Legislation Details (With Text)

File #:	20-0407	**Name:**	
Type:	Ordinance	**Status:**	Agenda Ready
File created:	12/6/2019	**In control:**	City Council Legislative Meeting
On agenda:	12/14/2019	**Final action:**	
Title:	Public Hearing, Second Reading, and Final Passage of a Phase II Dockless Mobility Pilot Program Draft Conditions for 2020. [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. 20-0372_Attachment 1 Summary of Changes, 2. 20-0372_Attachment 2 Ordinance Cover, 3. 20-0372_Attachment 3 Ordinance, 4. 20-0197_Attachment 4 - Ad Hoc Scooter Task Force Resolution, 5. 20-0372_Attachment 5_Evaluation Report, 6. 20-0372_Attachment 6_Summary of Local Jurisdictions, 7. 20-0372_Attachment 7_Letters, 8. 20-0372_Presentation_Dockless Mobility Pilot Slides, 9. 20-0372_Attachment 9 FAQ, 10. 20-0407_Updated Dockless Mobility Pilot Slides, 11. 20-0407_ DRAFT Phase 2 MOU-Updated 12-13-19, 12. 20-0407_After Item 1, 13. 20-0407_After Item - signed ordinance, 14. 20-0407_After Item - signed resolution		

Date	Ver.	Action By	Action	Result

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 4, 2019

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

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

DOCKET TITLE:
Public Hearing, Second Reading, and Final Passage of a Phase II Dockless Mobility Pilot Program Draft Conditions for 2020. [ROLL-CALL VOTE]

ISSUE: Public Hearing, Second Reading, and Final Passage of a Phase II Dockless Mobility Pilot Program for 2020.

RECOMMENDATION: That City Council:

(1) Authorize a 12-month Phase II Dockless Mobility Pilot Program from January 1, 2020 to December 31, 2020, and authorize the City Manager to enter into Memorandum of Understanding (MOU) with permitted dockless mobility operators to facilitate administration of the program consistent with the terms described herein (Attachment 1);

(2) Approve the proposed ordinance on first reading and schedule it for second reading, public hearing and final approval on December 14, 2019 (Attachment 3); and

(3) Adopt the attached resolution to establish an Ad Hoc Scooter Task Force (Attachment 4);

BACKGROUND: City Council approved the Dockless Mobility Pilot program in November 2018. The program officially started in January 2019 and permits were issued on a rolling basis with most operators obtaining permits and launching in April 2019. A total of seven companies obtained permits and deployed scooters. In August, the City Manager extended the pilot <https://www.alexandriava.gov/uploadedFiles/tes/info/DocklessPilotExtensionAugust2019(1).pdf> through the end of 2019 in order for staff to evaluate data and compile a comprehensive report and set of recommendations. In October 2019, staff presented a set of draft recommendations to City Council and the public in order to solicit input for incorporation into the Phase II Pilot recommendations.

The Phase I Pilot was a learning opportunity as new technology emerged, and the City adapted to changing conditions and lessons learned. The City also sought input from a network of other cities working on dockless mobility through organizations such as the National Association of City Transportation Officials (NACTO) and the Mineta Transportation Institute. The pilot program enabled staff to understand how and where scooters were operating in the City and what kind of regulations and requirements were needed to better manage the scooter companies and educate scooter riders. A full report on the Phase I Pilot Program, including a summary of community engagement efforts and public input, data trends, leading practices and recommendations for a continued program can be viewed in Attachment 5.

DISCUSSION: Because electric scooters for hire are permitted by neighboring jurisdictions (Arlington County, Washington D.C., City of Fairfax, with the Fairfax County board set to vote on a pilot in December), and are legal devices under Virginia law, scooter riders will be in Alexandria regardless of an official permitting process. **Under State law, the City cannot ban scooter riding in the City, but it can take measures to manage scooters.** The State Code allows jurisdictions to establish regulations for managing scooters such as creating a licensing process and limiting locations where scooters can be ridden (this could be done through official city code or a pilot program). However, if no regulations are in place by January 1, 2020, companies will be allowed to operate under State Code. The City's current pilot program will expire on December 31, 2019, and if there is no structured permit process or MOU with these companies after this date, the City can still ban their use on sidewalks per the recommended code change but people would still be allowed to ride the devices in Alexandria. Additionally, the City would have no ability to compel the companies to abide by any of the requirements outline in the proposed MOU.

