

INTRODUCED: January 9, 2023

AN ORDINANCE No. 2023-029

To amend City Code §§ 24-128, concerning application, issuance, and denial of permits for shared mobility devices, 24-131, concerning safety requirements for shared mobility devices, and 24-133, concerning increasing the number of permitted shared mobility devices, for the purpose of expanding operating hours, increasing fees, and increasing the number of permitted shared mobility devices.

Patrons – Mayor Stoney, Ms. Lambert and Ms. Jordan

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 13 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 24-128, 24-131, and 24-133 of the Code of the City of Richmond (2020) be and are hereby amended and reordained as follows:

Sec. 24-128. Application; issuance and denial of permits.

(a) Any person may file an application on forms provided by the Director to obtain a permit or, as applicable, a renewal permit, or a reinstated permit for the parking of one or more shared mobility devices on sidewalks within the City of Richmond. The Director shall review all

AYES: _____ 9 _____ NOES: _____ 0 _____ ABSTAIN: _____

ADOPTED: _____ FEB 13 2023 _____ REJECTED: _____ STRICKEN: _____

applications according to the provisions of this division and the rules, regulations, and guidelines issued in accordance the Section 24-126.

(b) Permits issued in accordance with this division shall be subject to the following general terms and conditions:

(1) The applicant shall demonstrate on such applicant's application that the applicant has met all of the requirements of this division.

(2) Each application to obtain, renew, or reinstate a permit shall be accompanied by payment of an application fee and the annual fee set forth below, except as may be provided otherwise in this division.

| | |
|---|---|
| Application fee | \$1,500.00 |
| Annual fee: | |
| From one to 100 shared mobility devices | [\$20,000.00] <u>\$25,000.00</u> |
| From 101 to 200 shared mobility devices | [\$30,000.00] <u>\$37,500.00</u> |
| From 201 to 500 shared mobility devices | [\$45,000.00] <u>\$56,250.00</u> |

(3) Each application to obtain or renew a permit shall, in accordance with the rules, regulations, and guidelines issued in accordance with Section 24-126, be accompanied by a certificate of insurance demonstrating evidence of commercial general liability insurance coverage of at least \$3,000,000.00 for each occurrence and at least \$5,000,000.00 in the aggregate, listing the City as an additional insured, and indicating that the City will receive at least 30 days' notice of cancellation or material modification of the policy.

(4) Each permit issued by the Director shall state the following:

a. The name of the permittee and the name, address, and phone number of the authorized representative of the permittee, if applicable.

b. The date and time period during which the permit shall be effective.

c. Specifications concerning the parking of the shared mobility device on City sidewalks, including, but not limited to, a requirement that the shared mobility device shall be parked in an upright position on City sidewalks so as not to create a hazard for or interfere with public use and travel.

d. A prohibition against the parking of the shared mobility device on shared-use paths, and in parks and athletic fields owned by the City. For purposes of this subparagraph, the term "shared-use path" shall have the meaning set out for that term in Code of Virginia, § 46.2-100.

e. A prohibition against the parking or leaning of the shared mobility device on park benches located on City-owned real estate.

f. A requirement that the permittee ensure that each user of shared mobility devices covered by a permit issued in accordance with this division have a valid driver's license to the extent that a driver's license is required by law for operation of a shared mobility device.

g. Any other information, as permitted by law, that the Director deems necessary for the administration of the permit.

(5) Permits may be issued and renewed annually for a period of 12 months from the date of any such issuance, subject to the requirements of this division and the rules, regulations, and guidelines issued in accordance with Section 24-126. The Director

shall not issue any more than one permit to the same person during all or any part of a 12-month period covered by a permit issued in accordance with this division.

(6) Permits shall incorporate by reference the provisions of this division and the rules, regulations, and guidelines issued in accordance with Section 24-126.

(7) No permit shall be issued to any person for more than 500 shared mobility devices, except as provided in Section 24-133. Any impounded shared mobility devices shall count against the total number of shared mobility devices that the permittee may have in operation under such permittee's permit.

