



CITY COUNCIL AGENDA REPORT

7.a.4.

To: Honorable Mayor and Members of City Council

Meeting: June 3, 2019

Subject: Dockless Mobility Operations

Background:

Dockless electric scooters and bicycles began arriving in major cities throughout 2017 and 2018. The leading bike and scooter share companies are now moving into smaller population markets. At least three operators have indicated interest in establishing operations in Roanoke during 2019.

The distinguishing feature of these vehicles is that they do not require docking in a fixed station. Usage is enabled by a smartphone app. When not in use, they are disabled and can be left anywhere the user ends the trip.

When initiating a ride, users are directed to the nearest scooter by a smartphone app. The operator hires local contractors to collect, charge, and redeploy them overnight.

Earlier this year, I asked the Department of Planning, Building, and Development to research dockless programs and provide recommendations on a program for Roanoke. Chris Chittum, Director of Planning, Building, and Development, briefed you in March on staff recommendations. Details of staff research are presented in the attached memo dated January 31, 2019 (Attachment A). Roanoke stands to benefit from the experiences in other localities, both positive and negative. Accordingly, staff is recommending a simple approach that addresses known issues.

The General Assembly, in its 2019 session, took up a bill that addressed local regulation of motorized skateboards or scooters (HB 2752). The proposed local program has been calibrated with the provisions of that legislation. One specific addition is of note:

§ 46.2-1315 *Power of localities to regulate use of motorized skateboards or scooters. No person shall operate a motorized skateboard or scooter for hire.*

Any county, city, town, or district, upon its own initiative, or by ordinance regulate or, by any governing body, action or a franchising authority establish a demonstration project or pilot program regulating the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administrative action is consistent with this title. Such ordinance or other governing body or administrative action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed, provided that on or after January 1, 2020, in the absence of any licensing or other regulatory or other action, a person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

The significance of the amendment is that operation of such vehicles may be regulated by local governments but cannot be prohibited.

Considerations:

The General Assembly action cited above affirms the need to enact a local program licensing and regulating these vehicles.

Parked scooters obstructing sidewalks have been the principal issue in other localities. The proposed amendments add a prohibition on parking of bicycles, skateboards, and scooters in places that would obstruct pedestrian and vehicular passage. The administrative rules place the burden of ensuring proper parking on the operator. Removing a scooter causing an obstruction would also be the responsibility of the operator. Administrative rules would require an operator to provide for a local contact to perform relocation or removal.

As far as user operation on streets, powered scooters and bikes would be subject to the same operational rights and responsibilities as conventional bicycles. However, motorized scooters and bikes would not be permitted on greenways or in parks.

Establishing the program involves adoption of an ordinance amending Chapter 20 of the City Code. These amendments will establish rules for bicycle and scooter parking, define motorized scooters, and regulate their usage similar to the way bicycles are regulated. The amendment will also establish a permit program and authorize adoption of administrative rules. The amendment to Chapter 30 will establish a prohibition on riding scooters on sidewalks.

A second ordinance and resolution will amend the fee compendium to establish a \$5,000 permit fee per year. Fees charged by other cities in Virginia vary considerably from \$5,000 up to \$46,500. Some localities base fees on the number of devices or assess a per-trip fee. Staff is recommending a single fee in Roanoke.

The amendment to Chapter 20 would authorize the City Manager to adopt administrative rules and permitting process similar to those presented in the attached document entitled ***For-hire Dockless Mobility Operations Administrative Rules and Permitting*** (Attachment B). Administrative rules will enable the city manager to adapt quickly to issues if needed.

As a condition of permitting, the City will impose requirements on operators. For example, we intend to require operators to provide outreach to users on safe operation and parking, to limit or prevent usage in parks and on greenways, to cap the number of devices, to provide usage data, and to establish a local contact for problem resolution. The City will reserve the right to revoke a permit or reduce the number of scooters an operator can have, should an operator not be responsive to the program requirements.

Following adoption of these amendments, the first permit(s) could be issued as soon as an application is submitted and all reviewers feel comfortable with establishing a launch date.



Policy Recommendations for Dockless Mobility

January 31, 2019

Background

Electric scooters and bicycles began arriving in major cities throughout 2017 and 2018. The leading bike and scooter share companies—Bird and Lime—gave little or no notice to those cities and, seemingly overnight, thousands of scooters were deployed into urban areas. Problems arose when riders who completed their trips simply abandoned the scooters on sidewalks and streets. While most localities have established rules for bicycles, scooters were troublesome because cities had no rules on where they could operate (i.e., sidewalks). Scooters were soon derided by some as an “urban menace,” even prompting creation of the social media tag @scootersbehavingbadly.

The essential difference from the bike sharing programs we’re familiar with is that these vehicles are not docked in a station. Usage is enabled by a smartphone app. When initiating a ride, users are directed by the app to the nearest scooter or bike. When not in use, they are disabled and can be left anywhere. A key issue, if not *the* key issue, is where the scooters are left by users.

The operator hires local contractors to collect, charge, and redeploy them overnight.

Responses by local governments have ranged from bans to lawsuits to strict regulation under complex permitting programs. Operators have since stressed appropriate parking locations and some have a requirement for the rider to send a picture of the vehicle properly parked.

