

**JUNE 6, 2018 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated June 6, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



T.C. Broadnax
City Manager

6/1/2018

Date



Elizabeth Reich
Chief Financial Officer

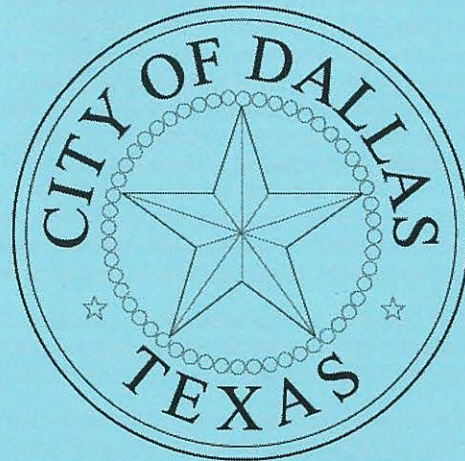
6-1-18

Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL BRIEFING AGENDA

June 6, 2018

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act.

The Council agenda is available in alternative formats upon request.

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JUNE 6, 2018
CITY HALL
1500 MARILLA STREET
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

 Special Presentations

 Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the May 16, 2018 City Council Meeting
2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS 6ES

A. City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget: Council Amendments and Straw Votes

B. Dockless Vehicles Ordinance Discussion

Lunch

C. Motor Assisted Scooter Ordinance Discussion

D. Proposed Changes to the Bulk and Brush Collection Program

AGENDA
CITY COUNCIL BRIEFING MEETING
WEDNESDAY, JUNE 6, 2018

- Closed Session 6ES
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- Legal issues related to the use of the Kay Bailey Hutchison Convention Center Dallas.
 - *Terrance Bass, et al. v. City of Dallas*, Civil Action No. 3:17-cv-03330-C.

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.086]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

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DEPARTMENT: City Secretary

AGENDA DATE: June 6, 2018

COUNCIL DISTRICT(S): N/A

SUBJECT

Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Memorandum



CITY OF DALLAS

DATE June 1, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT June 6, 2018 Council Briefing
City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget

Your Wednesday, June 6, 2018, briefing meeting includes discussion of amendments to be incorporated into the City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget. During committee meetings on May 21, Councilmembers were invited to submit amendments to the Office of Budget. We have not yet received any amendments.

A public hearing is scheduled for June 13 to receive citizen comments. Final adoption of the FY 2018-19 HUD Consolidated Plan Budget is scheduled for June 27.

Please let me know if you need additional information.

A handwritten signature in blue ink that reads "M. Elizabeth Reich".

M. Elizabeth Reich
Chief Financial Officer

Attachment

c: T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billerae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Jo M. (Jody) Puckett, P.E., Assistant City Manager (Interim)
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

**FY 2018-19 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

ATTACHMENT A

Revised 5/22/18

A	A1	B	C	D
Project Name	Staffing	FY 2017-18 Amended Budget	FY 2018-19 CM/CDC Recommended Budget	Additional Resources
<u>SOURCE OF FUNDS</u>				
Community Development Block Grant				
Entitlement (grant)		13,373,031	14,810,163	
Program Income - Housing Activities (includes one-time funds)		500,000	1,250,000	
Program Income - Sub-Recipient Retained		165,000	225,000	
Reprogramming *		0	3,323,870	
		<hr/>	<hr/>	0
		14,038,031	19,609,033	
Home Investment Partnership				
Entitlement (grant)		4,123,371	5,886,901	
Program Income - Housing Activities		1,500,000	1,000,000	
		<hr/>	<hr/>	0
		5,623,371	6,886,901	
Emergency Solutions Grant				
Entitlement (grant) **		3,117,540	1,203,874	0
Housing Opportunities for Persons with AIDS				
Entitlement (grant)		6,470,345	6,645,116	
		<hr/>	<hr/>	0
	TOTAL SOURCE OF FUNDS	29,249,287	34,344,924	0
<p>*\$1.4m CDBG Reprogramming Funds approved on April 12, 2017, and added in FY17 to expedite services rather than waiting until FY18. **FY 2018-19 amount does not include 1.9m one-time FY 2017-18 funding.</p>				
<u>USE OF FUNDS</u>				
Community Development Block Grant				
Public Services (15% of CDBG maximum amount allowed)		2,065,115	2,258,979	7,944,322
Housing Activities		7,058,748	10,867,677	2,350,901
Economic Development Activities		165,000	225,000	0
Public Improvements		2,097,504	3,419,373	0
Fair Housing and Program Oversight (20% of CDBG max amount allowed)		2,651,664	2,838,005	0
		<hr/>	<hr/>	10,295,223
		14,038,031	19,609,033	
HOME Investment Partnerships Program				
HOME Programs		5,623,371	6,886,901	0
Emergency Solutions Grant				
ESG Programs		3,117,540	1,203,874	15,590,920
Housing Opportunities for Persons with AIDS				
HOPWA Programs		6,470,345	6,645,116	0
		<hr/>	<hr/>	0
	TOTAL USE OF FUNDS	29,249,287	34,344,924	25,886,143

**FY 2018-19 CONSOLIDATED PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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Revised 5/22/18

A	A1	B	C	D
Project Name	Staffing	FY 2017-18 Amended Budget	FY 2018-19 CM/CDC Recommended Budget	Additional Resources
<u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u>				
<u>CDBG - Public Services</u>				
CD01 After-School/Summer Program - Provide after school and summer programs for low income youth Monday thru Friday through structured recreational, cultural, social and life skills activities. 24 CDBG funded sites. FY 2018-19: estimated 2,800 children to be served. Additional resources: General Fund Youth Programs in PKR, DPD and Library.	68 Part-time Staff	563,515	589,708	5,710,730
CD02 Child Care Services Program - Provide various programs for children and youth, including after school programs; daycare for special needs children, children who are homeless, and children with disabilities via contracts with non-profit agencies. Funds are also used to provide child care subsidies for low and moderate income working parents and teenage parents who are attending school and do not qualify for any other form of public assistance. FY 2018-19: estimated 350 children to be served. Additional resources: One-time prior year funds from Private Grant	2 Staff & Contracts	488,826	488,826	150,000
Youth Programs Sub-Total		1,052,341	1,078,534	5,860,730
CD03 Senior Services Program - Enhance the quality of life for older adults by disseminating support services information and providing direct and emergency support services. FY 2018-19: estimated 4,733 individuals to be served. Additional resources: General Fund	2 Staff & Contracts	247,349	273,962	733,867
Senior Services Sub-Total		247,349	273,962	733,867
CD04 Community Court Program - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest. FY 2018-19: estimated 2,300 clients to be served. Additional resources: General Fund and Federal Grants	8 Full-time 1 Part-time	765,425	713,126	1,349,725
<ul style="list-style-type: none"> • South Dallas / Fair Park Community Court • South Oak Cliff Community Court • West Dallas Community Court 		318,738	247,413	0
		228,370	243,857	0
		218,317	221,856	0
Other Public Services (Non-Youth) Sub-Total		765,425	713,126	1,349,725
CD05 Contract(s) with nonprofit agencies - Services to address human and social needs. (Request for competitive sealed proposals)	TBD	0	193,357	0
Total CDBG - Public Services		2,065,115	2,258,979	7,944,322
CDBG - Public Services 15% Cap Under/(Over) Cap		2,065,115	2,258,979	
		0	0	
CDBG - Public Services Cap Percentage		15.0%	15.0%	

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A	A1	B	C	D
Project Name	Staffing	FY 2017-18 Amended Budget	FY 2018-19 CM/CDC Recommended Budget	Additional Resources
<u>CDBG - Housing Activities</u>				
CD06 Dallas Homebuyer Assistance Program - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance. FY 2018-19: estimated 47 households to be served at an avg cost of \$75K.	5 Staff & Direct Assistance	859,663	2,500,000	0
Homeownership Opportunities Sub-Total		859,663	2,500,000	0
CD07 Home Improvement and Preservation/SF Program (HIPP) - Provide an all-inclusive repair and rehabilitation for single-family, owner-occupied housing units. FY 2018-19: estimated 109 households to be served at an avg cost of \$75k. Additional resources: General Fund and Code Compliance	Contracts	4,427,741	4,617,433	2,350,901
CD08 Home Improvement and Preservation/MF Program (HIPP) - Provide an all-inclusive repair and rehabilitation for Landlord/rental single-family housing units (1-4 units). Landlord must have income eligible tenants. FY 2018-19: estimated 47 households to be served at an avg cost of \$75k.	Contracts	0	1,978,900	
CD09 Support for Home Improvement and Preservation Program (HIPP) - Provide direct service delivery staff to implement the Home Repair Program.	26 Staff	1,771,344	1,771,344	0
Homeowner Repair Sub-Total		6,199,085	8,367,677	2,350,901
Total CDBG - Housing Activities		7,058,748	10,867,677	2,350,901
<u>CDBG - Economic Development</u>				
CD10 Business Loan Program (Program Income) - Subrecipient retains program income generated from revolving business loan program to provide additional loans.	Contract	165,000	225,000	0
Total CDBG - Economic Development		165,000	225,000	0
<u>CDBG - Public Improvements</u>				
CD11 Public Facilities and Improvements - Provide improvements to public facilities and infrastructure within eligible areas.	TBD	2,097,504	3,419,373	0
Public Improvement Sub-Total		2,097,504	3,419,373	
Total CDBG - Public Improvement		2,097,504	3,419,373	0

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<u>CDBG - Fair Housing and Planning & Program Oversight</u>				
CD12 Fair Housing Enforcement - Provide housing discrimination investigations, fair housing education and outreach, and citizen referrals.	7 Staff	721,345	743,830	0
CD13 Citizen Participation/CDC Support/HUD Oversight - Office of Budget Services/Community Development Division. Provide coordination of ConPlan budget development, citizen participation, and reporting to HUD as primary City liaison.	7 Staff	751,819	801,626	0
CD14 Community Care Management Support - Provides funding for Office of Community Care (OCC) management staff support for OCC programs.	3 Staff	186,237	270,518	0
CD15 Housing Management Support - Provide funding for Housing management staff support for housing programs.	14 Staff	992,263	1,022,031	0
Total CDBG - Fair Housing and Planning & Program Oversight		2,651,664	2,838,005	0
CDBG - FH/PLN/Program Oversight 20% Cap Under/(Over) Cap		2,674,606 22,942	2,962,033 124,028	
CDBG - FH/PLN/Program Oversight Cap Percentage		20%	19%	
TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT		14,038,031	19,609,033	10,295,223
<u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u>				
HM01 CHDO Development Loan Program - Provide development and pre-development loans to City-certified CHDOs developing affordable housing for low income households. (15% minimum)	Contracts	700,000	885,000	0
HM02 CHDO Operating Assistance - Provide operational support to assist with the development and management of CHDO projects. (5% maximum)	Contracts	125,000	0	0
HM03 HOME Program Administration - Provide partial Housing department staff HOME funded program administrative costs. (10% maximum)	Reimburse for Staff Hours	550,672	688,600	0
HM04 Dallas Homebuyer Assistance Program - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance. FY 2018-19: estimated 18 households to be served at an avg of \$75k.	Direct Assistance Only	642,129	767,129	0
HM05 Housing Development Loan/For Sale Program - Provide organizations with loans for the development of single-family homes.	Contracts	3,605,570	2,454,933	0
HM06 Housing Development Loan/Rental Program - Provide landlords with loans for the rehabilitation or construction of multifamily units. (> 4 units)	Contracts	0	2,091,239	0
Home Ownership Opportunities Sub-Total		5,623,371	6,886,901	0
TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM		5,623,371	6,886,901	0

**FY 2018-19 CONSOLIDATED PLAN FOR
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ATTACHMENT A

Revised 5/22/18

A	A1	B	C	D
Project Name	Staffing	FY 2017-18 Amended Budget	FY 2018-19 CM/CDC Recommended Budget	Additional Resources
EMERGENCY SOLUTIONS GRANT (ESG)				
ES01 Emergency Shelter - Provide temporary shelter for homeless persons by paying for operating costs and providing essential services (such as case management, child care, legal services, employment assistance, and medical/behavioral health services) for those in emergency shelter. FY 2018-19: City program estimated 90 clients to be served; contracts = 12,650. Additional resources: General Fund, State and County	2 Staff & Contracts	1,587,807	570,854	9,211,130
ES02 Street Outreach - Provide case management and referral services to unsheltered homeless in using the local coordinated assessment system and assisting clients in obtaining Federal, State, and local assistance. FY 2018-19: estimated 125 clients to be served. Additional resources: General Fund	1 Staff	69,072	71,585	1,000,000
Essential Services/Operations Sub-Total		1,656,879	642,439	10,211,130
ES03 Homeless Prevention - Provide assistance to persons at-risk of homelessness who meet income limits below 30% of the area median income. Provide short-term (3 months) and medium-term (4 - 24 months) of rental assistance; payment of rental arrears up to 6 months. FY 2018-19: estimated 68 clients to be served. Additional resources: Private Grants	Direct Assistance Only	170,000	80,261	534,185
Homeless Prevention Sub-Total		170,000	80,261	534,185
ES04 Rapid Re-Housing - Provide rental assistance, financial assistance and housing relocation and stabilization services to move homeless people quickly to permanent housing. FY 2018-19: estimated 235 clients to be served. Additional resources: Continuum of Care and General Fund	Contracts	1,065,784	366,654	4,845,605
Rapid Re-Housing Sub-Total		1,065,784	366,654	4,845,605
ES05 HMIS Data Collection - Provide client-level data collection for persons served by the grant, as well as training, generating reports, monitoring and reviewing data quality.	Contracts	69,000	25,000	0
HMIS Data Collection Sub-Total		69,000	25,000	0
ES06 ESG Administration - Provide monitoring, data collection and evaluation of contracts and other program activities.	2 Staff	155,877	89,520	0
Program Administration Sub-Total		155,877	89,520	0
TOTAL EMERGENCY SOLUTIONS GRANT		3,117,540	1,203,874	15,590,920

**FY 2018-19 CONSOLIDATED PLAN FOR
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ATTACHMENT A

Revised 5/22/18

A	A1	B	C	D
Project Name	Staffing	FY 2017-18 Amended Budget	FY 2018-19 CM/CDC Recommended Budget	Additional Resources
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)				
HW01 Emergency/Tenant Based Rental Assistance - Provide emergency assistance and long-term rental assistance, with support services, to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2018-19: estimated 680 clients to be served. (Merged with E/TBRA Financial Assist and E/TBRA Housing Services)	3 Staff & Contracts	3,177,000	3,766,134	0
HW02 Facility Based Housing - Provide housing operation costs, including lease, maintenance, utilities, insurance and furnishings, for facilities, with support services, that provide assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2018-19: estimated 222 clients to be served. (Formerly Housing Facilities Operations and merged with Supportive Services)	Contracts	753,615	2,040,000	0
HW03 Housing Placement & Other Support Services - Provide supportive services and housing placement assistance to persons with HIV/AIDS and their families who live in Dallas eligible metropolitan area. FY 2018-19: estimated 205 clients to be served. (Supportive Services category redesigned and now split into Facility Based Housing.)	1 Staff & Contracts	1,238,313	228,625	0
HW04 Housing Facilities Rehab/Repair/Acquisition - Provide rehabilitation/repair or acquisition funds for facilities that provide housing to persons with HIV/AIDS and their families who live in the metropolitan area.	Contracts	704,345	0	0
HW05 Housing Information Services/Resource Identification - Provide housing navigation services consisting of a housing resource center with direct one-on-one housing referral assistance and online searchable housing database and web resources, as well as HMIS client level data collection for persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2018-19: estimated 175 clients to be served.	Contracts	151,212	151,212	0
Other Public Services Sub-Total		6,024,485	6,185,971	0
HW06 Program Administration/City of Dallas - Provide administrative oversight, evaluation, technical assistance, and HMIS client-level data collection for grant funds and program activities.	2 Staff & Contract	172,980	186,265	0
HW07 Program Administration/Project Sponsors - Provide administrative costs for project sponsors in oversight and evaluation of program activities and HMIS client-level data collection for program activities.	Contracts	272,880	272,880	0
Program Administration Sub-Total		445,860	459,145	0
TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS		6,470,345	6,645,116	0
GRAND TOTAL CONSOLIDATED PLAN BUDGET		29,249,287	34,344,924	25,886,143

Memorandum



CITY OF DALLAS

DATE June 1, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Dockless Vehicles Ordinance Discussion**

On Wednesday, June 6, 2018, you will be briefed on Dockless Vehicles and possible amendments to the city ordinance. The briefing material is attached for your review.

