

CITY OF HAMILTON

NOTICE OF MOTION

Council: May 27, 2020

MOVED BY COUNCILLOR N. NANN.....

Interim Continuation of the SoBi Bike Share Program

WHEREAS Hamilton's award-winning SoBi bike share program is recognized as the one of the most successful bike share system in North America;

WHEREAS the Everyone Rides Initiative, Canada's first bike share equity program, provides access to bike share to those who cannot afford it, newcomers and those who need more support, such as the use of trikes;

WHEREAS 26,000 Hamiltonians use the SoBi Bike Share Program;

WHEREAS 600 new users have signed up to use SoBi since the COVID-19 pandemic began, up from 300 during the early weeks;

WHEREAS the World Health Organization recommends cycling as a safe mode of travel to maintain safe physical distancing and to encourage physical activity and mental health during the pandemic;

WHEREAS the SoBi Bike Share program is a vital part of our transportation network and complements HSR service, especially while capacity of buses is limited for physical distancing reasons;

WHEREAS the SoBi bike share program plays an essential role in our local economic recovery by enabling workers an affordable option to safely travel to and from work, as well as for residents to run errands or simply enjoy our beautiful city;

WHEREAS Uber unexpectedly announced its intention to unilaterally terminate its c agreement with the City to maintain the operations of SoBi effective June 1, 2020;

WHEREAS the termination of SoBi operations jeopardizes the safe mobility of thousands of Hamiltonians across the City during a health pandemic;

WHEREAS it remains the City's position that Uber has a contractual obligation to operate SoBi until February 2021, but if the City does not act now, the SoBi bike share bikes will cease operation effective June 1, 2020 because of this action by Uber;

THEREFORE BE IT RESOLVED:

- (a) That if Uber does not agree to honour its contractual agreement with the City to operate the SoBi Bike Share program until February 2021 without interruption of services and at no cost to the City:
 - (i) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the interim operation of the SoBi Bike Share program effective June 1, 2020 and that the General Manager, Planning and Economic Development Department be authorized to negotiate, enter into and execute an Agreement and any ancillary documents required to give effect thereto with Hamilton Bike Share Inc., each in a form satisfactory to the City Solicitor;
 - (ii) That the City's contribution to the interim operation of the SoBi Bike Share program be limited to providing the existing and near term committed bikes and stations, at no cost to the operator, as well as a financial contribution up to a maximum of \$400,000;
 - (iii) Notwithstanding the Area Rating Special Capital Re-Investment Reserves Policy, that Council permit an exception to this policy and that funding to maintain the operation of the SoBi Bike Share infrastructure be provided as follows: \$150,000 from Ward 1 Special Capital Re-Investment Reserve Account (108051), \$100,000 from Ward 2 Special Capital Re-Investment Reserve Account (108052), and \$150,000 from Ward 3 Special Capital Re-Investment Reserve (108053) Cycling Project Account (4661717124 /4031755820);
 - (iv) That the City Solicitor be authorized and directed to take all necessary actions to pursue recovery of the full amount of the City of Hamilton's costs, expenses and damages arising from Uber's unilateral decision to cease bike share operations as of June 1, 2020.
- (b) That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020.