Montgomery County Council

Committee: Joint
Committee Review: Completed
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: Final action – vote expected
Keywords: #E-Scooters

AGENDA ITEM #6A
September 20, 2022
Action

SUBJECT

Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration

Lead Sponsors: Councilmember Katz
Co-Sponsor: Council Vice-President Albornoz

EXPECTED ATTENDEES

Sandra Brecher, MCDOT
Gary Erenrich, MCDOT

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Roll call vote on whether to enact Bill 36-21 with amendments, as recommended unanimously by the Public Safety (PS) and Transportation and Environment (T&E) Committees.

DESCRIPTION/ISSUE

E-scooters are being used more in the County with little regulation. Bill 36-21 would enact regulations for registration and parking and operating requirements to improve the safety of e-scooters in the County.

SUMMARY OF KEY DISCUSSION POINTS

- The PS and T&E joint Committee voted (5-0) to recommend approval of Bill 36-21, with the following amendments:

1. Amend lines 6, 18, and 24 to exclude operating and registration requirements for an e-scooter used by a child for recreational purposes.
2. Amend the civil penalties for a minor who fails to wear a helmet to a maximum penalty of $50.
3. Clarify that only an e-scooter company that owns two or more e-scooters must register its fleet with the County.

This report contains:

F:\LAW\BILLS\2136 Motor Vehicles And Traffic - E-Scooters - Operating Requirements And Registration\Action Cover Sheet.Docx

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Agenda Item#6A
September 20, 2022
Action

M E M O R A N D U M

September 15, 2022

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration

PURPOSE: Action – roll call vote expected

Public Safety Committee and Transportation and Environment Committee: recommendation (5-0) to enact Bill 36-21 with amendments.

Expected attendees:
Sande Brecher, MCDOT
Gary Erenrich, MCDOT

Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration, sponsored by Lead Sponsor Councilmember Katz with Co-Sponsor then Council Vice-President Albornoz, was introduced on October 19, 2021. A public hearing with one speaker was held on November 9, 2021. An initial joint Public Safety and Transportation & Environment Committee worksession was held on January 27, 2022. A second worksession was held on July 25, 2022.

BACKGROUND

Bill 36-21 would permit a person to register an electric low-speed scooter (e-scooter) owned by a County resident for personal use. The owner of 2 or more e-scooters would be required to register and pay a fee for an e-scooter fleet offered for rent in the County. The Bill would also establish operating and parking requirements for e-scooter use in the County.

Bill 36-21 is similar to Bill 8-20, Bicycles and E-Scooters – Operating Requirements and Registration, introduced on March 3, 2020. Bill 8-20 was recommended for approval by a joint Public Safety and Transportation and Environment Committee, with amendments, on June 25, 2020. However, Bill 8-20 was never considered by the full Council before expiring on September 3, 2021, due to the global COVID-19 pandemic. Bill 36-21 includes the amendments approved by the joint committee last June.

The County Attorney's Office concluded that the Bill had no legal impediments (©9). OCA pointed out that the phrase on line 70 "600 feet to 100 feet" may be a typo and should read "60

feet to 100 feet." However, MCDOT and industry representatives at the January 27 worksession confirmed the bill accurately states, "600 feet" and remains consistent with the requirements under state law.

PUBLIC HEARING

Hannah Henn, Deputy Director, MCDOT, representing the Executive, supported the Bill (©29). Perry Holmes, representing Bird Rides, Inc., submitted written testimony supporting the Bill and describing his company's efforts to promote helmet use and safe scooter operation in the County (©26).

SUMMARY OF FIRST WORKSESSION – JANUARY 27

Hannah Henn, Deputy Director, MCDOT, Gary Erenrich, MCDOT, and Sandra Brecher, MCDOT represented the Executive Branch. Perry Holmes, Bird Rides, Inc., and Breanna Bledsoe, Spin, answered questions from the Committee. Elaine Bonner-Tomkins, OLO, and Senior Legislative Attorney Robert Drummer represented the Council staff.

