

Memorandum



CITY OF DALLAS

DATE June 17, 2022

TO Honorable Mayor and Members of the City Council

SUBJECT **Dockless Vehicle Program Proposed Changes - June 15, 2022 City Council Briefing Follow Up**

The following are responses to questions posed by City Council members during the June 15, 2022, City Council Briefing on the “Dockless Vehicle Program Proposed Changes.”

1. Council Members Schultz and Ridley: Are electric bicycles and motor assisted scooters allowed on trails? How would it be determined that riding on particular trails should be prohibited and who makes this decision?

Under the existing City Code, SEC. 9.1 and SEC. 28-41.1.1, electric bicycles and motor assisted scooters are currently allowed on public trails. Under the proposed amendments to SEC. 28.41.1.1 of the City Code that will be brought before City Council on June 22, 2022:

- The traffic engineer would have authority to designate zones where the operation of motor assisted scooters is prohibited, including public trails. This authority would only apply to motor assisted scooters. Electric bicycles must be allowed on trails because, under SEC. 551.106 of the Texas Transportation Code, a local authority may not prohibit the operation of electric bicycles in an area where non-electric bicycles are permitted.
- A person would commit an offense if they, “[operate] a motor assisted scooter on a trail where riding is prohibited or during the hours that riding is prohibited on the trail.”
- A person may not park a motor assisted scooter or electric bicycle, “in a public park or public plaza, unless in a space designated by the city for the parking of motor assisted scooters, electric bicycles, or bicycles.”

With the proposed authority of the traffic engineer that would be established in the amendments to SEC. 28-41.1.1, it was intended that the traffic engineer would designate all trails in the city as “no ride zones” for motor assisted scooters with the exception of the Ronald Kirk Pedestrian Bridge. The Ronald Kirk Pedestrian Bridge was to be excluded because it serves as a key multimodal connection between central and west Dallas. The trails and other no ride zones would be designated with signage that would be consistent with the Texas Manual on Uniform Traffic Control Devices (TMUTCD) and placed at trail entrances. Operators that were issued a Shared Dockless Vehicle Operating Authority Permit

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would be required to geofence the no ride zones to ensure their users complied with the established traffic regulation.

The reason for the decision to not codify the prohibition of scooters on trails was to allow for flexibility if a trail provides a key multimodal connection to destinations and the presence of scooters would not negatively impact the safety and comfort of pedestrians using the trail. Any trail that would be considered for the allowance of scooter riding would be reviewed with and co-approved by the Parks and Recreation Department.

If Council chooses to do so, a motion can be made at the June 22, 2022 Council meeting to add the regulation in SEC. 28.41.1.1 of the City Code that motor assisted scooters may not be ridden on any public trails with the exception of the Ronald Kirk Pedestrian Bridge.

2. Councilmember Ridley: This seems like a lot of power being given to the director. How would the director's powers be checked? Would City Council have opportunity to review the proposed director rules before they are adopted?

The process for the director to establish or amend a rule for the Dockless Vehicle Permit are outlined in SEC. 43-159 of the Dallas City Code:

- (a) "Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.
- (b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.
- (c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.

If City Council adopts the proposed amendments to Chapter 43, Article X on June 22, 2022, it is anticipated that the process outlined above to adopt the rules would begin in mid-July, to stay on track for a tentative program relaunch date of October 2022. Councilmembers and the general public will have the opportunity to provide feedback on the proposed rules at that time. In the future, when considering changes to the rules after the relaunch of the program, staff would plan to brief the

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Transportation and Infrastructure Committee on the proposed changes prior to holding a public hearing.

The model of adopting most of the requirements for operating a dockless vehicle service in director or program rules, rather than in the City Code, was based on a review of case study cities, many of whom have a version of director or program rules, including [Austin, TX](#), [San Francisco, CA](#), [Seattle, WA](#), [Chicago, IL](#), [Portland, OR](#), and [Washington D.C.](#)

Calling the rules “Director Rules” was based on Austin, TX’s program; however, SEC. 43-158 of the Dallas City Code simply states that the director may establish rules or regulations as deemed necessary to affect the policy of the article. Staff proposes changing the name of the rules to “Shared Dockless Vehicle Operating Permit Rules” to clarify that they are not the director’s rules but rather the program rules that operators have to abide by as a condition of the permit.

