

SHARING ECONOMY

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City of Austin

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CHAPTER 9

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BACKGROUND EDUCATION AND PRACTICE:

Angela received her Bachelors of Science in Foreign Service from Georgetown University's School of Foreign Service. She received her law degree from the University of Texas at Austin and earned a certificate in International Law at University College London. After law school Angela joined the U.S. Army JAG Corps and rose to the rank of Captain. Upon completion of her military service, Angela returned to Texas as an Assistant Attorney General.

In 2011 Angela joined the City of Austin Law Department. Since, she has been the primary attorney for all Transportation and Mobility issues, and Eminent Domain.

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ORDINANCE NO. 20180426-027

AN ORDINANCE AMENDING CITY CODE CHAPTER 14-9 (*TRAFFIC OR SIDEWALK OBSTRUCTIONS*) TO EXPAND THE TYPES OF ACTS THAT ARE PROHIBITED; CREATING A CITY-WIDE SERVICES LICENSE; CREATING OFFENSES; AND DECLARING AN EMERGENCY.

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

PART 1. City Code Section 14-9-1 (*Merchandise over or on Sidewalks Prohibited*) is amended as follows:

§ 14-9-1 – COMMERCIAL USE OF [MERCHANDISE OVER OR ON] SIDEWALKS OR CITY RIGHT-OF-WAY PROHIBITED.

- (A) Except as provided in Subsection (B) or otherwise authorized by ordinance, a person may not:
 - (1) display, cause to be displayed, suspend, or offer merchandise or dockless transportation services for sale, lease, or rental in the public right-of-way or on a [ever-the] sidewalk in front of a business, residence, or other premises within the person's control; or
 - (2) place a container on the sidewalk adjoining a business, residence, or other premises within the person's control.
- (B) This section does not apply to specific permanent containers for ornamental trees or shrubs placed in accordance with a permit authorized by Council.

PART 2. City Code Section 14-9-3 (*Placing Vehicle or Bulky Objects on Street, Alley, or Sidewalk*) is amended to prohibit the placing of any objects in the street, alley, or sidewalk, and to read as follows:

§ 14-9-3 - PLACING [VEHICLE OR BULKY] OBJECTS ON STREET, ALLEY, OR SIDEWALK.

- (A) A person may not place, store, or park, or allow [permit] another person to place, store, or park, a vehicle, machinery, dockless transportation item or other bulky item on a street, alley, or sidewalk [for more than one hour]:
 - (1) to sell, purchase, rent, or lease the item;
 - (2) to use the object or item for work or business; or
 - (3) as waste, refuse, or junk.

- (B) ~~[This section does not apply to lumber or other building materials that are being used to construct or repair a building.]~~

~~[(C)]~~ This section does not apply to an individual's automobile or other vehicle that is being used or is temporarily parked at the curb to be used for the individual's personal use.

PART 3. City Code Section 14-9-11 (*Restriction on Street Sales in Certain Areas*) is amended to prohibit the sale, exchange, or taking of orders for the sale or exchange of goods or services within the City right-of-way and to read as follows:

§ 14-9-11 - RESTRICTION ON SALES AND OTHER TRANSACTIONS IN CITY RIGHT-OF-WAY [STREET SALES IN CERTAIN AREAS].

- (A) Except as provided in Subsection (B), a person may not display, sell, offer for sale, exchange, or take orders for the sale or exchange of merchandise, or dockless transportation goods services, rentals or lease within City right-of-way adjacent to schools, hospitals, convention centers, City owned or controlled buildings, streets, highways, bridges, alleys, sidewalks, and any places deemed detrimental to safety and mobility as determined by the director of the Austin Transportation Department (director), ~~[in an area described in this section]~~ unless the person has obtained a license from the City[;].

~~[(1) An area that begins at the intersection of the north line of Riverside Drive (West) with the east line of South First Street;~~

~~(a) South along the east line of South First Street to a point in the south line of Barton Springs Road;~~

~~(b) West along the south line of Barton Springs Road to a point in the west line of Dawson Road;~~

~~(c) North along the west line of Dawson Road to a point in the north line of Riverside Drive (West); and~~

~~(d) East along the north line of Riverside Drive (West) to the point of beginning.~~

~~[(2) An area that begins at the intersection of the south line of 15th Street (East) with the west line of Trinity Street;~~

~~(a) North along the west line of Trinity Street to a point in the north line of Martin Luther King, Jr. Boulevard;~~

~~(b) East along the north line of Martin Luther King, Jr. Boulevard to a point in the west line of Red River Street;~~

- (c) ~~North along the west line of Red River Street to a point in the north line of Manor Road;~~
 - (d) ~~East along the north line of Manor Road to a point on the face of the west curb of IH 35 West Frontage Road;~~
 - (e) ~~South along the face of the west curb of the IH 35 West Frontage Road to a point in the south line of 15th Street (East); and~~
 - (f) ~~West along the south line of 15th Street (East) to the point of beginning.~~
- (3) ~~An area that begins at the intersection of the north right-of-way line of Third Street (East) with the west right-of-way line of Trinity Street;~~
- (a) ~~East along the north right-of-way line of Third Street (East) to a point in the west right-of-way line of Sabine Street;~~
 - (b) ~~South along the west right-of-way line of Sabine Street to a point in the north right-of-way line of Second Street (East);~~
 - (c) ~~West along the north right-of-way line of Second Street (East) to a point in the east right-of-way line of Red River Street;~~
 - (d) ~~South along the east right-of-way line of Red River Street to a point in the south right-of-way line of First Street (East);~~
 - (e) ~~West along the south right-of-way line of First Street (East) to a point in the west right-of-way line of Trinity Street; and~~
 - (f) ~~North along the west right-of-way line of Trinity Street to the point of beginning.]~~

(B) This section does not apply to:

- (1) the sale or display of a newspaper, pamphlet, or periodical on a sidewalk if the newspaper, pamphlet, or periodicals and any display or dispenser is within an area extending not more than three feet from the curblane or the lot line; or
- (2) [a food vendor legally operating as authorized under the Code.] the distribution of leaflets, literature, or other information in a manner that does not block the safe or free passage of another person.
- (3) solicitation as defined by Subsection (B)(8) of City Code Section 9-4-13 (Exception to Prohibition Against Obstruction for Sale, Rental, or Lease of Merchandise or Services) in a manner that does not violate Subsection

(C) of City Code Section 9-4-13 (*Exception to Prohibition Against Obstruction for Sale, Rental, or Lease of Merchandise or Services*)

PART 4. City Code Section 14-9-12 (*Obstruction for Sale of Merchandise*) is amended to add a prohibition against renting or leasing merchandise or services in the City right-of-way to read as follows:

§ 14-9-12 - OBSTRUCTION FOR SALE, RENTAL, OR LEASE OF MERCHANDISE OR SERVICES PROHIBITED.

- (A) This section does not apply to a person licensed under Section 14-9-21 (*Street Vendor License Authorized*), or to a use authorized by Section 14-9-13 (*Exceptions to Prohibition Against Obstruction for Sale, Rental, or Lease of Merchandise or Services*).
- (B) On a street, highway, bridge, alley, sidewalk, or right-of-way, a person may not:
 - (1) place, park, or maintain, or cause to be placed, parked, or maintained a structure or display used to sell, offer for sale, lease, rental, barter, trade, store, or take an order for the sale, lease, rental, or exchange of merchandise, or dockless transportation goods, or services; or
 - (2) sell, offer for sale, rent, lease, exchange, or take orders for the sale or exchange of merchandise, or dockless transportation goods or services.
- (C) A person may not park a motor vehicle on a street to use as a structure or display to sell merchandise to a pedestrian or occupant of another vehicle.

PART 5. City Code Section 14-9-13 (*Exceptions to Prohibition Against Obstruction for Sale of Merchandise*) is amended to read as follows:

§ 14-9-13 - EXCEPTIONS TO PROHIBITION AGAINST OBSTRUCTION FOR SALE, RENTAL, OR LEASE OF MERCHANDISE OR SERVICES.

