NOTICE OF RULE ADOPTION   **POSTING DATE: November 9, 2018**

By: Robert J. Spillar, Director
       Austin Transportation Department

OCC RECEIVED AT
NOV 9 '18 PM3:37

The Director of the Austin Transportation Department has adopted the following rule. Notice of the proposed rule was posted on October 2, 2018. Public comment on the proposed rule was solicited in the October 2, 2018 notice. This notice is issued under Chapter 1-2 of the City Code. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below.

EFFECTIVE DATE OF ADOPTED RULE

A rule adopted by this notice is effective on November 9, 2018.

TEXT OF ADOPTED RULE

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

1.   Parking Enterprise, 1111 Rio Grande Street, Austin Texas 78701 or

2.   Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas 78701

Or downloaded for free at:

3.   http://www.austintexas.gov/department/city-clerk

SUMMARY OF COMMENTS

Comments and ATD responses are attached in spreadsheet format.

BRIEF EXPLANATION OF ADOPTED RULE

This rule is necessary to govern, regulate, enforce and monitor dockless mobility technology for public safety and mobility. Specifically, this rule describes licensure requirements establishing: (1) Definitions; (2) Dockless Mobility Units; (3) Service Area and Size of Fleet; (4) Safety; (5) Parking; (6) Operations and Customer Service; (7) Privacy, Data Reporting and Sharing; (8) Insurance, Performance Bonds and Fees; and (9) General.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration and enforcement of a provision of the City Code is provided in Chapter 1-2 of the City Code. The authority to establish safe practice rules for private use of public right-of-way, is

established in City Code Chapter 14-9 (Traffic or Sidewalk Obstructions). This rule will be added to the Transportation Criteria Manual, for the regulation of Transportation Services. The rule adopts policies and regulations for the administration of dockless mobility technologies and solutions.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30TH DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday, or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday, or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed and will be posted by the city clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date the notice of rule adoption is posted, the rule is withdrawn. Notice of the City Manager's decision on an appeal will be posted by the city clerk and provided to the City Council.

On or before the 16th day after the city clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City manager shall make a decision.
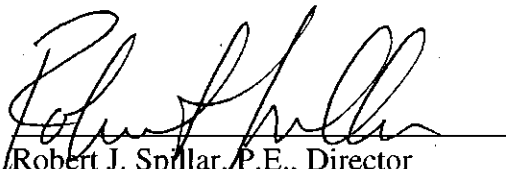
CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Rule Adoption 161-18.09, the City Attorney certifies that the City Attorney has reviewed the rule and finds adoption of the rule to be a valid exercise of the City Manager's authority.

REVIEWED AND APPROVED

Anne Morgan, City Attorney

DATE: 11/9/18

Robert J. Spillar, P.E., Director
Austin Transportation Department

DATE: 11/9/18

DIRECTOR RULES FOR DEPLOYMENT AND OPERATION OF SHARED SMALL VEHICLE MOBILITY SYSTEMS

Dockless Mobility Technology

Section 1 – Definitions

Defined terms used in these rules shall have the meanings assigned to them in City Code Chapter 14-9 or as follows:

Bike Share Station or Hub means a fixed location designated by the Director, consisting of several docking devices where bicycles may be returned or retrieved.

Designated Area means any part of the public right-of-way designated by the Director for the placement of dockless units.

Director means the Director, Austin Transportation Department.

Director's Rules means these rules and procedures established by the Director under Chapter 14-9, to provide additional guidance and clarity on the administration of transportation mobility systems and services.

Dockless Bicycle or Tricycle means a Dockless Mobility Unit consisting of two or three wheels held in a frame, propelled by pedals and steered with handlebars, including electric-assist bicycles, that are part of a publically offered transportation system that does not require a fixed apparatus for its receipt or return.

Dockless Mobility System means a mobility system or service licensed by the City, comprised of unit(s) for the purpose of transportation or conveyance.

Dockless Mobility Unit means a singular vehicle used in a greater, publicly offered transportation Dockless Mobility System for the conveyance of people, goods or services that does not require fixed docking stations or apparatus to receive or return a unit.

Dockless Scooter means a Dockless Mobility Unit consisting of a footboard mounted on two or more wheels and a steering handle that is part of a publicly offered transportation system that does not require a fixed apparatus for its receipt or return.

Electric Assist means an electric motor affixed to a dockless mobility unit that assists the efforts of the driver when they are pedaling.

Good Standing means the status of an applicant or licensee, which is compliant with the payment of all statutory fees, fines and the filing of required data, statistics and reports and all requirements of the Director's rules.

Licensee means a person(s) who holds a license issued by the City under Chapter 14-9 of the City Code to operate a city-wide service. The term includes any employee, agent or independent contractor hired by the permit holder.

Notice means a communication such as a letter, citation or civil penalty, warning or announcement.

Parking Box means an area designated by the Director within the public right-of-way, typically delineated with traffic grade striping or paint, where dockless bicycles and scooters are to be parked when not in active use.

Restricted Area means any part of the public right-of-way restricted by the Director, for the placement of dockless units.

Unit means a singular vehicle used for the transportation or conveyance of people, goods or services.

Unit Placement Plan means the written plan regarding the licensee's internal program, policy decisions and proposed actions in order to come into compliance with the rules, regulations and standards established by the City, in order to avoid violation of the City's ordinances or Director's rules.

Section 2 – Dockless Mobility Units

A. Dockless Mobility Units must only be available to customers at rates that are clearly and understandably communicated to the customer prior to use.

B. Each Dockless Mobility Unit shall prominently display the name of the licensee, their current contact information and a unique unit number.

C. Dockless Mobility Units shall be equipped with a brake, and, for those units that operate at nighttime, a front light that emits white light and a red light and reflector at the rear of the unit, pursuant to Section 551.104 of the Texas Transportation Code. All Dockless Mobility Units must have always-on front and back lights that are visible from a distance of at least 500 feet under normal atmospheric conditions at night. Front and rear lights must stay on at least 90 seconds after the unit has stopped.

D. Dockless Mobility Units shall be equipped with an on-board GPS unit or equivalent that can report the location of a unit at any time for the purposes of use, recovery, repair, data collection, and incident investigation.

E. Dockless Mobility Units shall be high quality, sturdily built to withstand the rigors of outdoor storage and constant use.

F. Dockless Mobility Units shall employ tamper-resistant security hardware.

G. Electric-assist Dockless Mobility Units used in systems issued a license must employ an electric motor of less than 750 watts (1 h.p.).

H. Bicycles used in Dockless Mobility Systems issued a license shall meet standards outlined in the Code of Federal Regulation (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, licensed systems shall meet the safety standards outlined in International Organization for Standardization (ISO) 43.150 – Cycles, subsection 4210.

I. Electric bicycles used in Dockless Mobility Systems shall meet the most up-to-date definition of low-speed electric bicycle outlined in CPSC Public Law 107-309 for Low Speed Electric Bicycle and 15 U.S.C. Chapter 47 Section 2085 and be equipped with fully operable pedals and shall be subject to the same requirements as ordinary bicycles.

J. Scooters used in Dockless Mobility Systems shall meet the most up-to-date equivalent safety standards as those outlined in the Code of Federal Regulations and the International Organization for Standardization for bicycles. Currently, scooters shall meet CPSC in Public Law 107-309 for standards around weight bearing.

K. For all dockless electric scooters and bicycles used in Dockless Mobility Systems, the maximum motor-assist speed for licensed units shall be 20 mph, when ridden in the street environment.

L. Dockless Mobility Units shall be able to securely stand upright when parked.

M. Dockless Mobility Units shall be inspected when removed from routine service, to ensure that all of its components are present and functioning properly.

Section 3 – Service Area and Size of Fleet

A. The Director shall issue one initial license, per mobility unit type.

B. The Director shall limit the number of units licensed to a maximum of five hundred (500) units, per initial license.

C. The total number of deployed units within a licensed area must maintain a minimum average of 2 trips per day, determined by monthly usage. Should this

1   demand not be met, the Director may require a portion of the units to be
2   relocated or removed.

3

4 D.   The Director may issue supplemental licenses, per mobility unit type, to deploy
5   additional units outside the initial license area, in increments of two hundred and
6   fifty (250) units, per licensed area, provided they meet the following criteria:

7

8   1.   The licensee provides a specific geographic area, in ESRI ArcGIS
9   shapefile format, of at least 5 square miles in size;

10

11   2.   All additional units shall be deployed outside of the <u>Downtown Austin</u>
12   <u>Project Coordination Zone</u> (DAPCZ) as verified in real-time through a web-
13   based application programming interface (API);

14

15   3.   The performance bond is adjusted at $100/unit to cover all units operated
16   by the licensee; and

17

18   4.   There is not another compelling reason, as determined by the Director, to
19   limit fleet size.

20

21 E.   The Director may permit additional units within a supplemental licensed area in
22   increments of 250 units per type, provided the deployed units meet an average of 3
23   trips per day, determined by monthly usage.

24

25 F.   Licensees shall only operate within the City of Austin full purpose, public right-of-
26   way.

27

28 G.   Licensees shall not operate or access dockless units within parks, publicly-
29   accessible plazas subject to City license agreements with private property owners,
30   off-street parking lots/garages, state owned land and/or facilities, campuses, or other
31   areas outside of the City of Austin public right-of-way, unless authorized by a
32   separate agreement.

33

34 H.   Licensee shall be responsible for monitoring distribution of units available to
35   customers according to parameters required by the Director. The Director may
36   require a reduction in a licensee's total number of units based on the overall number
37   of units concentrated within a specific area. Licensees shall reduce the number of
38   units according to the following timelines:

39

40   1.   Reduction shall occur within four (4) hours of receipt of notice on
41   weekdays, 6am and 6pm, not including holidays;

42

43   2.   At all other times, reduction shall occur within ten (10) hours of receipt of
44   notice;

45

1   I.   The Director may terminate a license at any time for cause and require that the
2   entire fleet of units be removed from City streets, within ten (10) calendar days.
3
4   J.   The Director may issue supplemental licenses and expand allowable fleet size by an
5   amount determined by the Director, for strategies that promote or incentivize good
6   parking or riding behaviors. Licensed operators shall submit strategies for review
7   and approval by the Director. Below are some examples:
8
9   1.   The ability to lock to fixed bike parking infrastructure;
10
11   2.   Technology that enables the licensee to elicit specific behavior from riders, for
12   an outcome that enhances safety and mobility;
13
14   3.   Augmented reality that uses digital interface to display virtual parking or no
15   parking zones to riders; and
16
17   4.   Ability to govern speed and riding location remotely.
18

Section 4 – Safety

20
21   A.   Licensee must be capable of quickly identifying and addressing safety and
22   maintenance issues with one or more of their dockless mobility units, including a
23   mechanism for customers to notify the company that there is a safety or
24   maintenance concern with the unit.
25
26   B.   Licensee shall be capable of remotely disabling the use of a unit should it be
27   reported or found to have a safety, maintenance or other hazardous condition.
28   Dockless units that are reported as unsafe or non-functional shall be immediately
29   deactivated for rental and removed from operations until sufficiently repaired.
30
31   C.   Licensee shall remove any unit that is not safe to operate within four (4) hours of
32   receipt of notice and shall not be redeployed until repaired.
33
34   D.   Licensees shall respond to complaints and obstructions within the following
35   timeframes:
36
37   1.   Sidewalk Obstruction of less than 3 feet – 60 minutes;
38
39   2.   Travel and bicycle lanes – 60 minutes;
40
41   3.   Transit stop obstructions – 60 minutes;
42
43   4.   Environmentally sensitive area– 60 minutes;
44
45   5.   Private property – 2 hours;

6.   Rebalancing off-hours – 2 hours;

7.   Other obstructions and nuisances – 2 hours;

8.   Unauthorized portions of parks and trails – 2 hours; and

9.   Other unauthorized areas – 2 hours.

E.   Licensee shall keep a record of reported collisions in a format as determined by the Director (See Section 7 - H).

F.   Licensee shall keep a record of maintenance activities which includes the unit identification number and maintenance performed.

