

Rule No: R161-20.06

NOTICE OF PROPOSED RULE

POSTING DATE:

December 20, 2019

By: Robert J. Spillar
Director, Austin Transportation Department

The Director of the Austin Transportation Department proposes to adopt the following rule after **January 21, 2020**.

REQUEST FOR COMMENTS ON THE PROPOSED RULES

Comments on the proposed rule are requested from the public. Comments must be submitted in writing to the following contact person: Jacob Culberson, 1111 Rio Grande Street, Austin Texas 78701, (512) 974-1489, or by email at jacob.culberson@austintexas.gov. To be considered, comments must be submitted before **January 21, 2020** (the 32nd day after the date this notice is posted). A summary of the written comments received will be included in the notice of rule adoption that must be posted for the rule to become effective.

EFFECTIVE DATE OF PROPOSED RULE

A notice of rule adoption may not be posted before **January 21, 2020** (the 32nd day after the date of this notice) or after **February 28, 2020** (the 70th day after the date of this notice).

If the proposed rule is not adopted on or before February 28, 2020 (the 70th day after posting of this notice), it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

TEXT OF PROPOSED 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 and
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/departments/city-clerk>

BRIEF EXPLANATION OF PROPOSED RULE

This rule is necessary to govern, regulate, enforce, and monitor the operation of pedicabs and group cycles for public safety and mobility. Regarding the operation of pedicabs and group cycles, this rule specifically establishes: (1) Definitions; (2) Pedicabs; (3) Group Cycles; (4) Electric Assist.

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 pedicabs and group cycles is established in City Code section 13-2-363 (E).

CERTIFICATION BY CITY ATTORNEY

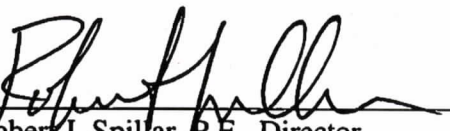
By signing this Notice of Proposed Rule (R161-20.06), the City Attorney certifies that the proposed rule has been reviewed by the City Attorney and is within the authority of the Director of the Austin Transportation Department to adopt.

REVIEWED AND APPROVED



Anne Morgan, City Attorney

DATE: 12/17/19



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

DATE: 12/17/2019.

DIRECTOR RULES FOR THE SAFE OPERATION OF PEDICABS AND GROUP CYCLES

Section 1 –Definitions

Defined terms used in these rules shall have the meanings assigned to them in City Code Chapter 13-2 or as follows:

Department means the Austin Transportation Department

Director means the Director, Austin Transportation Department.

Director's Rules means these rules and procedures established by the Director under Chapter 13-2 to provide additional guidance regarding the operation of pedicabs and group cycles.

Electric Assist means a battery powered electric motor that assists in the movement of a pedicab or group cycle.

Group Cycle means a device with four or more wheels propelled by human power exerted through a belt, chain, or gears capable of carrying a driver and six or more seated passengers on a platform made as part of the device.

Pedicab means a chauffeured vehicle operated for compensation that has at least three wheels, is propelled by human power exerted through pedals, a belt or chain and gears, and that is capable of transporting passengers on seats attached to the vehicle.

Section 2 –Pedicabs

- A. Pedicab operators shall carry a valid Driver's License available upon the request of a police officer, department representative, or to present following a collision.
- B. Pedicab operators shall carry a valid Chauffeur's Permit available upon the request of a police officer, department representative, or to present following a collision.
- C. Pedicab operators shall carry a valid insurance card available upon the request of a police officer, department representative, or to present following a collision. Each insurance card shall list the specific pedicab serial number identifying the pedicab in use.
- D. A pedicab is limited to a maximum passenger capacity of three (3), excluding the pedicab driver, unless otherwise directed by the department.
- E. In addition to the equipment requirements listed in City Code chapter 13-2, each pedicab shall have two rear reflectors affixed, each being a minimum of two inches in diameter and at least two feet apart from each other horizontally.
- F. Holders shall assign numbered pedicab permits, provided by the department, to specific pedicabs and shall furnish a list of permit assignments to the department within ten (10) days of the beginning of each annual quarter.
- G. If a replacement pedicab permit is required, the holder must provide the department with the specific permit number before a replacement permit will be issued.

