
MEMORANDUM

Date: January 30, 2019
To: Seattle City Council
From: Joel Miller, Bike Share Program Manager, SDOT Transit & Mobility Division
Subject: **Bike Share Program: 2019 Permit Cycle Direct Enforcement Plan; Response to Bicycle Share Fee Schedule Ordinance (125634)**

Background

Seattle's free-floating bike share permitting program was approved by City Council in August 2018 ([Ord. 125634](#)). As part of that approval, the following amendment was included:

Section 4. No more than \$500,000 of the funds appropriated in this ordinance for the Mobility Operations Budget Control Level in the 2018 Budget may be spent on implementing the free-floating bike share program until the Chair of the Sustainability and Transportation Committee files a certification with the City Clerk that the Department of Transportation has provided a plan for direct enforcement of bike-share parking requirements and management of the right-of-way to accommodate disabled pedestrians by creating a parking enforcement program or identifying use of a parking enforcement strategy currently implemented by the City of Seattle.

This memo responds to that amendment and describes SDOT's plan for direct enforcement of bike share parking requirements and management of the right-of-way. The bike share permit for the 2018-2019 period, will be referred to as Permit 2.0 throughout this memo.

Key Lessons Learned from Pilot

In formulating this plan, SDOT staff drew directly from lessons learned in Seattle's first free-floating bike share pilot program (referred to as Permit 1.0). Key learnings included the following:

- **SDOT must play a more active, direct role in managing bike share's impact on the right-of-way in Permit 2.0.** There was no formal compliance auditing process specified in the pilot permit requirements; however, the random sampling that was performed yielded informative results for the program that were incorporated into Permit 2.0. SDOT will also proactively build 1,500 more bike parking spaces citywide in the public right-of-way using permit fees.
- **The program must enact enhanced data management strategies and make data-driven decisions.** The pilot permit lacked clear data standards and definitions, leading to data discrepancies and a lack of granularity. The new permit requirements better define the data that permittees must submit and the compliance standards they will be measured against. In addition, the program recognized the need to improve the transparency and reliability of fleet data analysis and to ensure that SDOT has all the information it needs to take appropriate enforcement action.

- **The program must prioritize direct enforcement and audits over report-response.** Report-response allows the community to report problems with bike share devices and have them resolved by the bike share vendors. But even if all reports received response, this indirect, reactive approach did not provide a systematic way for SDOT to responsibly manage the right-of-way. Under Permit 2.0, report-response has been preserved to track vendor responsiveness to community reports of damaged or improperly parked devices but is no longer the primary approach to managing bike share's impacts on the right-of-way.

Overview

Based on the key learnings from the pilot, the bike share program has designed a comprehensive strategy that focuses on proactive direct enforcement to ensure vendor compliance for the 2018-2019 permit cycle¹. The bike share program has identified three key compliance and direct enforcement strategies:

- **Direct compliance auditing:** SDOT or its designee will directly observe right-of-way activities related to bike share operations including user parking behavior and other issues by conducting on-street compliance auditing throughout Seattle. These audits will take place at least two times per month.
- **Verification of vendor data:** SDOT will verify that the vendor submits accurate fleet data, responds to public reports of improperly parked devices, and delivers on the commitments made in its fleet right-of-way management, rider education, and equity plans included as part of the permit process. These plans include strategies related to safety, equity, and proper parking behavior.
- **Direct enforcement actions:** When vendors are found to be non-compliant with permit requirements, including lack of proper right-of-way management, data accuracy, and fleet maintenance, SDOT may impose enforcement penalties such as fleet size reductions. These penalties are intended to mitigate operational impacts on the right-of-way by reducing the number of available bicycles. Ultimately, if issues are not addressed to SDOT's satisfaction, SDOT reserves the right to revoke the operator's permit.

