## STAFF REPORT

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| **Agenda Item:** | 6 | **Name:** | Miranda Leskinen |
| **Proposed No**.: | 2019-0358 | **Date:** | September 17, 2019 |

**SUBJECT**

An Ordinance regarding establishment of an electric scooter share pilot program.

**SUMMARY**

Proposed Ordinance 2019-0358 would require the Executive to establish an electric scooter share pilot program in the North Highline urban unincorporated area in King County for a pilot period of up to one year, beginning November 1, 2019. The pilot program, which would be developed, implemented and administered by the Records and Licensing Services Division of the Department of Executive Services, would allow up to two scooter share operators to participate in the pilot program.

The Executive would be required to solicit public and community feedback throughout the pilot period and monitor usage and costs associated with the pilot. Additionally, the Executive would be required to report twice (no later than six months and nine months following the program start date) to Council on program implementation and include, in the second report, a recommendation as to whether the program should continue, expand, or continue and expand beyond the pilot period.

If legislation authorizing continuation of the program beyond the pilot period were not approved by Council before the end of the pilot period, then the Executive would be required to notify each program operator to collect and remove its shared motorized foot scooter fleet.

The proposed ordinance, if approved, would expire on December 31, 2020.

**BACKGROUND**

According to a National Association of City Transportation Officials’ report on shared micromobility in the United States in 2018, 84 million trips were taken on shared micromobility devices in the U.S. in 2018 – more than double the number of trips taken in 2017.[[1]](#footnote-1) The report defines “shared micromobility” to include “all shared-use fleets of small, fully or partially human-powered vehicles such as bikes, e-bikes, and e-scooters”. The report goes on to identify that of this amount, approximately 38.5 million trip were taken on shared electric scooters, also known as ‘e-scooters’. According to the report, at the end of 2018, over 85,000 e-scooters were available for public use in about 100 U.S. cities.

Multiple cities in Washington have implemented e-scooter share pilot programs, such as the Cites of Tacoma, Spokane, Everett, Redmond and Bothell. Additionally, the City of Seattle has announced plans to implement a pilot program in 2020[[2]](#footnote-2).

State law[[3]](#footnote-3) allows a local authority to regulate the operation of motorized foot scooters and shared scooters within its jurisdiction. Regulation may include, but is not limited to:

* Determining if shared scooters may be operated within the local authority’s jurisdiction, and if allowed, where they may be operated;
* Requiring scooter share programs to pay reasonable fees and taxes;
* Requiring that shared scooters be staged in a manner compliant with the Americans with Disabilities Act, to ensure clear passage of pedestrian traffic on sidewalks; and
* Adopting and addressing penalties for moving or parking violations involving shared scooters to the persons responsible for such violation.

Per state law, a driver’s license is not required to operate a motorized foot scooter; however, persons under 16 years of age may not operate a motorized foot scooter unless provided otherwise by a local jurisdiction.[[4]](#footnote-4)

King County Code[[5]](#footnote-5) currently requires that an individual operating a motorized foot scooter on county roads, alleys, county recreational trails and park property be at least 13 years of age. County Code also requires that motorized foot scooter operators and passengers comply with applicable helmet laws. Individuals are currently prohibited from using a motorized foot scooter at any time from one half hour before sunset to one half hour after sunrise.[[6]](#footnote-6) County Code does not currently allow for a motorized foot scooter to be operated on sidewalks, on county roads with a posted speed limit over 25 mph, or in county parks facilities (including parks, recreational trails, open space or other property under the jurisdiction of DNRP - Parks and Recreation Division[[7]](#footnote-7) *unless* the facility has been specifically designated and posted for that use[[8]](#footnote-8)).

**ANALYSIS**

Proposed Ordinance 2019-0358 would require the Executive to establish an electric scooter share pilot program in the North Highline urban unincorporated area in King County for a pilot period of up to one year, beginning November 1, 2019. Definitions for “*motorized foot scooter*”, “*shared scooter*” and “*scooter share pilot program*” are included in Section 1 of the proposed ordinance.

The pilot program would be developed, implemented and administered by the Records and Licensing Services Division (RALS) of the Department of Executive Services[[9]](#footnote-9). RALS would be required to consult and coordinate with other county agencies (e.g. Metro, Department of Natural Resources and Parks, Department of Local Services and Public Health) on development, implementation and enforcement criteria for the pilot program.

Program Operator(s). The director of RALS would be allowed to issue a limited-use permit[[10]](#footnote-10) to participate in the scooter share pilot program to up to two program operators[[11]](#footnote-11), and applicants may be required to reimburse the county for actual costs incurred by the county in the reviewing and processing of an application for a limited-use permit and for program administration and evaluation. RALS would develop the application form, which must address at a minimum:

* Identification of where and when shared scooters are allowed to operate and be parked in the public right-of-way and any, if any, additional identified areas of use and geofencing requirements;
* Identification of the initial maximum allowed shared motorized foot scooter fleet size and any potential phasing or expansion goals throughout the pilot period;
* Identification of shared motorized foot scooter maximum allowed speed should the executive determine it necessary to set a maximum speed lower than state law;
* Requirement for each operator, before permit issuance, to sign and record an indemnification agreement indemnifying and holding harmless the county from and against any claims, suits, causes of action, judgments, damage, loss or liability for injuries to persons or property, other than claims arising out of the county's negligence or willful misconduct;
* Requirement for each operator to have and maintain appropriate insurance coverage, in accordance with state and local laws;
* Requirement for each operator to be responsible for the distribution and maintenance of its shared motorized foot scooters;
* Requirement for each operator to provide a mechanism for public agencies and the public, both users and non-users of the shared motorized foot scooter fleet, to notify the operator of safety or maintenance issues, including improperly parked or abandoned shared motorized foot scooters, and provide feedback or ask questions about the program. Of note, the division may also include a requirement to respond to certain types of complaints within a specified timeframe;
* Requirement for each operator to make its software application program available to users in multiple languages, including, but not limited to, English and Spanish, and make information available to users on its software application program regarding applicable laws and user code of conduct and safety criteria identified by the division;
* Requirement for each operator to monitor program implementation and provide no less than monthly reporting to the division and meet with the division no less than quarterly, by phone or in person, to assess program implementation; and
* Requirement that all shared motorized foot scooters, consistent with state law, must bear a single unique alphanumeric identification visible from a distance of five feet, which shall not be obscured by branding or other markings and which shall be used to identify the shared motorized foot scooter.

