

## CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

September 12, 2019

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 4:03 p.m. in the Conference Room on the 12<sup>th</sup> day of September, 2019, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Hall, Holman, Petrone, Scott and  
Chairman Bierman

ABSENT: Councilmember Carter

OTHER STAFF PRESENT: Mr. Darrel Pyle, City Manager  
Ms. Sara Kaplan, Retail Marketing Coordinator  
Ms. Beth Muckala, Assistant City Attorney  
Ms. Kathryn Walker, Interim City Attorney  
Ms. Syndi Runyon, Administrative Tech IV  
Ms. Rendy Martin, Administrative Tech III

Item 1, being:

### CONTINUED DISCUSSION REGARDING E-SCOOTERS.

Ms. Beth Muckala, Assistant City Attorney, said geo-fencing and rider controls define the scope of what a pilot program is going to look like. The current Revocable Agreement currently in place has general parameters that include fees, parking regulations, deployment locations, and some limited hours of operation based on the capability of the devices. Ms. Muckala said Staff feels like defining the parameters of this public program is going to affect everything. She said the pilot program will address the E-scooters, but that is going to necessitate some changes to the Code. She said the Committee previously discussed rider control issues, which is something that can be addressed through a Code amendment. She said the pilot program itself would be part of a resolution, but because these topics influence each other so much, Staff wanted to start these topics since it will affect the nomenclature, what we call them within the traffic code verses the pilot program.

Ms. Muckala said rideshare has evolved across the nation and especially within Norman and some of the issues dealing with the evolving of scooters include where they are stored; how they are placed; who is going to be running them; what they are going to be riding them with; and how safe are; and what circumstances are users going to be riding. At the end of the day, what are users going to do with them? These are all things Staff did not think about before, but have to think about now because it is not just about scooters, it is what is going to be next. She said the City needs to be more forward thinking about defining how the City is going to be dealing with traffic control, particularly what is put in the Code. She said whatever amendments come forward in the Code to complement the E-scooter program other potential technologic devices need to be considered as well, e.g., vehicles and E-bikes.

Ms. Muckala said Staff knows that generally these companies have bicycle devices and Ms. Sara Kaplan, Retail Marketing Coordinator, has done some research into that and knows there are some accessible devices as well and like scooters they could be here without warning. She said while Staff has only seen scooters in an electronic form, bicycles come in a variety of types, e.g., regular manual bicycles, E-bicycles,

docks, dock less, and all of these different variations could be part of a pilot program if the City wanted to make it that broad or zero in on the E-scooters because that is what is happening now.

She told Council she has followed up on questions regarding minimum ages, helmets, and what other cities are doing. In Oklahoma City, Tulsa, and Stillwater, helmets are encouraged for riders over 18, but most of them require helmets if the rider is under 18. That is consistent with Norman Code regarding bicycles and motorcycles.

Chairman Bierman asked how motor scooters are defined and Ms. Muckala said motor scooters are not defined with E-scooters in mind so a separate definition for E-scooter will be needed. She said Stillwater and Tulsa have a motor driven cycle definition that applies in particular to a sub category of motorized vehicles. She said it can get complicated and Staff wants to keep it as simple as possible, but wants to make sure all the bases are covered. Staff has not found any local regulations where there is an age restriction on riding. The companies indicate users need to be 18 or older to ride. Oklahoma City requires a driver's license to operate a scooter on a roadway and that is unique. Stillwater does not require a driver's license; does not specify roadway verses sideway. The Department of Motor Vehicles on a State level has not really taken a position on these vehicles. There was some legislation before the State this year; however, it did not pass. The City does not really have any guidance yet on how the State is going to treat them. In the meantime, it is arguable that E-scooters fit within the State definition of a motor vehicle.

Councilmember Holman asked if that was because E-scooters have a motor attached and Ms. Muckala said the words that apply here are self-propelled as some of these scooters require a kick-start. She said that may be the hesitation on whether E-scooters fit the definition. She said self-propelled seems to be the active language and there is no doubt the motor propelled it.

Ms. Muckala said she cannot find a lot of historical guidance on kids riding scooters. She said a person in a golf cart has also been a gray area.

Councilmember Petrone asked if an individual owns their own electric scooter or golf cart can they ride it? Chairman Bierman said if you are just one private person getting one scooter and riding it wherever you like that is entirely separate and aside from the companies Council is trying to govern. The City has allowed E-scooters to exist in the City and now Council has to decide whether scooters will be regulated in the City. She asked if there is a distinction between rental versus personal ownership.

Ms. Muckala said there is a potential to regulate scooters within the Traffic Code and it would be applicable regardless if it were rental or personal use. She said it would just be a person on this type of vehicle. If there are additional or separate restrictions to be placed on the rental, that could be included within the pilot program itself. She has not yet seen any city ordinance that actually makes a distinction between rental versus personal ownership. Councilmember Petrone said Council needs to keep in mind that whatever Council puts in place will affect individual owners as well.

