



Date: January 23, 2020

To: Thomas J. Bonfield, City Manager
Through: Keith Chadwell, Deputy City Manager
From: Sean Egan, Transportation Director
Subject: Shared Active Transportation Report and Ordinance Revision

Executive Summary

Under the City of Durham's Shared Active Transportation System (SATS) program, electric scooters have been deployed on the City's streets, providing over 196,000 rides in the program's first 6 months. As the micro-mobility industry continues to evolve in 2020, and the City has had the opportunity to evaluate its own SATS program, City staff recommends modifications to the existing SATS program, including recommended changes to the City Code and program fee structure.

The review process was conducted by the Transportation Department earlier this fall and winter. Staff sought input for recommended revisions to the SATS program and solicited information and program feedback from three main sources: the current active scooter companies through an open-ended questionnaire and follow-up discussion; stakeholder departments and organizations through organization-tailored questionnaires; and residents of Durham through an online and in-person survey.

Based on this input, Staff has drafted a revised ordinance (Attachment 3) establishing new regulations for all shared micro-mobility vehicles, shifting some regulations for electric or motorized scooters into more appropriate locations in the City Code, and establishing a new fee structure (Attachment 4). This presentation will summarize this process, along with providing a data report on the first six months of the SATS program.

Recommendation

Staff recommends that the City Council receives a presentation on the Shared Active Transportation Systems program; adopts the Ordinance to Revise the Regulations of Motorized Scooters and Electric Assisted Bicycles and the Operation of Shared Active Transportation Systems; and adopts the Ordinance to Revise Shared Active Transportation System Permittee Fees.

Background

On October 15, 2018, City Council adopted the Ordinance to Regulate the Operation of Shared Active Transportation Systems, (Ordinances 15380 and 13581), establishing the Shared Active Transportation Systems (SATS) Program and applicable regulations and fees for shared micro-mobility vehicles, including dockless bicycles, electric-assist bicycles, and motorized scooters. This SATS Ordinance was developed from previous bike share regulations based on lessons learned from the 2017 dockless bike share program (established by Ordinance 15209), and expanded regulations to include other forms of micro-mobility.

The SATS Ordinance requires potential vendors of shared micro-mobility vehicles to follow regulations to “promote the integrity of the city’s transportation system; to maintain the rights-of-way clear of unnecessary obstructions; and to protect the health, safety, and welfare of the citizens of the city.” This includes regulations like requiring safety information to be given to customers, guidelines for vehicle deployment, placement and operations, and sharing ridership data with the City through a third-party data provider. Other regulations, such as hours of operation, the maximum number of vehicles per type allowed, and geographic vehicle requirements, are determined by the Director of the Transportation Department. Permittees are ultimately responsible for operations, maintenance, deployment, rebalancing, and encouraging the safe operation of their devices. The City oversees permittees through a program administrator in the Transportation Department.

The initial application process for the current SATS Program was open in December 2018. Staff reviewed applications in early 2019 for compliance with the SAT Ordinance, but due to staff turnover and the time needed to engage a third-party data provider (RideReport was selected), application review was not completed until May. Four companies (Lime, Spin, Bird, and Gotcha) were approved to receive a one-year permit for operation, each approved for 200 motorized scooters. Companies were expected to pay a permit fee of \$100 per vehicle (\$20,000 total), complete a signed form of indemnification, and return a performance bond in the amount of \$10,000. Two companies, Lime and Spin, fulfilled all of these conditional prerequisites and began operation on the allowed beginning date for the City, June 13, 2019, while Bird began operation on July 1, 2019. Gotcha, while conditionally approved, has not begun operating within the city, but may begin doing so in the future.

During the first six months of the program, over 196,000 rides have been taken between the three active providers. Overall the program saw just over two trips per vehicle per day in the six months, peaking at over three trips per vehicle day during September. Permittees mostly kept to their fleet maximum requirements, the program averaging just under 500 vehicles per day (closer to 600 during the summer, and much lower during the recent winter months). Of the nine days where the combined fleet surpassed 600 vehicles at any point, the majority were only a dozen or so vehicles over, which mainly happened during “transitional times”, when companies were replacing active fleets with new ones; there was also a data glitch for a few days with one provider that counted inactive vehicles in their warehouse, which put their number well over 200.

The ordinance requires companies to deploy and rebalance 20 percent of their fleets within low and moderate income census tracts every day. Combined, the companies met this 20 percent threshold by 8 AM on 72 percent of days. On days they do not meet the threshold by 8 AM, companies are very likely to meet it before noon. The overall average deployment in these areas was 22 percent (24.5 percent since September 10, the first day of using a more precise measurement from RideReport). The City’s 20 percent fleet deployment requirement seems to be meeting demand, as 22 percent of all trips originated from these census tracts, mainly coming from the NCCU area and the east side of the American Tobacco District.