Section 14-9-12 (*Obstruction for Sale, Rental, or Lease of Merchandise or Services Prohibited*) does not apply to:

- (1) a display for a newspaper, pamphlet, or periodical, on a sidewalk if the display is not more than three feet from the curblane or lot line, in compliance with Article 4 (*Restrictions on Newsracks and Direct Sales in a Public Rights-of-Way*);
- (2) a public market established under Chapter 14-2 (*Public Markets*);
- (3) the delivery of previously ordered or purchased merchandise;

- (4) the use of a street, alley, or sidewalk in connection with residence-to-residence or business-to-business sales or solicitations;
- (5) fresh cut flower sales, offers for sale, exchanges, or purchase orders;
- (6) a sidewalk cafe permitted or licensed under Chapter 14-4 (*Sidewalk Cafés*);
- (7) a sidewalk sign that complies with Section 25-10-153 (*Sidewalk Signs*) or a retail item for display or sale, provided that:
 - (i) the sign or retail item is within the frontage of the business displaying the sign or retail item; and
 - (ii) an unobstructed pedestrian pathway exists sufficient to meet applicable requirements of the Americans with Disabilities Act (ADA); ~~and~~
- (8) a street vendor operating a non-stationary vending cart from which only prepackaged food or drinks are sold to the general public, provided the street vendor is a person affiliated with or operating as an agent of a non-profit corporation that assists the chronically homeless~~[-]; and~~
- (9) a children's neighborhood beverage stand as defined by City Code Section 10-3-1 (*Definitions*).

PART 6. City Code Section 14-9-14 (*Impoundment of Property Found in Violation*) is amended to authorize civilian city employees to impound and dispose of merchandise or goods in the City right-of-way, and to read as follows:

§ 14-9-14 - IMPOUNDMENT OF PROPERTY FOUND IN VIOLATION.

- (A) A peace officer or a civilian employee designated by the director may impound a structure, ~~[or] display, merchandise or goods [used for the sale of merchandise]~~ placed, parked, or maintained on a street, highway, bridge, alley, sidewalk, or other public right-of-way in violation of this article.
- (B) Property impounded under this section may be removed immediately and redeemed or disposed of in accordance with Chapter 9-1 (*Abandoned Property and Vehicles*).

PART 7. Article 3 (*Street Vendor License*) City Code Section 14-9-21 (*Street Vendor License Authorized*) Subsection (B) is amended to read as follows:

§ 14-9-21 - STREET VENDOR LICENSE AUTHORIZED.

- (B) The city manager may not issue a [~~permit~~] license under this section unless the traffic engineer has reviewed the request for a license and determines that the proposed location:
- (1) have been approved by the Texas Department of Transportation Engineer, if the location involves a right-of-way covered by a state-city maintenance agreement;
 - (2) has been the site of fewer than 14 motor vehicle accidents during the 12-month period immediately preceding the date of the application;
 - (3) has a turnout, curbside parking, or other parking space available that may be used to transact a sale;
 - (4) is not expected to cause excessive vehicle delays, vehicle surges, or lane changes;
 - (5) has customary street traffic volumes that do not significantly impede the flow of vehicular traffic;
 - (6) complies with the provisions of the Section 552.007 (*Solicitation by Pedestrians*) of the Texas Transportation Code and Section 42.03 (*Obstructing Highway or Other Passageway*) of the Texas Penal Code;
 - (7) is not expected to cause or significantly contribute to sidewalk congestion or make access to abutting private property unreasonably inconvenient or hazardous; or
 - (8) is not expected to impede the flow of pedestrian traffic to make the use of a sidewalk unreasonably inconvenient or hazardous.

PART 8. City Code Section 14-9-22 (*Conditions of License*) is amended to read as follows:

§ 14-9-22 - CONDITIONS OF LICENSE.

[~~(A)~~] A person who applies for a license under this article must:

- [~~(1)~~] (A) agree to comply with the terms of the license agreement;
- [~~(2)~~] (B) pay the annual ground rent fee prescribed by ordinance, based on the traffic engineer's determination of the vendor's square-foot encroachment on the right-of-way; and
- [~~(3)~~] (C) carry and display a right of-way license verification card.

PART 9. Article 3 (*Street Vendor License*) of City Code Chapter 14-9 (*Traffic or Sidewalk Obstructions*) is amended to add a new Section 14-9-23 (*City-Wide Services License Authorized*) to create a new license, to read as follows:

§ 14-9-23 – CITY-WIDE DOCKLESS TRANSPORTATION LICENSE AUTHORIZED.

- (A) The director may issue a city-wide dockless transportation license to a person for use of the public right-of-way to sell, offer for sale, rent, lease, exchange, or take orders for dockless-transportation-related merchandise, goods, or services.
- (B) The director shall review the request for a license and determine that the following criteria have been met in addition to other criteria as established by rule:
 - (1) unit placement plan City Code Section 14-9-24 (*City Wide Placement Plan*) submitted;
 - (2) unit placement plan complies with the provisions of the Section 552.007 (*Solicitation by Pedestrians*) of the Texas Transportation Code and Section 42.03 (*Obstructing Highway or Other Passageway*) of the Texas Penal Code;
 - (3) activity is not expected to cause or significantly contribute to sidewalk congestion or to make access to abutting private property hazardous; and
 - (4) activity is not expected to impede the flow of pedestrian traffic or to make the use of a sidewalk unreasonably inconvenient or hazardous;
 - (5) licensee provides anonymized data reporting as required to ensure best management of public right of way and improve associated infrastructure, safety, and associated planning;
 - (6) vendor meets determined minimum liability insurance, both per occurrence and in the aggregate, as well as providing a performance bond per unit (to serve as security deposit); and
 - (7) units physically display contact information of vendors to provide people ability to call with complaints;
- (C) The director may modify a license or reduce the number of authorized units placed in the right of way, based on the total number of units concentrated within a specific area.

- (D) Each license shall be valid for no more than six months from date of issuance.
- (E) The director shall ensure that license applications are approved only for operators in compliance with City laws and in good financial standing with the City once an operator files a permit application and pays the permit fee. Companies can restore good standing if they take the following actions:
 - (1) remove dockless devices from the public right-of-way;
 - (2) cease operations until they secure a license;
 - (3) reimburse the City for any and all costs associated with the company's lack of compliance; and
 - (4) other requirements as determined by the director.

PART 10. Article 3 (*Street Vendor License*) of City Code Chapter 14-9 (*Traffic or Sidewalk Obstructions*) is amended to add a new Section 14-9-24 (*City-Wide Unit Placement Plan*) to create a placement plan requirement, to read as follows:

§ 14-9-24 – CITY-WIDE DOCKLESS TRANSPORTATION UNIT PLACEMENT PLAN

- (A) An applicant for a city-wide dockless transportation license shall provide the director a plan that shows the number of units to be deployed in specific areas of the City.
- (B) The director may reduce the number of authorized units placed in the right of way, based on the number of units concentrated within a specific area.

PART 11. Article 3 (*Street Vendor License*) of City Code Chapter 14-9 (*Traffic or Sidewalk Obstructions*) is amended to add a new Section 14-9-25 (*License Amendment, Suspension, or Revocation*) to authorize license amendments, suspensions, or revocations, to read as follows:

§ 14-9-25 - LICENSE AMENDMENT, SUSPENSION, OR REVOCATION

- (A) The director may suspend, amend, or revoke a license for a violation of federal, state, or local law, or if the license holder does not meet the requirements under this division.
- (B) In addition to the grounds described in Subsection (A) above, the director may also suspend or revoke a license if the:

- (1) License holder fails to maintain correct and current information with the City regarding the information or operations in the right-of-way required by the license;
- (2) License holder provides false or misleading information to the director or any officer, employee, or contractor of the City;
- (3) License holder files bankruptcy, is insolvent, or fails to meet financial obligations on a timely basis, or is unable to obtain or maintain the financial resources needed to properly maintain facilities or provide adequate service;
- (4) License holder fails to provide the director regular reports;
- (5) License holder engages in fraudulent, unfair, misleading, deceptive, or anti-competitive practices or unlawful discrimination;
- (6) License holder shows a pattern of not responding to inquiries by the director or customer complaints in a timely fashion;
- (7) A federal, state, or local registration, certification, or license of license holder is suspended; or
- (8) License holder, a person controlling the license, or principal employed by the license holder, is convicted of a felony or any crime involving theft, fraud, or deceit related to the license holder's service.