(8) The permittee shall execute a release, waiver of liability, and indemnification agreement prior to the issuance of any permit. This subdivision (8) shall not apply to governmental organizations.

(9) Upon revocation or expiration of a permit, the permittee shall be responsible for ensuring that any and all shared mobility devices to which a permit relates are removed permanently from every sidewalk, unless another permit is obtained, and are otherwise stored in the manner provided in the rules, regulations, and guidelines issued in accordance with Section 24-126.

(10) The Director may deny a permit to any applicant upon determining that the applicant has not complied with any requirement of this division or the rules, regulations, or guidelines issued in accordance with Section 24-126.

(11) The Director may deny a permit to any applicant upon determining that the applicant has not complied with any applicable Federal, State, or local law or that the applicant is delinquent on any tax, fee, fine, or other obligation to the City.

(12) No permits shall be issued for any shared mobility device that is not equipped with a speed controller limiting the maximum motor-assisted speed of such device to no more than 15 miles per hour or that is not equipped with a global positioning system.

(13) Permits issued in accordance with this division may be transferred or assigned, subject to the express written approval of the Director. The person to whom any permit is transferred or assigned shall be responsible for compliance with all terms and conditions applicable to the permit transferred or assigned.

(14) Permits issued in accordance with this division may be modified by the Director upon request of the permittee or as the Director determines may be necessary for the preservation of the safety, health, and welfare of the citizens of the City.

Sec. 24-131. Safety requirements.

In accordance with the powers granted by Section 2.04 of the Charter and to ensure that permits issued in accordance with this division for the parking of shared mobility devices on the City's sidewalks do not create hazards to the safety, health, and welfare of the citizens of the City, the City hereby requires that all permittees follow the following safety requirements:

(1) Permittees shall perform regular maintenance on the shared mobility devices covered by a permit issued in accordance with this division to ensure that each such device is in safe working condition.

(2) Permittees shall ensure that all shared mobility devices covered by a permit issued in accordance with this division are equipped with brakes, reflectors, a bell, and front and rear lighting.

(3) Permittees shall ensure that all shared mobility devices covered by a permit issued in accordance with this division are only operated from 5:00 a.m. to ~~[9:00 p.m.]~~ 1:00 a.m.

Sec. 24-133. Increasing the number of permitted shared mobility devices.

(a) On a quarterly basis from the date of the issuance of a permit issued in accordance with this division and upon payment of the annual fee set forth in this division for each additional shared mobility device permitted by this section, any permittee may submit a written request to the Director to increase the maximum number of shared mobility devices covered by such permittee's permit issued in accordance with this division. Upon receipt of such request and payment of the fee set forth in this division, the Director shall consider such request in accordance with the requirements of this section. Within 30 days from the date of the receipt of such request, the Director shall increase the maximum number of shared mobility devices covered by such permittee's permit by an amount equal to 25 percent of the maximum number of shared mobility devices covered by such permit on the date of issuance of such permit if the permittee, along with such written request, provides the Director with such evidence as the Director may lawfully require demonstrating that the following conditions have been met:

(1) The shared mobility devices covered by a permit issued in accordance with this division have been operated on an average of three or more trips per day, which trips may begin or end in the City, either or both, for each day of the applicable quarterly period covered by the permit.

(2) The permittee has complied with all of the requirements of (i) the permit for which an increase in the maximum number of shared mobility devices has been requested, (ii) this division, and (iii) all applicable State, Federal, and local laws.

(b) The number of shared mobility devices covered by any permit issued in accordance with this division may only be increased as provided in this section. Notwithstanding any provision of this division to the contrary, the Director, upon application therefor by the permittee, shall issue to a permittee a renewal permit or reinstated permit covering a number of shared mobility devices that is equal to the total number of shared mobility devices permitted on the date of the expiration of such permittee's immediately preceding permit for which the number of shared mobility devices was increased one or more times in accordance with this section, provided that such preceding permit expired no more than 30 days prior to the filing of an application for a renewal permit or reinstated permit.

