



**CITY OF BURLINGTON, VERMONT
CITY COUNCIL TRANSPORTATION, ENERGY &
UTILITIES COMMITTEE**

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Councilor Maxwell Tracy, Chair *WARD 2*
Councilor Jack Hanson, *East District*
Councilor Franklin Paulino, *North District*

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Transportation, Energy and Utilities Committee of the City Council
Thursday, May 23, 2019 7:30 PM

**Burlington Department of Public Works – Front Conference Room
645 Pine Street – Burlington, VT**

Chair Tracy called the meeting to order at 7:32 pm.

1. Agenda

Councilor Hanson moved to accept as written. Councilor Paulino second. All in favor.

2. Minutes of 05/07/2019

Councilor Paulino moved to accept. Councilor Hanson second. All in favor.

3. Public Forum

No members of the public spoke.

4. Shared Mobility

DPW Rob Goulding: offered to start by reviewing key concerns and how they will be addressed. See supplemental presentation.

Councilor Tracy: how does scooter pilot's removal from State's T-bill address this contract and process?

Goulding: no changes from contract; allows more deliberative time to develop pilot and conditions; when and if legal conditions change, pilot program can be launched; other contract partners remain interested in keeping scooters and future pilot in contract; more time for TEUC involvement.

City Attorney Nick Lopez: no express prohibition of scooters under state law but they are not regulated – falls under definition of motor driven cycle; remains in uncertain regulatory status; state will likely address this next year; keeping in contract gives flexibility for next year.

Tracy: confirming DPW's intent to move contract forward as-is.

Goulding resumed supplemental presentation.

Paulino: do local bike shops rent scooters? Will this impact their rentals? Will there be more scooters then?

Goulding: regulatory change would open up rental options

Paulino: how closely has staffed followed state process?

Goulding: followed language changes throughout process

Resident Barbara Headrick: cost of enforcement? Who is paying / receiving? \$1 revenue should be offset by any city enforcement expense? Residents may have to self-enforce

Goulding and Lopez: contract requires enforcement and failure for Gotcha to enforce would lead city to reconsider contract renewal; enforcement mechanism is built into contract; breach of contract and civil liability if terms are not enforced

Councilor Djieng: will BPD actively enforce e-bikes on sidewalks?

Goulding: DPW will be coordinating with BPD; certain level of comfort based on other community feedback

Djieng: when was Vision Zero adopted? No time spent to identify implementation. E-bikes will be helpful for students, visitors, others to navigate city. Key concerns for bikes and scooters: potholes, night riding, age limit – need to prioritize safety before contract. Are these details in contract?

DPW Director Spencer and Goulding: planBTV Walk Bike was adopted in 2017 and recommended Vision Zero – no adoption yet; share same goals for safety and expect operators of any vehicle to be mindful of safety; contract requires operator to have users complete safety briefing before use; lights are built into front and back of bikes and scooters; contract allows city to define scooter terms – maybe no scooter operation from March – April to repair frost damage

Lopez and Goulding: state e-bike age limit is 16, Greenride / Gotcha age limit is 18

Djieng: local ordinance or policies may be needed for general e-bike and scooter safety

Lopez: best practice in other cities includes pilot, similar to this 1-year pilot, to understand what ordinances are actually needed; difficult to predict; can come back in 1 year with DPW recommendations

Djieng: no lessons already learned from private e-bike use?

Goulding: no ability to collect data now; shared program will provide data

Hanson: pilot program regulates safety much more than current e-bike system and personal use e.g. higher speeds, no safety briefing; contract is stricter while local shops are selling e-bikes regularly

Paulino: clarifying what is being requested for approval tonight? Unworkable to strike scooters?

Lopez and Goulding: move for authority to advance to City Council and for DPW Director to sign contract; not legally unworkable but may have policy implications; from Gotcha's business and local partners perspective, most beneficial to keep paired; not apparent how contract could allow scooters in the future otherwise

Paulino: two concerns for scooters – Attachment A is unclear about how restrictions are included, Attachment C for scooters should have more, but unclear what that should be – potentially for bike path or certain hours, limited to downtown

Lopez and Spencer: contract requires NTP and Attachment C with specific conditions prior to launch – new additions can be added over time and will be required before NTP will be issued for scooter pilot launch; no expectation that Council will define conditions before staff will ask for NTP approval

Hanson: not moving until legislature does something? Or City Council? What exactly is the TEUC approving?

Lopez and Spencer: City Council would have to grant authority for scooters; would want more clarification about legal standing beforehand; looking for recommendation to bring this to full Council with any feedback or direction from TEUC; could go as early as June 3 but depends on TEUC direction

Headrick: any data from other cities on enforcement costs?

