

Item 23-0285: Approve Memorandum of Understanding with Bird Rides, Inc. to initiate a Dockless, Stand-up Electric Scooter Program for 2023

Municipal Services Committee

Mon, Mar 20, 2023 4:30PM

Aldersperson William Siebers (District 1) 04:58

23-0285 approve memorandum of understanding with Birds Rides Incorporated to initiate a dockless stand up electric scooter program for 2023. Do I hear a motion to approve?

Aldersperson Brad Firkus (District 3) 05:13

Move to approve.

Aldersperson William Siebers (District 1) 05:14

Is there a second?

Aldersperson Katie Van Zeeland (District 5) 05:17

Second.

Aldersperson William Siebers (District 1) 05:18

Has been made to approve and second. You all got a lengthy memo from I believe Chris Behrens office. Any discussions? Questions? Aldersperson Meltzer, what mic are you? You don't have a mic. Okay.

Aldersperson Vered Meltzer (District 2) 05:44

Thank you. I appreciate all of the hard work that has gone into this and the diligent address—attempt to address all the concerns, but I consider the Bird scooters to have a significant safety risk and impact on our community. I would encourage us not to renew this program at this time. Thank you.

Aldersperson William Siebers (District 1) 06:08

Okay. Did I see Aldersperson Wolff? Okay.

Aldersperson Nate Wolff (District 12) 06:16

Thank you chair. Something that I have received feedback on from business owners down College Avenue, were that they would like a chance to speak with a Bird representative about just some things that could improve the College downtown experience for them and with Bird scooters coexisting. So, it's just something that I wanted to point out publicly to get it out there in the open.

Aldersperson William Siebers (District 1) 06:45

Okay. Aldersperson Schultz, did I miss you. Okay.

Aldersperson Alex Schultz (District 9) 06:50

No, you've caught me Chair. Thank you. I guess a couple of questions. First, I'll start with my colleague's question about safety and concern about safety. I think the records for the last two pilot years have shown that the safety issue is not as significant as we might have anticipated. And given the fact that we're considering redesignation of some lanes on College Avenue which I guess we expect to happen, I think that safety risk becomes a little bit less than what it is currently.

Aldersperson Alex Schultz (District 9) 07:22

The second question I have is, the fee increase from 10 cents per ride to 20 cents 20 cents per ride—I apologize for not going back and watching the last Muni meeting to understand what that discussion was. But I'd like to understand how that figure was determined, why we would double the increase per ride. Is there—I guess I would direct that to Director Block to maybe answer that question. It is a arbitrary figure? Or is there some sense that 20 cents is going to cover what we need? Or was it just kind of cast out there? It seems like a doubling of a fee is a little excessive. And maybe it should be somewhere in the middle.

Aldersperson William Siebers (District 1) 07:59

My understanding is the gentleman to my left, had concerns in regards to the fee and addressed those to the director. So, would you want to respond?

Director Danielle Block (Department Of Public Works) 08:12

Sure. I can comment from my standpoint. I worked with Bird to talk about just the level of effort that the city invests in responding to phone calls, trying to educate the public, also just our one-on-one work with bird and that time that staff uses. So, we had a good discussion about what would be a reasonable fee and what other communities are also contributing—er receiving per ride. And it was in the range of 10 cents to 20 cents. So, I requested 20 cents.

Director Danielle Block (Department Of Public Works) 08:18

Just to follow up. So, Bird was comfortable? We were comfortable? This figure is good with everybody involved?

Director Danielle Block (Department Of Public Works) 08:51

Correct.

Aldersperson Alex Schultz (District 9) 08:52

Thank you, Chair—er I mean, thank you, Director.

Aldersperson William Siebers (District 1) 08:56

Did you want to make any comment since...

Aldersperson Chad Doran (District 15) 08:59

Sure.

Aldersperson William Siebers (District 1) 08:59

...you had concerns about the...?

Aldersperson Chad Doran (District 15) 09:02

Yeah, thank you. I did request an increase in the fee based on previous conversations I've had with staff in the past going aways back. And in that feeling that at a bare minimum for us to continue doing this program in the community, we need to cover our costs for the city in whatever ways it takes to us to help administer having this program here.