Operators have started contacting local governments in markets where they plan to expand. All indications are that dockless systems will be moving into Roanoke in 2019. A representative of Lime met with city staff (Planning, Transportation, Police, and Parks and Recreation) in advance of a planned expansion into Roanoke. Representatives of Bolt and Spin have also contacted City staff.

Recommendations

Initially, we recommend an approach that simply addresses known issues. These vehicles are a form of clean transportation that could have clear benefits of reducing congestion and parking demand. Moreover, they could be viable transportation alternatives that complement transit. We should anticipate some initial issues with where the vehicles are parked, but these issues are likely to be relatively minor compared to the land and resources dedicated to managing parking of cars and trucks.

The following points describe the recommended policy:

Operation and parking

Electric scooters and bikes should be classified like conventional bicycles, thus having the same rights and responsibilities as motor vehicles on streets.

Powered scooters and bikes should be prohibited from sidewalks, greenways, parks, and plazas.

Parking should be handled as with conventional bikes, generally being stored on sidewalks outside the main pathway of travel next to the curb. In downtown, small on-street parking areas could be established to accommodate scooter and bike parking. Parking should be prohibited on greenways and in parks. The city could assist with public information and signs to inform about proper parking.

An interesting consideration is that there is no need to lock them to a fixed object like a bike rack. From a practical standpoint, dockless scooters and bikes could be parked in on-street parking spaces.

As they cannot be ticketed for overtime parking, dockless vehicles should be prohibited from time-limited parking spaces (such as in downtown).

Helmet requirements should be the same as for conventional bicycles (i.e., not required for adults).

Permitting

Dockless scooter and bike operators should be required to obtain a permit for operation in the city's rights-of-way. The permit process should establish conditions for operation and should be revocable if an operator fails to meet conditions or if the city decides to modify or eliminate the program. A cap on

the number of vehicles should be provided for. In addition, operators should obtain a business license and be subject to business license taxes.

An annual fee of \$5,000 is reasonable and easy to administer. Per-vehicle fees or per-ride fees are not recommended because either may result in situation where payment is required after a permit has expired.

Implementation

Code changes:

To implement the policies above, the city would need to adopt ordinances to make strategic amendments to existing code sections:

1. Sec. 20-131 to add a definition of ***powered scooter***.¹
2. Sections 20-148 through 20-159 to add ***powered scooter***, making these vehicles subject to the same equipment and operational rules as bicycles.²
3. Amend 20-65 (1) to add a provision for ***parking of bicycles and scooters***, whether motorized or not. Specifically, the code should provide for parking of bicycles and scooters next to the curb in the zone occupied by trees, utility poles sign posts, benches, etc., and out of the main path of pedestrian travel. This zone is identified as Zone 5: Planter/Utilities in the Street Design Guidelines.³ Add a provision for removal when a scooter or bike is improperly parked.
4. Add a ***permit requirement*** for operation of a dockless scooters and bicycles. The permit provision should authorize the city manager to adopt administrative rules.
5. Amend 30-13.1 to ***prohibit scooters from sidewalks***.

¹ "Electric power-assisted bicycle" is defined and regulated in Chapter 20.

² Scooters, like bicycles, would be prohibited from sidewalks.

³ See Zone 5: Planter/Utilities in the City's *Street Design Guidelines* (p. 17)

<https://www.roanokeva.gov/DocumentCenter/View/1500/>

Permit process

Administratively, the city should establish a simple permitting program for dockless transportation providers. The permit should include the following conditions for any operator:

1. Maintain a local operations contact person who is responsible for handling improper parking and service issues.
2. Create *geo-fenced* areas to restrict usage and parking in areas designated by the City of Roanoke, such as greenways.
3. Provide monthly usage data including heat mapping. Such data should indicate equitable service distribution patterns among neighborhoods surrounding downtown.
4. Cooperate with city to establish and designate dockless parking areas.
5. Provide information to users about proper parking and operation.
6. Executes a hold harmless/indemnification agreement.
7. Establish a reasonable cap on the number of scooters deployed, with the cap being raised or lowered at the discretion of the city manager.
8. Agree to remove scooters from the public right-of-way within 24 hours' notice by the city manager in anticipation of inclement weather or special events.
9. Host a public rider safety event within 14 days of initial deployment and three additional events within 90 days of initial deployment.
10. Host a City staff testing event prior to deployment to help familiarize City staff with both the devices and the providers' unique service delivery protocols.

Such details of operation and conditions are typically embodied in an MOA/MOU drafted by the locality, executed by the operator, and incorporated with the permit application.

About the scooters

Scooters accelerate quickly and generally have a top speed of 15 mph. They are equipped with a hand brake. Most have a built-in, always-on headlight and tail lamp. Operators recommend, but do not require, that users wear a helmet. While most of us are familiar with scooters as a child's toy, these vehicles are for adults. Users must be 18 years old and be licensed to drive.

The major providers are Lime and Bird, with a handful of other companies entering the market. Lime has an established fee of \$1 to unlock and \$0.15 per minute for usage. For example, a ride from the new Melrose library to downtown would cost about \$3. The trip would take 12-15 minutes.

Proper parking is emphasized by providers in promotional videos. Some require the user to take a photo of the scooter properly parked before ending the usage time.

Both Lime and Bird have reduced fees for low-income users. Provisions for unbanked users and unlock by text are available.

Fees

One major decision point is how to structure permit fees and how much to charge.

