

Memorandum



CITY OF DALLAS

DATE March 20, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **Upcoming Agenda Item #16, March 25, 2020 – Dockless Mobility Program**

The purpose of this memorandum is to answer questions that were raised during the Transportation and Infrastructure Committee briefing on February 18, 2020 and the City Council briefing on March 4, 2020. This memorandum will also serve to summarize proposed amendments to the existing ordinance and recommendations relating to the Dockless Mobility Program prior to City Council action on the March 25, 2020 agenda.

February 18, 2020 Transportation and Infrastructure Committee:

- 1) Can we create a dedicated micro-mobility fund with revenues generated from the program?

Currently, these types of funds go into the General Fund, but per the Transportation and Infrastructure Committee's recommendation, the Department of Transportation will work with the Office of Budget to explore if these additional revenues can be programmed for micro-mobility infrastructure development.

- 2) Have we considered incentivizing operators to park scooters near DART stations?

Staff has recommended a reduced fee for trips in the vicinity of transit stations and is currently discussing incentives for operators to deploy units in underserved communities. While having a dynamic rate was thought to be difficult to implement in a smaller area, staff and the operators are strategizing to serve larger communities to provide first & last mile solutions. Data also indicates there is a sufficient number of vehicles deployed around the main transit stops in the Central Business District area.

- 3) Is scooter-riding on trails allowed?

Currently, scooters are prohibited on City parks or trails, per Section 32-8, DRIVING AND PARKING OF VEHICLES, of the Dallas City Code.

- 4) Do we have a comparison of accident and injury data between scooters, vehicles, and pedestrians?

Table 1 shows data received from TxDOT's Crash Records Information System (CRIS):

DATE March 20, 2020

SUBJECT **Upcoming Agenda Item #16, March 25, 2020 – Dockless Mobility Program**

Table 1 - Dallas Safety Data Summary By Type and Severity
January 1, 2019 – December 31, 2019

	Fatal	Injury	No Injury	Total	% of Crashes Injured	% of Crashes Fatal
Vehicle Only Crashes	97	11280	28275	39652	28.40%	0.2%
Motorcycle Crashes	14	275	69	358	76.80%	3.90%
Cyclist Crashes	3	125	16	144	86.80%	2.00%
Pedestrian Crashes	61	632	51	744	84.90%	8.20%
Motorized Scooter Crashes	1*	15	2	17	88.20%	5.80%
Golf cart, Forklift, ATV Crashes	0	6	5	11	54.50%	0.4%

Notes:

- Dallas Population (2019) 1.35 million, as reported by World Population Review
- Crash Data Source: Crash Records Information System (CRIS) by TxDOT
- *Fatality was not entered into CRIS since no vehicle was found involved in the accident
- Crash Data Extracted from CRIS on 2/25/2020 at 4:00 PM. The statistics are preliminary and subject to change. (2019 crash data are validated in 2020)

5) Can we have the impound service done internally? What are the cost differences to have a vendor provide the service versus the City doing it internally?

Staff believes that contracting a vendor can be cost beneficial to the City since it is a self-paying service for the vendor. Staff does not suggest providing this service internally due to a lack of tools, processes, and resources. Currently, the City of Atlanta and the City of Los Angeles are internally impounding scooters but according to their staff, the service is not sustainable or entirely effective due to a lack of resources. Staff is currently initiating the procurement process for an impoundment vendor and will evaluate the cost during this process. In the interim, the internal parking enforcement team will manage the impoundment process until the City procures a contract with the impoundment vendor and will compare the cost to manage the impoundment internally versus contracting it out.

6) Why do we have different hours of operation or enforcement for different PIDs?

Staff has met with several Public Improvement Districts (PIDs) impacted by the scooter operations to discuss scooter-related issues and to obtain PID feedback. The Deep Ellum Foundation, Downtown Dallas, Inc. and Uptown Dallas, Inc. have actively participated in discussing their concerns. Every participating PID has sent their recommendations and suggestions for addressing their concerns. Staff is sensitive to these concerns and has considered them as part of the operating hours and other regulation decisions.

