ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 TO ADOPT REGULATIONS FOR THE OPERATION AND MAINTENANCE OF PEDICABS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 13-2-1 (*Definitions*) is amended to add the following new definitions and to renumber the remaining subsections accordingly:

(3) COMPENSATION means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the driver or owner of any vehicle providing transportation for a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

(18) PEDICAB means a chauffeured, non-motorized vehicle that is propelled by pedals and operated for hire.

PART 2. Subsection (10) of City Code Section 13-2-1 (*Definitions*) is amended to read:

[~~(10)~~](11) GROUND TRANSPORTATION SERVICE means the service of providing chauffeured vehicles for hire for the transportation of passengers within the city for compensation.

PART 3. City Code Section 13-2-34 (*Insurance Required*) is amended to amend Subsection (A) and to add a new Subsection (G) to read:

§ 13-2-34 INSURANCE REQUIRED.

(A) Except as provided by Subsection (F), before authority to operate [~~a~~] any ground transportation service other than a pedicab for hire in the City becomes effective, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: bodily injury and property damage coverage; and owned, non-owned and hired vehicle coverage. The insurance policy must be in a form satisfactory to the City, and it must meet the requirements of this section. The insurance coverage must be maintained throughout the term of the operating authority or taxicab franchise. The applicant must furnish a certificate of insurance for the policy to the department.

DRAFT

(G) Before authority to operate a pedicab ground transportation service in the City becomes effective, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: commercial general liability insurance for a minimum limit of five hundred thousand ($500,000) combined single limit per occurrence, and $2,500 medical expense. The policy shall provide coverage for any and all pedicabs for hire and all drivers of such pedicabs. The policy shall provide coverage for all passengers entering and exiting pedicabs.

PART 4. City Code Section 13-2-272 (*Non-Motorized Service Described*) is amended to read:

§ 13-2-272 NON-MOTORIZED SERVICE DESCRIBED.

Non-motorized services provide ground transportation service using non-motorized vehicles. Motor assisted vehicles are not considered non-motorized vehicles. Passengers are transported on designated streets or within a designated area as determined by the department for a fixed, negotiated, or tips-only rate.

PART 5. City Code Section 13-2-166 (*Operating Authority Permit*) is amended to read:

§ 13-2-166 OPERATING AUTHORITY PERMIT.

(A) On the issuance of an operating authority, the department shall provide an operating authority permit to the holder for each vehicle approved in the operating authority. Before a vehicle is placed in service as a ground transportation service vehicle, the holder must affix the permit to the vehicle in the manner prescribed by the department.

(B) [~~An operating authority permit expires on the date printed on the permit.~~] An operating authority may not be granted for:

(1) a roadway that is closed to traffic, including construction zones, temporary street closures, or safety street closures, unless written approval from the entity authorized to close the roadway to traffic is provided to the department;

(2) a roadway or facility within the jurisdiction of the State of Texas, including but not limited to the University of Texas campus; the Capitol Complex, bounded by Lavaca Street, Martin Luther King, Jr. Boulevard, Trinity Street and 10th Street; and IH 35 and its frontage roads;

DRAFT

(3) a roadway or facility within the jurisdiction of the Parks and Recreation Department, the Department of Aviation, the Convention Center Department, and/or any other City of Austin agency; or

(4) a privately owned roadway or facility.

[~~(C) A holder may not operate a vehicle that displays an expired permit.~~]

PART 6. City Code Section 13-2-275 (*Non-Motorized Service Application Requirements*) is amended to add a new Subsection (C) to read:

(C) In addition to the requirements of this section, a pedicab service shall comply with the requirements of Section 13-2-277 (*Additional Requirements for Pedicab Service*).

PART 7. City Code Chapter 13-2 (*Ground Transportation Passenger Services*) is amended to add a new Section 13-2-277 to read:

§ 13-2-277 ADDITIONAL REQUIREMENTS FOR PEDICAB SERVICE.

(A) The requirements of this section apply to operation of a pedicab and are in addition to the requirements in Section 13-2-273 (*Non-Motorized Service Requirements*), 13-2-274 (*Non-Motorized Service Application Requirements*), and 13-2-275 (*Non-Motorized Service Inspection Requirements*).

(B) An application for an operating authority must describe the fare structure or structures, which must be posted in the pedicab in a manner approved by the department. Fare rates may either be fixed, negotiated with the passenger prior to service being rendered, or for tips only.

(C) A pedicab service may operate:

(1) up to 24 hours a day, seven days per week;

(2) in bike lanes;

(3) on sidewalks adjacent to the bridges crossing Lady Bird Johnson Lake; and

(4) on public roadways on or within the following boundaries:

(a) 35th, 38th, and 38 ½ Street on the north;

(b) Cherrywood Road, Chestnut Avenue, and Pleasant Valley Road on the east;

(c) Oltorf Street (West), Lamar Boulevard, and Barton Skyway on the south; and MoPac Boulevard on the west, except as prohibited in subsections (C), (D), (E), (F), (G), and (H); and

(d) other areas approved for operation by the director.