Aldersperson Chad Doran (District 15) 09:28

But I also believe pretty firmly that it should be something that generates at least some nominal revenue for the city given the number of people in the city that will never use the scooters, don't like seeing the scooters, don't like hassling with what the scooters bring. I think there are certainly some positive benefits of the program, but I felt that there has to be some sort of offset for the community to see some sort of benefit from this beyond just

making sure that our costs were covered, and just I appreciate the staff working with Bird to negotiate a fee that the staff feels comfortable does accomplish both of those things. So, knowing that, I'd be supportive of, of this being a one-year program to continue.

Alderson William Siebers (District 1) 10:08

Thank you. Alderson Hartzheim? Oh, you need a mic.

Alderson Sheri Hartzheim (District 13) 10:16

Subtle hint. Thank you, Chair. I appreciate as well, staff working with Bird in this regard, regarding the questions that were brought up during this process from alderpersons who were bringing those things from our constituents. One question that my constituents regularly asked about was the safety of underage drivers. I myself don't have a personal problem with underage drivers of scooters that are owned by their parents or owned by themselves, but this program being related to the city makes me nervous, because then there's a safety issue with the city. Could I please ask the attorney if they're—you know, what kind of connection that...so if the worst comes to worse, and a child, an underage child is injured, using these, what kind of liability the city holds or what kind of ramifications that could hold for the city,

Alderson William Siebers (District 1) 11:16

City attorney what mic?

Attorney Christopher Behrens 11:21

As the alderperson may know, I hesitate to comment publicly on potential liability of the city. But there is indemnification language, in the contract with Bird to address those kinds of concerns.

Alderson Sheri Hartzheim (District 13) 11:35

Thank you, that actually helps me very much. Helps me feel better about that not being a part of the MOU, rather a part of something that we've discussed with Bird, and they're going to make some efforts to try to curb that. Overall, I'm glad to see these changes, in particular the increased per ride cost from Bird to the city. And I would—because it's been limited now to a one-year term, I would agree to support it as well. Thank you.

Alderson William Siebers (District 1) 12:05

Alderson Schultz.

Alderson Alex Schultz (District 9) 12:09

Thank you for the recognition here. Just a couple of comments. One, I just want to make sure that people understand that I that I share a lot of the concerns of my colleagues about the safety particularly with people that are using them, not only underage but using them in a way that is an unsafe underage use. I've seen teenagers doubling up on Birds, and not acting very smart, using them on College Ave, and so recognize that I share the safety concern and I appreciate the language here that we're going to continue to monitor this and maybe hold Bird to the notion that we're going to do some ID checking in the future so that we can kind of control underage use that shouldn't be allowed. So that would be my follow up. I still support us moving forward with the Bird program but watching carefully and making sure Bird is on—really held accountable for use that isn't condoned by the city. Thank you.

Alderson William Siebers (District 1) 13:04

Okay. What mic are you? Okay.

Aldersperson Denise Fenton (District 6) 13:10

Thank you, Chair. Um, I have a question for city staff, in—again, on the identification request, where the memo says that Bird has the ability to turn on ID checking for two weeks at a time, but that they would prefer not to do it. My question, and I guess concern is, would, is the plan for them to turn it off? I understand about the broadcast messaging. Is the plan that we would be able to request ID check? Because honestly, I share concerns about underage riders. But I also understand Bird's concern that they would be locking people out of a transportation alternative just for not having this the ID requirements. So that's my first question, if someone from staff could answer that.

Aldersperson William Siebers (District 1) 14:10

Sure. Director Block.

Director Danielle Block (Department Of Public Works) 14:13

Thank you for the question. From the city's point of view—and I should have mentioned this at the very beginning. Caitlin Goodspeed is here from Bird so she can help answer this question along with me. We coordinate quite a bit. And as—I as city staff, would just send her a note, give her a phone call requesting that the ID check be turned on is really as simple as that coordination would be I anticipate. But Caitlin could probably speak to Bird's point of view on how they monitor that, turn it on, and when they deem and appropriate time to turn off.

Aldersperson William Siebers (District 1) 14:49

Before you speak, Could you give your name and address for the record?

Caitlin Goodspeed (Bird Representative) 14:54

Yes. And my address is [XXXXX] Chicago, Illinois. So not too far from here, about a three-and-a-half-hour drive, I drove up this morning. I'm the Senior Account Manager for Bird. I oversee a lot of our Midwestern territory, including your neighbors to the south, Neenah Menasha, and then your neighbor to the north in Green Bay. So, I'm visiting all of the cities in this trip. But excited to be here. And thank you, Dani, for being such a great partner to work with the city.