DATE March 20, 2020

SUBJECT **Upcoming Agenda Item #16, March 25, 2020 – Dockless Mobility Program**

7) How are we ensuring that the scooters are made with quality materials and properly maintained?

Staff is working with all operators and requesting that they provide their fleet maintenance process. Staff is also going to require monthly maintenance logs from all operators; staff will review and audit the logs.

8) How are we educating riders on appropriate, safe, and legal behavior?

Staff, PIDs and operators have been collaborating and engaging in community outreach to promote safety awareness and to distribute complementary safety gear to riders. Scooter operators such as Lime and Bird had done a few outreach events in Deep Ellum to promote scooter riding safety and provided free helmets. At a recent Connect Dallas event, Jump (Uber) had a booth to promote scooter safety and provide protective g.

9) Can minors under 17 ride a scooter?

Currently, the City of Dallas ordinance does not prohibit minors (under 17) to ride scooters. However, a minor (under 17) is required to wear a helmet. According to Chapter 28-43.9: “A person commits an offense if he: is a child (under 17) and operates or rides a motor assisted scooter without wearing a helmet while on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city”.

10) Have we done appropriate benchmarking against other Cities’ policies?

Table 2 below shows condensed information on other cities’ scooter policies and fees:

Table 2

Name of the City	Hours of Operation	Fee Structure	Impound/Enforcement	# of Staff Dedicated to the Program	Sidewalk Riding
Dallas	24 Hours	\$808 application, \$21/vehicle	None	0	Yes in authorized area
Los Angeles	24 Hours	\$20,000 application, \$130/vehicle	Sanitation Division, LAPD	3-member admin team, data vendor and enforcement team	No
Atlanta	4:00 AM - 9:00 PM	\$12,000 application, \$200/vehicle	Solid Waste management group. Contracted vendor is being considered. PD	4-member admin team	No
San Antonio	24 Hours	\$500 application, \$20/vehicle	Parking Enforcement. PD	2-member admin team	No
Denver	Limiting HOO from 5 AM - 9 PM is being considered	\$15,000 application, \$30/vehicle	PD	N/A	No
Portland	N/A	\$500 application fee, \$80/vehicle, \$.05-\$.20/day and \$.25/trip,	N/A	3-member admin team, data vendor	No
Sacramento	24 Hours	\$4,440 application, \$136/vehicle, \$.10/trip	N/A	6-member admin team	No
San Diego	24 Hours	\$5,141, \$75/vehicle	Impound vendor. PD	4-member admin team	Yes in authorized area
Austin	24 Hours	\$30,000 application, \$30/vehicle For 6 months	Impound vendor in consideration	N/A	Yes
Charlotte	5:00AM-9:00PM	Dynamic Parking fee	Digital enforcement vendor	2-member admin team	

DATE March 20, 2020
SUBJECT **Upcoming Agenda Item #16, March 25, 2020 – Dockless Mobility Program**

March 4, 2020 City Council Briefing:

- 1) Should we implement “No sidewalk riding” City-wide like other bench-marked cities?

Staff has met with operators and stakeholders to have further discussions about safety and infrastructure. At the conclusion of the meetings, staff recommends banning sidewalk riding across the City of Dallas. This recommendation will be included as part of the amendments to the ordinances.

- 2) Can we make a dedicated micro-mobility fund with revenue generated from the program?

Staff recommends a dedicated micro-mobility fund to address infrastructure concerns and to build dedicated micro mobility infrastructure in areas where micro mobility devices are operated most. Currently, these funds go into the General Fund, but per the Transportation and Infrastructure Committee and other Council Member’s suggestions, the Department of Transportation will work with the Office of Budget to explore the feasibility of programming these revenues for Micro-Mobility infrastructure development.

- 3) Can we change the hours of operation to 5:00am-12:00am?