Direct Compliance Auditing

Compliance auditing uses direct observation to systematically verify and enforce vendors' compliance with their required responsibilities managing their operations in the right-of-way, including ensuring that bikes are not blocking sidewalks or other ADA-required access². Bike share program staff and/or a third-party auditor will conduct these audits at least twice per month throughout the permit cycle, with program staff completing initial audits before a contracted third party begins in March 2019. These audits will produce quarterly reports that will be published on SDOT's bike share website. The program uses two types of direct on-street compliance audits:

- **Citywide random sampling audits:** After dividing the entire city into sample areas based on census block groups, the auditor randomly selects a sample area to audit. The auditor walks or bikes every block face, public park, and other public area and records compliance-related information on each parked bike share device. That information is reported to SDOT and used to inform permit compliance and related enforcement actions.

¹2018-2019 permit cycle began on November 19, 2018.

² See [Bike Share Permit 2.0](#) for definitions of blocked sidewalks or other ADA-required access

- **Targeted audits:** Program staff will compile a watchlist of known areas of concern where bike share operations should be more closely monitored for impacts on right-of-way such as obstruction hazards and access for people with disabilities. Selected areas include light rail stations and major mobility hubs as well as locations where staff or community members have reported fleet management and parking concerns. Program staff will record specific compliance-related information on each parked bike share device within the target area. That information is reported to SDOT and used to inform permit compliance and related enforcement actions

Audit Schedule

January 2019 -March 2019: Before the auditor is selected, bike share staff will conduct compliance audits.

- Program staff audits will include citywide random sampling audits and targeted audits at known areas of concern such as transit stations, parks, the waterfront, and areas with limited parking.
- Program staff will spend about 15 hours each month (more if resources allow) conducting on-street audits in three or more random sampled and/or targeted audit locations.
- These early audits will focus on high-priority safety concerns such as ADA violations, obstruction hazards, and unsafe devices (such as cut brake lines). The audits will also verify the accuracy of vendor-submitted fleet data.
- The audits will collect valuable data on fleet management on the public right-of-way, bike share and personal bike parking behavior, and potential obstruction hazards.
- The audits will help refine the program’s areas of concern watchlist for future audits and suggest where additional interventions such as parking restrictions, geofencing, or additional bike parking may be necessary.
- SDOT aims to collect data from at least 350 devices spread among at least 5 sample locations before performing sample-size related compliance queries for each vendor.

After March 2019: Once the third-party auditor is selected, the bike share program will develop an audit schedule for the remainder of the permit cycle including:

- Bike share program staff’s focus will shift to targeted audits related to safety and obstruction hazards while the third-party auditor will focus on the random sampling citywide audits.
- In addition to checking for obstruction hazards during the random sampling audits, the third-party auditor will address ride testing (starting and ending rides, including physically riding bikes), complete maintenance checks, and feature testing to ensure the vendor provides all required features, including in-app information, on-bike signage, and required low-barrier rental services.
- Data collected by third-party auditor will be shared with SDOT, so staff can track and enforce vendor compliance (see Table 1).

Verification of Vendor Data

The bike share program collects several types of information from vendors to understand how bike share serves the community and impacts the right-of-way. During the 2018-2019 permit year, the bike share program will directly verify vendor-submitted information in several ways. These include:

1. **On-street Verification of Fleet Data:** Each vendor must share data on deployed devices and rider trips. SDOT uses the data to measure system performance and to determine whether the

vendor has complied with its fleet size and equity distribution requirements. This permit cycle, SDOT (program staff and auditor) will use compliance auditing to more directly verify that data reported to SDOT matches on-the-street conditions.

2. **Feature Testing and Plan Verification:** During the permit cycle, the vendors must develop and implement three mandatory plans: a right-of-way management plan, a rider education plan, and an equity plan. SDOT will verify that the vendor is fulfilling its plan commitments through field verification. Additionally, the bike share permit requires that the bike share companies develop specific features, including low-income options and support and materials in multiple languages. SDOT and auditor team will verify that these features exist and are accessible.
3. **Centralized Parking Reporting Tool:** The vendors must respond to reports of damaged or improperly parked devices. SDOT will review these report-response records to ensure the vendor responds to reports within the required timeframes³. Vendors must also participate in a yet to be developed centralized parking reporting mechanism, which could include a system similar to or integrated with 'Find It Fix It' to report improperly parked devices. When a community member files a report using the report tool, it will generate a record that SDOT can use to verify vendor response time. This concept will be explored during Permit 2.0.