- Richmond: base fee of \$1,500, plus an annual fee based on the number of vehicles with \$20,000 for the first 100, \$30,000 for up to 200, and \$45,000 for up to 500.
- Charlottesville: base fee of \$500 plus \$1/device per day (during pilot period)
- Alexandria: \$5,000 permit fee
- Arlington: \$8,000 permit fee
- Lime recommends fee of \$15 with \$.05 per trip.

Presumably, these fees are to compensate for the use of the city's right-of-way in the conduct of business.

Conclusion

Research suggests that many of the main concerns with dockless vehicles can be mitigated locally with relatively minor policy and code adjustments. A relatively simple permitting process is recommended to give the city the ability to provide reasonable controls over operation. Legislation in the 2019 General Assembly supports this approach.

The city should be prepared to augment the operator's user information. While providers supply considerable information on proper operation, the information is generic and does not consider local laws. The city should use this opportunity to disseminate information to motorists on interactions with bikes and scooters (powered and conventional).

Once established, the city should monitor activity, note any significant issues that arise, and make adjustments to the program as needed. Operators should be advised that the rules and program requirements will be subject to change and that permits are subject to revocation with or without cause.

If the general approach recommended above is confirmed, the next steps would be to draft an ordinance to make the required changes to the city code and develop the administrative processes needed to implement the program.

Many thanks to Bob Bengtson, Mark Jamison, Dan Henry, Whitney Slightham, and Jennings Tardy for their insights in exploring how to manage this new form of transportation in Roanoke.

Respectfully submitted:

Chris Chittum, Director

Planning, Building, and Development

DOCKLESS MOBILITY OPERATIONS

ADMINISTRATIVE RULES AND PERMITTING

1. Authority and purpose

- A. These administrative rules are authorized to be established by Sec. 20-164 and are intended to implement the policy and supplement the regulations of Article 20 of the Code of the City of Roanoke.
- B. The purpose of the permit requirement to enable operation of dockless mobility operations in a safe, affordable, and convenient manner, while minimizing potential negative impacts to the public.
- C. The City Manager may amend these rules time to time to ensure achievement of the purposes stated above.

2. Permit Requirement

- A. A dockless mobility operation permit must be issued before operation is commenced. An application is in applied status when submitted. When city staff completes review of an application and determines it to be complete and compliant with City Code and these administrative rules, the application changes to approved status. Once fees have been paid and a business license is obtained, the status is changed to issued.
- B. A prospective Operator shall submit a completed application on a form provided by the city. Required information and required fees shall be submitted with the permit application for the application to be considered complete.
- C. The permit fee for use of city right-of-way is \$5,000 per year submitted upon permit approval.
- D. Upon notice of permit approval and prior to issuance, the provider shall obtain a business license.
- E. The City reserves the right to terminate any permit if it determines devices have been determined to be unsafe for public use or if the operator fails to comply with these administrative rules.
- F. The term of a permit is 12 months from date it was issued.

3. Equipment Requirements

- A. Bicycles shall meet the safety standards outlined in Code of Federal Regulations Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, all vehicles must be certified as safe to operate under any applicable standard by Underwriters Laboratories or an equivalent safety rating agency.
- B. Vehicles associated with a dockless mobility operation shall be designed or programmed to cease providing assistance at a speed of 15 MPH or more.
- C. Vehicles shall be equipped with a GPS device capable of providing real-time location data in accordance with the specifications described in the “Data Sharing Requirements” section of this application.
- D. Vehicles shall be equipped with devices that allow the operator to disable a vehicle remotely if it is reported as damaged or defective.

4. Number of scooters or bicycles permitted.

- A. The permit will establish a minimum and maximum fleet size for an operator, with separate limits established for scooters and bicycles.
- B. The city may make reasonable adjustments to the maximum fleet size during the permit term.

5. Safe Riding and Parking

- A. Dockless vehicles shall be parked upright in locations specified in Chapter 20 of the City Code.
- B. Operator shall not apply any markings or post any signs in the public right-of-way unless authorized by the city in writing.
- C. Operator shall apply geofencing to areas designated by the City to prohibit riding or parking in specified geographic areas (such as greenways and parks). When a vehicle enters a geofenced area, the Operator will either disable the vehicle or reduce the speed to 5mph or less. In addition to limiting operation, the Operator will notify the user of the restriction.
- D. During deployment and rebalancing, employees and contractors of the operator shall be responsive to directions of city personnel in placement of vehicles.
- E. Upon 24 hours of notice from the City, the Operator shall remove vehicles from certain areas affected by an event or shall remove vehicles completely in anticipation of inclement weather events.
- F. Operator shall provide information to users that use of motorized bikes and scooters is prohibited on sidewalks, in parks, or on greenways, that use of helmets is encouraged, that operation by anyone less than 16 years is prohibited, that users should ride to the right and use bike lanes where available, that wearing headphones on or in both ears while riding a bicycle or scooter is prohibited, that texting while riding a bicycle or scooter is prohibited, and that riding a bicycle or scooter under the influence of alcohol is prohibited.
- G. The city may require an Operator to require riders to submit a photo whenever they park their scooter at the end of a ride.
- H. Operator shall provide education on the City's existing rules and regulations, safe and courteous riding, and proper parking. The Operator will host a public rider safety event within 14 days of initial deployment and three additional events within 90 days of initial deployment. In addition, the Operator will host a City staff testing event prior to deployment to help familiarize City staff with both the devices and the providers' unique service delivery protocols.