A more extensive report of data from the first six months of the program is included in the Shared Active Transportation Program Update and Ordinance Revision Presentation, in Attachment 2.

Issues and Analysis

Explanation for Revision - The decision to revise the current SATS Ordinance was made for a few reasons. The micro-mobility industry has grown immensely in the last few years, especially with scooters. An estimated 38.5 million scooter trips were taken in the United States in 2018,

with even more projected last year. Micro-mobility is a more environmental-friendly alternative to cars that can fill more of a short-trip gap, with scooters emitting only about 2 percent of emissions of carbon dioxide that a car would produce daily. While shared active vehicles do not meet all transportation needs for all residents, the industry has continued to fill a practical first and last mile solution and appropriate complement to other forms of transportation. Micro-mobility companies are also helping encourage residents to use alternative modes of transportation for short trips, guide users on road safety, and advocate for more pedestrian and bicycle infrastructure. Companies currently with permits in Durham, as well as others, are developing new and improved products that could also fall under Shared Active Transportation but may not be covered under the City's current definition.

However, with this expanding industry and new technologies comes the potential for more conflicts with other transportation users, most notably pedestrians. Compliance with regulations imposed by the City are a joint effort by the City, the permittees, and their users, but the most difficult to manage is how users park vehicles after rides, and how quickly companies can reposition fleets to clear pedestrian spaces. Without proper education, an uninformed population may not know how to properly ride or operate a shared active vehicle, could operate a vehicle unsafely, and could get into conflicts or crashes with automobiles, bicyclists, or pedestrians. Of general comments made to providers and to the City regarding issues with scooters and other micro-mobility vehicles, this was the most prevalent issue. This expansion of the micro-mobility industry nationwide may bring attention to alternative modes of transportation for users, but it also brings the need for more oversight from municipalities.

In September 2019, the National Association of City Transportation Officials (NACTO) released the Guidelines for Regulating Shared Mobility outlining best practices for cities administering docked and dockless micro-mobility programs. While micro-mobility can still be designated as in its "infancy," the document provides a means to present options for regulation and then contextualize them for cities. The guide states that by addressing issues "in a similar fashion across multiple jurisdictions, cities can create a level playing field for vendors and ensure a safer, more equitable experience for riders." Additionally, in anticipation of changes from the North Carolina General Assembly regarding the regulation of micro-mobility vehicles, the City began preparing for revisions to the SAT Ordinance to better align with any decisions made at the state level. Unfortunately, the State ended the 2019 legislative session without adopting legislation. To keep pace with more refined micro-mobility solutions and cities with similar programs, revision to the City's current SAT regulations is recommended.

Permittee Questionnaires: Community feedback for potential ordinance changes came from three main places, the first of which was from our active permittees. Questionnaires were sent out to the three scooter companies (Bird, Spin, and Lime) in early October, asking each their experiences in working with the City, what informational programs and events they have been doing nationally and within the City, what the primary issue is main when a customer files a report, and their thoughts on fleet or fee changes to permits, support of marked scooter parking areas, and other regulations of the current SATS ordinance. An additional follow up conversation or meeting based on their responses occurred with each company in December.

In their responses, all of the permittees stated that working in Durham and with City staff has been a positive experience, especially regarding the dependable communication with the program administrators. The permittees discussed their community outreach and education efforts, and the most common issues and requests received from Durham residents and scooter users, that being repositioning of fleets. Some of the permittees are open to using marked parking corrals, particularly in high use areas. The permittees did not foresee a way to

incentivize deployment of bicycles or e-bikes at this time. Some permittees requested a separate reference document that helps their teams interpret the SATS Ordinance and Durham's expectations for proper operation. The feedback provided by permittees varied between providers regarding the equity zones, vehicle caps, and fees. Their responses have been considered in making proposed changes to the ordinance.

Stakeholder Questionnaires: The second source of feedback came from responses to several organizational stakeholders, or communities with which shared active vehicles are likely to interact with in some manner. These organizations include departments within the City, advisory boards that work with the city, or groups that frequently interact with pedestrians, bicyclists, or micro-mobility vehicles, or other organizations that represent businesses which see frequent scooter usage. These questionnaires were sent out in mid-October, with questions similar to the ones sent to each of the permittees, but specifically tailored to each organization with a specific knowledge or expertise on the subject (e.g. Downtown Durham Inc. being asked questions about scooters affecting traffic near businesses, or the Durham Appearance Commission being asked about the appearance of scooters deployed in groups versus individually parked scooters).

Stakeholder groups that provided comments were the Durham Appearance Commission, Downtown Durham, Inc., Durham Parks and Recreation, Duke University, Durham Tech, Ninth Street Merchants Association, and Office of Parking Management. Comments were also requested but not received from the Bicycle and Pedestrian Advisory Commission, Mayor's Committee for Persons with Disabilities, N.C. Central University, Durham Police Department, and Vision Insights.