The day-to-day running of the program would be handled by designated program staff; however, the director would be the person ultimately responsible for signing off on any changes to the program rules (following the required public hearing process), on permit issuance and on permit suspensions and revocations.

3. Councilmember Ridley: Will the Dallas Police Department have access to the personal information of users of the shared dockless vehicle services, when needed to investigate crimes?

Staff will be utilizing Mobility Data Specification (MDS) standards for tracking and analysis of vehicles and trip characteristics. MDS data is generated by vehicles, not riders. It includes information about the status of vehicles, their location, and where they are going. It does not contain any personal information about users—which is the type of information that privacy laws and practices have traditionally focused on protecting.

4. Councilmember(s) Thomas, Shultz, and Willis: How were the Shared Dockless Vehicle Program’s Equity Opportunity Zones determined?

For the purposes of the Shared Dockless Vehicle Program, “Equity Opportunity Zones” are 2020 Census block groups that met all of the following criteria: (data source: 2016-2020 American Community Survey 5-Year Estimates)

- a. Race: Above the city average for the percent of people who identify as non-white (city average = 71.20%);

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- b. Socio-Economic Status: Above the city average for the percent of families below the poverty level (city average = 14.50%);
- c. Transportation Access: Above the city average for the percent of people that use public transit (city average = 3.50%);
- d. Population Density: Above the city average for population density (city average = 3,943 people per square mile);
- e. Transit Proximity: located within a 0.25 mile buffer of any transit stop.

The criteria used in the draft Capital Improvement Equity Tool created by the Office of Equity and the Office of Bond and Construction Management was the starting point for identifying the equity areas. However, after receiving concerns from various dockless vehicle companies that requiring them to deploy in lower-density areas could threaten their business model, the population density and transit proximity factors were added to the list of criteria.

5. Councilmember Willis: Please re-evaluate the minimum number of complaints in a day that would warrant an operator's suspension.

The current proposal states that 40 incidents in a day would warrant an automatic suspension. The reason for such a high threshold was to ensure that coordinated attempts to flood 311 with complaints could not be used to unjustly drive out an operator. As the average number of complaints per operator per day in the summer of 2020 was 11, staff is now proposing that if an operator averages 20 incidents per day in a calendar year week, the operator will have their license automatically suspended. However, an operator is more likely to have their license suspended due to other requirements listed in the rules before they would meet this threshold. This will be part of the proposed rules that will go through the public input process in July.

6. Councilmember Willis: Please re-evaluate the decision to not permit a new operator if another operator has their permit revoked.

Staff's reasoning behind not permitting a new operator if another has their permit revoked was to ensure that all operators stay on the same operating permit term schedule. Additionally, the potential that a new operator could be issued a permit or that the number of units allowed to be deployed by each operator could be significantly increased, could encourage foul play by operators. To comprise, in the event that an operator has their permit revoked, staff would consider amending the director rules to allow the remaining permitted operators to increase the number of units that each may deploy to 250 units over the current maximum of

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1,250 per operator, if the utilization and incident (complaint) metrics for increasing their fleet size and have reached the 1,250 unit maximum.

Points of Clarification:

1. During a question from Councilmember Schultz about the data exchange process, Director Khankarli stated that staff would take the data vendor contract to Council for approval. The contract is under \$100,000.00 and can therefore be processed through administrative action.
2. During a question from Councilmember Willis, Director Khankarli stated that operators will be required to prove that they can successfully geofence sidewalks to prevent riding on sidewalks as a condition of permitting. Because the technological capabilities of each operator are not all at the same level, operators that can demonstrate that their technology can successfully geofence on sidewalks will be scored higher in the competitive permitting process than operators that cannot.

If you have any questions or concerns, please contact Ghassan 'Gus' Khankarli, P.E., Ph.D., PMP, CLID, Director of the Department of Transportation, at Ghassan.khankarli@dallas.gov.



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