FILE NO. 151144

## RESOLUTION NO. 503-15

[Coordination Agreement - Bay Area Motivate, LLC - Bay Area Bike Share Program]

Resolution approving the Coordination Agreement between the City of San Francisco, the bike sharing operator, Bay Area Motivate, LLC, the Metropolitan Transportation Commission (MTC), and the other participating cities: the City of Berkeley, the City of Emeryville, the City of Oakland, and the City of San Jose, for the expansion and operation of the Bay Area Bike Share system, for a term of ten years.

WHEREAS, Action 6.6 of the 2009 San Francisco Bicycle Plan called for conducting a bike share feasibility study and developing a plan for future implementation; and

WHEREAS, Expanding the bike share system will help achieve the goal of 20% of trips by bicycle by 2020, as documented in the Board of Supervisors Resolution 511-10, adopted October 26, 2010; and

WHEREAS, As part of the regional Bay Area Bike Share (BABS) pilot, San Francisco currently hosts a 35-station, 350-bicycle bike sharing system, operated by Motivate under contract with the Bay Area Air Quality Management District (BAAQMD); and

WHEREAS, This contract will terminate on December 31, 2015; and

WHEREAS, MTC and Motivate will separately enter into an Agreement to Continue the Pilot in San Francisco and San Jose that will remain in effect until either Motivate achieves 75% completion of Phase I of the expanded program or MTC terminates the entire bike share program due to Motivate's failure to apply for site permits or place a purchase order for equipment for the system's expansion according to schedule; and

WHEREAS, The attached Coordination Agreement provides for citywide expansion of the Bay Area Bike Share system for a term potentially in excess of twenty years that would be comprised of at least 320 stations and 4,500 bicycles; and WHEREAS, In addition to San Francisco, the cities of San Jose, Oakland, Emeryville, and Berkeley will be part of this expanded system, and will have their own allotment of stations and bicycles; and

WHEREAS, The bicycle sharing system will be almost entirely built and operated with private sponsorship funds; and

WHEREAS, The only expenses the City will incur arise from staff costs for negotiating the agreement; site review, approval, permitting, and ongoing coordination of bicycle stations, docks, and kiosks installed for the program; prosecuting and defending any claims not subject to indemnification by Motivate; and marketing, to the extent the City decides to market the program; and

WHEREAS, Under the agreement, Motivate will indemnify the City for most claims brought by third-parties resulting from the operation of the bike share program with certain exceptions; and

WHEREAS, In exchange for operating the program at virtually no cost to the City, Motivate will be given an exclusive right to operate automated, self-service, point-to-point non e-assist bike sharing in the public right-of-way, and an exclusive right to operate a bike share program with e-assist or electric bikes in the public right-of-way until June 30, 2016; and

WHEREAS, The Planning Department has determined that the bike share system expansion is categorically exempt from environmental review under Class 3 (California Environmental Quality Act (CEQA) Guidelines, Section 15303); and

WHEREAS, Said determination is on file with the Clerk of the Board of Supervisors in File No. 151144 and is incorporated herein by reference; and

WHEREAS, On November 17, 2015, by Resolution No. 15-163, the SFMTA Board recommends that the Board of Supervisors approve the bike sharing Coordination Agreement; now, therefore, be it

Mayor Lee; Supervisors Wiener, Kim, Mar, Breed, Farrell, Avalos, Campos, Yee **BOARD OF SUPERVISORS** 

RESOLVED, That the Board of Supervisors approves the Coordination Agreement between the City of San Francisco, Bay Area Motivate, LLC, the MTC, and the other participating cities: the City of Berkeley, the City of Emeryville, the City of Oakland, and the City of San Jose, which agreement is on file with the Clerk of the Board of Supervisors.



## City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Resolution

## File Number: 151144

Date Passed: December 08, 2015

Resolution approving the Coordination Agreement between the City of San Francisco, the bike sharing operator, Bay Area Motivate, LLC, the Metropolitan Transportation Commission (MTC), and the other participating cities: the City of Berkeley, the City of Emeryville, the City of Oakland, and the City of San Jose, for the expansion and operation of the Bay Area Bike Share system, for a term of ten years.

December 02, 2015 Budget and Finance Committee - RECOMMENDED

December 08, 2015 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener, Yee and Peskin

File No. 151144

I hereby certify that the foregoing Resolution was ADOPTED on 12/8/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

Mayo

Date Approved