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Electric Dockless Scooters Whitepaper



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Background

Transportation options are evolving and a trending hot topic has emerged; the dockless electric scooter (e-scooter) sharing industry has rapidly launched in cities across North America. E-scooters are available to be reserved and used by the general public via an app in a new form of ride-sharing.

There are several companies who are providing e-scooter sharing programs. A few of the most prominent are:

- Bird (www.bird.co)
- Lime (www.li.me/electric-scooter)
- Spin (www.spin.app/)
- Razor Share (www.razor.com/share/)
- Skip (<https://skipscooters.com/>)

With the expansion of mobility options comes complex issues to be considered by regulators.



Photo credit: "California, Gulf Coast States, Texas, USA, Motor Scooter" courtesy iStock

The regulations for this type of transportation is commonly made at the city or municipality level. However, this raises the question as to which level the regulations should be made: At the jurisdiction level or at the local level?

Chapter One How the Programs Work

In many of the business models, users can use the e-scooter company's app to locate and reserve an e-scooter for a small fee (typically \$1) plus a per-minute fare. Often times, these fares cost less than a cab or a transportation network company (TNC) ride.

Within the app, the user can see the e-scooters available in the surrounding area, including the battery charge and range of miles available on the e-scooter.

Once an e-scooter has been located, the user captures a barcode located on the e-scooter via a cell phone camera to reserve and start the ride. Once done, the user will end his or her ride by parking the e-scooter and selecting to end the ride on the app. The user will then receive a summary of the ride including the total amount of the fare.



Photo credit: Simone Hogan courtesy Shutterstock

The e-scooters do not require a docking station, meaning that users leave e-scooters in a location of their choosing when they end their rides. Nightly, the e-scooter provider sends a team, some of them independent contractors, to collect the e-scooters to be charged and then re-deploys them the following morning in areas where they are predicted to be used.

Chapter Two Challenges

The explosion of these e-scooters has created unique challenges and many regulators are viewing them similarly to the shared bike and e-bike systems. One of the challenges that jurisdictions and cities are facing is the absence of regulations and policies specific to the e-scooter sharing programs. The e-scooters are often deployed around a city prior to any interaction between the city and the e-scooter company. This leaves regulators reacting to the e-scooters rather than being able to take a proactive approach.

Due to the lack of regulations for these business models, the rules are inconsistent from location to location in terms of how the e-scooters are defined and permitted to operate. The safety and needs of citizens and the safe operation of the e-scooters is one area many regulators are focusing on. Simultaneously, a regulator should consider the pace in which this technology evolves and keep regulations from impeding innovation.

One of the initial decisions to be made is who should regulate e-scooters. The National Association of City Transportation Officials (NACTO) has issued guidelines regarding regulating e-bikes and e-scooters at the local level. However, each jurisdiction should consider if it would be more consistent to set a



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standard at the state level. At a minimum, each jurisdiction should review how e-scooters would be defined and what statutes and regulations would apply to them, as currently written. From there, each jurisdiction should review and amend any of the statutes or regulations to address the challenges that come with the new form of transportation where necessary. It is anticipated that jurisdictional legislatures will begin looking at potential legislation to address the challenges as well. To date, the majority of regulatory activity has taken place at the local level.

Parking

When a user chooses to end the ride, he or she can park the e-scooter anywhere. This has resulted in a few challenges including, but not limited to:

- Crowding and obstruction of sidewalks, which can pose a danger to pedestrians
- Restricting the use of sidewalks, particularly for people with disabilities
- E-scooters being left in the street lanes of travel, which can be hazardous for all road users

On occasion, users park the scooters on private property, which can be a nuisance for business and property owners.

Should the regulating entity decide to specify the authorized locations where the scooters are allowed to be parked, one of the challenges may be how to communicate this information to users.

Another challenge is oversight and enforcement of parking scooters. Whose responsibility is it and what citations apply? Who receives the penalty for parking in improper areas? In areas where the sidewalks must be cleared due to weather conditions such as snow, the regulator should consider what penalties should apply if e-scooters are not removed and they obstruct the infrastructure from being cleared.

Riding

It is important to determine who is allowed to use the electric scooters, what safety equipment is required to be worn by the user, and that the user is not impaired. There have been incidents in which users and even minors have been involved in crashes on e-scooters. Further, a user in California has been issued a citation for operating an e-scooter while impaired.

Communicating the requirements to ride e-scooters to users is very important. It should be clear if the user is required to wear a helmet while operating the scooter



Photo credit: Karl_Sonnenberg courtesy Shutterstock

and also where it is appropriate to ride them. A clear statement should be made as to who has the right to use sidewalks, bike lanes, and streets. Protecting pedestrian safety and the safety of users is important in relation to other road users, such as vehicles.

Because the requirements may be different depending on which area the user is riding the scooter, the communication is even more important and a larger challenge. Educating everyone who will be in the environment on what the rules are for e-scooters should be a priority for the e-scooter companies in order to increase awareness and safety.

