

RULE NO.: R161-20.06

NOTICE OF RULE ADOPTION

ADOPTION DATE:

February 4, 2020

**By: Robert J Spillar, P.E., Director
Austin Transportation Department**

The Director of the Department of Austin Transportation has adopted the following rule. Notice of the proposed rule was posted on December 20th, 2019. Public comment on the proposed rule was solicited in the December 20th, 2019 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 February 4, 2020.

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:

- Mobility Services Division, 1111 Rio Grande Street, Austin, TX 78701; or
- Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas.

Or downloaded for free at:

- <http://www.austintexas.gov/department/city-clerk>

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.

SUMMARY OF COMMENTS

The Department of Transportation did not receive comments regarding Rule R161-20.06.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or 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).

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, e-mail 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 Manager, the Director of the department adopting the rule, and the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, amend, 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 R161-20.06, the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED


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

Date: 01/30/2020


Anne L. Morgan
City Attorney

Date: 1/31/2020

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.

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.
- H. With the exception of the alleys immediately North and South of East 6th Street between Red River and Brazos and E/W 4th Street between Red River and Rio Grande, operation on any roadway with one travel lane or less in each direction is limited to daylight hours only unless approved by the department.
- I. A pedicab 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.

- 51 J. A pedicab operating authority does not extend to operation on privately owned roadways or
52 facilities.
53
- 54 K. On street loading/ unloading of passengers must occur at the curb or edge of roadway in legal
55 parking areas or commercial loading zones. Driveways are not legal parking spaces and are
56 therefore not approved loading/ unloading areas.
57
- 58 L. Each pedicab must be sequentially numbered in a manner approved by the department.
59
- 60 M. If a pedicab service obtains a pedicab from another pedicab service, both holders shall provide the
61 department with a notarized agreement describing the pedicab transfer, and the permit and
62 inspection decal associated with the pedicab being transferred prior to approval.
63

64 **Section 3 –Group Cycles**

- 65 A. Group Cycle operators shall carry a valid Driver's License available upon the request of a police
66 officer, department representative, or to present following a collision.
67
- 68 B. Group Cycle operators shall carry a valid Chauffeur's Permit available upon the request of a
69 police officer, department representative, or to present following a collision.
70
- 71 C. Group Cycle operators shall carry a valid insurance card available upon the request of a police
72 officer, department representative, or to present following a collision. Each insurance card shall
73 list the specific group cycle serial number identifying the group cycle in use.
74
- 75 D. In addition to the equipment requirements listed in City Code chapter 13-2, each group cycle shall
76 have two rear reflectors affixed, each being a minimum of two inches in diameter and at least two
77 feet apart from each other horizontally.
78
- 79 E. Holders shall assign numbered group cycle permits provided by the department to specific group
80 cycles and shall furnish a list of permit assignments to department personnel within ten (10) days
81 of each annual quarter.
82
- 83 F. If a replacement group cycle permit is required, the holder must provide the department with the
84 specific permit number before a replacement will be issued.
85
- 86 G. With the exception of the alleys immediately North and South of East 6th Street between Red
87 River and Brazos and E/W 4th Street between Red River and Rio Grande, operation on any
88 roadway with one travel lane or less in each direction is limited to daylight hours only unless
89 approved by the department.
90
- 91 H. A group cycle operating authority does not extend to operation on roadways or facilities within
92 the jurisdiction of the State of Texas, including, but not limited to, the University of Texas
93 Campus, the Capitol Complex (bounded by Lavaca, M. L. King Jr. Blvd., Trinity and 10th Street),
94 or IH-35 and its Frontage Roads.
95
- 96 I. A group cycle operating authority does not extend to operation on privately owned roadways or
97 facilities.
98

- 99 J. On street loading/ unloading of passengers must occur at the curb or edge of roadway in legal
100 parking areas or commercial loading zones. Driveways are not legal parking spaces and are
101 therefore not approved loading/ unloading areas.
102
- 103 K. Each group cycle must be sequentially numbered in a manner approved by the department.
104
- 105 L. If a group cycle service y obtains a group cycle from another group cycle service, , both holders
106 shall provide the department with a notarized agreement describing the group cycle transfer, and
107 the permit and inspection decal associated with the group cycle being transferred prior to
108 approval.
109

110 **Section 4 –Electric Assist**

111 The following safety rules apply to any company that utilizes electric assist in the operation of a pedicab
112 or group cycle. These safety rules describe the minimum required, but do not prohibit a pedicab or group
113 cycle service from undertaking further safety precautions.
114

- 115 A. No more than two (2) electric assist batteries may be charged at a private residential structure at
116 one time.
117
- 118 B. A minimum of a 2A:10B:C portable fire extinguisher shall be available within 75 feet of any area
119 where batteries are charged.
120
- 121 C. Lithium ion batteries shall be approved and certified by a US recognized / EU equivalent
122 nationally recognized testing laboratory and a permanent nameplate shall be affixed to the battery
123 case. The batteries must have automatic and inherent features that prevent further charging when
124 the voltage, amperage, or temperature are not within normal operating limits.
125
- 126 D. Battery chargers must be compatible with the type of battery being charged.
127
- 128 E. Batteries shall be constructed to NEMA 4 or IP66 requirements for protection from ingress of
129 water or dust.
130
- 131 F. Battery chargers shall be approved and certified by a US recognized / EU equivalent nationally
132 recognized testing laboratory and must have charging information affixed to the device.
133
- 134 G. Any damaged or failing batteries must be immediately disposed of using call2recycle.org or
135 another recycling service approved by the Department.
136
- 137 H. Each company shall develop and provide all personnel responsible for charging batteries with at
138 least one (1) hour of battery charging and fire-prevention safety training prior to charging any
139 electric-assist pedicab batteries. This training shall cover the following topics:
140 (1) Dangers associated with Lithium Ion batteries
141 (2) Proper use of the batteries
142 (3) Proper charging of the batteries
143 (4) Inspection of batteries
144 (5) Storage of the batteries
145 (6) Proper disposal of the batteries
146 (7) Response to Fire
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