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Title: AN ORDINANCE relating to establishment of an electric scooter share pilot program.

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Date	Ver.	Action By	Action	Result
10/2/2019	1	Metropolitan King County Council	Passed as Amended	Pass
9/25/2019	1	Metropolitan King County Council	Deferred	
9/17/2019	1	Mobility and Environment Committee	Recommended Do Pass	Pass
8/28/2019	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to establishment of an electric scooter share pilot program.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The definitions in this section apply to sections 2 through 7 of this ordinance unless the context clearly requires otherwise.

A. "Director" means the manager of the records and licensing division of the department of executive services.

B. "Division" means the records and licensing division of the department of executive services.

C. "Limited-use permit" means permission granted by the county to an operator to participate in the scooter share pilot program established under this ordinance for up to one year.

D. "Motorized foot scooter" means a device with two or three wheels that has handlebars, that has a floorboard that can be stood upon while riding, that is powered by an internal combustion engine or electric

motor and that has a maximum speed of no greater than twenty miles per hour on level ground. A motor-driven cycle, a moped, an electric-assisted bicycle or a motorcycle is not a "motorized foot scooter."

E. "Operator" means the limited-use permit applicant, and any of its officers, partners or owners.

F. "Scooter share pilot program" means shared electric motorized foot scooters offered for hire by a permitted operator.

G. "Shared scooter" means any electric motorized foot scooter offered for hire as part of a fleet available to the public in publicly accessible places.

SECTION 2. The executive shall establish a scooter share pilot program in the North Highline urban unincorporated area in King County for up to one year, beginning by January 1, 2020. Scooter share pilot program development, implementation and administration authority shall be delegated by the executive to the division. The division shall work in consultation and coordination with other county agencies, including, but not limited, to the Metro transit department, the parks and recreation division, the department of local services and public health - Seattle & King County, regarding development, implementation and enforcement criteria for the scooter share pilot program. The division shall also consult disability rights groups and local North Highline community groups for input throughout the scooter share pilot program.

SECTION 3. A. Up to two operators may be issued a limited-use permit to participate in the scooter share pilot program established under this ordinance. The director may issue the limited-use permits. The director may require applicants to reimburse the county for actual costs incurred by the county in the reviewing and processing of an application for a limited-use permit and for scooter share pilot program administration and evaluation.

B. The limited-use permit application form, to be developed by the division for purposes of the scooter share pilot program, must address at a minimum the following:

1. Identification of where and when shared scooters are allowed to operate and be parked in the public right-of-way and any additional identified areas of use and geofencing requirements;

2. Identification of the initial maximum allowed shared scooter fleet size and any potential phasing or expansion goals throughout the pilot period;
3. Identification of shared scooter maximum allowed speed should the executive determine it necessary to set a maximum speed lower than state law;
4. Time of operation. Notwithstanding K.C.C. 14A.40.010, for the purpose and duration of the scooter share pilot program, scooters operated in accordance with the scooter share pilot program may operate at any time, but may not be operated from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the Washington State Patrol;
5. Requirement for each operator, before permit issuance, to sign and record an indemnification agreement indemnifying and holding harmless the county from and against any claims, suits, causes of action, judgments, damage, loss or liability for injuries to persons or property, other than claims arising out of the county's negligence or willful misconduct;
6. Requirement for each operator to have and maintain appropriate insurance coverage, in accordance with state and local laws;
7. Requirement for each operator to be responsible for the distribution and maintenance of its shared scooters;
8. Requirement for each operator to provide a mechanism for public agencies and the public, both users and non-users of the shared scooter fleet, to notify the operator of safety or maintenance issues, including improperly parked or abandoned shared scooters, and provide feedback or ask questions about the scooter share pilot program. The division may also include a requirement to respond to certain types of complaints within a specified timeframe;
9. Requirement for each operator to make its software application program available to users in multiple languages, including, but not limited to, English and Spanish, and to make information available to users on its software application program regarding applicable laws and user code of conduct and safety criteria

identified by the division;

10. Requirement for each operator to monitor scooter share pilot program implementation and provide no less than monthly reporting to the division and meet with the division no less than quarterly, by phone or in person, to assess scooter share pilot program implementation; and

11. Requirement that all shared scooters must bear a single unique alphanumeric identification visible from a distance of five feet, which shall not be obscured by branding or other markings and which shall be used to identify the shared scooter.

