollars (\$2,000,000) annual aggregate, for bodily injury, property damage, products, completed operations, and contractual liability.
  - (3) Comprehensive automobile insurance in an amount of not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage, including coverage for owned and non-owned vehicles.
- (h) Indemnity. As a condition of an encroachment permit, a shared mobility device vendor shall save, indemnify, defend, and hold harmless the County, its governing body, officers, employees, and agents from all liabilities imposed by law by reason of injury to or death of any person or damage to property, including, without limitation, liability for trespass, nuisance, or inverse condemnation, which may arise out of the activities covered by the permit. This indemnity requirement shall survive the term of the encroachment permit.
- (i) Security. An applicant for an encroachment permit under this section shall provide security under Chapter 1000-6 at an amount determined by the director to be sufficient to

cover the County's costs to (1) remove all dockless shared mobility devices authorized under a permit, and (2) restore the right of way to its former condition. The amount of the required security shall not be less than \$1,000.

- (j) Data sharing. A shared mobility device vendor shall satisfy all data-sharing requirements approved by the Board of Supervisors and in effect at the time a permit is issued or renewed.
- (k) Requirements cumulative. The requirements of this section are in addition to all other applicable requirements of Division 1002. If any requirement in Division 1002 conflicts with any requirement of this section, the requirement of this section shall prevail.

(Ord. 2019-\_\_, § 2.)

**SECTION 3. Effective Date and Publication.** This ordinance becomes effective 30 days following its adoption by the Board of Supervisors. Within 15 days after passage this ordinance shall be published in the East Bay Times, a newspaper published in this County, in a manner satisfying the requirements of Government Code section 25124, with the names of supervisors voting for and against it.

PASSED on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:	DAVID J. TWA Clerk of the Board of Supervisors and County Administrator	_____ Board Chair
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By: \_\_\_\_\_  
Deputy

[SEAL]