For the City to manage scooter companies and the devices and collect permit fees to pay for that management, staff is recommending a Phase II Pilot Program for calendar year 2020. The Phase II Pilot will include updated requirements in the Memorandum of Understanding between the City and the companies (Attachment 1) and new regulations in the City Code to address safety concerns (Attachment 3). A Phase II Pilot Program will provide additional time for the City to evaluate this new form of mobility - considering these changes - to ensure it remains an option for the community and visitors while minimizing negative impacts on residents.

The draft recommendations to be incorporated during Phase II are based on community input, leading practices, coordination with neighboring jurisdictions, a summary of scooter programs in the region is included in Attachment 6, and data from the 2019 Pilot Program. The draft recommendations were made available for public comment via an online feedback form <https://www.research.net/r/AlexandriaVa-ScooterPilotDraftRecs> in October. Staff also presented an initial set of draft recommendations to the Waterfront Commission and held a public hearing at the Transportation Commission to get additional input. Letters from both commissions, along with other letters of support and areas of concern to focus on during the Phase II Pilot, are included in Attachment 7.

Where to allow motorized scooters on sidewalks and where to prohibit them on sidewalks is a challenging decision in that it requires balancing the safety of scooter riders with the safety of pedestrians. It is also important to create a clear way to remember boundaries which will make it easier for scooter riders and police officers to remember where scooters can ride, and therefore as a result will make compliance and enforcement more effective.

The staff recommendation to prohibit scooter riding in a large area of the of the oldest areas of the City was based on:

(a) Narrower sidewalks
(b) Prevalence of brick sidewalks which can be uneven
(c) Higher density of pedestrians
(d) Shorter blocks with a prevalence of stop signs, which tends to keep vehicle speeds lower and streets safer.

powered by Legistar™

The staff recommendation to allow motorized scooter riding on sidewalks in the more suburban areas of the City is based on:

(a) Generally standard sized, smooth cement sidewalks
(b) Lower density of pedestrians
(c) Longer blocks and collector/arterial streets with fewer stop signs and fewer stop lights which tend to result in higher vehicle speeds, which can make these more suburban streets less safe for scooter riders.

The key proposed changes aim to address concerns related to the following topics: (1) unsafe riding, (2) improper parking, (3) equity, (4) minimizing costs to the City and (5) improving opportunities for community feedback.

1. Unsafe riding. The City proposes stricter enforcement through the following updates to the City Code (Attachment 3) and Memorandum of Understanding (Attachment 1):

- Define motorized scooters and micro-mobility devices in the City Code
- Prohibit scooters (1) on sidewalks in the specific area bounded by Wilkes Street to the south, Montgomery Street to the north, the Potomac River to the east and West Street to the west (except along Washington Street where scooters would be permitted on the sidewalk) and (2) on sidewalks along Mount Vernon Avenue
- Redefine bicycle lane to include micro-mobility devices as users of that street space
- Limit one rider per device
- Authorize the City Manager to authorize the Department of Recreation, Parks and Cultural Activities to prohibit scooters on soft surface trails and individual public parks by sign
- Require companies to set speed limits to 15 mph on streets
- Consider additional sidewalks where bicycle and scooters should be prohibited

2. Improper parking: Changes will be proposed to the Memorandum of Understanding and the City will take actions to implement the following:

- Operators will be required to reposition or stage in a parking corral if one exists nearby
- The City will install additional parking corral locations. The City's intent is to preserve existing on-street vehicular parking by adding corrals in locations that do not impact on-street vehicular parking. However, if conditions lead to consideration of an on-street vehicular space, staff would propose changes through the Traffic & Parking Board public hearing process.
- The City will consider additional large areas with high pedestrian activity for no-park zones
- The City will work with operators as technology develops for stricter parking requirements

3. Promoting transportation equity: Changes will be proposed to the Memorandum of Understanding to require 30% of each operators fleet be deployed in areas defined by the City:

- Require 15% of each operator's fleet be deployed west of Quaker Lane and east of I-395, another 10% of vehicles deployed west of I-395, and 5% in Arlandria. During Phase II, the City may adjust these locations and percentages depending on how effective they are in improving access to these devices throughout the City.
- Operators should participate in income-based discount programs
- Operators should use braille, QR codes or some other method for ADA reporting of improper parking

4. Minimize costs to the City by improving program administration and data requirements: Changes will be proposed to the Memorandum of Understanding that:

- Increase fees for companies to park and operate scooters in the public right of way that better align with actual cost of program
    - Include per device fee
    - Include per device cost for impounded scooters or e-bikes
- Require specific data formats and reserve the City's right to require new formats as technology is developed

