AGENDA
MUNICIPAL SERVICES COMMITTEE
MEETING NOTICE
APRIL 9, 2019
PUBLIC MEETING 4:00 P.M.

MEMBERS
Margaret McAustin, Chair, District 2
Terry Tornek, Mayor
Tyron Hampton, District 1
Andy Wilson, District 7

STAFF
Gurcharan Bawa, General Manager
Brad Fuller, Assistant City Attorney
Valerie Flores, Recording Secretary

MISSION STATEMENT
The City of Pasadena is dedicated to delivering exemplary municipal services, responsive to our entire community and consistent with our history, culture and unique character.

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Items on the agenda may not be called in order listed.

Agendas and supporting documents are available on the Internet at http://ww5.cityofpasadena.net/commissions/city-council-municipal-services-committee/

Materials related to an item on this Agenda submitted to the Municipal Services Committee after distribution of the agenda packet are available for public inspection in the City Clerk’s Office at 100 N. Garfield Avenue, Room S-228, Pasadena, during normal business hours.
REGULAR MEETING OF THE
MUNICIPAL SERVICES COMMITTEE
Tuesday, April 9, 2019 at 4:00 P.M.
100 North Garfield Avenue, Pasadena, Council Chambers

AGENDA

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

3. INFORMATION ITEMS
   A. Electric Rate Restructuring Issues*
   B. Shared Mobility: State of the Industry*

4. ADJOURNMENT

*Attachment

NEXT MEETING
April 23, 2019 - scheduled to be canceled

Margaret McAustin, Chair
Municipal Service Committee

POSTING STATEMENT:

I HEREBY CERTIFY that this Agenda, in its entirety, was posted on the Council Chamber Bulletin Board S249, the bulletin board in the rotunda area at City Hall, 100 North Garfield Avenue, the City Clerk’s Office, and a copy was distributed to the Central Library for posting on the 4th day of April, 2019 by 6:00 p.m.

Susana Castro

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City Council                City Clerk            Director of Planning and Permitting   Pasadena Star-News
City Manager                Director of Public Works   Los Angeles Times  Pasadena Now
City Attorney               Public Information Officer La Opinión  Pasadena Journal

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Electric Rate Restructuring Issues

Municipal Services Committee
Item 3.A
April 9, 2019

Challenges

- Rapidly Changing Utility Industry
  - Declining sales and insufficient “pay as you go” capital funding
  - Stranded generation assets
  - On-peak market prices lower than off peak hours
    - Market energy price lowest during solar hours
  - Reserve capacity mandates on rise at high costs
  - Increasing electric generation by customers
  - High energy price volatility in LA area due to Aliso Canyon
  - Prescriptive legislation and Regulations
  - New technologies – EE, Battery, Micro-grids, AI & IoT
  - Load migration

Current Rates and Rate Structures Not Reflective of New Reality
Opportunities

Pasadena Water and Power

- Sufficient reserves
  > No plan for new debt in near term
  > Ability of to payoff some debt in near term
- Reduced debt service beginning FY2023 ~ $8 million
- IPP contract terminates in 2027
- Ability to reach near-zero carbon goal faster than other sectors
- New load
  > New large developments (Lincoln Property, hotels, multi-residential..)
  > Electric vehicles
  > Natural gas to electric (water heating, space heating, cooking…)
  > Net Zero Energy buildings
  > Reduced customer self generation
- Local power plant - a hedge against market price volatility

Sales Forecast

Pasadena Water and Power

Declining Electricity Sales, MWH

11.4% decline
Net Income Projections

- Insufficient revenues without rate adjustment
- No PAYGO for growing capital infrastructure investment needs; rely on reserves and/or new debt

### Projected Net Income (after Principal Payment of Debt)

<table>
<thead>
<tr>
<th>Year</th>
<th>Net Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2019</td>
<td>$-10,000,000</td>
</tr>
<tr>
<td>FY2020</td>
<td>$-5,000,000</td>
</tr>
<tr>
<td>FY2021</td>
<td>$0</td>
</tr>
<tr>
<td>FY2022</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

Reflects numerous “one time” actions

Current Rate Structure

- Nearly 58% of the rate structure is a pass-through
- PBC rate is also set by formula based on budgeted expenses

