

## ORDINANCE NO. NS-2524

### AN ORDINANCE OF THE CITY COUNCIL AMENDING BEND CODE CHAPTER 7.60, ESTABLISHING A PERMANENT BIKE SHARE PROGRAM

#### Recitals

- A. In 2019, by ordinance No. 2333, the City Council added Chapter 7.60 to the Bend Municipal Code to include regulations related to shared micromobility businesses.
- B. Council found that shared micromobility businesses and other emerging modes of active transportation may have significant potential for reducing traffic congestion and parking demand, encouraging travel mode shift opportunities, better leveraging public transportation systems, and other benefits that support policies in the City's Comprehensive Plan, Climate Action Community Plan, Transportation System Plan, and other guiding policies.
- C. The 2019 code allowed a shared micromobility business to operate on rights-of-way in Bend only through a pilot program authorized by the City Manager, or with a valid license or permit.
- D. In 2022, the City Manager adopted administrative regulations for a Shared Micromobility Device (Bike Share) Pilot Program (Policy No. ADM 2022-3) ("Bike Share Pilot Program"). A bike share program is a service in which bicycles are available to individuals for a fee.
- E. In June 2022, the City Manager approved a permit for BIRD, a micromobility operator, to launch a two-year Bike Share Pilot Program featuring dockless, pedal-assisted e-bikes. The Bike Share Pilot Program has been well-supported by the community and has successfully met city goals and policies. Following the initial success, the pilot was extended through the end of 2024. The city set new goals focusing on equity and access, active curb and mobility management, and comprehensive education and enforcement.
- F. On October 16, 2024, City staff gave an update to City Council about the Bike Share Pilot Program. Council received an in-depth report and power point presentation of the three-year pilot program and its success as well as lessons learned. At the end of the presentation, Council tasked city staff with creating a permanent Bike Share Program, incorporating lessons learned from the Bike Share Pilot Program, such as the importance of device selection and compliance policies, the need for more device parking zones, and the value of using data and active enforcement to achieve higher compliance.
- G. Bicycle use, particularly electric bicycle use, has increased in popularity, and will likely play an increasing role in the transportation system with increased demand in the future. Bicycles and electric bicycles continue to be an effective means of reducing traffic congestion and lowering the City's carbon footprint by reducing single occupancy vehicle use and lowering emissions. Improving access to affordable and convenient

multimodal transportation in a priority for the City of Bend. A permanent Bike Share Program also will help ensure flexibility and inclusivity across different modes of travel.

H. Such programs are typically enabled by technology or a mobile app, frequently run by private companies. As stated above, by providing more low-emission mobility options, these programs can create a more diverse, convenient and accessible transportation network that will reduce emissions and congestion and improve the quality of life in the City of Bend. However, like with all new technologies, shared mobility devices require that the City appropriately manage the public right-of-way, encourage public safety, develop data to assess the impacts and benefits, and provide for management and enforcement of the program.

I. Therefore, Council desires to create a permanent Bike Share Program and directs the City Manager to adopt an administrative policy implementing a permanent program.

**Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:**

**Section 1.** Chapter 7.60 of the Bend Municipal Code is amended as shown on the attached Exhibit A.

**Section 2.** If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

**Section 3.** All other provisions of the Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading Date: April 16, 2025

Second Reading and adoption by roll call vote: May 7, 2025

YES: Kebler, Franzosa, Méndez, Norris, Platt, Riley

NO:

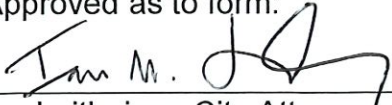
ABSTAIN: Perkins

  
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Melanie Kebler, Mayor

ATTEST:

  
\_\_\_\_\_  
Ashley Bontje, City Recorder's Office

Approved as to form:

  
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Ian Leitheiser, City Attorney



## EXHIBIT A.

### Chapter 7.60 SHARED MICROMOBILITY BUSINESSES

Sections:

#### 7.60.005 Definitions.

#### 7.60.0100510 Shared Micromobility Businesses.

#### 7.60.005 Definitions.

The following definitions apply to this chapter:

A. **API** means Application Programming Interface and is a set of rules and protocols that allow different software applications to communicate with each other.

