



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.



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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



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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)

Proposed Ordinance Principles (continued)

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.



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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:



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- 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