



Legislation Details (With Text)

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City of Alexandria, Virginia

MEMORANDUM

DATE: SEPTEMBER 19, 2018

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Oral Presentation on a Proposed Framework to Responsibly Manage Private, Dockless Shared Mobility Devices and Mitigate Unintended Impacts.

ISSUE: Discussion on dockless, shared mobility devices and a potential framework to responsibly manage to the degree permitted under Virginia Law the increasingly popular, private, shared mobility devices (SMDs, i.e. “dockless” electric bikes and electric scooters).

RECOMMENDATION: That City Council receive this report.

BACKGROUND: In the past decade, shared mobility programs such as Capital Bikeshare have become a common, accepted form of transportation in the Washington, D.C. Metropolitan area and across the country. These programs typically followed a careful, coordinated process which included structured public-private partnerships, competitive bidding and management systems to ensure the best outcomes for the public. Without a regulatory framework, SMDs in a City can result in significant problems and resident/business concerns.

In January 2017, a new type of system began operating in North American cities. These systems - mainly dockless electric bikes and scooters - often launched absent any contract, permits or business license, sometimes without knowledge of the jurisdiction itself. In response, many cities have developed permitting and licensing structures to manage them and ensure that public needs stay at the forefront of new mobility advances. In this region, the District of Columbia and Montgomery County, Md. adopted pilot permitting programs last fall. Both jurisdictions consider the pilots useful and will continue allowing the vehicles to operate.

Under Virginia law, electric power-assisted bicycles and electric power assistive mobility devices are legal with certain restrictions. Arlington County is considering adopting a nine-month pilot program on September 22, 2018 that would permit the companies to distribute dockless scooters and e-bikes pursuant to a memorandum of understanding between the County and each shared mobility provider, which includes specific operating rules and the provision of specific data. Electric scooters and e-bikes, which are legal in Virginia, are already beginning to appear in Alexandria.

Alexandria's Transportation Master Plan directs staff to develop innovative local and regional transit options, provide citizens, regardless of age or ability, with accessibility and mobility and increase the use of technology in transportation systems. However, the rapid proliferation of SMDs also requires the City to consider its regulatory role.

Staff has consulted with the City Attorney's Office regarding the City's ability to regulate the right-of-way. The City can make laws pertaining to use of the right-of-way so long as such laws are reasonable to protect public welfare and do not conflict with state law. The City also has the specific authority to prevent unlawful obstruction of the right-of-way and to remove obstructions and charge the cost of removal to the owner. However, since electric bikes and scooters are already legal in Virginia, the City cannot ban these vehicles outright. Instead, the City can impose some regulations on SMD providers. Such regulations would include clear, formal guidance about the companies' responsibilities, safety, operations, parking and provision of data. A pilot program would allow the City to consider such a regulatory framework before considering whether to finalize a regulatory structure later in 2019.

DISCUSSION: Staff has studied comparator cities to understand the potential positive and negative impacts of SMDs and how other communities are managing these transportation options.

In anticipation of the arrival of SMD companies in Alexandria staff has been working, in coordination with Arlington County, to develop a regulatory framework for a pilot program to be considered by Council. To educate the community about the City's existing regulatory authority, answer questions about the proposed pilot program and to gather feedback on the framework, staff proposes to engage with the community over the next month. Community outreach would include a community meeting, opportunities for online engagement and feedback and a public hearing before the Transportation Commission. City Council would then consider a pilot program which would include establishment of Memoranda of Understanding (MOU) with the SMD companies to establish operating rules and evaluate the operations of SMDs in the City. The purpose of a pilot program would be to observe how and whether SMDs would help further the City's transportation goals, identify any challenges with SMD operation in the City, promote safety and whether the City can establish a clear, formal regulatory structure.

The terms of the proposed program would closely resemble the pilot program in Arlington County. The pilot program will also include additional opportunities for public feedback and a data-driven evaluation which will be incorporated into future Council consideration of whether such a program should be formalized.

Alexandria's proposed pilot program would require participating companies to sign an MOU and obtain approval of a permit. This permit process would allow the SMD providers to officially operate in the City. Key features of the regulatory framework might include:

- A cap of total devices per company in the City at any one time
- Required safety features for all devices
- Device parking and use regulations which companies must communicate to users
- Clear information on how residents can report problems and provide feedback
- Commitment to respond to customer and community issues in a timely fashion
- A permit fee

The proposed pilot program would run for nine months, roughly until August 2019 with the ability for staff to extend the pilot administratively up to three months in the event of additional evaluation needs or other unforeseen circumstances without interrupting ongoing SMD operations.

SMD companies will be required to submit data during the pilot and staff will gather community feedback and provide information to the public throughout the process. At the end of the pilot program, staff will review the data and feedback and prepare a proposal for Council's consideration for the future of SMD services in the City.

Examples of data requirements could include:

- Complaints received (including a reason, date and location) for concerns such as:
 - Incorrectly parked SMD reports - giving time, date, and precise location
 - Speeding reports
- Trips starting and trips ending, separately, in the City during the month, and trips starting and trips ending in the City since launch (raw trip data)
- Average trip duration in minutes
- Average and total distance of trips
- Daily SMDs in service in the City
- A monthly map of all trips starting, ending, or passing through Alexandria
- Crashes/Injuries -time, date, precise location, and number of parties impacted

If Council proceeds with a pilot program, staff intends to provide information to the public during the pilot period through various channels including a City website with FAQs, social media, and news releases. Along with the City's communication process, the pilot program would require vendors to commit to specific communication actions and standards to ensure their members are receiving necessary information about safety and proper etiquette for sharing the streets. These expectations could include:

- Clear instructions on websites and mobile apps about safe operation and acceptable parking locations and habits
- Safety, parking and operating information on the devices themselves
- Mechanisms for communicating with and disciplining individual customers if they are not following this guidance

FISCAL IMPACT: There is no fiscal impact. If staff establishes a regulatory framework that includes permitting fees or operating cost estimates, impacts will be included shared at the appropriate time.

ATTACHMENT: Presentation

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