Please feel free to contact either Michael Rogers, Director of Transportation, or myself if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Majed Al-Ghafry'.

Majed Al-Ghafry
Assistant City Manager

[Attachment]

c: T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Billierae Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Jo M. (Jody) Puckett, Assistant City Manager (Interim)

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Dockless Vehicles Ordinance Discussion

**City Council Briefing
June 6, 2018**

**Michael Rogers, PWLF
Director
Department of Transportation**



Presentation Overview

- Definition of Dockless Bike Share
- Dockless Vehicle Program
 - Phase I
 - Phase II
- Primary Ordinance Requirements
- Proposed Fee Structure
- Next Steps
 - Identify and Stripe designated parking
 - Develop Permit application
 - Council Action
- Appendix
 - Draft Ordinance Language
 - Dockless Vehicle Permit Fee Analysis

Definition

- Dockless bike share does not require docking station
- Dockless bikes can be parked at a bike rack, along the sidewalk, or in a designated area within the street pavement
- Dockless bikes can be located and unlocked using a smartphone app.
- Dockless Vehicles Include:
 - Traditional Bicycles
 - Electric Bicycles
 - *Electric Scooters
 - Other Motorized Mobility Devices

*This item is dependent on motor assisted scooter ordinance repeal

Dockless Vehicle Program – Phase I

- On August 14, 2017, dockless bike share was briefed to the Mobility Solutions, Infrastructure and Sustainability Committee (MSISC)
- Staff received direction to start pilot program to:
 1. Allow dockless bike share companies to operate without a fee;
 2. Monitor operations to identify possible regulatory requirements;
 3. Review data for route planning and infrastructure needs.
- The following vendors began operating:
 - VBikes (June 2017)
 - Spin (August 2017)
 - Lime (August 2017)
 - Ofo (November 2017)
 - Mobike (December 2017)

Dockless Vehicle Program – Phase II

- On February 26, 2018, an update of the dockless bike share pilot program was briefed to MSISC
 - 311 tracking results
 - Preliminary ridership data
 - Proposed policy development plan

- MSISC asked to review the fee structure

Dockless Vehicle Program – Phase II cont.

- In February 2018, staff conducted regular discussion meetings with dockless vehicle companies to coordinate and develop the regulatory framework and fee structure.
- Some of the issues identified by the dockless vehicle companies include
 1. Proprietary nature of data
 2. Price/fee
 3. Cap on numbers
- On March 26 and April 9, 2018, staff briefed the MSIS Committee on the proposed regulatory framework and fee structure, and was directed to continue working with dockless vehicle vendors.

Regulatory Options for Dockless Vehicle Fees

Option 1

Franchise Agreement is controlled by the City Charter and typically used only for utility companies;

Option 2

License is used when an abutting property owner wants use of the public right-of-way;

Option 3

Permits are a more simplified process with the most flexibility, can be issued at the staff level, and allows a cost recovery mechanism

- Staff recommends Option 3

Primary Ordinance Requirements

- Tiered fee structure
- Compliance with applicable vehicle safety standards
- Parking guidelines
- Operational requirements
 - Vehicle rebalancing/removal
 - Operator response requirements
- Data sharing
- Insurance requirements

Proposed Fee Structure in Dallas

- Initial Application Fee - \$776
- Application Renewal Fee - \$388
- A Performance Bond of \$5,000 Per Operator
- Annual Fee Per Vehicle
 - Staff proposes a tiered fee structure in increments of 100
 - The fee charges 90% of each range, and multiplying the number of vehicles by \$18

• Example:

Number of Vehicles	Proposed Annual Fee
1 – 100	\$1,620
101 – 200	\$3,240
201 – 300	\$4,860
301 – 400	\$6,480
401 – 500	\$8,100

Fee Structures in Comparison Cities

City	Application Fee	Annual Fee Per Bike	Other Fees
Aurora, CO	N/A	< 500 bicycles \$2,500; 501 to 1,000 bicycles \$5,000; 1,0001 to 2,000 bicycles \$7,500; > 2,000 bicycles \$10,000	\$500 fee per docking station for docking-based systems
Chicago, IL	\$250	\$50	N/A
Durham, NC	\$250	\$10	Performance Bond of \$80 per bicycle, capped at \$10,000
Plano, TX	\$500	N/A	Escrow payment of \$5,000 per 1,000 bicycles
Reno, NV	N/A	\$10	N/A
Seattle, WA	\$146 permit fee \$1,672 permit review fee	\$15	Performance Bond of \$80 per bicycle, capped at \$10,000
St. Louis, MO	\$500	\$10	N/A



Next Steps

- Identify and stripe additional parking spaces



Bike Stand - Main St.



Bike Corral – Main St.



Bike Corral – Young St.

- Council Action
 - City Council consideration of the proposed Dockless Vehicles ordinance on June 13, 2018
- Develop permit application to be implemented 30 days after adoption

Dockless Vehicles Ordinance Discussion

**City Council Briefing
June 6, 2018**

**Michael Rogers, PWLF
Director
Department of Transportation**



Appendix

- Article X. – Draft Dockless Vehicle Ordinance
- Dockless Vehicle Permit Fee Analysis

ORDINANCE NO. _____

An ordinance amending Chapter 43, “Streets and Sidewalks,” of the Dallas City Code by adding a new Article X; providing that a permit is required to operate a dockless vehicle service in the city; establishing fees and providing regulations for a dockless vehicle permit program; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended by adding a new Article X, “Dockless Vehicle Permit,” to read as follows:

“ARTICLE X.

DOCKLESS VEHICLE PERMIT.

SEC. 43-157. DEFINITIONS.

In this article:

(1) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

(2) **DOCKLESS VEHICLE** means a bicycle, an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app.

(3) **OPERATOR** means an individual or company that has been issued an operating authority permit under this article.

(4) **REBALANCE** means moving dockless vehicles from an area of low demand to an area of high demand.

(5) **RESIDENTIAL AREA** means a residential district as defined in Section 51A-2.102, “Definitions,” of the Dallas Development Code, or a planned development district or conservation district with residential base zoning.

SEC. 43-158. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules or regulations, consistent with this article and state or federal law, as he determines are necessary to discharge his duty under, or to effect the policy of, this article.

SEC. 43-159. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.

SEC. 43-160. OPERATING AUTHORITY PERMIT.

A person commits an offense if, within the city, he operates, or causes or permits the operation of, a dockless vehicle service without a valid operating authority permit issued under this article.

SEC. 43-161. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed dockless vehicle program.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following:

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

(8) the number and types of dockless vehicles to be operated; and

(9) an agreement to indemnify the city.

(c) An operating authority permit may be renewed following the process in this section.

(d) The initial application for an operating authority permit must be accompanied by an application fee of \$776 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$388 and the appropriate vehicle fee as specified in Section 43-172.

SEC. 43-162. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change.

(b) If the information reported to the director under this section includes an increase in the number of dockless vehicles, any additional vehicle fees due under Section 43-172 must be submitted to the director simultaneously with the change in information.

SEC. 43-163. EXPIRATION OF OPERATING AUTHORITY PERMIT.

An operating authority permit expires one year from the date it is issued.

SEC. 43-164. REFUSAL TO ISSUE OR RENEW OPERATING AUTHORITY PERMIT.

(a) The director shall refuse to issue or renew an operating authority permit if the applicant:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; or

(2) has been convicted twice within a 12-month period for violation of the article, or a rule or regulation adopted under this article, or has had an operating authority permit revoked within two years of the date of application.

(b) If the director determines that a permit should be denied the applicant or operator, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.

SEC. 43-165. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY PERMIT.

(a) Suspension. The following regulations apply to the suspension of an operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the director within the time specified in the order.

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The following regulations apply to the revocation of an operating authority permit:

(1) The director shall revoke an operating authority permit if the director determines that the operator has:

(A) made a false statement as to a material matter in the application concerning the operating authority permit;

(B) failed to maintain the insurance required by this article;

(C) failed to maintain the performance bond or irrevocable letter of credit required by this article;

(D) operated dockless vehicles that were not authorized by the operating authority permit; or

(E) failed to pay a fee required by this article.

(2) After revocation of an operating authority permit, an operator is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation.

SEC. 43-166. APPEALS.

Any person whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals From Actions of Department Directors," of this code.

SEC. 43-167. NONTRANSFERABILITY.

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.

SEC. 43-168. OPERATIONS.

(a) Each operator shall provide dockless vehicles to accommodate a wide range of users.

(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.

(c) Dockless vehicles must not display third party advertising.

(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 43.150 – Cycles, Subsection 4210, as amended.

(e) Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for five years.

(f) Dockless vehicles must be well maintained and in good riding condition.

(g) Each dockless vehicle permitted under this article must be equipped with active global positioning system technology.

(h) Operators shall maintain a staffed operations center.

(i) Operators shall maintain a 24-hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

(j) Operators shall rebalance dockless vehicles at least once per week.

(k) Operators shall provide the director with contact information for someone who can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within two hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.

(l) An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right-of-way within 24 hours of notice from the director. A dockless vehicle removed from the right-of-way in accordance with the subsection must be repaired before it is returned to revenue service.

(m) An operator shall provide the director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right-of-way.

(n) Any dockless vehicle retrieved by the director from a stream, lake, or other body of water is deemed unsalvageable and will be immediately discarded if not collected by the operator after notification.

(o) If the city incurs any costs addressing or abating any violations of this section, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 30 days of receiving written notice from the director.

(p) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.

(q) An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.

(r) An operator shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator's mobile application must provide information notifying the user that:

(1) minors must wear helmets while riding a bicycle as required by Section 9-8, "Bicycle Helmet Required," of the Dallas City Code and while riding a motor assisted scooter as required by Section 28-41.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of the Dallas City Code;

(2) dockless vehicles must be parked legally and properly;

(3) bicyclists and motor assisted scooters must yield to pedestrians on sidewalks and trails; and

(4) bicycles may not be ridden on sidewalks within the central business district per Section 9-1, "Applicability of Traffic Regulations to Bicycle Riders," of the Dallas City Code.

(s) The number of dockless vehicles in a fleet must be commensurate with the expected level of service.

SEC. 43-169. DOCKLESS VEHICLE PARKING AND DEPLOYMENT.

(a) Dockless vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 48 inches.

(b) Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.

(c) Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.

(d) Dockless vehicles may not be parked on a public street without specific permission from the director.

(e) Dockless vehicles may not be deployed on a block where the sidewalk is less than 96 inches in width, or on a block that does not have sidewalks. The director may determine other blocks where deploying dockless vehicles is prohibited.

(f) Dockless vehicles must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.

(g) Dockless vehicles must stand upright when they are parked.

(h) Dockless vehicles may not be parked in a visibility triangle as defined in Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of the Dallas Development Code.

(i) Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission from the director.

(j) Dockless vehicles may not be parked in any way blocking:

(1) Transit stops, shelters, or platforms.

- (2) Commercial loading zones.
 - (3) Railroad tracks or crossings.
 - (4) Passenger loading zones or valet parking service areas.
 - (5) Disabled parking zones.
 - (6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).
 - (7) Building entryways.
 - (8) Vehicular driveways.
- (k) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the director.
- (l) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within two hours of receiving notice from the director on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice from the director at all other times.
- (m) A dockless vehicle that is parked in a residential area may remain in the same location for up to 48 hours as long as it is parked in accordance with this section. An operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 43-169(1).
- (n) The director may remove and store any dockless vehicle that is left parked at the same location for seven or more consecutive days if the director has sent the operator a notification to rebalance the dockless vehicle. The operator is responsible for the costs of removal and storage. The director shall invoice the operator for the cost of removal and storage.
- (o) The director may identify designated dockless vehicle parking zones. Subject to advance approval of the director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.

SEC. 43-170. INSURANCE REQUIREMENTS.

- (a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:
- (1) is authorized to do business in the State of Texas;

(2) is acceptable to the city; and

(3) does not violate the ownership or operational control prohibitions described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

(2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(4) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(5) require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

(6) comply with all applicable federal, state, and local laws.

(e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy.

SEC. 43-171. DATA SHARING.

(a) An operator shall cooperate with the city in the collection and analysis of aggregated data concerning its operations.

(b) An operator shall provide a quarterly report to the director that includes:

- (1) Total number of rides for the previous quarter.
- (2) Total number of vehicles in service for the previous quarter.
- (3) Number of rides per vehicle per day.
- (4) Anonymized aggregated data taken by the dockless providers in the form of heat maps showing routes, trends, origin and destination
- (5) Anonymized trip data taken by the operator’s dockless vehicles that includes, trip duration, and date and time of trip.

(c) An operator shall provide other reports at the director’s request.

SEC. 43-172. VEHICLE FEE.

An operator shall pay a vehicle fee as follows:

Number of Dockless Vehicles	Fee
1-100	\$1,620
101-200	\$3,240
201-300	\$4,860
301-400	\$6,480
401-500	\$8,100
501-600	\$9,720
601-700	\$11,340
701-800	\$12,960
801-900	\$14,580
901-1,000	\$16,200
1,001-1,100	\$17,820
1,101-1,200	\$19,440
1,201-1,300	\$21,060
1,301-1,400	\$22,680
1,401-1,500	\$24,300
1,501-1,600	\$25,920
1,601-1,700	\$27,540
1,701-1,800	\$29,160
1,801-1,900	\$30,780

1,901-2,000	\$32,400
2,001-2,100	\$34,020
2,101-2,200	\$35,640
2,201-2,300	\$37,260
2,301-2,400	\$38,880
2,401-2,500	\$40,500
2,501-2,600	\$42,120
2,601-2,700	\$43,740
2,701-2,800	\$45,360
2,801-2,900	\$46,980
2,901-3,000	\$48,600
Vehicle ranges increase in increments of 100, and fee increases by \$1,620 per range	

SEC. 43-173. PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT.

Before issuance of an operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least \$5,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit.

SEC. 43-174.

ENFORCEMENT.

(a) The director may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of dockless vehicles.

SEC. 43-175.

CRIMINAL OFFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this article, or a rule or regulation established by the director under this article, that is applicable to a person. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 43 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT



City of Dallas

**Cost of Services Study Findings
Dockless Vehicle Permit Fees**

May 2018

FINAL



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Austin, Texas 78723
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EXECUTIVE SUMMARY

Introduction

MGT Consulting Group, LLC (MGT) is pleased to present the City of Dallas with this summary cost analysis for fees associated with the Dockless Vehicle Permit Program as part of a new Article X, Chapter 43 of the Dallas City Code. Dockless vehicles are defined as bicycles, electric bicycles, or and electric motorized scooter in the Texas Transportation Code Sections 551.201, 551.351, 551.001, AND 551.002. These vehicles can be located and unlocked using a smartphone app.