G.   Licensee shall sign and record an indemnification agreement indemnifying and holding harmless the City.

H.   Licensee agrees to educate users on lawful and safe use of the dockless mobility units, including encouraging users to obey traffic control devices and ride with the flow of traffic.

I.   The Director may require the removal of units with batteries or motors that are deemed unsafe for public use.

J.   Licensees operating electric-assist units shall have a program to ensure proper recycling of batteries and disposal of these batteries under Universal Waste Battery disposal standards under Title 40 of the Code of Federal Regulations (CFR) in part 273.

K.   Licensee shall require individuals or companies that pick up, drop off or charge units to wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107–2004 publication entitled "American National Standard for High-Visibility Apparel and Headwear".

L.   Licensee shall employ an electronic method to test the vehicle user no less than one out every 5 rentals, on proper usage, ADA accessibility and vehicle parking prior to allowing the usage of a dockless vehicle as approved by the Director.

M.   Licensee shall participate in City of Austin initiatives that raise awareness for accessibility, mobility and the safety of pedestrians and mobility unit users.

N.   Licensee shall provide information relating to unit locations and unit users upon request of law enforcement or pursuant to judicial subpoena. (See Section 2-D).

Section 5 – Parking

A. Dockless units shall prominently display the licensee's current contact information for the purposes of requesting removal, relocation or retrieval of the unit.

B. Licensee shall park dockless units and instruct users on how to park units only in **designated areas**, defined as follows:

    1. The hard surface (e.g. concrete, asphalt) within the landscape/furniture zone of a sidewalk so long as there is at least 3-foot pedestrian clear-zone;

    2. At a public bike rack; and

    3. Any area designated by Parking Boxes, or other method as determined by the Director.

C. Licensee shall NOT park units and instruct users to NOT park units in **restricted areas**, defined as follows:

    1. In the area within or immediately adjacent to:

        a. Americans with Disabilities Act (ADA) accommodations including curb ramps, braille signs, railings and signal push buttons;

        b. Sidewalk Cafes or Street Patios;

        c. Transit zones, including bus stops, shelters, passenger waiting areas, and bus layover and staging zones, except at existing bike racks or within areas approved by Capital Metro;

        d. Loading zones;

        e. Disabled parking zone;

        f. Street furniture that requires parking access (for example, benches, pay stations);

        g. Entryways;

        h. Driveways, alley or curb cut

        i. Sidewalks four (4) feet or less in width;

           ii.   Crosswalks;

           iii.   Fire hydrants;

           iv.   Drinking Fountain;

           v.   Public Art;

           vi.   Any fixed regulatory or informational sign;

    j.   Bike Share Stations.

    k.   Portions of parks that are deemed restricted by the Director of the Parks and Recreation Department.

2.   City blocks where the landscape/furniture zone is less than 3 feet wide, or where there is no landscape/furniture zone.

3.   The paved right-of-way between curb lines, unless there is zone approved or designated by the Director.

4.   The Director may further restrict additional areas for dockless mobility unit parking, through geo-fencing requirements or written notice for the purposes of maintaining order, safety and mobility.

D.   Units that are parked incorrectly shall be re-parked in a correct manner or removed by the operator within the time frames listed in Section 4.

E.   Licensees shall pay the City for the costs associated with the installation and maintenance of Parking Boxes at a ratio of 5% of total fleet size, at locations selected and approved by the Director, per Director-approved specification(s).

Section 6 – Operations and Customer Service

A.   Licensee shall have a customer service phone number, website, and smart phone application customer interface that are available (24) twenty-four hours a day, (7) seven days a week for customers to report safety concerns, complaints or ask questions.

B.   Licensee shall have a staffed operations and customer service center in the City of Austin.

C.   Licensee shall have visible language that notifies the user of the City of Austin's "Dockless Mobility Code of Ethics" as follows:

1.   **Pedestrians First** - People operating bicycles and scooters shall yield to pedestrians on sidewalks;

2.   **Parking Responsibly** - Units shall be parked in a secure upright position only in designated areas;

3.   **Stay on Right-of-Way** - Users shall not take units to areas where they are not authorized to operate; and

4.   **Right and Report** – If you see a unit toppled over or parked improperly; help out by righting the unit and reporting the issue via 311.

D.   The Director reserves the right to modify the Dockless Mobility Code of Ethics and/or require licensees to provide additional information to their users.

E.   Licensee shall provide the Director with a direct contact for licensee staff that are capable of rebalancing units. All licensees shall remove, relocate or rebalance units based on the times listed in Section 3 (H).

F.   Licensee shall be responsible for implementing and submitting to the Director a marketing and outreach plan at its own cost to promote the use of dockless mobility in neighborhoods currently underserved by dockless mobility options, (initially defined as less than 25 licensee units per square mile, subject to change at the Director's discretion) including offering an affordable option that does not require the user to access the service via a smartphone application for any customer with an income level at or below 200% of the federal poverty guidelines.

G.   Licensee shall be responsible for implementing and submitting to the Director a maintenance, cleaning, repair and waste management plan for approval. This plan shall address ongoing maintenance of units, routine cleaning and repair as well as how units that are no longer capable of service will be disposed of responsibly.

H.   Licensee shall employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the unit identification number listed on the Unit Inventory List.

Section 7 – Privacy, Data Reporting and Sharing

A.   Licensee shall be responsible for implementing and submitting to the Director a privacy policy that safeguards users' information, including personal, financial, and travel information.

B.   Licensee shall not require users (customers) to grant location services to use the licensee's mobility service, while the application is not in use. All other private

1 data belonging to the user, including but not limited to contacts, photos and files,
2 shall not be required to be shared in order to use the licensee's dockless mobility
3 service.

4

5 C. Licensee shall not require users (customers) to share their private data with 3rd
6 parties in order to use the licensee's dockless mobility services.

7

8 D. Licensee may allow users (customers) to opt-in (not opt-out) to providing access
9 to their contacts, photos, files, other private data and 3rd party data sharing only
10 with clear notice to the customer.

11

12 E. Licensee shall provide the Director with updates to the terms of service; including
13 but not limited to the Privacy Policy, terms and conditions of use, and the End
14 User License Agreement (EULA) published on the licensee's website and app
15 and agrees to provide all customers and the Director any changes to the terms of
16 service immediately upon adoption.

17

18 F. On a monthly basis, all licensees shall provide a complaint history report
19 including the number of complaints, the nature of the complaints, and the time it
20 took to remedy the complaint.

21

22 G. On a monthly basis, all licensees shall provide a collision history report including
23 the number, severity, location and time of crash, in a format as determined by the
24 Director.

25

26 H. Licensee shall provide the Director or a Director-authorized third party, with real-
27 time and historical information for their entire fleet through a documented web-
28 based application programming interface (API). The licensee is directly
29 responsible for providing the API key to the Director and shall not refer the City to
30 another subsidiary or parent company representative for API access. The API
31 shall deliver data according to the most current Director authorized
32 specifications, in a manner that protects individual user privacy.

33

34 I. Licensee found to be submitting incomplete or inaccurate data, such as
35 underrepresenting the total number of units in service, shall have their licenses
36 revoked.

37

38 ## Section 8 – Insurance, Performance Bond and Fees

39

40 A. Licensee shall maintain commercial general liability insurance, worker's
41 compensation, business automobile insurance and additional coverages
42 specified in the license terms and conditions. The City of Austin shall be named
43 as an additional insured.

44

45 B. Licensee shall have a performance bond of $100/unit. The form of the bond shall
46 be approved by the Director. These funds shall be accessible to the Director for

future public property repair and maintenance costs that may be incurred, removing and storing units improperly parked or if a company is not present to remove units if its license is terminated. If a licensee increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional units.

C.   Licensee shall pay all fees established by ordinance.

D.   If the Director or any other City of Austin agency, department or commission, including the Law Department, incurs any costs for addressing or abating any violations of law, including impound dollars, impound fees, costs to recover a unit from a waterway and other ancillary costs, including repair or maintenance of public property, the licensee, upon receiving written notice from the City of Austin regarding such costs shall reimburse the Director for these costs within (30) thirty days. Any payment made pursuant to this paragraph shall not substitute for any other payment otherwise owed or to be paid to the Director.

E.   Under Chapter 9-1 of the City of Austin Code, any dockless mobility unit left for more than 48 hours in one location without moving may be removed and stored by the City of Austin at the expense of the licensee.

Section 9 – General

A.   The Director shall approve any dockless mode type and technology, prior to approving unit deployment.

B.   No dockless system may operate within the City of Austin right-of-way without obtaining the appropriate authorization as required by City Code Chapter 14-9.

C.   The Director shall determine all license terms, conditions, fines and other standard or special requirements.

D.   The Director may remedy habitual rule violations by amending, suspending or completely revoking a license for cause listed in City Code Chapter 14-9 or for public safety concerns.

E.   The Director may require habitual violators to reduce fleet size or to completely remove units from the right-of-way for revocation or during a period of suspension.

F.   Prior to licensing, applicants shall:
1.   Be in good standing with the City of Austin; and

2.   Provide the Director or Director authorized third party company a verifiable and fully functional API.

1   G.   Units are eligible to be placed into operation immediately, upon authorization
2   issued by the Director.

PUBLIC COMMENTS AND ATD RESPONSES

The Austin Transportation Department (ATD) greatly appreciates the community participation we have received throughout the public comment period on our proposed rules for dockless mobility. After reviewing and evaluating each of the comments received, City staff made several revisions to the rules where consensus was reached.

As the scope of these rules was to regulate dockless mobility licensees and not user behavior, some comments may not have been addressed to the degree desired by the commenter. However, those comments were equally appreciated and will be considered in upcoming code amendments, anticipated in early 2019.

Attached you will find a summation table of all substantive, specifically related comments received and the corresponding response from Austin Transportation Department staff.