- 50 H. With the exception of the alleys immediately North and South of East 6th Street between Red
51 River and Brazos and E/W 4th Street between Red River and Rio Grande, operation
52 on any roadway with one travel lane or less in each direction is limited to daylight hours only
53 unless approved by the department.
54
- 55 I. A pedicab operating authority does not extend to operation on roadways or facilities within the
56 jurisdiction of the State of Texas, including, but not limited to, the University of Texas Campus,
57 the Capitol Complex (bounded by Lavaca, M. L. King Jr. Blvd., Trinity and 10th Street), or IH-35
58 and its Frontage Roads.
59
- 60 J. A pedicab operating authority does not extend to operation on privately owned roadways or
61 facilities.
62
- 63 K. On street loading/ unloading of passengers must occur at the curb or edge of roadway in legal
64 parking areas or commercial loading zones. Driveways are not legal parking spaces and are
65 therefore not approved loading/ unloading areas.
66
- 67 L. Each pedicab must be sequentially numbered in a manner approved by the department.
68
- 69 M. If a pedicab service obtains a pedicab from another pedicab service, both holders shall provide the
70 department with a notarized agreement describing the pedicab transfer, and the permit and
71 inspection decal associated with the pedicab being transferred prior to approval.
72

73 **Section 3 –Group Cycles**

- 74 A. Group Cycle operators shall carry a valid Driver's License available upon the request of a police
75 officer, department representative, or to present following a collision.
76
- 77 B. Group Cycle operators shall carry a valid Chauffeur's Permit available upon the request of a
78 police officer, department representative, or to present following a collision.
79
- 80 C. Group Cycle operators shall carry a valid insurance card available upon the request of a police
81 officer, department representative, or to present following a collision. Each insurance card shall
82 list the specific group cycle serial number identifying the group cycle in use.
83
- 84 D. In addition to the equipment requirements listed in City Code chapter 13-2, each group cycle shall
85 have two rear reflectors affixed, each being a minimum of two inches in diameter and at least two
86 feet apart from each other horizontally.
87
- 88 E. Holders shall assign numbered group cycle permits provided by the department to specific group
89 cycles and shall furnish a list of permit assignments to department personnel within ten (10) days
90 of each annual quarter.
91
- 92 F. If a replacement group cycle permit is required, the holder must provide the department with the
93 specific permit number before a replacement will be issued.
94
- 95 G. With the exception of the alleys immediately North and South of East 6th Street between Red
96 River and Brazos and E/W 4th Street between Red River and Rio Grande, operation on any
97 roadway with one travel lane or less in each direction is limited to daylight hours only unless
98 approved by the department.
99

- H. A group cycle operating authority does not extend to operation on roadways or facilities within the jurisdiction of the State of Texas, including, but not limited to, the University of Texas Campus, the Capitol Complex (bounded by Lavaca, M. L. King Jr. Blvd., Trinity and 10th Street), or IH-35 and its Frontage Roads.
- I. A group cycle operating authority does not extend to operation on privately owned roadways or facilities.
- J. On street loading/ unloading of passengers must occur at the curb or edge of roadway in legal parking areas or commercial loading zones. Driveways are not legal parking spaces and are therefore not approved loading/ unloading areas.
- K. Each group cycle must be sequentially numbered in a manner approved by the department.
- L. If a group cycle service y obtains a group cycle from another group cycle service, , both holders shall provide the department with a notarized agreement describing the group cycle transfer, and the permit and inspection decal associated with the group cycle being transferred prior to approval.

Section 4 –Electric Assist

The following safety rules apply to any company that utilizes electric assist in the operation of a pedicab or group cycle. These safety rules describe the minimum required, but do not prohibit a pedicab or group cycle service from undertaking further safety precautions.

- A. No more than two (2) electric assist batteries may be charged at a private residential structure at one time.
- B. A minimum of a 2A:10B:C portable fire extinguisher shall be available within 75 feet of any area where batteries are charged.
- C. Lithium ion batteries shall be approved and certified by a US recognized / EU equivalent nationally recognized testing laboratory and a permanent nameplate shall be affixed to the battery case. The batteries must have automatic and inherent features that prevent further charging when the voltage, amperage, or temperature are not within normal operating limits.
- D. Battery chargers must be compatible with the type of battery being charged.
- E. Batteries shall be constructed to NEMA 4 or IP66 requirements for protection from ingress of water or dust.
- F. Battery chargers shall be approved and certified by a US recognized / EU equivalent nationally recognized testing laboratory and must have charging information affixed to the device.
- G. Any damaged or failing batteries must be immediately disposed of using call2recycle.org or another recycling service approved by the Department.
- H. Each company shall develop and provide all personnel responsible for charging batteries with at least one (1) hour of battery charging and fire-prevention safety training prior to charging any electric-assist pedicab batteries. This training shall cover the following topics:
 - (1) Dangers associated with Lithium Ion batteries

150	(2) Proper use of the batteries
151	(3) Proper charging of the batteries
152	(4) Inspection of batteries
153	(5) Storage of the batteries
154	(6) Proper disposal of the batteries
155	(7) Response to Fire
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