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City of Milwaukee suing Bird

Electric scooter operator disagrees on legality of service

by [Molly Dill](#) | July 06, 2018, 5:48 PM

<https://www.biztimes.com/2018/ideas/government-politics/city-of-milwaukee-suing-bird/>

The City of Milwaukee on Friday filed a lawsuit against Bird Rides Inc., operator of dockless electric scooter-share service **Bird** (<https://www.bird.co/>), and its founder and chief executive officer Travis VanderZanden.

The Santa Monica-based company **launched in Milwaukee June 27** (<https://www.biztimes.com/2018/ideas/entrepreneurship/scooter-share-service-bird-launches-in-milwaukee/>), scattering its scooters around downtown and other nearby neighborhoods, including the Historic Third Ward and Walker's Point, to target "last mile" riders who are facing a long walk that is too short to drive. The launch coincided with the first day of Summerfest.

On June 28, Milwaukee deputy city attorney Adam Stephens **told BizTimes Milwaukee** (<https://www.biztimes.com/2018/ideas/government-politics/bird-scooters-illegal-to-operate-on-milwaukee-public-streets-and-sidewalks/>) the scooters are illegal to operate in Milwaukee, per state law regarding licensing motor vehicles. The city planned to fine scooter users \$98.80 for the violations.

Today, the city filed the suit and a motion for an injunction ordering Bird to remove its scooters from the public right of way and discontinue renting them on the streets and sidewalks of Milwaukee. A hearing on the motion has been scheduled for Friday, July 13.

In its complaint, the city says Stephens issued a cease and desist request to Bird on June 27 and the company refused to do so.

"Upon information and belief, Bird has committed the same acts in other municipalities within the United States by depositing its motorized scooters on public streets and sidewalks without notice or adherence to law and consenting to the operation of those motorized scooters on public highways with disregard as to whether such operation was legal," the complaint says.



Bird scooters were distributed in the Third Ward June 27.

The city alleges about 100 Bird scooters were distributed in Milwaukee June 27, and none were registered or capable of being registered in Wisconsin. It alleges the scooters cause public harm because they are left across sidewalks and in streets, obstructing public rights of way; they make a noise when they are moved without authorization or they are running out of battery; and the company does not tell users it is illegal to use its scooters on public streets and sidewalks.

VanderZanden, a former executive for Lyft and Uber, may be held personally liable for unpaid tickets for Bird scooter use, the city says.

In its suit, the City of Milwaukee cites several other cases in which Bird has squared off against cities where it has launched, including a \$300,000 settlement with the city of Santa Monica, California, for its unlawful business model.

The city also included the affidavit of Milwaukee Police Sergeant Chad Raden, who states he has seen a number of the scooters being ridden unlawfully on city streets and sidewalks, including one subject riding on East Buffalo Street at North Milwaukee Street on July 3 who slowed down and said to him "If you are going to ticket me, you won't be able to catch me," and then continued on the scooter.

Included in the suit are copies of cease and desist emails between Stephens and Wendy Mantell, deputy general counsel at Bird, in which the company "respectfully disagrees" with the city on the lawfulness of its scooters.

"Wisconsin statutes have not defined electric scooters as a class of vehicle, and state law has not regulated their use. It is clear that our scooters are designed for on-street use, just like bicycles and other mobility devices that are exempted from federal motor vehicle standards, and they should be regulated accordingly," Mantell wrote on June 28.

She expresses a desire for the city and Bird to "work together to create regulations for electric scooters."

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