5. Improve opportunities for safety education and community feedback: The City will:

- Establish a City Manager-appointed Ad-Hoc Scooter Task Force for the duration of the Phase II pilot (Attachment 4)
- Develop a streamlined "reporting" process with Call.Click.Connect auto re-routing directly to the operators, with strict response and reporting requirements
- Require operators to provide in-app safety messaging
- Encourage vendor participation in education and outreach events with a focus on safety

For a full list of updated conditions for the Phase II Pilot, see the requirements that will be included in the Memorandum of

Understanding, in addition to those from the Phase I Pilot, in Attachment 1. Because of the newness of the shared mobility industry and rapidly changing technology, the MOU will build in flexibility for staff to make adjustments and reserve the right to present new requirements to the operators during the course of the pilot.

Key changes that were made based on community outreach and the Council discussion on October 2, 2019 include additional sidewalk riding prohibitions, a proposed fee structure to recover City costs and specific requirements to improve transportation equity and addition of deployment requirements for areas west of Quaker Lane. While there was discussion regarding a requirement for vendors to participate in income-based discount programs, there is currently not clear legal authority for localities to regulate the price a company charges for use. However, all vendors currently operating in the City already provide income-based discount programs.

A summary of questions staff received from Councilmembers during that meeting and prior to the meeting and staff's responses is included in Attachment 9.

Because this new form of mobility and technology is rapidly changing, the Phase II Pilot is being recommended so staff can more thoroughly evaluate changes being made in Alexandria, as well as other cities, to make a recommendation to Council regarding the future of the program and a proposal for a path forward. The pilot period provides staff an opportunity to further research and compile data and answers to many questions that arose during the first pilot including but not limited to the effect of the ban on sidewalk riding in certain areas and expanded areas to consider a ban, the effectiveness of the equity requirements and the environmental impacts of electric scooters.

FISCAL IMPACT: During the initial pilot, scooter companies were required to pay a $5,000 permit fee to operate until September 30, 2019 and another $5,000 permit fee to extend their permit until December 31, 2019. The seven participating scooter companies paid the City a total of $70,000 which was used to cover expenses related to operations, program management, and the evaluation report. The funds did not cover staff time for administering or enforcing the program. In addition, each company was required to provide a $5,000 surety bond for the City to use in the event an operator failed to comply with the requirements of the MOU and the City had to remove or store devices. Although the City did impound some devices, this bond was not used.

Each of the scooter companies is subject to the City's Short-Term Daily Rental Tax, which requires each company to pay a tax of 1% on the gross proceeds of their rentals. This tax is collected quarterly. Since all of the companies began operation in 2019, the City does not have a full year of revenue that has been collected from this tax but based on existing conditions and number of companies participating in the pilot, staff estimates the City will collect approximately $13,000 annually. Additionally, if a company were located within Alexandria, they would be required to obtain a business license. However, at this time, none of the companies' offices are physically located within the City limits.

To cover the above-mentioned activities and staff time during Phase II, staff recommends increasing the fees to operate within the City. To develop the proposed fees, staff researched fee structures from other cities and evaluated guidance from NACTO. Attachment 6 provides a summary of the permit fees for Arlington County and Washington, DC. Staff recommends that companies able to meet the new requirements of the MOU be required to pay a permit fee of $10,000 and a per device fee of $75. Assuming at least four companies participate in the pilot for the entire year and apply for 200 devices, this would generate $100,000 in permit fees ($25,000 per company). Staff also recommends that companies would also be required to pay $150 for every impounded device and that the required bond be increased to $10,000.

ATTACHMENTS:
Attachment 1: Additional MOU Requirements
Attachment 2: Ordinance Cover Sheet
Attachment 3: Ordinance
Attachment 4: Ad Hoc Scooter Task Force Resolution
Attachment 5: Dockless Mobility Pilot Evaluation Report
Attachment 6: Summary of Scooter Programs in the Region
Attachment 7: Commission and Stakeholder Letters
Attachment 8: Presentation
Attachment 9: Summary of Questions and Answers

STAFF:
Emily A. Baker, Deputy City Manager
Joanna Anderson, City Attorney

powered by Legistar™

Yon Lambert, Director, T&ES
Michael Brown, Chief, APD
Hillary Orr, Deputy Director, T&ES
Adrienne Fine, Assistant City Attorney
Katye North, Division Chief, Mobility Services, T&ES
Tarrence Moorer, Division Chief, Strategic Management Services, T&ES
Jack Browand, Division Chief, RPCA
Victoria Caudullo, Shared Mobility Planner, Mobility Services, T&ES