



Edwin Grover <edwin.grover@lacity.org>

Fwd: Council file 17-1125

1 message

Staci Roberts <staci.roberts@lacity.org>
To: Edwin Grover <edwin.grover@lacity.org>

Thu, May 24, 2018 at 1:42 PM

Ed,

Please attach to CF 17-1125.

Thanks

----- Forwarded message -----

From: **John White** <john.white@lacity.org>
Date: Thu, May 24, 2018 at 12:40 PM
Subject: Fwd: Council file 17-1125
To: Staci Roberts <staci.roberts@lacity.org>

Please attach the accompanying letter to CF 17-1125 as a communication from the public

----- Forwarded message -----

From: **Recht, Philip R.** <PRecht@mayerbrown.com>
Date: Thu, May 24, 2018 at 12:19 PM
Subject: Council file 17-1125
To: "john.white@lacity.org" <john.white@lacity.org>

John—Attached above are written comments concerning Council file 17-1125, the DOT report re dockless bike and scooter share programs. Could you please arrange for the comments to be included in the formal Council file and also be distributed to the Committee members. Thanks. Phil.


Philip R. Recht
Mayer Brown LLP
350 S. Grand Avenue, 25th Floor
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John A. White
Legislative Assistant
Information, Technology, and General Services Committee
Trade, Travel, and Tourism Committee
(213) 978-1072



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May 23, 2018

Hon. Mike Bonin, Chair
Transportation Committee
City Hall
200 N. Spring Street
Los Angeles, CA 90012

Re: Council File 17-1125/Dockless Bike/Scooter Share
Pilot Program

Dear Mr. Bonin:

Our firm represents Ofo bikes, the world's largest operator of dockless bike share programs. Ofo currently is operating in over 30 US markets, including a successful pilot project in Griffith Park. Ofo hopes to be able to conduct further operations in the City of Los Angeles. With that hope in mind, and in view of the significant low-cost mobility, convenience, and environmental benefits that dockless bike and scooter share provide, Ofo provides the following comments to the Department of Transportation's version 0.1 proposed rules and guidelines re dockless on-demand personal mobility services.

As an initial matter, Ofo commends DOT staff for the depth of research and analysis that went into the draft rules. Ofo also embraces DOT's goal of creating an initial set of rules that will allow the City to make informed decisions as to how best to regulate dockless operations. However, Ofo believes that certain aspects of the proposed rules are overly restrictive and will otherwise undermine those goals. In particular, Ofo has concerns re the following items:

1. "Locking mechanism" requirement—Ofo has no objection to the concept that bikes should have some system to ensure they are parked in an upright fashion and in a proper location. In ofo's view, the most effective such system would be comprised of various incentives, disincentives, user education, and company operations. Regardless of ofo's preferred approach, the City's bikeshare rules should be flexible in allowing creative and continuously improving solutions. In contrast, however, the proposed rules mandate that operators equip their vehicles with a "locking mechanism to lock to a fixed object." This one-technology-only requirement poses any number of issues. It would prevent other creative and more flexible solutions, such as fully electronic systems, that will similarly ensure that devices are properly parked. It would limit the ability of shop owners, residents, first responders, etc. from readily removing devices that are improperly parked or otherwise must be moved in the case of an emergency. A rigid "lock to" requirement would unwittingly discriminate against those parts of the City which have only limited infrastructure (e.g., bike racks, parking meters) to which dockless devices may be

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attached. Lastly, the requirement would provide a significant and unfair marketplace advantage (if not monopoly) to those very few operators—most notably Jump Bikes, owned by Uber—whose devices currently employ locking hardware. It is true that the proposed rules provide DOT the discretion to waive the requirement. However, no standards or criteria are set forth as to how DOT should exercise this discretion. As such, there is no guarantee that operators with creative and technologically advanced solutions will be allowed to deploy them. For all these reasons, Ofo recommends that the “locking mechanism” requirement be revised in favor of a flexible performance-based approach that allows operators to choose the most appropriate manner in which to accomplish the goals behind the requirement.

2. Fleet size caps—The proposal is unclear in the caps it proposes for fleets and operators. At one point, the proposal indicates that operators may have no more than 500 vehicles. At another point, it indicates operators may have no more than 2500 vehicles. One reasonable interpretation is that the proposal intends to allow operators to conduct up to 5 pilots, with no more than 500 vehicles in each pilot, at least at the outset. Given that there are only a handful of dockless bike and/or scooter share operators at present, this would at least allow for 1 pilot per Council District. However, if the overall per operator vehicle limit is set at 2500, operators will not be able to expand these pilots if and when demand justifies it. All this being the case, Ofo would request that the proposal be clarified to (a) indicate that each operator may conduct either 5 or an unlimited number of pilots; and (2) remove any arbitrary limit on the total number of vehicles an operator may operate in the City. Since DOT will be required to approve any request for more than 500 vehicles per pilot, DOT already has the means to properly manage the total number of vehicles in the City.