This report identifies the full costs of providing a comprehensive permitting, monitoring, review, and enforcement program for companies and bicycles that fall under this program. City staff costs from a proposed four-person project team assigned to administer and oversee dockless vehicle operations are included in this cost analysis. Staff involved in this program include those currently located, or proposed to be located, in the Transportation Department.

Dallas has a long history of reviewing its fees and charges and conducts reviews of each department every three to four years. Its Financial Management Performance Criteria (FMPC) requires a review of selected fees and charges every four years. The City remains interested in accurately reporting the full cost of providing various fee-related services and exploring the possibilities of modifying current fees in order to better reflect cost. Since its initial studies dating back to the 1990s, the City has regularly undergone similar studies in order to maintain the accuracy in reporting the costs to provide fee-related services, and establishing fees based on cost.

Chapter 43, "Streets and Sidewalks," of the Dallas City Code is in the process of being revised to reflect establishing of a Dockless Vehicle Permit Program. This program has several proposed components that include establishment of a fee structure to offset the cost of administering a permitting and monitoring program for these types of vehicles. This report reflects the cost analysis based upon 2017-18 proposed operational costs and processes and reflects an initial fee schedule for businesses that may fall into the program.

This report is the culmination of two months of work between MGT and Transportation Department staff. MGT would like to take this opportunity to acknowledge all city personnel who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to its comprehensiveness.

Study Scope and Objectives

The study included a review of fee-for service activities within the Dockless Vehicle Program.

The study was performed under the direction of the Transportation Department. The primary goals of the study were to:

- ❖ Develop a schedule of current fees and charges.

- ❖ Define what it costs the City to provide its Dockless Vehicle Permit fee-related services.
- ❖ Develop cost recovery projections based on recommended fees.
- ❖ Identify factors that might affect a decision to implement a fee structure based upon a recovery of full costs.

The information summarized in this report addresses each of these issues and provides the City with the tools necessary to make informed decisions about implementing any proposed fees and the resulting impact on City revenues.

Study Findings

The study's primary objective is to provide the City's decision-makers with defensible data needed for setting fees. This report details the full cost of services and presents proposed fees and projected revenues based on recommended user fee cost recovery levels. Recommendations were based upon careful consideration of the results of the cost analysis. They reflect recovering 100% of costs related to program administration and operation. The exhibit on the following page displays the costs and revenues of the Dockless Vehicle Permit Program into the following categories:

Column A, User Fee Costs – This study evaluated \$353,361 of program costs. Of that total, \$283,562 (or 80.2%) is related to user fee services. It is this \$283,562 that is the focus of this study and represents the total potential for user fee-related revenues for the City in the Dockless Vehicle Permit Program.

Column B, Current Revenues – Since this is a new program with an entirely new fee structure, current revenues are projected at zero.

Column C, General Fund Subsidy – Current fee levels recover 0% of full cost, leaving 100% or \$283,562 to be funded by other funding sources. This \$283,562 represents an opportunity for an updated and more focused cost recovery effort by the City for fee-related services.

Column D, Recommended Recovery – It is estimated that adoption of the recommended cost recovery policy would increase fee revenue to a maximum of \$283,562, assuming the volumes of dockless vehicle companies and bicycles would be billed and collected. This would increase the overall cost recovery level to 100%.

Column E, Increased (Decreased) Revenue – A maximum of \$283,562 in additional revenue would be generated with these fee adjustments.

**Dockless Vehicle Permit Program
User Fee Cost & Revenue Analysis
FY 2018**

User Fee Department	CURRENT			RECOMMENDED		
	(A) Costs, User Fee Services	(B) Current Revenue	(C) Current Subsidy	(D) Cost Recovery Policy	(E) Increased (Decreased) Revenue	
TRN - Dockless Vehicle Program	\$ 283,562	\$ - 0%	\$ 283,562 100%	\$ 283,562 100%	\$ 283,562	
Totals:	\$ 283,562	\$ - 0%	\$ 283,562 100%	\$ 283,562 100%	\$ 283,562	

Methodology

A cost of service study is comprised of two basic elements:

- ❖ Hourly rates of staff providing the service.
- ❖ Time spent to provide the service

The product of the hourly rate calculation times the time spent yields the cost of providing the service.

Hourly Rates

The hourly rate methodology used in this study includes city staff hourly salary and benefit rates to arrive at fully burdened hourly rates. Fully burdened hourly rates are a mechanism used to calculate the direct salary and fringe benefits cost of providing services. The proper identification of direct labor costs is crucial to the determination of the direct cost of providing services.

Direct costs are typically defined as those that can be identified specifically to a function or activity, including labor, and possibly materials or supplies. This analysis included materials, supplies, contractual services, and administrative costs. MGT's hourly rate calculation methodology for the Dockless Vehicle Program includes the following line items:

Description	Annual Amount
311 Reporting Application	\$25,580
Building Rental/Lease	\$15,000
Uniforms	\$1,487
Radios	\$5,200
Computers	\$4,200
Cell Phone	\$600
Annual Cost Analysis	\$1,500

Personnel Services Analysis – each staff classification associated with the Dockless Vehicle Permit program is analyzed in the study. Staff classifications include a Manager II, and Engineer Assistant, and two Parking Enforcement Officers. The first burden factor is comprised of compensated absences such as vacation/holidays/sick leave days taken in a year's time. Staff classifications are then categorized as either direct (operational) or indirect (administrative or supervisory) labor. In some cases, a classification will have both direct and indirect duties. The total indirect portion of staff cost is incorporated into hourly overhead rates.

The proposed staff responsibilities are defined as follows:

- ❖ **Manager II** - this position will provide program oversight for the Dockless Vehicle Program. Primary duties include but are not limited to; reviewing and processing permits submitted to the City of Dallas, reviewing 311 summary reports to ensure compliance with permit guidelines, analyzing ridership data submitted by the operators to aid in route and infrastructure planning, following up with inquiries from City Council representatives, citizens, the media, and others as needed. Presenting program related information to City staff and City Council representatives. Fifty percent of this position's time will be dedicated to activities unrelated to the dockless vehicle program. These costs are identified as "Non-Fee Related" and are excluded from the full cost fee calculations.
- ❖ **Engineer Assistant** – this position will be involved in the day-to-day operations of the Dockless Vehicle Program. Primary duties include but are not limited to; reviewing and processing permits submitted to the City of Dallas; Reviewing comments submitted through the City's 311 system and compiling the comments into reports; analyzing and compiling ridership data into reports to aid in route and infrastructure planning, coordinating the installation of dockless vehicle parking, and following up with inquiries from City Council representatives, citizens, the media, and others as needed.
- ❖ **Parking Enforcement Officers** - these positions will patrol the City daily to ensure compliance with the permit guidelines. Primary duties include but are not limited to; monitoring the comments collected through the City's 311 system, identifying vehicles that need to be removed or rebalanced, following up on comments and complaints to ensure issues are addressed, rebalancing and/or removing dockless vehicles and storing them as needed.

Indirect Cost Rate – a ratio of indirect cost to direct labor (salaries plus benefits) is established. This analysis includes one element of indirect cost:

- ❖ Indirect Labor – includes compensated absences, administrative and supervisory staff costs.

Fully Burdened Hourly Rates – incorporates all the elements that comprise the hourly rates used in this cost analysis.

- ❖ Each direct or operational staff classification is listed, together with the average annual salary.
- ❖ The hourly salary rate is calculated by the taking annual salary and dividing by the projected available productive hours in a year.
- ❖ The benefit rate reflects the average benefit rate multiplied against the salary rate.
- ❖ The overhead rate is derived by multiplying the internal indirect cost rates against the salary plus benefit rates.

The total combines the salary, benefits and overhead rates. This is the fully burdened rate for each staff classification.

MGT prepared indirect overhead rates and corresponding hourly rate calculations using budgeted 2018 personnel services expenditures.

The hourly rates also include \$4,721 in indirect costs as identified in the City's overhead cost allocation rate calculation for the Transportation Department. This amount includes allocated costs from "central service" City departments that include those such as City Manager, Human Resources, Building Services, Budget Management, and Purchasing.

Time Spent

The first step in the process was to identify staff time spent directly on each of the user fee activities. The program manager identified time spent to complete each task associated with program-related user fee services. Estimated annual volume statistics were also gathered in order to develop total annual workload information. This information is provided in detailed user fee workbooks that were provided to the City staff as part of the study. However, the projected number of Dockless vehicle companies requiring annual or renewal permits is estimated at seven (7), and the total number of bicycles is estimated at fifteen-thousand (15,000).

Fee Calculations and Revenue Projections

Given this information, MGT was able to calculate the cost of providing each service, both on a per-unit and total annual basis (per-unit cost multiplied by annual volume equals total annual cost). As mentioned above, costs were calculated by multiplying per-unit time estimates by the hourly labor rates. Full costs are then compared to current fees/revenues collected (in this case, no revenues are now collected), and subsidies are identified. A detailed User Fee Summary identified by individual fee may be viewed in **Section II** of this report.

Dockless Vehicle Permit Program

The proposed new Article X in Chapter 43 of the Dallas City Code establishes new processes and guidelines for a Dockless Vehicle Permit fee structure. The City staff is working with various Dockless Vehicle companies and interested neighborhood and business groups to develop Article X and follow the Texas Transportation Code, while providing reasonable requirements for dockless vehicle operation, parking, data sharing, and enforcement of new requirements.

This new program required a current cost of service model. Fees collected from the dockless vehicle companies are intended to offset the City's costs of administering this program. The User Fee Summary on the following page shows 100% as the recommended recovery rate to cover all direct and indirect costs for these services.

Since this program identifies a new fee structure, current revenues are shown as zero. The program will need to generate approximately \$283,562 in revenues to fully fund the program as City staff envisions. These costs are summarized in the table on the following page. Fee recommendations include 100% cost recovery. Assuming the projected volumes hold true (seven dockless vehicle companies and 15,000 bicycles) and collection rates yield 100% in collections, fee adjustments will generate approximately \$283,562 in revenues.

User Fee Study Summary Sheet

City of Dallas, Texas
 Transportation - Dockless Vehicle
 2018

Service Name	Annual Volume	Current						Recommendations					
		Per Unit			Annual			Per Unit			Annual		
		Current Fee	Full Cost	Current Recovery	Annual Cost	Annual Revenue	Annual Subsidy	Recovery Level	Fee @ Policy Lev	Annual Revenue	Increased Revenue	Recommended Subsidy	
Bike Company Annual Permit	7	\$ -	\$ 776	0%	\$ 5,429	\$ -	\$ 5,429	100%	\$ 775.54	\$ 5,429	\$ 5,429	\$ -	
Bike Company Permit (Renewal)	7	\$ -	\$ 388	0%	\$ 2,714	\$ -	\$ 2,714	100%	\$ 387.77	\$ 2,714	\$ 2,714	\$ -	
Annual Bike permit (per bike)	15,000	\$ -	\$ 18	0%	\$ 275,419	\$ -	\$ 275,419	100%	\$ 18.36	\$ 275,419	\$ 275,419	\$ -	
Non-Fee Related Activities	1	\$ -	\$ 69,799	0%	\$ 69,799	\$ -	\$ 69,799	0%	\$ -	\$ -	\$ -	\$ 69,799	
Total User Fees					\$283,562	\$0	\$283,562			\$283,562	\$283,562	\$0	
% of Full Cost						0%	100%			100%	0%	0%	
Total Other Services					\$69,799	\$0	\$69,799			\$0	\$0	\$69,799	
% of Full Cost						0%	100%						
Department Totals					\$353,361	\$0	\$353,361			\$283,562	\$283,562	\$69,799	
% of Full Cost						0%	100%			80%	0%	20%	

Full Cost Staffing Summary

Position	Hourly Rate Components						Full Cost - by Position
	Annual Salary	Salary & Benefits	Internal Dept Admin	External Support	Full Cost Hourly Rate		
Engineer Assistant	\$ 44,000	\$ 28.67	\$ 10.48	\$ 0.53	\$ 39.68	\$ 71,422	
Manager II	\$ 86,000	\$ 56.04	\$ 20.47	\$ 1.04	\$ 77.55	\$ 139,598	
Parking Enforcement Officer	\$ 43,845	\$ 28.57	\$ 10.44	\$ 0.53	\$ 39.54	\$ 142,341	

TOTAL PROGRAM COSTS: \$ 353,361

Memorandum



CITY OF DALLAS

DATE June 1, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Motor Assisted Scooter Ordinance Discussion**

On Wednesday, June 6, 2018, you will be briefed on Motor Assisted Scooters and possible amendments to the city ordinance. The briefing material is attached for your review.

Please feel free to contact either Michael Rogers, Director of Transportation, or myself if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Majed Al-Ghafry'.

Majed Al-Ghafry
Assistant City Manager

- c:
- | | |
|---|--|
| T.C. Broadnax, City Manager | Jon Fortune, Assistant City Manager |
| Larry Casto, City Attorney | Joey Zapata, Assistant City Manager |
| Craig D. Kinton, City Auditor | M. Elizabeth Reich, Chief Financial Officer |
| Billierae Johnson, City Secretary | Nadia Chandler Hardy, Chief of Community Services |
| Daniel F. Solis, Administrative Judge | Raquel Favela, Chief of Economic Development & Neighborhood Services |
| Kimberly Bizzor Tolbert, Chief of Staff to the City Manager | Theresa O'Donnell, Chief of Resilience |
| Jo M. (Jody) Puckett, Assistant City Manager (Interim) | Directors and Assistant Directors |

Motor Assisted Scooter Ordinance Discussion

City Council Briefing
June 6, 2018

Michael Rogers, PWLF
Director
Department of Transportation



Presentation Overview

- Definition
- Motor Assisted Scooters
- Comparison Cities
- Dallas City Code Impacts
- Motor Assisted Scooter FAQs
- Next Steps

Definition

- Per Dallas City Code Chapter 28 SEC. 28-41.1 motor assisted scooter means a self-propelled device with:
 - At least two wheels in contact with the ground during operation
 - A braking system capable of stopping the device under typical operating conditions
 - A gas or electric motor not exceeding 40 cubic centimeters
 - A deck designed to allow a person to stand or sit while operating the device
 - The ability to be powered by human power alone

Motor Assisted Scooters

- Industry approached staff to include scooters as part of the mobility plan
- The mobility industry has additional options in their fleets such as motor assisted scooters



Bird



Spin



Lime

Comparison Cities

- Motor assisted scooters have been deployed in:

Atlanta

Austin

Charlotte

Denver

Logan, Utah

Nashville

Los Angeles

Miami

Oakland

San Diego

San Francisco

San Jose

Santa Monica

Scottsdale

Tempe

Washington D.C

Few other sub markets

Current Dallas City Code Chapter 28 SEC. 28-41.1

- Dallas City Code restricts the use of motor assisted scooters on any city-owned or city-operated property.
 - It is an offense to operate or ride a motor assisted scooter on any city-owned or city-operated property
 - It is an offense if a parent permits or otherwise allows their child to operate or ride a motor assisted scooter on any city-owned or city-operated property
 - It is an offense if a parent permits or otherwise allows their child to operate or ride a motor assisted scooter on any city-owned or city-operated property when the child is not wearing a helmet
 - Motor assisted scooters are only allowed on a public path or trail set aside for the exclusive use of bicycles

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Current Texas Transportation Code Chapter 551

- A motor-assisted scooter may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less
- A county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk
- A person may operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or **on a sidewalk.**

Code's Impact

- Amending SEC. 28-41.1 from the Dallas City Code will allow use of motor assisted scooters in public rights-of-way
- Chapter 551 of the Texas Transportation Code remains the guiding code on the use of motor assisted scooters
- Dockless vehicle companies providing motor assisted scooters will be able to apply for dockless vehicle permits (motor assisted scooters are included in the dockless vehicle ordinance)

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Motor Assisted Scooter FAQs

- If the motor assisted scooter section of the Dallas City Code is repealed or otherwise amended, what is the process?
 - Language in that section will be struck through and the section will be marked “Reserved” in the City Code. Scooters would then be regulated under the Texas Transportation Code.
- What rules apply to scooters?
 - The Texas Transportation Code and the proposed dockless vehicle ordinance provide rules for use.
- Are helmets required?
 - Persons under 18 years of age will be required to wear helmets. Scooter providers prohibit persons under 18 from riding a scooter.