The Committee discussed the provisions of the Bill and the recommendations of the RESJ Impact Statement. (©18). MCDOT representatives explained that the current agreement with each of the e-scooter rental companies operating in the County entered an agreement with the County covering their operation. Under the current agreements, the companies already provide a cash option for customers, a discount program for low-income residents and senior residents, and a free helmet program. MCDOT also told the Committee that most of the current use of e-scooters is in Equity Emphasis areas of the County. MCDOT representatives also told the Committee that they run a monthly educational event in the County with one of the rental companies where residents are given instructions on how to safely operate an e-scooter and a free helmet. The Committee agreed that the Executive should retain the flexibility to establish the operating requirements for this new and quickly changing industry.

The Committee also discussed the need to align some of our helmet requirements, the minimum age for operating e-scooters, operating restrictions, and parking regulations with our neighboring jurisdictions and requested Council staff to work with MCDOT to provide this information for a future worksession. Gary Erenrich offered to prepare a spreadsheet showing the different requirements for other local jurisdictions, such as DC, Arlington, Fairfax, and Alexandria.

Councilmember Hucker also questioned the application of the minimum age requirement for personal use e-scooters since there are many low-powered e-scooters that are marketed to children as toys.

SUMMARY OF SECOND WORKSESSION – JULY 25

Gary Erenrich, MCDOT, and Sandra Brecher, MCDOT represented the Executive Branch. Elaine Bonner-Tomkins, OLO, and Legislative Attorney, Ludeen McCartney-Green, Esq., represented the Council staff. For the second worksession, MCDOT representatives briefed the Committee specifically on e-scooter distribution throughout Equity Emphasis Areas (EEAs). The

data provided indicates on average, approximately 40% - 49% of trips in the County start and end in EEAs. ©33. In addition, Elaine Bonner-Tomkins highlighted the recommendations stated in the Racial Equity and Social Justice Impact statement that would reduce racial inequities within the legislation (*i.e.* cash options, discount programs, educational training, and access to helmets). The Committee, after hearing testimony from Mrs. Tomkins and MCDOT representatives, agreed that the County Executive memorandum of understanding between the County and e-scooter vendors included sufficient provisions that provide sufficient options to reduce inequities and increase usage for communities of color, low-income, and senior residents.

Further, the joint Committee reviewed the mircomobility policies for several local jurisdictions, specifically, Alexandra, Arlington, Fairfax, and D.C., and compared the various provisions against the requirements proposed in Bill 36-21. The Committee also reviewed the additional issues raised in the staff report and decided by a 5-0 vote, on the following amendments:

- Amend lines 6, 18, and 24 to exclude operating and registration requirements for a personal e-scooter used by a child for recreational purposes.
- Amend the civil penalties for a minor who fails to wear a helmet to a maximum penalty of $50.
- Registration of e-scooters only applies to a vendor/company that owns a fleet and not residents who may own multiple e-scooters for personal use.

In closing, Councilmember Hucker directed staff to gather additional information about Section 31-77 (lines 142-149, cited below) a provision that mirrors state law. The provision in the bill would bar in a tort or personal injury lawsuit any evidence or defense of contributory negligence of a minor who fails to wear a helmet in a motor vehicle accident.

31-77. Evidence of negligence.

Failure of a person to use a helmet as required by this Article, or evidence that a parent or guardian of a minor knowingly allowed the minor to violate a helmet requirement of this Article, must not:

(a) be considered evidence of negligence;

(b) be considered evidence of contributory negligence;

(c) limit liability of a party or an insurer; or

(d) diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

Additional Research – Failure to wear a helmet does not bar recovery

The question presented by Councilmember Hucker during the 7/25 Committee worksession is, why does state law prohibit, or bar evidence that a minor was not wearing a helmet at the time of the accident to provide contributory negligence?