3. Buffer zone—The proposal would prevent dockless operations within 3 miles of any existing Metro bike share station. It is unclear if this covers only the current Metro stations or the additional stations proposed to be built in the City in the near future. In either case, this limitation will severely limit dockless operations in the City. It will effectively prevent dockless operations in large portions, if not all, of various Council Districts and thus deprive the residents in those areas of a dockless option and the various convenience and cost benefits dockless provides. It also deprives the City of the opportunity to compare and contrast the operation of docking and dockless systems, something that will help inform the City as it makes more long-term decisions as to nature and direction of bikesharing in the City. Ofo suggests that the buffer zone proposal be removed.

4. E-assist device requirement—The proposal appears to require that at least 50% of each operator’s fleet be comprised of electric-assist vehicles. While most large bike share operators are moving towards offering conventional pedal bikes, e-assist bikes, and electric scooters, the City should not be requiring that they do so. First, fleet mix is something that should be dictated by market forces and consumer choice, not by arbitrary requirements established by the City. Second, while e-assist bikes and electric scooters may be beneficial in hilly areas and desirable to older users, they also are significantly more expensive to operate. As well, they involve more operational complexity due to their charging needs. As such, particularly in flat areas of the City, the requirement that 50% of an operator’s fleet be e-assist vehicles will artificially increase

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the cost to consumers of shared vehicle use and limit the availability of conventional pedal bikes. These results would be particularly unfair and harmful to disadvantaged communities.

5. Fees—The proposal suggests a \$50/vehicle annual fee. This is an extraordinarily large fee that would appear to generate funds way in excess of those necessary for City staff to manage, enforce, and evaluate the program. In this regard, we note that the proposal also would impose a separate maintenance fee to cover the cost of any necessary device removal by the City.

We hope these comments are helpful in your consideration of the proposed rules. Please do not hesitate to get in touch if you have any questions.

Sincerely,



Philip Reent

Cc: Hon. Paul Koretz
Hon. Nury Martinez



Edwin Grover <edwin.grover@lacity.org>

Fwd: Public Comment Regarding Council File: 17-1125 "Dockless Bike Share Systems / Pilot Program"

1 message

Staci Roberts <staci.roberts@lacity.org>
To: Edwin Grover <edwin.grover@lacity.org>

Thu, May 24, 2018 at 10:36 AM

Ed,

Please attach to file, it may be a duplicate.

Thanks

----- Forwarded message -----

From: **John White** <john.white@lacity.org>

Date: Tue, May 22, 2018 at 10:35 AM

Subject: Fwd: Public Comment Regarding Council File: 17-1125 "Dockless Bike Share Systems / Pilot Program"

To: Staci Roberts <staci.roberts@lacity.org>

Please attach the accompanying letter to CF 17-1125 as a communication from the public

----- Forwarded message -----

From: **Mehmet Berker** <mehmetikberker@gmail.com>

Date: Tue, May 22, 2018 at 10:16 AM

Subject: Public Comment Regarding Council File: 17-1125 "Dockless Bike Share Systems / Pilot Program"

To: CityClerk@lacity.org

Cc: eric.bruins@lacity.org, Robert Oliver <robert.oliver@lacity.org>, Jay Greenstein <jay.greenstein@lacity.org>, councilmember.martinez@lacity.org, john.white@lacity.org

Dear City Clerk, and members of the Transportation Committee,**Please find attached a letter containing public comment regarding Council File 17-1125 "Dockless Bike Share Systems / Pilot Program".****In addition, please find the text of the letter included in the body of this email below.:****To the members of the Transportation Committee:**

I applaud the Los Angeles Department of Transportation (LADOT) for taking the time to draft a set of regulations for dockless bicycles and scooters. These new transportation models are an exciting addition to our transportation environment. However, I question the area-wide location restrictions proposed and believe the City Council should consider removing or altering these restrictions from the proposed regulations.

The LADOT staff report proposes that dockless bicycles would not be able to operate within three miles of existing Metro Bikeshare stations, and that scooters would not be able to operate within three miles of Downtown Los Angeles. These arbitrary restrictions are misguided for the following reasons:

1. The three-mile buffer is likely based on how far someone could ride during an average 30 minute bike share trip. However the Metro Bikeshare system is a docked system -- so these 30 minute bike share trips would be rides to nowhere as there would be no place for the user to dock three miles outside the current service area. The neighborhoods within the proposed three-mile buffer, yet outside the reach of either the existing (or future) Metro Bikeshare system include Frogtown, Lincoln Heights, Boyle Heights, and South LA around downtown; and Westchester, Mar Vista, and West LA around Venice. (And in Wilmington, where the Metro Bikeshare stations are clustered south of Anaheim St, stakeholders north of Anaheim St and in Harbor City would also be out of reach).