Section 1 - Definitions	Comment(s)	Commentor	COA Response(s)
	Move alphabetically, after Notice.	JTR	Agree, issue found by ATD staff.
Parking Box means an area designated by the Director within the public right of way, typically delineated with traffic grade striping or paint, where dockless bicycles and scooters are to be parked when not in active use.	What exactly is the difference between a Parking Box and a Designated Area? I'm afraid that Designated Area might include unpaved and unpainted areas. Can you enlighten me?	David Miller	Yes, a designated area may include unpaved and unpainted areas.
Bike Share Station or Hub means a fixed location designated by the Director, consisting of several docking devices where bicycles may be returned or retrieved.			
Designated Area means any part of the public right of way designated by the Director of transportation, for the placement of dockless units.			
Director means the department Director designated by the city manager.			
Director's Rules means these rules and procedures established by the Director of transportation, under Chapter 14-9, to provide additional guidance and clarity on the administration of transportation mobility systems and services.			
Dockless Bicycle means a Dockless Mobility Unit consisting of a two wheels held in a frame one behind the other, propelled by pedals and steered with handlebars, that is part of a publically offered transportation system that does not require a fixed apparatus for its receipt or return.	• Dockless bicycle definition: This should be "... consisting of two or three wheels held in a frame ..." as tricycles and 3-wheeled scooters may be in our future.	Lisa Kay	
	Add: "Including electric-assist bicycles"	Lime	Agree. Comment incorporated
	remove "a" should be consisting of two wheels	Tony Lynch	Agree. Comment incorporated Agree. Comment incorporated
Dockless Mobility System means a mobility system or service licensed by the City, comprised of unit(s) for the purpose of transportation or conveyance.			
Dockless Mobility Unit means a singular vehicle used in a greater, publically offered transportation Dockless Mobility System for the conveyance or people, goods or services, that does not require fixed docking stations or apparatus to receive or return a unit.	"Unit" definition: I would suggest that it only include "people" and not "goods or services."	Lisa Kay	Disagree. Transportation systems are intended to move people, goods and services.
	A Dockless Mobility Unit is defined as a vehicle. If operated on a city street Is it subject to the motor vehicle code? If driven on a sidewalk right-of-way Is it subject to the motor vehicle code?	David Miller	Comment noted but not substantive to this rule.
	Change "or" to "of"	Tony Lynch	Agree. Comment incorporated

Section 1 - Definitions	Comment(s)	Commentor	COA Response(s)
Dockless Scooter means a Dockless Mobility Unit consisting of a footboard mounted on two wheels and a steering handle, that is part of a publically offered transportation system that does not require a fixed apparatus for its receipt or return.			Staff language clean-up
Electric Assist means an electric motor affixed to a bicycle regulated by pedaling, that assists the efforts of the driver when they are pedaling.			Staff language clean-up
Good Standing means the status of an applicant or licensee, which is compliant with the payment of all statutory fees, fines and the filing of required data, statistics and reports.			
Licensee means a person(s) who holds a license issued by the City under Chapter 14-9 of the code to operate a city-wide service. The term includes any employee, agent or independent contractor hired by the permit holder.			
Notice means a communication such as a letter, citation or civil penalty, warning or announcement.			
Restricted Area means any part of the public right of way restricted by the Director of transportation, for the placement of dockless units.			
Unit means a singular vehicle used for the transportation or conveyance of people, goods or services.			
Unit Placement Plan means the written plan regarding the licensee's internal program, policy decisions and proposed actions in order to come into compliance with the rules, regulations and standards established by the City, in order to avoid violation of the City's ordinances or Director's rules.			

Section 2 - Dockless Mobility Units	Comment(s)	Commentor	COA Response(s)
A. Dockless Mobility Units shall only be available to customers at rates that are clearly and understandably communicated to the customer prior to use.	Replace "shall" with "must" in order to denote a condition precedent which	BAC	Agree. Grammatical change.
B. Each Dockless Mobility Unit shall prominently display the name of the licensee, their current contact information and a unique unit number.	– I suggest that specific dimensions (of considerable size) be given to displaying the unit number as mentioned here - "... display the name ... and unique unit number . .	Lisa Kay	Disagree. Adding anything this prescriptive would inhibit the use of existing fleets and prevent the City from receiving the newest and safest dockless units entering the market.
	If the unit numbers were larger and easier to spot, it would help the public report complaints specific to location and unit.	Lisa Kay	Disagree. Adding anything this prescriptive would inhibit the use of existing fleets and prevent the City from receiving the newest and safest dockless units entering the market.
	I have already identified two people hit by scooters on the sidewalk. One was a minor contact. The second was more serious. Both drivers fled the scene. The proposal says the scooter must "Prominently display" the name of the licensee and a unique number. This it too vague. The number might be too small to read and mounted facing up on the handlebars. So that persons who have been hit can identify the assailant, the number must be on a plate mounted above the rear wheel and be lit. The numbers on the plate must be large enough to be read by a victim or passer-by. We need more specificity here.	David Miller	Disagree. Adding anything this prescriptive would inhibit the use of existing fleets and prevent the City from receiving the newest and safest dockless units entering the market.
C. Dockless Mobility Units shall be equipped with a brake, and, for those units that operate at nighttime, a front light that emits white light and a red light and reflector at the rear of the unit, pursuant to Section 551.104 of the Texas Transportation Code. All Dockless Mobility Units must have always-on front and back lights that are visible from a distance of at least 300 feet under normal atmospheric conditions at night. Front and rear lights must stay on at least 90 seconds after the unit has stopped.	LIGHTS in the back! That tiny reflector near the tire is inadequate!	Nancy Riley	Agree. Lights in the back are required.
	Dockless Mobility Units must be equipped with a brake. ii. All dockless mobility units must be equipped with lighting as there are no units that are restricted to day use only. Lighting requirements include: 1. A lamp on the front of the unit that emits a white light visible from a distance of a least 500 feet in front of the unit. 2. A lamp on the rear of the unit that emits a red light visible from 500 feet to the rear of the unit. 3. Lights must remain on at all times the unit is in use as well as for 90 seconds after the unit has stopped moving.	BAC	Agree, made consistent with TTC TRANSP 551.104, but keeping original formatting instead of breaking out into 1, 2,and 3
	We recommend striking the newly-proposed requirement for daytime lights, as it is unnecessary and is arguably preempted by state law. The pilot regulations merely cited Texas state law (Section 551.104 of the Transportation Code) which requires lights and reflectors for operations at night.	JUMP	Disagree with front light comment. Retain requirement for daytime light for additional safety.
	Remove "Front and rear lights must stay on at least 90 seconds after the unit has stopped." Does not appear in state code	Lime	Disagree with comment. Leaving for comformance with NACTO guidelines.
	Also, with regard to Section 2C, Section 551.104, Transportation Code, requires lights to be visible from at least 500 feet, while the statement that follows only requires lights to be visible from at least 300 feet. The Transportation Code does apply specifically to bicycles, however your rule states that it should apply to all Dockless Mobility Units.	Eryn Morris	Agree, made consistent with TTC TRANSP 551.104

Section 2 - Dockless Mobility Units	Comment(s)	Commentor	COA Response(s)
D. Dockless Mobility Units shall be equipped with an on-board GPS unit or equivalent that can report the location of a unit at any time for the purposes of use, recovery, repair, and data collection.	The parking of units on sidewalks, crosswalks, and in apartment corridors is becoming a serious problem. The on-board GPS allows for "ringfencing", the selection of a geographical area for special treatment. We don't know exactly what the spacial resolution of the GPS systems for the mobility units is, but commercial units definitely are accurate within 4 meters and have a more than 90% rate for delivering locations down to 3 meter accuracy. The city should consider writing or adopting performance specifications for the GPS units.	David Miller	Disagree. This is a nice to have, but not necessarily a safety amenity. The City would have to do far more research or hire a specialist to create such a specification for GPS units.
E. Dockless Mobility Units shall be high quality, sturdily built to withstand the rigors of outdoor storage and constant use.			
F. Dockless Mobility Units shall employ tamper-resistant security hardware.	Remove. Low priority.	time	Disagree. We do not want the public subjected to units that can be easily tampered with. Potential for rider safety concerns or skimmer devices placed on unit.
G. Electric-assist Dockless Mobility Units used in systems issued a license must employ an electric motor of less than 750 watts (1 h.p.).			
H. Bicycles used in Dockless Mobility Systems issued a license shall meet standards outlined in the Code of Federal Regulation (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, licensed systems shall meet the safety standards outlined in International Organization for Standardization (ISO) 43.150 – Cycles, subsection 4210.			
I. Electric bicycles used in Dockless Mobility Systems shall meet the most up-to-date definition of low-speed electric bicycle outlined in CPSC Public Law 107-309 for Low Speed Electric Bicycle and 15 U.S.C. Chapter 47 Section 2085, and be equipped with fully operable pedals and shall be subject to the same requirements as ordinary bicycles.			
J. Scooters used in Dockless Mobility Systems shall meet the most up-to-date equivalent safety standards as those outlined in the Code of Federal Regulations and the International Organization for Standardization for bicycles. Currently, scooters shall meet CPSC in Public Law 107-309 for standards around weight bearing.			
	Reletter to K.	JTR	Agree, issue found by ATD staff.

Section 2 - Dockless Mobility Units	Comment(s)	Commentor	COA Response(s)
	The Commission agrees with lowering the current 20 mph speed limit. However, the proposed 15 mph limit is considerably faster than pedestrians are moving on a sidewalk. In areas around Senior Centers and other places where senior congregate, riders should take even greater care when passing pedestrians. The Commission recommends the rules set a lower speed limit for use of DMUs on sidewalks when pedestrians are present.	Commission of Seniors	Agree with the spirit of the suggestion, however these rules regulate the dockless provider businesses. A spearate ordinance will have to be amended and moved forward for Council to consider.
L. For all dockless electric scooters and bicycles used in Dockless Mobility Systems, the maximum motor-assist speed for licensed units shall be 15 mph.	We also recommend clarifying edits to align with the cross-referenced federal laws and regulations. Specifically, the federal regulator, the CPSC, is in the best position to determine which CPSC regulations apply to which devices. And federal law (PL 107-319) defines low-speed electric bicycles as enabling pedal assist at speeds less than 20 mph; as this law expressly has preemptive effect, we recommend clarifying that e-bikes may include pedal assist at speeds up to 20 mph (instead of 15 mph).	JUMP	Agree. Language adjusted.
	It may seem counter-intuitive that a public commenter like me, who is worried about safety, should advocate for retaining the present 20 mph scooter speed limit and not going to a 15 mph limit. As I travel the streets of West Campus scooters traveling at 20 mph fit in comfortably with the flow of traffic. If the scooter speed is reduced to 15 mph the car traffic will be forced to edge past the slow-moving scooters while both are in the same traffic lane. Present city regulations require that cars pass bicyclists with at least a three-foot separation between the car and the bike. There will be ten times as many scooters as bikers and for the scooter operator the risk of accidents will, I believe, go up sharply if the speed is reduced to 15 MPH forcing more cars to pass slow-moving scooters. For that reason I would support a 20 mph speed on the streets and suggest geofencing the sidewalks to limit the speed where the pedestrians are.	David Miller	Agree with speed limit comment, language adjusted. Disagree with geofencing sidewalks due to the lack of precision with current provider GPS technologies.
	Bird supports lowering maximum speed to 15mph.	Bird	Disagree, need the ability to maintain higher speeds in roadway traffic.
M. Dockless Mobility Units shall be able to securely stand upright when parked.	Reletter to L.	JTR	Agree, issue found by ATD staff.
	When parked where? One of the incentives for parking on a sidewalk is that there are no geofenced, paved parking areas. So in many cases the choice is "park on the sidewalk pavement or park on the grass and risk the scooter falling over". Does this call for scooters to stand upright upon pavement only or also on grass and dirt? How will this requirement be tested?	David Miller	Agree. Refer to Section 5 - Parking, for requirements related to comment.
N. Dockless Mobility Units shall be inspected when removed from routine service, to ensure that all of its components are present and functioning properly.	Reletter to M.	JTR	Agree, issue found by ATD staff.
	I encourage more exact language regarding inspections. Perhaps "... shall be inspected monthly and when removed from routine service ... "	Lisa Kay	Disagree to suggested time frame of monthly. Units are removed from routine service almost daily, which is the intent of this rule.
	Remove. (low Priority) Would prefer not to stay away from creating maintenance standards within the ordinance, if we are submitting a maintenance schedule with our permit application.	Lime	Disagree. The City wants to ensure that units are inspected regularly for safety issues and defects.