System Average Rate = $0.1754 per kWh

Pass-through components: may be adjusted based on formulas, without City Council action, to offset changes in the cost of purchased energy and transmission.
Rate Structure Challenges

- **Rate Structure Misalignment**
  - Fixed vs. Variable portions of the rate need adjustment
  - Compensation for excess generation higher than actual costs
  - Insufficient cost recovery for stand by services

![Actual Distribution Cost Structure](chart)

- **Current Distribution Rates**
  - Fixed: 90%
  - Variable: 10%

Mitigating Actions Taken (FY 2019)

- Allowed Use of Undergrounding Surtax Fund 206
- Sales of Environmental Credits (RPS, GHG, LCFS)
- Increase Transmission Cost Recovery from CAISO
- Manage Vacancies – Limit Recruitments
- Stranded Investment Reserve and SCPPA Project Stabilization Account Utilization
- Reductions in Controllable Services and Supplies
- Use Cash to Fund Infrastructure Investment
- Decrease Commercial Efficiency Rebates
Potential Actions

- Look for opportunities to reduce costs and increase revenues
- Fair and equitable rates
- Rate adjustments to meet revenue requirements
- Mitigate rate impact on Low Income customers
- Stand by / Grid Access / Reliability Charges
- More formula based automatic rate adjustments
- Update Self-Generation Rates
- Update Net Energy Metering Rates (for solar)
- Refresh 100% Green Rate Program
- Overhaul Direct Access Schedule and other terms
- Temporarily Suspend Undergrounding Surtax Collection
3.B
MEMORANDUM

DATE: April 9, 2019
TO: Municipal Services Committee
FROM: Frederick C. Dock, Director
SUBJECT: Information Item – Shared Mobility: State of the Industry

New transportation options to vehicles have emerged across the nation by way of shared bicycles and scooters. Private sector vendors providing shared active transportation devices have, either unilaterally or collaboratively, created a mobility network where individuals can reach city destinations by simply clicking on a smartphone application, tapping a membership card, or swiping a credit card and picking up a shared mobility device nearby. Shared mobility helps bridge the first-mile/last-mile gap to and from home and work (and vice-versa) by making public transportation more accessible.

Agency Partnerships

In July 2017, the Metro Bike Share program was launched in Pasadena. Through the life of the pilot, the average fare box recovery was 6.4% and monthly ridership averaged between 0.2 – 0.4 rides per bike per day for the roughly 275-300 bikes in 31 docked stations. With low revenue and no title sponsorship to offset operating costs, the program was not fiscally sustainable for Pasadena. Despite serving 5,000 riders per month, the pilot program was terminated and Metro Bikes were removed in August 2018.

Over the past two years, several large scale dockless bike and scooter share system providers have entered the marketplace and precipitated a number of approaches by cities as they attempt to regulate and adapt shared active transportation to be a first-mile/last-mile solution. Attachment A highlights the spread of shared mobility programs across the nation. Attachment B summarizes the state of shared mobility programs in Los Angeles County cities with populations over 80,000. Also included are cities surrounding Pasadena.

Some cities developed pilot programs to allow these devices to operate in their cities while allowing the decision makers the opportunity to evaluate how this technology is affecting public right of way. Their first-hand experience managing these devices and the vendors during the pilot helps agencies understand whether these shared mobility devices are appropriate in their communities, and whether the program should continue.
Cities' experiences during their shared mobility pilot not only help develop long-term policy solutions pertaining to the use, operations, and management of a program in their cities if the program were to continue, but also help other agencies learn from their experiences.

- **Santa Monica** City Council approved a 16-month shared mobility pilot program for dockless electric scooters and bicycles. They developed administrative regulations, permitting fees, and an ordinance establishing a shared mobility device pilot program.
- The **City of Los Angeles** is administering a 120-day Dockless On-Demand Personal Mobility Conditional Permit, followed by a 1-year permit based on vendor compliance during the Conditional use Permit period.
- The **City of Burbank** will be going to City Council in May 2019 to recommend a 12-month permit program to allow up to 1,000 of these devices to operate, subject to developed rules and regulations.
- The **City of Glendale** will be releasing an RFP in spring 2019 for a 12-month scooter and bike pilot program, allowing 1000-1500 devices to be deployed in defined service areas.
- The **City of Long Beach** extended their scooter pilot to allow more time to collect and analyze data.
- Per their bike and scooter share ordinance, the **City of Monrovia** granted a permit to LimeBike for a 12-month pilot to address mobility demands arising from increased residential development at/near the Gold Line station.

