

AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW SECTION DIVISION 8 "ENTITLED BIKE SHARING" IN ARTICLE II ENTITLED ENCROACHMENTS" IN CHAPTER 138 ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" WHICH IS TO BE CODIFIED AS SECTION 138-62 "BIKE SHARING PROGRAM"; AND FOR OTHER PURPOSES.

Workflow List:

James Shelby	Completed	06/13/2014 12:06 PM
Mayor's Office	Completed	06/13/2014 12:25 PM
Office of Research and Policy Analysis	Completed	06/13/2014 3:54 PM
City Utilities Committee	Completed	06/27/2014 11:17 AM
Atlanta City Council	Completed	07/08/2014 4:29 PM
City Utilities Committee	Pending	
Mayor's Office	Pending	

HISTORY:

06/24/14	City Utilities Committee	
07/07/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [14 TO 0]	Next: 7/15/2014 9:30 AM
AYES:	Bond, Norwood, Dickens, Smith, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Kwanza Hall	

RESULT:	REFERRED TO COMMITTEE [14 TO 0]	Next: 7/15/2014 9:30 AM
AYES:	Bond, Norwood, Dickens, Smith, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd	
AWAY:	Kwanza Hall	

Certified by Presiding Officer	Certified by Clerk
<p>CERTIFIED</p> <p>7/15/2014</p> <p>ATLANTA CITY COUNCIL PRESIDENT</p> 	
Mayor's Action	

LEGISLATION HISTORY - BLUE BACK

See Authentication Page Attachment

AN ORDINANCE BY CITY UTILITIES COMMITTEE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW SECTION DIVISION 8 "ENTITLED BIKE SHARING" IN ARTICLE II ENTITLED ENCROACHMENTS" IN CHAPTER 138 ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" WHICH IS TO BE CODIFIED AS SECTION 138-62 "BIKE SHARING PROGRAM"; AND FOR OTHER PURPOSES.

WHEREAS, the public health, safety and welfare will be enhanced by the implementation of a citywide bike share system of the type generally set forth in *"The Atlanta-Decatur Bike Share Feasibility Study"* published by the Atlanta Bicycle Coalition in January 2013; and

WHEREAS, the citywide bike share system will provide a convenience for residents, workers and visitors because bicycles can be made available on an as-needed basis and would be available for one-way trips; and

WHEREAS, the City of Atlanta solicited requests for proposals from qualified firms for FC-6605 "Self Service Bicycle Rental Program" in order to implement a citywide bike share program on public property; and

WHEREAS, the location of bike share infrastructure on public property is also intended to increase utilization of other transit modes by providing a first mile and last mile travel alternative that will increase the range of destinations served; and

WHEREAS, in order to implement contract FC-6605 which will secure a contractor to install bike share infrastructure on City property, including the public right of way, Chapter 138 of the City Code dealing with *"Streets, Sidewalks and Other Public Places"* must be amended; and

WHEREAS, it is recognized and understood that in addition to the establishment of bike share infrastructure in the public right-of-way as codified below, the selected provider for FC-6605 will also establish similar infrastructure on private property in the City in order to maximize the effectiveness of the Self Service Bicycle Rental Program.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The Code of Ordinances of the City of Atlanta Georgia is hereby amended by adding a new Division 8 ("Bike Sharing") to Article II ("Encroachments") of Chapter 138, (*"Streets, Sidewalks and Other Public Places"*) which will include new code section 138-62 entitled "Bike Sharing Infrastructure" which shall read as follows:

Sec. 138-62. Bike Sharing Infrastructure

(a) *Purpose and Intent*

(1) The public health, safety and welfare will be enhanced by the implementation of a self service bicycle rental program also known as citywide bike share program ("Program" or "System") of the type generally set forth in *"The Atlanta-Decatur Bike Share Feasibility Study"* ("Atlanta-Decatur Study") published in January 2013 by the Atlanta Bicycle Coalition. The Program, which will establish bike sharing infrastructure, both in the public right of way and on private property in the City of Atlanta ("City"), and which will be fully paid for by one or more vendors ("Providers") selected by the City, will accomplish the City's goals of establishing a positive and useful Program for the general public while eliminating City costs and expenses if the City were to directly implement the Program.

(2) The location of bike share infrastructure on public property is intended to increase utilization of other transit modes by providing a first mile and last mile travel alternative that will increase the range of destinations served.

