

August 8, 2018

FOR YOUR INFORMATION

To: Mayor and Members of Council
From: Patrick A. Duhaney, Acting City Manager 
Subject: INTERIM GUIDELINES FOR SHARED ACTIVE TRANSPORTATION (E-SCOOTERS)

Pursuant to the management authority of the Director of the Department of Transportation and Engineering ("DOTe") over City of Cincinnati ("City") streets under Article 5 of the Cincinnati Administrative Code, the Director hereby recommends and has signed a pilot program and guidelines governing the use of City right-of-way ("ROW") by shared active transportation operations.

For purposes of this policy, "shared active transportation" means a network or system of small vehicles, placed in the public right-of-way and for rent in short time increments, that provides increased mobility options over short distances in urban areas. "Small vehicles" means bikes, scooters, e-bikes, e-scooters, and other small, wheeled vehicles designed specifically for shared-use and deployed by shared active transportation companies. Small vehicles can be docked or dockless. Bird and Lime are examples of shared active transportation companies that use dockless small vehicles (e-scooters). Cincy Red Bike is an example of a docked shared active transportation company.

The proliferation of dockless e-scooters parked on City sidewalks and the use of the scooters in traffic in downtown Cincinnati raise short- and long-term safety and legal concerns. The experience of other cities makes abundantly clear that the City will need to actively oversee any small vehicle programs authorized in the ROW to address public concerns, ROW obstruction issues, and to successfully integrate small vehicle use with other priority uses of City streets. The City acknowledges that Bird and other shared active transportation companies have the potential to contribute to the City's transportation network if they operate within reasonable legal/regulatory requirements and in coordination with the City Administration. At the same time, the City has concerns that dockless small vehicles will unsafely obstruct or otherwise clutter up the ROW if left unregulated, due to the absence of designated docking or easily enforceable parking requirements.

These interim guidelines address threshold public safety and ROW management concerns arising from deployment of fleets of small vehicles on public streets in Cincinnati – particularly where large numbers of vehicles are "dropped" on the City without prior notice or consultation. The following conditions, however, apply to all dockless, shared active transportation small vehicles in the ROW. This policy represents a pilot program to allow dockless small vehicle operation as the City develops a comprehensive regulatory approach to shared active transportation in the ROW.

The City does not endorse e-scooter use or attest to the safety of e-scooters; all riders proceed at their own risk. This permission for e-scooter operations during this interim period is subject to modification (or revocation) as the City learns more about e-scooter operation and related issues.

Attachment

cc: Don Gindling, Interim Director, Transportation and Engineering



City Hall, Room 450
801 Plum Street
Cincinnati, Ohio 45202-5704

Don Gindling
Interim Director

**Policy: Department of Transportation & Engineering Interim Guidelines for Shared
Active Transportation**

Director

Date

8-8-2018

Pursuant to the management authority of the Director of the Department of Transportation and Engineering (“DOTE”) over City of Cincinnati (“City”) streets under Article 5 of the Cincinnati Administrative Code, the Director hereby recommends the following pilot program and guidelines governing the use of City right-of-way (“ROW”) by shared active transportation operations.

For purposes of this policy, “shared active transportation” means a network or system of small vehicles, placed in the public right-of-way and for rent in short time increments, that provides increased mobility options over short distances in urban areas.¹ “Small vehicles” means bikes, scooters, e-bikes, e-scooters, and other small, wheeled vehicles designed specifically for shared-use and deployed by shared active transportation companies. Small vehicles can be docked or dockless. Bird and Lime are examples shared active transportation company that that use dockless small vehicles (e-scooters). Cincy Red Bike is an example of a *docked* shared active transportation company.²

The proliferation of dockless e-scooters parked on City sidewalks and the use of the scooters in traffic in downtown Cincinnati raise short- and long-term safety and legal concerns. The experience of other cities makes abundantly clear that the City will need to actively oversee any small vehicle programs authorized in the ROW to address public concerns, ROW obstruction issues, and to successfully integrate small vehicle use with other priority uses of City streets. The City acknowledges that Bird and other shared active transportation companies have the potential to contribute to the City’s transportation network if they operate within reasonable

¹ See “Guidelines for the Regulation and Management of Shared Active Transportation” (2018) published by National Association of City Transportation Officials (NACTO).