Some agencies, however, opted to place a temporary moratorium barring operators from deploying e-scooter devices in their cities.

- **Torrance** City Council adopted an Urgency Ordinance declaring a moratorium prohibiting on-demand shared mobility devices. The moratorium, set to expire in August 2019, will allow the City time to establish appropriate regulations that would allow a program to operate safely in the City.
- The **City of Alhambra** has also adopted an Urgency Ordinance for the same purpose for e-scooters.
- In July 2018, **Beverly Hills** created an ordinance placing a six-month prohibition of dockless e-scooter devices on public right-of-way "for the immediate preservation of the public peace, health, and safety [and to] address the hazards posed by shared mobility devices placed in and operated on public property." Beverly Hills is maintaining its contract to operate a city-funded bike share.

In December 2018, the **City of Pasadena** issued a letter to Bird Rides, Inc. for "violation of Pasadena Municipal Code and Order to Cease and Desist Unlawful Operation of Shared Electric Scooters." The letter referenced violations under PMC Title 8, Health and Safety and Title 12, Streets and Sidewalks. It also referenced what the company may be cited/prosecuted for:
- Obstructing a public way or place, under PMC Sections 12.12.080(B) and 12.12.090(A);
- Operating without a business license, as required by PMC Section 5.16.020; and
- Operating a transportation franchise, in violation of PMC Section 5.44.020(D);
- California Vehicle Code restrictions for riding on sidewalks, riding without a helmet, and/or operating without a valid driver’s license.

Attachment C presents the cease and desist letter to Bird Rides, Inc. from the City of Pasadena. Attachment D presents the response letter from Bird Rides, Inc.

The **Los Angeles County** Board of Supervisors voted in January 2019 to not ban the devices on public right of way, but direct staff to develop regulations for the safe commercial operation of all dockless e-scooters and bicycles using the public right of way in unincorporated areas by March 2019. Unincorporated areas of LA County include Altadena and East Pasadena. The regulations will consider, at minimum:

- Parking
- E-scooter vehicle conditions
- Cost recovery component
- Geographic distribution
- Rules of use
- Public safety
- Data sharing between vendors and the County
- Street conditions and design
- Enforcement
- Legal issues

The draft electric scooter and bicycle pilot program for the unincorporated areas in LA County is being reviewed by LA County Council. The County will begin accepting permit applications on May 1, 2019 for a 1-year pilot.

In summary, the delayed permitting of e-scooters are giving agencies time to develop a set of policies, procedures, and regulations to help cities and shared mobility devices coexist. City officials will need to determine whether and how many shared mobility devices are allowed, where they will be deployed and parked, and how they can be managed to ensure safety and public accessibility.

**Shared Mobility Pilot Evaluations**

**Portland, OR** published results of their 2018 e-scooter pilot. Their goals were to assess the potential for a new transportation option to reduce traffic congestion, prevent fatalities and serious injuries, expand access for underserved communities, and reduce air pollution. Findings:

+ Sidewalk riding was lower along lower speed streets or designated bikeways.
+ 62% viewed e-scooters positively at the end of the pilot.
+ E-scooters attracted new people to a transportation alternative.
+ Scooter-related injuries increased but were not severe enough to warrant emergency transport.
+ 5% of total traffic crash injury visits during the pilot period was scooter related.
+ Program required deployment of a certain percentage of the fleet to underserved communities.
  - 90% of riders did not wear helmets.
  - Illegal sidewalk riding and incorrect scooter parking were observed.
  - Scooter riding on the sidewalk impacted persons with disabilities.
  - 15 mph e-scooter speeds are too fast for sidewalk use.
  - E-scooter use impacted park users and presented a management challenge for parks and recreation staff.

Proceeding with a second pilot in 2019 is advised to determine whether this mobility option will be permanent.