Staff has met with all operators and stakeholders to further discuss hours of operation. Staff recommends 5:00am-12:00am (midnight) to be the hours of operation. The recommendation is based on matching DART’s operating hours.

- 4) Comparison of fees with other Cities. Our fee structure is low and needs better recommendation.

Per the City Council’s recommendation, staff has re-evaluated the fee structure. The annual expense to contract a data vendor and right sizing of the enforcement team cost were added. The new fee recommendation is \$2,000 for a new application with a renewal fee of \$1,000, \$60 per permitted vehicle annually or \$35 per vehicle bi-yearly (operators have the option to choose), and \$.20 per ride fee. With the new recommended fee structure, incoming revenue is projected to be approximately \$1 million annually.

Table 3 shows fee comparisons of other cities with a comparable dockless mobility program. The table reflects a reasonable change as compared with other cities throughout the country:

Table 3

Name of the City	Dockless fee charged
Dallas	\$2,000 new application and \$1,000 renewal, \$60/vehicle annually or \$35/vehicle bi-yearly, \$.20/ride
Los Angeles	\$20,000 application, \$130/vehicle
Atlanta	\$12,000 application, \$200/vehicle
San Antonio	\$500 application, \$20/vehicle
Denver	\$15,000 application, \$30/vehicle
Portland	\$500 application fee, \$80/vehicle, \$.05-\$.20/day \$.25/trip
Sacramento	\$4,440 application, \$136/vehicle
San Diego	\$5,141 application, \$75/vehicle
Austin	\$60/vehicle (started with an application fee of \$30,000)

Proposed ordinance changes (changes are reflected in the attached draft ordinance):

Hours of Operation: Currently, the City has no limitation on the operational hours (24 hours). Staff has reviewed injury data provided by Baylor Scott and White Medical Center (for Deep Ellum area only) and met with different stakeholders to discuss safety concerns. After considering all safety and operational aspects and listening to the City Council discussions, staff is recommending an alignment with DART’s operating hours. Staff recommends operational hours of 5:00am to 12:00am (midnight) for the City of Dallas, except for Deep Ellum. Based on feedback from the Dallas Police Department and the Deep Ellum Foundation, staff recommends the hours of operations of 5:00am to 9:00pm for a “geo-fenced” area in Deep Ellum. *(Subsection (1) of Section 43-169)*

Fee: Currently, the City of Dallas charges \$808 for an annual application fee, a \$404 application for a renewal fee and \$21 annually per vehicle fee. Staff recommends the annual new application fee be increased to \$2,000 with a renewal fee of \$1,000 and the annual per unit fee be increased to \$60 yearly or \$35 bi-yearly (operators have the option to choose). Staff also recommends a \$.20 per trip fee. *(Subsection (d) of Section 43-161)*

Sidewalk Riding: The City’s current ordinance does not allow scooters on the sidewalk in the Central Business District area (Downtown and Deep Ellum) only. Staff recommends “No Sidewalk Riding” across the City of Dallas, which is in alignment with other major cities in the United States. *(Section 28-41.1.1 of the Dallas City Code)*

DATE March 20, 2020
SUBJECT **Upcoming Agenda Item #16, March 25, 2020 – Dockless Mobility Program**

Slow Zone and No Scooter Zone: Staff can activate an area to be a “Slow Speed Zone” or “No Scooter Zone” with a notice to the operators. Scooters may not be ridden at those locations, or are limited to slower speeds, during the times specified by staff. *(Sections 43-158 and 43-159)*

Data Sharing: Per the new ordinance, all operators shall provide live MDS to the City’s data vendors. City’s data vendors will supply the Director of Transportation (Director) a daily report of aggregated data for the previous 24 hours. The Director may request aggregated data from data vendors at other times when necessary for law enforcement and other emergencies. *(Sections 43-171)*

Enforcement: Parking enforcement officers will be able to enforce rider compliance and will also impound non-compliant scooters from City property, as an interim until an impoundment vendor services are procured by the City. A fee of \$50 for impoundment, and a daily storage fee of \$25 will be collected after a scooter has been stored for more than 48 hours. Staff, or impoundment vendor, will provide sufficient notification of impoundment to the operators. *(Subsection (o) of Section 43-168)*