(D) A pedicab service may not operate on any roadway with a speed limit exceeding 35 miles per hour, including but not limited to the following:

(1) Cesar Chavez Street (West) from Lamar Boulevard to MoPac Expressway;

(2) Lamar Boulevard from 30th Street (West) to 38th Street (West);

(3) Lamar Boulevard from Oltorf Street to Gibson Street (West);

(4) Pleasant Valley Road (North) from Webberville Road to Chestnut Avenue;

(5) Pleasant Valley Road (South) from Canterbury Street to Riverside Drive (East);

(6) IH 35 and its frontage roads; and

(7) MoPac Expressway and its frontage roads.

(E) A pedicab driver must:

(1) comply with the traffic laws and regulations applicable to bicycles, except as otherwise authorized by this section;

(2) comply with the requirements of Section 13-2-54 (*Display and Inspection of Driver Credentials*) and Section 13-2-55 (*Rest Periods for Drivers*);

(3) limit operation to the travel nearest the curb or edge of the roadway, except when necessary to negotiate a turn onto another roadway or to enter a private driveway; and

(4) tow no more than one trailer, which may not be attached to a combination bike/passenger unit.

(F) A pedicab driver may not:

(1) operate a pedicab in any manner on sidewalks or sidewalk areas, including stopping or loading or unloading passengers, except that a

DRAFT

pedicab may use the sidewalks adjacent to the bridges over Lady Bird Johnson Lake to cross the lake.

(2) stop, stand, or park a vehicle:

(a) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;

(b) on a sidewalk;

(c) in an intersection;

(d) on a crosswalk;

(e) between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;

(f) alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;

(g) on a bridge or other elevated structure on a highway or in a highway tunnel;

(h) on a railroad track; or

(i) where an official sign prohibits stopping;

(3) except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

(a) in front of a public or private driveway;

(b) within 15 feet of a fire hydrant;

(c) within 20 feet of a crosswalk at an intersection;

(d) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(e) within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or

(f) where an official sign prohibits standing; and

DRAFT

(4) except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

(1) within 50 feet of the nearest rail of a railroad crossing; or

(2) where an official sign prohibits parking.

(G) In addition to the requirements of Section 13-2-275 (*Non-Motorized Service Inspection Requirements*), a pedicab must meet the standards specified in this subsection.

(1) A pedicab is limited to a maximum passenger capacity of 3, excluding the pedicab driver, unless equipped with individual bicycle-style seats with pedaling stations.

(2) A pedicab must meet the following dimensional requirements:

(a) a frame may not exceed 55 inches in width;

(b) a bicycle tire may not exceed 1.5 inches in width.

(c) a trailer tire must be at least 1.5 inches in width; and

(d) all wheels must have a minimum of 32 spokes and be securely mounted to the vehicle.

(3) A pedicab must be maintained according to the following standards:

(a) all spokes must be tight and none may be missing or broken;

(b) floorboards must have non-skid contact surfaces without holes;

(c) brakes must be capable of making a braked wheel stop within a distance determined by the department;

(d) bicycle brake pads must be replaced if worn down to $1/8^{th}$ inch;

(e) after April 18, 2013, each pedicab trailer and single unit pedicab must be equipped with a disc brake system, or other reliable braking system, as approved by the department;

(f) if a trailer is used, it must attached to the bicycle in a manner approved by the department;

(g) a pedicab must be equipped with a front white lamp visible from a distance of 500 feet;

DRAFT

(h) a pedicab must be equipped with two reflective red lights mounted on the rear in a manner approved by the department, and visible from a distance of 500 feet;

(i) the passenger seat must be bench style and at least 17 inches deep unless the pedicab is equipped with individual bicycle style seats. No passenger seat may face to the rear;

(j) the pedicab paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;

(k) any sharp edges or open tubes must be capped in a manner approved by the department; and

(l) any additional requirements established by the department.

(4) A trailer/pedicab unit must display the following:

(a) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 2 ½ inches in height and at least 5/16 of an inch in stroke width, with colors contrasting the color of the pedicab;

(b) a permit decal, valid annual city inspection decal, and sign limiting the passenger capacity to 3 passengers; and

(c) a slow-moving vehicle emblem that:

(i) complies with Section 547.104 of the Texas Transportation Code;

(ii) is displayed on the rear of the pedicab and mounted in a manner approved by the department; and

(iii) uses a reflective surface visible day or night from a distance of 500 feet.

(H) The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section. The department may require a permit holder to make any non-safety related repairs within 10-days. A vehicle must be re-inspected following completion of repairs required by the department under this section.

(I) A pedicab passenger must sit on a seat in the pedicab and not in any other place on or in the pedicab, including the lap of another passenger. If a passenger

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refuses to comply with this requirement, a driver must stop the pedicab and ask the passenger to exit the pedicab.

PART 8. This ordinance takes effect on _____, 2011.

PASSED AND APPROVED

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§
_____, 2011 § _____
Lee Leffingwell
Mayor

APPROVED: _____ ATTEST: _____
Karen M. Kennard
City Attorney

Shirley A. Gentry
City Clerk

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