The director would be allowed to modify, suspend temporarily or terminate a program operator’s limited-use permit, and may require the operator to reduce or remove its shared motorized foot scooter fleet within ten days of notice, under any one or more of the following circumstances:

* If the operator violates and fails to come into compliance with the terms of the limited-use permit;
* The division determines an operator's shared motorized foot scooter fleet to be unsafe for public use; and
* The scooter share pilot program is determined to be no longer feasible by the division in consultation with the participating operator or operators.

Community Access and Engagement. Program operator(s) would be required to mitigate technology and financial barriers to accessing the program by providing and publicizing at least one participation option for persons who do not have access to a smartphone and for persons who are unbanked or have a household income of less than two hundred percent of the federal poverty level. Each program operator would also be required to conduct public education and outreach activities throughout the pilot period to promote proper shared motorized foot scooter user behavior, including, but not limited, to how to safely operate and park the scooters.

RALS would have to provide information about the scooter share pilot program, as well as provide public and community feedback opportunities, on its public website in multiple languages including at least English and Spanish. Additionally, RALS would be encouraged to consult disability rights groups and local community groups for their input throughout the pilot.

Additionally, the Executive would be required to solicit public and community feedback throughout the pilot period and monitor the usage and costs associated with the scooter share pilot program. Feedback would be encouraged from both program and non-program users.

Program Reporting. The Executive would be required to report twice (no later than six months and nine months following the program start date) to Council on program implementation. Each filed report would include the most current information available on program feedback, usage and costs, including, but not limited to:

* Total number of shared motorized foot scooter trips taken during the pilot period;
* Trips per vehicle per day;
* Vehicle availability and distribution;
* Usage patterns by time of day, day of week;
* Trip duration;
* Spatial patterns to understand the most popular routes;
* Anonymized user demographic data;
* Number of any reported parking and operating violations;
* Number and description of any reported safety incidents;
* Operator average response time for maintenance, hazard reports and shared motorized foot scooter redistribution requests;
* An equity analysis, including but not limited to a description of how the program relates to or supports one or more of the determinants of equity identified in ordinance 16948, a description of any gaps in access to the program based on race, class, gender or language spoken and a description of any other impacts to the community in the North Highline urban unincorporated pilot area;
* A summary of public and user program feedback received by the operators and the county; and
* A summary of any costs to the county relating to program development, implementation and administration.

The second report must additionally include an analysis of emerging lessons learned from pilot programs in other jurisdictions, and the recommendation of the Executive as to whether the program should either continue or expand, or both, beyond the pilot period. If the recommendation is to continue, to expand or to continue and expand the program beyond the pilot period, the Executive would be required to transmit proposed legislation to the Council to effectuate the recommendation (including an implementation plan and, if needed, applicable fee approval or supplemental appropriation request legislation). Per the proposed ordinance, the Executive’s recommendation should consider procurement and permitting processes, number of vendors, system size, coverage area, infrastructure and parking management needs, a maximum speed limit, performance evaluation and data requirements, staffing needs, fees, equity and community considerations, transit integration and technology needs.

If legislation authorizing continuation of the program beyond the pilot period were not approved by Council before the end of the pilot period, then the Executive would be required to notify each program operator to collect and remove its shared motorized foot scooter fleet within ten days of the expiration date of the operator’s limited-use permit.

The proposed ordinance, if approved, would expire on December 31, 2020.

**INVITED**

* Sean Bouffiou, Administrative Services Manager, Department of Executive Services

**ATTACHMENTS**

1. Proposed Ordinance 2019-0358

1. NACTO, “Shared Micromobility in the U.S.:2018”. The report is accessible online at <https://nacto.org/shared-micromobility-2018/>. Accessed on September 11, 2019. [↑](#footnote-ref-1)
2. City of Seattle, Department of Transportation website, “Scooter Share”, updated August 21, 2019. URL: <https://www.seattle.gov/transportation/projects-and-programs/programs/new-mobility-program/scooter-share>. Accessed on September 11, 2019. [↑](#footnote-ref-2)
3. RCW 46.61.715. [↑](#footnote-ref-3)
4. RCW 46.20.500(5). [↑](#footnote-ref-4)
5. K.C.C. chapter 14A.40. [↑](#footnote-ref-5)
6. K.C.C. 14A.40.010.B. [↑](#footnote-ref-6)
7. King County Department of Natural Resources and Parks (DNRP). [↑](#footnote-ref-7)
8. K.C.C. chapter 7.12. [↑](#footnote-ref-8)
9. Per the proposed ordinance, program development, implementation and administration authority shall be delegated by the Executive to RALS. [↑](#footnote-ref-9)
10. “*Limited-use permit*" is defined in Section 1 of the proposed ordinance to mean “permission granted by the county to an operator to participate in the scooter share pilot program established under this ordinance for up to one year.” [↑](#footnote-ref-10)
11. “*Operator”* is defined in Section 1 of the proposed ordinance to mean “the limited-use permit applicant, and any of its officers, partners or owners”. [↑](#footnote-ref-11)