Section 2 - Dockless Mobility Units	Comment(s)	Commentor	COA Response(s)
	I would strongly urge the city to add in the dockless rules that a random inspection of devices without notification to the company/owner will be performed. I know these devices are supposed to be chocked down to a 15mph maximum speed and that the proposed rules state something to the effect that the speed wifi now be monitored electronically by the company.	Andy Jones	Disagree. The responsibility of the City is to enforce standards, rules and regulations, which are already occurring.

Section 3 - Service Area and Size of Fleet	Comment(s)	Commentor	COA Response(s)
A. The Director shall issue one initial license, per mobility unit type. Each Licensee with the intention of introducing a multi-modal fleet, must submit a separate application per mobility unit type.	Remove "initial". Add "Each Licensee with the intention of introducing a multi-modal fleet, must submit a separate application per mobility unit type. "	Lime	Disagree, essentially says the same thing.
	The term "mobility unit type" is not defined. It could mean either "scooter" (in which case we will license only 500 scooters); it could mean "scooter designed for a scooter company" (in which case we will have at least 3,500 scooters, 500 for each company which have applies for a license). There are presently seven companies on the streets. Are other companies allowed to apply? If so we could see tens of thousands of scooters on the streets; "mobility unit type" could also mean that each new model used by an applicant entitles it to put 500 more scooters on the street. We need a definition here	David Miller	Disagree. The word "type" is ambiguous on purpose. There may be other modes or services available that the City would want to see enter the market quickly. Please refer to the definition of Dockless Mobility Unit for further clarification.
B. The Director shall limit the number of units licensed to a maximum of five hundred (500) units, per initial license.	Limit numbers in congested areas. Driving downtown has gotten freaky scary!	Nancy Riley	Agree, the director rules already account for that.
	Remove "initial"	Lime	Disagree. The City wants to retain the very first permit for the allowance of 500 units.
	Remove Caps: The best way to ensure a reliable network is to maintain maximum flexibility to respond directly to market demand. This requires the removal of caps on the number of scooters in total and by geography (zones) or at a minimum, instituting a dynamic cap that is based on an average of 2 trips per day per vehicle. The drawback of a dynamic cap vs a complete removal is that traditionally underserved communities may remain underserved.	Lime	Disagree. The caps are necessary to ensure that downtown doesn't become oversaturated with devices. May revisit in the future, with strong usage data and compelling argument.
C. The total number of deployed units within a licensed area must maintain a minimum average of of 1 trips per day. Should this demand not be met, the Director may require a portion of the units to be relocated or removed.	Clarification on when the average will be determined. On a weekly basis, monthly, etc.	Tyler J. Ryska	Device use is reported to the City on a monthly basis. Adjusted language accordingly.
	I do not feel two trips per day per unit is a sufficient number of trips to gauge the number of deployed units. I think this number should be increased.	Rose Marie Benuco	Disagree for now. There's not enough information yet to increase usage amounts. Will be revisited as the service is developed.
	Multiple "of" deleted	S. Brown	Agree. Changed.
	We recommend using a 1-trip-per-day average utilization requirement for all device types, and we recommend clarifying language regarding the applicable timeframes for measurement (i.e., to enable a decrease in fleet size, the utilization requirement would not be met weekly for 6 consecutive weeks).	JUMP	Disagree. If units fall below the 2 trips per day average, the director may consider a compelling argument for why the usage is so low and allow companies more time to meet the minimum trip requirement.
D. The Director may issue supplemental licenses per mobility unit type, to deploy additional units outside the initial license area, in increments of two hundred and fifty (250) units, per licensed area, provided they meet the following criteria:	A geographic area of at least 5 miles is large. Dockless could be helpful, especially for first and last mile trips, in areas such as South Park Meadows, Circle C, and the Domain. Could this defined area be decreased?	Lisa Kay	Disagree. Dockless companies may apply to add additional units within a supplemental area, provided that they meet the Director's minimum usage requirements.
	This should be clarified. We believe that this means that the director may allow additional units to be permitted in increments of 250 units, within supplemental areas.	Bird	Agree. Adjusting language but also requiring additional unit usage data, prior to the issuance of additional units.
	Regarding Section 3 (size of fleet), the rules need to allow a process for the Director to reevaluate the fleet size. The guiding goal to setting the fleet size should be that every user who wants access to a dockless vehicle should be able to easily get access to one. Restrictions on fleet size should be limited in time and scope only to allow enough time for the city to identify problems that may arise in the course of the deployment of this new mode. Otherwise, there must be ways for fleet sizes to scale to meet demonstrated demand.	AURA	Disagree. Dockless companies may apply to add additional units within a supplemental area, provided that they meet the Director's minimum usage requirements.

Section 3 - Service Area and Size of Fleet	Comment(s)	Commentor	COA Response(s)
1. The licensee provides a specific geographic area, in ESRI ArcGIS shapefile format, of at least 5 square miles in size.	A geographic area of at least 5 miles is large. Dockless could be helpful, especially for first and last mile trips, in areas such as South Park Meadows, Circle C, and the Domain. Could this defined area be decreased?	Lisa Kay	Disagree. Dockless companies may apply to add additional units within a supplmental area, provided that they meet the Director's minimum usage requirements.
2. All additional units will operate outside of the Downtown Austin Project Coordination Zone (DAPCZ) as verified in real-time through a web-based application programming interface (API).	We want to make clear that we will not place more than the allowed number of bikes in that area but if people drive to the downtown area that is not our fault.	Lime	Agree. Adjusted language to account for deployment instead of operation.
3. The performance bond is adjusted at $100/unit to cover all units operated by the licensee.	We suggest a bond more in line with other cities in Texas at $10,000 for the entire fleet.	Lime	Disagree. $100 per unit is more in line with recouping City costs and expenses for device collection and storage.
	In Section 3, D, 2, Strike the word "operate" and substitute "deploy"	Bird	Agree. Adjusted language to account for deployment instead of operation.
4. There is not another compelling reason, as determined by the Director, to limit fleet size.			
E. Licensees shall only operate within the City of Austin full purpose, public right-of-way.	Please qualify this - if there is a bicycle lane available, the dockless scooters must be in the bike lane. Having them in the midst of car and bus traffic is very dangerous.	Joyce Statz	This speaks to the City's authority to only grant permission to operate within City ROW, not specifically where to ride.
	To enforce the current laws prohibiting the use of scooters on sidewalks on busy thoroughfares possessing bike lanes, such as The Drag, Congress Ave, 6th Street, etc.	Texas School for the Blind and Visually Impaired	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding.
	I find it unacceptable that a unit defined as a means of public transportation that is required to have the safety features of a bicycle is allowed to use the pedestrian right of way (sidewalks). It is even more concerning that it is allowed to do so at speeds of up to 15mph. My first suggestion is to limit it to the bike routes?	Sergio Matos	Disagree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding.
	Sections E and F seem contradictory. E limits the scooters to Austin right-of-way; all other uses on private property, city land off the right-of-way appear to be forbidden. F mixes private property (garages and parking lots), "campuses" (high school?, college?, public?, private?) and state property. This is a very imprecise mish-mash. Will there be fines for operating in the prohibited spaces? Will the fine be levied against the fleet operator or the vehicle's driver?	David Miller	Disagree. This speaks to the City's authority to only grant permission to operate within City ROW. All other approvals must be obtained separately. Other regulatory authorities or private property owners may impose regulations and sanctions as they are allowed by right or law.

Section 3 - Service Area and Size of Fleet	Comment(s)	Commentor	COA Response(s)
	To be clear, I am definitely *for* prohibiting the motorized vehicles (scooters and Jump bikes) on parkland, as stated, but I would like to modify the rule to make it more explicit that the dockless vehicles that are motorized (again, scooters and Jump bikes) are NOT ALLOWED on the hike and bike trails, including but not limited to the Roy and Ann Butler hike and bike trails. These trails are and should remain for NON-MOTORIZED VEHICLES ONLY. Thank you.	Kate Abel	Disagree, that specific trails be excluded. We are attempting to speak generally, without having to name every facility that is prohibited.
	specify who will be fined for unsafe and unauthorized use of these units. authorities must enforce rules to keep scooters and motorized bikes off parks, paths, and busy sidewalks. this rule must have teeth or downtown Austin will become a free-for-all of idiots on wheels.	Jonathan Nolte	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding. Additional ordinance amendments related to rider behavior need to be modified in a separate section of City Code.
	You must add signs all around the trail, including no parking signs for all dockless vehicles. The vehicles are LITTER if they are left anywhere people please. Keep Austin Beautiful, please!	Amy Reynolds	Agree, that better signage be deployed around Austin. Currently working with the Parks Department on how to best achieve that while keeping Austin Parks beautiful.
F. Licensees shall not operate or access dockless units within parks, publically-accessible plazas subject to City license agreements with private property owners, off street parking lots/garages, state owned land and/or facilities, campuses, or other areas outside of the City of Austin public right-of-way, unless authorized by a separate agreement.	According to Austin City Code 8-1-31, motorized vehicles are not allowed on the hike and bike trails—and the City has posted a few signs along the trails to alert people to this rule—yet scooter use on the trails has persisted and even increased.	Katrin Abel	Agree, that better signage be deployed around Austin. Currently working with the Parks Department on how to best achieve that while keeping Austin Parks beautiful.
	I would suggest that language be added to address signage and enforcement, both of which are woefully inadequate today.	Jon Green	Agree, that better signage be deployed around Austin. Currently working with the Parks Department on how to best achieve that while keeping Austin Parks beautiful.
	We recommend edits to clarify that certain activities (including location of parking and operations) may be performed by users rather than the licensee; in those cases, we suggest language indicating that the licensee must instruct users regarding their responsibilities.	JUMP	Agree. See Section 6 - Operations and Customer Service, which requires licensees to display the Dockless Mobility Code of Ethics.
	Regarding Section 3F, we believe that these rules are the wrong place for addressing dockless operations in parks. The operation of vehicles within parks should be decided on a case-by-case basis by the Parks and Recreation Department, taking into account the unique context of each of our city's parks and the types of pathways within them and may use tools such as designated dismount zones where appropriate.	AURA	Agree. This rule places decision-making authority with the Parks and Recreation Department whom reserves the right to authorize this mode by separate agreement.
	Would like to see this be more specific, i.e. "private property," etc.	Lime	Disagree, the proposed language already covers what is being recommended.
G. Licensee shall be responsible for monitoring distribution of units available to customers according to parameters required by the Director. The Director may require a reduction in a licensee's total number of units based on the overall number of units concentrated within a specific area. Licensees shall reduce the number of units according to the following timelines:	Would like to see clarity on what "concentrated within a specific area" means. i.e., a block, neighborhood, etc.	Lime	Each licensed area may have unique attributes, which are difficult to define at this point. We may revisit this section as we learn more about dockless services.
1. Reduction shall occur within four (4) hours of receipt of notice on weekdays, 6am and 6pm, not including holidays.			
2. At all other times, reduction shall occur within ten (10) hours of receipt of notice.			
H. The Director, for good cause, may terminate a license at any time and require that the entire fleet of units be removed from Austin streets, within ten (10) calendar days.	Request timeframe be extended to 30 days	Lime	Disagree. An order to delicet by the Director would be serious enough to warrant a quick departure from the ROW. We feel that 10 calendar days are sufficient.