(3) The bike sharing experience of the general public as set forth in the Atlanta-Decatur Study will be enhanced by the ability of the City to contract with Providers to install and manage bike share infrastructure on public property including the public right of way for the installation around the City of multiple rental stations (“Stations” or “Kiosks”) that house Rental Bicycles (“Bicycles”).

(4) The System will allow the general public to rent bicycles from Stations located around the city, use a Bicycle for trips of varying times and durations and return the Bicycle to a different station. Such Programs provide a convenience for residents, workers and visitors because Bicycles are available on an as-needed basis and are available for one-way trips. The Program, made available by the City, can operate on a cooperative basis and link with other programs sponsored by other entities to grow the system quickly and expand the reach of the program beyond the City.

(b) *Definitions.* The words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning. The use of capitalized abbreviated reference terms for the definitions contained herein are intended to refer to the terms and phrases from which they were derived.

(1) “*Bike Sharing Rental Program*” means a system funded, managed and operated by one or more Providers under contracts entered into with the City, which provide the public with opportunities to rent Bicycles from Stations at locations on both private and public property including the public right of way.

(2) “*Citywide Bike Share System*” is an initiative by the City to implement certain of the recommendations of the type generally set forth in the Atlanta-Decatur Study in order to provide a non-traditional transit option to cover the “first and last mile” of a transit trip by encouraging and installing infrastructure that will allow access to Rental Bicycles and for other purposes.

(3) “*Commissioner of Planning*” means the Commissioner of the Department of Planning and Urban Development, and/or his or her successor performing the same general duties, or a designee.

(4) “*Commissioner of Public Works*” means the Commissioner of the Department of Public Works, and/or his or her successor performing the same general duties, or a designee.

(5) “*Kiosk*” means *self service bicycle rental station kiosk* which is a structure containing the self service payment device located at a Station at which Bicycles are rented.

(6) “*Provider*” means a *bicycle rental service provider* which is a person or entity with a contract with the City to provide public self service bicycle rental services. When used with respect to Interconnectivity, the Private Self Service Bicycle Rental Service as defined in the Zoning Code is included as a “Provider” only in the capacity as one whose Rental Bicycles may be returned to, stored in or rented from Stations operated by that person or entity.

(7) “*Rental Bicycle*” or “*Bicycle*” means a *self service rental bicycle* that is rented from a Station that is operated by a Private Self Service Bicycle Rental Service as defined in the Zoning Code.

(8) “*Station*” means a *public self service bicycle rental station* which is an automated facility constructed as a part of a Bike Sharing Rental Program where Bicycles are made available for rental without the requirement that employees or attendants be present to accept rental payments from customers, rent Bicycles to customers, or receive Bicycles from customers when the Bicycles are returned from rental.

(9) “*Storage*” means *self service rental bicycle storage* which is a part of a Station that is utilized for the storage of Rental Bicycles available for rental or being returned after rental at any Station,

including Stations maintained by a Private Self Service Bicycle Rental Service as defined in the Zoning Code; for the servicing of Rental Bicycles, or for the storage of any other goods or materials, provided that no part of any Station may be used for the storage of Rental Bicycles that are inoperable or which cannot be rented within twenty-four hours after their return.

(c) *Authorization to Allow the Use of Public Property and Right-of-Way for the Program*

The Commissioner of Public Works is authorized to allow the installation of Stations and Kiosks on public property including the public right-of-way. Such Stations shall only be installed by a Provider that has a contract with the City to manage and provide services to the public under the Program. In order for the Provider to install required infrastructure for operation of the Program in the public right-of-way, the Provider must enter into an encroachment agreement with the City for the installation of each Kiosk and Station pursuant to the requirements of Division 1 of Chapter 138 of the City of Atlanta Code of Ordinances in general, and Code Section 138-24 in particular. In no instance shall the contract or the authorization granted by this section require the Commissioner of Public Works to allow the installation of Kiosks and Stations in locations which the Commissioner of Public Works deems unsuitable for the installation of such infrastructure.

(d) *Criteria for the Location of Stations in the Public Right-of-Way*

(1) No Station shall interfere with the reasonable visibility needs of drivers on the street where the Station is located or any connecting street.

(2) No Station shall interfere with the flow of pedestrian traffic taking into consideration the queuing areas for adjacent businesses, the size of the Station and the width of the sidewalk.