PART 12. Current City Code Section 14-9-23 (*Offenses and Penalty*) is renumbered and amended to read as follows:

§ 14-9-2[3]6 - OFFENSE AND PENALTY.

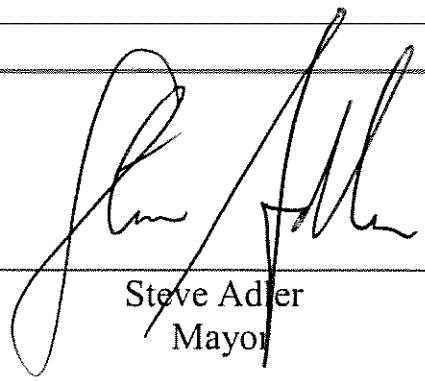
- (A) A person commits an offense if the person operates without a permit or license as required by this Chapter.
- ~~[(A)]~~ (B) A person commits an offense if the person fails to display the person's right-of-way license verification card to a peace officer or authorized City employee during the time the person is operating at the permitted location.
- (C) An offense under this article is a Class C misdemeanor punishable as prescribed by Section 1-1-99 (*Offenses; General Penalties*).

PART 13. The City Council finds that the impacts of obstructions to vehicle and pedestrian traffic constitute an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health, and safety.

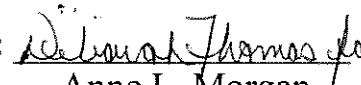
PASSED AND APPROVED

____ April 26 _____, 2018

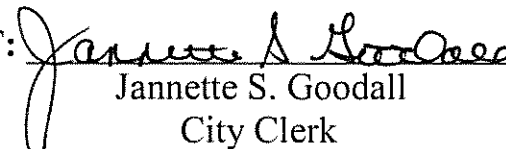
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Steve Adler
Mayor

APPROVED: 

Anne L. Morgan
City Attorney

ATTEST: 

Jannette S. Goodall
City Clerk

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 12-1 (*TRAFFIC REGULATION AND ADMINISTRATION*) AND 12-2 (*BICYCLES*) RELATING TO THE OPERATION OF MICRO-MOBILITY DEVICES AND BICYCLES ON SIDEWALKS AND ROADWAYS; AND CREATING OFFENSES.

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

PART 1. City Code Section 12-1-1 (*Definitions*) is amended to add a new definition of “Micro-Mobility Device,” to renumber the remaining subsections accordingly, and to read as follows:

- (3) MICRO-MOBILITY DEVICE means a scooter, skateboard, or other compact device designed for personal micro-mobility, either privately-owned, or part of a shared micro-mobility service. It does not include “electric personal assistive mobility” devices under Texas Transportation Code Section 551.201, or medical devices.

PART 2. City Code Section 12-1-32 (*Use of Skateboards, Bicycle Motocross Bicycles, and Toy Vehicles on Public Right-of-Way or Property*) is amended to read as follows:

§ 12-1-32 USE OF MICRO-MOBILITY DEVICES, SKATEBOARDS, BICYCLE MOTOCROSS BICYCLES, AND TOY VEHICLES ON PUBLIC RIGHT-OF-WAY OR PROPERTY.

(A) A person may not use [~~skates or~~] a toy vehicle on a public street except to cross a street at a crosswalk.

(B) A person may not operate a micro-mobility device, [skate,] or ride a skateboard, toy vehicle, or similar device on public landscaping, amenities or art [~~a sidewalk or other area designated for pedestrian traffic in the following areas:~~]

- (1) ~~Sixth Street (East) in blocks 100 through 700 inclusive;~~
(2) ~~Sixth Street (West) in blocks 100 through 1200 inclusive;~~
(3) ~~Guadalupe Street in blocks 1900 through 2800 inclusive; and~~
(4) ~~Congress Avenue in blocks 100 to 1000 inclusive].~~

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~~[(C)—A person may not skate, or ride a skateboard, or toy vehicle or similar device on an architectural feature, sidewalk, or other area designated exclusively for pedestrian traffic in the area bounded by Cesar Chavez Street on the south, Lavaca Street on the east, Second Street on the north, and Guadalupe Street on the west.]~~

~~[(D)—A person may not ride a bicycle motocross bicycle on an architectural feature in the area bounded by Cesar Chavez Street on the south, Lavaca Street on the east, Second Street on the north, and Guadalupe Street on the west.]~~

PART 3. Subsections (A) through (E) of City Code Section 12-1-34 (*Use of Portable Electronic Devices While Operating a Motor Vehicle or Bicycle*) are amended to prohibit the use of portable electronic devices while operating micro-mobility devices, and to read as follows:

§ 12-1-34 - USE OF PORTABLE ELECTRONIC DEVICES WHILE OPERATING A MOTOR VEHICLE, BICYCLE, OR MICRO-MOBILITY DEVICE ~~[BICYCLE]~~.

(A) In this section:

- (1) portable electronic device means a hand-held mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, laptop computer, pager, broadband personal communication device, global positioning or navigation system, electronic game device, or portable computing device.
- (2) use means employing a portable electronic device for any reason including, without limitation, the following activities while holding or touching the device:
 - (a) dialing or deactivating a phone call;
 - (b) speaking in or listening to a conversation;
 - (c) viewing, taking, or transmitting electronic images;
 - (d) composing, sending, viewing, accessing, browsing, retrieving, or saving email messages, text messages, or other electronic data;
 - (e) entering or changing information in a global positioning or navigation system or any software or application designed for navigation;
 - (f) accessing or viewing an internet website or computer application; or
 - (g) playing a game.
- (3) operating a micro-mobility device or bicycle means riding ~~[astride a permanent seat attached to the bicycle]~~ while the micro-mobility device or bicycle is in motion.

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(4) authorized emergency personnel means a person who is a law enforcement officer, firefighter, member of a governmental emergency medical services function, or member of a governmental emergency management function.

(B) An operator of a motor vehicle may not use a portable electronic device while the vehicle is in motion.

(C) A person may not use a portable electronic device while operating a micro-mobility device or bicycle.

(D) It is an affirmative defense to prosecution of an offense under this section if:

(1) the motor vehicle, [or] micro-mobility device, or bicycle is at a complete stop;

(2) the portable electronic device is used in a hands-free mode of operation and used to engage in telephone communication or to listen to audio transmissions;

(3) the portable electronic device is a global positioning or navigation device, or global positioning or navigation software on a device, and the device is affixed to the motor vehicle, [or] micro-mobility device, or bicycle;

(4) use of a portable electronic device is for obtaining emergency assistance to report a crime, traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed; or

(5) use of a portable electronic device is in the reasonable belief that a person's life or safety is in immediate danger.

(E) This section does not apply to authorized emergency personnel who are using a portable electronic device while the personnel are acting in an official capacity.

PART 4. Subsection A of City Code Section 12-1-35 (*Vulnerable Road Users*) is amended to add micro-mobility device users and bicycle users to the definition of vulnerable road users:

§ 12-1-35 - VULNERABLE ROAD USERS.

(A) In this section, a Vulnerable Road User means:

(1) a pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;

(2) a person on horseback;

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- (3) a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment; ~~[or]~~
- (4) a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter; ~~or~~[-]
- (5) a person operating a micro-mobility device or bicycle.

PART 5. The caption of City Code Chapter 12-2 (*Bicycles*) is amended to read as follows:

CHAPTER 12-2 MICRO-MOBILITY DEVICES AND BICYCLES

PART 6. City Code Section 12-2-1 (*Definitions*) is amended to add new definitions of “Director,” “Rider,” and “Shared Micro-Mobility Service,” and to read as follows:

§ 12-2-1 - DEFINITIONS.