Contributory negligence is a legal defense that precludes a victim of an accident from obtaining compensation for any personal injuries, if they were negligent and their negligence contributed to the accident, regardless of how minimal the negligence was. In essence, only victims who are fault-free can recover. A contributory negligence defense applies in Maryland, and a few other states, including Virginia, Alabama, North Carolina, and the District of Columbia.

State law precludes a claimant from using any evidence that an injured person did not wear a helmet to prove negligence, contributory negligence, or to reduce any potential monetary award.[1] In fact, an individual not wearing a helmet at the time of an accident may still file a lawsuit and recover compensation for any injuries sustained. Comparably, state law also provides that the lack of wearing a seatbelt cannot be used as evidence to support the legal defense of contributory negligence.[2]

Frequently, defendants may raise the issue that a victim's decision not to wear a helmet should be considered a defense to the claim against them. However, rooted in long-decided case law, the Court of Appeals of Maryland, held in *Rogers v. Frush*, 257 Md. 233 (1970), that denial of medical expert evidence or testimony to prove that, if the motorcyclist wore a helmet at the time of the automobile accident, then the plaintiff's son injuries (skull fracture) would have been significantly reduced was considered proper (emphasis added). Further, the Court opined in *Frush,* quoting:

> "it is an elementary rule that evidence, to be admissible, must be relevant to the issues and must tend either to establish or disprove them, and evidence which does not tend to describe or explain the facts and circumstances of the case is inadmissible." (quoting, *Kennedy v. Crouch*, 191 Md. 580 (1948)). *Id* at 238.

Primarily, the courts looked to the plaintiff's conduct leading up to the accident to decide whether the plaintiff should bear any responsibility. A plaintiff's decision not to wear a helmet is not relevant to causation to prove any liability related to the accident; therefore, it is considered irrelevant as evidence. In other words, the accident would have occurred anyway due to an individual's negligence regardless if the victim failed to wear a helmet.

The question can also be raised, can a plaintiff still recover, if they breach a duty to mitigate damages by not wearing a helmet? The Court explained in *Frush* that a plaintiff can only be expected to mitigate damages after they have sustained an injury. Specifically, the Court raised "[t]he plaintiff in the case refused an operation *after* the accident which it was claimed would have improved his condition (citing, *Hendlery Creamery co. v. Miller,* 153 Md. 264, 138). Similarly, in *Frush*, the Court opined out that a motorcyclist's decision to not wear a helmet is made before the

[1] Md. Code Transportation Article § 21-1306 (e)
[2] Md. Code Transportation Article § 22-4102.3 (h)

accident occurs, but mitigation of damages only goes to conduct after the injury. Therefore, any evidence about a victim not wearing a helmet is irrelevant in a Maryland motor vehicle accident case, and so, a plaintiff could still seek recovery of damages.

It is prudent to acknowledge that data and statistics have clearly shown that wearing a helmet, or even a seatbelt, can significantly reduce the chances of an individual being seriously injured or even prevent death; however, the absence of one does not preclude recovery in a personal injury tort case.

DISCUSSION

1. Comparison of Local Jurisdiction Mircomobility Policies

As requested by the joint committee, MCDOT has prepared a comparison chart identifying several local jurisdiction mircomobility policies. (©30).

A review of the chart indicates a few notable comparisons and distinctions:

a. Helmet Requirement Over 18 years old
   - Bill 36-21, as introduced, would be consistent with local jurisdictions by *not* requiring a helmet for ages 18 and over. (©30).

b. Helmet Requirement for Minors
   - Arlington County requires a person 14 years and younger to wear a helmet.
   - Fairfax County does not have the authority to regulate helmets although many companies do voluntarily.[3]
   - Alexandria has helmet regulations for bicycles, but not e-scooter.

c. Age Requirements to Rent Shared Mobility
   - To rent an e-scooter from a mircomobility vendor in Arlington, Alexandria, D.C., or Fairfax, the rider must be at least 18 years old, and some vendors require verification of a driver's license for proof of age.
   - MCDOT's MOU with the vendor requires riders to be at least 18 years old.