Section 3 - Service Area and Size of Fleet	Comment(s)	Commentor	COA Response(s)
1. The Director may issue supplemental licenses and expand allowable fleet size by an amount determined by the Director, for strategies that promote or incentivize good parking or riding behaviors. Licensed operators shall submit strategies for review and approval by the Director. Below are some examples:	We suggest that the Director should have discretion to increase fleet size based on licensees implementing strategies to expand access to underserved communities, in addition to strategies to promote good parking or riding behaviors. In addition, we suggest adding that providing incentives for supplemental training programs or tests could be an example of a licensee program that would align with these objectives.	JUMP	Disagree. We believe that what is written, does exactly what is being proposed.
1. The ability to lock to fixed bike parking infrastructure.	Lock to requirements can be problematic for Capital Metro. Bicycles are locked to our bus stop signs (poles) preventing access to braille signage and causing a trip hazard as customers try to board the bus. They are also locked to our benches, shelters, and trash cans, and all of these amenity locations with a bicycle locked to them, create safety issues for our customers. We've asked for you to consider language that may help prevent this in the sections of the Rule listed below, but want to avoid a lock to requirement, as our bus stop amenities become automatic lock to structures, whether prohibited in the Rule or not.	Tony Lynch	Agree, see Section 5 - Parking. (C) prohibits parking within Transit Transit zones, including bus stops, shelters, passenger waiting areas, and bus layover and staging zones, except at existing bike racks or within areas approved by Capital Metro;
	We suggest the removal of lock-to language	Lime	Disagree. This is not a requirement and only another option to gain additional fleet allowance.
2. Technology that enables the licensee to elicit specific behavior from riders, for an outcome that enhances safety and mobility.			
3. Augmented reality that uses digital interface to display virtual parking or no parking zones to riders			
4. Ability to govern speed and riding location remotely.	There needs to be some kind of monitoring for users that repeatedly park in wrong areas. Can't this be noted and tracked by GPS? I've seen scooters repeatedly blocking pavements, curbs, a half mile away abandoned in a park (for days).	Nancy Riley	Agree, however the technology is not yet precise enough at this point to achieve your suggestion.
	If riding scooters on sidewalks is to remain legal, we propose that the speed of scooters be reduced while traveling on sidewalks, to allow for safe travel for both motorists and pedestrians.	Texas School for the Blind and Visually Impaired	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to trasnmit to the traveling public that certain thoroughfares are off limits for riding. Additional ordinance amendments related to rider behavior need to be modfied in a separate section of City Code.
	It's time to add signage and enforce. Additionally as Austin has grown so much with much of that growth focused in central Austin I would strongly recommend that the dismount zone be expanded to something that both makes common sense and is easier to understand than what exists today. I would propose a zone that is bounded by I35, Lamar, MLK, and the river.	Andy Jones	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to trasnmit to the traveling public that certain thoroughfares are off limits for riding. Additional ordinance amendments related to rider behavior need to be modfied in a separate section of City Code.
5. Use of safer unit types.	Use of safer unit types as evidenced in section 7 (H)	BAC	Disagree. While a good notion, it may encourage dockless providers to not report collisions, in order to increase fleet site.

Section 4 - Safety	Comment(s)	Commentor	COA Response(s)
A. Licensee shall be capable of quickly identifying and addressing safety and maintenance issues with one or more of their dockless mobility units, including a mechanism for customers to notify the company that there is a safety or maintenance concern with the unit.	These things are an unneeded convyence that no one asked for yet here we are now trying to regulate them. They are like cockroaches brought home in your shopping bag. Why is it we are spending time regulating something the VAST majority of AUSTINITES neither asked for nor requested? The should be banned as a hazard until their need is proven for the majority of the city.	Jim Egan	Over 300,000 miles traveled in a month on dockless is an indicator that the service is needed. Comment noted but not substantive to this rule.
	Replace "shall" with "must" in order to denote a condition precedent which means that the parties are required to comply with the terms of licensure.	BAC	Agree.
B. Licensee shall be capable of remotely disabling the use of a unit should it be reported or found to have a safety, maintenance or other hazardous condition. Dockless units that are reported as unsafe or non-functional shall be immediately deactivated for rental and removed from operations until sufficiently repaired.			
C. Licensee shall remove any unit that is not safe to operate within four (4) hours of receipt of notice and shall not be redeployed until repaired.	to enforce this rule, compel retail operator of dockless units to create a place to report improperly used and parked units to the operator, and ban repeat offenders.	Jonathan Nolte	The City currently has a process for reporting poorly parked dockless units through the Austin 311 system. Banning riders is a business decision that the companies should make, not the City.
D. Licensed operators shall respond to complaints and obstructions within the following timeframes:	It would be nice to add park trails as its own category as opposed to park trails being lumped into "other obstructions and nuisances"- 2 hours. The rationale is that 72% of trail users surveyed are not in favor of motorized vehicles (bikes or scooters) on a trail. Obstructions and nuisances on the trail will give folks more of a reason to oppose anything "motorized" but special attention will help send a more positive message.	Kimberly McNeely	Agree, added another category related specifically to parks and trails. Added another category to account for other unauthorized areas.
	To respond to complaints regarding illegally present obstructions in a timely manner	Texas School for the Blind and Visually Impaired	Agree, however the City actively seeks out illegally or improperly placed units. We believe that the current list of categories would cover almost all situations encountered.
	We recommend increasing the response time requirements slightly for removal or readjustments for improperly parked devices (i.e., 2 to 4 hours, depending on the issue, as opposed to 1 to 2 hours).	JUMP	Disagree. We are tasked with ensuring that the people of Austin can move around freely and unimpeded. 2 to 4 hours is way too long for someone who is mobility impaired.
	Consider adding Emergency: Bus Stop Signs (poles), Bench, Shelter, Trash Can, Bus Loading Area Obstruction – 60 minutes	Tony Lynch	Agree. Added language about transit stops.
	In Section 4D, "Licensed Operators" is not a defined term. Perhaps you mean "Licensees."	Eryn Moris	Agree, language changed to reflect comment.
1. Emergency: Sidewalk Obstruction of less than 3 feet – 60 minutes	Would like to see "emergency" defined.	Lime	Agree. Language adjusted.
2. Emergency: Travel and bicycle lanes – 60 minutes			
3. Emergency: Other obstruction – 60 minutes			
4. Emergency: Environmentally sensitive area– 60 minutes			

Section 4 - Safety	Comment(s)	Commentor	COA Response(s)
5. Non-Emergency: *Private property* – 2 hours			
6. Non-Emergency: Rebalancing off-hours – 2 hours			
7. Non-Emergency: Other obstructions and nuisances – 2 hours			
E. Licensee shall keep a record of reported collisions in a formal as determined by the Director (See Section 7 - H).Director	Replace "reported collisions" with "collisions and all other accidents". Do the operators have a method for identifying collisions? Does the GPS give instantaneous deceleration?	David Miller	Disagree. In the transportation industry, we do not use the term accident because it indicates that there's no fault.
F. Licensee shall keep a record of maintenance activities including but not limited to unit identification number and maintenance performed.	Add "which includes the" and remove "but not limited to" Important to know at the outset what is expected.	Lime	Agree. Language adjusted.
G. Licensee shall sign and record an indemnification agreement indemnifying and holding harmless the City.			
H. Licensee agrees to educate users on lawful and safe use of the dockless mobility unit.	There should be some kind of mini-tutorial (pedestrians have right of way, follow traffic rules, etc). Even a few seconds would be better than nothing.	Nancy Riley	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding. We also are adding incentives in the rules for the providers to develop strategies that promote good parking and riding behaviors.
	Proposed rule 4H says "Licensee agrees to educate users" on safe use. But this "educate" is not defined in Section 1. I ask that "educate" be defined in Section 1 at least as a user having been provided a copy of traffic laws regarding right of way versus cars, pedestrians, bicycles; speed; and use of sidewalks and bike lanes. This education must also include electronic or written confirmation from the user, kept on file by the licensee for later reference if needed, that a copy of traffic rules/laws has been reviewed by each user when a user registers with licensee and before user first accesses a device, or before user next accesses a device if they are already registered with licensee.	Ron Laby	Disagree. The City would not be able to confirm what you are requesting, as the providers are not obligated or able to share this type of user information with the City due to personal privacy laws.
	While both an "awareness" campaign and Code of Ethics (Sections 4 L and M and Section 6C) are important, these alone, with no real enforcement or consequence for riders, are inadequate to ensure the safety of both riders and pedestrians. The Commission on Seniors recommends the adoption of traffic and safety rules applicable to anyone operating a DMU. The rules should require riders to obey all official traffic signals, signs and other traffic control devices that apply to vehicles, bicycles, and pedestrians. Violations should be issued for reckless driving and inappropriate parking. These rules should be adopted in addition to any existing criminal violations and enforces as civil penalties, which would allow city staff to enforce safe riding.	Commission on Seniors	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding. We also are adding incentives in the rules for the providers to develop strategies that promote good parking and riding behaviors.
	Licensees agree to educate users on lawful and safe use of the dockless mobility units including encouraging users to obey traffic control devices and ride with the flow of traffic.	BAC	Agree. Language adjusted.