In this chapter:

- (1) CHILD means a person younger than 18 years of age who has not been married or had the disabilities of minority removed for general purposes.
- (2) DIRECTOR means the director of the Austin Transportation Department.
- ~~(3[2])~~ BICYCLIST means a person operating a bicycle.
- ~~(4[3])~~ PARENT means the natural or adoptive parent or court-appointed guardian or conservator of a child.
- (5) RIDER means a person operating a bicycle or a micro-mobility device.
- (6) SHARED MICRO-MOBILITY SERVICE means a publicly offered transportation service that enables a person to obtain short-term access to a micro-mobility device on an as-needed basis.

PART 7. City Code Section 12-2-2 (*Applicability*) is amended to read as follows:

§ 12-2-2 - APPLICABILITY.

This chapter applies when a rider ~~[person]~~ operates a micro-mobility device or bicycle on a street or sidewalk ~~[or bicycle path]~~.

PART 8. The caption of City Code Chapter 12-2 Article 2 (*Bicycle Traffic Regulations*) is amended to read as follows:

ARTICLE 2. – MICRO-MOBILITY DEVICE AND BICYCLE TRAFFIC REGULATIONS.

PART 9. City Code Sections 12-2-11 (*Applicability of Vehicle Traffic Rules*), 12-2-12 (*Obedience to Traffic-Control Devices*), and 12-2-14 (*Exit from Alley, Driveway, or Building*) are amended to extend the applicability of the sections to all micro-mobility devices and riders, and to read as follows:

§ 12-2-11 - APPLICABILITY OF VEHICLE TRAFFIC RULES.

A rider [~~bicyclist~~] shall comply with the requirements of this title imposed on a driver of a vehicle, to the extent that the requirements may be applied to operation of a micro-mobility device or bicycle.

§ 12-2-12 - OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) A rider [~~bicyclist~~] shall obey the instruction of official traffic signals, signs, and other traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) Unless a bike lane is specifically designated otherwise, a rider travelling [~~bicyclist riding~~] in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

(C) A rider [~~bicyclist~~] shall obey traffic signs that prohibit a right, left, or "U" turn, except when the rider [~~bicyclist~~] dismounts from the micro-mobility device or bicycle to make the turn. A rider [~~bicyclist~~] who dismounts shall obey regulations applicable to pedestrians.

§ 12-2-14 - EXITING FROM ALLEY, DRIVEWAY, OR BUILDING.

A rider [~~bicyclist~~] exiting from an alley, driveway, or building shall yield the right-of-way to a pedestrian on a sidewalk or sidewalk area, or to a vehicle on a roadway.

PART 10. City Code Section 12-2-13 (*Use of Sidewalks Restricted*) is amended to allow micro-mobility devices and bicycles on sidewalks, and to read as follows:

§ 12-2-13 - USE OF SIDEWALKS [~~RESTRICTED~~].

(A) Except as provided in Subsections (B) and (C), a person may ride a micro-mobility device or bicycle on a sidewalk in a reasonable and prudent manner.

~~[(B) A person may not ride a bicycle on a on the following streets:~~

~~(1) 100 to 1100 blocks of Congress Avenue;~~

~~(2) 1900 to 2500 blocks of Guadalupe Street;~~

- (3) ~~100 to 1100 blocks of Brazos Street;~~
(4) ~~200 to 1100 blocks of Colorado Street;~~
(5) ~~from the 200 block of Second Street (West) to the 300 block of Second Street (East);~~
(6) ~~from the 900 block of Fifth Street (West) to the 800 block of Fifth Street (East);~~
(7) ~~from the 700 block of Sixth Street (East) to the 1000 block of Sixth Street (West);~~
(8) ~~from the 100 block of Eighth Street (West) to the 200 block of Eighth Street (East);~~
(9) ~~from the 100 block of Ninth Street (West) to the 200 block of Ninth Street (East);~~
(10) ~~from the 200 block of 11th Street (West) to the 200 block of 11th Street (East); and~~
(11) ~~from the 200 block of 15th Street (West) to the 200 block of 15th Street (East).]~~

(B) Riders shall yield to pedestrians on sidewalks and in cross walks.

(C) Riders shall operate on sidewalks in a manner consistent with the Americans With Disabilities Act and that does not endanger or hinder the movement of persons with limited mobility or other sidewalk users.

PART 11. City Code Section 12-2-15 (*Parking*) is amended to add parking prohibitions and to read as follows:

§ 12-2-15 – PARKING.

(A) A person shall ~~[may]~~ not park a micro-mobility device or bicycle:

- (1) in a manner that obstructs pedestrian or vehicle traffic; ~~[or]~~
- (2) in a space designated as a vehicle parking place or between two designated vehicle parking places, unless otherwise marked; ~~[-]~~
- (3) in a manner that obstructs transit stops, shelters, or platforms;
- (4) on any part of an accessibility ramp for persons with disabilities, or in any manner that would restrict the movement of persons with disabilities;
- (5) in designated and marked special use zones, including, but not limited to, commercial service zones, passenger loading zones, customer service zones and valet zones;

- (6) in a manner that obstructs fire suppression appurtenances, building entryways, exits, or vehicular driveways;
- (7) on or near railroad or light rail tracks or crossings;
- (8) in a manner that obstructs street furniture that pedestrians access, including, but not limited to, benches and parking pay stations; or
- (9) on any private property without the permission of the owner.

(B) A person shall ~~[may]~~ not attach or secure a micro-mobility device or bicycle to public or private property in a manner that may damage, impair, or render the property unusable.

(C) A person shall ~~[may]~~ park a micro-mobility device or bicycle:

- (1) in designated spaces marked for such use ~~[against a street curb];~~
- (2) in a manner which does not obstruct a roadway, path, sidewalk, crosswalk, or other pedestrian-way ~~[bicycle rack on a sidewalk]; [or]~~
- (3) in a manner which does not obstruct building entrances, exits, fire exits, delivery areas, or alleyways; ~~[against a building.]~~
- (4) in a manner which does not obstruct travel and movement in violation of the Americans with Disabilities Act; or
- (5) in a manner which does not trespass on or obstruct private property, unless authorized by owner.

PART 12. City Code Sections 12-2-16 (*Riding Restrictions*) and 12-2-17 (*Riding on Restricted or Prohibited Streets*) are amended to read as follows:

§ 12-2-16 - RIDING RESTRICTIONS.

(A) Except as otherwise directed by a traffic-control device or a police officer, a rider ~~[bicyclist]~~ shall ride in accordance with state law ~~[:]~~

- ~~(1) in the right-most lane available to vehicle traffic where vehicles are prohibited from parking along the right curb;~~
- ~~(2) in the center of the lane where vehicles are permitted to park along the right curb; or~~
- ~~(3) in the right-hand portion of an unlaned street;]~~ .

(B) A rider shall not operate a micro-mobility device or bicycle ~~[bicyclist may not ride a bicycle]~~ between vehicles traveling or standing in the same direction within marked lanes of a roadway or contrary to established traffic control devices.

§ 12-2-17 - RIDING ON RESTRICTED OR PROHIBITED STREETS.

A rider [~~bicyclist~~] may not operate [~~ride~~] a micro-mobility device or bicycle on a street or sidewalk where [~~bicycle~~] riding is prohibited or on a street during the hours that [~~bicycle~~] riding is prohibited on the street.

PART 13. Chapter 12 of the City Code is amended to add a new Section 12-2-18 (*Rider Duties*) describing riders' duties in cases of injury to a person or damage to property, and to read as follows:

§12-2-18 RIDER DUTIES

A rider who causes injury to a person or damage to property shall immediately stop the micro-mobility device or bicycle and:

(A) Provide any injured person reasonable assistance;

(B) Give the injured person or owner of damaged property the rider's name, address, and phone number; and

(C) If the damaged property is unattended, the rider must leave in a conspicuous place, or securely attached in a visible way to the property, a written notice with the rider's name, address, and phone number.