Community Outreach: All operators must engage in community outreach and promote safety awareness in collaboration with the City and the PIDs. Outreach events should promote the law applicable to riding, operating, and parking a dockless vehicle, including safe riding practices. Operators will provide promotional safety gear such as helmets at these events. *(Subsection (s) of Section 43-168)*

Equitable Payment Solution: All operators must provide a cash option to rent/activate a scooter for citizens without a smart phone. *(Subsection (t) of Section 43-168)*

Unique Identification Number: Each dockless vehicle permitted in the City of Dallas must display a unique identification number with characters no less than one inch in height per character. *(Subsection (g) of Section 43-168)*

General Authority of the Director of Transportation: The Director has the authority to implement and enforce all rules or regulations, of the dockless ordinance and can change the regulations as he/she determines necessary including but not limited to, rules or regulations on hours of operation, slow zones, and areas where riding dockless vehicles is prohibited. The Director may contract with vendors to assist with data collection and analysis and to collect and store dockless vehicles deployed or parked in violation of this chapter. *(Section 43-158)*

DATE March 20, 2020
SUBJECT **Upcoming Agenda Item #16, March 25, 2020 – Dockless Mobility Program**

In addition to the ordinance amendments, staff has addressed the following concerns:

Parking or Rebalancing: All operators will rebalance fallen and non-compliant scooters within a 5 day period for the next three months. The Director will have the authority to make any changes or adjustment to the time if needed.

Performance Review: Staff will meet with all operators, internal and external stakeholders every three (3) months to assess and review the program to make any necessary adjustments. Staff will provide update reports to the City Council of any changes in process and/or procedure every three (3) months.

Reduction of Speed: Currently, all scooters are required to be operated at no more than 20 mph. Staff does not recommend a reduction of speed for scooters as they are mandated to be ridden on the right of way. Reduced speed may be unsafe for riders if they are riding significantly slower than vehicular traffic.

Permit Process: The dockless ordinance is going into effect on April 1, 2020. Operating year for dockless program starts on April 1, 2020 to March 31, 2021. Existing operators are not required to pay an application fee and will continue operations until March 31, 2021 with fee adjustments for that period between the fees already paid and the new fee structure. By April 1, 2021, all existing operators will pay a \$1,000 application renewal fee and \$35 per vehicle bi-annual, or a \$60 per vehicle annual fee. During the same period, new operators will pay the full obligated fees as dictated by the ordinance. Staff will prorate their cost for the remaining of their contract.

Staff is continuing conversation with all operators and stakeholders to make additional changes to the program. Staff will also discuss the following topics in their standing upcoming meetings:

- Riding on trails
- Advertising on scooters
- Incentivizing operators for additional scooter deployment around transit areas
- Rebalancing
- Equitable distribution of scooters
- Provide tools to staff for rebalancing

DATE March 20, 2020
SUBJECT **Upcoming Agenda Item #16, March 25, 2020 – Dockless Mobility Program**

Please contact Michael Rogers, Director of the Department of Transportation, if you have any questions or concerns at (214) 671-9596, or at michael.rogers@dallascityhall.com.



Majed Al-Ghafry, P.E.
Assistant City Manager

[Attachment]

- c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Jon Fortune, Assistant City Manager
- Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager
Dr. Eric A. Johnson, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Aleqresh, Chief Innovation Officer
M. Elizabeth (Liz) Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

