



## BOARD/COMMISSION RECOMMENDATION

### **Urban Transportation Commission**

#### Recommendation Number 20240506-00X: Dockless Micromobility Regulations and Transportation-related Rulemaking

WHEREAS, the Austin Strategic Mobility Plan calls on the city to “Emphasize and incentivize shared mobility solutions” by developing and focusing on “shared mobility services and systems to provide first-mile/last-mile mobility solutions and increase shared trips on the transportation network”;

WHEREAS, the National Association of City Transportation Officials (NACTO) highlighted Austin in its 2022 Report on Shared Micromobility in the U.S. and Canada as having the second most used e-scooter system in North America with a ride per vehicle per day average of 2.7, which NACTO called “stand out for e-scooter rides per vehicle per day compared to peer cities.”;

WHEREAS, following Superpedestrian/Link ceasing operations in North America at the end of 2023, the Austin e-scooter system contracted in size by 29%, losing 2,000 scooters from the system;

WHEREAS, on March 28th, 2024, Transportation and Public Works (TPW) Director Richard Mendoza briefed the City Council Mobility Committee on “upcoming changes to our department regulations regarding the operations of micro-mobility devices” and cited safety, general aesthetics, and watershed protection as the main issues the regulations were meant to address;

WHEREAS, according to the City of Austin Vision Zero Viewer, the number of e-scooter-related serious injuries decreased 50% from 12 in 2022 to 6 in 2023, and the number of deaths decreased from 2 to 0 over the same period;

WHEREAS, despite the regulations being effective April 1st, the changes were not incorporated into the “Director’s Rules for Deployment and Operations of Shared Small Vehicle Mobility Systems”, the changes are not listed anywhere on the City of Austin website, and vendors were not formally notified of the changes until April 11th;

WHEREAS, the changes communicated to vendors in the “Enhanced Regulations to the Shared Mobility Program” included the following changes:

- “Maintain the number of licensed micro-mobility vendors at 2”,
- “No increases to device permits for current licensed operators”,

- “Maintain the total number of permitted scooters citywide at 6,700”,
- “Reduce the number of scooters allowed to operate in the Downtown Area Project Coordination Zone (DAPCZ) to 1,125 per licensed vendor”,
- “Reduce maximum speed from 15mph to 10mph between 10pm and 5am daily in the main entertainment districts of the urban core”, and
- “Assign restricted and designated device staging areas and require rebalancing of devices to assigned areas each morning”;

NOW THEREFORE BE IT RESOLVED, that the Urban Transportation Commission (UTC) recommends that TPW and the City Council immediately take action to better align the city’s Shared Mobility policies with the city’s values on safety, mobility, equity, and transparency;

### **Transparency**

BE IT FURTHER RESOLVED, that the UTC recommends that TPW encompass the “Enhanced Regulations to the Shared Mobility Program” into changes to the Director’s Rules for Deployment and Operations of Shared Small Vehicle Mobility Systems as soon as possible;

BE IT FURTHER RESOLVED, that the UTC recommends the rulemaking process on dockless vehicles prioritizes robust public engagement, notification of stakeholders, board & commission review, City Council feedback, and be evaluated on whether the rules will help the city meet the ASMP Shared Mobility Indicators & Targets, including:

- Increase the usage of shared mobility solutions;
- Increase the share of shared mobility trips that originate or end in areas that are historically underrepresented and underserved;
- Increase the coverage of shared mobility solutions; and
- Increase the density of shared mobility vehicles;

BE IT FURTHER RESOLVED that the UTC recommends TPW develop a report on the Shared Mobility Goals in the ASMP, including the City’s performance on the ASMP Shared Mobility Indicators & Targets, the status of the policy recommendations in the ASMP, and any future action suggested for the City Council or TPW;

BE IT FURTHER RESOLVED, that the UTC recommends the City Council alter § 13-2-11, § 14-9-23, and any other sections of City Codes authorizing a transportation franchise, license, or operating authority to ensure adequate transparency, notification, and stakeholder engagement, including:

- Indicating that all rules, regulations, and department policies regarding licensing, operation, deployment, and use of vehicles and mobility devices by operators be

expressly enumerated in the Director's Rules or License Agreement and that those rules and agreements be publicly accessible on the City of Austin website;

- Ensuring all rules are posted 45 days before adoption, and that existing operators and members of the Boards and Commissions with the greatest interest in the rule (as determined by the Director) be notified via email of the posting of the rule;
- Allowing for the appeal of the rejection of a franchise, license, or operating authority, additional restrictions placed on an operator, or the implementation of non-emergency rules adversely impacting an operator to the City Council by:
  - Directing the Director rejecting the license, restricting the operator, or proposing the rule to determine the Board or Commission most relevant to the decision or proposed rule, set the matter for a public hearing at the next regular meeting of the Board or Commission, and inform the Board or Commission they may provide a recommendation to council based on a staff recommendation;
  - Within 90 days of Board or Commission action, placing the recommendation on the council agenda for action; and
  - Ensuring that the decision or proposed rule is not delayed in its effect through the process;

#### **Moratorium on New Micro-Mobility Vendor Licenses**

BE IT FURTHER RESOLVED, that the UTC recommends TPW remove the moratorium, place no limit on the number of micro-mobility vendor licenses, and instead evaluate any new application on the service's merits, impact on the City's mobility goals, technical ability to comply with city rules, and staff capacity for additional vendors;

BE IT FURTHER RESOLVED, that if TPW opts to extend the duopoly on micro-mobility vendor licenses into any future permit renewal cycles, TPW should consider whether the lack of competition is creating higher prices for consumers and, if TPW believes these policies are leading to an increase in price, explore taking remedial actions including:

- Expanding or Enhancing Discounted Pricing Programs under Section 6(f) Director's Rules for Deployment and Operations of Shared Small Vehicle Mobility Systems;
- Allowing additional permitted e-scooters; and
- Creating incentive programs to reward vendors who meet standard per-trip price targets set by the Director;

#### **Reducing the Total Number of Maximum Permitted E-Scooters**

BE IT FURTHER RESOLVED, that the UTC recommends TPW alter the cap from 6,700 total permitted e-scooters to 3,700 per vendor, allowing future vendors to compete with existing

vendors at a similar operating level if they demonstrate operational capacity and additional requirements imposed by the Director's Rules;

BE IT FURTHER RESOLVED, that the UTC recommends TPW include in the Director's Rules a mechanism by which the Director can allow a surge of up to 500 vehicles beyond the maximum number of permitted e-scooters for special events or other periods when high ridership demand is expected;

### **Dockless E-Bike Permits**

BE IT FURTHER RESOLVED, that the UTC recommends TPW delay any action restricting or ending dockless e-bike permits until MetroBike has achieved the 2023 Bicycle Plan Goal of 300 stations (Item 4.7.2);

BE IT FURTHER RESOLVED, that the UTC recommends TPW not eliminate dockless e-bike permits and instead consider using dockless e-bikes as a supplement to the MetroBike network to reach areas not covered by the system;

BE IT FURTHER RESOLVED, that the UTC recommends City Council alter City Code § 12-2-15 to require dockless bicycles to park at a bicycle rack if one is present within 100 ft of the user's location;

### **Reducing the Number of Devices Allowed to Operate within the Downtown Austin Project Coordination Zone (DAPCZ)**

BE IT FURTHER RESOLVED, that the UTC recommends TPW initiate a bonus program where vendors can unlock additional scooters for deployment in the DAPCZ by:

- A one-to-one bonus for each scooter placed in an area with high mobility needs or "currently underserved by dockless mobility options", as defined by the Director under Section 6(f) of the Director's Rules; and
- A bonus of up to 500 scooters for hitting a target goal, set by the Director, for vehicle miles traveled under a discounted pricing program for individuals under 200% of the poverty line;