PART 14. The caption of City Code Chapter 12-2 Article 3 (*Bicycle Helmets*) is amended to read as follows:

ARTICLE 3. – SAFETY EQUIPMENT [~~BICYCLE HELMETS~~].

PART 15. City Code Sections 12-2-31 (*Helmet Required*) and 12-2-32 (*Approval of Standards*) are amended to read as follows:

§ 12-2-31 - HELMET REQUIRED.

(A) Except as permitted by Section 12-2-33 (*Health Condition Exemption*) a child may not operate or ride a micro-mobility device or a bicycle, sidecar, trailer, child carrier, seat, or other device attached to a micro-mobility device or bicycle unless the child is wearing a helmet.

(B) Except as permitted by Section 12-2-33 (*Health Condition Exemption*) a parent may not permit a child to operate or ride a micro-mobility device or [~~as on~~] a bicycle, sidecar, trailer, child carrier seat, or other device attached to a micro-mobility device or bicycle unless the child is wearing a helmet.

(C) Under this section, a helmet must:

- (1) be properly fitted and securely fastened to the child's head with the straps securely tightened;
- (2) not be structurally damaged; and
- (3) conform to the standards of the United States Product Safety Commission~~[the American National Standards Institute, the American Society for testing and Materials, the Snell Memorial Foundation, or a federal agency with regulatory jurisdiction over bicycle helmets at the time of the manufacture of the helmet]~~.

§ 12-2-32 - APPROVAL OF STANDARDS.

~~[(A)]~~ The city council approves the bicycle helmet standards promulgated by the United States Consumer Product Safety Commission~~[the American National Standards Institute, the American Society for Testing and Materials, and the Snell Memorial Foundation]~~.

~~[(B)]~~ ~~The city clerk shall file a copy of the standards in effect on May 9, 1996 in the clerk's office.]~~

PART 16. City Code Section 12-2-34 (*Sale of a Bicycle*) is repealed and replaced with a new section 12-2-34 (*Multiple Riders Prohibited*) to read as follows:

§ 12-2-34 – MULTIPLE RIDERS PROHIBITED

A rider may not operate a micro-mobility device or bicycle with another rider or occupant, unless the device or bicycle is specifically manufactured and designed to accommodate multiple riders.

PART 17. City Code Section 12-2-35 (*Lease of a Bicycle*) is repealed and this section is reserved for expansion of the Code.

PART 18. City Code Section 12-2-36 (*Penalty; Enforcement*) is amended to describe offenses under this chapter, to describe who may issue citations under this chapter, and to read as follows:

§ 12-2-36 - PENALTY; ENFORCEMENT.

(A) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter.

(B) A culpable mental state is not required for the commission of an offense under this article.

(C) A separate offense is committed each time an offense occurs.

(D) Prosecution for an offense under this article does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.

([B]E) An offense under this article is a Class C misdemeanor punishable by a fine not to exceed:

(1) \$20 on a first conviction; and

(2) \$40 on a subsequent conviction.

([C]F) The municipal court may dismiss a charge against a person for an offense under Section 12-2-31 (*Helmet Required*) on receiving proof that the defendant acquired a helmet for the child who was operating or riding a micro-mobility device or bicycle in violation of Section 12-2-31 (*Helmet Required*) on or before the 30th day after the citation was issued.

([D]G) To promote the use of helmets, the city council encourages the municipal court to consider deferred dispositions under Article 45.051 (*Suspension of Sentence and Deferral of Final Disposition*) of the Texas Code of Criminal Procedure where appropriate.

(H) A police officer or officer designated by the Director may issue a citation for any violation of this ordinance.

PART 19. City Code Section 12-2-37 (*Civil Actions*) is amended to read as follows:

§ 12-2-37 - CIVIL ACTIONS.

(A) The city council adopts this article to encourage [bicycle] safety through the use of helmets and through the promotion of educational efforts.

(B) The city council does not intend this article to be used in a manner to prejudice a person, child, or parent in a civil action arising out of an [bicycle] accident. The council encourages construction of this article accordingly.

PART 20. This ordinance does not address the use of micro-mobility devices on parkland or trails, which is currently prohibited pursuant to City Code Section 8-1-31 (*Use of Motor Vehicles in Public Recreation Areas*). Changes to the regulations related to micro-mobility devices on parkland and trails will be addressed by separate ordinance after completion of the Parks and Recreation Department's trails pilot program.

PART 21. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 § _____
 § _____
 § _____
 Steve Adler
 Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk

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AN ORDINANCE 2018-10-11-0803

**REGULATING THE USE OF MOTOR-ASSISTED SCOOTERS,
ELECTRIC BICYCLES, AND BICYCLES EQUIPPED WITH
GPS; REGULATING PERSONS THAT PROVIDE THESE
VEHICLES FOR COMPENSATION; ESTABLISHING CERTAIN
FEES AND FINES; AND AMENDING THE CITY CODE OF SAN
ANTONIO, TEXAS.**

* * * * *

WHEREAS, multiple transportation options allow residents and people who visit the City of San Antonio, for business or pleasure, to enhance their enjoyment and experiences by allowing easy access to different areas of the city; and

WHEREAS, new transportation options have recently been offered for a fee, including motor-assisted scooters, electric bicycles and bicycles equipped with GPS; and

WHEREAS, regulation of these transportation options is necessary to establish the rules for the safe operation of these vehicles and to protect the safety and convenience of pedestrians and others who might be impacted by the use of these vehicles; and

WHEREAS, due to the new and constantly changing nature of these vehicles and the entities that provide them for use for a fee, the director of the department designated by the City Manager to enforce this ordinance must have the authority to establish rules and regulations for the issuance of permits and the operation of these vehicles consistent with this ordinance; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That CHAPTER 19, "MOTOR VEHICLES AND TRAFFIC" of the City Code of San Antonio, Texas is hereby amended by adding new Article XIX, " MOTOR-ASSISTED SCOOTERS, ELECTRIC BICYCLES, AND BICYCLES EQUIPPED WITH GPS, " composed of Sections 19-660 through 19-669, to read as follows:

**ARTICLE XIX. - MOTOR-ASSISTED SCOOTERS, ELECTRIC BICYCLES, AND
BICYCLES EQUIPPED WITH GPS**

Sec. 19-660. - Definitions and exclusions.

(a) As used in this article:

- (1) BICYCLE EQUIPPED with GPS means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter, which has a global positioning system (GPS) to determine the geographic location of the bicycle.

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- (2) 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.
- (3) DOCKLESS VEHICLE means a Bicycle Equipped with GPS, an Electric Bicycle, or a motor assisted scooter that is available for use for a fee;
- (4) ELECTRIC BICYCLE means a bicycle that:
 - (A) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power;
 - (B) cannot attain a speed of more than 20 miles per hour without the application of human power; and
 - (C) does not exceed a weight of 100 pounds.
- (5) FLEET MANAGER means the person responsible for the daily operations of a dockless vehicle service, who must be based in the city.
- (6) MOTOR-ASSISTED SCOOTER means a self-propelled device, not including a pocket bike or minimotorbike, with:
 - (A) at least two wheels in contact with the ground during operation;
 - (B) a braking system capable of stopping the device under typical operating conditions;
 - (C) a gas or electric motor not exceeding 40 cubic centimeters;
 - (D) a deck designed to allow a person to stand or sit while operating the device; and
 - (E) the ability to be propelled by human power alone.
- (7) PERMIT AGREEMENT means the written agreement between the city and a person for an operating permit which authorizes the operation of a service providing dockless vehicles for compensation.
- (8) PERMIT HOLDER means the person who owns the operation if a sole proprietorship, or the person who has been designated as managing the operation if any other entity, of a service providing dockless vehicles for compensation.
- (9) PERSON means an individual, partnership, corporation, company, association or other legal entity.

(b) This article does not apply to a moped or motorcycle; a motorized mobility device (Trans. Code Section 542.009); an electric personal assistive mobility device (Trans. Code Section 551.201; or a neighborhood electric vehicle (Trans. Code Section 551.301).