Goulding and Hanson: no known data; BPD would receive revenue from any tickets for enforcement

Tracy: Several contract questions:

5b references state statute or contract?

6f says they will maintain lights – any inspection provision?

Operations describes adequate personnel and staffing – who will that be? Who picks up scooters and bikes for maintenance and charging? Will staff be paid livable wage?

Are they interested in sponsorships? Any potential for revenue sharing of any sponsorships? Would prefer no advertising but should have a fee to city since cluttering ROW.

Subsidized services section is vague – what qualifies, how do people know where to go if they are unbanked – should be clearly identified. Scooter rental fee leaves un-rented scooters taking up space for free - \$1 per rented scooter as payment seems potentially low – how much of their revenue is required to be shared – should have clear requirements since this is a direct contract without RFP.

General Operating Conditions on Use section 10.b – would like to see provisions prior to signing contract, not just on request; subpoint a – how is that actually distributed – if in app, what happens for unbanked? Interested in a demonstration of the safety requirements and have that mirrored in contract. Subpoint c – how many and how often – will provide data of how many attend trainings, where, how often? Should be more specific in contract.

Clarifies that concerns are related to scooters, not e-bikes.

Section 12.d complaints about undocked devices – how will it work – where is phone number on devices for complaints? Should have clear provision for how to report complaints and how is it audited.

Section 12.3 – how will that be shared? Would like specificity.

Section 14 for exclusivity – why not RFP process?

General safety: relying on contract provisions to enforce provisions – there is still a need to have clarity to address e-bikes and new devices in general – would like to see ordinance process

Lopez, Goulding, Spencer, and DPW Nicole Losch: respond to contract questions:

5b is in contract;

Maintenance is in contract page 18 as KPI; local Gotcha GM and second FT staff with maintenance contract by Old Spokes; contract addition can be made for livable wage requirement – doesn't meet LWO standard as-is since payment isn't being made by city;

No indication for sponsorship interest on bikes, sign panels may have sponsor recognition – approvals through encumbrance;

Revenue share is through \$1 contribution now, system use last year was minimal so this is a learning process – can renegotiate in future;

Subsidized services for unbanked, without mobile phones, qualified low-income residents following thresholds in other programs (EBT, SSDI, Medicaid, Section 8, Reach Up, WIC, 3 Squares VT) – currently \$5 / month and \$25 / year – can access without phone at local businesses; data currently shows ride-based detail which will show revenue – can review at 1-year point; encumbrance permit will require fee; 13a could be amended to require fee collection or revenue be included; generally subsidized \$4 per ride last year at city's cost; app-required safety briefing, unsure about unbanked briefing; minimums for training schedule have not been defined;

Any scooter-related additions to contract can be added later through development of NTP conditions;

Complaints about improperly parked bikes – available phone line, DPW will re-route complaints or respond to emergencies – KPI requires reporting metrics – 13a requires reporting complaints, can add response times; sidewalk ban will be in safety briefing;

Initial bike share was RFP process, RFP showed Gotcha was willing to negotiate and has been responsive through this contract process, exclusive process allows clear control with one company, initial launch was always intended to be phased and Gotcha has already invested in community;

Paulino: consider revenue back to city after x% revenue obtained by Gotcha

Hanson: holistic review of costs and benefits from getting people out of cars, giving options to low-income residents, displacing ridesharing that is using our infrastructure; bike shops could be beneficial platform for safety briefings to reach more

Paulino: motion to move contract to City Council for approval. Hanson second. Discussion: clarify actual motions. Lopez referred to memo in packet. Hanson: move to amend motion to that listed as first in memo. Paulino second. All in favor of amendment. Discussion on motion: Tracy not supportive due to outstanding questions and need for specificity. Paulino and Hanson vote aye. Tracy nay.

Hanson: motion to approve second motion in memo. Paulino second. Discussion: Tracy – this motion is not specific to Gotcha? Goulding and Spencer: specific to process, intent for formal charge and define entity to develop and bring to full Council, intended to give TEUC comfort in final approval of conditions before launch. Tracy: supportive of general pilot and wants TEUC and Council to be involved. All in favor.

5. Set Future TEUC Meeting date

June 27 5pm at DPW

6. Councilor Updates

Hanson: Colchester Ave project at June 19 Commission.

Paulino: interested in exploring free parking for EV. Hanson supportive. Interested in waiving fee for EV rates. Suggest for next meeting. Include BED.

Tracy: general goals and workplan on next agenda.

7. Adjourn

Hanson moved to adjourn. Paulino second. All in favor.

Adjourned at 9:15.