6. Equitable Access

- A. Operator will implement a marketing and targeted community outreach plan to promote the safe use of motorized bicycles and scooters particularly among low-income communities.
- B. Operator will provide a non-credit and non-smartphone mechanism to access its services.
- C. Operator will offer a low-income reduced cost plan that must be approved by the City Manager prior to permit issuance.
- D. Mobile apps and other customer interface technology must be fully accessible to persons with disabilities and accessible to screen readers, and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973.
- E. The City reserves the right to propose or designate service areas that will ensure access to a variety of neighborhoods.

7. Customer Service

- A. Operator shall provide easily visible contact information, including a toll-free phone number and e-mail address on each bicycle or electric scooter for City employees and members of the public to make relocation requests or to report other issues with devices.
- B. Operators shall maintain a local Operator representative and provide a direct point of contact to the City and its residents.
- C. Operator shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every device that is in service in the City.
- D. Upon notification by the City, any scooter or bike belonging to an Operator that is improperly parked, left standing, or unattended on any sidewalk, street, or public right-of-way under the jurisdiction of the City, the Operator shall remove the scooter or bicycle within two hours.
- E. In the event a bicycle or e-scooter is not relocated, re-parked, or removed within the timeframes specified herein, such devices may be removed by the City or its designee and taken to a facility for storage at the expense of the Operator. Notwithstanding any other provision of the City Code, Operator shall be required to pay a fine for each device that is removed from the public right-of-way by the City, in addition to any storage expenses. The amount of the fine shall be set by the City Manager and shall be contained in the permit.
- F. Customers using scooters and/or bicycles that are permitted under this program must be provided with a mechanism to notify the Operator that there is a safety or maintenance issue with the scooter and /or bicycle.
- G. In the event a safety or maintenance issue is reported for a specific device, that bicycle or e-scooter shall immediately be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.

8. User Protections

- A. Operator must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).
- B. Operator must provide a Privacy Policy that safeguards customers' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data. Operator agrees to make its policies, procedures and practices regarding data security available to the City, upon request, and further agrees that the City reserves the right to hire a third party to perform a security audit mid-way through the permit term, or at any time the City determines that an audit is warranted.
- C. Operator must provide customers the opportunity to assent explicitly to any privacy policy, terms of service, or user agreements. Separately, customers must have the ability to decline sharing any data not required to enable the Operator to process and complete the transaction. The customer's options with regard to these requirements shall be clearly stated and easily accessed by the customer.
- D. Operator shall produce a Privacy Policy that complies with any data protection laws applicable to minors, and further, expressly limits the collection, storage, or usage of any personally identifiable information to the extent absolutely required to successfully accomplish the

provision of an e-scooter transportation service. Without limitation to other permitting provisions requiring anonymized origin/destination and route data for solely public purposes set forth by the City, Operator may not make any personal data of program participants in the City available to any third party advertiser or other private entity, including another entity that may be affiliated with or jointly owned by the entity that owns Operator.

- E. Operator shall not claim any legal right in its Terms of Use, Privacy Policy, or elsewhere to institute retroactive changes to its Privacy Policy and shall provide an opportunity for the customer to explicitly assent prior to any changes to its data practices, including uses of data Operator collected under a prior policy.
- F. Operator may not collect Personal Data related to, nor sort Personal Data nor individual data subjects according to, the protected classes of race, color, religion, sex (including, but not limited to, gender identity, transgender status, or sexual orientation, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, except for survey data collected on an opt-in basis and for a public purpose expressly set forth by the City. Operator may not deny service to any user on the basis of their refusal to provide any such survey information or on the basis of their actual or perceived membership in any of the protected classes listed above.
- G. Operator must disclose any and all existing data sharing agreements and must notify the City in advance of any prospective partnership, acquisition or other data sharing agreement. Operator may not engage in or facilitate any inter-app operability or other form of private partnership that includes data acquisition or other data sharing model with any entity if the entity does not meet the standards set forth herein.
- H. Operator shall disclose all data breaches to an affected customer within thirty days of the breach.

9. Data Sharing:

Operator will provide the following data to the city for each month of operation:

- A. Usage, including number of users, trip counts, origins, destinations, and distances;
- B. Number and location of vehicles deployed;
- C. Crashes, incidents, injuries;
- D. Complaints received from all sources, including nature of complaints.

10. Insurance

- A. By signing and submitting a permit application, the operator certifies that it will purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits, protecting from claims which may arise out of or result from the Operator's performance or non-performance of services under this agreement, or the performance or non-performance of services under this agreement by anyone directly or indirectly employed by the Operator or for whose acts it may be liable:
 - i. Workers' Compensation - Statutory requirements and benefits. Coverage is compulsory for employers of three or more employees, to include the employer. Contractors who fail to notify the City of increases in the number of employees that

change their workers' compensation requirements under the Code of Virginia during the course of the agreement shall be in noncompliance with the agreement. This policy shall specifically list Virginia as a covered state.