(c) Any application to renew a permittee's permit for which the maximum number of shared mobility devices permitted resulted from one or more increases made by the Director in accordance with this section shall be filed in accordance with the requirements of this division. In addition, such application shall be accompanied by the payment of the annual fee set forth in this division for each additional shared mobility device covered by an increase made by the Director during all preceding permit periods in accordance with this section and shall be filed no later than 30 days after the expiration date of the immediately preceding permit for which an increase was made by the Director.

(d) Any application to reinstate a permittee's permit for which the maximum number of shared mobility devices permitted resulted from one or more increases made by the Director in accordance with this section shall be filed in accordance with the requirements of this division. In addition, such application shall be accompanied by the payment of the annual fee set forth in this division for each additional shared mobility device covered by an increase made by the Director during all preceding permit periods in accordance with this section and shall be filed no

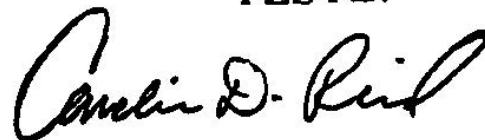
later than 30 days after the expiration date of the immediately preceding permit for which an increase was made by the Director.

(e) For any permit, renewal permit, or reinstated permit, the maximum number of shared mobility devices of which resulted from one or more increases made by the Director in accordance with this section, the Director shall reduce the fee set forth in this division according to the number of days, if any, within the applicable permit period that each additional shared mobility device permitted in accordance with this section was not covered by a permit issued in accordance with this division. In the alternative, any permittee may file an application to obtain a new permit in accordance with the requirements of this division.

(f) For any permit, renewal permit, or reinstated permit, the maximum number of shared mobility devices may be exceeded by 20 percent, without increase in fee, provided the entire excess of devices is deployed to the southside of the city of Richmond. For purposes of this section, the phrase “southside of the city of Richmond” means the territory within the corporate boundaries of the City that is located south of the southern bank of the James River.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carlin D. Reil". The signature is fluid and cursive, written over the printed name "Carlin D. Reil".

City Clerk

2022-023



City of Richmond

Intracity Correspondence

O&R REQUEST

DATE: December 9, 2022

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sabrina Joy-Hogg, Deputy Chief Administrative Officer

THROUGH: Sheila White, Director of Finance

THROUGH: Jason May, Director, Budget & Strategic Planning

THROUGH: Robert Steidel, Deputy Chief Administrative Officer

FROM: Bobby Vincent Jr., Director of Public Works

RE: **AUTHORIZATION TO AMEND THE OPERATING HOURS FOR MOTORIZED DOCKLESS SCOOTERS, INCREASE ANNUAL FEES FOR MOTORIZED DOCKLESS SCOOTER PERMITS AND TO INCREASE MOTORIZED DOCKLESS SCOOTERS FOR SOUTHSIDE DEPLOYMENT**

ORD. OR RES. No. _____

PURPOSE: To amend the operating hours for motorized dockless scooters from 5:00 a.m. - 9:00 p.m. to 5:00 a.m. - 1:00 a.m.; to increase fees by 25% for motorized dockless scooter permits; and to mandate shared mobility permittees in the City of Richmond to deploy at least 20% above their permitted fleet maximum, South of the James River.

REASON: To meet a significant unmet demand for "last mile" use of motorized dockless scooters outside of the current operating hours and to provide an equitable solution toward alternative transportation south of the river. With Council's approval the expanded hours and Southside deployment priority will:

- Expand late night mobility options for disadvantaged communities.
- Increase access to job opportunities and education.
- Improve air quality and reduce personal motor vehicle usage.

RECOMMENDATION: The adoption of this ordinance is recommended by the Department of Public Works.

