

City Council – Action Request Form

Date: March 18, 2019

To: The City Manager

From: Damon Dequenne, Assistant City Manager
Toneq' McCullough, Director of Transportation

Council Action Requested:

Consideration of an Ordinance to Regulate the Use of Electric Scooters and Manage Shared Mobility System Operators in the City of Winston-Salem.

Strategic Focus Area: Quality Transportation
Strategic Objective: Improve Integrated Road Network
Strategic Plan Action Item: No
Key Work Item: No



Summary of Information:

Bird electric scooters arrived unannounced in the City of Winston-Salem in August 2018 and the original fleet of approximately 100 scooters expanded to over 1,000 after nearly three months of operation. The scooters, and other shared mobility devices offer potential benefits but may also create disruptions if appropriate policies are not in place and adhered to.

To maximize the benefit of shared mobility devices, while mitigating the negative side effects, the Winston-Salem City Council decided to temporarily prohibit electric scooters from the City until an ordinance and permit application process could be developed. Staff has prepared an Ordinance, which, in conjunction with proposed statutes from the North Carolina State Legislature, will provide a legal framework for the operation of electric scooters and the management of shared mobility system operators in the City of Winston-Salem.

At the Public Safety and Public Works Committee Meeting held in February, Council Members requested modifications to the ordinance.

Committee Action:

Committee	Public Safety 3/18/2019 Public Works 3/19/2019	Action	Approval
For	Unanimous	Against	

Remarks:

The following list of key revisions is included in the attached ordinance for consideration based on discussion at the February meetings:

- Modified definition of abandonment from 72 hours for electric, stand-up scooters and 7 days for dockless bicycles to 24 hours for each
- Included requirement for side lights on electric, stand-up scooters
- Included requirement that information pertaining to safety, traffic laws, and manufacturers' warnings and recommendations appear on devices
- Included requirement that unsafe and inoperable vehicles be locked down immediately and removed from the public right-of-way within 1 hour of notification or discovery
- Included requirement that permittees provide the City, upon request, inspection, maintenance, accident, customer complaint, and customer service response data
- Removed requirement for helmet use; substituted with a recommendation for helmet use
- Included requirement that permittees engage in regular community outreach and host regularly recurring classes or events to educate the community about the use of devices and to field questions and concerns
- Included requirement that customer service personnel be available to respond to customer and City concerns within 2 hours
- Modified the permit and civil penalty procedures so that:
 - Permittee Selection Committee, and not the City Manager, selects the permittees
 - Permittee Selection Committee, and not the City Manager, denies, suspends, or revokes permits, except in the case of an immediate threat to the public health, safety, or welfare, in which case, the City Manager retains the authority to suspend or revoke a permit
 - Permittee Selection Committee, and not the City Manager, imposes civil penalties
 - City Manager, and not a hearing officer, hears all appeals of the above decisions
- Included requirement that permittees release and indemnify the City for consequential damages
- Included requirement that permittees' indemnification obligations persist, even if insurance policies do not apply, and that insurance policy limits do not constrain permittees' indemnification obligations to the City