(3) No Station shall be located so as to unreasonably interfere with businesses located on the same block (block faces) as the proposed Station location. A notice shall be posted by the Provider at the site on the street frontage where the Station is to be located which states that the Provider has sought permission from the City to install a Station at the location. The required encroachment agreement shall not be executed by the City until the Provider submits an affidavit that the notice has been posted for ten (10) days. The Commissioner of Public Works shall receive any comments from the public and consider those comments in making a decision as to whether to authorize the Station installation.

(e) *Installation of Infrastructure on Private Property*

(1) It shall be unlawful to erect or maintain a Station on private property except as permitted by the Commissioner of Planning through an endorsement of a special administrative permit (“SAP”) obtained from the office of planning by a Provider and issued pursuant to the City of Atlanta’s Code of Ordinances Land Development Code at Part 16 of Chapter 25. The endorsement by the Commissioner of Planning of such SAP shall be the final approval required before a building permit may be sought to construct the Station.

(2) All Stations to be located on private property shall be erected, operated and maintained by the Provider in conformity with the city's zoning ordinance, including without limitation, the requirements as to signage, Station size and design, as evidenced by the approval of an SAP by the Commissioner of Planning. The permit and the review of the criteria required in this section to obtain the endorsement of

the SAP by the Commissioner of Planning shall be in addition to and shall in no way modify or replace the requirements set forth in the Zoning Ordinance and all permits required therein.

(3) Before a permit for a Station to be located on private property can be approved, the applicant must submit design plans, to be accompanied by photographs and any other required supporting documents, to the Commissioner of Planning for approval. The submitted design plans for stations located on private property must also comply with the same restrictions related to the location and placement of the Stations installed in the public right of way as described immediately above in subsection 138-62 (d).

(4) All SAPs shall be reviewed by the Urban Design Commission as required by Chapter 90, Article II, Division 2 of Part 16. Such review may be undertaken at any time prior to the Commissioner of Planning's endorsement of the SAP.

(f) *Provider Assumes Risk for Installation and Operation/Management of the Stations.*

All Stations located on public property are to be installed and managed by the Provider who shall at all times assume all risks for the condition and management of the Stations, the use of Rental Bicycles and any events occurring at the Stations. The Provider will obtain liability insurance in an amount approved by the City's Office of Enterprise Risk Management and under which the City shall be named an additional named insured. Such insurance requirements shall be set out in the encroachment agreement that must be agreed to and executed by the Provider.

(g) *Provider Responsible for Condition of Public Property.*

All Stations located on public property are installed at the risk of the Provider who shall at all times have the obligation to return the public property on which the Station is located back to the city in the same condition as when the encroachment agreement was entered into. In this regard, bond requirements as set out in the encroachment agreement must be complied with by the Provider.

(h) *City Held Harmless.* The Provider shall hold the city harmless against all losses or damages resulting from or alleged to have resulted from the installation, and/or existence, and/or maintenance operation or any other aspect of the operation and use of the Stations and the Bicycles. Such hold harmless agreement as provided for in the encroachment agreement must be agreed to by the provider.

(i) *Maintenance.* The Provider shall be responsible for maintaining the Stations in a safe and clean condition. The Stations shall be kept in good order and repair at all times.

(i) *Failure of Compliance.* The Provider shall be notified by the Commissioner of Public Works when a Station is no longer in compliance with City code requirements and/or the provisions of the encroachment agreement and the actions that must be taken to bring the Station into compliance. In addition to any contractual remedies, the Commissioner of Public Works may order removal of a Station that cannot be brought into compliance by issuing a written order of removal to be sent by certified mail. Failure of the Provider to remove the Station within thirty (30) days of being issued a written order of removal by the Commissioner of Public Works shall allow for the removal of the Station at the cost of the Provider.

Section 2: The remaining Sections 138-63 and 138-64 of Article II titled "Encroachments" of Chapter 138 continue to be reserved.

Section 3: This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Charletta Wilson-Jacks

Contact Number: 404-330-6730

Originating Department: Office of Planning

Committee(s) of Purview: ~~Zoning~~ Utilities

Chief of Staff Deadline: 06/06/2014

Anticipated Committee Meeting Date(s): 06/24-25/2014

Anticipated Full Council Date: 07/07/2014

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements): N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA BY CREATING A NEW SECTION IN PART II CHAPTER 138 TO BE ENTITLED "BIKE SHARING INFRASTRUCTURE"; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 6.6.14 [Signature]
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____ (date)