



Legislation Text

File #: 19-1299, **Version:** 1

Subject:

Shared Mobility Devices Legislation

BACKGROUND SUMMARY :

Shared Mobility Devices (SMDs) are bikes, e-bikes, and scooters owned by private companies and rented to the public via smartphone apps. They are intended for short trips and are parked in public spaces as “dockless” vehicles - typically self-locking. Private companies began renting dockless bikes to the public in DC in 2017, then in northern Virginia starting in Arlington and Alexandria. Recently most companies have transitioned to e-scooters.

OVERVIEW :

When first introduced in Virginia, SMDs operated unregulated due to absence of specific language in the state code. Local jurisdictions responded in various ways:

- Arlington and Alexandria allowed them and quickly adopted pilot programs.
- Norfolk impounded scooters initially and is now issuing an RFP for a pilot program.
- Richmond impounded the scooters and has now adopted a permit program.

The General Assembly has passed legislation, effective July 1, 2019, that gives localities the ability to regulate SMDs. Localities cannot ban these devices, but may regulate them:

§ 46.2-1315 <<http://law.lis.virginia.gov/vacode/46.2-1315>>. Powers of localities to regulate use of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire. Any county, city, town, or political subdivision may (i) by ordinance regulate or (ii) by any governing body action or administrative action establish a demonstration project or pilot program regulating the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administrative action is consistent with this title. Such ordinance or other governing body or administrative action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed, provided that 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.

Regional context:

- Fall 2017: Washington, DC and Montgomery County, MD began pilot programs.
- Spring 2018: Scooters introduced to DC.
- Fall 2018: Arlington County and City of Alexandria began pilot programs.
- Currently City of Falls Church, George Mason University, and Fairfax County are exploring pilot programs.
- City of Fairfax adopted a pilot program effective July 1, 2019 (see attachments).

City of Fairfax’s pilot program is modeled after those in Arlington and Alexandria with the following

key features:

- Timeframe - one year
- Service area is citywide
- Pilot permit fee - \$5,000
- Starting cap on number of devices - up to 500 per company (to be modified based on performance measures)
- Parking and use regulations
- Required safety features
- Maintenance, charging, rebalancing, and other operational requirements
- Clear information for users and public to report issues and provide feedback
- Commitments to timely responses from companies
- Data sharing and reporting requirements

Pilot Program Process - A SMD company must:

- Enter a memorandum of understanding (MOU) to establish performance measures and regulations (City of Fairfax MOU attached)
- Obtain a business license
- Pay applicable business taxes
- Permit application (sample application attached)
- Permit fee to offset oversight costs

SUMMARY/STAFF IMPRESSIONS :

By January 1, 2020, the Town must adopt legislation or a pilot program that allows local governance of SMDs or they will be allowed to operate unregulated. A pilot program similar to programs already established in other local jurisdictions would, staff believes, be most ideal and allow for simplicity of operations and users to utilize devices cross-jurisdictionally. Management of such a program would be the responsibility of the Public Works Department.

RECOMMENDATION :

Staff recommends that the Town establish a pilot program, similar the City of Fairfax and other local programs, to become effective on or before January 1, 2020.