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Motor Assisted Scooter FAQs

- Can scooters be deployed on sidewalks?
 - Yes
- Can scooters be ridden on sidewalks?
 - Yes
- How fast can the scooters go?
 - Scooters can reach speeds of approximately 15mph
- If scooters can be ridden on downtown sidewalks, why can't bicycles?
 - Section 9-1 of the City Code prohibits sidewalk bicycle riding in specified areas of downtown. This section would need to be modified to allow sidewalk bicycle riding, or prohibit scooter sidewalk riding in specified areas

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Next Steps

- City Council consideration of the proposed motorized scooter code amendments on June 13, 2018.

Motor Assisted Scooter Ordinance Discussion

City Council Briefing
June 6, 2018

Michael Rogers, PWLF
Director
Department of Transportation



Appendix

- Proposed Dallas City Code Chapter 28 SEC. 28-41.1 amendments
- Texas Transportation Code Chapter 551 Subchapter E

ORDINANCE NO. _____

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Section 28-41.1; providing that motor-assisted scooters may be operated on city owned and city operated property and in the public right-of-way; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (b) of Section 28-41.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of Division 1, "Generally," of Article IV, "Operation of Vehicles," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

"(b) A person commits an offense if he:

(1) ~~operates or rides a motor assisted scooter on any city owned or city operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

(2) ~~is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city owned or city operated property or any public path, trail, alley, street, highway, or sidewalk within the city, except on a public path or trail set aside for the exclusive use of bicycles;~~

(3) ~~is a child and operates or rides a motor assisted scooter without wearing a helmet while on any city owned or city operated property or on any [a] public path, [a] trail, alley, street, highway, or sidewalk within the city [set aside for the exclusive use of bicycles];~~

(2[4]) ~~is a parent of a child or is an adult with care, custody, or control of a child, and he knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any city owned or city operated property or on any [a] public path, [a] trail, alley, street, highway, or sidewalk within the city [set aside for the exclusive use of bicycles] when the child is not wearing a helmet;~~

~~(3[5]) operates or rides a motor assisted scooter at nighttime on any city owned or city operated property or on any [a] public path, [or] trail, alley, street, highway, or sidewalk within the city [set aside for the exclusive use of bicycles];~~

(4[6]) transports any passenger on a motor assisted scooter while on any city owned or city operated property or on any [a] public path, [or] trail, alley, street, highway, or sidewalk within the city [set aside for the exclusive use of bicycles], unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

(5[7]) while operating a motor assisted scooter on a sidewalk or a public path or trail set aside for the exclusive use of bicycles, fails to yield the right-of-way to any pedestrian on the sidewalk, path, or trail.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 551. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

SUBCHAPTER A. APPLICATION OF CHAPTER

Sec. 551.001. PERSONS AFFECTED. Except as provided by Subchapter C, this chapter applies only to a person operating a bicycle on:

- (1) a highway; or
- (2) a path set aside for the exclusive operation of bicycles.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.
Amended by Acts 2003, 78th Leg., ch. 1318, Sec. 4, eff. Sept. 1, 2003.

Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A provision of this subtitle applicable to a bicycle also applies to:

- (1) a moped, other than a provision that by its nature cannot apply to a moped; and
- (2) an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.
Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER B. REGULATION OF OPERATION

Sec. 551.101. RIGHTS AND DUTIES. (a) A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle under this subtitle, unless:

- (1) a provision of this chapter alters a right or duty; or
- (2) a right or duty applicable to a driver operating a vehicle cannot by its nature apply to a person operating a bicycle.

(b) A parent of a child or a guardian of a ward may not knowingly permit the child or ward to violate this subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.102. GENERAL OPERATION. (a) A person operating a bicycle shall ride only on or astride a permanent and regular seat attached to the bicycle.

(b) A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.

(c) A person operating a bicycle may not use the bicycle to carry an object that prevents the person from operating the bicycle with at least one hand on the handlebars of the bicycle.

(d) A person operating a bicycle, coaster, sled, or toy vehicle or using roller skates may not attach either the person or the bicycle, coaster, sled, toy vehicle, or roller skates to a streetcar or vehicle on a roadway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.103. OPERATION ON ROADWAY. (a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

(1) the person is passing another vehicle moving in the same direction;

(2) the person is preparing to turn left at an intersection or onto a private road or driveway;

(3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or

(4) the person is operating a bicycle in an outside lane that is:

(A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

(B) too narrow for a bicycle and a motor vehicle to safely travel side by side.

(b) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(c) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Persons may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.

(d) Repealed by Acts 2001, 77th Leg., ch. 1085, Sec. 13, eff. Sept. 1, 2001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 10, 13, eff. Sept. 1, 2001.

Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not operate a bicycle unless the bicycle is equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement.

(b) A person may not operate a bicycle at nighttime unless the bicycle is equipped with:

(1) a lamp on the front of the bicycle that emits a white light visible from a distance of at least 500 feet in front of the bicycle; and

(2) on the rear of the bicycle:

(A) a red reflector that is:

(i) of a type approved by the department;
and

(ii) visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle; or

(B) a lamp that emits a red light visible from a distance of 500 feet to the rear of the bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 11, eff. Sept. 1, 2001.

Sec. 551.105. COMPETITIVE RACING. (a) In this section, "bicycle" means a nonmotorized vehicle propelled by human power.

(b) A sponsoring organization may hold a competitive bicycle race on a public road only with the approval of the appropriate local law enforcement agencies.

(c) The local law enforcement agencies and the sponsoring organization may agree on safety regulations governing the movement of bicycles during a competitive race or during training for a competitive race, including the permission for bicycle operators to ride abreast.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.106. REGULATION OF ELECTRIC BICYCLES. (a) The department or a local authority may not prohibit the use of an electric bicycle on a highway that is used primarily by motor vehicles. The department or a local authority may prohibit the

use of an electric bicycle on a highway used primarily by pedestrians.

(b) The department shall establish rules for the administration of this section.

Added by Acts 2001, 77th Leg., ch. 1085, Sec. 12, eff. Sept. 1, 2001.

SUBCHAPTER C. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec. 551.201. DEFINITION. In this subchapter, "electric personal assistive mobility device" means a two non-tandem wheeled device designed for transporting one person that is:

- (1) self-balancing; and
- (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.202. OPERATION ON ROADWAY. (a) A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:

- (1) while making a direct crossing of a highway in a marked or unmarked crosswalk;
- (2) where no sidewalk is available; or
- (3) when so directed by a traffic control device or by a law enforcement officer.

(b) A person may operate an electric personal assistive mobility device on a path set aside for the exclusive operation of bicycles.

(c) Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.

(d) Except as otherwise provided by this section, provisions of this title applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.203. SIDEWALKS. A person may operate an electric personal assistive mobility device on a sidewalk.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

Sec. 551.301. DEFINITION. In this subchapter, "neighborhood electric vehicle" means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 19.07, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281 (H.B. [2702](#)), Sec. 2.86, eff. June 14, 2005.

Acts 2005, 79th Leg., Ch. 1242 (H.B. [1596](#)), Sec. 2, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. [129](#)), Sec. 1, eff. September 1, 2009.

Reenacted by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 24.014, eff. September 1, 2011.

Sec. 551.302. REGISTRATION. The Texas Department of Motor Vehicles may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 933 (H.B. [3097](#)), Sec. 2I.01, eff. September 1, 2009.

Sec. 551.303. OPERATION ON ROADWAYS. (a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour. A neighborhood electric vehicle may not be operated on a street or highway at a speed that exceeds the lesser of:

- (1) the posted speed limit; or
- (2) 35 miles per hour.

(b) A county or municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The Texas Department of Transportation may prohibit the operation of a neighborhood electric vehicle on a highway if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. [129](#)), Sec. 2, eff. September 1, 2009.

Sec. 551.304. LIMITED OPERATION. (a) An operator may operate a neighborhood electric vehicle:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

(b) A person is not required to register a neighborhood electric vehicle operated in compliance with this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 94, eff. September 1, 2013.

SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

Sec. 551.351. DEFINITIONS. In this subchapter:

(1) "Motor-assisted scooter":

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include a pocket bike or a minimotorbike.

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter [501](#). The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle or motor-driven cycle, as defined by Section [541.201](#);

(C) a motorized mobility device, as defined by Section [542.009](#);

(D) an electric personal assistive mobility device, as defined by Section [551.201](#); or

(E) a neighborhood electric vehicle, as defined by Section [551.301](#).

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. [1596](#)), Sec. 3, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 24.015, eff. September 1, 2011.

Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) A motor-assisted scooter may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. The motor-assisted scooter may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The department may prohibit the operation of a motor-assisted scooter on a highway if it determines that the prohibition is necessary in the interest of safety.

(d) A person may operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Except as otherwise provided by this section, a provision of this title applicable to the operation of a bicycle applies to the operation of a motor-assisted scooter.

(e) A provision of this title applicable to a motor vehicle does not apply to a motor-assisted scooter.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. [1596](#)), Sec. 3, eff. June 18, 2005.

Sec. 551.353. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR MINIMOTORBIKE. This subchapter may not be construed to authorize the operation of a pocket bike or minimotorbike on any:

- (1) highway, road, or street;
- (2) path set aside for the exclusive operation of bicycles; or
- (3) sidewalk.

Transferred and redesignated from Transportation Code, Section 551.304 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 27.001(64), eff. September 1, 2011.

SUBCHAPTER F. GOLF CARTS

Sec. 551.401. DEFINITIONS. In this subchapter:

(1) "Golf cart" and "public highway" have the meanings assigned by Section [502.001](#).

(2) Repealed by Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. [1956](#)), Sec. 22(1), eff. September 1, 2017.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 239, eff. January 1, 2012.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. [1956](#)), Sec. 22(1), eff. September 1, 2017.

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The Texas Department of Motor Vehicles may issue license plates for a golf cart as authorized by Subsection (c).

(c) The Texas Department of Motor Vehicles shall by rule establish a procedure to issue the license plates to be used for operation in accordance with Sections [551.403](#) and [551.404](#).

(d) The Texas Department of Motor Vehicles may charge a fee not to exceed \$10 for the cost of the license plate.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. [719](#)), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 95, eff. September 1, 2013.

Sec. 551.403. LIMITED OPERATION. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or
(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and
(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Sec. 551.404. OPERATION IN MUNICIPALITIES AND CERTAIN COUNTIES. (a) In addition to the operation authorized by Section [551.403](#), the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(a-1) In addition to the operation authorized by Section [551.403](#), the commissioners court of a county described by Subsection (a-2) may allow an operator to operate a golf cart on all or part of a public highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

(a-2) Subsection (a-1) applies only to a county that:

(1) borders or contains a portion of the Red River;

(2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2) and:

(A) has a population of less than 37,000; and

(B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico.

(b) A golf cart operated under this section must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 240, eff. January 1, 2012.

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 241, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. [719](#)), Sec. 2, eff. June 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 171 (H.B. [2968](#)), Sec. 1, eff. May 26, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. [1956](#)), Sec. 2, eff. September 1, 2017.

Sec. 551.405. CROSSING CERTAIN ROADWAYS. A golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

SUBCHAPTER G. PACKAGE DELIVERY VEHICLES

Sec. 551.451. DEFINITIONS. In this subchapter:

- (1) "All-terrain vehicle" has the meaning assigned by Section [502.001](#).
- (2) "Golf cart" has the meaning assigned by Section [502.001](#).
- (3) "Motor carrier" has the meaning assigned by Section [643.001](#).
- (4) "Neighborhood electric vehicle" has the meaning assigned by Section [551.301](#).
- (5) "Public highway" has the meaning assigned by Section [502.001](#).
- (6) "Recreational off-highway vehicle" has the meaning assigned by Section [502.001](#).
- (7) "Utility vehicle" has the meaning assigned by Section [551.401](#).

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.452. LICENSE PLATES FOR PACKAGE DELIVERY VEHICLES. (a) The Texas Department of Motor Vehicles may issue distinguishing license plates for a vehicle operated by a motor carrier for the purpose of picking up and delivering mail, parcels, and packages if the vehicle:

- (1) is:
 - (A) an all-terrain vehicle;
 - (B) a golf cart;
 - (C) a neighborhood electric vehicle;
 - (D) a recreational off-highway vehicle; or
 - (E) a utility vehicle; and
- (2) is equipped with headlamps, taillamps, reflectors, a parking brake, and mirrors, in addition to any other equipment required by law.

(b) The Texas Department of Motor Vehicles by rule shall establish a procedure to issue the license plates to be used only for operation in accordance with this subchapter.

(c) The license plates must include the words "Package Delivery."

(d) The Texas Department of Motor Vehicles may charge a license plate fee not to exceed \$25 annually to be deposited to the credit of the Texas Department of Motor Vehicles fund.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.453. LIMITED OPERATION. (a) A motor carrier may operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section [551.452](#) on a public highway that is not an interstate or a limited-access or controlled-access highway and that has a speed limit of not more than 35 miles per hour.

(b) The Department of Motor Vehicles may not require the registration of a vehicle operated under Subsection (a) unless the registration is required by other law.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.454. OPERATION ON PROPERTY OF SUBDIVISION OR CONDOMINIUM. (a) In this section:

(1) "Condominium" has the meaning assigned by Section [82.003](#), Property Code.

(2) "Declaration" has the meaning assigned by Section [82.003](#), Property Code.

(3) "Property owners' association" has the meaning assigned by Section [202.001](#), Property Code.

(4) "Restrictions" has the meaning assigned by Section [209.002](#), Property Code.

(5) "Subdivision" has the meaning assigned by Section [209.002](#), Property Code.

(b) A property owners' association may adopt reasonable safety and use rules for the operation, for the purpose of picking up or delivering mail, parcels, or packages, of a vehicle bearing license plates issued under Section [551.452](#) on the property of a subdivision or condominium managed or regulated by the association.

(c) A motor carrier may operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section [551.452](#) on the property of a subdivision subject to restrictions or a condominium that has in place a declaration, in a manner that complies with any applicable rules adopted by a property owners' association that manages or regulates the subdivision or condominium.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.455. OPERATION IN MUNICIPALITIES AND COUNTIES.

(a) In addition to the operation authorized by Sections [551.453](#) and [551.454](#), the governing body of a municipality may allow a motor carrier to operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section [551.452](#) on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a speed limit of not more than 35 miles per hour.