While many of the stakeholders voiced support for the new mobility option provided by scooters, drawbacks such as visual clutter, accessibility impacts (e.g., blocking sidewalks and ramps), and improper use (e.g., sidewalk riding) were also cited. Many of the stakeholders support marked parking corrals. Stakeholders stress the need for quicker response times to various reports by customers and the City, especially for more pressing issues such as ADA violations. Several stakeholders identified a need for responsive and responsible management and ongoing education by permittees. Many of the stakeholders also requested to be informed about program modifications and provide feedback on future permit requests.

Resident Survey and Results: The third source of community feedback came from a resident survey, published to the public on November 8. This survey was designed to ask questions about whether residents have used the scooters, what they like and dislike about the program regardless of whether they have ridden scooters or not, potential changes they'd like to see made to the program, and other feedback. The survey was available in both English and Spanish, and remained open online for 24 days. Additionally, in-person surveys (asking the same questions) were conducted at various locations throughout Durham from November 14 to December 8. Over 250 in-person responses were gathered from 23 different locations, including the Stanford L. Warren Library, Durham Health and Human Services Building, NCCU, Holton Resource Center, Durham Station, and CCB Plaza.

In total, the survey garnered 1,614 responses and over 700 comments. An answer summary, along with a full list of in-person locations, is included in Attachment 1. However, there are some key results to share. 31 percent of those who took the survey have ridden a scooter before in Durham, mainly for social and recreational travels (65 percent and 50 percent respectively), but also for their daily commute at some point (33 percent). While walking (73 percent) is the mode

of travel being replaced the most by scooters, 59 percent of users have replaced at least one personal car trip with a scooter. The current scooter companies have done a reasonably good job of customer service, with 68 percent of respondents not experiencing problems with any of them. If they do, the most common issues are for locking and unlocking scooters, broken parts on scooters, or using the apps. Of the 69 percent of respondents who haven't ridden a scooter before, the majority do not ride because they feel like scooters are not safe to ride in the street (54 percent), while 40 percent think scooters just aren't appealing.

Things residents like about scooters are their flexibility as a transportation option (51 percent), convenience (41 percent) and enjoyment (28 percent). Things residents don't like about scooters and the scooter program in Durham are riders not following the rules of the road (61 percent), scooters blocking sidewalks when not in use (57 percent), and people riding on sidewalks instead of the street (56 percent). Overall 59 percent support or are neutral to continuing the program, though the percentage is 89 percent for those who have ridden before. In regards to the fleet maximum of 200 scooters per company (currently totaling 600 scooters), 50 percent of respondents believe that number to be too many, though the percentage is 16 percent for those who have ridden before. In regards to interest in other SAT vehicles – 49 percent of respondents are interested in companies bringing bicycles and electric assisted bicycles to Durham.

Other comments from residents were also requested in the survey, where many took the time to reiterate their concerns that were previously answered in the survey. Many comments talked about the need for scooter companies to be more vigilant about relocating scooters off of private property, cleaning up scooter clutter from users who leave them anywhere, and show concern about scooter users riding in mixed traffic. Many reminded the City that scooters left in the middle of the sidewalk or on curb ramps are a serious ADA issue for many within the community. If scooters are not allowed to be ridden on sidewalks, many express the desire not to ride at all, concerned about safety from drivers that may not be aware of scooter users in the street. Because a lot of issues residents have with scooters stem from something users do, or something drivers do, it ultimately leads to the idea that both the City and scooter companies have to do a better job at educating the populace on proper scooter etiquette. Scooter companies need to be more transparent about education programs they provide, give away more helmets for people to use, and be more active in the community. The City needs to hold companies to all of this, along with conducting education on riding micro-mobility vehicles, and continue to push alternate methods of transportation. The City also needs to support infrastructure that could lessen these issues, such as wider sidewalks, increased number of bicycle lanes on city streets, and lower speed limits throughout the city.

Suggestions for improving the program that cannot be addressed in the ordinance revision will help influence a general reference document to be developed later this year. This document will set clear and concise goals for permittees, including expectations for resident education, defining and expounding on metrics which the City uses to assess permittees, and a need for more efficient management of local operation to meet City goals. Others that can be addressed outside of the ordinance revision are in development, such as creating marked scooter corrals where users can park scooters and bikes, perhaps with incentives from providers. Trip data from the program, is helping determine where these locations are needed.