Sec. 19-661. - Operation, parking, and required equipment of motor-assisted scooters, electric bicycles, and bicycles equipped with GPS.

- (a) Operation of Motor-Assisted Scooters:
 - (1) Riders must always yield to pedestrians.
 - (2) Riders must use bike lanes when available.

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- (3) In the absence of a bike lane, riders may ride on streets which have a speed limit of 35 miles per hour or less, and on sidewalks, including sidewalks adjacent to roads which have a speed limit over 35 miles per hour. Riders must obey all state and city traffic laws.
 - (4) If ridden on a sidewalk, riders must maintain a distance of two feet from all pedestrians.
 - (5) Riders may not ride on trails, creek ways, plazas and in parks, including but not limited to the Riverwalk, Alamo Plaza, La Villita, Main Plaza and Market Square. Public streets and sidewalks that intersect parks and plazas may be ridden upon.
 - (6) The person operating or in control must be at least 16 years of age.
 - (7) Riders may not have any passengers. Only one person may be on the vehicle when it is being operated.
 - (8) Riders may not use a portable wireless communication device while operating a vehicle.
 - (9) The wearing of a helmet is encouraged but not required.
- (b) Operation of Electric Bicycles, and Bicycles equipped with GPS:
- (1) Riders must always yield to pedestrians.
 - (2) Riders may not ride on sidewalks, and must use bike lanes when available.
 - (3) Riders must obey state and city traffic laws.
 - (4) For Electric Bicycles, the person operating or in control must be at least 16 years of age.
 - (6) Riders may not use a portable wireless communication device while operating a vehicle.
 - (7) The wearing of a helmet is encouraged but not required.
- (c) Parking of Motor-Assisted Scooters, Electric Bicycles and Bicycles Equipped with GPS:
- (1) These vehicles may not be parked on streets, except in areas designated by the director by paint, decals or signs.
 - (2) These vehicles may be parked upright on sidewalks in a manner that does not impede the 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 three feet, except as prohibited below in subsection (2).
 - (3) These vehicles may not be parked on sidewalks at the following locations:
 - (A) In the area beginning at a Bus Stop Flag Pole, continuing back 15 feet in the direction from which busses arrive, for the full width of the sidewalk;
 - (B) Within eight feet of commercial or pedestrian loading zones, or disabled parking zones;
 - (C) Within four feet of street fixtures that require pedestrian access, including but not limited to benches, parking pay stations and transit information signs;
 - (D) Within eight feet of curb ramps, entryways and driveways;
 - (E) Within eight feet of a building entrance;
 - (F) On trails, creek ways, plazas and parks, including but not limited to the Riverwalk, Alamo Plaza, La Villita, Main Plaza and Market Square.
 - (G) In a space reserved for a SWell Cycle, or any other docking station for shared bicycles.
- (d) Required equipment of Motor-Assisted Scooters, Electric Bicycles and Bicycles Equipped with GPS:
- (1) These vehicles may not be operated at nighttime unless the vehicle is equipped with:
 - (A) A lamp on the front of the vehicle that emits a white light visible from a distance of at least 500 feet in front of the vehicle; and

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- (B) A red reflector that is 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 vehicle, or a lamp that emits a red light visible from a distance of 500 feet to the rear of the vehicle.
- (2) These vehicles may not be operated without a working bell, horn, or other sound mechanism.

Sec. 19-662. - Dockless vehicle for hire permit agreements.

- (a) A person must register and obtain a permit agreement from the city, and pay any applicable fees, prior to providing a dockless vehicle to for any compensation, including but not limited to any money, thing of value, payment, consideration, donation, gratuity or profit.
- (b) To obtain a permit agreement, a person must submit an application to the director on a form provided by the director for that purpose. The application must contain the following, including any additional information and requirements established by the director:
- (1) The business name, street address, mailing address, email address, and telephone number of the applicant;
 - (2) A non-refundable semi-annual business permit fee of \$500;
 - (3) A non-refundable semi-annual permit fee of \$10.00 for each dockless vehicle which is to be operated within the city limits of the City of San Antonio;
 - (4) The name, phone number and email address of the fleet manager. Any change in this information must be reported to the director within 24 hours of the change;
 - (5) A phone number for the public to report improperly parked vehicles and other violations, which must be posted on each dockless vehicle;
 - (6) The address of the fixed facilities to be used in the operation, if any, and the address of the applicant's headquarters, if different from the address of the fixed facilities;
 - (7) 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;
 - (8) 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;
 - (9) 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 or irrevocable letter of credit required by this article;
 - (10) The number and the types of dockless vehicles to be operated; and
 - (11) An agreement to indemnify the city.

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- (c) Except as provided in subsection (b)(4), an applicant or registrant shall notify the director, in the manner prescribed by the director, within 10 days of any change in the information contained in the application for permit agreement. If the information reported to the director includes an increase in the number of dockless vehicles, any additional fees due must be submitted to the director simultaneously with the change in information.
- (d) A permit agreement expires six months from the date it is issued. An applicant may renew a permit agreement following the process in this section.
- (e) A permit agreement is non-transferrable. This regulation should not be construed to impede the continuing use of trade names.

Sec. 19-663. - Issuance, renewal, suspension and revocation of permit agreements.

- (a) The director shall refuse to issue or renew a permit agreement if the applicant:
 - (1) Does not meet the requirements in the permit application, including failing to meet any requirements established by the director;
 - (2) Intentionally or knowingly makes a false statement as to a material matter in an application for a permit agreement; or
 - (3) Has been convicted twice within a 12-month period for a violation of this article, or has had a permit agreement revoked within two years of the date of application.
- (b) If the director determines that a permit agreement should be denied, 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.
- (c) The director shall revoke a permit agreement if the director determines that the permit holder has:
 - (1) Made a false statement as to a material matter in the application concerning the operating authority permit;
 - (2) Failed to maintain the insurance required by this article;
 - (3) Operated dockless vehicles in excess of the number authorized by the permit agreement; or
 - (4) Failed to pay a fee required by this article.
- (d) 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.
- (e) Any person whose application for a permit agreement, or renewal of a permit agreement, is denied by the director, or an operator whose permit agreement has been revoked or suspended by the director, may file an appeal with the director, who shall forward the notice of appeal with the City Manager or the City Manager's designee, for appointment of an independent Hearings Officer to preside over the appeal:
 - (1) The hearings officer shall conduct a hearing on the matter within 30 days of the request for the hearing unless one of the parties requests a continuance for good cause.
 - (A) Every person who appeals shall have the right to appear in person or through an attorney;

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(B) Every person who testifies at a hearing shall testify under oath, the person who appealed and the city have the right to produce evidence, and subpoena and call witnesses; and

(C) The burden of proof is on the city by a preponderance of the evidence that the decision of the director should be upheld.

(2) The hearings officer shall render a decision within 30 days of the conclusion of the hearing.

(3) The hearings officer shall have the sole authority for upholding or overruling the action of the director which was appealed.

(4) The decision of the hearings officer shall be final.

Sec. 19-664. - Dockless vehicle operations.

(a) Each dockless vehicle permitted under this article must display the emblem of the permit holder, a unique identification number, and a 24-hour phone number for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

(b) The fleet manager, or a designated representative, shall be available by the phone number provided on the application, seven days a week between 8:00 a.m. and 5 p.m. to accept calls from the director.

(c) Permit holders shall not attach any personal property (other than dockless vehicles), fixtures, or structures to 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.

(d) Permit holders shall provide the director electronic access to the current list of dockless vehicles available for rent in the city, which includes the unique identification number for each vehicle.

(e) Permit holders shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. A permit holder's application must provide information notifying the user that:

- (1) The use of helmets is encouraged for the safety of the drivers;
- (2) The legal parking of dockless vehicles;
- (3) The legal operation of dockless vehicles, including the duty to yield to pedestrians.
- (4) For motor-assisted scooters and electric bicycles, the areas where riding and parking are prohibited.