ORDINANCE NO. _____

An ordinance amending Chapter 28, “Motor Vehicles and Traffic,” and Chapter 43, “Streets and Sidewalks,” of the Dallas City Code by amending Sections 28-41.1, 28-41.1.1, 43-158, 43-161, 43-168, 43-169, 43-170, 43-171, 43-172, and 43-174; amending the restrictions on the use of motor assisted scooters, pocket bikes, and minimotorbikes, general authority and duty of the director, application for operating authority permit, operations, dockless vehicle parking, deployment, and operation, insurance requirements, data sharing, vehicle fee, and enforcement requirements of Chapters 28 and 43; 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 Section 28-41.1, “Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes,” of Division 1, “Generally,” of Article VI, “Operation of Vehicles,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“SEC. 28-41.1. RESERVED. ~~[RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.]~~

~~[This section takes effect on April 1, 2020, unless Section 28-41.1.1 of this article has been re-enacted with amendment on or before March 31, 2020.]~~

~~(a)~~ — In this section:

- ~~(1) ADULT means any individual 17 years of age or older.~~
- ~~(2) CHILD means any individual younger than 17 years of age.~~
- ~~(3) HELMET means a properly fitted bicycle helmet that:~~

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4) ~~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:

(i) a pocket bike or minimotorbike;

(ii) a moped or motorcycle;

(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(5) ~~NIGHTTIME~~ means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as determined using the times for sunset and sunrise published in a newspaper of general circulation in the city for a particular day.

~~(6) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.~~

~~(7) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.~~

~~(8) POCKET BIKE or MINIMOTORBIKE:~~

~~(A) means a self-propelled vehicle that:~~

~~(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;~~

~~(ii) is designed to propel itself with not more than two wheels in contact with the ground;~~

~~(iii) has a seat or saddle for the use of the operator;~~

~~(iv) is not designed for use on a highway; and~~

~~(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and~~

~~(B) does not include:~~

~~(i) a moped or motorecycle;~~

~~(ii) an electric bicycle or motor driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

~~(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

~~(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;~~

~~(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or~~

~~(vi) a motor-assisted scooter, as defined in this subsection.~~

~~(9) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.~~

~~(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 a public path or trail set aside for the exclusive use of bicycles;~~

~~(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 a public path or trail set aside for the exclusive use of bicycles when the child is not wearing a helmet;~~

~~(5) operates or rides a motor assisted scooter at nighttime on a public path or trail set aside for the exclusive use of bicycles;~~

~~(6) transports any passenger on a motor assisted scooter while on a public path or trail 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~~

~~(7) while operating a motor assisted scooter on 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 path or trail.~~

~~(e) A person commits an offense if he operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.~~

~~(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.]”~~

SECTION 2. That Section 28-41.1.1, “Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes,” of Division 1, “Generally,” of Article VI, “Operation of Vehicles,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code is amended to read as follows:

“SEC. 28-41.1.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS, POCKET BIKES, AND MINIMOTORBIKES.

(a) In this section:

(1) ADULT means any individual 17 years of age or older.

(2) ~~[CENTRAL BUSINESS DISTRICT means the area bounded by:-~~

~~The south line of Young Street from Houston Street to Lamar Street.~~

~~The west line of Lamar Street from Young Street to the DART Rail Corridor.~~

~~The north line of the DART Rail Corridor from Lamar Street to Interstate 45.~~

~~The west line of Interstate 45 from the DART Rail Corridor to Interstate 30.~~

~~The north line of Interstate 30 from Interstate 45 to Exposition Avenue.~~

~~The east line of Exposition Avenue from Interstate 30 to CBD Fair Park Link.~~

~~The east line of the CBD Fair Park Link from Exposition Avenue to Gaston Avenue.~~

~~The north line of Gaston Avenue from the CBD Fair Park Link to Pacific Avenue.~~

~~The north line of Pacific Avenue from Gaston Avenue to Pearl Street.~~

~~The east line of Pearl Street from Pacific Avenue to Ross Avenue.~~

~~The north line of Ross Avenue from Pearl Street to Austin Street.~~

~~The west line of Austin Street from Ross Avenue to Pacific Avenue.~~

~~The north line of Pacific Avenue from Austin Street to Houston Street.~~

~~The west line of Houston Street from Pacific Avenue to Young Street.~~

~~(3)]~~ CHILD means any individual younger than 17 years of age.