Summary of Changes: All changes being made to the City Code are included in the Ordinance to Revise the Regulations of Motorized Scooters and Electric Assisted Bicycles and the Operation of Shared Active Transportation Systems, included in Attachment 3, and Fee Schedule Changes are included in the Ordinance to Revise Shared Active Transportation

System Permittee Fees (Attachment 4). While not as extensive as the initial establishment of the program, these changes are intended to improve the program through modifying specific regulations to be clearer, consolidating definitions, and allowing flexibility in creating applicable compliance metrics. A redlined comparison of the proposed changes to the SATS related ordinance is provided in Attachment 5.

There are three major groups of changes. The first is modification of Division 2 of Article V of Chapter 66 (Traffic and Parking) of the City Code. This adjustment expands the division to include regulations for electric assisted bicycles and motorized scooters, in addition to bicycles. It includes references or regulations, such as parking requirements, which were previously in Article VII of Chapter 50, but were applicable to electric assisted bicycles and motorized scooters that didn't fall under shared active transportation systems (i.e., someone who owns their own personal motorized scooter or electric assisted vehicle). This modification to Chapter 66 also clarifies the three vehicles to be authorized to be used within bike lanes (the definition of which is separate from shared-use paths or "greenway trails"). Additionally, the Ordinance deletes equipment and vehicle operation language from Chapter 66, those that are already covered by Chapter 20 of the North Carolina General Statutes, and subject to any future state legislation on equipment requirements.

The second group of changes is modifications of Article VII (Shared Active Transportation Systems) of Chapter 50. These include tweaking definitions of terms for consistency, deleting regulations of equipment and vehicle operations requirements likely to be preempted by state law, consolidating the authority of the director in regulating SAT permittees, either through the individual permits or the ordinance, clarifying permittee communication requirements to potential customers and to the City, and other general recommended edits influenced from public and stakeholder input during this ordinance revision process.

The third major change is modifications to the fee schedule. To better reflect the day-to-day administration of the SATS program, Staff recommends modifying the permit fee from a one-time payment from each permittee upon receipt of their initial permit to monthly payments for the length of their permit. This allows the City to adjust fleet sizes using metrics based on data received from the active program, to better match the administration needs imposed by permittees at various times throughout the year, and allows companies to better regulate the size of their fleets as seasons change and their demand either rises or falls. This fee schedule is revised to charge \$10 per vehicle per month for all devices instead of the current \$100 per vehicle for the entire year. The change also equalizes the fee for all types of vehicles, setting them all at the same rate.

Project Timeline: The first day of scooter operations for the SATS Program was June 13, 2019. Work for the SAT Ordinance revision began in September with internal Transportation Department review. Permittee questionnaires were developed and sent out in early October, with response deadlines of November 4. Follow up discussions were had with each active permittee on December 2. Similarly, Stakeholder Questionnaires were developed and sent out in late-October, with a response deadline of November 15. The resident survey was developed in late October. It was available to the public online and in-person starting November 8, and closed on December 2, with a few in-person intercepts occurring the week after. The Ordinance to Revise the Regulations of Motorized Scooters and Electric Assisted Bicycles and the Operation of Shared Active Transportation Systems and the Ordinance to Revise Shared Active Transportation System Permittee Fees are expected to be recommended for approval at the next City Council meeting on February 3, 2020.

Future milestones for the SAT program include:

- Open window for new applications and renewals – late February-March 2020
- Internal application review and renewal review – April-May 2020
- Development of general reference document for SATS – Spring 2020
- New permits approved and become active – June 2020

Alternatives

The City Council may choose not to provide comments on the six month report. On the Ordinance to Revise the Regulations of Motorized Scooters and Electric Assisted Bicycles and the Operation of Shared Active Transportation Systems and the Ordinance to Revise Shared Active Transportation System Permittee Fees, the City Council may: a) approve the ordinances, b) return to Staff with recommended changes, or c) not approve the ordinances, keeping the current regulations in place.

Financial Impact

Part of these revisions is to modify the Fee Schedule, previously approved in Ordinance 15381. The changes to the Fee Schedule include modifying the permit from one annual payment of \$100 per scooter, to a monthly payment of \$10 per vehicle. Previously the type of vehicle (e-bike, scooter, etc.) determined the fee, but this new change set the rate to be the same for every vehicle. This allows companies to better regulate the size of their fleets as seasons change and their demand either rises or falls. If fleet sizes were to remain the same as they are now, the City's revenue is expected to increase by \$4,000 per permittee.

UBE Summary

This is not applicable for the informational update or ordinance revision to City Council.

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Attachments

1. Durham Scooter Survey Results Summary
2. Shared Active Transportation Program Update and Ordinance Revision Presentation
3. Ordinance to Revise the Regulations of Motorized Scooters and Electric Assisted Bicycles and the Operation of Shared Active Transportation Systems
4. Ordinance to Revise Shared Active Transportation System Permittee Fees
5. Redlined comparison of proposed ordinance revisions.