BACKGROUND: The shared mobility program has seen demonstrated success in the City of Richmond. The program now has two permitted E-scooter companies (namely Bird and Lime) that generate \$90,000 in permit fees annually. During the summer monthly ridership averages approximately 23,000 rides per month. Strong ridership, particularly along densely populated corridors, indicate that many citizens depend on E-scooters as a viable mode of transportation.

The City Of Richmond is unique among other mid-sized cities such as Memphis, Louisville, and Charlotte in that it mandates a restrictive curfew for shared mobility devices. While the City of Richmond only permits operating devices from 5:00AM to 9:00PM, the majority of cities with similar programs all extend their hours later into the evening or 24 hours. Richmond is also the only city in the Commonwealth of Virginia to institute any sort of curfew at all.

Data collected by permitted E-scooter providers show that ridership peaks in the early evening around 7:00PM and remains high up until the 9:00PM curfew. Also, up to 20% of E-scooter app sessions (when potential riders open the app to look for a scooter) occur outside of operating hours. This demonstrates significant unmet demand for shared mobility options during the curfew period. In lieu of using E-scooters potential riders may instead opt to use personal automobiles, walk long distances at night, or use more expensive ride hailing services.

While the current hours do well to serve those with nine - five jobs, many third shift workers, students in night classes, and service industry workers are excluded from using the devices. These groups tend to be among already disadvantaged populations.

Geographic data collected by the Department of Public Works has shown that shared mobility device deployment skews heavily towards the City north of the James River. This has resulted in unmet demand for shared mobility devices in the Southside. Increasing accessibility to "Last Mile" connection by expanding the operating hours and allocating devices for the Southside is a straightforward and visible mechanism to further the City's policy towards greater equity in transportation.

FISCAL IMPACT/COST: None.

FISCAL IMPLICATIONS: None. The City will continue to administer the program and coordinate day to day with E-scooter operations managers. Program costs will not increase.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: Increase in special fund revenue by \$22,500.00 annually

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: January 9, 2022.

CITY COUNCIL PUBLIC HEARING DATE: January 23rd, 2022.

REQUESTED AGENDA: Consent agenda.

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation Standing Committee, January 18, 2022.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITY: N/A

AFFECTED AGENCIES: Department of Public Works and Finance

RELATIONSHIP TO EXISTING ORD. OR RES: Ordinance No. 2018-288

REQUIRED CHANGES TO WORK PROGRAMS: None

ATTACHMENT: Summary Presentation.

STAFF: Dironna M. Clarke, Administrator OETM- DPW
Brandon King, Program and Operations Supervisor OETM-DPW

Shared Mobility Device Program



Office of Equitable Transit and Mobility (OETM)