Chairman Bierman said this is information the Committee needs to provide guidance on, piece by piece. She said the Committee can pause here and give feedback in terms of age consideration for helmets or minimum age to operate then move forward. She said Tulsa just finalized their ridership ordinance and asked if Staff had any comments on that.

Ms. Muckala said Tulsa's language is very similar to Stillwater's as they use a lot of the same terms. Both are the dock small vehicle and dockless small vehicle with a 15-mile an hour limit. She said the ordinance is broad and inclusive. Chairman Bierman thought Tulsa was considering a minimum age of 16 to ride unless otherwise licensed, i.e., a motorcycle license can be obtained at the age of 14. Ms. Muckala said she did not see that language in their E-scooter ordinance.

Councilmember Petrone said kids should have helmets, but as far as a minimum age to operate, if the City is saying her daughter is too young to ride her hover board then that is a problem. She said the equipment would indicate when it is purchased and hoped the Committee's recommendation will stay consistent with manufacturer's specifications. Councilmember Scott said the ordinance should recommend wearing a helmet if a person is above the age of 18 and be required for anyone under the age of 18.

Councilmember Holman recommended separating private ownership versus company scooters. He felt it might be difficult for the City to say someone has to wear a helmet if it is a privately owned scooter. Chairman Bierman said she came from a state with an across the board helmet law.

Councilmember Holman did not feel a minimum age was needed since the app requires a credit card be attached, which implies some kind of parent oversight.

Chairman Bierman said the City would be codifying what is already in the user agreements for rented scooters.

Mr. Darrel Pyle, City Manager, said if the City's bicycle helmet law is 18 and under, it may be easier to have consistency, if the same rule is applied to scooters.

Ms. Muckala asked if Council wanted to include dock less versus docking devices in the pilot program. She said there are no docking systems in Norman yet, but Council will want to set parameters to be ready in case that happens. Chairman Bierman ask for a definition of dockless and docking and Ms. Muckala said Stillwater has a dock small vehicle sharing system, which means a shared act of transportation where companies distribute small vehicles via a station location and the vehicles have to be returned to a specific location. Chairman Bierman said she would like to include both types in a pilot program. Councilmember Holman said the Crimson Cruisers on campus have docking stations, but the rider does not have to take them to the dock. He said bikes seem to go really well with docking stations, but the basis of the whole business model for scooters is that they can be picked up and dropped off anywhere.

Ms. Muckala asked how Council felt about sidewalk operation versus non-sidewalk operation. Mr. Pyle said Staff could prepare a map based on sidewalk width and how many cars are parked diagonally in the urban area. He said that might assist the City Attorney in developing language that provides for the different environments around town in which someone might find themselves on a scooter. If that is Council's wish, Staff will work on that and bring back a recommendation.

Ms. Muckala clarified the feedback, as the Committee is receptive to hearing some suggested speed control zones.

Chairman Bierman said when addressing the after dark issue based on the time of year, if the City were going to allow scooters up until a set time every day, i.e., 10 p.m. or 11 p.m., then requiring front and rear lights would be needed. She said staff should take sidewalk operation, daytime versus nighttime speed into consideration.

Chairman Bierman said for safety reasons there should only be one person per scooter.

Ms. Muckala said in previous presentations there has been GPS or infrared maps that indicate really concentrated usage between downtown, Campus Corner, and the Center City area.

Chairman Bierman said the City does not restrict bicycles in Norman and she understands that, but in terms of this pilot project, she does not see an issue with restricting scooters east of 36<sup>th</sup> Avenue East.

PUBLIC COMMENT: Suggestions from the public included slower speeds during special events such as the Second Friday Art Walk; riding in the street versus the sidewalk in residential neighborhoods; loading stations for pickup and delivery; charging stations for wheelchairs at docking stations; and how helmets would be provided for children.

Councilmember Holman said he would definitely be willing to look at restricting scooters from sidewalks, if ridden in neighborhoods, and scooters have to be ridden in the street.

Ms. Kaplan said Bird does have a free helmet option. The rider has to have taken at least one ride with them, and you must live in a current Bird market. She said Bird requires one helmet per active rider and that the rider pays shipping at a cost of \$9.99 for one.

Chairman Bierman suggested reaching out to the local Bird and Lime representatives to see if there is another option for helmets. She said Lime is giving them away at certain events so maybe Lime could give the City 100 helmets to leave at the Police Station for those interested in having one.

Ms. Muckala said Staff has a basic framework of what the pilot program will look like and she will start working on language to bring back at the next meeting.

Items submitted for the record

1. PowerPoint presentation entitled, "E-Scooter Regulation: Geo-fencing and Rider controls" City Council Oversight Committee dated September 12, 2019

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ADJOURNMENT:

The meeting adjourned at 5:23 p.m.

ATTEST:

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City Clerk

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Mayor