



MEMORANDUM

TO: Dockless Vehicle programs in Montgomery County, Maryland, District of Columbia, Arlington, Virginia, Alexandria, Virginia, and other jurisdictions considering implementation

FROM: Kacy Kostiuk, Access for All Advisory Committee Chair

SUBJECT: Comments from the Access for All (AFA) Advisory Committee on Dockless Vehicles in the Region

DATE: December 16, 2019

The TPB's Access for All (AFA) Advisory committee met on November 7, 2019 and developed a series of comments on the topic of Dockless Vehicles in the National Capital Region. Please accept and consider these comments on behalf of the AFA.

ROLE OF THE AFA

The Access for All Advisory Committee has advised the TPB since 2001 on issues and services important to traditionally underserved communities. The committee represents low-income populations, minority communities, people with disabilities, older adults, and those with limited-English skills.

In the past, the AFA committee has commented on major mobility issues that would negatively affect the communities the committee represents. Members requested that recommendations be presented to the jurisdictions on dockless vehicles due to concerns about some negative impacts of the vehicles on these communities.

BACKGROUND

Concerns about the emergence of dockless vehicles in the region and safety were voiced at AFA meetings in early 2019, and members expressed a desire to share their concerns with those implementing the programs. Because of this, staff coordinated a presentation at the May 9, 2019, meeting on the Bike and Scooter Share Workshop that COG/TPB was scheduled to host at the end of the month.

Prior to the workshop, AFA members were invited to provide input and attend. Chair Kostiuk was allotted time on the Dockless Bike and Scooter Share Workshop agenda and facilitated a discussion to capture AFA concerns and prioritize talking points for the workshop. A list was developed (see attached) and presented to attendees of the May 30, 2019, workshop. At the September 5 AFA meeting, Chair Kostiuk provided an update, which resulted in a robust discussion on the concerns and a request by members to develop more formalized recommendations.

At the November 7 AFA meeting, the majority of time was dedicated to a guided discussion on the dockless vehicle issues, with the goal of developing a more formalized response (see attached for notes from that discussion). This memo presents a high-level consolidation of the comments while also making the specific details available as attachments.

It is essential that the AFA concerns be expressed now, as dockless pilot projects in the region are ending and the jurisdictions are beginning to plan the next iteration of micromobility.

BROAD AREAS OF CONCERN

- **Pathways & Safety**
 - Bikes/scooters parked on sidewalks and curb ramps present a barrier to the maintenance of accessible paths of travel along public rights-of-way as required by ADA and standards for accessible design
 - Bikes/scooters parked on sidewalks and blocking pedestrian pathways present a potentially serious fall hazard for people who are blind or have vision impairments, and a mobility barrier for people using mobility devices (as well as others)
 - Bike/scooter use on the sidewalk presents a safety issue, especially for people with disabilities and older adults
- **Education & Outreach**
 - Lack of coordination and outreach with the disability community and older adults to ensure their needs are understood and met – especially during planning phases
- **Regulation**
 - Different regulations and speed limits in different places within and across different jurisdictions create confusion
 - Safety concerns warrant increased regulation to protect pedestrians
- **Enforcement**
 - Lack of widespread enforcement of restrictions on parking or sidewalk use

The committee understands the need for innovation and how micromobility also provides benefits to residents of the region, including people with low incomes. Many, if not all, of the following recommendations also benefit the general public.

RECOMMENDATIONS

- **Involve older adults and people with disabilities** in the planning phases, when developing or enhancing regulations, and when considering solutions to problems. Don't let the companies dictate or dominate the discussion.
- **Enforce regulations** (existing and new):
 - Don't assume people will self-regulate. Innovation is good, but it needs to be in a defined, regulated way when it impacts people's health and safety.
 - Examine the potential violation of ADA regulations when micromobility devices are left blocking public sidewalks, pedestrian rights-of-way, accessible entrances to public and private buildings, and bus stops/shelters.
- **Develop new regulations** that address the AFA's concerns (and enforce them):
 - Consider a fine for not following rules, such as blocking sidewalks, entrances, and ramps.
 - Implement cross-the-board docking requirements.

- Add a recognizable alert system so it is known when a vehicle is nearby (in use or parked).
- Restrict riding on sidewalks in all locations.
- Allow charging stations on public land (charging stations may help alleviate improper parking).
- Add more parking zones.
- Consider requiring users to take and upload a photo when parking
- Develop safe zones where no dockless vehicles are permitted.
- **Require cross-jurisdictional consistency in management of dockless vehicles**
 - Unify regulations across the jurisdictions.
 - Require regional collaboration in collection and sharing standardized data on use, accidents, violations and complaints and use it to identify regional trends.
- **Educate** users and those impacted by sharing Best Practices locally and from across the nation.
- **Create infrastructure**
 - Improve and create infrastructure to accommodate safe travel of new modes of transportation as well as pedestrian right-of-way; bike lanes, protected intersections, docking/parking locations, etc.
 - Incorporate universal design into infrastructure to ensure equal access, especially for people with disabilities. One example is an alert system and signage to identify a crosswalk passing through a bike lane.