Allow the bonuses to remain as long as the vendor continues to serve the area that was designated as "currently underserved by dockless mobility options" or as long as the target goal is maintained;

If the vendor cannot access the bonuses without an increase in the total number of permitted scooters, the Director may allow the bonus units to exceed the number maximum permitted scooters;

BE IT FURTHER RESOLVED, that the UTC recommends TPW implement a surge program into the Director's Rules for Deployment and Operations of Shared Small Vehicle Mobility Systems where vendors may deploy additional vehicles in the DAPCZ in increments of 100 vehicles if:

- If their average number of trips per scooter per day exceeds 2.5 on the previous day;
- If their average number of trips per scooter per day exceeds 2.5 on average over the previous 7 days;
- If their average number of trips per scooter per day exceeds 2.5 on average over the previous 30 days; or
- If there is an event in which a vendor expects the number of trips per scooter per day to exceed 2.5 based on the previous year's data;

Allow the surge numbers to remain until the average number of trips per scooter per day drops below 2 trips per scooter per day over the same period by which the surge was authorized;

#### **Reducing the Maximum Speed from 15 MPH to 10 MPH Between 10 PM and 5 AM Daily in the Main Entertainment Districts of the Urban Core**

BE IT FURTHER RESOLVED, that the UTC recommends TPW work with Vision Zero Partners to collect better data on the causes of e-scooter collisions and injuries, including the role that poor Downtown active transportation infrastructure and motorist behavior have on the safety of people riding e-scooters;

BE IT FURTHER RESOLVED, that the UTC recommends that before implementing a speed reduction, TPW should consider whether requiring in-app safety checkpoints, motor vehicle speed reductions, or quick-build active transportation infrastructure is a viable option for the area;

#### **Assigning Restricted and Designated Device Staging Areas and Requiring Rebalancing of Devices to Assigned Staging Areas**

BE IT FURTHER RESOLVED, that the UTC recommends TPW limit the use of off-street parking boxes and instead construct street corrals in the parking lane or other street space, and align the designated device staging areas to NACTO guidelines, including:

- Designated device staging areas should be located in “the parking lane or street space (e.g. daylighted areas, curb extensions etc.)” to minimize the impacts on pedestrian spaces and ADA accessibility while encouraging dockless vehicle users to utilize bike lanes and general travel lanes;

- Limit the use of geofencing to restrict parking to designated device staging areas as “most shared mobility devices [are] accurate to within 5-10 feet, making it more useful in delineating where bike and scooter use is prohibited or restricted”;

BE IT FURTHER RESOLVED, that the UTC recommends TPW increase the Dockless Transportation Unit Fee from \$40 to \$47.5, increase the fee to match the Consumer Price Index annually, allocate 27.3% of all future fees towards the construction of street corrals with a 50% City of Austin match, and reduce the performance bond from \$100 per vehicle to \$92.5 per vehicle;

BE IT FURTHER RESOLVED, that the UTC recommends TPW create standards for wayfinding to street corrals (including signage and pavement markings) and evaluate opportunities for increased visibility and placemaking of street corrals, including

- Leveraging community artwork and murals at corrals;
- Exploring an Adopt-a-Corral program for community-based placemaking; and
- Other strategies and best practices from peer cities;

BE IT FURTHER RESOLVED, that the UTC recommends TPW alter the upcoming city-wide survey to be an ongoing public feedback mechanism where communities can request changes to the number of scooters staged in their area or the placement of a street corral, and work with 311 to create an option in the 311 App to request the placement of a street corral; and

BE IT FURTHER RESOLVED, that the UTC recommends TPW plan for periodic public engagement campaigns with Get-There-ATX to help educate the public on scooter parking rules and the implementation of street corrals.

Motioned by:

Seconded by:

Date of Approval:

Record of the vote:

Attest: \_\_\_\_\_

(Staff or board member can sign)