~~(3[4])~~ HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets.

(4[5]) 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:
- (i) a pocket bike or minimotorbike;
 - (ii) a moped or motorcycle;
 - (iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;
 - (iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;
 - (v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or
 - (vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(5[6]) PARENT means a person who is the natural parent, adoptive parent, step-parent, or court-appointed guardian or conservator of a child.

(6[7]) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(7[8]) POCKET BIKE or MINIMOTORBIKE:

- (A) means a self-propelled vehicle that:

(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;

(ii) is designed to propel itself with not more than two wheels in contact with the ground;

(iii) has a seat or saddle for the use of the operator;

(iv) is not designed for use on a highway; and

(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and

(B) does not include:

(i) a moped or motorcycle;

(ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;

(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;

(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or

(vi) a motor assisted scooter, as defined in this subsection.

(8) SPECIAL EVENT means a temporary outdoor gathering which has been issued a special event permit under Chapter 42A of the Dallas City Code.

(9) STATE FAIR GROUNDS means the area:

BEGINNING at the intersection of the southeast right- of-way of Parry Avenue and the T. & P. Railroad;

THENCE eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;

THENCE southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;

THENCE southwestward along the northwest right-of-way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right-of-way of Gaisford Street;

THENCE southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;

THENCE southwestward along the northwest right-of-way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;

THENCE northwestward along the northeast right-of-way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

THENCE northeastward along the southeast right-of-way of Parry Avenue to the place of beginning.

(10) STATE FAIR OF TEXAS means the annual fall fair held at Fair Park.

(11[9]) WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) A person commits an offense if the person [he]:

(1) operates or rides a motor assisted scooter on any sidewalk within the city [~~central business district~~];

(2) operates or rides a motor assisted scooter at a speed greater than 20 miles per hour;

(3) operates or rides a motor assisted scooter on the state fair grounds during the State Fair of Texas;

(4) operates or rides a motor assisted scooter at a special event location as determined by the director of transportation or a designated agent;

(5) 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 sidewalk within the city [~~central business district~~];

(6[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 public path, trail, alley, street, highway, or sidewalk within the city;

(7[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 public path, trail, alley, street, highway, or sidewalk within the city when the child is not wearing a helmet;

(8[5]) transports any passenger on a motor assisted scooter while on any city-owned or city-operated property or on any public path, trail, alley, street, highway, or sidewalk within the city, unless the scooter is equipped with a seat and a set of foot rests for the passenger; or

(9[6]) 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.

(c) A person commits an offense if the person ~~[he]~~ operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.

(d) An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.

(e) The director of transportation, or a designated agent, has authority to enforce the provisions of this section and to issue citations for violations of this section including moving violations. ~~[This section expires on March 31, 2020, unless re-enacted with amendment on or before that date. The city council shall review this section before its expiration date. The provisions of Section 28-41.1 of this article take effect if this section is not re-enacted on or before March 31, 2020.]~~

SECTION 3. That Section 43-158, “General Authority and Duty of the Director,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“SEC. 43-158. GENERAL AUTHORITY AND DUTY OF THE 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 affect the policy of, this article, including but not limited to, rules or regulations on hours of operation, slow zones, and areas where riding dockless vehicles is prohibited. The director may contract with vendors to assist with data collection and analysis and to collect and store dockless vehicles deployed or parked in violation of this chapter.”

SECTION 4. That Subsection (d) of Section 43-161, “Application for Operating Authority Permit,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(d) The initial application for an operating authority permit must be accompanied by an application fee of \$2,000 [808] 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 \$1,000 [404] and the appropriate vehicle fee as specified in Section 43-172.”

SECTION 5. That Subsection (g) of Section 43-168, “Operations,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(g) Each dockless vehicle permitted under this article must be equipped with active global positioning system technology and display a unique identification number with characters no less than one inch in height per character.”