Section 4 - Safety	Comment(s)	Commentor	COA Response(s)
	To enforce the current laws regarding dockless scooters, and educate the community on the various laws - such as speed limits, safety procedures, and where to ride.	Texas School for the Blind and Visually Impaired	Agree. Language adjusted.
	To encourage riders to communicate when approaching or passing people with disabilities	Texas School for the Blind and Visually Impaired	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding. We also are adding incentives in the rules for the providers to develop strategies that promote good parking and riding behaviors.
	With scooters, dockless bikes, and the existing cyclist we have a problem. The city has a liability problem in that the code states "x sidewalks prohibited for bicycling" (interpreted to include scooters per new scooter regs) yet it is not enforced.	Andy Jones	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding. We also are adding incentives in the rules for the providers to develop strategies that promote good parking and riding behaviors.
	Section 4H bears fleshing out. I understand that preserving ambiguity has its benefits, but I think Licensees should have some guidance on this - in particular - with regard to operation on sidewalks, which is only illegal in parts of Austin, but is unsafe under most circumstances.	Eryn Moris	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding. We also are adding incentives in the rules for the providers to develop strategies that promote good parking and riding behaviors.
I. The Director may require the removal of units with batteries or motors that are deemed unsafe for public use.			
J. Licensees operating electric-assist units shall have a program to ensure proper recycling of batteries and disposal of these batteries under Universal Waste Battery disposal standards under Title 40 of the Code of Federal Regulations (CFR) in part 273.	(Medium priority) We believe this should not be included in the ordinance. We have strong sustainability practices that we can outline and meets the industry standard.	Lime	Disagree. We believe it's necessary.
K. Licensee shall require individuals or companies that pick up, drop off or charge units to wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled "American National Standard for High-Visibility Apparel and Headwear".	Remove. (High priority) This puts us into an area where we have too much control over our independent contractors.	Lime	Disagree. This is a City requirement, not a specific company policy.

Section 4 - Safety	Comment(s)	Commentor	COA Response(s)
	Section 4 L. says "Licensee shall employee" when it appears this was intended to say "Licensee shall employ"	PAC	Agree. Language adjusted.
L. Licensee shall employee an electronic method to randomly test the vehicle user on their understanding of proper usage, ADA accessibility and vehicle parking prior to allowing the usage of a dockless vehicle as approved by the Director.	Change to" Licensee are encouraged to provide through an electronic method education tools, marketing, or programs that provide Users with information pertaining to safe riding practices and vehicle parking.	Lime	Disagree. We believe it's necessary to require this.
	Rather than a test, this should be an education campaign.	Bird	Disagree. We believe that this is necessary and are also requiring additional educational efforts from the companies as noted in M.
	"Employ" instead of "employee"	Tony Lynch	Agree. Comment incorporated
	In Section K what does "randomly test" mean in this context? This is more of the "nobody will be penalized" wishful thinking. Education without any sanctions will not stop parking on sidewalks.	David Miller	Agree. Language adjusted.
M. Licensee shall participate in City of Austin initiatives that raise awareness for accessibility, mobility and the safety of pedestrians and mobility unit users,	Remove "shall" change to "are encouraged to"	Lime	Disagree. We believe it's necessary.
	Helmets should be required for all riders. Also, no scooters on sidewalks - I've been grazed by scooters multiple times while walking downtown on sidewalks. Bikes aren't allowed on sidewalks and neither should scooters.	Bern Abplanalp	Comment noted but not substantive to this rule. Separate ordinance modification would be needed.
	Doesn't address full scope of safety issues and needs to account for safety of pedestrians and scooter riders.	Bern Abplanalp	Comment noted but not substantive to this rule. Separate ordinance modification would be needed.
Severe	I strongly feel these companies need to submit a severe weather operations plan. Flooding and icy roads are very real possibilities in Austin and I'd like to know how these companies plan to deal with these situations.	Rose Marie Beneco	Disagree for now. The director has the authority to require a company to defleet based on extenuating circumstances or conditions.
	Consider addition of a requirement that licensees participate with the city in a program to improve safety for pedestrians, such as installing speed limiters that can be activated when a user is on a sidewalk, or installing two different throttles with one clearly marked to be used on sidewalks which only achieves a top speed of 6 miles per hour.	PAC	Agree, however we don't believe that the technology is fully developed to make this a requirement at this time.
	I observe people aged 12-18 using the devices. I thought they required users to be over 18?	Nancy Riley	Comment noted but not substantive to this rule. Dockless units are treated like bicycles and all ages are able to ride legally. The companies set their own parameters for who they will rent to.
	To hold dockless mobility scooters to the same laws and restrictions a bicycles, and to enforce these laws.	Texas School for the Blind and Visually Impaired	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to trasnmit to the traveling public that certain thoroughfares are off limits for riding. Additional ordinance amendments related to rider behavior need to be modified in a separate section of City Code.
	New N- Licensee shall require user to present a valid form of identification demonstrating they are at least 16 years of age.	Bird	Disagree. There are users who cannot obtain a license, that are able to ride a unit. This is a business decision for the dockless companies to make.
	The requirement of priority to pedestrians is difficult to enforce and in fact does not protect pedestrians. I have witnessed many near misses in the last two weeks downtown Austin and find it irresponsible that the new ruling does not address this safety threat to pedestrians. If these units are to be allowed on sidewalks, my second suggestion is to limit the speed to 5mph on sidewalks.	Sergio Maloa	Agree, however we don't believe that the technology is fully developed to make this a requirement at this time.

Section 5 - Parking	Comment(s)	Commentor	COA Response(s)
A. Dockless units shall prominently display the licensee's current contact information for the purposes of requesting removal, relocation or retrieval of the unit.			
B. Licensee shall park dockless units and instruct users on how to park units only in designated areas, defined as follows:	Ensure access to the Pedestrian Through Zone, and limit the parking and riding of scooters in this specific area.	Texas School for the Blind and Visually Impaired	Agree. ATD is currently working collaboratively with APD and dockless providers on safe riding campaigns and is evaluating the best way to transmit to the traveling public that certain thoroughfares are off limits for riding. We also are adding incentives in the rules for the providers to develop strategies that promote good parking and riding behaviors.
	Remove "park dockless units and"	Lime	Disagree. This also makes it a requirement for the license holder to park responsibly.
1. The hard surface (e.g. concrete, asphalt) within the landscape/furniture zone of a sidewalk so long as there is at least 3 foot pedestrian clear zone ;			
2. At a public bike rack;	this rule should state that dockless bikes should NOT be parked at public bike racks.	Dave Obermann	Disagree. The City is proposing to require additional parking infrastructure installed by the dockless companies. Additionally, the City is working to install additional bike racks throughout the City.
3. The Director may further designate areas by geofencing, Parking Boxes or other determined method.	Designate a specific parking zone for scooters which will allow the Pedestrian Through Zone to remain unobstructed and to prevent trip hazards.	Texas School for the Blind and Visually Impaired	Agree. We believe that the addition of parking boxes, as proposed in the rule, will create a more orderly right of way environment.
	Geofencing serves as a means to identify off-limits areas and then assess fees to riders.	Lime	Agree. Removed language from B and added to C.
	Is the Director allowed to designate unpaved areas? Does this give permission to pave present urban greenspace? The thousands of new scooters will require thousands of paved parking spaces.	David Miller	The director is allowed to designate paved and unpaved areas for dockless parking. Parking boxes will only be installed on currently paved areas. No pavement will be placed to accommodate dockless units.
	Some of my concerns may already be covered in the proposed draft. These are the issues that I have personally seen: --The apps instruct users to park scooters on sidewalks in such a way that people in wheelchairs cannot get past. --Parked scooters block driveways and garage entrances. --People "hide" scooters in my condo building in an attempt to keep others from renting them. --People earn free rides by volunteering to charge them overnight, but are using outlets in my building's garage to do so. These electrical costs get passed on to me in homeowner's association fees.	Justin Brown	Section 5 - Parking, of the director's rules is specifc in where dockless units can and cannot be parked

Section 5 - Parking	Comment(s)	Commentor	COA Response(s)
C. Licensee shall NOT park units and instruct users to NOT park units in restricted areas; defined as follows:	No amount of "educate the users" language will change the user's behavior unless there is an AUTOMATIC, GPS-based system which says "No. You can't park here and you will continue to be charged the per/hour rate if you leave the scooter here". The same technology used for tracking the scooters and ringfencing areas where they can't operate can be used to enforce the parking regulations.	Amanda Lacy	Agree, however current technology is not sufficient to address this concern. As technology changes, this is desirable for the City to implement.
	The rules in Section 5.C (restrictions on parking) would completely ban dockless vehicles from being parked anywhere in many parts of the city by restricting every available part of the street. While many of these rules make sense in the downtown environment, the city must find a way for dockless mobility vehicles to be safely parked in all neighborhoods.	AURA	Disagree. The regulations are in place to keep citizens safe and the right-of-way orderly.
1. In the area within or immediately adjacent to	Need clarification on this parking rule. I manage a business and we have huge issues with poor parking and dropoff by "juicers" in our area (West Campus). Need specific language on distance for "in the area within or immediately adjacent to". I suggest 3 feet spacing or not within any of the the designated areas. If you can't control parking nuisance and property right infringement of these devices, I suggest you strongly curtail the licensed and supplemental amounts. I'm fed up with them.	Terry Cole	Agree. We believe that the proposed language is sufficient to address these issues.
	This is a confusing list. "In or adjacent to" and then things like drinking fountains, transit stops, informational signs, etc. What does that mean? The average person is not going to know whether parking next to a sign is ok. In fact, I'd imagine they would think it is fine since it keeps it out of the way. I'd say scrap or modify the list here. It's too confusing for people to follow.	Mary Pustejovsky	Disagree. The entire rule is meant to regulate dockless providers, not riders. The list is reasonable and should be followed explicitly by the dockless companies. Council may establish a separate ordinance to address rider behavior.
	This is an excellent list of all the places where the scooters are being parked by the users today. Is there any provision for private property owners to get scooters permanently banned from their property? If the scooter is blocking a private walkway this is a safety and fire issue. The whole issue of scooters using private property without permission is not addressed by these proposed regulations. It is technically simple to use GPS and geofencing to make scooters inoperative. Why is that feature not used to prohibit use of the scooters in unapproved places like parks? On line 45 we prohibit parking on sidewalks four feet or less in width. This seems to suggest wider sidewalks are fair game and are not "restricted areas" yet all heavily used sidewalks are more than four feet wide; think Guadalupe between 24th and MLK. Further, clusters of bikes can easily block the widest sidewalk. The underlying issue is "should users be allowed to park outside Designated Areas". This proposed regulation seems to say "yes".	David Miller	Disagree. The City only has the authority to regulate dockless providers and their use of right of way. Any use of private property is discouraged, but is a private matter between the dockless company and the property owner. The restriction for placement of dockless units on a four foot or less sidewalk is intended to maintain a 3 foot wide compliant path in residential areas.
a. Americans with Disabilities Act (ADA) accommodations including curb ramps, railings and signal push buttons;	Consider adding braille signage located on Capital Metro bus stop signs (poles)	Tony Lynch	Agree. Language adjusted.
b. Sidewalk Cafes or Street Patios;			
c. Transit zones, including bus stops, shelters, passenger waiting areas, and bus layover and staging zones, except at existing bike	Consider adding after shelters, bus stop signs (poles), benches, trash cans and bus stop loading areas	Tony Lynch	Disagree. We believe that this is sufficiently covered by the proposed language.