C. The division shall require each operator to conduct public education and outreach activities throughout the pilot period to promote proper shared scooter user behavior, including, but not limited, to how to operate and park shared scooters safely.

D. The division shall require operators to mitigate technology and financial barriers by providing and publicizing at least one scooter share pilot program participation option for persons without access to a smartphone and for persons who are unbanked or have a household income of less than two hundred percent of the federal poverty level.

SECTION 4. The division, on its public website, shall make information about the scooter share pilot program easily accessible, including applicable laws, user code of conduct and safety criteria, the mandatory reports to council and contact information for permit holders. The division shall also make public and community feedback opportunities available on their website. Both the information provided and feedback opportunities must be in multiple languages, including, but not limited to, English and Spanish.

SECTION 5. The director may modify, suspend temporarily or terminate any limited-use permit issued under the scooter share pilot program established under this ordinance, and may require the operator to reduce or remove its shared scooter fleet within ten days of notice, under any one or more of the following circumstances:

A. If the operator violates and fails to come into compliance with the terms of the limited-use permit;

B. The division determines an operator's shared scooter fleet to be unsafe for public use; and

C. The scooter share pilot program is determined to be no longer feasible by the division in consultation with the participating operator or operators.

SECTION 6. A. The executive shall solicit public and community feedback throughout the pilot period and monitor the usage and costs associated with the scooter share pilot program. Feedback must be solicited in multiple languages, including, but not limited to, English and Spanish. The executive should get feedback from both scooter share pilot program users and people who do not use the scooter share pilot program with the goal of understanding issues such as the reasons for using electric motorized foot scooters, the mode of transportation replaced by an electric motorized foot scooter ride, ease and barriers of use, responsiveness of the county and operators to questions and concerns, infrastructure needs, parking issues and similar issues. The executive shall report twice to the council, by June 30, 2020, and by August 24, 2020, on scooter share pilot program implementation.

B. Each report must contain the most current information available on scooter share pilot program feedback, usage and costs, including, but not limited to, the following:

1. The total number of shared scooter trips taken during the pilot period;
2. Trips per shared scooter per day;
3. Shared scooter availability, reliability and distribution;
4. Usage patterns by time of day, day of week;
5. Trip duration;
6. Spatial patterns to understand the most popular routes;
7. Anonymized user demographic data;
8. The number of any reported parking and operating violations;
9. The number and description of any reported safety incidents;
10. Operator average response time for maintenance, hazard reports and shared scooter redistribution

requests;

11. An equity analysis, including but not limited to a description of how the scooter share pilot program relates to or supports one or more of the determinants of equity identified in ordinance 16948, a description of any gaps in access to the scooter share pilot program based on race, class, gender, ability or language spoken and a description of any other impacts to the community in the North Highline urban unincorporated area;

12. An analysis of shared scooter usage for first/last mile connections to transit, including availability and reliability of shared scooters within a mile of transit hubs and whether there are any impacts to transit ridership during the pilot period associated with shared scooter usage;

13. A summary of public and user scooter share pilot program feedback received by the operators and the county; and

14. A summary of any costs to the county relating to scooter share pilot program development, implementation and administration.

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

D. The executive shall file each report required by this section in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead for the mobility and environment committee, or its successor.

SECTION 7. If legislation authorizing continuation of the scooter share pilot program beyond the pilot period is not approved by the council before the end of the pilot period, then the executive shall notify each operator to collect and remove its shared scooter fleet within ten days of the expiration date of the operator's limited-use permit.

SECTION 8. This ordinance expires February 28, 2021.

SECTION 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.