



Shared Mobility Device Ordinance

Staff Report to the
Transportation Advisory Commission

Shared Mobility Device Work Group
October 15, 2019





Shared Mobility Device Work Group

- **Rebecca L. Makely**, Director, Consumer Services Division
Department of Cable and Consumer Services
- **Noelle C. Dominguez**, Chief, Coordination Section, Coordination and Funding Division
Department of Transportation
- **Chris Wells**, Active Transportation Program Manager
Department of Transportation
- **Joanna L. Faust**, Assistant County Attorney
Office of the County Attorney



Overview

- Background on Shared Mobility Device (SMD) Legislation
- Current SMD Status in Fairfax County
- Proposed Ordinance
- Industry Common Themes
- Other SMD Programs in Northern Virginia
- Staff Recommendation
- Timeline
- Resources



HB 2752

2019 General Assembly

- Allows localities to regulate use of shared mobility devices (motorized skateboards or scooters, bicycles, or electric power-assisted bicycles) for hire.
 - A locality may (i) by ordinance regulate or (ii) by any governing body action or administration action establish a demonstration project or pilot program regulation the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administration action is consistent with this title.
 - Such ordinance or other governing body or administration action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed.
- On or after January 1, 2020, in the absence of any licensing ordinance, regulation, or other action, a person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.



Current SMD Status in Fairfax County *As of July 1, 2019*

- In the interim period from July 1, 2019, until 12:00 A.M. on January 1, 2020, it should be noted that while any shared mobility device for hire company is free to apply for a Fairfax County business license at any time, under Va. Code §46.2-1315, no person or company may offer shared mobility devices for hire within the County until either a) the County passes its ordinance regulating such use; or b) January 1, 2020, whichever is sooner.
- SMD for hire companies have been instructed to monitor rides that terminate within Fairfax County and collect such devices within 12 hours of the company receiving notice of such location or Fairfax County notification to the company.
- SMD not collected within 12 hours, will be deemed abandoned property and disposed of by Fairfax County.
- SMD for hire companies that are determined to be offering shared mobility devices for hire within Fairfax County prior to such authorization will be subject to seizure and disposal of the devices by Fairfax County at the company's expense.



Proposed Ordinance - Fairfax County Code Chapter 86, Shared Mobility Devices

- Article 1. – In General
- Article 2. – Operator’s Permit and Shared Mobility Device Certificates
- Article 3. – Appeals
- Article 4. – Records and reports
- Article 5. – Requirements and standards
- Article 6. – Penalties



Article 1. – In General.

- Purpose: To regulate the operation of Shared Mobility Devices for hire within the County to ensure safe, reliable, adequate, and efficient service.
- Definitions:
 - Applicant – any person that files an application to offer Shared Mobility Devices for hire in the County.
 - Operator’s Permit – the permit granted by the Director to offer SMD for hire in the County and that comprises the specific number of SMD Certificates that have been awarded by the Director.
 - Permittee – any person who has been granted an Operator’s Permit and holds one or more SMD Certificates.
 - Shared Mobility Device – a motorized skateboard or scooter, bicycle, or electric power-assisted bicycle and any other device specified in Virginia Code §46.2-1315.
 - Shared Mobility Device Certificate – the individual numbered certificate associated with a specific SMD that is issued by the Director to a Permittee.
- Exclusions: No provision of this Chapter shall apply to any SMD offered for hire that is regulated pursuant to County administrative action under a regional multi-jurisdictional agreement.



Article 2. – Operator’s Permit and Shared Mobility Device Certificates.

- Operator’s Permit is required to engage in the business of offering SMD for hire and every SMD must have a valid SMD Certificate.
- Fees
 - Application processing fee is \$100, non-refundable.
 - Annual Operator’s Permit fee is \$1,000.
 - Annual SMD Certificate fee is \$28.
 - Bond in the amount of \$5,000, replenished as used and refundable upon market exit.
- SMD Certificates
 - Maximum initial number issued to any Permittee is 300, not to exceed 600.
- Revocation or Suspension of Operator’s Permit or SMD Certificate



Article 3. – Appeals.

- Suspension or revocation of an Operator’s Permit or SMD Certificate by the Director may be appealed to the Consumer Protection Commission (CPC).
- Appeals must be filed within 45 calendar days of receipt of the notice.
- Hearing on appeals will be scheduled no more than 60 calendar days from the date the notice of appeal was filed.
- If the CPC affirms the decision of the Director, the suspension or revocation will be effective from the date of the Commission’s decision.
- If the CPC reverses the decision of the Director, the Operator’s permit or any SMD Certificate will be issued or restored by the Director, in accordance with the Commission’s decision.



Article 4. – Records and reports.

- Records required in this Chapter will be retained by Permittee for three years.
- Records must be made available to the Director within 30 calendar days of request.
- Monthly reports must be filed by the fifteenth of the following month.



Article 5. – Requirements and Standards.