October 10, 2022

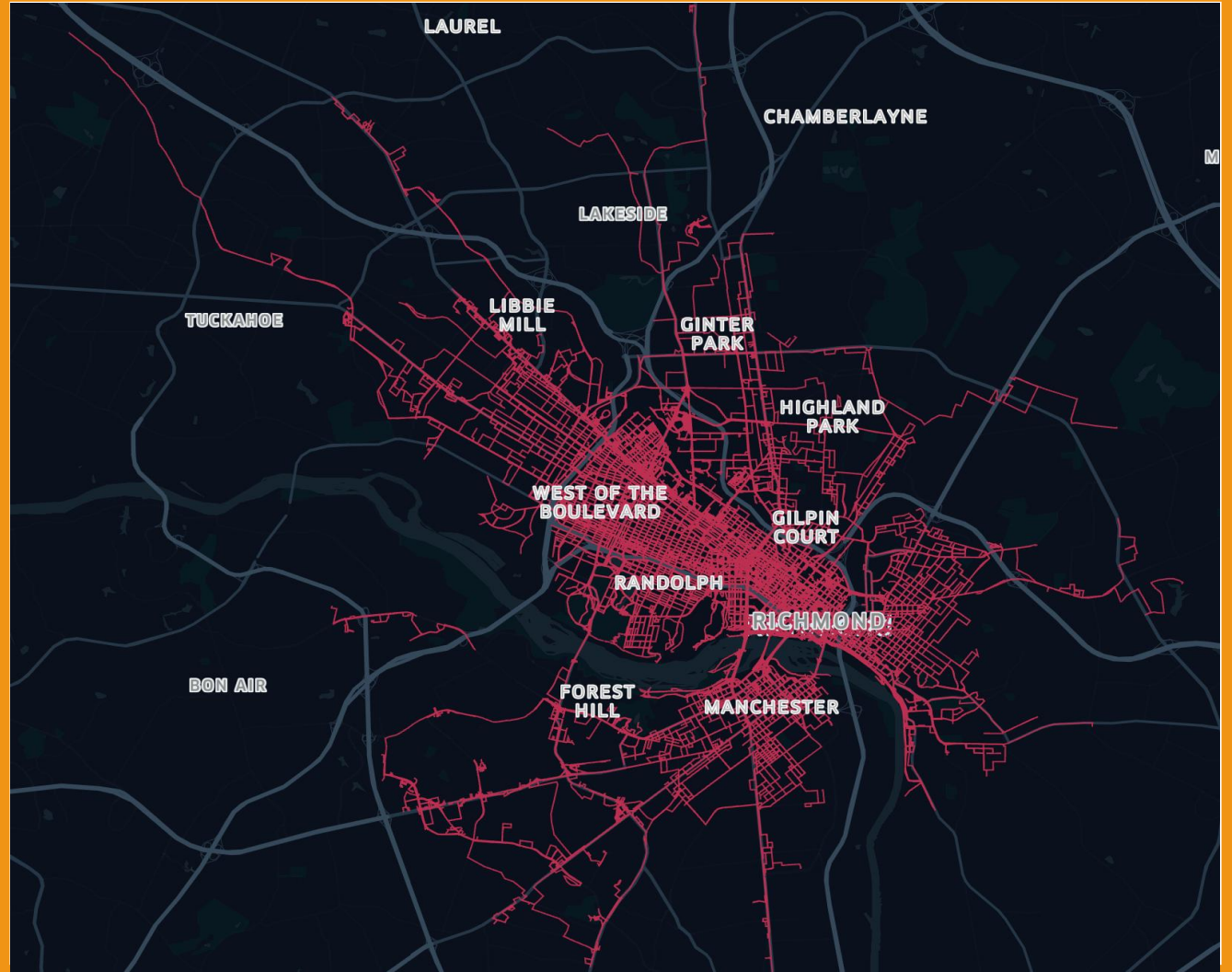
Current Permittees and Revenue

- The City of Richmond's shared mobility program established in 2019, currently has two companies with active annual permits:
 - ❖ Bird – 500 devices, \$45,000/year
 - ❖ Lime – 500 devices, \$45,000/year

Usage

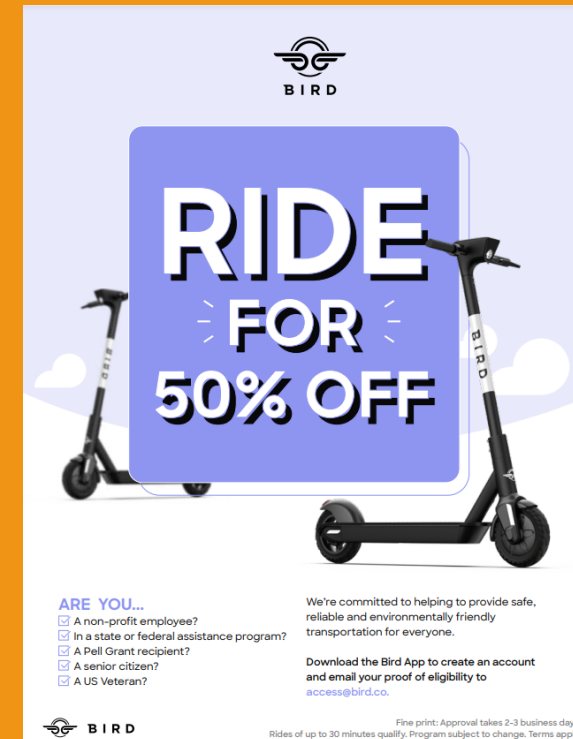
- Ridership during peak months (April, May, and June) averages 30,000 rides per month.
- Shared Mobility Devices(SMD) provide an integral “last mile” transportation connection for thousands of Richmonders.
- Geographically, typical use of shared mobility devices closely follows population density, public transit, and recreational destinations.