District of Columbia DOT (DDOT) analyzed their dockless scooter and bike demonstration program from September 2017 to June 2018 to determine what new regulations, if any, would be necessary to maximize the benefit and minimize unintended consequences of this mode of shared mobility. Pedal bike, e-bike, and e-scooter use were evaluated. This program ran in parallel with Capital Bike Share, their docked bike share system. The program considerations were: size of the program, fleet size, program operations, enforcement, public space management, data, and transparency. DDOT did not require that dockless vehicles lock to a piece of street infrastructure when not in use. Findings:

+ Data analysis of dockless vehicle ridership enabled the analyst to understand where vehicles travel, and how to distribute vehicles to facilitate access to the service.
+ 66% of vehicles were parked within the amenity zone or landscape buffer.
+ 84% of vehicles were parked upright.
+ 82% were parked at bike racks. Further proliferation of bike racks is necessary if lock-to is made mandatory.
+ 74% of survey respondents agree that a dockless vehicle program should continue.
- Weather impacted ridership of the docked and dockless devices.
- The coexistence of docked and dockless systems present confusion to the rider regarding how to end a trip.
- Non-electric dockless devices have achieved much lower average rides per day per vehicle over the course of the demonstration compared to Capital Bike Share and dockless electric devices.

DDOT concluded that the dockless program appears to complement the Capital Bike Share program. Regular public surveys should continue to inform the continued evolution of the program.
Public Safety

California Assembly Bill AB 2989 was passed in September 2018 which amended Section 21235 of the California Vehicle Code to include:

- Permits a local authority to authorize the operation of a motorized scooter on a highway with a speed limit of up to 35 mph
- Allows for operation of a motorized scooter on a highway with a higher speed limit if the scooter is operated within a Class IV bikeway (separated bikeway for the exclusive use of bicycles).
- Maximum 15 mph for the operation of a motorized scooter applies regardless of the speed of the highway.
- Operator of a motorized scooter is required to wear a helmet only if the operator is under 18 years of age.

Maintaining public safety has been the challenge for agencies that are permitting these devices in their public right of way. At two urban emergency departments in Southern California, the Journal of the American Medical Association reports that 94% of injuries associated with standing electric scooter use were not wearing a helmet. Despite several e-scooter companies providing helmet giveaways and educational campaigns to promote responsible scooter use, numerous articles have been written regarding injuries due to e-scooter use without a helmet, injury to pedestrians due to e-scooter collisions, or the tripping hazards they impose on the public right-of-way.

A Bird Scooter representative presented to City staff documents stating the company’s support of Vision Zero’s goals for safer streets and safe mobility. The documentation also states that any discussion around the safety of scooters and bicycles must address the number of cars on the road. Bird states that more than 96% of bicycle-related emergency room visits are linked to collisions with cars. Bird’s data indicates that, according to data collected by Austin Emergency Medical Services and Austin Public Health during a 5-month period, the number of scooter accidents are half as much as bicycle accidents. Between July 2018 to October 2018, Bird found the ratio of calls from e-scooter injuries over EMS calls was less than 0.02% in Kansas City, MS.

Lawsuits

In October 2018, a class action lawsuit was filed in LA County accusing e-scooter companies of “grossly negligent and/or unlawful deployment of fleets.” Points in the lawsuit involved:

- Products liability
- Negligence
- Gross negligence
- Public Nuisance
- Declaratory and Injunctive Relief
- Aiding and Abetting Assaults
In November 2018, Bird filed a lawsuit against the City of Beverly Hills for banning motorized scooters for rent, claiming the impounding violated Bird’s due-process and property rights, and banning the use of e-scooters “runs afoul of the California Environmental Quality Act.”

In January 2019, a class action lawsuit was filed against the City of San Diego, Bird, Lime, and Razor claiming “the failure of the City of San Diego and private companies to maintain the accessibility of the City’s public sidewalks, curb ramps, crosswalks, and transit stops for people with disabilities, in the face of an onslaught of unregulated dockless scooters.” Complaints in the lawsuit include:

- Denial of the equal right for persons with visual and mobility impairments to travel freely and safely on public walkways
- Scooter parking blocks access to public rights of way
- Scooter sidewalk riding impedes safe pedestrian access and use

In February 2019, a family is suing Lime for negligence following a scooter accident leaving their family member, who was not wearing a helmet, in a vegetative state. The woman collided with a vehicle while riding the scooter on the street.