d. Registration of E-Scooter
   - Alexandria, D.C., and Fairfax require registration for shared or commercial use of an e-scooter.
   - Arlington County permits a person to voluntarily register an e-scooter for personal use.

e. Payment Options
   - Most jurisdictions require alternative payment options to account for non-mobile device users. A cash or gift card option must be available. In addition, to encourage ride discount programs with certain vendors may be available for

[3] Shared Mobility Devices. https://www.fairfaxcounty.gov/cableconsumer/csd/shared-mobility#:~:text=Rules%20of%20the%20Road,normal%20car%20or%20foot%20traffic.

low-income communities to encourage ridership. (©30). The County's current practice to require cash option is consistent with other jurisdictions.

f. Geographic Distribution
- According to the National League of Cities, the most common equity tool utilized is requirements for charged e-bikes and scooters to be equitably distributed across city neighborhoods.[4]
- There are several jurisdictions, including Alexandria, Arlington County, Baltimore City, and D.C. that mandate a certain number of e-scooters must be equitably distributed in areas. For example, in D.C. vendors are required to deploy at least 3 percent of their fleets to each of the district's eight wards between 5 and 7 a.m. daily. (©30).
- As MCDOT continues to evaluate and expand its emerging pilot program by offering mircobility shared devices in select areas of the County, the program promotes vendors to use "best efforts" for equitable distribution, rather than a mandate. (©32).

2. How does the Bill differentiate between adult e-scooters for personal use versus child e-scooter for recreational use?

At the January 27 worksession, the Committee discussed whether a scooter marketed for a child as a toy would fall under this legislation. Currently, the Bill does not differentiate between an adult e-scooter for personal use or an e-scooter used by a child for play or leisure. Therefore, the Committee may wish to consider the following amendments that would carve out an exception for a child who rides an e-scooter for recreational use.

Inset line 6, as follows:

Child means an individual under the age of 14 years old.

Amend line 18, as follows:

Electric low speed scooter does not include:

(1) an electric personal assistive mobility device; **[[**or**]]**

(2) an electric wheelchair or other mobility aid used by a disabled individual; or

(3) an electric scooter used by a child for recreational use that has:

(A) a maximum operating speed of up to 10 miles per hour; and

(B) does not contain reflectors.

[4] National League of Cities – Micromobility in Cities. https://www.nlc.org/wp-content/uploads/2020/11/Micromobility_Report_2020.pdf

Amend lines 24-26, as follows:

> *Recreational use* means riding an electric low speed scooter by a child authorized to ride for leisure, play, or instruction.

Decision Point: The Committee adopted, by a 5-0 vote, the recommended amendments to exclude an e-scooter used by a child from registration and operating requirements.

3. Does the Bill establish criminal penalties for a minor who fails to wear a helmet while operating an e-scooter?

OLO suggested that the Bill be amended to decriminalize the offense of failing to wear a helmet to reduce racial inequities in law enforcement. The Bill establishes fines for a minor or a parent of a minor who fails to wear a helmet while operating an e-scooter but does not establish this as a criminal penalty. Code § 31-51 requires the Council to set fines for violations of Chapter 31 by resolution. The Council resolution could clarify that the fine is a civil fine and not a criminal offense. The enforcement provisions for the e-scooter helmet requirement in Bill 36-21 are copied from the County's current enforcement provision for wearing a helmet while riding a bicycle in Code § 7-5. The Committee may want to clarify that the penalty for failing to wear a helmet is a Class C civil violation that has a maximum penalty of $50. This could be done with the following amendment:

Add the following after line 128:

> (c) *Penalty.* The penalty for a violation of the helmet requirements in this law must be a Class C civil violation.

Decision Point: The Committee adopted, by a 5-0 vote, the amendment to reduce the civil penalty for failure of a minor to wear a helmet while operating an e-scooter.

