



Memorandum

File #: 26-19

City Council

9/12/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 26-19 CREATING SECTION 7-12 OF THE CODE OF THE CITY OF PENSACOLA - DOCKLESS SHARED MICROMOBILITY DEVICES PILOT PROGRAM ORDINANCE

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 26-19 on second reading.

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA CREATING CHAPTER 7-12 OF THE CODE OF THE CITY OF PENSACOLA TO REGULATE A DOCKLESS SHARED MICROMOBILITY DEVICE PILOT PROGRAM; PROVIDING FOR PURPOSE AND APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PILOT PROGRAM FOR SHARED MICROMOBILITY DEVICES ON PUBLIC RIGHTS-OF-WAYS; PROVIDING FOR THE VENDORS' RESPONSIBILITIES AND OBLIGATIONS IN OPERATING A SHARED MICROMOBILITY DEVICE SYSTEM; PROVIDING FOR SHARED MICROMOBILITY DEVICE SPECIFICATIONS; PROVIDING FOR THE OPERATION AND PARKING OF A SHARED MICROMOBILITY DEVICE; PROVIDING FOR IMPOUNDMENT OR REMOVAL OR RELOCATION BY THE CITY; PROVIDING FOR ENFORCEMENT, FEES AND PENALTIES; PROVIDING AN APPEAL PROCESS; PROVIDING FOR INDEMNIFICATION AND INSURANCE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Prior to state statutes changing in June 2019, dockless shared micromobility devices (scooters) were only permitted to operate on private property unless permitted otherwise by ordinance. (FS 316.008 "Power of authorities"). All Florida "scooter ordinances" with the exception of Tallahassee were created and adopted prior to the law change.

HB 453 was passed and resulted in the following changes:

- The new law references FS 316.008 “powers of authorities” and states that this new law does not prevent local governments from adopting an ordinance that “governs the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas.”
- “Motorized scooter” definition was changed to include any vehicle or micromobility device that is powered by a motor and now also includes those having a seat or saddle. The maximum speed capability used to define motorized scooters was decreased from 30 to 20 mph.
- “Micromobility device” was added under FS 316.003 which creates a specific definition for any motorized transportation device (including motorized scooters) that is rented via an online app and is not capable of traveling at a speed greater than 20 miles per hour.
- Motorized scooters and micromobility devices are not required to be registered as vehicles or maintain insurance.
- Riders on motorized scooters and micromobility devices are not required to have a driver’s license.
- Motorized scooter and micromobility devices are excluded from the definition of “motor vehicle” FS 320.01.
- The new law grants the operators of these micromobility devices all of the same rights and duties of bicycle riders.

Bicycle rules (316.2065) (“rights and duties”) as applied to micromobility devices and motorized scooters:

- Scooters are not permitted on interstate highways. FS 316.091 remains unchanged in that bicycles, motor-driven cycles (etc.) are not permitted on interstate highways where these devices by their very design are “incompatible with the safe and expedient movement of traffic.”
- “Bicycle regulations” (FS 316.2065) contains the laws regarding overtaking, passing, number of riders, safety equipment, etc. that now applies to riders of micromobility devices and motorized scooters in addition to bicycle riders.
- Helmets are only required to be worn by riders less than 16 years old.

The statutory power granted to local governments in FS 316.008 as would relate to scooter use includes the following:

- Restrict use of streets

- Regulate the operation of bicycles
- Enact an ordinance to permit scooters on sidewalks and / or bike paths and if such an ordinance is enacted the maximum speed permitted on sidewalks cannot exceed 15 mph.
- Unless authorized by an ordinance as authorized in 316.008 (power of local authorities) FS 316.1995 remains unchanged in that a person may not drive any "vehicle" other than by human power upon a bicycle path, sidewalk or sidewalk area.

The City desires to consider an ordinance allowing and regulating a franchise agreement for the commercial rentals of Micro Mobility Devices; consistent with Florida Uniform Traffic Control Law, compliant with the Americans with Disabilities Act and other federal and state regulations. Micro Mobility Devices may also include dockless shared motorized scooters and could include e-bicycles and electronic ride hail/sharing services.

City Staff, the City Attorney's Office and Office of the Mayor have researched and drafted a proposed ordinance to regulate and express the City's intent for instituting a Micro Mobility Device Pilot Program. The program is designed to ensure public safety, minimize negative impacts on the public rights-of-way, and analyze data in a controlled setting. The program will inform the City on future consideration of procuring one or more micro mobility franchises, or other modes of dockless shared motorized transportation, as a more permanent alternative transportation program.

Many city and local government programs were evaluated including: Miami, Miami Beach, Coral Gables, Tallahassee, Sarasota, Fort Lauderdale and Tampa. Also reviewed was the new State Law CS/CS/HB 453, Micro mobility Devices, effective June 18 when approved by the Governor. The new law authorizes local governments to regulate operation of micro mobility devices and provides that the operator has all the rights and duties applicable to bicycles.

PRIOR ACTION:

August 8, 2019 - The City Council voted to approve revised Proposed Ordinance No. 26-19 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

7/26/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator
Sherry Morris, Planning Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 26-19
- 2) MicroMobility Map Proposed Franchise and Excluded Areas
- 3) Revised Clean Version: Passed on 1st Reading
- 4) Revised Strike Through & Underline: 1st Reading

PRESENTATION: No