(b) In addition to the operation authorized by Sections [551.453](#) and [551.454](#), a county commissioners court may allow a motor carrier to operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license

plates issued under Section [551.452](#) on all or part of a public highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.456. CROSSING CERTAIN ROADWAYS. A vehicle bearing license plates issued under Section [551.452](#) may cross intersections, including on or through a road or street that has a speed limit of more than 35 miles per hour.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.457. CONFLICTS. In the case of a conflict between this subchapter and other law, including Chapters [502](#) and [663](#), this subchapter controls.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Memorandum



CITY OF DALLAS

DATE June 1, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Proposed Changes to the Bulk and Brush Collection Program**

On Wednesday, June 6, 2018, you will be briefed on the Proposed Changes to the Bulk and Brush Collection Program. The briefing material is attached for your review.

Please feel free to contact either myself or Kelly High, Director of Sanitation Services if you have any questions or need additional information.

A handwritten signature in blue ink, appearing to read 'Jo M. Puckett', written over a large, stylized blue scribble.

Jo M. (Jody) Puckett
Assistant City Manager (I)

c: T.C. Broadnax, City Manager
Larry Casto, City Attorney
Craig D. Kinton, City Auditor
Biliera Johnson, City Secretary
Daniel F. Solis, Administrative Judge
Kimberly Bizar Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

Proposed Changes to the Bulk and Brush Collection Program

Dallas City Council

June 6, 2018

**Kelly High, Director
Sanitation Services**



Presentation Overview

- Program Background
 - Current program and associated challenges
 - Comparison of other Texas cities
- Committee Reviews and Recommendation
 - Alternatives studied, field survey review and development of a recommended program alternative
- Other Related Program Considerations
- Council Feedback and Next Steps

Background - Bulk/Brush Collection



Background – Current Collection Program

- Sanitation Services provides collection service to approximately 240,000 residential households
- The current bulk and brush collection program costs over \$20M annually
 - About \$8 of the monthly \$25.18 residential fee
- Bulk and brush service is provided monthly during designated collection weeks
- Broad ordinance language doesn't specify volume limits and allows bulk and brush to be comingled



Background – Challenges

- Bulk and brush are comingled and the organic material cannot be easily diverted or re-used
 - Making progress towards the City's residential diversion goal of 40%, by 2020, requires diversion of brush and yard waste
 - Currently diversion or re-use is at about 20%
 - 12% residential blue bin recycling
 - 8% beneficial re-use of brush



Background – Challenges (cont'd)

- With few restrictions, the program tolerates over use or inappropriate use
 - Program utilized by homeowner operated businesses
 - Non-resident material brought to Dallas for collection
 - Large and non-typical waste are set out by some



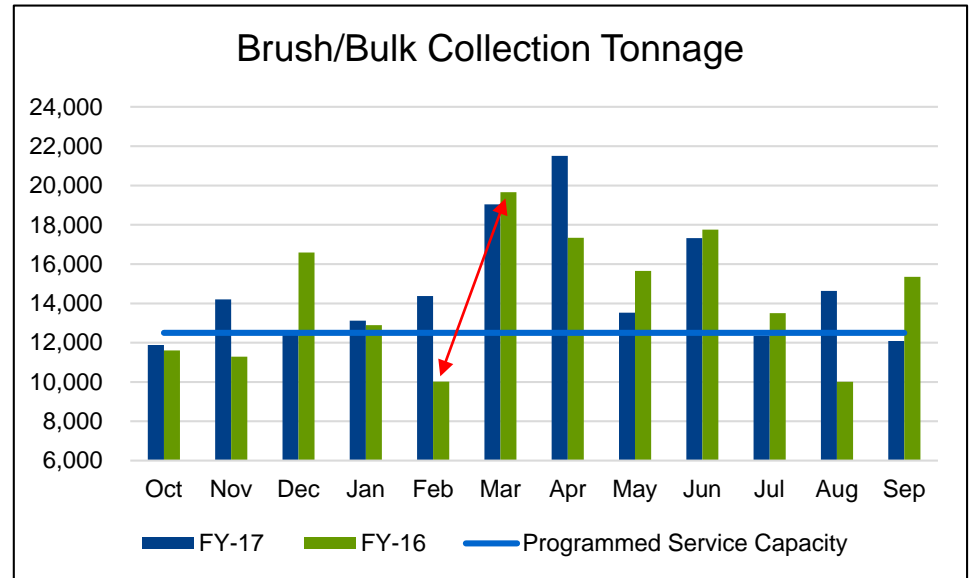
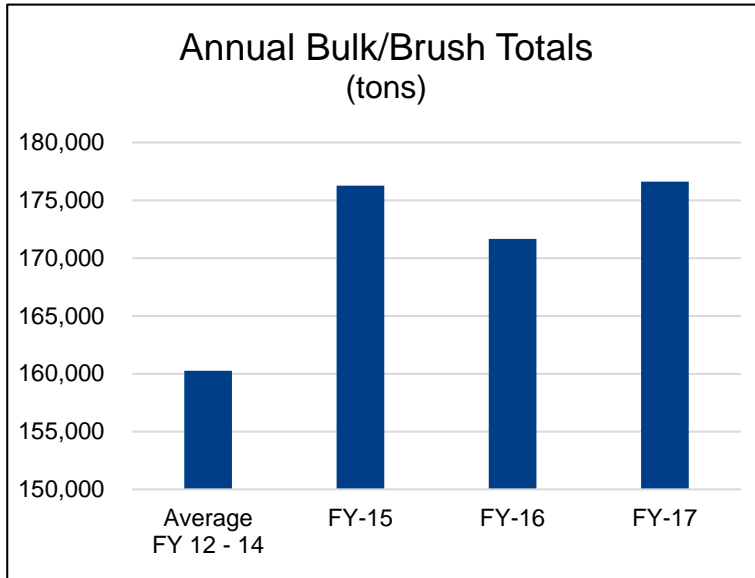
Background – Challenges (cont.)

- Volume spikes impact service delivery
 - In the last two years, crews were only able to finish by Friday about 60% -70% of the time
 - Additional funding would be needed to increase service delivery
- Frequent collections and limited restrictions can contribute to neighborhood blight
 - Potential indifference toward setting material out during non-collection weeks
 - Over 12,000 bulk and brush violation service requests worked annually by Code Compliance
 - Results in approximately 5,000 citations annually



Background – Challenges (cont.)

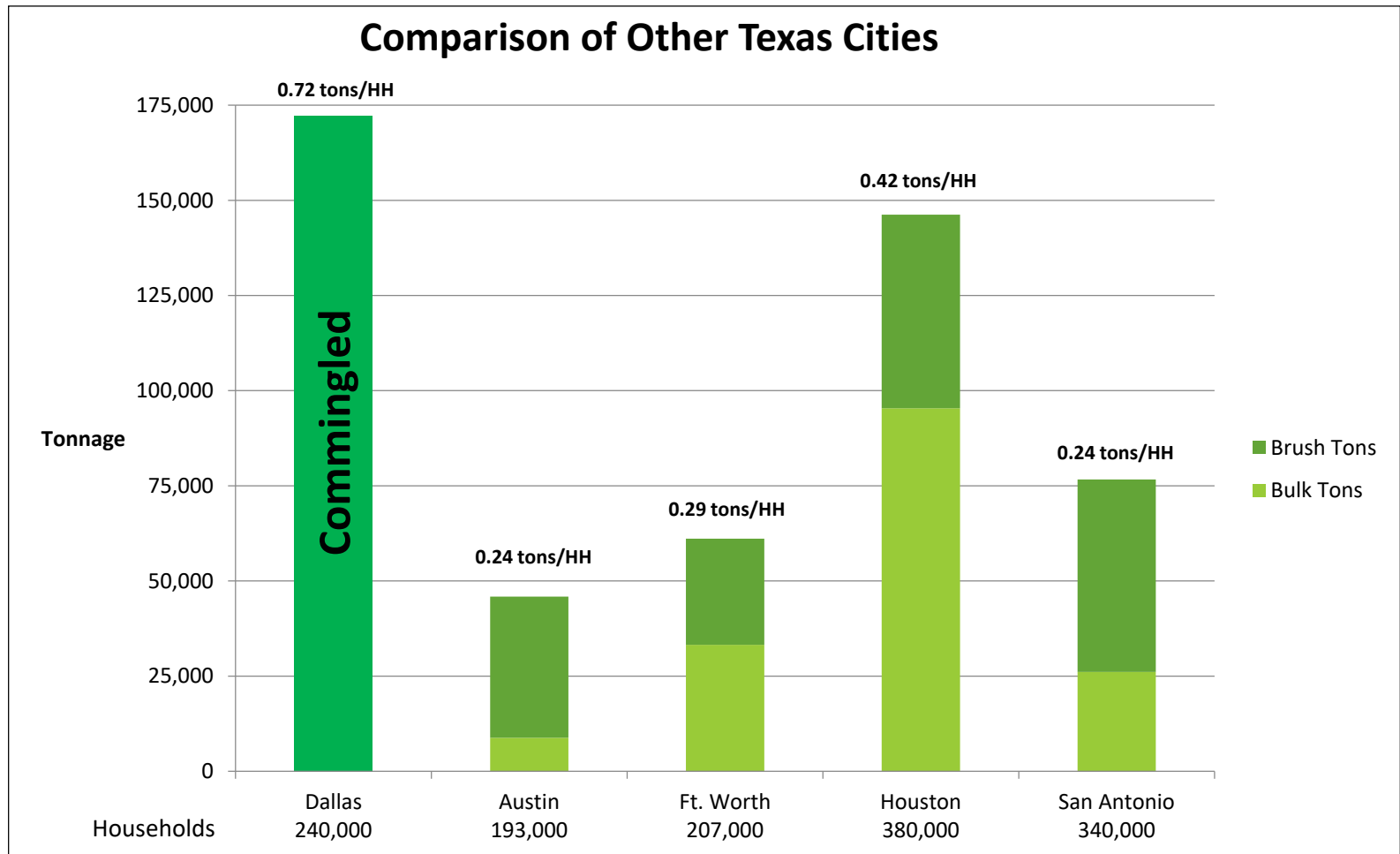
Annual Increases and Monthly Variations



Background - Other Texas Cities

Bulk, Brush and Yard Waste Collection					
City	Bulk Waste	Brush/Tree Waste	Yard Waste	Bulk, Brush and Yard Waste (comingled)	Bulk and Brush Collection Limits
Dallas	-	-	-	Monthly	No
Austin*	Twice per Year	Twice per Year	Weekly	-	8 Cubic Yards
Fort Worth	Monthly	-	Weekly	-	10 Cubic Yards
Houston	Even Months	Odd Months	Weekly	-	8 Cubic Yards
San Antonio**	Twice per Year	Twice per Year	Collection of leaves 2 on-call per year	-	8 Cubic Yards
* Austin - Bulk and Brush collection weeks not always on the same week and not always every 3 months.					
** San Antonio - Residents notified one week before their bulk or brush collection is scheduled to begin.					
<p><i>Note: Yard waste typically includes leaves, grass clippings, and small twigs/branches (branches typically tied/bundled or limited by diameter and length). Austin, Ft. Worth and San Antonio require bagged yard waste to be in paper yard/lawn bags and Houston requires use of approved compostable bags.</i></p>					

Background - Other Texas Cities



Note: Based on 2016/17 data

Program Review and Options



Committee Program Reviews

- Staff has been working with the Quality of Life, Arts and Culture Committee on the development and review of potential program alternatives
- The goals for developing new program alternatives included:
 - Meeting residents needs with reasonable collection frequency and limits
 - Increasing diversion or re-use of brush and yard waste material as outlined in the City's Zero Waste plan
 - Improving efficiency and consistency of service and reduce the amount of time that material is out for collection (i.e., improving neighborhood appearance)

Committee Program Reviews

- On February 26, 2018, staff provided the Committee with an update on a recently completed field survey to compare with alternatives developed to date
 - The 6 month citywide field survey showed how customers were utilizing the existing program
 - Frequency of use (participation levels)
 - Type of material set out (brush, non-brush, bagged leaves)
 - Set-out sizes (cubic yards)
 - The Committee was able to compare the field survey data to previously identified collection alternatives
 - Monthly brush collection, but on-call bulk collection
 - Monthly yard waste collection, with twice per year bulk and twice per year brush/yard waste
 - Alternating months of bulk and brush/yard waste collection

Committee Review – Field Survey Results

- The survey of about 5,200 homes was conducted over six months and indicated the following:
 - Most residents used the bulk and brush collection service at least once during the survey period
 - About 73% of the residents that used the service only used the service once or twice
 - Over 55% of the material was brush and yard waste, 17% commingled brush and non-brush, and 28% non-brush
 - About 85% of the time residents placed less than 5 cubic yards of material out for collection

Committee Program Reviews

- Based on a review of the survey in February, the Committee provided staff direction on developing an additional collection alternative
- On May 14, 2018, staff presented the additional collection alternative to Committee for review
 - The new option maintains monthly brush/yard waste collection and reduces bulk collection to quarterly
 - After review, the Committee recommended the new scenario be presented to full council for consideration

Proposed Committee Program Alternative

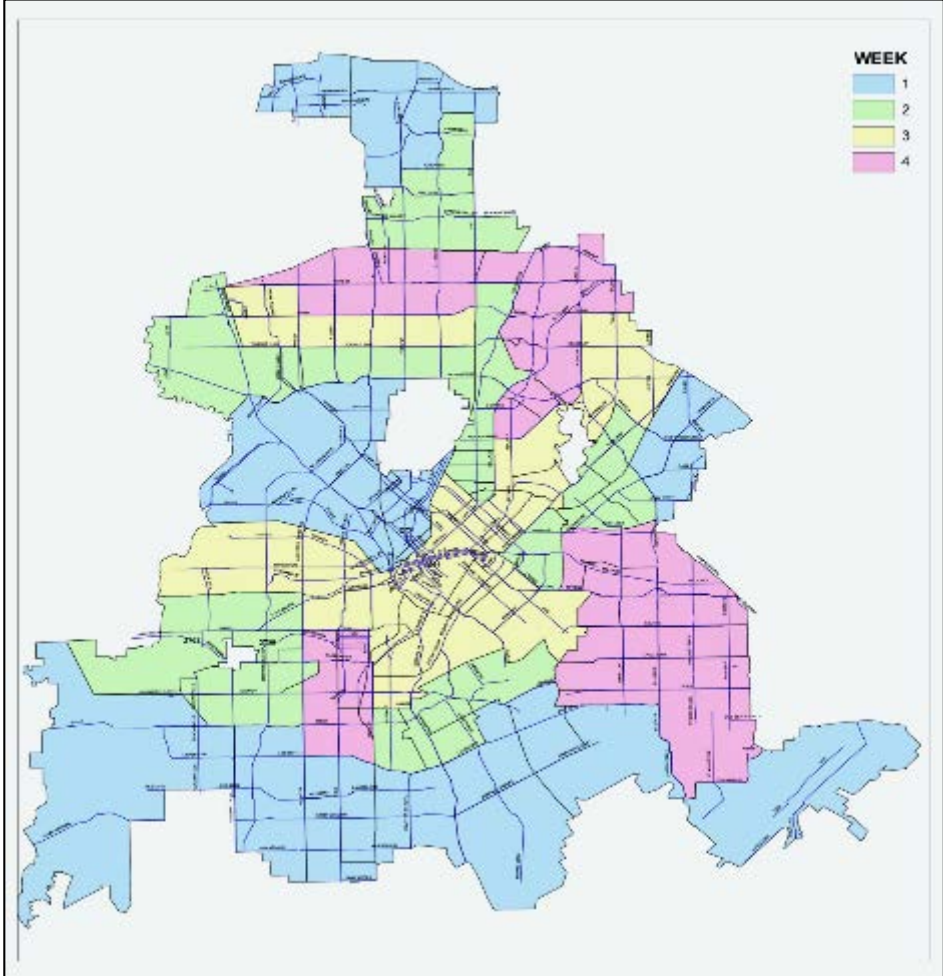
- Proposed bulk and brush collection program
 - Maintain monthly brush/yard waste collection
 - Suggested limit of 35 cubic yards (equal to one brush trailer)
 - Bagged yard waste must be in a paper yard bag or compliant compostable bag
 - Yard waste in plastic bags will be considered bulk waste and won't be collected with brush and yard waste
 - Bulk would only be collected quarterly, but during the same week as brush and yard waste