B. **Bicycle** (used interchangeably with “bike”) means a type of Micromobility Device that includes every mechanical means of transportation having at least two (2) tandem wheels, a seat or saddle for the rider, fully operable pedals, and propelled solely by human power or with an assistive electric motor classified as a Class 1, 2 or 3 electric assisted bicycle under ORS 801.258 and ORS 807.020.

C. **Micromobility Device** means any device meant to carry one rider or operator and that is not required to be licensed or registered by the State of Oregon. Micromobility devices include, but are not limited to, bicycles, unicycles, electric unicycles, tricycles, electric stand-up scooters, electric seated scooters, Segways, skateboards, motorized skateboards, rollerblades, and hoverboards.

D. **Mobility Data Specification (MDS)** means a digital tool that enables cities to manage transportation in public spaces by standardizing data-sharing with private mobility providers. This data specification allows for digital policy sharing and vehicle management to achieve better program outcomes.

E. **Mobility Hub** means a designated location where different modes of transportation—such as buses, trains, bikes, micromobility devices, and ride-sharing services—are integrated and available to the public.

#### 7.60.01005 Shared Micromobility Businesses.

A. This chapter regulates businesses or organizations that operate a program for sShared micromobility devices are businesses or other organizations that provide any transportation solution such as bikes, e-bikes, scooters, e-scooters, or any other small, lightweight vehicles used as a shared resource among multiple users that can be used for point-to-point trips. Shared micromobility businesses do not include businesses or other organizations that provide this kind of transportation solution from a fixed location

that is not on City property or right-of-way, where the user returns the device to that location at the end of the for-hire period.

B. The City Manager, or their designee the Parking Services Division Manager,<sup>1</sup> may authorize one business or organization to operate a bicycle share program (“Bike Share Program”) within city limits, subject to the following provisions:

1. A Bike Share Program in the City of Bend is a system of self-service bicycles for hire, operated by a licensee that provides dockless bicycles that must be collected and re-deployed in city designated areas (which will typically have bicycle racks) in a “fixed point to point” system.

2. The City Manager may issue one business at a time a license to operate (“Operator” or “Licensee”) a city-wide bike share program. The Operator must be selected in an open, fair, and competitive process to allow the City to choose a vendor from various programs that best meets the City’s needs (an informal Request for Proposals.)

3. The license authorized under this section will be valid for up to three years from the date of issuance or renewal, unless sooner revoked, suspended, or relinquished. The license issued under this Chapter is non-transferable.

4. The licensing program will be subject to a City Manager Administrative Policy for a permanent Bike Share Program (“regulations”). The City Manager is authorized to develop and amend detailed regulations to implement the Bike Share Program without further Council approval, subject to the Operator meeting the following criteria as further specified in the regulations:

a. Accessibility. The Bike Share Program should consider a partnership with the City, the Operator or other interested entities to make several adaptive bicycles available on-demand, and/or a pilot program to make such bicycles available at one or more locations and during specified times of the year.

b. Strategic Placement. The Operator must diversify deployment areas to ensure access in underserved parts of town and near affordable housing.

c. Affordability. The Operator must offer tiered pricing and subsidized rates for low-income users.

d. Mobility Hubs. The regulations should integrate micromobility devices to support mobility hubs as anticipated in the guidelines in the Transportation System Plan.

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<sup>1</sup> Other than the adoption of the Administrative Policy and regulations by the City Manager, all other references to the City Manager in this chapter include the Parking Services Division Manager as their designee.