- ii. Employer's Liability - \$100,000. This policy shall specifically list Virginia as a covered state.
 - iii. Commercial General Liability - \$1,000,000 per occurrence. Commercial General Liability is to include bodily injury and property damage, personal injury, advertising injury, contractual liability, and products and completed operations coverage. The City and its officers, employees agents and volunteers must be named as an additional insured and so endorsed on the policy.
 - iv. Automobile Liability - \$1,000,000 per occurrence. (Only used if motor vehicle is to be used in the agreement.)
 - v. Cyber Liability/ Information Technology - \$1,000,000 per claim, including coverage for costs of 3rd party notification, credit monitoring, and fraud protection.
 - vi. All insurance coverage:
 1. shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and rated A – VIII or better, by A. M. Best Company or equivalent rating from an alternate recognized ratings agency, and otherwise acceptable to the City;
 2. shall be kept in force throughout performance of services;
 3. shall be an occurrence based policy;
 4. shall include completed operations coverage;
 5. shall contain a cross liability or severability of interest clause or endorsement. Insurance covering the specified additional insured shall be primary and non-contributory, and all other insurance carried by the additional insureds shall be excess insurance;
 - vii. where additional insured required, such policy shall not have a restriction on the limits of coverage provided to the City as an additional insured. The City shall be entitled to protection up to the full limits of the Operator's policy regardless of the minimum requirements specified in the Agreement.
- B. Proof Of Insurance: Prior to performance of any services or delivery of goods, the Operator shall (i) have all required insurance coverage in effect; (ii) the Operator shall deliver to the City certificates of insurance for all lines of coverage, or other evidence satisfactory to the City in its sole discretion. (See Attachment A for a Sample C.O.I. and Guide to the Acord Form). The Operator shall be responsible that such coverage evidenced thereby shall not be substantially modified or canceled without 30 days prior written notice to the City; and (iii) the Operator shall deliver to the City endorsements to the policies which require the City and its officials, officers, employees, agents and volunteers be named as "additional insured". Policies which require this endorsement include: Commercial General Liability and Auto Liability. Such endorsements must be approved by the City, and (iv) upon the request of the City, provide any other documentation satisfactory to the City in its sole discretion, evidencing the required insurance coverage, including but not limited to a copy of the insurance policy and evidence of payment of policy premiums. The Operator shall require each of its subcontractors and suppliers to have coverage per the requirements herein in effect, prior to the performance of any services by such

subcontractors and suppliers. Further, the Operator shall ensure that all Required Insurance coverages of its subcontractors and suppliers is and remains in effect during performance of their services on the Project and certifies by commencement of the Work that this insurance and that of subcontractors is in effect and meets the requirements set forth herein. The City shall have no responsibility to verify compliance by the Operator or its subcontractors and suppliers.

- C. **Effect Of Insurance:** Compliance with insurance requirements shall not relieve the Operator of any responsibility to indemnify the City for any liability to the City, as specified in any other provision of this agreement, and the City shall be entitled to pursue any remedy in law or equity if the Operator fails to comply with the contractual provisions of this agreement. Indemnity obligations specified elsewhere in this Agreement shall not be negated or reduced by virtue of any insurance carrier's denial of insurance coverage for the occurrence or event which is the subject matter of the claim, or by any insurance carrier's refusal to defend any named insured. Operator explicitly acknowledges and understands that it assumes the risk of placing its dockless mobility devices on City property and that the City will not be responsible for any damages to such devices arising from their presence on City property.
- D. **Waiver Of Subrogation:** The Operator agrees to release and discharge the City of and from all liability to the Operator, and to anyone claiming by, through or under the Operator, by subrogation or otherwise, on account of any loss or damage to tools, machinery, equipment or other property, however caused.
- E. **Sovereign Immunity:** Nothing contained within this agreement shall effect, or shall be deemed to affect, a waiver of the City's sovereign immunity under law. No agreement awarded as a result of this procurement transaction shall contain any provisions requiring the City to waive or limit any sovereign or governmental immunity to which it may be entitled.
- F. **Right to Revise or Reject:** The City reserves the right, but not the obligation, to revise any insurance requirement not limited to limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the City reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.
- G. **Effective Dates:** The policy shall be effective for the entire permit term and shall automatically renew unless notice of termination is given to the city.
- H. The City reserves the right to terminate a permit if, in the sole opinion of the City Manager, the use or accessibility of public right-of-way is compromised or compliance with program regulations is inadequate. If the City Manager terminates a permit, the Operator shall remove all devices from City right-of-way within five business days.

Adopted on _____, 2019:

Robert S. Cowell, Jr., City Manager

525

7.9.4

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining Section 20-65, Parking prohibited in specified places, Division 1, Generally, of Article IV, Stopping, Standing and Parking; Section 20-131, Definition, age of operation, Division 1, Generally, Section 20-136, Impoundment of abandoned or unregistered electric power-assisted bicycles and mopeds, Division 2, Registration, Section 20-148, Compliance with traffic signals, Section 20-149, Hand on handlebars, Section 20-150, Riding on sidewalks, Section 20-151, Reckless riding, Section 20-152, Carrying other persons, Section 20-153, Holding on to moving vehicle, Section 20-154, Hand signals, Section 20-155, Method of riding, Section 20-156, Brakes, Section 20-157, Lamps, Section 20-158, Riding out of lanes, alleys and driveways, Section 20-159, Law enforcement officers, and Section 20-161, Persons riding upon mopeds, Division 3, Operation, of Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic; adding Section 20-162, Parking mopeds, Division 3, Operation, of Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, and Section 20-163, Permit requirement, Division 4, Dockless Mobility Operations, of Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic; amending and reordaining Section 30-13.1, Use of wheelbarrows, handcarts, bicycles, skates, etc., on sidewalks, of Article 1, In General, of Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke, (1979), as amended; providing for an effective date; and dispensing with the second reading of this Ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 20-65, Parking prohibited in specified places, Division 1, Generally, of Article IV, Stopping, Standing and Parking; Section 20-131, Definition, age of operation, Division 1, Generally, Section 20-136, Impoundment of abandoned or unregistered electric power-assisted bicycles and mopeds, Division 2, Registration, Section 20-148, Compliance with traffic signals, Section 20-149, Hand on handlebars, Section 20-150, Riding on sidewalks, Section 20-151, Reckless riding, Section 20-152, Carrying other persons, Section 20-153, Holding on to moving vehicle, Section 20-154, Hand signals, Section 20-155, Method of riding, Section 20-156, Brakes, Section 20-157, Lamps, Section 20-158, Riding out of lanes, alleys and driveways, Section 20-159, Law enforcement officers, and Section 20-161, Persons riding upon mopeds, Division 3, Operation, of Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic; adding Section 20-162, Parking mopeds, Division 3, Operation, of Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, and Section 20-163, Permit requirement, Division 4, Dockless Mobility Operations, of Article VII, Mopeds, Bicycles and Electric Power-Assisted Bicycles, of Chapter 20, Motor Vehicles and Traffic; amending and reordaining Section 30-13.1, Use of wheelbarrows, handcarts, bicycles, skates, etc., on sidewalks, of Article 1, In General, of Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke, (1979), as amended, is hereby amended and reordained, to read and provide as follows:

* * *

Chapter 20. MOTOR VEHICLES AND TRAFFIC

* * *

ARTICLE IV. STOPPING, STANDING AND PARKING

DIVISION I. GENERALLY

Sec. 20-65. Parking prohibited in specified places.

(a) General provisions. No person shall park or leave standing a motor vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (1) On or upon a sidewalk; whether a sidewalk curb exists or not, in the median strip between such curb and any adjoining sidewalk or over the curb on public property; or in or on a pedestrian crosswalk or safety zone.
- (2) On a highway or street within ~~five~~ (5) feet in any direction of a public or private driveway.
- (3) Within an intersection.
- (4) Within ~~fifteen~~ (15) feet of a fire hydrant, whether on public or private property, or the entrance to a building housing rescue squad equipment or ambulances, provided that such buildings are plainly designated as such.
- (5) Within ~~twenty~~ (20) feet of an intersection of curb lines, or, if no curb, then within ~~fifteen~~ (15) feet of the intersection of property lines at an intersection of highways.
- (6) On the roadway side of and parallel to any vehicle parked at the edge or curb of a street.
- (7) Any location upon a street or highway where the orderly and lawful passage of other traffic will be blocked or obstructed.

(8) Within a designated loading zone, except for the immediate and continuous loading or unloading of passengers or materials to or from such vehicles within permitted time periods as posted.

(9) Within a designated bus stop or taxi stand.

(10) On the approaches to, or upon any bridge, viaduct or railroad crossing.

(11) *[Reserved.]*

(12) Within ~~five hundred (500)~~ feet of where any fire apparatus has stopped in answer to a fire alarm.

(13) In front of the entrance of any church, theater, public building or other place where audiences are assembled, during the hours of service, entertainment or performance, or when otherwise occupied by the public, except when parked in accordance with official signs, or during marriage ceremonies or funerals, when parking in front of the entrance to a church will be permitted.

(14) At any location where, at the time, parking, standing or stopping is prohibited and official signs or other markers to that effect have been erected or installed and are clearly visible to an ordinarily observant person.

(15) On or in any parking facility, parking lot or other area designed for parking, public or private, where parking, standing or stopping is prohibited and official signs or other markers to that effect have been erected or installed and are clearly visible to an ordinarily observant person, or where oral notice to the same effect has been given.

(16) In an area designated for street cleaning.

(b) Special provisions for bicycles, skateboards and scooters.

(1) No person shall park or leave standing a bicycle, skateboard, or scooter, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(A) Any sidewalk area where free passage of sidewalk users would be obstructed.

(B) Any street or driveway area where free passage of vehicular traffic would be obstructed.

(C) Any entrance area of a building or facility where reasonable access to such building or facility would be obstructed, or

(D) Any area where the city prohibits parking of such vehicles.

(2) If parked in a sidewalk area, skateboards, scooters, and bicycles shall be parked in the planter and utilities zone or in an area designated by the city for parking of such vehicles. The planter and utilities zone shall be defined as the area lying between the street side edge line of unobstructed sidewalk and the curb line or edge of street pavement. The city manager shall have discretion to determine the appropriateness of certain areas for parking of bicycles, skateboards and scooters.

(3) Scooters and bicycles shall not be parked in on-street spaces where and when time limitations on parking are in effect.

* * *

ARTICLE VII. - MOPEDS, BICYCLES AND ELECTRIC POWER-ASSISTED BICYCLES

DIVISION 1. - GENERALLY

Sec. 20-131. Definition, age of operation.

[The following terms, as used in this chapter, shall have the meanings as herein described below:]

All-terrain vehicle means a motor vehicle having three (3) or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

Bicycle means any device propelled solely by human power, having pedals, ~~two~~ (2) or more wheels, and a seat height of more than ~~twenty-five~~ (25) inches from the ground when adjusted to its maximum height (a recumbent device shall be deemed a bicycle regardless of seat height).