SECTION 6. That Subsection (o) of Section 43-168, “Operations,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(o) The director may remove a dockless vehicle from city property or the right-of-way that is parked in violation of this article after notification in accordance with Section 43-169(l). Any dockless vehicle [retrieved by] the director removes from city property or the public right-of-way for a parking violation or retrieves from a stream, lake, fountain, or other body of water will be disposed of in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, if not collected by the operator after notification. The operator shall pay the director a fee of \$50, a daily storage fee of \$25 a dockless vehicle has been stored for more than 48 hours, and reimburse the city for any expenses under subsection (p) of this section before the dockless vehicle may be collected. A dockless vehicle either in the director’s custody under this subsection, or disposed of under Chapter 2, counts against the number of dockless vehicles an operator may deploy under an operating authority permit.”

SECTION 7. That Subsection (s) of Section 43-168, “Operations,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(s) An operator shall engage in community outreach and promote safety awareness in collaboration with the city, including educating [educate] customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator shall periodically provide riders with promotional safety gear such as helmets. 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 28-41.1.1 [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;

(5) motor assisted scooters may not be ridden on sidewalks within city per Section 28-41.1.1 of the Dallas City Code;

(6) motor assisted scooters may not be ridden at certain locations during the times specified by a rule or regulation established in accordance with Sections 43-158 and 43-159; and

(7) motor assisted scooters must comply with the speed limits specified in Section 28-41.1.1 of the Dallas City Code.

SECTION 8. That Subsection (t) of Section 43-168, "Operations," of Article X, "Dockless Vehicle Permit," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

“(t) Operators shall provide a cash option for riders to unlock [The number of] dockless vehicles [in a fleet must be commensurate with the expected level of service].”

SECTION 9. That Subsection (a) of Section 43-169, "Dockless Vehicle Parking, Deployment, and Operation," of Article X, "Dockless Vehicle Permit," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

“(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 36 [48] inches.”

SECTION 10. That Subsection (e) of Section 43-169, “Dockless Vehicle Parking, Deployment, and Operation,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(e) Dockless vehicles may not be deployed on a block where the sidewalk is less than 36 [96] inches in width, or on a block that does not have sidewalks unless a docking zone is safely created for this block. The director may determine other blocks where deploying dockless vehicles is prohibited.”

SECTION 11. That Subsection (i) of Section 43-169, “Dockless Vehicle Parking, Deployment, and Operation,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(i) Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the director. Dockless vehicles must be parked in a manner to provide a 20 foot clear zone around transit stops, shelters, or platforms.”

SECTION 12. That Subsection (l) of Section 43-169, “Dockless Vehicle Parking, Deployment, and Operation,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(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 5:00 [6:00] a.m. and 12:00 a.m. (midnight) on a daily basis [6:00 p.m. (~~excluding holidays~~) and within 12 hours of receiving notice from the director at all other times].”

SECTION 13. That Subsection (n) of Section 43-169, “Dockless Vehicle Parking, Deployment, and Operation,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(n) The director may remove and store any dockless vehicle that is left unutilized [parked] at the same location for five [seven] or more consecutive days [~~if the director has sent the operator a notification to rebalance the dockless vehicle~~].

(1) The operator is responsible for the costs of removal and storage in accordance with Section 43-168(o).

(2) The director shall invoice the operator for the cost of removal and storage.

(3) Any dockless vehicle that remains unclaimed with the city for 30 [60] days is subject to sale in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended."

SECTION 14. That Subsection (p) of Section 43-169, "Dockless Vehicle Parking, Deployment, and Operation," of Article X, "Dockless Vehicle Permit," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(p) Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application[; ~~provided, however, it shall not be unlawful to ride a dockless vehicle on a public sidewalk anywhere in the city outside of the central business district; said district being formed by the following street lines:~~

