

RESOLUTION NO. 20200123-108

WHEREAS, Austin's lakes, rivers, creeks, and springs are a cherished natural resource that distinguish Austin and provide immeasurable quality of life, health, ecological, and economic benefits; and

WHEREAS, the exceptional value the Austin community places on our rivers is reflected in Imagine Austin's Environment and Water priority programs; and

WHEREAS, trash and other physical contaminants have been accumulating in Austin's rivers and creeks, where they can linger for years; and

WHEREAS, in 2018 the Texas Supreme Court found municipal plastic bag bans to be a violation of state law, effectively eliminating a key City of Austin regulation to reduce litter in our watersheds; and

WHEREAS, since their introduction to Austin in 2018, electric micromobility devices, such as scooters, have served a valuable role in providing mobility options, providing over 7.2 million trips thus far and supporting the City's transportation mode shift goals established in the 2019 Austin Strategic Mobility Plan; and

WHEREAS, the illegal dumping of electric micromobility devices has compounded the environmental threats to our lakes and creeks, and scooters have been found in significant numbers in water bodies in cities around the nation; and

WHEREAS, the Watershed Protection Department estimates that several hundred scooters have been found in Austin waterways and drainage infrastructure to date, and that hundreds more may be in the waterways but not yet been found or

recovered; and

WHEREAS, the 2015-2016 Watershed Protection Master Plan, Appendix C, Section 5, provides a Watershed Profile on Litter, but these recent developments and the passage of time merit an updated and stronger approach to litter and dumping in our water bodies; and

WHEREAS, the City of Austin has not completed a formal study about the sources of trash and other physical contaminants in Austin's watersheds; and

WHEREAS, trash and dumped electric devices pose a threat to the health and safety of Austin's river and creek ecosystems and to the residents, visitors, pets, and wildlife who interact with the water; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to prepare a study with recommendations to improve the ecological health and safety of Austin's rivers, lakes, and creeks by addressing litter problems, prevention, and abatement in our watersheds, to include:

- Current data, historical trends, and maps related to litter in our lakes and creeks, such as those generated by the Watershed Protection Department (WPD);
- Known and likely sources of litter in Austin's watersheds, and current obstacles or limitations on the City's ability to precisely assess these sources for improved litter control;
- Any notable, recent findings related to litter problems or abatement from non-WPD programs that could impact our watersheds, such as Austin

Resource Recovery (ARR) downtown street sweeping and the Violet Bag trash collection program;

- Best practices implemented by peer cities to prevent and abate litter in their creeks, rivers, and lakes;
- Recommendations for actions that WPD, ARR, and other City departments could take to substantially prevent and abate litter in our watersheds, including programs, regulations, and capital improvement projects;
- Estimates of the cost and resource needs to implement each of these actions, as well as potential funding sources, such as the Clean Community Fee; and
- An update on any of the data, actions, or case studies provided in Appendix C, Section 5, of the FY 2015-2016 Watershed Protection Master Plan that are not otherwise covered by the topics listed above.

The City Manager is directed to update council on scope, timeline of the study, and funding options by February 20, 2020, and include any portions which could be funded with currently approved budget to begin prior to the next fiscal year budget cycle.

BE IT FURTHER RESOLVED:

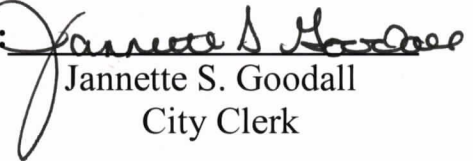
The City Manager is directed to take immediate action to address the illegal, hazardous dumping of electric micromobility devices, such as scooters, into Austin's watersheds and to mitigate the resulting environmental impacts. The City Manager should explore and pursue all practical options, potentially including but not limited to:

- Producing an analysis of the penalties for dumping electric micromobility devices into Austin's rivers, lakes, creeks, and springs, including early fines, and a case history of these offenses, including penalties charged;
- Coordinating among relevant City departments to ensure such dumping is prosecuted as an illicit discharge of pollution under Article 5 (*Discharges into Storm Sewers or Watercourses*) of City Code Chapter 6-5 (*Water Quality*);
- Creating a new City fund, the Save Austin's Rivers Fund, to be used for improving the water quality of our rivers, creeks, lakes, and springs, including the abatement of micromobility device dumping and mitigating related ecological effects, and dedicating all fines for this offense to the new fund;
- Developing a public outreach campaign regarding the harmful effects of micromobility device dumping and ways individuals can help, and creating a website where residents can easily upload or otherwise share recordings of such dumping offenses with the City if they so choose;
- Posting notice of the penalties for this offense in targeted locations of frequent dumping (e.g. bridges over Lady Bird Lake); and
- Identifying additional mechanisms for the prevention of this offense, for the enforcement of penalties for this offense, and for the mitigation of the environmental damage cause by this offense.

The City Manager is encouraged to consider best practices from peer cities and to collaborate with micromobility companies to pursue the actions listed

above. The City Manager shall report back to Council within 90 days on actions taken and actions requiring further direction from Council.

APPROVED: January 23, 2020

ATTEST: 
Jannette S. Goodall
City Clerk