Permits

The regulator may want to consider limiting the number of e-scooters allowed within a certain area to combat congestion and address liability concerns. Without having appropriate regulations in place, the company is not required to obtain contracts, permits, licenses, operating agreements, etc. The city or jurisdiction may consider implementing a pilot project so adjustments can be made after an initial implementation period has ended to determine the best approach for the specific area of operation for the e-scooters.

The following are only a few questions to be considered:

- Who is the appropriate entity to regulate the scooters?
 - It should be determined who the appropriate entity is to regulate the use of e-scooters and issue the rules, regulations, and policies that best fit the community in which they are used. This could be done at the jurisdiction level but is more commonly being done at a municipality level.
 - This agency should work in coordination with other stakeholders, including law enforcement.
- How do you define an e-scooter in terms of statutes and regulations?
 - Are the e-scooters defined as a vehicle, a low-speed vehicle, or a small vehicle?
- Where can e-scooters be operated?
 - Are riders allowed to operate e-scooters on sidewalks, bike lanes, on the streets, etc.?
- Where can a rider park the e-scooter when they finish the ride?
- Who is authorized to use the e-scooter?
 - Is there an age requirement that should be imposed?
- Is a helmet required to be worn while operating the e-scooter?
- Should a permit be required for the company supplying e-scooters?
- If a permit is issued, how often should it be renewed?
- Should a pilot program be implemented first so that some of the considerations can be determined before rolling out a full program?
- Should the number of e-scooters allowed to be deployed be limited?
- How should damaged or unsafe e-scooters be remedied?
- Does the jurisdiction want to require any social give-back programs?

Chapter Four Recent Regulatory Activity and Resources

There has been a fair amount of activity in numerous jurisdictions. In most cases, electric scooters have abruptly arrived in cities which leaves the cities and jurisdictions in a reactive position to address the challenges related to dockless e-scooters. Below are some examples of activities taking place on this trending hot topic.

California: In April 2018, the San Francisco Board of Supervisors unanimously passed a city law requiring that any company operating a shared, powered scooter service in San Francisco must have a permit from the San Francisco Municipal Transportation Agency (SFMTA) to park their scooters on sidewalks and other public spaces. In alignment with this law, which took effect on June 4, 2018, the SFMTA created its Powered Scooter Share Permit and Pilot Program with an application process for interested companies. As part of the pilot, up to five permits could have been issued with a cap of 2,500 scooters total. Prior to issuing the permits, the city required e-scooter companies to remove the scooters or they would be impounded with a \$100 per scooter fine.

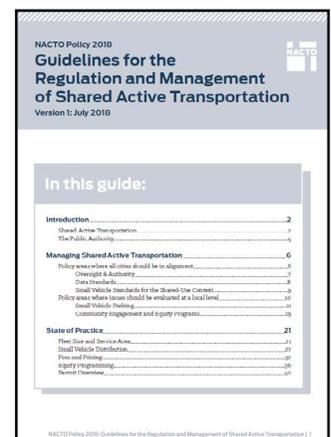
California has passed a bill, [AB 2989](#), which would allow the operation of motorized scooters on a street with a speed limit of up to 35 miles per hour, and the operation on streets with higher speed limits if the scooter is operated within a bike lane. Scooter operators under the age of 18 would be required to wear a helmet.

Texas: In Dallas, the city passed [ordinance 30936](#) to permit dockless bike and scooter companies to operate in the city. “The ordinance regulates

the companies to make sure they will be good partners as they expand personal mobility options throughout the city*.” The ordinance includes operational guidelines and a map of sidewalk riding prohibition as they have different rules for different parts of the city.

Tennessee: In Nashville, the metropolitan council passed a second substitute bill, [BL2018-1202](#), to regulate dockless bicycles and scooters to establish a permit system for these companies. Nashville implemented the permitting system to include scooters in the mobility options in a safe and effective manner. The bill includes definitions, one year permits, a notification method for unsafe e-scooters or maintenance issues, mandatory language affixed to each e-scooter, and insurance requirements, among other things.

The National Association of City Transportation Officials (NACTO) issued [Guidelines for the Regulation and Management of Shared Active Transportation](#) in July 2018 with the intent to update it approximately six months later and on an as needed basis after that. The purpose of the document is to provide guidance for cities and public entities as they look to manage and regulate these types of units that are not otherwise managed through



* Dallas Department of Transportation

a competitive procurement process or contract. The document also includes a chart of regulations that have been passed in various cities across North America.

Mineta Transportation Institute issued a [whitepaper on regulating PTDs](#) in June 2018. In their document, they state that “given the inconsistency and frequent absence of Personal Transportation Devices (PTD) regulations in state vehicle codes, states and territories may benefit from revised regulations.” They provide six principles for

regulators to contemplate in order to balance the needs of all road users and that are also practical to implement.

Both jurisdictions and users should consider how they could benefit from a standard approach on regulations, potentially at the state level rather than leaving the regulations to local jurisdictions. AAMVA encourages all jurisdictions to evaluate the impact of this new transportation model and to determine the best approach to promote safety for users, pedestrians, and drivers.

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