San Gabriel Valley Council of Governments

As described, cities are taking a variety of approaches in response to managing shared mobility devices in public right of way. Some are permitting multiple operators, some are sponsoring their own bike share programs, some are working with inter-jurisdictional bike share programs, and some are prohibiting operations of specific forms of shared mobility. Councils of Governments are working with participating agencies to put together a set of regulations that would provide some management uniformity for these devices in the region.

The San Gabriel Valley Council of Governments (SGVCOG) was awarded a Greenhouse Gas Reduction Fund Grant by the California Transportation Commission to expand bike share throughout San Gabriel Valley. The grant will fund 840 pedal-assist or fully electric bikes in participating cities/areas:

- Arcadia
- Covina
- Duarte
- El Monte
- La Verne
- Monterey Park
- Pomona
- San Dimas
- South El Monte
- Pasadena
- South Pasadena
- Unincorporated County of Los Angeles

SGVCOG prepared an RFP to select one provider to provide the design, marketing, site planning, installation, operation, maintenance, financial management, and business management of a bike share system for 3 years, with an option to extend for up to 2
additional, 2-year terms at SGVCOG’s discretion. The SGVCOG’s goals for the e-bike share program are to:

- Decrease drive alone trips and increase the share of bicycling trips within the San Gabriel Valley
- Promote and encourage bicycling as a safe and sustainable mode of transportation for short local trips, including one-way trips
- Expand low-cost transportation options

Gotcha Mobility, LLC (Gotcha) was selected as the official provider who will be responsible for all aspects of the operation and maintenance of the bike share program at no cost to the SGVCOG and/or participating cities. The Master Service Agreement between SGVCOG and Gotcha was finalized on February 27, 2019. SGVCOG will be setting up a working group with participating cities to develop a local ordinance to manage the vendor as an authorized bike share provider within their jurisdiction. The target date to announce the program to the public and reveal who are the participating cities is on May 19, 2019 during the 626 Golden Streets event (www.626goldenstreets.com).

Although the City of Pasadena is no longer part of the SGVCOG, the City was allowed to participate in the RFP process. The City will have the opportunity to retain the selected provider under the terms of the contract awarded by the SGVCOG.

City staff will develop a recommendation as to whether to participate in the SGVCOG bike share program for the City Council to consider. In regard to dockless scooters, staff recommends maintaining the City’s current regulations for the time being, which effectively ban the use.

Prepared by: Conrad Viana
Engineer

Approved by: Frederick C. Dock
Director of Transportation

Attachments: (4)