Section 5 - Parking	Comment(s)	Commentor	COA Response(s)
racks or within areas approved by Capital Metro;			
d. Loading zones;			
e. Disabled parking zone;			
f. Street furniture that requires parking access (for example, benches, pay stations);			
g. Entryways;			
h. Driveways, alley or curb cut			
i. Sidewalks four (4) feet or less in width;	add "unless 3 foot pedestrian clear zone is maintained"	Bird	Disagree. You cannot maintain a 3 foot clear zone any sidewalk that is less than 4 feet in width.
ii. Crosswalks;			
iii. Fire hydrants;			
iv. Drinking Fountain;			
v. Public Art;	Please provide a definition for "Public Art" as "art" is subjective.	Lisa Kay	Disagree. Because art is subjective, it wouldn't appropriate to define it.
vi. Any fixed regulatory or informational sign;			

Section 5 - Parking	Comment(s)	Commentor	COA Response(s)
j. and Within 25 feet of a Bike Share Station.	Remove or change item C.1.j as the publicly owned bike share stations are the perfect places for the public to park and share all shared mobility devices. A different wording of this language could achieve the outcome of not blocking docked shared bicycles from being returned while avoiding the requirement to staya distance of 25 feet away from these stations. Curiously, no specific distance is cited in the case of actual safety concerns such as around fire hydrants, and it is suggested that this is addressed.	PAC	Agree. Adjusting language.
	I would like to see parking areas, where appropriate, that are shared between docked and dockless. I suggest removing this item altogether	Lisa Kay	Disagree. Docked stations should not be obstructed for the return or rental of a unit. Language has been modified to remove footage requirement.
	We recommend allowing devices to park near existing bike share stations. Based on our experience, those stations are often in locations that are desirable both from a user perspective and from the City's perspective.	JUMP	Agree. Adjusted language.
	Rule 5.C.1.j is overbroad to accomplish a mobility purpose; a rule simply preventing dockless vehicles from impeding access to a Bike Share Station without additionally restricting parking within 25' of one would improve both docked and dockless mobility access.	AURA	Agree. Language adjusted to remove distance from Bike Share Station.
	10' of a Bike share station	Bird	Agree. Adjusted language with no specific footage.
2. Blocks where the landscape/furniture zone is less than 3 feet wide, or where there is no landscape/furniture zone.	Consider changing the combination of Section 5.C.1.i. and 5.C.2 which seems to prohibit access to shared small vehicles to most residential blocks in the city, until such time that a street car-priority parking spot has been converted to a bike and shared vehicle parking spot on every block.	PAC	Disagree. Most residential sidewalks are at least 4 feet in width, which allows for the parking of dockless units.
3. The paved right-of-way between curb lines, unless there is zone approved or designated by the Director.			
4. The Director may further restrict additional areas for dockless mobility unit parking, for the purposes of maintaining order, safety and mobility.	In the area within or immediate adjacent to: It would be nice to add park specific information in this section- like park trailheads, along park trails, etc. the team will need to work through the exact language. Similar to the above rationale, this may go a long way to help the potential non-supporters to see the special consideration	Kimberly McNeely	Agree. Adjusted language.
	Remove. (high priority) We want to ensure parking terms are clearly defined and not easily changed.	Lime	Disagree. The City needs the flexibility to identify high use or problematic areas and enact restrictions as needed.

Section 5 - Parking	Comment(s)	Commentor	COA Response(s)
D. Units that are parked incorrectly shall be re-parked in a correct manner or removed by the operator within the following time frames:	This section says the operator must move improperly parked vehicles within two hours on weekdays between 6 am and 6pm. At all other times they have 10 hours. So on Friday night at 8 pm on a sidewalk near a bar... you see the problem.	David Miller	Agree. Modified language.
1. Within two (2) hours of receipt of notice, during weekdays, 6am and 6pm, not including holidays.	Rather than re-stating response times for adjusting improperly parked devices in Subsection 5(D), we recommend cross-referencing to the more comprehensive provision in Subsection 4(D).	JUMP	Agree. Modified language.
2. All other times shall occur within ten (10) hours of receipt of notice.			
E. Licensees shall install and maintain one Parking Box for every 10 units permitted, at locations selected and approved by the Director, per Director-approved specification(s).	I love this idea but I worry that one box per 10 units is restrictive. There will be some areas that 20-30 dockless units could be parked and others where only 5-10 units would fit. I believe the size of the box should be determined by the location. Therefore, I would suggest the requirement be about number of units safely parked instead of the number of boxes. Does that make sense? o I would also like to see language that addresses how the boxes will be divvied up between operators. Will it be a free-for-all, determined by who was licensed first, who's the cutest/easiest to work with/loudest?? If it is not made clear there could be challenges to overcome.	Lisa Kay	This requirement doesn't speak to the size of the box. It just requires the placement of a box, as determined by the number of units they have permitted. Locations will vary in size and the ambiguity allows us to provide boxes on a situational basis.
	We suggest that the Director have discretion to require parking boxes, rather than affirmatively requiring parking boxes ex ante.	JUMP	Disagree. All dockless providers should be held to a set standard for number of parking boxes installed. Adjusted language to allow for the companies to hire the City to install boxes.
	(high priority) We are happy to help identify locations for parking boxes, but do not think we have the ability to implement.	Lime	Disagree. All dockless providers should be held to a set standard for number of parking boxes installed. Adjusted language to allow for the companies to hire the City to install boxes.
	If there are multiple licensees, which one will install and maintain a particular box? A more appropriate system would be for the city to levy a parking fee, decide where the boxes will go and issue an RFP or bid solicitation to install and maintain the boxes. If the boxes are placed in on-street parking spaces (which seems appropriate to me), will this indicate driving on the street is acceptable?	David Miller	This process will be handled administratively. Each provider will have the ability to hire the City to do the installation on their behalf, utilizing existing City crew members.
	I would require the dockless operators to provide the cost of one parking rack for each device they are operating to be given to the COA for it to then install hundreds more bike racks across the city.	Hill Abell	Agree. The requirement for lock-to technology has been removed. The rules require licensees to install and maintain one parking box for every 10 units permitted, at locations selected and approved by the Director, per Director-approved specification(s). We have a few specifications that mix paint and bike rack installation. They will have the option to hire for the installation or they can pay the City to do it outright.
	For proper order and efficient implementation would instead suggest a fee per scooter for the city to design, install and maintain parking boxes in numbers and in locations approved by the Director (one for every 10 units permitted is likely too many).	Bird	Agree. Adjusted language to a fleet percentage. Each provider will have the ability to hire the City to do the installation on their behalf, utilizing existing City crew members.

Section 6 - Operations and Customer Service	Comment(s)	Commentor	COA Response(s)
A. Licensee shall have a customer service phone number, website, and smart phone application customer interface that are available (24) twenty four hours a day, (7) seven days a week for customers to report safety concerns, complaints or ask questions.	I would like to require the operators to be required to provide electronic means and bear cost for city 311 operators to receive and pass on compaints of all nature by brand name to allow for one number to call for safety, parking, and compliance concerns. Timestamps on all complains to be the time the 311 call was made.		Disagree. There is a 311 process already established for dockless complaints. Costs associated with evaluating citizen requests for service are already incorporated into licensees permitting fees. Each City department annually reviews their workload and adjusts staffing requirements accordingly.
B. Licensee shall have a staffed operations and customer service center in the City of Austin.	Add Section H to cite the section of City Code that governs sidewalk riding.	BAC	Disagree. Already a Section H, which does not speak to the comment made.
	Change to "Lincensee shall have a local staff within the city of Austin."	Lime	Disagree. Proposed language is appropriate.
C. Licensee shall have visible language that notifies the user of the City of Austin's "Dockless Mobility Code of Ethics" as follows:	As a tax payer, I am appalled that the safety of citizens is completely ignored by these rules. I have been nearly run over on city sidewalks and the hike and bike trail by scooters on numerous occasions. These operators have GPS tracking on each unit and have the ability to tell exactly where they are and turn them off remotely. It should be required that if the scooter is in a prohibited area, it is remotely turned off, and the user who rented that scooter should have their account suspended. There MUST also be fines associated with these violations. Each operator could easily provide the city with information on who violated the rules, where, when and for how long. It's a source of revenue for the city that also makes it's citizens safer.	Susan Abplanalp	Agree. Language being adjusted.
	Remove "have visible language"	Lime	Disagree. The City wants to ensure that the dockless mobility code of ethics is displayed in it's entirety.
1. Pedestrians First - People operating bicycles and scooters shall yield to pedestrians on sidewalks.	The rules are mainly silent or are wholly inadequate regulations to be followed by the scooter user. The only logical way to handle this new influx of personal transportation vehicles is to have them follow the same rules bikers follow. They need to be wearing helmets, not on sidewalks, on the roadways (preferably only where there are bike lanes already in existence) and must follow the rules of the road. Pedestrians should never be near them, so they shouldn't be on sidewalks. It's only safe for them to be used around vehicles if they follow the rules we already know about how to treat a bicycle. As a driver, I should not have to learn a new set of driving rules. Otherwise they need to be in a separate, restricted area where citizens won't come in contact with them.	Susan Abplanalp	This rule is meant to regulate dockless providers. Separate ordinance regarding rider behavior needs to be modified in a separate section of City Code.
	People operating dockless mobility units must yield to people walking.	BAC	This rule is meant to regulate dockless providers. Separate ordinance regarding rider behavior needs to be modified in a separate section of City Code.
2. Parking Responsibly - Units shall be parked in a secure upright position only in designated areas.			

Section 6 - Operations and Customer Service

Section 6 - Operations and Customer Service	Comment(s)	Commentor	COA Response(s)
3. Stay on Right of Way - Users shall not take units to areas where they are not authorized to operate.	Require licensees to alert the user when violating Right of Way via geofencing and/or, if possible, disable dockless units when they enter a zone where they're not allowed. (I specifically have the Lady Bird Lake trail system in mind here. We already have an epidemic problem with scooters on the trails.)	Jon Green	Agreed, however current technology is not sufficient to address this concern. As technology changes, this is desirable for the City to implement. Regarding rider behavior, additional ordinance amendments need to be modified in a separate section of City Code.
4. Know What You're Sharing – Users have access to dockless mobility services without having to share Personally Identifiable Information and have the opportunity to Opt-In to sharing this information only after getting clear information about what type of information will be shared.	We request the removal of the language that would indicate users are able to access services without sharing PII. It is not feasible for users to access our services using the Uber or JUMP app without those users establishing an account--and that necessarily entails sharing PII (name, email address, etc.)	JUMP	Agree. Language being adjusted. This issue is better addressed in Section 7. The dockless mobility code of ethics are intended to address user behavior.
	Remove. We have strong data and privacy protection practices. Users must agree to terms of service and we do not share personally identifiable information. Some information is required to maintain relationship with the user.	Lime	Agree. Language being adjusted. This issue is better addressed in Section 7. The dockless mobility code of ethics are intended to address user behavior.
5. Right and Report – If you see a unit toppled over or parked improperly; help out by righting the unit and reporting the issue via 311.	Licensees should provide a convenient way for non-subscribers (those not paying to use the service) to report a toppled unit or one that is parked improperly. The average person using a trail should not have to call 311 and bother a city employee when they trip over a bicycle.	David Hibbs	Disagree. There is a 311 process already established for dockless complaints. By reporting to the City, it holds dockless providers accountable and gives staff an idea of the number and types of issues that are regularly occurring in the right of way.
D. The Director reserves the right to modify the Dockless Mobility Code of Ethics and/or require licensees to provide additional information to their users.	Remove	Lime	Disagree. The language is appropriate.
E. Licensee shall provide the Director with a direct contact for licensee staff that are capable of rebalancing units. All licensed licensees shall remove, relocate or rebalance units based on these times:			
1. Rebalancing shall occur within two (2) hours of receipt of notice, during weekdays, 6am and 6pm, not including holidays.	Rather than re-stating response times for rebalancing devices in Subsection 6(E), we recommend cross-referencing the provision in Subsection 3(G).	JUMP	Agree. Language being adjusted.
2. All other times rebalancing shall occur within ten (10) hours of receipt of notice.			

