



BOARD/COMMISSION RECOMMENDATION

Downtown Commission

Recommendation Number: 20220420-2(c): Downtown Mobility: micromobility solutions

**WHEREAS** the City of Austin encourages the use of various micromobility solutions; and

**WHEREAS** micromobility solutions present users the opportunity for first mile / last mile transportation options as well as an alternative to both vehicle and transit use; and

**WHEREAS** users of micromobility solutions routinely violate § 12-2-15 of the Municipal Code and Sec. 42.03 of the Texas Penal Code in addition to other various applicable rules and regulations because of a lack of personal responsibility, a lack of enforcement, or inadequate deterrence; and

**WHEREAS** micromobility solution providers have done little if anything to require users' compliance with § 12-2-15 of the Municipal Code and Sec. 42.03 of the Texas Penal Code;

**WHEREAS** the City of Austin has failed to actively or consistently enforce § 12-2-15 of the Municipal Code and Sec. 42.03 of the Texas Penal Code, among others; and

**WHEREAS** the City of Austin's failure to enforce has resulted in the parking and abandonment of micromobility solutions obstructing the public thoroughfare, on private property, on parkland and on other public land presenting violation of the Americans With Disabilities Act (ADA), a public danger, and a public nuisance;

**NOW THEREFORE BE IT RESOLVED THAT** the Downtown Commission advises the Austin City Council to enact the following:

To create a dedicated enforcement mechanism to enact this resolution;

To amend the City Code § 12-2-36 to increase violations of § 12-2-15 to (1) \$100 on a first conviction; and (2) \$250 on subsequent convictions;

To provide micromobility solution providers upon notice one (1) hour to remove micromobility devices identified to be in violation of § 12-2-15 within Downtown and 2 (two) hours in all other parts of Austin, except those areas that are under the oversight of another governing body or on private property;

To impound micromobility devices identified to be in violation of § 12-2-15 after providing the micromobility device owner with recorded information about the device including time-stamped photos, and after allowing the amount of time for recovery of the device defined above;

To release the micromobility device to its owner for \$100 plus \$5 for every day it's in the City of Austin's impound facility;

To designate all fines and penalties assessed herein to fund costs to operate this enforcement mechanism by the City of Austin and all fines and penalties collected in excess to be allocated to dockless equity solutions; and

To prohibit operation of micromobility devices on high-use sidewalks.

Date of Approval: April 20, 2022

Record of the vote: Unanimous on a 8-0

Attest: Mona Sanchez