- Permittees...
 - Will use best efforts to offer SMD in all areas of County and will not restrict SMD to any specific geographical area of the County.
 - Will comply with Chapter 11 (Human Rights Ordinance) of the County Code governing fairness and equity to all persons in the County.
 - Are encouraged to provide a cash-based or non-smartphone mechanism to access SMD.
 - Will maintain a place of business with telephone service within County or within 30 miles.
 - Must be accessible 24 hours per day to receive requests for service and collect SMD.
 - Will notify all SMD riders of the Permittees' safety and etiquette rules and regulations and applicable County and state laws.
 - Will collect any SMD within the County within:
 - 4 hours, if notified by the County within 7 a.m. to 9 p.m.
 - If notified by the County after 9 p.m., by 8 a.m.
 - Will provide approximate location of all SMD to the Director and then collect and relocate all SMD located within the County within such time reasonably specified by the Director, in the event of a critical issue or emergency situation.



Article 5. – Requirements and Standards.

- Shared Mobility Device...
 - Have a unique identifying number provided to the County and associated with SMD Certificate.
 - Have a top-motor-powered speed not to exceed 10 mph, if the SMD is a motorized skateboard or scooter.
 - Have name/number of Permittee on exterior of the SMD.
 - Be equipped with appropriate and operable brakes and bell and lights, as required.
 - Be operable, free of defects, reasonably clean, and conform to relevant safety standards for the operation of commercial SMD.
 - Be maintained to provide for the safety of the public and for continuous and satisfactory operation, and to reduce to a minimum noise and vibration.
- Rider requirements...
 - No person will ride a SMD on any such designated sidewalk or crosswalk where signs have been posted prohibiting such use.
 - No person will park a SMD in a manner that impedes normal pedestrian or traffic movement or where such parking is prohibited.



Article 6. – Penalties.

- Any person who violates or causes to be violated any provision of this Chapter except for Section 86-5-3 will be guilty of a misdemeanor punishable by a fine of not more than \$50 for the first offense and not more than \$500 for each subsequent offense.



Industry Common Themes

- Initial fleet size of 250
 - ✓ After consideration of the industry comments, staff has increased the initial number issued to any Permittee from 250 to 300.
- Maximum fleet size of 500
 - ✓ After consideration of the industry comments, staff has increased the total fleet size of any Permittee from 500 to 600.
- Speed limit of 10 mph
 - ✗ The proposal for Fairfax County of 10 mph is based on both the safety of the riding and walking public. Staff is also being responsive to feedback received at the Board of Supervisors Transportation Committee meeting on July 9, 2019. Any change, after ordinance adoption, would be addressed in a future amendment to the ordinance.
- Sidewalk use
 - ✓ Based on industry feedback requesting clarification, staff is proposing the following edit for clarification: *(a) Where signs have been posted indicating that the use of Shared Mobility Devices is prohibited in designated sidewalks or crosswalks, no person will ride a Shared Mobility Device on any such designated sidewalk or any other area designated exclusively for pedestrian traffic where signs indicating such prohibition have been posted crosswalk.*



Other SMD Programs in Northern Virginia

Jurisdiction	Status	Permit Fee	Fleet Size	Speed Limit
Arlington County	MOU effective October 2018	\$8,000	200	10 mph
City of Alexandria	Demonstration program launched in January 2019	\$5,000	200	Cites legislation (20 mph)
City of Fairfax	Pilot program launched July 2019	\$5,000	250	Cites legislation (20 mph)
City of Falls Church	Staff report on proposed pilot program (Nov. 2019)	\$100/SMD + \$0.05/trip	25 per type	10 mph
Fairfax County	Ordinance effective 12:00 a.m. January 1, 2020	\$1,000 + \$28/SMD	300	10 mph
Town of Vienna	Staff report on proposed pilot program (Dec. 2019)	\$5,000 + \$0.05/trip	250	Not specified



Timeline

- September 17, 2019 – Consumer Protection Commission Public Hearing and Approval of motion on recommendation to the Board of Supervisors on Chapter 86.
- October 22, 2019 – Staff presents update and CPC recommendation to BOS Transportation Committee.
- October 29, 2019 – Authorization to Advertise for Public Hearing by Board of Supervisors.
- November 19, 2019 – Public Hearing and Adoption of Ordinance by Board of Supervisors.
- January 1, 2020 – Chapter 86 of the Fairfax County Code, relating to Shared Mobility Devices becomes effective.



Resources

- Public Comment on Shared Mobility Devices
 - <https://www.fairfaxcounty.gov/cableconsumer/csd/sharedmobilitydevices>
- House Bill 2752
 - <https://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+CHAP0780>
- Staff Presentation to BOS Transportation Committee (July 9, 2019)
 - Read: <https://www.fairfaxcounty.gov/transportation/sites/transportation/files/assets/documents/pdf/btc/item-3-scooter-regulations-070319.pdf>
 - Watch: <http://video.fairfaxcounty.gov/player/clip/1437>
- CPC Staff Contact
 - Rebecca L. Makely, Director, Consumer Services Division, DCCS
Rebecca.Makely@fairfaxcounty.gov; 703-324-5947