Caitlin Goodspeed (Bird Representative) 15:33

To answer your question about ID check. This is a configuration that we can, like Dani said, turn on easily in the app or and turn off. We do when we initially start an ID check like to keep it on for a few weeks, and then kind of monitor to see if it's had any impact because we do find that if people try a couple times and aren't able to get in because they don't have an ID, they're not going to check again. So, we'd like to kind of see if it works. If it if it doesn't work, if we continue to see underage riding, we can make it a permanent feature of the app. But to your point, we don't love to do this because it is does present a barrier for people who don't have an ID. So, it's something—it's very flexible. We're willing to work with the city based on what you guys are seeing on the ground to kind of turn it on or off.

Aldersperson William Siebers (District 1) 15:33

Yes, is that a question?

Aldersperson Denise Fenton (District 6) 15:40

And yeah, one more question. Thank you, Chair. Regarding—my number one complaint about the scooters is that they are parked in places they shouldn't be parked, and that they stay on the sidewalks for extended periods of time. So, referring to Section 4.5 relocation requests, and that Bird will respond to and relocate improperly parked or unused scooters that you know, et cetera, et cetera, about the notice. So, is the under—

my understanding correct? Is that? Who would have to notify Bird? Does the city have to notify Bird that there's a scooter? I mean, do we have to have someone out looking for these requests or for these mis-parked scooters? Or is there some way to further—restrict people who return the scooter incorrectly or continually return a scooter incorrectly? So, what can we do about the improper parking?

Alderson William Siebers (District 1) 17:26

I'll let you answer that question.

Caitlin Goodspeed (Bird Representative) 17:27

So, the city does have the ability to you know, reach out to us at any time, if there is a specific complaint or scooter that's blocking the right of way. We also have several other contact methods that we use for people to reach out to us directly because the idea is not to put to give the city more work. We'd like to handle the complaints directly ourselves. So, we have a 24/7 hotline. We have an email address hello@bird.co. We also have community mode which is a feature through the app where you can directly submit a complaint or question. We've also talked with the city about setting up a 311 email. So, in this case, it would be Appleton 311, at [bird.co](mailto:hello@bird.co). If anyone were to send an email to that address, it would go directly into our internal communication and would be, along with community mode, the quickest way to reach us. In a situation where a scooter is blocking the right of way, I would recommend either going through that email address or community mode, because we'll see that message right away and be able to respond as quickly as possible.

Caitlin Goodspeed (Bird Representative) 18:34

But we do have local, a local team here addressing issues like that. So, whenever we get a message, we send it directly to them, and they usually have it turned around, you know, very quickly—within I would say an hour and a half. But a lot of times actually when we get calls, you know, a scooter is blocking the sidewalk, we'll go and check and it's already been moved because someone else has already taken it. So, you know, we do keep up with the complaints that come in. And we'll be submitting moving forward a monthly report that kind of tracks all of the complaints. And we can see what type and we'll be able to analyze that and kind of move forward with solutions to address different issues that come up.

Alderson Denise Fenton (District 6) 19:14

Thank you.

Linda S. (Resident) 19:15

Yeah, you're welcome.

Alderson William Siebers (District 1) 19:16

Alderson van Zeeland, I did see your hand longtime ago.

Alderson Katie Van Zeeland (District 5) 19:19

Thank you chair. Well, there were concerns about underreporting in our discussion, specifically, safety issues that may go unreported. It appears that we are going to start getting a more detailed and useful monthly report, and I'm wondering what's included in that and if it specifically is able to track safety—possible safety concerns that aren't reported by a human being?

Caitlin Goodspeed (Bird Representative) 19:43

Yeah, so I sent Dani an example, and maybe you guys got a copy of this, but of the type of report that we can put together for Appleton on a monthly basis. This will track things that you guys will probably want to know like how many rides happened this month, how many unique riders were there, how many tons of CO2 were saved

that kind of stuff. But we also can track maintenance. So how many scooters were being maintained over the course of the month. Complaints, of course. But then to your point safety incidents.