~~The south line of Young Street from Houston Street to Lamar Street.~~

~~The west line of Lamar Street from Young Street to the DART Rail Corridor.~~

~~The north line of the DART Rail Corridor from Lamar Street to Interstate 45.~~

~~The west line of Interstate 45 from the DART Rail Corridor to Interstate 30.~~

~~The north line of Interstate 30 from Interstate 45 to Exposition Avenue.~~

~~The east line of Exposition Avenue from Interstate 30 to CBD Fair Park Link.~~

~~The east line of the CBD Fair Park Link from Exposition Avenue to Gaston Avenue.~~

~~The north line of Gaston Avenue from the CBD Fair Park Link to Pacific Avenue.~~

~~The north line of Pacific Avenue from Gaston Avenue to Pearl Street.~~

~~The east line of Pearl Street from Pacific Avenue to Ross Avenue.~~

~~The north line of Ross Avenue from Pearl Street to Austin Street.~~

~~The west line of Austin Street from Ross Avenue to Pacific Avenue.~~

~~The north line of Pacific Avenue from Austin Street to Houston Street.~~

~~The west line of Houston Street from Pacific Avenue to Young Street].”~~

SECTION 15. That Section 43-169, “Dockless Vehicle Parking, Deployment, and Operation,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended by adding a new Subsection (r) to read as follows:

“(r) A person commits an offense if the person rides a dockless vehicle in violation of time of day or locational restrictions established by rule or regulation in accordance with Sections 43-158 and 43-159.”

SECTION 16. That Section 43-169, “Dockless Vehicle Parking, Deployment, and Operation,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended by adding a new Subsection (s) to read as follows:

“(s) Operators shall employ geofencing to comply with any time of day or location restrictions on the operation of motor assisted scooters established by rule or regulation in accordance with Sections 43-158 and 43-159.”

SECTION 17. That Subsection (c) of Section 43-170, “Insurance Requirements,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(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.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$500,000 per each accident; and

(B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(5) Cyber/technology network liability and risk insurance, inclusive of information security and privacy with minimum limits of \$1 million per claim.

SECTION 18. That Subsection (d) of Section 43-170, “Insurance Requirements,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(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) include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

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

(5[4]) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(6[5]) require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

(7[6]) comply with all applicable federal, state, and local laws.

SECTION 19. That Section 43-171, “Data Sharing,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“**SEC. 43-171. DATA SHARING.**

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

(b) An operator shall provide live MDS data [a quarterly report] to city data vendors. City data vendors shall supply the director a daily report of aggregated data for the previous 24 hours. City data vendors shall not supply the director with live MDS data. The director may request aggregated data from data vendors at other times when necessary for law enforcement and other emergencies [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 operator's dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations.~~
- (5) ~~Anonymized trip data taken by the operator's dockless vehicles that includes the origin and destination, trip duration, and date and time of trip].~~

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

SECTION 20. That Section 43-172, “Vehicle Fee,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“SEC. 43-172. VEHICLE FEE AND RIDE FEE.”

(a) An operator shall pay either an annual vehicle fee of \$60 for each permitted dockless vehicle or a semi-annual fee of \$35 for each permitted dockless vehicle.

(1) Except as provided in this subsection, annual vehicle fees are due each year on April 1.

(2) Except as provided in this subsection, semi-annual vehicle fees are due each year on April 1 and October 1.

(3) Vehicles fees must be paid at the time of permit application or renewal in accordance with Section 43-161(d).

(4) Vehicle fees may not be prorated.

(b) An operator shall pay a right-of-way rental fee of \$0.20 for each ride a customer takes on a dockless vehicle.

(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage equity in the distribution of dockless vehicles throughout the city. [as follows:

Number of Dockless Vehicles	Fee
1-100	\$2,100
101-200	\$4,200
201-300	\$6,300
301-400	\$8,400
401-500	\$10,500
Fee per dockless vehicle in excess of 500	\$21”

SECTION 21. That Subsection (b) of Section 43-174, “Enforcement,” of Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“(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. The director has authority to issue citations for violations of this division including moving violations.”

SECTION 22. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 23. That Chapters 28 and 43 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 24. 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 25. 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 26. 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:

CHRISTOPHER J. CASO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____