(f) Notices of violations or broken vehicles:

- (1) Permit holders shall have one hour after receiving notice of a violation, from any source, to correct violations for a dockless vehicle being parked in an area prohibited under this article; for other violations the permit holder has two hours after receiving notice to correct the violation.
- (2) Permit holders are required to lock vehicles reported as broken, from any source, and must remove the vehicle within two hours.
- (3) After the time for correcting a violation has expired, the city may remove and impound a vehicle that is parked in violation of this article or broken. The permit holder must pay the city a fee of \$50 to obtain the return of each vehicle impounded.

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- (g) Permit holders shall cooperate with the city in the collection and analysis of aggregate data concerning its operations:
- (1) Permit holders shall provide a monthly report to the director of the maximum number of permitted vehicles in use by riders at any time in the previous week; and
 - (2) Permit holders shall provide a monthly report to the director that includes:
 - (A) The total number of rides the previous month;
 - (B) The total number of vehicles in service for the previous month;
 - (C) The average number of rides per vehicle per day;
 - (D) Anonymized aggregated data taken by the permit holder's dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations; and
 - (E) Anonymized trip data taken by the permit holder's dockless vehicles that includes the origin and destination, trip duration, distance and date and time of trip.
 - (3) Permit holders shall provide such other reports at the director's request.

Sec. 19-665. - Insurance.

- (a) A permit holder 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 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 prohibition described in 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) A permit holder 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 a permit holder 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.
- (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 nonpayment;
 - (3) Cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the permit holder's business;

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- (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 permit holder may have an interest in the insurance company.
- (f) A permit holder may not be self-insured.
- (g) Any insurance policy required by this article must be on file with and approved by the city prior to the issuance of a permit agreement, must remain in effect during the term of the permit agreement.

Sec. 19-666. - Indemnification.

- (a) PERMIT HOLDER covenants and agrees to FULLY INDEMNIFY, DEFEND and HOLD HARMLESS, the CITY and the elected officials, employees, officers, directors, volunteers and representatives of the CITY, individually and collectively, from and against any and all costs, claims, liens, damages, losses, expenses, fees, fines, penalties, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal or bodily injury, death and property damage (collectively "CLAIMS"), made upon the CITY directly or indirectly arising out of, resulting from or related to PERMIT HOLDER'S violation of this Contract, including any violation attributable to any agent, officer, director, representative, employee, consultant or subcontractor of PERMIT HOLDER, and their respective officers, agents employees, directors and representatives while in the exercise of the rights or performance of the duties under this Contract. The indemnity provided for in this paragraph shall not apply to any liability resulting from the negligence or intentional misconduct of CITY, its officers or employees. IN THE EVENT PERMIT HOLDER AND CITY ARE FOUND JOINTLY LIABLE BY A COURT OF COMPETENT JURISDICTION, LIABILITY SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS FOR THE STATE OF TEXAS, WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW.
- (b). The provisions of this INDEMNITY are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. The parties shall advise each other in writing within 24 hours of any claim or demand against either party that it reasonably believes are covered by PERMIT HOLDER's INDEMNITY obligations hereunder. The CITY shall have the right, at its option and at its own expense, to participate in such defense without relieving PERMIT HOLDER of any of its obligations under this paragraph.
- (c) Defense Counsel - PERMIT HOLDER shall retain the right to select defense counsel in fulfilling its obligation hereunder to defend and indemnify CITY, unless such right is expressly waived by PERMIT HOLDER in writing. CITY shall also have the right, at its option, to be represented by advisory counsel of its own selection and at its own expense.

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(d). Employee Litigation – In any and all claims against any party indemnified hereunder by any employee of PERMIT HOLDER, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation herein provided shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for PERMIT HOLDER or any subcontractor under worker's compensation or other employee benefit acts.

(e) It is expressly understood and agreed that PERMIT HOLDER is and shall be deemed to be an independent contractor and permit holder responsible to all parties for its respective acts or omissions and that CITY shall in no way be responsible therefor.

Sec. 19-667. - Enforcement.

(a) The director shall enforce this article.

(b) Upon observing a violation of this article, the director shall take necessary action to ensure effective regulation of dockless vehicles.

(c) 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 and other applicable laws.

Sec. 19-668. - Criminal offenses.

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

(b) A person commits an offense if the person violates or attempts to violate a provision of this article.

(c) A culpable mental state is not required for the commission of an offense under this article. A separate offense is committed each day in which an offense occurs.

(d) Prosecution for an offense under this article does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.

(e) Any person who violates any of the provisions of this article shall be guilty of a Class C misdemeanor and upon adjudication or conviction thereof shall be fined in an amount not to exceed \$500 for each offense.

Sec. 19-669. - Inconsistent city code provisions.

This Article controls over any previously enacted ordinance or Provision of the City Code of San Antonio, Texas, to the extent there is any conflict, including but not limited to Secs. 19-286, 19-294 and 29-20.

SECTION 2: Funds generated by this ordinance will be deposited as follows:

JK
10/11/18
Item No. 5

Amount	General Ledger	Fund	Internal Fund
\$ 500 per semi-annual business permit	4202420	11001000	219000000000
\$ 10 per semi-annual permit for each dockless vehicle	4202966	11001000	219000000000

SECTION 3: The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.


SECTION 4: Should any article, section, part, paragraph, sentence, phrase, clause, or word of this Ordinance, for any reason, be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be illegal, inoperative, unconstitutional, invalid or ineffective.

SECTION 5. The publishers of the City Code of San Antonio, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

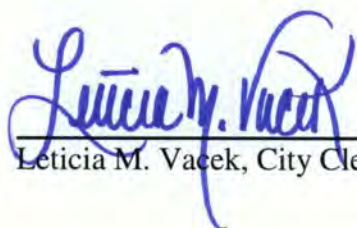
SECTION 6. The City Clerk of the City of San Antonio is hereby directed to publish notice of this ordinance as required by the Charter of the City of San Antonio and the laws of the State of Texas.

SECTION 7. This ordinance shall take effect five days following the date of the publication provided for above.

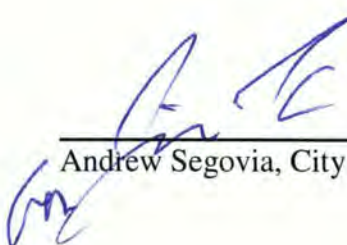
PASSED and APPROVED this 11th day of October, 2018.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	5						
Date:	10/11/2018						
Time:	10:30:31 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance establishing a six month dockless vehicle pilot program, the creation of permit and application fees, and amending City Code to allow riding and parking dockless vehicles in the Right of Way. [Lori Houston, Assistant City Manager; John Jacks, Director, Center City Development & Operations]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

Tex. Transp. Code § 311.071

Current with legislation signed by the Governor as of May 7, 2019

Section 311.071 - Authority To Grant Franchise

- (a) The governing body of a home-rule municipality by ordinance may grant to a person a franchise to use or occupy a public street or alley of the municipality.
- (b) The authority to grant a franchise is the exclusive authority of the governing body.

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.

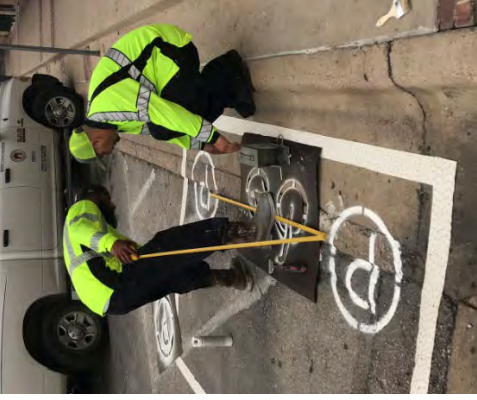
Sec. 551.353. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR MINIMOTORBIKE. This subchapter may not be construed to authorize the operation of a pocket bike or minimotorbike on any:

- (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.