Direct Enforcement Actions

Permit 2.0 includes specific remedies to be implemented when a vendor violation of permitting requirements occurs in the public right-of-way. During the pilot, SDOT relied primarily on cash fines to penalize noncompliance, which did not have the desired effect on vendors' fleet management practices. This year, the bike share program will emphasize enforcement actions that have a direct impact on operations and are more likely to affect vendor behavior. These include:

- **Fleet Size Reduction:** Temporary or permanent fleet size reductions are the default penalty for many compliance violations related to fleet distribution and management, especially improper bicycle parking. Most violations carry a penalty of 500 to 1,000 fleet size reduction, based on the number of devices deployed⁴. Fleet size reductions immediately remove devices from the street, directly impacting the vendor's revenue and market share, while also reducing the number of non-compliant, poorly parked bikes in the right-of-way.
- **Permit Revocation:** If other measures fail, SDOT has the discretion to revoke a noncompliant vendor's permit and require the vendor to remove all its devices from the City's right-of-way within 30 days.

³ See the [SDOT Free-Floating Bike Share Permit](#) section O2.1 and O2.2 for required timeframes.

⁴ See the [SDOT Free-Floating Bike Share Permit](#) Compliance and Enforcement section for specific penalties.

Table 1. Compliance standards and enforcement actions

Lack of compliance related to:		Enforcement Standards	
		Compliance Target Per Audit ⁵	Suggested Enforcement Action
Parking	ADA Obstruction Hazards (P1.6, CE4.2(c))	Zero tolerance. No device may create an ADA-prohibited obstruction hazard ⁶	Fleet size reduction, 20 devices per ADA obstruction
	General Obstruction Hazards (P1.6, CE4.2)	No more than 3% of sampled bicycles ⁷ may create an obstruction hazard (ADA or non-ADA)	Fleet size reduction, 1,000 devices
	Improper Parking , e.g. on grass (P1.5, CE4.2)	No more than 30% of sampled bicycles may be parked improperly (non-obstructive)	Fleet size reduction, 500 devices
Equipment & Maintenance	Safe to operate (ES4.2, CE4.3)	No more than 10% of sampled bikes may be unsafe to operate	Fleet size reduction, 500 devices
	Good working order (ES4.1, CE4.3)	At least 70% of sampled bicycles are both in good working order and available for rental	Fleet size reduction, 500 devices
	Suspended/maintenance mode (ES2.7, CE4.3)		

⁵ SDOT (and/or corresponding third-party auditor) will conduct ongoing compliance audits of the deployed fleet during the permit term. An audit is defined as one data collection period, which may be aggregated across multiple days to obtain a representative sample. SDOT will determine the audit frequency (weekly, monthly, or quarterly) upon award of the third-party auditor contract (anticipated in early Q2). Although SDOT’s enforcement strategy proposes zero tolerance for devices creating ADA obstruction hazards, as part of the initial compliance audit period, we will work closely with the vendors to communicate observations and encourage parking compliance.

⁶ Note that the ADA obstruction hazard penalty is zero-tolerance and per-occurrence, while other infractions are penalized once a compliance threshold percentage is exceeded. Additionally, ADA obstruction hazards are also considered general obstruction hazards, so they would be subject to two enforcement standards: 1) penalized per occurrence, and 2) counted toward the 3% threshold for general obstruction hazards.

⁷ If multiple bicycles are clustered closely together, the cluster will count as one bicycle/incident. This is to ensure that audits are weighted toward incidents/obstructions and are not skewed by piles of blocked bikes or rows of staged bikes. SDOT will study this approach and reserves the right to revisit it in the future to ensure accuracy in parking and obstruction infractions.