These proposed restriction areas would mean that the residents and stakeholders of these communities that are not slated for bikeshare expansion would be shut out of both docked and dockless bikeshare and scooter-share;

2. The area restrictions should, if at all, be based only where stations currently exist. I do not entirely agree that LADOT should foreclose on having dockless bicycles inside the existing service area, but if there is a boundary it should be for the service area alone. A three-mile buffer is arbitrary because it extends to areas where you cannot actually dock a Metro Bike, creating the "no-mans land" mentioned above;
3. These new systems provide a much cheaper option than the current Metro Bikeshare pricing model. Competitive pricing should only be a restriction **after** proposed pricing changes for Metro (reducing from the currently steep price of \$3.50 per ride) take effect;
4. I see no reason why dockless scooters are to be blocked from Downtown Los Angeles. If the purpose of the restriction is to protect Metro Bikeshare market share, we do not know whether people who ride bikeshare are the same people who take the dockless scooters. If the purpose of the restriction is born out of a concern of a lot of people using scooters, that is an unfortunate, and ultimately misguided reason because if people can get around Downtown using scooters rather than taking a car, why should they be blocked from doing so?;
5. Using just the Downtown Los Angeles Metro Bikeshare service area as an example, the proposed three-mile buffer would effectively block 52 sq. miles and approximately 860,000 people living in Disadvantaged Communities (as identified by CalEnviroScreen 3.0) where Metro Bikeshare doesn't currently exist and where the three-mile buffer would prohibit their use -- and again only some of these neighborhoods, such as USC, Echo Park, Silver Lake, and parts of Koreatown, are slated for future imminent Metro Bikeshare expansion.

It is especially confusing that such a prohibition would exist for these Disadvantaged Communities since elsewhere in the proposed regulations, operators are encouraged to place vehicles in Disadvantaged Communities by being able to place 2,500 vehicles in such communities that do not count towards their overall city-wide vehicle cap; and

6. Since scooters would be banned from a three-mile geofence outside of Downtown, scooters would be unavailable in the same large 52-mile swath of Los Angeles outside of Downtown (or at least I assume it is the same, the staff report just says "Downtown Los Angeles"). The report provides zero backing for this prohibition and, as far as I know, there is no reason to believe that such an exclusion would form good public policy.

Besides the arbitrary three-mile buffer restrictions, there are other concerns with the proposed regulations as outlined in the LADOT staff report:

- The requirement that each dockless vehicle be equipped with a locking mechanism to lock to a fixed object effectively means that dockless scooters will not be allowed in their current form as they do not have said lock. Further, this locking mechanism may mean that vehicles improperly placed and then locked cannot be moved by someone besides the operator. The vehicle placement regulations should cover any issue this proposed locking mechanism is to solve. While the requirement does say that it can be waived at LADOT discretion, the regulations should be clearer on when and why they would be waived or should be stricken from the regulation altogether.
- While parking restrictions for dockless bikes and scooters on or directly adjacent to certain public right of way features make sense, two restrictions, in particular do not:
 - Parklets; and
 - Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;

While it makes sense to restrict parking *within* parklets and transit stops, it makes absolutely no sense to restrict parking *adjacent* to these features since they are destinations people may want to ride their dockless vehicles to.

Especially as it pertains to transit stops -- if a transit user uses a dockless vehicle to complete their first-mile/last-mile trip to transit, where else would they park? If anything, areas adjacent to transit stops are prime opportunity zones for dockless parking

Overall, there are definitely positive elements to the LADOT staff report and proposed regulations. The data standards for companies to follow are especially good and would protect the public interest and create a true partnership between the City and private operators.

Ultimately however, trial period or not, the proposed regulations -- especially as they pertain to area-wide restrictions based on a three-mile buffer of existing Metro Bikeshare stations -- would do an immediate and unnecessary disservice to at least a quarter of Los Angeles residents. That is an unacceptable outcome, and it is also bad policy.

Thank you,

Mehmet Berker
7558 Willoughby Ave
Los Angeles, CA 90046

Ph. 651-470-8605
mehmetikberker@gmail.com

Board Member, Mid City West Community Council
Representative for Council District 5, Los Angeles Pedestrian Advisory Council

Please include this comment in the official record,

Thank you,

Mehmet

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Mehmet Berker
Cartography // GIS // Graphic Design

mehmetikberker@gmail.com
mehmetberker.com
c.651.470.8605

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John A. White
Legislative Assistant
Information, Technology, and General Services Committee
Trade, Travel, and Tourism Committee
(213) 978-1072



5/22/2018

To the members of the Transportation Committee:

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- While parking restrictions for dockless bikes and scooters on or directly adjacent to certain public right of way features make sense, two restrictions, in particular do not:
 - Parklets; and

¹ Yes, 52 square miles. The current Downtown service area covers an approximately 4-mile area. By extending three miles past the furthest corners of the existing zone, you have created a 55-mile dockless bicycle prohibition area.

- Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;

While it makes sense to restrict parking *within* parklets and transit stops, it makes absolutely no sense to restrict parking *adjacent* to these features since they are destinations people may want to ride their dockless vehicles to.

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Representative for Council District 5, Los Angeles Pedestrian Advisory Council