Usage



Usage

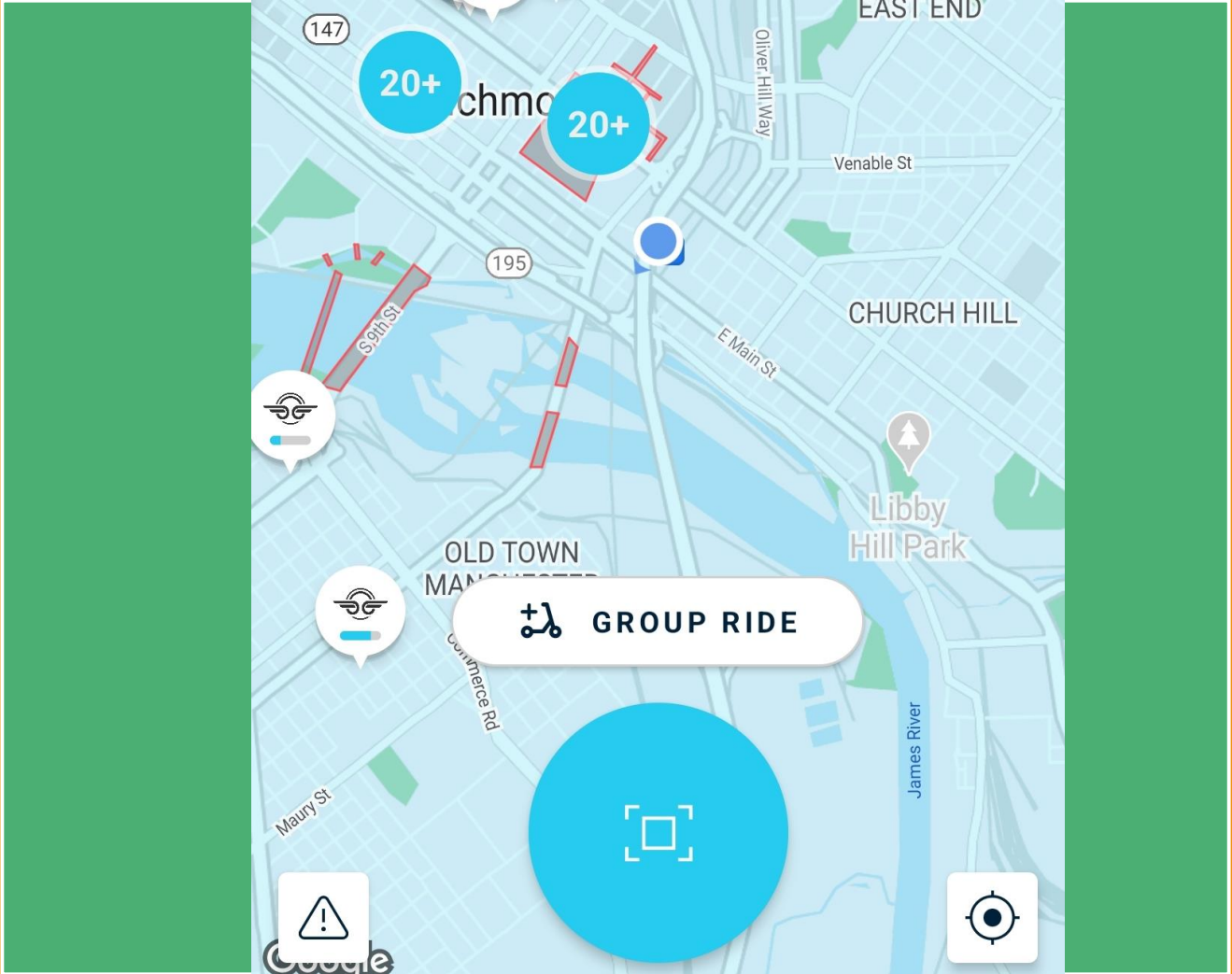
- SMDs are most effective as an extension of traditional mass transit. (i.e. a citizen gets disembarks a bus and then rides a scooter the last mile to their home).
- The two largest SMD operators now offer discounted scooter programs for eligible riders.