Photo Credit: NACTO



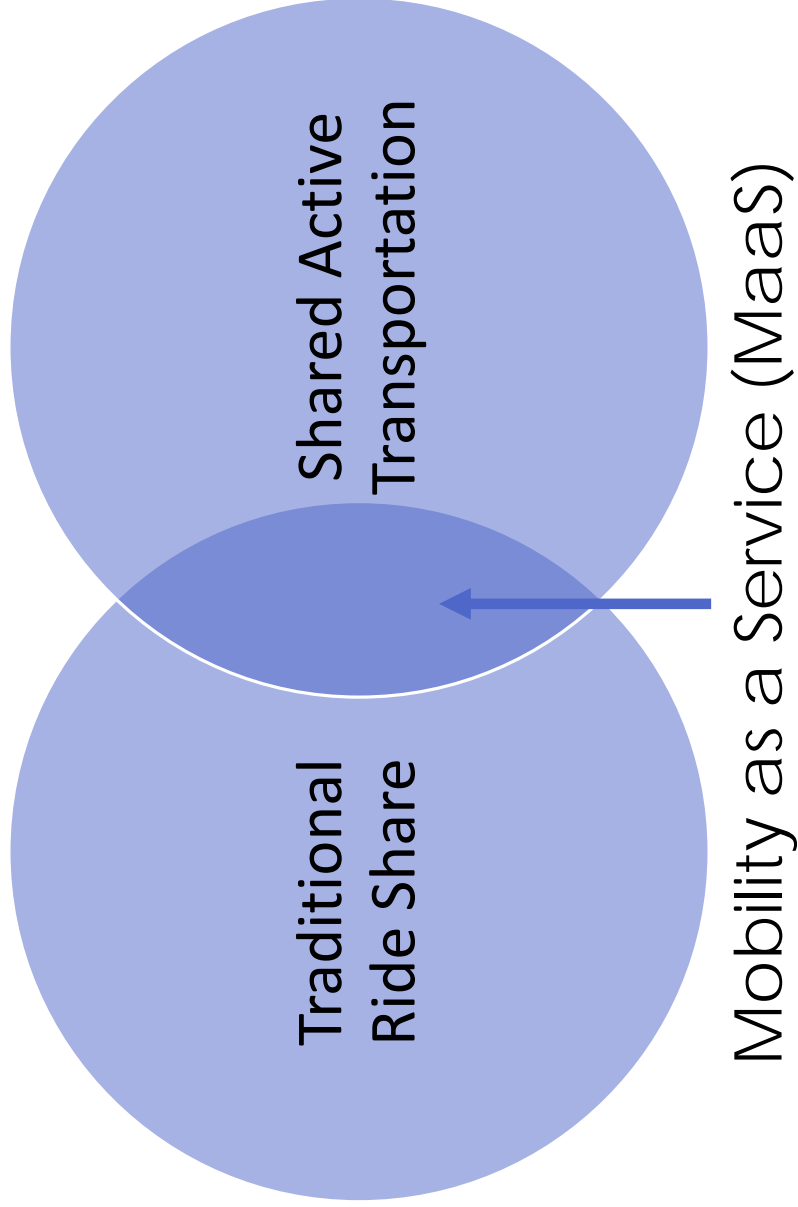
Dockless Mobility / Scooters

AUSTIN, TX

HISTORY

- Regulation before MAAS
- Introduction of “disruptive technologies” (Transportation Network Companies) and regulatory reaction.
- Lessons Learned

Mobility As A Service



Scooters

- Market Disruption
- Legal Loopholes in Austin City Code
- Temporary Legal Solutions / Code Amendments for “dockless” transp.

Program Development

Initial Progress:

- April 27, 2018 - Program Authorized (Ord. 20180426-027)
- May 7, 2018 - Emergency Rules put into place
- May 15, 2018 – First application received

Current Program Status

7

Licensed Operators

17,650 Units Deployed

33 mi²

Service Area*

*Initial licenses are able to serve the entire City of Austin jurisdiction. Thirty-three square miles assumes initial licenses deploy mainly in the downtown Austin Project Coordination Zone (DAPCZ).

State Law and Electric Scooters

Texas Transportation Code Chapter 551

- Use of electric-assist scooters
- Restrictions on use (Parkland)

City Code Considerations

To consider when drafting permanent regulations:

- **Liability**
- **Equal Treatment**
- **Public Safety**
- **Modes of Travel – Scooter; bike; ebike**

“Safe-Rider Ordinance”

- Stakeholder concerns
- Approved by Austin City Council 6/23/2019
- Applies to bicyclists and scooters
- Adopted certain motor-vehicle driver obligations
- Focus on improved safety for rider, driver, and pedestrian

Parks and Environmental Enforcement

- Micro-Mobility Devices in Parks
- Environmental Enforcement
- City Code, Texas Health and Safety Code Ch 341/361, and Texas Water Code Ch 36

Personal Injury Claims

Regulatory Scheme in Texas

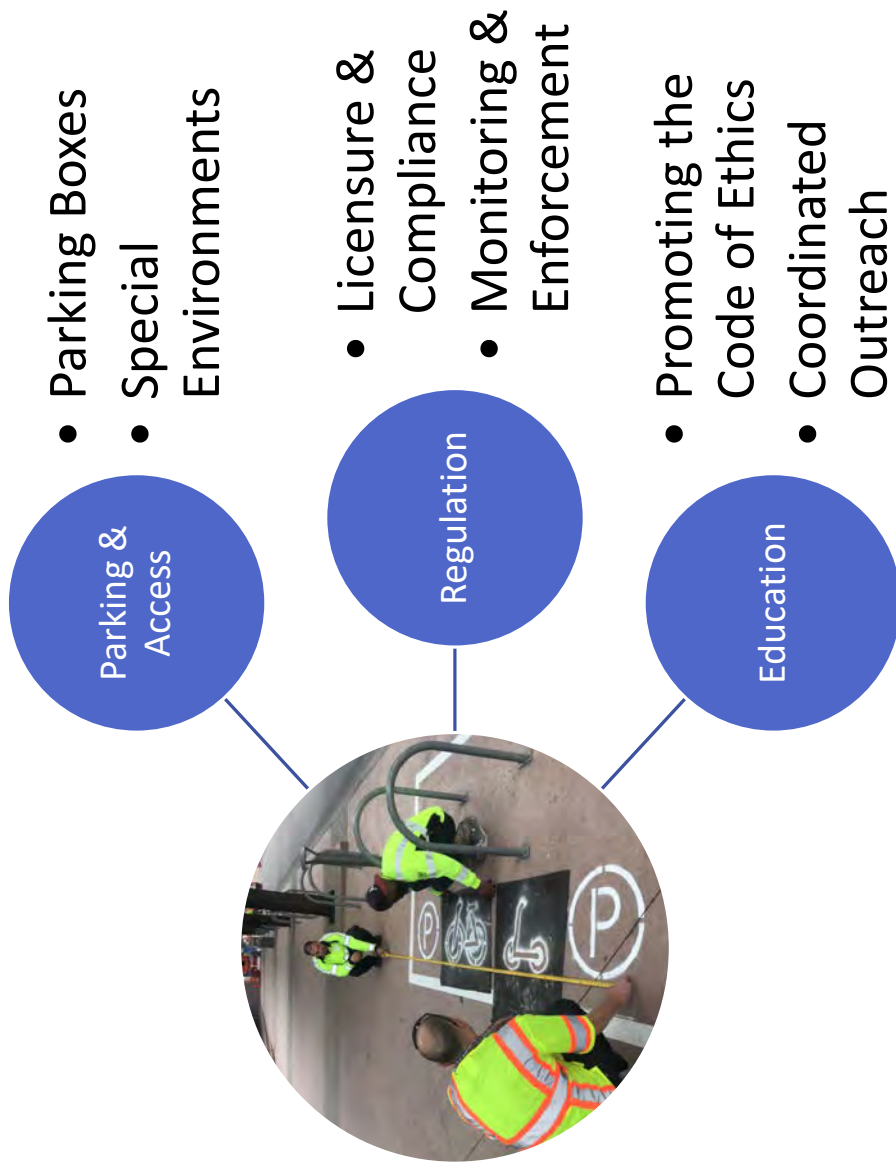
Fee for Service Model

Vs.

Franchising

Vs.

Three-Part Management Model



Discussion & Questions