² Chapter 723 of the Cincinnati Municipal Code directly regulates docked bike share programs. Per City requirements, Cincy Red Bike has a written agreement with the City that allows it to operate on the City’s behalf in the ROW subject to certain terms and conditions. Docked bike share programs are not the subject of this policy. Rather, this policy addresses the arrival of dockless small vehicles in Cincinnati for which no City authorization has been granted.

legal/regulatory requirements and in coordination with the City Administration. At the same time, the City has concerns that dockless small vehicles will unsafely obstruct or otherwise clutter up the ROW if left unregulated, due to the absence of designated docking or easily enforceable parking requirements.

These interim guidelines address threshold public safety and ROW management concerns arising from deployment of fleets of small vehicles on public streets in Cincinnati – particularly where large numbers of vehicles are “dropped” on the City without prior notice or consultation. The following conditions, however, apply to all dockless, shared active transportation small vehicles in the ROW. This policy represents a pilot program to allow dockless small vehicle operation as the City develops a comprehensive regulatory approach to shared active transportation in the ROW.

The City does not endorse e-scooter use or attest to the safety of e-scooters; all riders proceed at their own risk. This permission for e-scooter operations during this interim period is subject to modification (or revocation) as the City learns more about e-scooter operation and related issues. Shared active transportation companies may operate subject to the following conditions. Failure to abide by these conditions will result in confiscation of small vehicles and enforcement action against offending companies.

General Conditions / Limitations

1. Notwithstanding this policy, no shared active transportation service may operate dockless bike or e-bike service in the City without a written agreement with the City providing express legal permission for such activity.
2. An e-scooter shared active company may operate in the ROW provisionally for up to 60-days without a comprehensive written agreement during this pilot program so long as the company (1) has entered into an indemnity agreement with the City and (2) met minimum City insurance requirements (including adding the City as an additional insured to such policies). At the conclusion of 60 days, the company must have a written agreement in place with the City providing express legal permission from the City (e.g., license, permit, contract) to continue operations.
3. A shared active transportation company shall not operate a fleet of more than 100 small vehicles in Cincinnati without prior authorization by the City.
4. A shared active transportation company must provide the City with a customer service contact phone number, answered 24 hours a day, 7 days a week, which connects the public to local management and operations teams.

Rules of the Road and Parking.

1. Riding small vehicles is prohibited on pedestrian sidewalks but permissible on multiuse (bike/pedestrian) paths. Riders must obey all traffic laws and are strongly encouraged to wear helmets.
2. Riding tandem (two or more persons) on an e-scooter is prohibited.
3. E-scooters may be parked on the sidewalk, but only in locations that do not impede the

normal flow of pedestrian traffic, including access to and travel upon the sidewalk area by persons with restricted mobility such as wheelchair users. An e-scooter shall not impede the normal flow of pedestrian traffic. In addition:

- a. E-scooters should be parked upright:
 - i. in the pedestrian zone of the sidewalks (leave a 6' pathway for people who are walking, rolling or strolling); OR
 - ii. in the sidewalk zone adjacent to the street (i.e., the collector/planting strip if not landscaped).
 - b. When parking your e-scooter, do NOT block:
 - i. bus stops;
 - ii. loading zones;
 - iii. accessible parking zones;
 - iv. curb ramps;
 - v. driveways;
 - vi. greenways/multiuse trails/rail trails; or
 - vii. Cincinnati Red Bike rental kiosks.
4. Shared active transportation mobile phone apps must provide a warning to users upon each use including, at minimum, a reminder to (1) wear a helmet, (2) ride in the street and not on sidewalks, and (3) obey traffic laws.

DOTe and the City Administration will evaluate this pilot program and make policy recommendations to City Council. Recommendations will include suggestions for safe operating requirements, how to best protect the ROW from an ADA/accessibility perspective, licensing and fee options, and the orderly management of the ROW to prevent clutter or obstruction of public property.