City of Phoenix

Report

Agenda Date: 3/2/2022, **Item No.** 51

Downtown Shared Electric Scooter Pilot Program Extension and Electric Bicycle Legalization (Ordinance G-6967)

Request to authorize the City Manager, or his designee, to approve a 12-month extension of the existing Downtown Shared Electric Scooter Pilot Program, to amend Ordinance G-6602 to extend the sunset provision by an additional 12 months to allow shared electric scooters to continue to operate within the Downtown Shared Electric Scooter Pilot Program area, and to amend Phoenix City Code to allow for the use of electric bicycles on public streets Citywide.

Summary

Downtown Shared Electric Scooter Pilot Program

On June 26, 2019, City Council unanimously approved the Downtown Shared Electric Scooter Pilot Program (Pilot Program), which allowed shared electric scooter vendors to obtain a permit to operate within the City of Phoenix. As part of the Pilot Program, City Council approved Ordinance G-6602, amending the Phoenix City Code to allow shared electric scooters to operate on public streets. The Ordinance amendment also included definitions for an electric scooter and authorized the City of Phoenix Police Department or peace officer to issue civil traffic citations for, among other things, speed limit violations, yielding the right-of-way, parking violations, and riding on the sidewalk. Additionally, the Ordinance amendment included a one-year sunset provision, which effectively would repeal the Code changes on June 25, 2020.

The initial six-month Pilot Program was to end on March 16, 2020. On Feb. 19, 2020, City Council approved Ordinance G-6676, extending the Pilot Program for an additional six months and to open the permit application process to allow new vendors to apply for the Pilot Program. Ordinance G-6676 also amended Ordinance G-6602 to extend the sunset provision until Dec. 31, 2020.

Due to the COVID-19 pandemic, the start of the second six-month pilot program was delayed. In October 2020, staff issued permits for the second six-month Pilot Program to two electric scooter vendors: Razor and Spin. The second six-month Pilot Program commenced on Oct. 1, 2020. On Dec. 2, 2020, City Council approved Ordinance G-6772, extending the second six-month Pilot Program through March 31, 2021, and amending Ordinance G-6602 to extend the Phoenix City Code sunset provision to Dec. 31, 2021.

On March 17, 2021, City Council approved a 12-month extension of the Pilot Program through March 31, 2022, and an amendment to Ordinance G-6602 to extend the Phoenix City Code sunset provision to June 30, 2022. The extension was approved to allow staff time to research and develop a new program to replace the Pilot Program.

The requested action to extend the Pilot Program through March 31, 2023, and the Phoenix City Code sunset provision to June 30, 2023, will allow shared electric scooters to continue to operate within the Pilot Program area and Street Transportation Department staff time to continue to develop a Request for Proposals process for a new Comprehensive Micromobility Program. The program extension will also allow the City to progress further with the development and implementation of a Road Safety Action Plan (RSAP), and to incorporate micromobility transportation options into the RSAP.

Electric Bicycles

Electric bicycles, or e-bikes as they are commonly known, have increased immensely in popularity over the past few years. The COVID-19 pandemic spurred a significant uptake in biking. E-bikes, in particular, saw a 145 percent increase in sales between 2019 and 2020. Bikes and e-bikes can be a means of reducing traffic congestion and lowering our carbon footprint. Along with health benefits, e-bikes have the added benefit of making cycling easier with the assistance of an electric motor. In fact, it is expected that between 2020 and 2023 more than 130 million e-bikes will be sold worldwide.

E-bikes are classified into three types in many states. Class 1 e-bikes are defined as e-bikes that provide pedal assist up to 20 miles per hour. Class 2 e-bikes, on the other hand, accelerate with the use of a throttle up to 20 miles per hour. Lastly, Class 3 e-bikes provide pedal assist up to 28 miles per hour. As of 2019, e-bike manufacturers and distributors are required to add a sticker stating the classification number, top assisted speed, and motor wattage of the bicycle.

In 2018, Arizona updated state statutes to define e-bikes and permit their use. However, they are still considered illegal within Phoenix city limits due to the "motorized play vehicles" ordinance. This ordinance prohibits the use of certain vehicles in the public right-of-way unless they are defined by state statutes as a motor vehicle, motorcycle, motor-driven cycle, electric stand-up scooter, motorized wheelchair, or electric personal assistive mobility device. Unfortunately, e-bikes are omitted which renders them illegal. Therefore, City Code must be updated to allow Phoenix residents to use this viable form of transportation. In fact, according to staff's

observations, e-bikes are already being used by residents on city roadways. Additionally, the City's adopted Climate Action Plan identifies the promotion of active transportation as a key goal toward reducing single occupancy vehicle use and lowering emissions. In addition, staff anticipates e-bikes being part of the future Comprehensive Micromobility Program.

The requested action to amend Phoenix City Code to allow for the use of e-bikes on public streets Citywide will permit the use of Class 1 and Class 2 e-bikes in the public right-of-way.

Financial Impact

There is no financial impact to the City of Phoenix to amend Ordinance G-6602 to extend the sunset provision or to amend Phoenix City Code to allow for the use of e-bikes on public streets.

Concurrence/Previous Council Action

The Aviation and Transportation Subcommittee:

- Recommended approval of the initial Pilot Program on Jan. 22, 2019, by a vote of 3 -0; and
- Reviewed the program on June 25, 2019.

The Transportation, Infrastructure, and Innovation Subcommittee:

- Was provided with a three-month update on the Pilot Program on Jan. 7, 2020;
- Recommended approval of the Pilot Program extension on Feb. 5, 2020, by a vote of 4-0;
- Was provided with an update on the Pilot Program extension on Feb. 3, 2021, and requested the item be brought back to the March 3, 2021, meeting; and
- Was provided with an update on the second six-month extension and recommended approval of a twelve-month extension on March 3, 2021, by a vote of 4-0.

The Planning and Economic Development Subcommittee:

- Was provided information on the initial Pilot Program on Feb. 5, 2019; and
- Received an update for information and discussion on June 4, 2019.

The Workforce and Economic Development Subcommittee:

- Was provided a report with a summary of the second six-month extension on Feb. 24, 2021, and requested the item be presented on March 24, 2021.

The Transportation, Infrastructure and Planning Subcommittee:

- Was provided with an update on the Pilot Program and information on the proposed Comprehensive Micromobility Program on Oct. 20, 2021.

The City Council approved:

- The Pilot Program (Ordinance G-6602) on June 26, 2019;
- A Pilot Program extension (Ordinance G-6676) on Feb. 19, 2020;
- A sunset provision extension (Ordinance G-6772) on Dec. 2, 2020;
- A Pilot Program extension and a sunset provision extension (Ordinance G-6823) on March 17, 2021; and
- Fee increases to ensure full cost recovery (Ordinance G-6835) on April 21, 2021.

Location

The main boundaries of the Pilot Program are from 7th Avenue to 7th Street and from Buckeye to McDowell roads. The Pilot Program boundary includes an extension of the area bounded by Roosevelt Street and Grand Avenue, and a reduction of the northern boundary to Portland Street between 7th and Central avenues.
Council Districts: 4, 7 and 8

The amendment of Phoenix City Code to allow for e-bikes would apply Citywide.

Responsible Department

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.