Caitlin Goodspeed (Bird Representative) 20:14

And, you know, we can only report what is like reported to us. So, it's kind of hard to capture. If someone falls off a scooter and scrapes our elbow, but doesn't submit a report to us we don't really have a way of knowing, you know, if it happened. So, we might be able to think of some creative solutions to that. I'm not sure. Maybe it's putting out a communication to all riders through the app that they do have the ability to report things that happen if they would like, that we can perhaps get creative on like solutions to that. Because we would ideally love to fully capture, like safety. And if people are having accidents, we want to know. We want to reach out and see how they're doing and you know, but they're not always reported to us.

Alderson Katie Van Zeeland (District 5) 21:05

Is there any way if—let's say there is an impact that got hit by a car or something like that, would that end up in—how would that end up in the maintenance report?

Caitlin Goodspeed (Bird Representative) 21:17

I would have to check. I mean, the maintenance report is quite detailed. And so there, there—I would imagine there, there is a column for like notes. So oftentimes, if there was a sort of a crash with a car, we might honestly get a police report first, and that's how we would know. And we can kind of connect which scooter it was to the incident. But we would have to kind of filter through the maintenance report to see if there was a note about how it was, you know, repaired.

Alderson Katie Van Zeeland (District 5) 21:47

Thank you.

Alderson William Siebers (District 1) 21:49

Okay. Alderson Schultz?

Alderson Alex Schultz (District 9) 21:52

Could I address the guest, Chair?

Alderson William Siebers (District 1) 21:54

Sure.

Alderson Alex Schultz (District 9) 21:55

Just a quick question. So, reporting through the app is done if someone is logged into an actual scooter. Is there any methodology in the app currently where if you're not logged into a scooter that you can report an incident or report a scooter not parked properly? Any kind of mechanism right now if you're not actually scanned and logged into an active ride that you can report anything to

Caitlin Goodspeed (Bird Representative) 22:17

You would have to have the app. You don't have to be like an active user or on a ride but you can't—there you can go in and click the little, there's like a yield sign with an exclamation point. You can do that without having ever ridden a scooter. But you would still need to download the app which is why we're thinking the email address would also come in handy.

Alderson William Siebers (District 1) 22:36

Alright, is there anybody in the audience they'd like to speak on this? Please come forward and state your name and address.

Joan R. (Appleton Resident) 22:48

Hello. I'm [Joan R. XXXXX] I live on an unofficial race course especially in the mornings before work and everybody after work. And I have watched people on scooters. Grandma with her little four-year-old going down the road. I watched on Oneida street where you go on to 41, like a 15-year-old riding the bike in the traffic and you know how bad it is, that area's an accident waiting to happen. They don't know [indecipherable]

Joan R. (Appleton Resident) 23:31

I'm just a nurse, but I can tell you as a mother, I saw this fall. Two kids 10- and 12-year-old going—I was in a car as a passenger, my daughter's driving. We both have sunglasses on. It's like four o'clock or five. Suns coming in the window. She's driving. I see two little kids, 10–12-year-olds and scooters and a bunch of others [indecipherable] right in front of her car. She doesn't see it. The car—and she was stuck in a spot with another car coming this way. I said "Stop!" She slammed on her brakes. Those two little kids' lives were spared. They were definitely next in [indecipherable].

Joan R. (Appleton Resident) 24:21

And I don't see how the city even allowed these scooters. Because as an adult, there's a law in the city that you have to wear—anybody driving a bike has to wear a helmet on the road. Does that make sense to you? Any of these kids have helmets? Any of these kids actually have a driver's license? They're on the road. And grandma—I'm a grandma. Maybe my mind's not sharp anymore. But I would never put my kid on the back of on the bottom sitting on that scooter going down Washington Street—any street.

Joan R. (Appleton Resident) 25:03

And oh, there's a fourth example. I'm a gardener, and I was at Lawrence University's garden. Here come a tribe, maybe six boys, should be on some kind of monitor, writing those scooters down this giant hill. One kid tumbles off, and I'm a nurse, I could see he probably twisted his ankle pretty bad. He's limping afterwards, coming into that road that they just paved. There's no way anybody would have stopped.

