



STAFF REPORT

TO: Summit County Council
FROM: Helen Strachan, Summit County Attorney
Patrick Putt, Community Development Director
Caroline Rodriguez, Director of Regional Transportation Planning
DATE: September 13, 2018
SUBJECT: Shared Active Transportation – Draft Temporary Zoning Ordinance (TZO)

Requested Council Action

Staff is requesting the Council to adopt Ordinance No. 2018 - ____ **A TEMPORARY LAND USE REGULATION FOR THE OPERATOR OF SHARED ACTIVE TRANSPORTATION WITHIN THE SNYDERVILLE BASIN PLANNING AREA**

Background

Shared Active Transportation: 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: Bikes, scooters, e-bikes, e-scooters, and other small, wheeled vehicles, motorized or not, designed specifically for shared-use and deployed by Shared Active Transportation (SAT) companies

From the National Association of City Transportation Officials (NACTO):

Over the past decade, Shared Active Transportation systems have become a common sight on North American public streets and right-of-way, with 35 million bike share trips taken on 100,000 bike share bikes in 2017. Many of the most intensely-used systems were created through public-private partnerships, or otherwise heavily overseen by local governments. In the past year and half, however, an increasing number of new providers have begun operating on city streets without strong oversight by local entities, making it difficult to quantify the benefits and impact of these new services.

In January 2017, a new breed of Shared Active Transportation companies began operating on North American public streets and rights-of-way. Many of these companies initially launched absent contracts, permits, or business licenses, often completely independent of municipal knowledge, policy making, or existing partnerships and community programs. In response, cities have developed new permitting and licensing structures to manage them and to ensure that public needs stay at the forefront of new mobility advances.



These companies and their operations typically differ from the initial systems in three ways:

- *They are not selected by the municipality or approved civic partner via a competitive bidding process*
- *They are not managed or regulated through a contract or legal partnership agreement*
- *To date they exclusively use the "dockless" technology model*

Locally, these SAT systems have taken the form of various bike sharing systems throughout the state, including the Summit Bike Share, and, more recently, more than 350 dockless e-scooters deployed throughout the Salt Lake Valley by at least two companies: Lime and Bird. Since the initial "drop" of the scooters in the Valley in June, any company wishing to operate a SAT system has been required to enter into a temporary operating agreement with Salt Lake City, that governs SAT operations.

In anticipation of SAT systems entering the Snyderville Basin market, stakeholders from the County, the Snyderville Basin Special Recreation District, and Park City Municipal convened to discuss management and regulatory options and to outline our strategy for moving forward. A primary concern among staff was that we currently lack the appropriate tools to adequately and fairly address this issue. Although Summit County currently has the authority to impound any SAT dockless vehicles, based on the principle that a new SAT system would be operating an unlicensed business within the public right-of-way, we do not currently have a good methodology for recovering any costs associated with impound. We also do not have the staffing or equipment to do so.

To protect all jurisdictions from being caught unprepared to fairly administer and manage these transportation options, staff recommends that Council adopt a Temporary Zoning Ordinance (TZO) regarding SATs that will establish interim standards including but not limited to:

- Franchise agreements
- Business licenses
- Areas of use—where, minimum pathway standards, prohibition on streets, receiving/storage areas, property owner consent, etc.
- Impound provisions
- Insurance/indemnification provisions
- Maximum number of SAT operators and small vehicles allowed within the Snyderville Basin
- Possible standardization of policy and procedure between the incorporated and unincorporated jurisdictions

The proposed TZO will be in effect for six months while respective staffs work to address SATs via County and Municipal code amendments and not Development Code/Land Management Code amendments. The TZO option allows us to put regulations in place quickly, while concurrently providing adequate time to work together to define and draft the best permanent



solution. Recognizing that disruptive technologies are often a catalyst for innovative solutions, the TZO option also provides a mechanism for SAT providers to enter the Snyderville Basin market under the oversight of Summit County.

Next Steps

During the six month period the TZO is in effect, staff will refine the interim standards established by the TZO, while also conducting a fee study to determine the appropriate business licensing fee for an operation that requires increased spending on enforcement and infrastructure (corrals, multimodal trails, striping, signage, storage, equipment and staffing etc.). In addition, staff will consider and suggest additional standards related to the following items, borrowed directly from guidance from Salt Lake City:

Operations:

- Requiring that any damaged, abandoned, or improperly located equipment will be removed by the company within 48 hours of being reported
- Requiring that the company provide a policy detailing operations during special events, extreme weather conditions, or emergency situations
- All dockless vehicles will need to be equipped with a lock and be locked to something when not in use (e.g. a bike rack) to ensure sidewalks are accessible
- Must be able to remit sales taxes for service transactions to the state tax commission that are coded to be received by the proper jurisdiction

Communications:

- The company must have a public-facing website that has terms of service, contact information, a customer support phone number, instructions for using the service, privacy policies, and all costs associated with system clearly outlined
- There must be a local management and operations team based in Summit County

Data Standards:

- The Shared Active Transportation Company will provide Summit County with accurate, complete, and timely data about how services are used, and who is riding in an anonymized fashion
- Summit County will require regular reports, monthly and annually, about the system
- All Shared Active Transportation Companies must ensure data privacy of all users
- They shall participate in transportation planning activities in Summit County

Equipment Standards:

- All bikes and equipment must comply with safety standards established by all federal, state, and city safety standards:
 - For human-powered bikes, refer to CPSC ISO 43.150



- For e-bikes/electric-assist bikes, refer to CPSC Public Law 107-309 for Low Speed Electric Bicycles for maximum engine wattage - *please note these standards are evolving*
- For scooters, refer to CPSC in Public Law 107-309 for standards around for weight bearing - *please note these standards are evolving*
- All equipment, each individual bike/scooter, must have an identification number registered with Summit County, and comply with our State registration law
- All equipment must be inspected and maintained regularly, replaced if necessary, by the operating company based on an agreed upon contract with Summit County
- All equipment must be GPS-enabled to allow for data collection, automatic vehicle location, and geo-activated service area limits

Finally, staff will continue to monitor related legislation from the Capital as well as evolving industry guidance and best practices.