Attachment A – Shared Mobility Programs in the US
Attachment B – LA County Shared Mobility Programs
Attachment C – Cease and desist letter to Bird Rides, Inc. from the City of Pasadena
Attachment D – Bird Rides, Inc. response letter
<table>
<thead>
<tr>
<th>City</th>
<th>Population per 2010 Census</th>
<th>Type</th>
<th>Max #</th>
<th>Program</th>
<th>Notes</th>
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<tr>
<td>Alhambra</td>
<td>83,653</td>
<td>-</td>
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<td>Urgency ordinance in effect banning shared on-demand personal mobility devices</td>
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<td>Arcadia</td>
<td>56,364*</td>
<td>-</td>
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<td>Burbank</td>
<td>103,340</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Presenting 12-month permit program to City Council in May 2019 Cap of 1,000 devices (dynamic cap)</td>
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<td>Carson</td>
<td>91,714</td>
<td>-</td>
<td>-</td>
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<td>No program</td>
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<tr>
<td>Compton</td>
<td>96,455</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No program</td>
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<tr>
<td>Downey</td>
<td>111,772</td>
<td>docked bikes only</td>
<td>38 bikes (7 stations)</td>
<td>Zagster</td>
<td>7/2017 - 7/2020 Eligible to participate in the SGVCOG bike share pilot</td>
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<tr>
<td>El Monte</td>
<td>113,475</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>12-month scooter and bike share RFP for 3 vendors will be released in April 2019 Cap of 1,000 - 1,500 devices (dynamic cap)</td>
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<tr>
<td>Hawthorne</td>
<td>84,293</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Urgency ordinance in effect banning shared on-demand personal mobility devices Waiting for SBCCOG guidance</td>
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<td>Inglewood</td>
<td>109,673</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No plans</td>
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<tr>
<td>La Cañada Flintridge</td>
<td>20,246*</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Reviewing neighboring cities' experiences Developing own City pilot program</td>
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<tr>
<td>Lakewood</td>
<td>80,048</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No program</td>
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<tr>
<td>Lancaster</td>
<td>160,316</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No program</td>
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<tr>
<td>Long Beach</td>
<td>462,257</td>
<td>e-scooter</td>
<td>150 per operator first six months, up to 300 per operator</td>
<td>Razor, Bird, Lime, Skip, Uscooter, Spin</td>
<td>7/2018 - continuing indefinitely CUP Permit program approved by City Council September 2018</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>3,792,621</td>
<td>Metro Bike Share; Dockless On-Demand Personal Mobility</td>
<td>1,000+ Metro Bikes; Personal Mobility: 3,000 devices per operator; up to 2,500-5,000 additional vehicles</td>
<td>Personal Mobility: 120-day CUP; 1-year permit</td>
<td>3/2018-3/2019 (Lime ceasing their pedal-bike operations) May consider participating in SGVCOG bike share pilot after City pilot</td>
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<td>Monrovia</td>
<td>36,590</td>
<td>Dockless bikeshare</td>
<td>250 LimeBikes</td>
<td>Lime</td>
<td>No program</td>
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<tr>
<td>Norwalk</td>
<td>105,549</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No program</td>
</tr>
<tr>
<td>Palmdale</td>
<td>152,750</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No response</td>
</tr>
<tr>
<td>Pomona</td>
<td>149,058</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Denying business license because it is not an allowed use Eligible to participate in the SGVCOG bike share pilot</td>
</tr>
<tr>
<td>San Gabriel</td>
<td>39,718*</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No Program</td>
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<tr>
<td>Santa Clarita</td>
<td>210,888</td>
<td>docked bikes only</td>
<td>50 bikes (12 stations)</td>
<td>Zagster</td>
<td>2-year pilot 12/2018 - 12/2020</td>
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<tr>
<td>Santa Monica</td>
<td>89,736</td>
<td>bike; e-bike; e-scooter</td>
<td>500 City Breeze Bikes; 250 e-scooters (Lyft); 500 e-bikes (Jump) 250 e-scooters</td>
<td>Lyft, Jump, Bird, Lime</td>
<td>16-month pilot 9/2018-3/2020</td>
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<td>South Gate</td>
<td>94,706</td>
<td>-</td>
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<td>No program</td>
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<td>South Pasadena</td>
<td>25,619*</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Participating in the SGVCOG bike share pilot</td>
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<td>Temple City</td>
<td>35,558*</td>
<td>-</td>
<td>-</td>
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<td>No program</td>
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<td>Torrance</td>
<td>145,438</td>
<td>-</td>
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<td>-</td>
<td>Temporary moratorium in place barring operation Waiting for SBCCOG for guidance</td>
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<td>West Covina</td>
<td>106,098</td>
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<td>Whittier</td>
<td>85,331</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>No program</td>
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* Cities adjacent to Pasadena have been included

SBCCOG  South Bay Cities Council of Governments
SGVCOG  San Gabriel Valley Council of Governments
December 31, 2018

Via Certified Mail

Travis VanderZanden, CEO and Founder
Bird Rides, Inc.
406 Broadway Ave #369
Santa Monica CA 90401

Re: Violation of Pasadena Municipal Code and Order to Cease and Desist Unlawful Operation of Shared Electric Scooters

Dear Mr. VanderZanden:

It has come to our attention that your company, Bird Rides, Inc. ("Bird"), is operating shared electric scooters without a required business license and in violation of multiple provisions of the Pasadena Municipal Code ("PMC"). Bird customers ride the scooters into Pasadena, leave them on private property and on the public right of way which is prohibited by the PMC, creating a public nuisance and endangering the health, safety and welfare of the public. You were issued an Administrative Citation from the Public Works Department on December 24, 2018, for violations under PMC Title 8, Health and Safety and Title 12, Streets and Sidewalks. At this time, such operation of shared electric scooters is prohibited within the City of Pasadena. The City intends to fully enforce any and all applicable provisions of the PMC, as well as pursue all remedies available at law.