Joan R. (Appleton Resident) 25:35

I just think it's our responsibility, especially a city, to make laws to protect the kids. And we don't have to wait and check with a lawyer for laws for the first kid to get killed. It's coming. I don't care what anybody says. It's coming. An ounce of prevention; pound of cure. I don't want to see anybody killed for this stupid little bike in a row. Not even a bike. Nobody's got helmets. They're going up against cars that are made of metal. People have seatbelts and airbags.

Alderson William Siebers (District 1) 26:08

Okay, so your concern is safe—

Joan R. (Appleton Resident) 26:11

The rider, the rider. The average intelligence of people, does not matter. I don't care if the city's number one intelligent.

Alderson William Siebers (District 1) 26:19

Okay

Joan R. (Appleton Resident) 26:19

The stupidest people. It doesn't matter. We all make mistakes and get on that thing, or give a kid or the kid knows enough. They're really smart kids, to go get the parents card, and do you know, charge the little ride. But what they're doing is taking a risk that there's no coming back from. You're going up against a car, you're dead.

Alderson William Siebers (District 1) 26:42

Okay. Thank you. Approach the podium and state your name and address.

Ronna S. (Resident) 26:52

[Ronna S. XXXXX] By the way, Mayor, the loop is working. Yay, I can hear on the loop.

Alderson William Siebers (District 1) 27:00

Okay, we're on scooters.

Ronna S. (Resident) 27:01

Regarding the scooters, I have some concerns, because I see an awful lot of young kids 10 11 12 years old on them. And they're riding in packs like kids that age do, and they're riding in the street. And I think that they are a good thing to have for a lot of people. But I don't—I'm very concerned about the younger kids in particular. I'm also wondering if there's any statistics kept by the hospital ER rooms and by the doctors in the area? Have they been consulted, so that there's a method for them to report in if somebody is injured in a scooter accident or crash?

Alderson William Siebers (District 1) 27:41

Okay. Anybody else? So, you want to come to the mic and state your name and address?

Jeff G. (Resident) 27:50

[Jeff G.] and I'm at **[XXXXX]** I didn't plan on talking about this, but I happen to know somebody that—and I guess I had a question about the scooters. Um, I happen to know somebody that was inebriated when they were riding the scooter and ended up with some pretty bad brain damage this last year. And I was wondering, the cutoff times if it could be well before bar time or, you know, close—or if they will. He's not actually the first person I've heard of with that situation. There has been several people I've heard of that have gotten pretty injured. Just is that a possibility? Something to consider for safety. And I mean, you have all the safety of the kids too, and all that. But that's just one more thing.

Alderson William Siebers (District 1) 28:37

Okay. I'm going to ask the young lady from Chicago to step forward and address the last question and concern.

Caitlin Goodspeed (Bird Representative) 28:47

So, this is a concern that comes up. We do have, you know, people who decide to take a scooter after they've had a night out drinking and it is a safety liability, for sure. But one of the things we have—it's another type of configuration—is called Safe Start. And this is something that again, we can turn on, we can turn off. And we usually don't turn it on until we see that there's like an issue with this with drinking and riding. And I have to say usually, this comes up a lot on like college campuses and things like that.

Caitlin Goodspeed (Bird Representative) 29:19

The first thing we will strategically do is you know, if there's—especially if there's like a strip of bars, we can work with the city to not deploy scooters in that area. So, you know, you walk out of a bar and you see a

scooter, you know that—there's a higher chance that you're going to take it but if you walk out and we don't have scooter set up there, maybe you'll think huh, I shouldn't drive I should take a lift or whatever.

Caitlin Goodspeed (Bird Representative) 29:44

The second thing we can do is we can turn on Safe Start. So, it's basically kind of like a quick test of questions that we ask, you know, to make sure that you're all there cognitively. And with a final warning to say, like, "do not drink and drive." Of course, just like anything, we cannot be there to prevent you from getting on the scooter. But it just—it's a feature that is—it requires you to go through all of the steps asking these questions to check and see if you're all there. So that's something we can turn on as well.

Aldersperson William Siebers (District 1) 30:16

Okay.

Aldersperson William Siebers (District 1) 30:18

All right. Anybody else in the audience like to speak on this? I think we've exhausted it. All right. A motion has been made and seconded to approve this. Any further discussion from committee members? Questions? If not, all in favor of this, signify by saying aye. All those opposed? Chair votes? Aye. Four, zero. It's approved.