Complaints and Response Procedure

- Our SMD vendors are the first line of response for citizen complaints. Each vendor is required to have an active customer service number and local field staff on call to service customers during operating hours.
- If certain locations are recognized as problem areas the Department of Public Works can and has enforced geo-fencing of SMD operation. Geo-fencing prevents operation of the SMDs within a set geographic area. These areas have included public parks, bridges, and public plazas.
- Since the implementation of these measures incidents from our largest provider have fallen from an average of 5.3/month in 2021 to 4.3/month in 2022.

Complaints and Response Procedure



Opportunities & Considerations for Enhancing the SMD program

Ordinance No. 2018-288

- The current permitted operating hours for E-scooters in the City of Richmond are from 5:00AM – 9:00PM.
- Current annual permit fees :
 - One to 100 shared mobility devices = \$20,000
 - 101 to 200 shared mobility devices = \$30,000
 - 201 to 500 shared mobility devices = \$45,000

Opportunities & Considerations for Enhancing the SMD program

- Unmet Demand
 - Data from local E-scooter permittees shows a significant increase in scooter rentals and associated app usage up to the 9:00PM curfew.
 - 20% of app usage occurs outside of the operating hours implying that there is significant unmet demand during these hours.
- Breaks the multi-modal transportation chain
 - Other modes of public transportation such as GRTC busses and RVA Bikeshare operate beyond permitted E-scooter operating hours.
 - SMDs are at their most effective when working as an extension of traditional mass transit options. I.e. a citizen gets disembarks a late night bus and then rides a scooter the last mile to their home.
- Disproportionate effect on disadvantaged populations
 - Carless citizens, late night workers, students taking night classes, etc. deserve greater agency in their late night transportation options.

Potential Threats with Enhancing the SMD program

- An increase in calls or accidents; that today average 5.6 incidents monthly.
- Potentially less visibility; but SMDs are equipped with front lights and brake lights for users, pedestrians, and driver safety.
- Quality of service may decline during night hours, as E-scooter vendors may not be as responsive as they are now. SMD providers will be responsible to address all user complaints occurring during the overnight hours.

Recommended Next Steps

1. Expand operating hours from 5:00AM – 9:00PM to 5:00AM – 1:00AM. This will capture the bulk of unmet demand. There is also flexibility to select 12am as a cut-off time as well.
2. Increase annual permit fees by 25%:
 - One to 100 shared mobility devices = ~~\$20,000~~
\$25,000
 - 101 to 200 shared mobility devices = ~~\$30,000~~
\$37,500
 - 201 to 500 shared mobility devices = ~~\$45,000~~
\$56,250

This would result in a net increase of \$22,500 in annual permit fees.

Recommended Next Steps

3. Mandate that permittees must deploy 20% of their permitted fleet maximum south of the James River.
 - Providers may exceed their permitted fleet maximums by 20% as long they meet the deployment requirement south of the James River. These devices exceeding the maximum will not be subject to permit fees.

Thank you!!

Questions??



Brandon King, Program and Operations Supervisor
Office of Equitable Transit and Mobility (OETM)

Brandon.king@rva.gov

804-646-4696