Proposed Committee Program Alternative

- Bulk collection schedule
 - During the quarterly collection bulk and brush/yard waste must be separated and not commingled
 - Staff recommends a 10 CY limit on bulk material
 - Each collection week would be divided into 3 separate bulk groups for quarterly collection

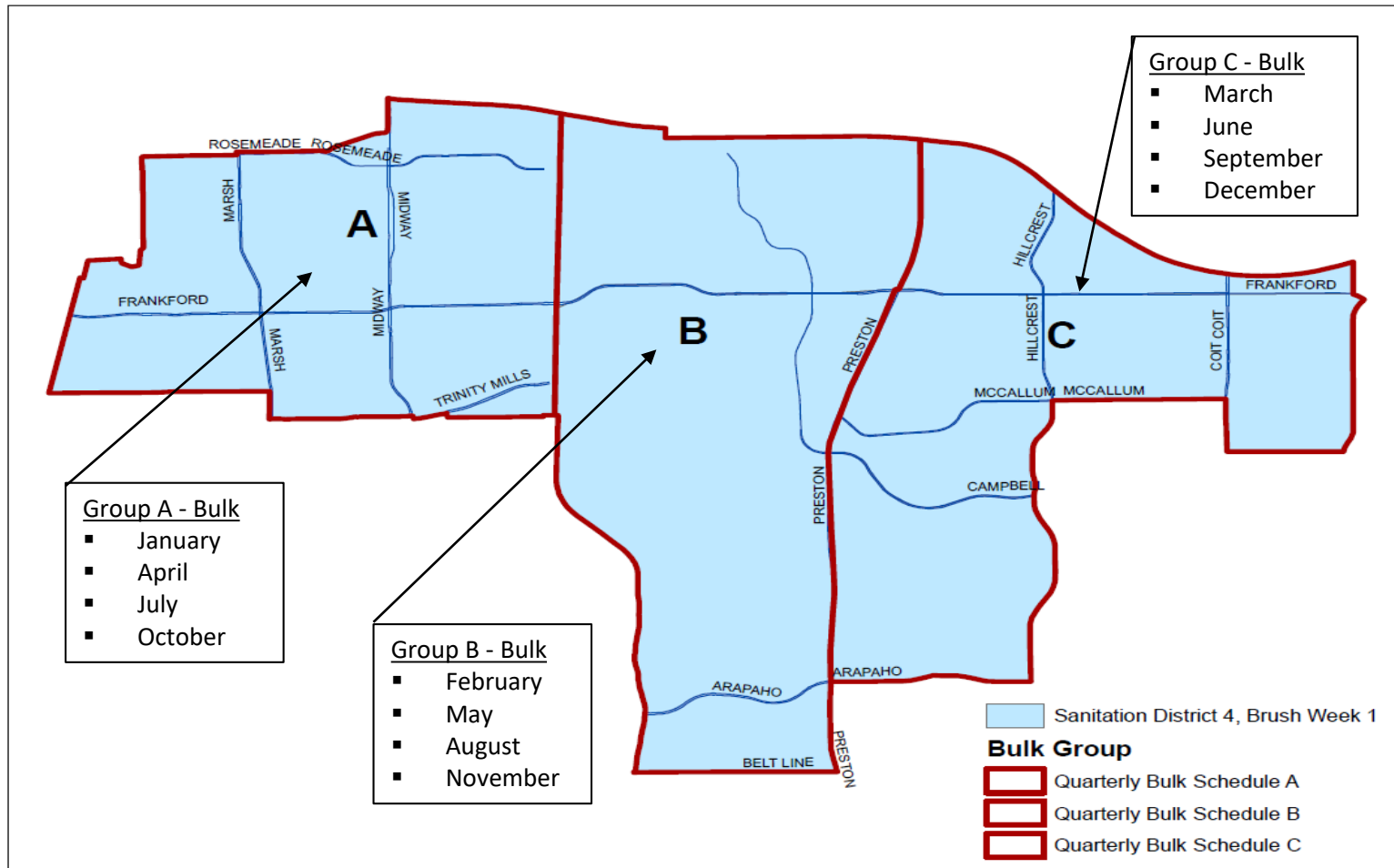
Quarterly Bulk Collection Schedule (Draft)		
Schedule A	Schedule B	Schedule C
January	February	March
April	May	June
July	August	September
October	November	December

Current Collection Weeks - Overview



Citywide Bulk and Brush – Weeks of Service

Proposed Alternative - Quarterly Schedule Map



Far North – Week 1 (Brush/Yard Waste – All Areas)

Proposed Committee Collection Alternative – Cost and Diversion

- The financial impacts are short-term neutral
 - Cost reductions are offset by short-term cost increases related to equipment procurement and implementation costs
 - Avoids additional costs to maintain current program and meet service schedules
- Net positive operational savings of up to \$1M annually could be realized over the long term
- Program changes could decrease overall collection tonnage by approximately 50,000 tons annually
- Could increase diversion or beneficial re-use by 90,000 tons annually
 - Could increase diversion by over 12%, from 20% to over 32%
 - Equates to about 2.7M tons over a 30-year period

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Other Related Program Considerations



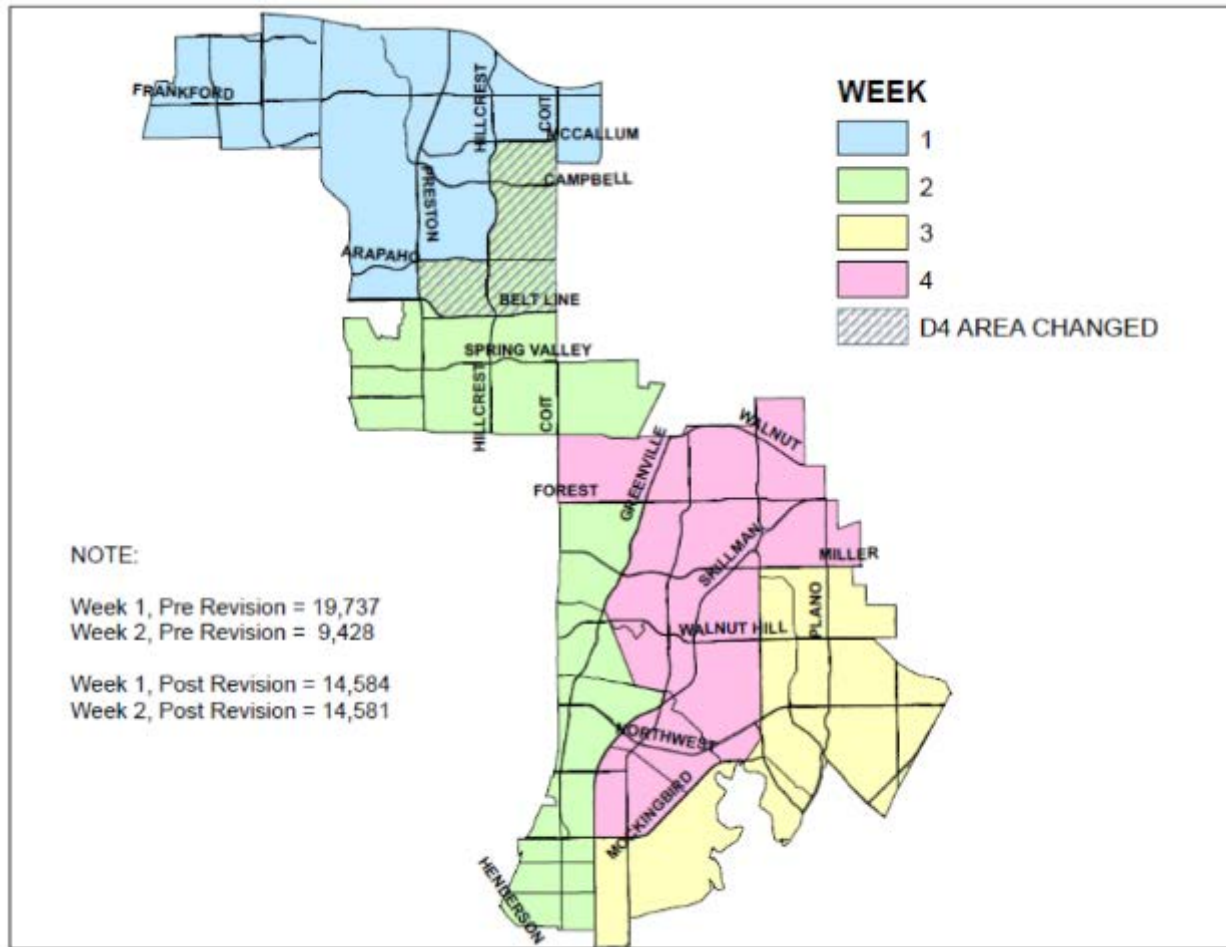
Other Related Program Considerations

- Also briefed at the May 14th meeting were other bulk and brush related considerations:
 - Brush/bulk week realignments
 - Developing a temporary citizen drop-off site
 - Streamlining Sanitation's current Cost-plus process

Brush/Bulk Week Realignment

- Some bulk and brush weeks need realignment to better distribute the number of households collected
 - Some weeks have significant household disparities
 - For example, a Sanitation District may have a Week 3 house count of 9,000 and a Week 4 house count of 18,000
- Previously, Week 1 and Week 2, in far north Dallas, were realigned based on a disparity of almost 10,000 homes between weeks
 - The realignment was successfully completed and has been beneficial to service delivery and operational efficiency
- Staff plans to proceed with these realignments this summer

Brush Week Realignment - Example



Week 1 and Week 2 Realignment (Far North)

Consideration of a Citizen Drop Off Site - Temporary/Pilot Site

- Staff also briefed the Committee related to developing a neighborhood drop-off site in coordination with program changes
- A drop-off site would be self-service in an area that currently has limited self disposal options
 - Should be strategically placed for convenient access
 - Recommended site map in the appendix
 - Minimally staffed, appropriately designed, and landscaped
 - Intended to discourage neighborhood illegal dumping by providing a convenient drop off location
 - Per TCEQ regulations, the facility would be “for the convenience and exclusive use of residents” (no commercial or industrial users or collection vehicles)

Consideration of a Citizen Drop Off Site - Temporary/Pilot Site

- Based on Committee feedback Sanitation staff intends to pursue developing a temporary facility with minimal start up costs and utilizing existing City property
 - Preliminary estimated annual operating cost of about \$300-\$400K, but site requirement could affect cost
 - Would require purchase of equipment and containers
 - Site could be minimally staffed (2-3 staff members)
 - Site may require some paving, fencing and a mobile/temporary office
 - About \$0.12 - \$0.16 increase in the residential fee
 - Staff would include funding for this temporary option as part of the FY 2018-19 budget development
- A fully developed neighborhood drop off site requires 1-2 acres and a capital cost of approximately \$2.5M - \$3.5M

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Cost Plus Improvements

- Sanitation staff will be pursuing implementation of a streamlined Cost-Plus process:
 - Citizen calls for service and is informed of potential volume service cost
 - May be e-mailed or referred to Sanitation's website for more cost of service information (including graphics for estimating set-out size)
 - If citizen wants to proceed, collection is scheduled and they verbally agree to be billed for service based on set-out size at time of collection
 - Before collection, the set-out size is measured and photographed
 - Material is collected, paperwork and associated photograph(s) uploaded into CRMS, the service request is closed and referred to billing
 - The department's financial service division will place the collection charge on the citizen's next water bill
- Additional details, documentation and legal requirements, CRMS configuration and process flow need to be further refined
- Process changes tentatively proposed for late summer

Program Changes – Potential Timeline



Bulk and Brush Program Changes - Implementation Timeline

- August/September 2018
 - Further City Council consideration of collection program changes as part of budget adoption process
- October 1, 2018 through September 30, 2019
 - Equipment Procurement and delivery
 - Education and Outreach on program changes
- December 2018
 - Publish 2019 collection schedule, indicating new schedule to begin in October 2019

Bulk and Brush Program Changes - Implementation Timeline

- October 1, 2019
 - First quarterly bulk collection, with limits, for Group A
 - October through December “soft opening”
- December 2019
 - Publish 2020 calendars for the upcoming year

Bulk and Brush Week Realignment

- June/July 2018
 - Finalize brush week realignment
- July 2018 and August 2018
 - Brush week realignment outreach in the community
- September 1, 2018
 - Begin using new brush week areas

Next Steps

- Receive Council feedback on Committee recommended bulk and brush program alternative
- Begin bulk and brush week realignments this summer
 - If no program changes selected, staff will proceed to “right-size” staffing and equipment to meet service schedules
- Continue to finalize and implement streamlined Cost Plus changes
- Include budget considerations for a temporary citizen drop-off site as part of the FY 2018/19 budget
 - Target implementation of the site for the spring of 2019 (prior to revised bulk and brush program implementation)

Proposed Changes to the Bulk and Brush Collection Program

Dallas City Council

June 6, 2018

**Kelly High, Director
Sanitation Services**



Appendix – Scenarios/Options



Program Review – Bulk and Brush Study

- In FY 2016-17 Sanitation Services, with assistance of a solid waste consultant, conducted a review of the current collection program was completed
- The program review included:
 - Review of the Dallas' current collection program, including operational set up and collection challenges
 - Benchmarking related to other Texas cities
 - Development of collection alternatives to consider
 - Diversion and financial impacts of collection alternatives
 - Review of implementation considerations

Program Review – Bulk and Brush Study

- The study initially resulted in 3 alternative scenarios for Dallas to consider:
 - Monthly brush collection, but on-call bulk collection
 - Monthly yard waste collection, with twice per year bulk and twice per year brush/yard waste
 - Alternating months of bulk and brush/yard waste collection
 - All 3 scenarios included 10 cubic yard limits
- The estimated long-term financial impacts of the 3 scenarios ranged from approximately \$2M - \$4M in savings annually

Program Review – Bulk and Brush Study

Bulk and Brush Collection Scenarios and Potential Long-Term Savings

Material Type	Existing System	Scenario 1*	Scenario 2*	Scenario 3*	Scenario 4*
Yard Trimmings	Monthly	Monthly	Monthly	Every Other Month	Monthly
Large Brush			Twice per Year		
Bulky Items		Call- in**	Twice per Year	Every Other Month	Quarterly***
Estimated Long-term Savings		(\$2.9M)	(\$4.0M)	(\$2.2M)	(\$1.1M)

* **Scenarios 1-3 assume 10 cubic yard limits.** Scenario 4 assumes 10 cubic yard limit on bulk and 35 cubic yard limit on brush/yard waste.

