



Legislation Text

File #: K-2021-119, **Version:** 1

CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2021-119: A DOCKLESS SCOOTER REVOCABLE LICENSE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BIRD RIDES, INC., IN THE AMOUNT OF \$300 PER YEAR ALLOWING DEPLOYMENT OF NO MORE THAN ONE HUNDRED FIFTY (150) DOCKLESS SCOOTERS WITHIN THE PUBLIC RIGHTS-OF-WAY, PROVIDING FOR ADMINISTRATIVE FLEET SIZE INCREASES AND DECREASES, AND PROVIDING FOR PENALTIES IN THE EVENT OF DEFAULT OR VIOLATION OF PARKING PARAMETERS.

BACKGROUND: On August 17, 2018, a number of dockless electric (rechargeable battery-powered) scooters were placed in small groups at varying locations throughout the City of Norman by Bird Rides, Inc. ("Bird"). Dockless scooters placed on private property are subject to private property rights, as those are already addressed by City Code. Thus, Revocable License Agreements such as this one concern only placement of units within the public rights-of-way.

Nationwide, municipalities have had mixed reactions to dockless scooters, some immediately impounding, and others moving to enact emergency administrative rules or enter into interim agreements regulating the activity. Norman's approach was to seek cooperation from scooter companies to avoid the expense and unnecessary use of resources impounding the vehicles, and to implement measures designed to complement a long-term shared vehicle strategy for Norman.

The amount of dockless scooters initially placed in Norman has fluctuated over time and has been affected by activities on OU campus, weather, and the COVID pandemic.

Companies deploying dockless scooters before seeking an approved Revocable License Agreement are subject to impoundment and responsible for payment of associated fees. The City seeks to achieve cooperation of dockless scooter companies ("Dockless Scooter Group") as a whole, so that efforts may be directed to developing a shared vehicle ordinance, addressing items such as business licensing, vehicle operation and stationing, for future City Council consideration.

DISCUSSION: Important features of the Dockless Scooter Revocable License Agreement are:

- A fleet size limitation, in place of mandatory locations for stationing, etc., allowing vendors flexibility and ready response to market demands;
- The addition of language allowing for administrative increase(s) or reduction(s) of fleet size, to allow vendors to more immediately respond to demand and the City the ability to respond to problematic placement or congestion of the rights-of-way;
- Parking guidelines and penalty/impoundment/termination provisions relating to default or violation;
- For situations where public right-of-way is owned by easement, a mechanism whereby a private fee owner may object and request removal of dockless scooters from the identified parcel.

The Agreement also requires:

- Payment of a yearly base rental fee of \$300 (based on a fleet size of 150);
- Payment of \$1/day/scooter (payable quarterly) for the “construction for shared mobility infrastructure, promotion of safe riding, or maintenance of shared infrastructure”;
- The vendor’s provision of fleet and ridership data to the City;
- Indemnification of the City and certain levels of insurance; and
- Identification of local contact personnel able to respond to requests or inquiries as anticipated by the Agreement.

Bird will identify a local contact personnel and has provided proof of necessary insurance in compliance with the Agreement. Bird formerly outsourced the charging, storage, and maintenance of its fleet to contract personnel called “chargers” and will not have corporate storage facilities located within the City of Norman. Bird’s model has changed and they now contract with Fleet Managers locally, which Fleet Manager will be identified as a local contact to the City prior to deployment pursuant to this Agreement.

STAFF RECOMMENDATION: Based on the above information, staff recommends approval of K-2021-119, a Dockless Scooter Revocable License Agreement with Bird Rides, Inc., allowing placement of as many as one hundred fifty (150) dockless scooters within, the public rights-of-way.