Dockless mobility operation means a business that rents skateboards, scooters, or bicycles to users, and such vehicles are generally inoperable unless activated by a user authorized by the business operator.

Electric personal assistive mobility device means a self-balancing two-nontandem-wheeled device that is designed to transport only one ~~(1)~~ person and powered by an electric propulsion system that limits the device's maximum speed to ~~fifteen~~ (15) miles per hour or less. For purposes of this article, an electric power assistive mobility device shall be a vehicle when operated on a street.

Electric power-assisted bicycle means a vehicle that travels on not more than ~~three~~ (3) wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than ~~one thousand~~ (1,000) watts that reduces the pedal effort required of the ~~ride~~ rider and ceases to provide assistance when the bicycle reaches a speed of no more than 20 miles per hour. For purposes of this article, an electric power-assisted bicycle shall be a vehicle when operated on a street.

Moped means every vehicle that travels on not more than ~~three~~ (3) wheels in contact with the ground that has (i) a seat that is no less than twenty-four (24) inches in height, measured from the middle of the seat perpendicular to the ground; and (ii) a gasoline, electric, or hybrid motor that displaces less than ~~fifty~~ (50) cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour, but does not include a motorized skateboard or scooter. For purposes of this article, a moped shall be a vehicle when operated on a street. ~~No person under the age of sixteen (16) years shall operate a moped on any street in the city.~~

Motorized skateboard or scooter means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow a person to stand or sit while operating the device, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered in whole or in part by an electric motor, (iv) weighs less than 100 pounds, and (v) has a speed of no more

than 20 miles per hour on a paved level surface when powered solely by the electric motor. Motorized skateboard or scooter includes vehicles with or without handlebars but does not include electric personal assistive mobility devices.

* * *

DIVISION 2. - REGISTRATION

Sec. 20-136. Impoundment of abandoned or unregistered electric power-assisted bicycles and mopeds.

(a) Any moped found without a number plate or tag issued by the Virginia Department of Motor Vehicles in accordance with section 20-135 of this article and unattended shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the moped fails to produce such owner or user, any moped so abandoned shall be taken into custody and impounded by the chief of police or any officer of the police department.

* * *

DIVISION 3. - OPERATION

Sec. 20-148. Compliance with traffic signals.

Every person riding a bicycle, electric power-assisted bicycle ~~or~~, moped, or motorized skateboard or scooter over any public street shall comply with all traffic signs, signals and lights and with all directions by voice, hand or otherwise, given by any officer of the police department and shall have all of the rights and duties applicable to the driver of a motor vehicle, unless the context of the city code clearly indicates otherwise.

Sec. 20-149. Hand on handlebars.

No person shall ride a bicycle, electric power-assisted bicycle ~~or~~, moped, or motorized scooter on any street without having at least one (+) of his or her hands upon the handlebars and no person operating a bicycle or moped on a street shall carry any package, bundle, or article which prevents the driver from keeping at least one (+) hand on the handlebars.

Sec. 20-150. Riding on sidewalks.

No person shall ride a bicycle, electric power-assisted bicycle ~~or~~, moped, or motorized scooter upon any sidewalk or cross a roadway on a crosswalk, whether paved or unpaved, in the city.

Sec. 20-151. Reckless riding.

No person shall ride a bicycle, electric power-assisted bicycle ~~or~~, moped, or motorized skateboard or scooter recklessly or at a speed or in a manner so as to endanger the life, limb or property of the rider or of any other person.

Sec. 20-152. Carrying other persons.

No person riding a bicycle, electric power-assisted bicycle ~~or~~, moped, or motorized skateboard or scooter shall carry any additional person on the same.

Sec. 20-153. Holding on to moving vehicle.

No person riding a bicycle, electric power-assisted bicycle ~~or~~, moped, or motorized skateboard or scooter shall take or catch hold of or attach the same or himself to any moving automobile, bus or other vehicle of any kind upon any street, for the purpose of being drawn or propelled by the same.

Sec. 20-154. Hand signals.

Before turning or altering the course of operation of any bicycle ~~or~~, electric power-assisted bicycle, or motorized skateboard or scooter, the operator thereof shall give signals by extension of the hand to indicate the direction in which it is intended to proceed.

Operators of mopeds shall use the electronic signaling devices that the moped is equipped with before turning or altering course of operation. If operating a moped with malfunctioning signal devices, or no signaling devices, the operator shall use hand signals.

Sec. 20-155. Method of riding.

Any person operating a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, ~~or~~ moped, or motorized skateboard or scooter on a street at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as safely practicable to the right curb or edge of the street except under any of the following circumstances:

(1) When overtaking and passing another vehicle proceeding in the same direction;

(2) When preparing for a left turn at an intersection or into a private road or driveway;

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge;

(4) When avoiding riding in a lane that must turn or diverge to the right; and

(5) When riding upon a one-way street, a person may also ride as near to the left-hand curb or edge of such street as safely practicable.

For purposes of this section, a “substandard width lane” is a lane too narrow for bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.