** Analysis assumes a certain number of collections per year, with additional collections charged at an additional fee.

*** Quarterly on same week as brush and yard waste, but separated at the curb.

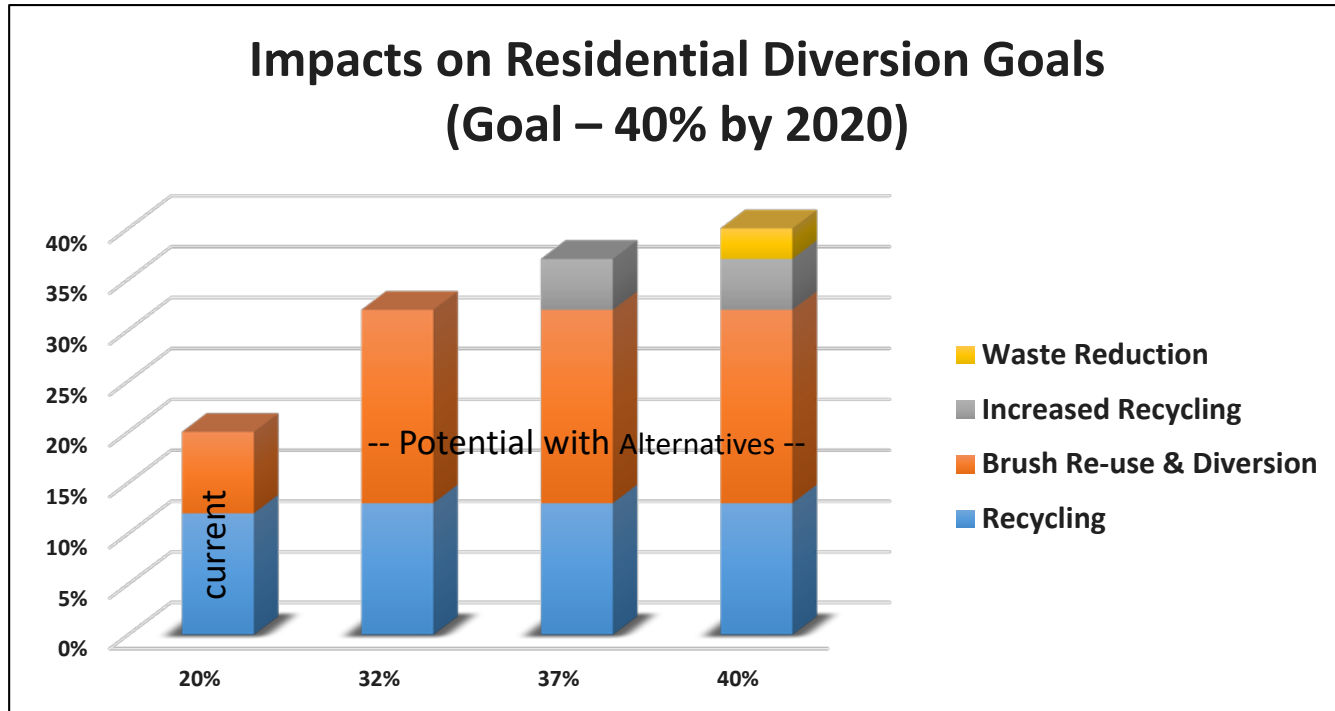
Bulk and Brush Collection Scenarios and Estimated Collection Tonnage

Material Type	Existing System	Scenario 1	Scenario 2	Scenario 3	Scenario 4
Yard Trimmings		35,000	35,000	73,500	35,000
Large Brush		54,250	31,000		54,250
Bulky Items		31,000	31,000	46,500	38,750
Total	176,232	120,250	97,000	120,000	128,000
Annual Pounds per Household	1,469	1,002	808	1,000	1,067

Specific Program Options – Impacts (cont.)

- The financial impacts of the each scenario are estimated based on long-term cumulative cost reductions
 - Decreased labor and overtime costs
 - Lower equipment maintenance costs
 - Lower costs for disposal or diversion
- Most scenarios are short-term neutral due to:
 - Up front capital costs for new collection equipment and/or new equipment for landfill diversion operations (mulching/composting)
 - Increased outreach and education costs for new program implementation
 - Uncertainty of volume reductions and compliance during implementation
 - Increased cost for Code Compliance’s resources (overtime)

Program Review – Bulk and Brush Study



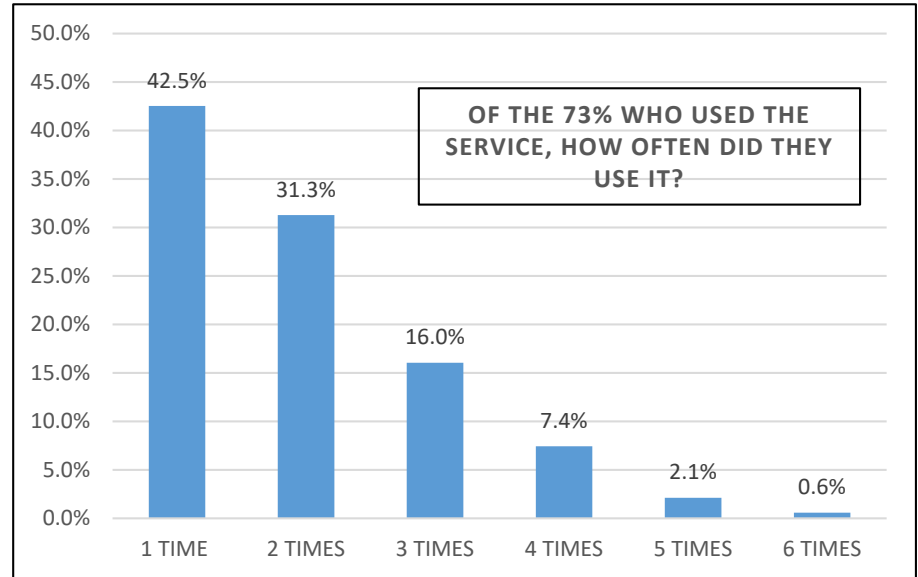
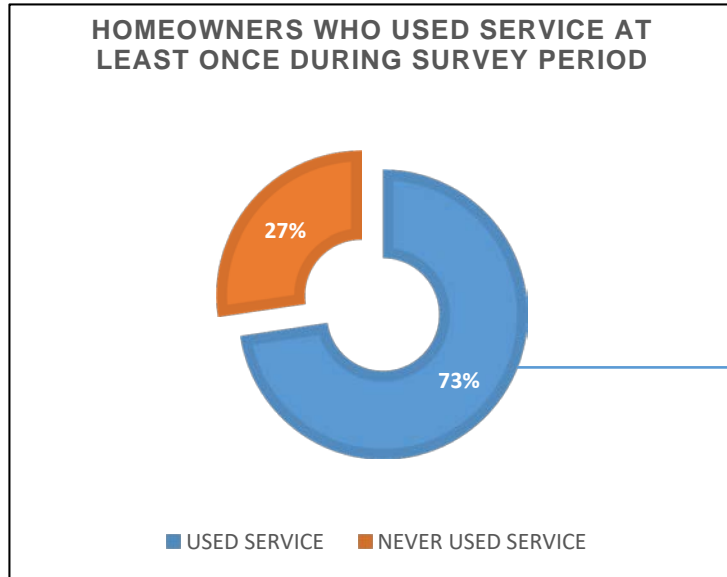
Appendix - Recent Field Survey Detail



Field Survey Details

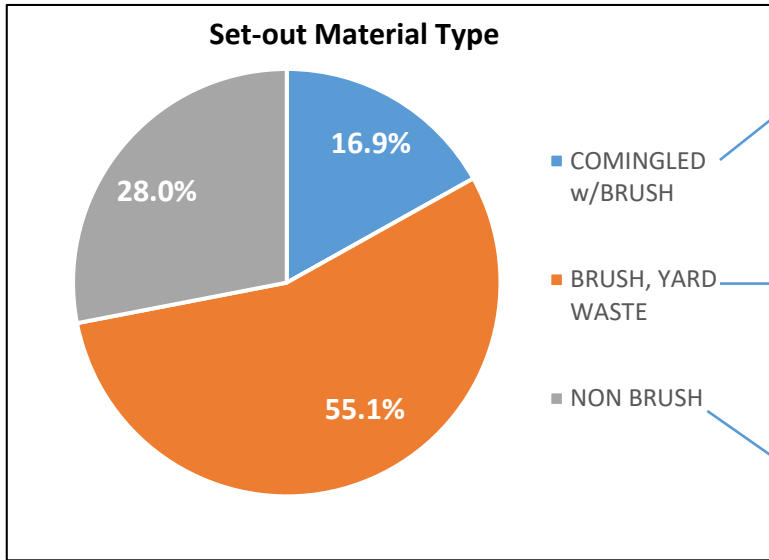
- In 2017, staff conducted field surveys to:
 - Determine how customers utilized the current program
 - Frequency of use (participation levels)
 - Type of material set out (brush, non-brush, bagged leaves)
 - Set-out sizes (cubic yards)
- Two survey components:
 - A primary 6 month survey
 - 21 geographically identified areas Citywide
 - ~250 homes in each area (same 5,250 surveyed each month)
 - Odd side addresses for odd brush weeks and even side addresses for even brush weeks
 - March, April, May, June, November and December
 - At least one area in each Council District and four areas in each Sanitation District (one per brush week)
 - A secondary “support” survey was conducted in July only (2,500 separate homes)

Primary Survey Results - Participation



Note: Of the total number of opportunities available during the 6 months, only 24% of the opportunities utilized.

Primary Survey Results - Material Type



Primary Survey Results - Sizes

- The survey indicated the following regarding the sizes of individual set outs:

Set Out Size	Percentage
Less than 5 cubic yards	85%
5 – 10 cubic yards	11%
11 – 15 cubic yards	2%
Over 15 cubic yards	2%

Note:

- *1 Cubic Yard ~ Two 96-gallon roll carts.*
- *10 Cubic Yards ~ 16 full sized clothes dryers or 6 full sized refrigerators*
- *16-18 Cubic Yards ~ Minivan*
- *35 Cubic Yards ~ One full brush trailer*

Primary Survey Results – Size Examples



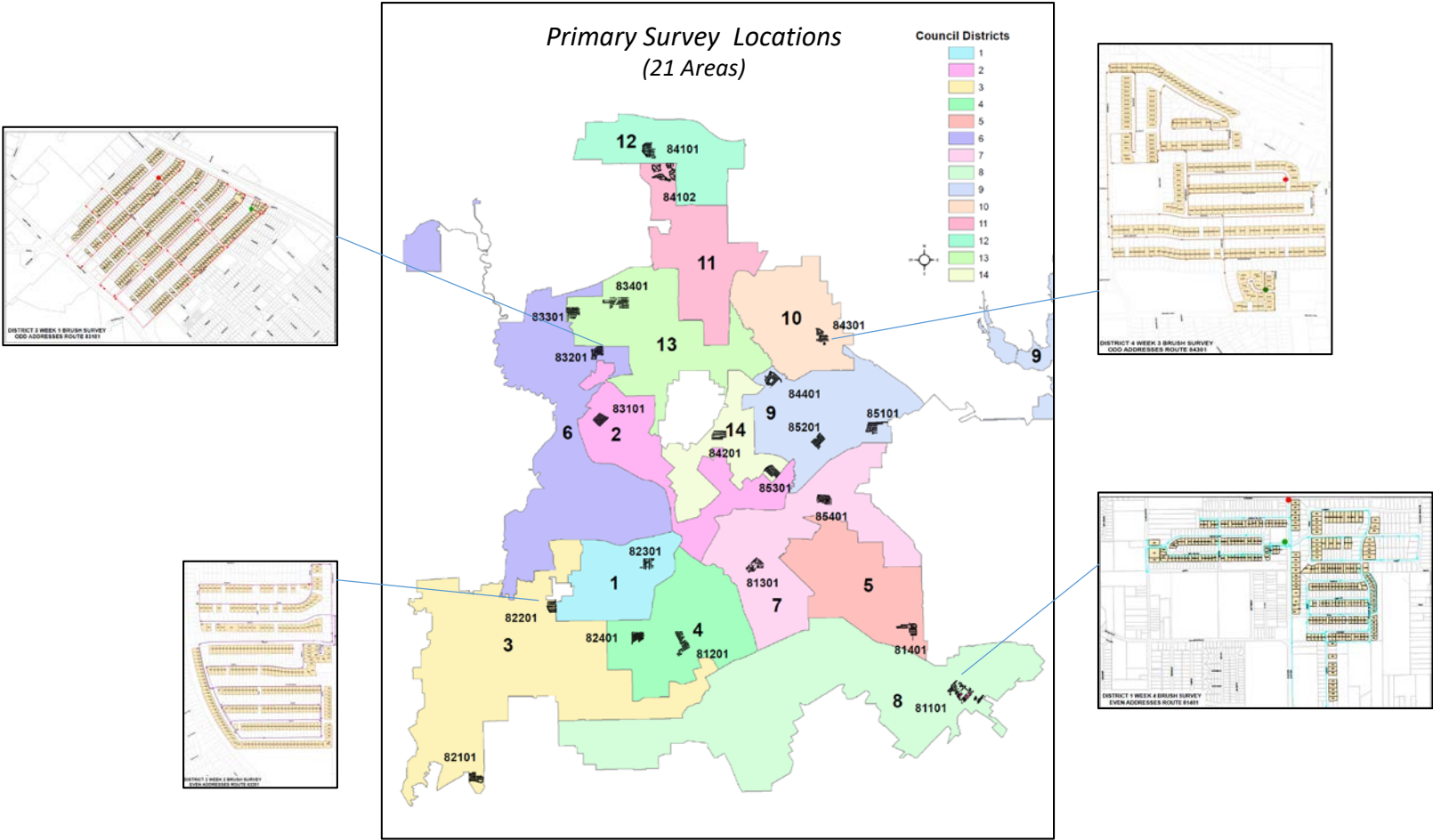
Recent Survey Results - Variations

- There were some slight differences among the 21 areas surveyed related to:
 - Composition of materials and use of bagged material
 - Brush/yard waste only ranging from 30% - 77%
 - Non-brush ranging from 8% - 53%
 - Volumes of material set out for collection
 - Over 10 cubic yards ranging from 0 – 11.9%
 - Participation and utilization rates
 - Participation ranging from 38% - 88%