**SUMMIT COUNTY, UTAH
ORDINANCE NO. ____**

**A TEMPORARY LAND USE REGULATION FOR THE OPERATON OF SHARED ACTIVE
TRANSPORTATION WITHIN THE SNYDERVILLE BASIN PLANNNG AREA**

PREAMBLE

WHEREAS, Utah Code Annotated (“UCA”) §17-27a-102(b) provides that counties can enact all ordinances that they consider necessary or appropriate to govern, among other things, transportation; and,

WHEREAS, the goal of Chapter 8 of the Snyderville Basin General Plan (“General Plan”) is to promote a variety of transportation alternatives that provide convenient, reliable, and efficient services that meet the travel requirements of users within the Snyderville Basin; and

WHEREAS, in furtherance of this goal, §10-1-1(D) of the Summit County Code (“Code”) provides that within the Snyderville Basin Planning Area it is the intention of Summit County (“County”) to manage the development of land and land use activities so as to protect and enhance both the mountain environment and resort nature of the area; and,

WHEREAS, temporary land uses require a Temporary Use Permit in accordance with Summit County Code §10-3-3; and,

WHEREAS, the use of shared active transportation, such as electric-assist bicycles and electric scooter sharing programs, has become a common sight on public streets and rights of way across American cities, creating new mobility opportunities and changing the way people move around their cities.

WHEREAS, use of shared active transportation impacts both the mountain environment, quiet enjoyment of residential properties and the resort nature of the Snyderville Basin; and,

WHEREAS, the County seeks to promote shared mobility in the short and long term to promote greater connectivity, access, and quality of life and recognizes shared mobility is essential to improve air quality, reduce motor vehicle traffic, and promote equitable and accessible systems of transportation; and

WHEREAS, the County Council has determined that more precise regulations governing shared active transportation are necessary; and,

WHEREAS, shared active transportation is not specified in the Use Table under Code §10-2-10, and as such, are prohibited uses within the Snyderville Basin Planning Area; and,

WHEREAS, the County Council finds it is in the public’s interest to establish regulations for shared active transportation to improve mobility options while protecting health, safety, and general welfare of individuals and the community at large.

WHEREAS, UCA §17-27a-504 provides that the County may enact a temporary land use regulation without prior consideration of a recommendation from the planning commission where the County Council makes a finding of compelling, countervailing public interest; and,

WHEREAS, it is in the best interests of Summit County to provide for a temporary land use regulation of shared active transportation, which would be in effect for no longer than six months from the effective date, while comprehensive regulations designed to protect the health, welfare and public safety within the Snyderville Basin Planning Area are being studied, publicly vetted and adopted;

NOW, THEREFORE, the County Council of the County of Summit, State of Utah, ordains as follows:

Section 1. **Finding.** Based upon the facts as set forth in the Preamble hereto, the County Council finds that there exists a compelling, countervailing public interest to enact a temporary land use regulation regarding shared active transportation within the Snyderville Basin Planning Area.

Section 2. **Use Table.** Summit County Code §10-2-10 is hereby amended as follows:

USE TABLE

Use	RR	HS	MR	CC	SC	NC	Additional Reference
Shared Active Transportation	T	T	T	T	T	T	Section 10-3-3(D) of this title

Section 3. **Definitions.**

- A. Shared Active Transportation:** 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*.
- B. Small Vehicles:** Bikes, scooters, e-bikes, e-scooters, and other small, wheeled vehicles, motorized or not, designed specifically for shared-use and deployed by Shared Active Transportation (SAT) companies

“Shared Active Transportation” does not include the electric-assist bicycles of the Summit Bike Share System offered by the County and Park City Municipal Corporation.

Section 4. **Temporary Use Approval.** Section 10-3-3(D) is added as follows:

1. In addition to the criteria set forth in 10-3-3(C), applications for Shared Active Transportation are conditioned as follows, in addition to any other conditions imposed by the CDD upon approval of the application:

a. License Agreement: The Applicant shall enter in a license agreement with Summit County, on a form approved by Summit County that outlines the mutual responsibilities and obligations of the Applicant and Summit County.

b. Duration: The Temporary Use Permit for use of Shared Active Transportation shall expire upon expiration or termination of the License Agreement outlined in Section 1 above. In the event of termination of the License Agreement, the Temporary Use Permit shall automatically revoke and the provisions of Section 10-9-14 regarding Revocation of Approvals and/or Permits shall not apply.

2. Only three (3) businesses related to Shared Active Transportation may operate in the Snyderville Basin Planning Area at any given time. Consequentially, no application for a Temporary Use Permit for Shared Active Transportation shall be accepted by the Community Development Director if there already exists three operating Shared Active Transportation vendors.

Section 5. **Effective Date.** This Ordinance shall take effect fifteen (15) days after publication and shall sunset at 5:00 p.m. on _____, 2018.

Enacted this ____ day of September, 2018.

ATTEST:

SUMMIT COUNTY COUNCIL

Kent Jones
Summit County Clerk

Chair

APPROVED AS TO FORM

Deputy County Attorney