For example, your company may be cited and/or prosecuted for: 1) obstructing a public way or place, under PMC Sections 12.12.080(B) and 12.12.090(A); 2) operating without a business license, as required by PMC Section 5.16.020; and 3) operating a transportation franchise, in violation of PMC Section 5.44.020(D). Bird scooter riders may also be cited/prosecuted for violations of the California Vehicle Code for riding on sidewalks and/or riding without a helmet and/or operating without a valid driver’s license. The City also exercises its abatement rights under the PMC and will continue to impound the scooters to abate the nuisance.

This letter is to order that you immediately cease and desist operation of Bird electric scooters within the City of Pasadena. If you continue to operate unlawfully within City limits, the City will promptly take appropriate steps, including those noted above, to ensure compliance with the city’s laws and protection of the public health, safety and welfare.

If you have any questions, you may contact the Department of Transportation, the Department of...
Public Works, or the City Manager’s Office directly at (626) 744-4333. We are hopeful that these issues can be resolved expeditiously.

Sincerely,

Michele Beal Bagneris
City Attorney

Lisa Hosey
Assistant City Attorney

Cc: Fred Dock, Director of Transportation
Ara Maloyan, Director of Public Works
Steve Mermell, City Manager
John Perez, Police Chief
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Sent To:

Travis VandenZande
Bird Rides, Inc.

406 Broadway Ave., #309

Santa Monica, CA 90401

PS Form 3800, April 2013
See Reverse for Instructions

mailed

12/31/2018
January 10, 2019

City of Pasadena
100 North Garfield Avenue, Suite N10
P.O. Box 7115
Pasadena, CA 91109-7215

Re: Violation of Pasadena Municipal Code and Order to Cease and Desist Unlawful Operation of Shared Electric Scooters.

Dear Michele Beal Bagneris and Lisa Hosey,

We appreciate your writing to Bird. We would like to clarify that our company has not deployed or launched in Pasadena. Birds are occasionally ridden into Pasadena from other neighboring jurisdictions to patron local businesses and restaurants, as well as use the Metro transit stops on the Gold line located inside Pasadena’s city borders. These riders opt to take e-scooters instead of cars for short trips to their destinations, thereby reducing congestion and carbon emissions in the area. If we discover that Birds are ridden into Pasadena — and we check each day — we promptly remove those vehicles from the city limits.

Bird is not operating in violation of the Pasadena Municipal Code, and we are hopeful we can resolve any issues without legal argument. We value the cooperative relationship with Pasadena that we have worked to build since July. At that time, the city voted to end its participation in the METRO bikeshare program that was cost prohibitive and struggled with low ridership. Since then, Bird has spoken at City Council meetings and has met with council members, council staff, and city staff about how our scooters could help supplement transportation options in the city.

We hope to continue in that spirit of collaboration and look forward to reaching an agreement. We would like to meet in person to discuss how best we can resolve the current situation.

We propose that we work together to craft and initiate a shared e-scooter pilot program in Pasadena that would meet the specific needs and concerns of the community, while simultaneously filling the void left by the city’s exit of the METRO bikeshare program. A number of Pasadena residents have requested that Bird start operations in the city, and we have received similar support from active organizations in the area. For instance, Caltech — which had benefitted from high METRO bikeshare utilization — told us they would be supportive of Bird operating on and around the campus. Other groups, such as Pasadena based non-profit Day One, also support Bird operating in Pasadena.

Furthermore, we have developed a number of new government technology solutions that we can deploy in Pasadena to enforce and encourage safe riding and orderly parking in the city. We look forward to discussing these solutions that can help Bird serve the Pasadena community. Please let us know when would be a good time to meet to discuss the current impasse.

BIRD RIDES INC., 406 BROADWAY #369, SANTA MONICA, CA 90401
Sincerely,

Eric Eide
Senior Manager, Government Partnerships & Pasadena resident

CC: Fred Dock, Director of Transportation
Ara Maloyan, Director of Public Works
Steve Mermell, City Manager
John Perez, Police Chief