Secondary July Field Survey Results

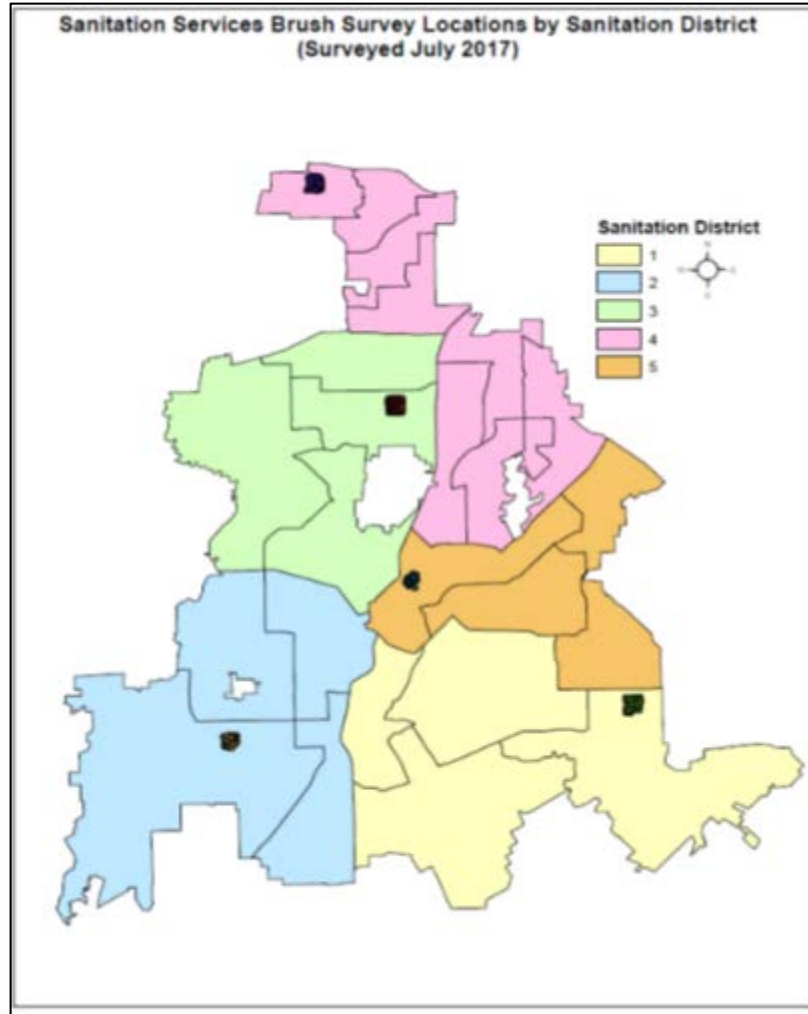
- The July survey data correlated fairly well to primary survey
 - Differences appear mainly seasonal
- There were some slight differences among areas related to:
 - Utilization rates (16% vs. 27%)
 - Brush and yard waste percentage lower (48% vs. 55%)
 - Non-brush percentage higher (23% vs. 17%)

Primary Survey Map



Note: All Council districts, Sanitation districts and Bulk/Brush weeks represented

Secondary Survey (July)



Appendix – Diversion Considerations



Bagged Yard Waste - Bag Considerations

- “Kraft” paper yard bags
 - Reasonable cost
 - No confusion related to compostable, biodegradable or plastic bags
 - Due to lack of opacity, “hidden” trash not easily identified
- Compostable bags
 - Typically allows for better visual inspection of material inside
 - Slightly higher cost than paper yard bags
 - Can be confused with other plastic bags or non-compliant bags
 - Need to meet standards for commercial or municipal composting use (US ASTM D6400 or European EN13432)
- Staff reviewed the need to provide free bags to residents, but a program does not appear warranted at this time

Bagged Yard Waste – Bag Considerations

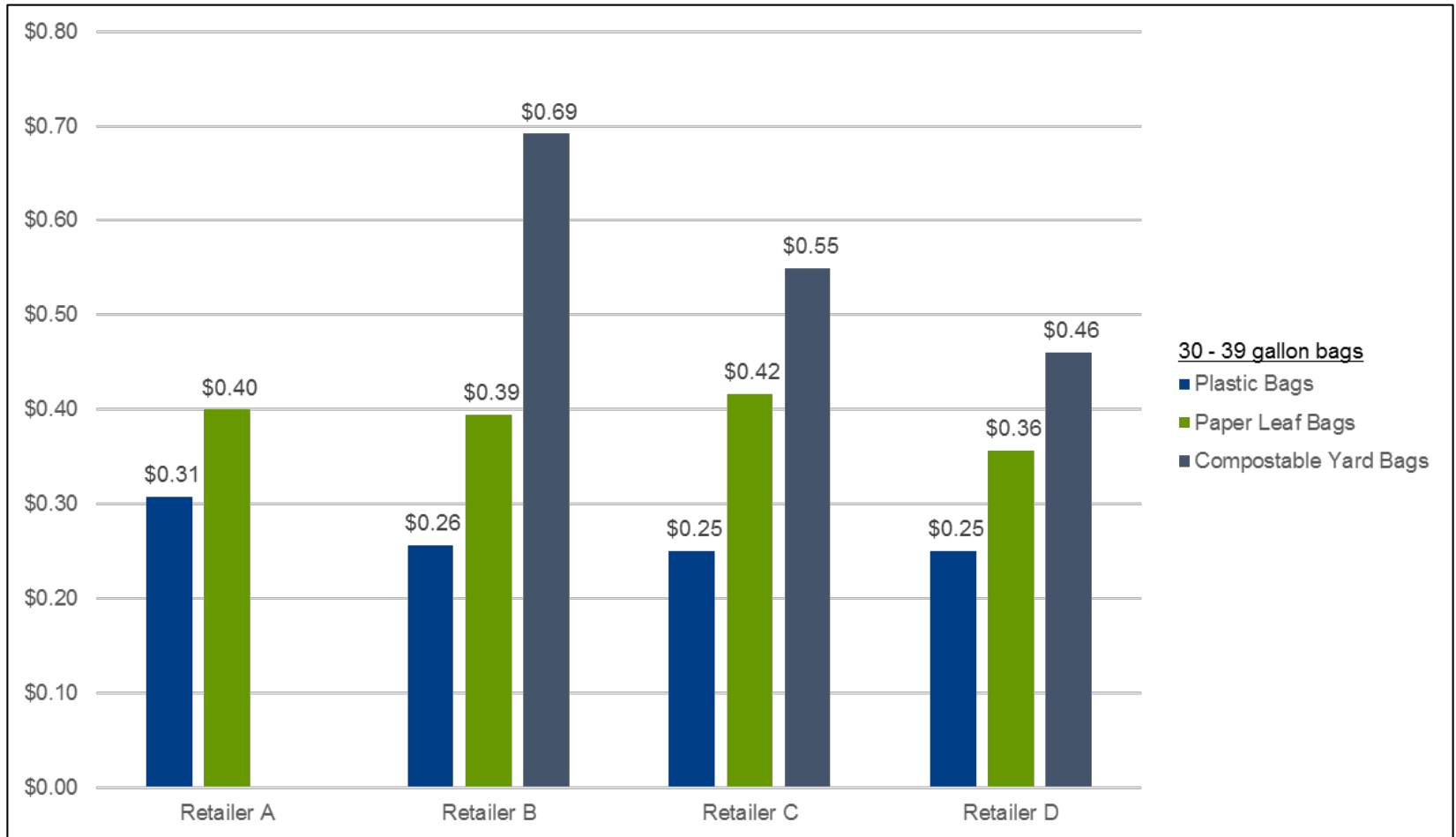


Paper Yard Bags



Compostable Bags

Bagged Yard Waste - Bag Cost Comparison



Brush and Yard Waste Diversion

- Brush and Yard Waste Diversion Program Development
 - Over the next year, staff will review options and best practices, including in-house, contracted and/or a public/private partnership for operation of a mulching or composting facility
 - Look at options for free citizen mulch and potential to provide mulch for other City departments (e.g., Parks)
 - Until a new collection program is established and the actual composition of the green waste stream is determined, a long-term diversion solution cannot be fully developed

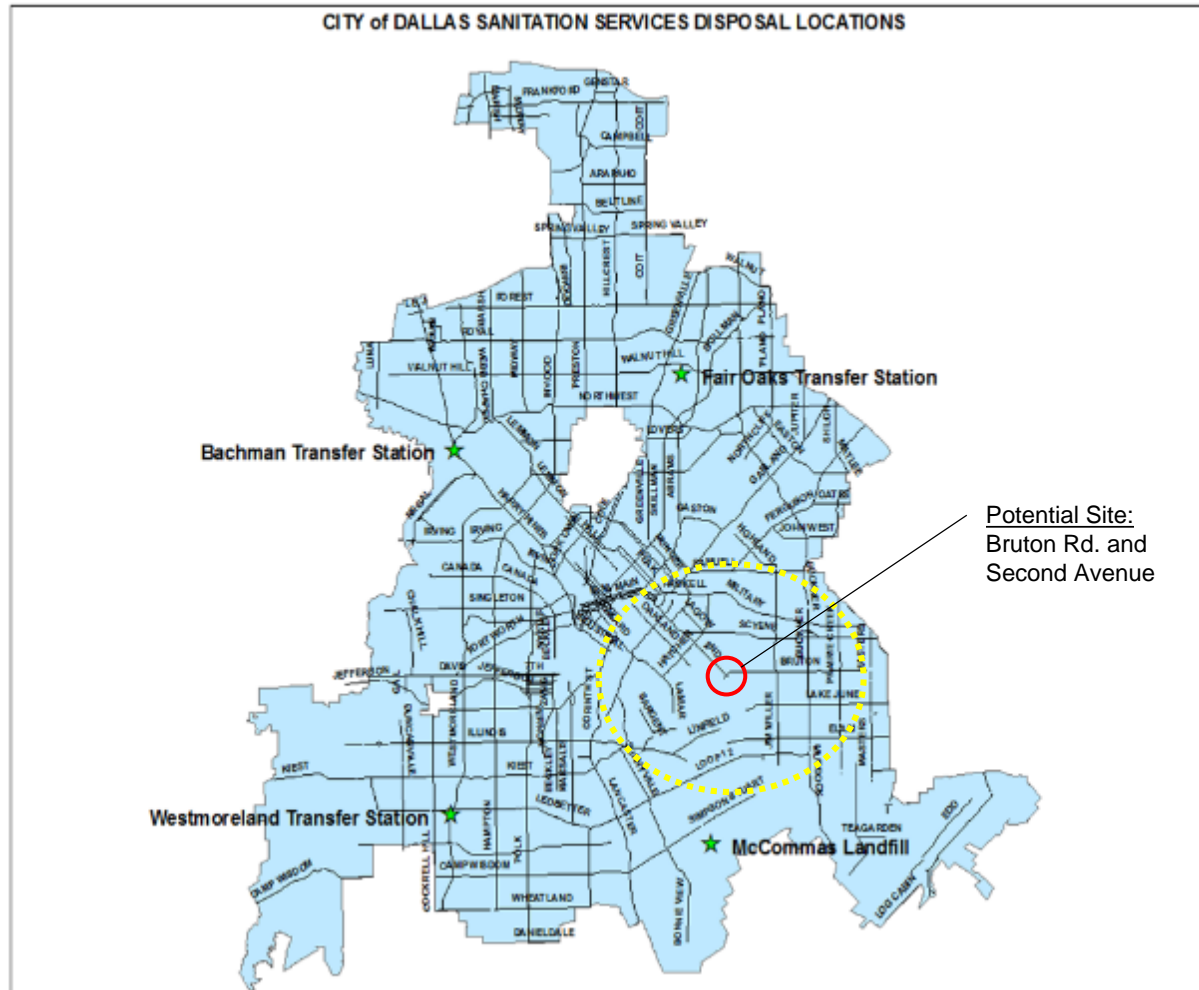
Appendix – Drop-off Site Detail



Potential Citizen Drop-Off Site

- A site near Bruton Road and Second Avenue has been identified as a potential citizen drop-off site
 - Site has good highway and major thoroughfare access
 - The City owns several parcels of land in this area
 - Site is situated in a geographic area that could benefit from a convenient citizen drop-off location
- Additional review and research would be needed
 - Site is in the floodplain which may restrict such site
 - TCEQ requirements would have to be met, which requires further review
 - Site zoning would have to be reviewed
 - Unintended consequences would have to be considered
- If the Committee would like to consider this further, staff will proceed with a more detailed review of this site's viability or another site

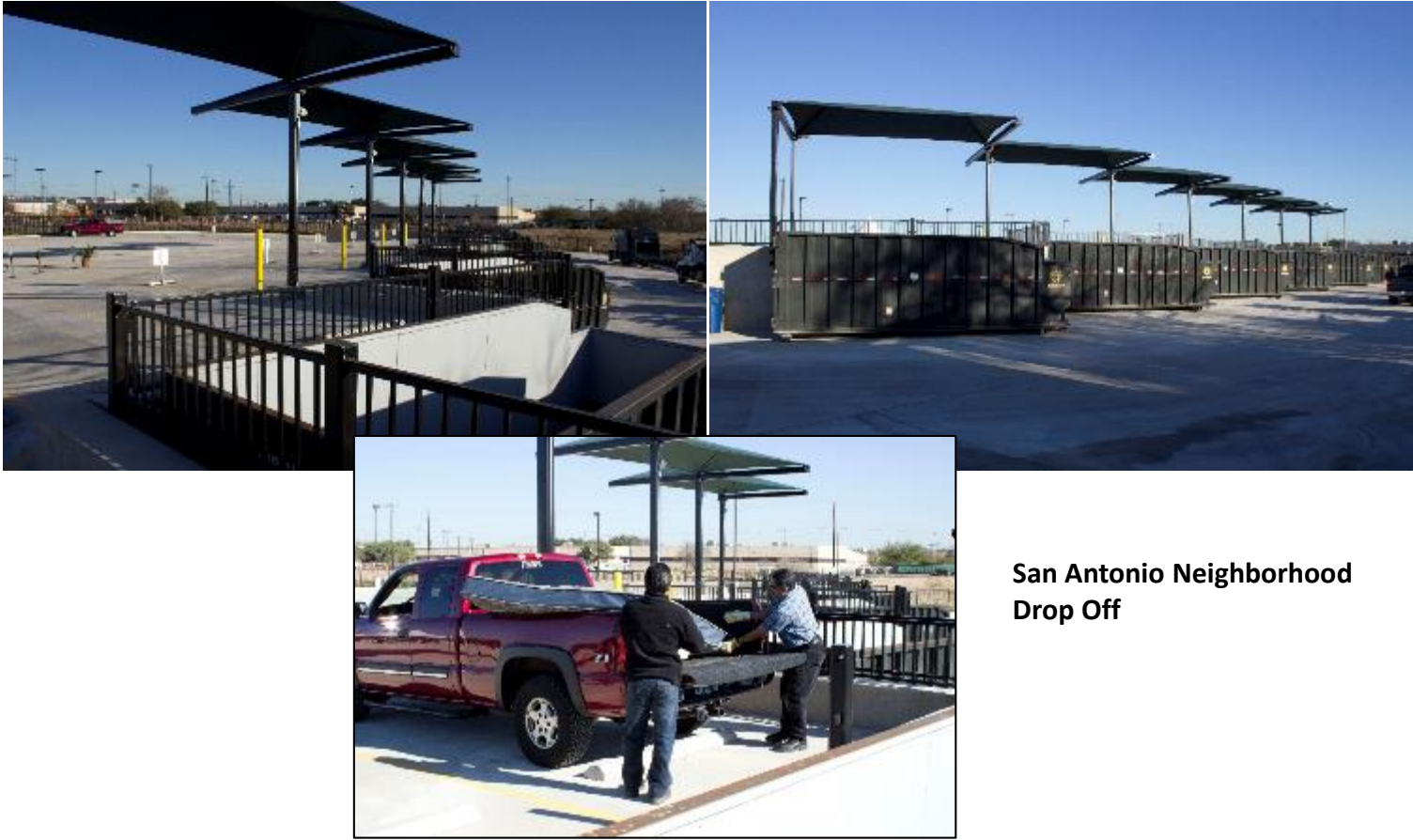
Potential Temporary Drop-Off Site



Temporary Drop-off Site – Site Ideas



Fully Developed Drop-off Site (example)



San Antonio Neighborhood Drop Off

Fully Developed Drop-off Site (example)

Houston Neighborhood Drop Off

