Regulation of Electric Scooter Companies

Board Transportation Committee

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Background

- Electric scooters are an increasingly popular micro-mobility option.
- Implemented in many locations throughout the US and are currently in use in the County.
- Various jurisdictions in the region have implemented programs or pilots, including Arlington County; the City of Alexandria, the City of Fairfax, and the District of Columbia.
- Transportation Network Companies (such as Uber and Lyft) are expanding their shared transportation mobility businesses.
Positives of Electric Scooters

- Perceived ease of use and access.
- Current adult generation were scooter-using kids.
- Alternative to walking distance trips, providing another solution to the first/last mile challenge.
- Responsive to consumer demand.
- Lower capital and user costs.
- Encourage use by different demographic groups and underserved areas and communities.
Negatives of Electric Scooters

- Sidewalk and roadway obstruction (and ADA impediment).
- Technological limitations of geofencing (trespassing).
- Unsafe operation such as: lack of a helmet, tire contact with obstacles, improper stopping distance.
- Adherence to manufacturer recommendations on scooter storage, exposure to elements, and maintenance, which could compromise the device.
- Issues with abandonment and vandalism.
- User responsibility and agreement to the app’s terms of service.
- Lack of vendor transparency in some cases.
General Assembly Action

During the 2019 General Assembly session, legislation allowing the use and regulation of scooters (HB 2752 – Pillion) was passed. HB 2752:

- Prohibits the operation of a motorized skateboard or scooter faster than 20 miles per hour
- Makes consistent the operational requirements for motorized skateboards or scooters and similar devices (such as bicycles), including:
  - Can be driven on sidewalks;
  - When on roadways, must be driven as close to the right curb as is safely practicable;
  - Cannot be operated on any component of the interstate highway system; and,
  - Operators must give hand signals and have lights on such devices.
- Authorizes localities to regulate the operation of companies providing motorized skateboards or scooters for hire.

  *If a locality does not take action to implement such regulation by January 1, 2020, the scooter companies can operate in that locality as they see fit.*
Other Locality Options Regarding Regulation

• In addition to the legislation passed in 2019, the Virginia Code also offers some other language that may pertain to the regulation of scooters:
  • to regulate by ordinance for noise impacts. Va. Code § 15.2-919.
  • to prohibit the use of scooters on designated sidewalks. Va. Code § 46.2-904
Proposed Scooter Ordinance / Program

• County staff reviewed ordinances and pilot programs from other localities in Washington, DC Metropolitan Area, as well as in other Virginia jurisdictions.

• County staff is proposing that the initial ordinance and program be similar to those in other parts of the region, while still addressing issues distinctive to Fairfax County.

• The program will be regulated by the DCCS Regulation and Licensing Branch, which regulates various types of private businesses in the County.
  • Similar rules and regulations will provide some consistency around the area:
    • Travelers cross jurisdictional boundaries.
    • Certain data is already mandated to be collected by various jurisdictions.

• Privately-owned facilities (Mosaic, Reston Town Center, Fairfax Corner, etc.) may have their own requirements.

• This mobility option is fairly new and it is expected that the ordinance will be reviewed and updated to address changing circumstances in the County.
Proposed Ordinance Principles (Summary)

• Number of Vehicles per company
• Device Speed Limits
• Equity
• Contact Information on Device
• Fees
• Enforcement
• Other Provisions
Proposed Ordinance Principles

- Number of Devices Per Company: 250
  - Will provide the opportunity for a reasonable number of scooters in the County, with the ability to reduce or increase based on demand.
    - County may authorize fleet sizes (per company, per mode) to be increased by 25 devices per month, if the existing fleet averages a minimum of 3 rides/device/day.
      - The maximum fleet size (per company, per mode) shall be 500 devices.
    - County may require fleet sizes (per company, per mode) to be decreased by 25 devices per month, if the existing fleet falls below an average of 3 rides/device/day.
      - Reductions can continue until the standard has once again been achieved and/or the fleet is restored to its initial size.
- Speed Limits: 15mph
  - Similar to other localities in Northern Virginia to address rides that may cross jurisdictional boundaries.
- Equity:
  - The devices would not be restricted to specific geographical areas of the County.
Proposed Ordinance Principles (continued)

• Information on Unit: Each unit must have posted information on how to contact company posted (such as a decal).

• Data:
  • Ordinance will require access to certain data to ensure requirements are met, including:
    • Total active customers residing in Fairfax County
    • Monthly submission of trip data, including trip data per device and per day,
    • Information on crashes and injuries.
    • Number and precise location of devices that were towed
    • Complaints received (including reason and date/location if known/appropriate)

• Fees: Each Company will be required to:
  • Post a Surety Bond (to be replenished by the company when necessary): $5,000
  • Pay Annual License Fee Per Company: $1,000
  • Pay Annual License Fee Per Each Unit: $28

(This will allow the fees to be commensurate with the number of devices operating in the County)
Licenses and Enforcement: Enforcement would be conducted related to the following issues:

• Failure to maintain the device(s) in good order or repair.
• Failure to pay any fees lawfully assessed upon the ownership or operation of any such device(s).
• Failure to supply information required of this Code pertinent to any device operated.
• Complaints of location of unit: when contacted, the company would have 2-4 hours to retrieve the vehicle.
• Lack of company contact information posted on each device.
• No company will operate or permit to be operated a device in the County without having been granted authority to operate.

• The Director of DCCS, upon determination that the license holder is not operating the authorized devices in such a manner as to serve the public adequately, safely, efficiently, or legally, may revoke the license holder’s authority to operate a scooter business and all individual device licenses issued thereunder.
Proposed Ordinance Principles (continued)

• Other Policies
  • Companies must have a staffed operations center in the Washington D.C. area.
  • Allow County to require companies to collect or relocate some or all of their fleet for the duration of a critical issue or emergency situation.
Timeline

To meet the timeline provided in the HB 2752, the following timeline would have to be met:

- Feedback from Board of Supervisors
- Staff Will Continue Drafting Ordinance
- September 17, 2019 - Consumer Protection Commission Public Hearing for Public Comment and Recommendation
- October 29, 2019 – Authorization to Advertise for Public Hearing by Board of Supervisors
- December 3, 2019 – Public Hearing and Adoption of Ordinance by Board of Supervisors

This is a fairly new mobility option, and it is expected that the ordinance will be reviewed and updated to address changing circumstances.
Questions and Discussion