Persons riding bicycles, electric personal assistive mobility devices, ~~or electric power-assisted bicycles, or motorized skateboard or scooter~~ on a street shall not ride more than two ~~(2)~~ abreast. Persons riding two ~~(2)~~ abreast shall not impede the normal and reasonable movement of traffic, shall move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle, and, on a laned roadway, shall ride in a single lane.

Sec. 20-156. Brakes.

Every bicycle, electric power-assisted bicycle ~~or moped, or motorized skateboard or scooter~~ operated on any street shall be equipped with adequate brakes.

Sec. 20-157. Lamps.

Every bicycle, electric power-assisted bicycle ~~or moped, or motorized skateboard or scooter~~ when in use between sunset and sunrise shall be equipped with a lamp on the front which shall emit a white light visible in clear weather from a distance of at least ~~five hundred (500)~~ feet to the front and with a red reflector on the rear of a type approved by the chief of police or his designee

which shall be visible from all distances in clear weather from ~~fifty (50)~~ feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible in clear weather from a distance of ~~five hundred (500)~~ feet to the rear may be used in lieu of or in addition to the red reflector. Such lights and reflector shall be of types approved by the chief of police or his or her designee.

Sec. 20-158. Riding out of lanes, alleys and driveways.

Every person riding a bicycle, electric power-assisted bicycle ~~or~~, moped, or motorized skateboard or scooter out of a lane, alley or private driveway across a sidewalk or sidewalk area shall first bring such bicycle, electric power-assisted bicycle or moped to a stop before crossing such sidewalk or sidewalk area.

Sec. 20-159. Law enforcement officers.

(a) Any law enforcement officer of the city, operating a bicycle, electric power-assisted bicycle, all-terrain vehicles, ~~or moped,~~ or motorized skateboard or scooter during the course of his or her duties, shall be exempt from the provisions of this division.

(b) Any bicycle, electric power-assisted bicycle, all-terrain vehicles, ~~or moped,~~ or motorized skateboard or scooter being operated by a law enforcement officer of the city, during the course of his or her duties, shall be deemed to be a law enforcement vehicle and shall have the same rights and privileges as any other law enforcement vehicle when the bicycle, all-terrain vehicles or moped is being operated in response to an emergency call, while engaged in rescue operations or in the immediate pursuit of an actual or suspected violator of the law.

* * *

Sec. 20-161. Persons riding upon mopeds.

(a) No person under the age of ~~sixteen (16)~~ years shall operate a moped on any street in the city.

(b) No person other than the operator thereof shall ride upon a moped unless such moped is designed to carry more than one (1) person, in which event a passenger may ride upon a separate and permanent seat attached thereto; provided, however, that such moped is also equipped with a footrest for such

passenger. A violation of this section shall constitute a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00).

Sec. 20-162. Parking.

No person shall park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

DIVISION 4. DOCKLESS MOBILITY OPERATIONS

Sec. 20-163. Permit requirement.

The operation of a dockless mobility operation within the city's rights-of-way shall be prohibited without a permit issued by the city manager. The vehicles of an unpermitted dockless mobility operation shall be subject to confiscation by the city.

Sec. 20-164. Permitting and permit requirements.

The city manager shall develop and publish a process for issuance of permits under this section as well as rules and regulations for dockless mobility operations as a condition of permitting. The fee for such permit shall be established by city council as a part of the City's fee compendium.

* * *

CHAPTER 30. STREETS AND SIDEWALKS

ARTICLE 1. IN GENERAL

* * *

Sec. 30-13.1. Use of wheelbarrows, handcarts, bicycles, skates, etc., on sidewalks.

(a) No person shall operate, on any sidewalk, any wheelbarrow, handbarrow, handcart, handcarriage or other carriage or vehicle, whatever, except in passing directly across such sidewalk for the purpose of delivering goods or other articles. This subsection shall not prohibit the use of carriages or wheelchairs used to carry infants or invalids on the sidewalks, nor shall this subsection prohibit the placement of a street vending cart permitted pursuant to

section 30-9.2 of this Code or maneuvering of such cart to an authorized street vending site.

(b) No person, except a law enforcement officer in the performance of ~~their~~^{his} official duties, shall ride any bicycle or scooter, including bicycles equipped with training wheels, on any sidewalk.

(c) No person ~~fifteen~~⁽¹⁵⁾ years of age or older shall use any sidewalk for roller skating, ice skating, sleighing or playing or riding upon any other similar toy or device on wheels or runners.

* * *

2. This Ordinance shall be in full force and effect upon its passage.

3. Pursuant to §12 of the Roanoke City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

OTW

7.6.4.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A Resolution amending the Fee Compendium to create a new fee for a dockless mobility operation permit and application fee for same.

WHEREAS, City Council adopted an ordinance defining Dockless Mobility Operations and establishing a permitting requirement for same by amending Article 20 of the Code of the City of Roanoke (1979), as amended.

WHEREAS, it is desirable to establish a permit fee for the use of the city's public rights-of-way for such operations; and

WHEREAS, it is desirable to establish a simplified single fee to facilitate the application process for Dockless Mobility Operations.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, as amended, shall be amended to establish a "Dockless Mobility Operation Permit Fee" of \$5,000.00, such permit being established by Section 20-164 of the City Code.
2. Resolution No. 32412-032795 is hereby amended to the extent and only to the extent of any inconsistency with this Resolution.
3. The fees established by this Resolution shall remain in effect until amended by this Council.

ATTEST:

City Clerk.