Section 6 - Operations and Customer Service	Comment(s)	Commentor	COA Response(s)
F. Licensee shall be responsible for implementing and submitting to the Director a a marketing and outreach plan at its own cost to promote the use of dockless mobility in neighborhoods currently underserved by dockless mobility options, (initially defined as less than 25 licensee units per square mile, subject to change at the Director's discretion) including offering an affordable option that does not require the user to access the service via a smartphone application for any customer with an income level at or below 200% of the federal poverty guidelines.	Replace the metric in section 6.F with something that is people based, not simply scooters per square miles, as the current metric essentially biases toward stating that people in lower-density areas deserve more scooters per person.	PAC	Disagree. The metric is an initial definition, but may be changed or modified at any time by the director.
	rather than an option that does not require the user to have a smartphone, would be better to require a low income discount and marketing plan.	Bird	Disagree. We want all people of Austin to be able to access dockless transportation services, whether they have a smart phone or not.
G. Licensee shall be responsible for implementing and submitting to the Director a maintenance, cleaning, repair and waste management plan for approval. This plan shall address ongoing maintenance of units, routine cleaning and repair as well as how units that are no longer capable of service will be disposed of responsibly.			
H. Licensee shall employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the unit identification number listed on the Unit Inventory List.	Remove	Lime	Disagree. The language supports law enforcement in the event they need to identify an individual who has rented a mobility unit.

Setion 7 - Privacy, Data Reporting and Sharing	Comment(s)	Commentor	COA Response(s)
A. Licensee shall be responsible for implementing and submitting to the Director a privacy policy that safeguards users' information, including personal, financial, and travel information.	Change to "Licensee shall be responsible for submitting to the Director a copy of its privacy policy that safeguards users' information, including personal and financial.	Lime	Disagree. Proposed language is adequate.
B. B. Licensee shall not require users (customers) to grant location services to use the licensee's mobility service. All other private data belonging to the user, including but not limited to contacts, photos and files, shall not be required to be shared in order to use the licensee's dockless mobility service.	We request the removal of subsections B, C, and D. As noted above re: Section 6, users necessarily share PII in order to use the Uber and JUMP app. In addition to names and email addresses, users share location information to facilitate an appropriate view of nearby devices. Moreover, it may be necessary to share user information with third parties such as payment processors or other entities that facilitate the services.	JUMP	Disagree. We want all people of Austin to be able to access dockless transportation services, whether they have a smart phone or not.
	Remove	Lime	Disagree. We want all people of Austin to be able to access dockless transportation services, whether they have a smart phone or not.
C. Licensee shall not require users (customers) to share their private data with 3rd parties in order to use the licensee's dockless mobility services.			
D. Licensee may allow users (customers) to opt-in (not opt-out) to providing access to their contacts, photos, files, other private data and 3rd party data sharing only with clear notice to the customer.	Remove	Lime	Disagree. We want all people of Austin to be able to access dockless transportation services, whether they have a smart phone or not.
E. Licensee shall provide the Director with updates to the terms of service; including but not limited to the Privacy Policy, terms and conditions of use, and the End User License Agreement (EULA) published on the licensee's website and app, and agrees to provide all customers and the Director any changes to the terms of service immediately upon adoption.	Remove	Lime	Disagree. Proposed language is adequate.
F. On a quarterly basis, all licensees shall provide the Director with marketing plan update.	Licensees shall be assessed an additional, ongoing per-unit fee to be held in a dedicated fund and utilized for new and improved bike lanes and to create single racks and corrals to accommodate increased demand for parking spaces by dockless mobility units. Racks and corrals must follow the City of Austin Active Transportation Division's rack and corral design criteria. The requirement for use of high security fasteners is mandated.	BAC	Agree, but this rule is not the place to address this item. A separate Council action is required to establish or modify fees, based on factors such as the dedication of funds for new City Infrastructure.
		ATD	Deleting F, as it was intended more for a pilot program versus a permanent program.
G. On a monthly basis, all licensees shall provide a complaint history report including the number of complaints, the nature of the complaints, and the time it took to remedy the complaint.	Add "of aggregated"	Lime	Disagree. Proposed language is adequate.
H. On a monthly basis, all licensees shall provide a collision history report including the number, severity, location and time of crash, in a format as determined by the Director.	We suggest reducing the frequency of reports to the Director regarding marketing outreach plans, complaint history, and collision history.	JUMP	Disagree. Proposed language is adequate.
	Remove. We do not get collision data. This is best acquired through police departments, who do not communicate with us.	Lime	Disagree. Proposed language is adequate.

Setion 7 - Privacy, Data Reporting and Sharing	Comment(s)	Commentor	COA Response(s)
I. Licensee shall provide the Director or a Director-authorized third party, with real-time and historical information for their entire fleet through a documented web-based application programming interface (API). The licensee is directly responsible for providing the API key to the Director and shall not refer the City to another subsidiary or parent company representative for API access. The API shall deliver data the most current specifications as approved by the Director. Director	The City should not mandate which corporate entity shares access to real-time data via the API (subsection I). In addition, we recommend adding language to clarify that data would be shared in a manner that protects individual user privacy.	JUMP	Disagree with a portion of this comment. The City needs to have the ability to display all units spatially in a single application, utilizing existing City staff or a third-party company sub-contracted by the City. Adjusted language to include protection of individual user privacy data.
	Remove "or a Director authorized third party"	Lime	Disagree. The City needs to have the ability to display all units spatially in a single application, utilizing existing City staff or a third-party company sub-contracted by the City. Proposed language is adequate.
	The third party must agree not to disclose data without permission of Licensee	Bird	Agree, but this item would be addressed contractually, rather than the director's rules.
		ATD	Additional language clean up.
J. Licensee found to be submitting incomplete or inaccurate data, such underrepresenting the total number of units in service, shall have their license revoked.	Add "as"	Tony Lynch	Agree. Language adjusted.
	Change "shall" to "may"	Lime	Disagree. Proposed language is adequate.
K. Licensee agree to provide a separate web-based application programming interface (API) for the purposes of sharing data with a university research institute authorized by the Director to evaluate the dockless mobility system for the purposes of human factors research.	We request the removal of subsections K and L, which were more appropriate for a pilot program as opposed to a longer-term regulatory regime. If, for example, we are required to share data with a university, we would need a direct relationship and agreement with that university.	JUMP	Agree. Language adjusted.
	Remove. We can offer MDS standard here. We are currently talking to the city about this.	Lime	Agree. Language adjusted.
L. Licensee shall administer a Director-issued customer satisfaction survey within (60) sixty calendar days prior to the expiration of their license and provide the results of that survey to the Director (15) fifteen calendar days prior to the expiration of their license.	Remove	Lime	Agree. Language adjusted.

Section 8 - Insurance, Performance Bond and Fees	Comment(s)	Commentor	COA Response(s)
A. Licensee shall maintain commercial general liability insurance, worker's compensation, business automobile insurance and additional coverages specified in the license terms and conditions. The City of Austin shall be named as an additional insured.			
B. Licensee shall have a performance bond of $100/unit. The form of the bond shall be approved by the Director. These funds shall be accessible to the Director for future public property repair and maintenance costs that may be incurred, removing and storing units improperly parked or if a company is not present to remove units if its license is terminated. If a licensee increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional units.	We suggest a performance bond of $10,000, inline with other Texas cities.	Lime	Disagree. $100 per unit is more in line with recouping City costs and expenses for device collection and storage.
C. Licensee shall pay all fees established by separate ordinance.	Question: Will there be a new ordinance with additional fees?	Bird	During the budgetary planning process, ATD will review all departmental fees to ensure that the cost of services and initiatives are adequately covered for each permitted activity. Fees for dockless will quite likely be adjusted.
D. If the Director or any other City of Austin agency, department or commission, including the Law Department, incurs any costs for addressing or abating any violations of law, including impound dollars, impound fees, costs to recover a unit from a waterway and other ancillary costs, including repair or maintenance of public property, the licensee, upon receiving written notice from the City of Austin regarding such costs shall reimburse the Director for these costs within (30) thirty days. Any payment made pursuant to this paragraph shall not substitute for any other payment otherwise owed or to be paid to the Director.			
E. Under Chapter 9-1 of the City of Austin Code of Ordinances, any dockless mobility unit left for more than 48 hours in one location without moving may be removed and stored by the City of Austin at the expense of the licensee.	We recommend clarifying that the City would be able to remove a device after 48 hours only if the licensee was notified and failed to respond within the required timeframe.	JUMP	Chapter 9-1 prescribes the process for the removal of abandoned property.
	I want to see 25% of the fees collected by the city distributed to any neighborhood associations who operate in areas with a high usage of devices as allowed or licensed by the director. These things have a huge impact on neighborhoods and they need some assistance in improving, for example, sidewalks and other common items. E.g., University Area Partners.	Terry Cole	Agree that dockless should pay for infrastructure improvements. The City cannot give the money to the neighborhood associations but can attribute fees collected (minus City expense) to infrastructure improvements such as sidewalk repair, protect bike lanes, parking boxes, etc. Any fee changes would have to occur through a separate Council action, outside the rule making process.
	As a final note it would be good to add language to cover the obligations of the unit driver towards a pedestrian in case of collision with a pedestrian.	Sergio Matos	Disagree. This comment is not substantitive to these regulations as it is with regard to rider behavior.

Section 9 - General	Comment(s)	Commentor	COA Response(s)
A. The Director shall approve any dockless mode type and technology, prior to approving unit deployment.			
B. No dockless system may operate within the City of Austin right of way without obtaining the appropriate authorization as required by City Ordinance § 14-9.			
C. The Director shall determine all license terms, conditions and other standard or special requirements.	Picked Section 9.C because it is the closest match. There is no enforcement here, so it should be made clear that the Director can lay out a fine schedule for failing to comply with timelines from section 4 or 5, for example. Addition of a single word makes this clear. The Director shall determine all license terms, conditions, fines, and other standard or special requirements.	David Hibbs	Agree. Adjusted language.
D. The Director may remedy habitual rule violations by amending, suspending or completely revoking a license for cause listed in City Code. Chapter 14-9 or for public safety concerns.			
E. The Director may require habitual violators to reduce fleet size or to completely remove units from the right of way for revocation or during a period of suspension.			
F. Prior to licensing, applicants shall:			
1. be in good standing with the City of Austin.			
2. provide the Director or Director authorized third party company a verifiable and fully functional API.	Third party company must agree not to disclose data without permission of Licensee.	Bird	Agree, but this item would be addressed contractually, rather than the director's rules.
G. Units are eligible to be placed into operation immediately, upon authorization issued by the Director.			