- e. Compliance Policies. The regulations must ensure compliance with city policies related to ADA, sidewalk safety, and rebalancing.
  - f. Accountability. The Operator must be accountable for the operational status of their fleets.
  - g. Safety Messaging. The Operator must provide safety messaging in-app and on devices. People riding electric bicycles may ride in bicycle lanes and certain paths, but not on sidewalks.
  - h. Educational Initiatives. The Operator must educate the public on the benefits of shared micromobility and how to use the bikeshare system.
  - i. Scalability. The Bike Share Program should be designed with scalability in mind to accommodate future growth.
  - j. Standardized Communication. The Operator must utilize MDS to standardize communication and data-sharing between the municipality, private mobility providers, and other partners.
  - k. API Integration. The Operator must work with City staff to implement MDS APIs (provider, policy, agency) to facilitate seamless data flow.
  - l. Data Validation. The Operator must use MDS to validate policy compliance digitally, ensuring devices operate within set guidelines.
  - m. Performance Monitoring. The Operator must be required to analyze data to monitor program performance, identify trends, and areas for improvement.
  - n. Safety. The Operator must be capable of identifying and addressing safety and maintenance issues with one or more dockless bicycles, including a mechanism for customers to notify the company that there is a safety concern with a bicycle and a mechanism for remotely disabling the use of a bicycle should it be reported or found to have a safety, maintenance or other hazardous condition.
5. The City may create geo-fenced areas within the city as specified in the regulations or established by the City Manager.
6. The total number of bicycles within a licensed area is a minimum of 200 bicycles and a maximum number of 500 bicycles. The City Manager may allow additional bicycles in 100 bike increments.
7. Liability insurance requirements will be as established in the regulations and license agreement.

8. The fee for the license to operate will be as set forth in the most recent City Council fee resolution. The nonrefundable fee must be paid before the license will be issued.

9. Any Licensee shall pay to the finance department a security cash deposit ("security deposit") as established by the City Council in the fee resolution. The deposit will be assessed in an amount adequate to ensure adequate funds are available to reimburse the City for future public property repairs and maintenance costs that may be incurred, including but not limited to, any costs of repairing or maintaining damaged public property by a Licensee or their customers, removing and storing bicycles improperly parked or left unattended on public property, and addressing and abating any other violation. The security deposit will be held in trust by the City so long as the Bike Share Program Operator is licensed by the City under this chapter. A Licensee's security deposit must not be depleted below the minimum amount in the fee resolution. If a security deposit drops below this amount, the Licensee shall replenish the security deposit to its full amount within thirty (30) calendar days.

10. To the maximum extent permitted by the Oregon Tort Claim Act, the Operator shall defend, indemnify, and hold harmless the City, and all of its respective departments, volunteers officers, officials, employees, and agents from and against any and all claims, demands, suits, damages, actions or causes of action, costs, injuries or expenses to persons or property of whatsoever kind or nature, including attorney's fees, and for any loss of or damage to property and for injuries to or deaths of persons, arising or resulting directly or indirectly, the operation of a Bike Share Program on the public right-of-way or other property, or any act, omission, or misconduct of the Licensee, their employees, agents, subcontractors or representatives, arising out of the or from performing Licensee's operations, except for injuries and damages caused by the sole negligence of the City.

C. No other shared micromobility business may provide services or operate within the cCity unless Council without establishes, through code amendments, a permanent licensing program for additional bicycle share vendors or other types of shared micromobility businesses, a valid license or permit or upon receiving City Manager approval under a pilot-permitting or pilot-licensing program. The City Manager has express authority to test allowing additional micromobility devices in a pilot program that is integrated into the bike share permanent program or as a separate program.

D. Permit amendment, suspension or revocation; Enforcement.

1. A person or business commits an offense if they operate without a permit or license as required by this chapter.

2. The City Manager may suspend, amend, or revoke a license to operate a dockless Bike Share Program for a violation of federal, state, or local law, or if the licensee does not meet the requirements under this chapter.

3. In addition, the City Manager may amend, suspend or revoke a license for any of the following reasons:

a. Licensee fails to maintain correct and current information with the City regarding the information or operations in the right-of-way required by the license.

b. Licensee provides false or misleading information to the City Manager.

c. Licensee fails to maintain the minimum security deposit balance or fails to replenish the security deposit as required by this chapter.

d. Licensee files bankruptcy, becomes insolvent, fails to meet financial obligations on a timely basis, or is unable to obtain or maintain the financial resources needed to properly maintain facilities or provide adequate service.

e. Licensee engages in fraudulent, unfair, misleading, deceptive, or anti-competitive practices or unlawful discrimination.

f. Licensee shows a pattern of not responding to inquiries by the City Manager or customer complaints in a timely fashion.

g. Violation of the regulations or the terms of the license.

h. A federal, state, or local registration, certification, or license of Licensee is suspended.

i. Licensee, a person controlling the license, or principal employed by the Licensee, is convicted of a felony or any crime involving theft, fraud, or deceit related to the Licensee's service.

~~C.~~ 4. Any violation of this chapter is a Class A civil infraction.