CONCLUSION

In conclusion, the AFA has a long-standing concern about the current system of dockless vehicle use, regulations, and enforcement and is using this forum to bring awareness to the impacts dockless vehicles have on the communities that the AFA represents, especially persons with disabilities and older adults.

The AFA is concerned that not acting quickly to create safety improvements that ensure accessible use of public areas thwarts years of progress made in making communities fully accessible to people with disabilities.

The AFA formally requests that consideration be given to the unique needs of these populations in the next iteration of micromobility as each jurisdiction implements micromobility in the region and develops and enhances regulations and enforcement. In addition, jurisdictions should be proactive in facilitating engagement with these communities and should make on-going dialogue with these communities a standard micromobility implementation procedure.



Collected Comments on Dockless Vehicles from AFA Meetings

The following represent notes and comments from individual members and groups of AFA members during the discussion at AFA meetings.

- Education & Outreach
 - Best practices – locally and nationally (Baltimore, San Antonio, San Francisco, etc.)
 - How are local providers and partners educating and involving people of traditionally disadvantaged groups about the above concerns?
 - There are perceptions about dockless vehicles that limit their use by communities that might benefit from them. Education/outreach is an important piece to resolve these:
 - View during launch that they invite crime – theft, easy escape, etc. What is the local take on this? Still an issue (perceived vs. real)
 - View that use of bike might look like they can't afford a car or the bus
 - Little community involvement into how and where they are locating in neighborhoods
 - Don't know how they work
 - Unbanked might think they can't be used without credit card
- Enforcement
 - Improved enforcement - rules are there, but are not enforced
 - Enforce through contracts with companies that operate
 - Add a fine for not following rules
 - Compliance is being left to the individual operating the scooter, but they are not self-regulating
- Regulation
 - Innovation is fine, but needs to be in a defined/regulated way
 - Need cross-jurisdictional harmony in management of dockless vehicles
 - It's a crisis that needs to be regulated now
 - Residents should have a say, not just businesses impacted and/or the dockless companies
 - Institute docking requirements/don't allow dockless
 - Why can't charging stations be on public land? Can that change? How?
 - COG/TPB encourage jurisdictions to stop programs until there are unified regulations that protect pedestrians, especially people with disabilities and older adults
 - Different rules in different jurisdictions. Need consistency with laws.
 - It's a Wild West situation
 - Is the ADA being violated?
- Pathways/Safety
 - Speed – collisions with pedestrians, people using mobility devices

- Bikes/scooters parked on the sidewalk in a way that blocks pathways for wheelchair access create a mobility barrier for people using mobility devices
 - Bikes/scooters parked on the sidewalk and blocking pathways present a safety issue/fall hazard for people who are blind or have vision impairments
 - people who are blind or people with visual impairments still have issues with 5-foot clear zone
 - Need to collect data on and consider impact on pedestrian use as the biggest group impacted by e-scooters and e-bikes
 - Require docking stations/parking areas – sufficient number in all areas and especially near Metro stations
 - Sidewalk use restrictions beyond the Central Business District in DC
 - No sidewalk use anywhere
 - Alert system/cricket sound
 - some type of warning system to alert when a scooter is in use or parked nearby
 - sound or shaking alert of the scooter when a user is on the sidewalk where it is illegal
 - to signal safe crossing areas where there are bike lanes or floating bus stops
 - Safe zones free of scooters/bikes
 - Photo parking with in-app fines for not parking correctly
 - Issues specifically at entrances to Metro Stations and on transit. Metro doesn't own the land, so can't ban it
 - Create separated bike lanes as a space for micromobility devices to safely travel rather than using general travel lanes or sidewalks
- Availability/Affordability
 - Affordability for people with low-income is a positive
 - Availability for use after bus service ends is a positive
 - Lack of adaptive bicycles and tricycles for people with disabilities
 - The style of docks in DC can't fit adaptive bikes – has this been resolved or a solution researched?
 - In DC and Baltimore scooters are being used more by people low-incomes and minorities
 - Are they in all neighborhoods? How many locations East of the Anacostia, Prince George's County?
 - Availability related to density (more density = more influential area in our region)
 - Equity of locations
 - Infrastructure
 - Universal design as a standard (tactile railings, detectable warning strips, etc.)
 - When constructing bike lanes and floating bus stops, consider existing laws and arrangements that allow things like paratransit vehicle drop offs of wheelchair users on sidewalks and safe bike-lane crossings for people who have vision impairments
 - Work in full consultation with interest groups

- Overarching
 - Need for involvement of the disability community from the planning stage of new transportation technologies
 - Any action needs to be in collaboration with people with disabilities
 - District Equity Policy should be shared with other jurisdictions & with dockless companies
 - Is the cart driving the horse?
 - Data collection needed

- Possible next steps
 - A strong statement of concerns from the AFA
 - Provide a model local ordinance to regulate dockless vehicles
 - Address concerns as part of new contracts for the new iteration/pilots ending
 - COG/TPB encourage jurisdictions to stop until there are unified regulations
 - Concern that ADA is being violated