4. Clarifying amendment regarding registration for e-scooter fleets.

Councilmember Katz identified that the legislation may need a clarifying amendment to make the distinction that registration is required only for an e-scooter company that owns two or more scooters for rent – the bill should not require a resident who owns multiple e-scooter for personal use to register with DOT. Council staff suggested the following amendment:

Amend lines 45 and 46, as follows:

> **31-73. Registration of e-scooter fleets.**
>
> (a) *Applicability***.** This Section only applies to a company that owns an e-scooter fleet provided for shared use.

(b) *Registration*. The owner of 2 or more e-scooters for rent in the County must register the e-scooter fleet with the Department of Transportation by:

(1) completing a form provided by the County Executive or the Executive's designee; and

(2) paying a registration fee.

* * *

Decision Point: The Committee adopted, by a 5-0 vote, the amendment to clarify the registration of e-scooter fleets applies solely to companies.

5. What is the fiscal and economic impact of the Bill?

OMB estimated that the Bill would cost $40,000 each year to hire a contractor to administer and monitor the e-scooter program (©11). OMB also states that the registration fee for rental companies could be set to cover this cost. OLO anticipated that the Bill would have an insignificant impact on the economic conditions in the County.

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Bill No. 36-21
Concerning: Motor Vehicles and Traffic – E-Scooters – Operating Requirements and Registration
Revised: 7-25-22 Draft No. 6
Introduced: October 19, 2021
Expires: April 19, 2023
Enacted:
Executive:
Effective:
Sunset Date:
Ch. ____, Laws of Mont. Co. ____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Katz
Co-Sponsor: Councilmember Albornoz

AN ACT to:

(1) permit a person to register an electric low speed scooter owned by a County resident for personal use;
(2) require the registration of an electric low speed scooter fleet offered for rent in the County and pay a registration fee;
(3) establish operating and parking requirements for electric low speed scooter use in the County; and
(4) generally amend County law governing electric low speed scooter use in the County.

By adding
Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Article IX, E-Scooters
Sections 31-70, 31-71, 31-72, 31-73, 31-74, 31-75, 31-76, and 31-77

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Article IX (Sections 31-70, 31-71, 31-72, 31-73, 31-74, 31-75, 31-76, and 31-77) of Chapter 31 is added as follows:

Article IX. E-Scooters.

31-70. Definitions.

In this Article, the following words have the meanings indicated:

Child means an individual under the age of 14 years old.

Electric low speed scooter or *E-scooter* means a vehicle that:

(1) is designed to transport only the operator;

(2) weighs less than 100 pounds;

(3) has single wheels in tandem or a combination of 1 or 2 wheels at the front and rear of the vehicle;

(4) is equipped with handlebars and a seat or a platform designed to be stood on while riding;

(5) is solely powered by an electric motor and human power; and

(6) is capable of operating at a speed of up to 20 miles per hour.

Electric low speed scooter does not include:

(1) an electric personal assistive mobility device; **[[**or**]]**

(2) an electric wheelchair or other mobility aid used by a disabled individual.

Pedestrian zone means the portion of the sidewalk corridor where pedestrians walk**[[**.**]]**; or

(3) an electronic scooter used by a child for recreational use that:

(A) a maximum operating speed of up to 10 miles per hour; and

(B) does not contain reflectors.

Personal use means riding an electric low speed scooter by the owner or any other person who the owner authorizes to ride the electric low speed scooter without charging rent.

Recreational use means riding an electric low speed scooter by a child authorized to ride for play, leisure, or instruction.

31-71. Helmets required.

(a) A person who is under age 18 must wear a helmet when riding an e-scooter on a public street, right-of-way, or bicycle path in the County.

(b) The helmet must be approved by the Snell Memorial Foundation or the American National Standards Institute, or other institution that the Director of Transportation determines meets an equivalent standard.

31-72. Registration of e-scooters for personal use.

(a) Any County resident who owns an e-scooter for personal use in the County may voluntarily:

(1) register the e-scooter with the Montgomery County Police Department by:

(A) completing a form provided by the County Executive or designee; and

(B) paying a registration fee, if any;

(2) have a legible County registration decal on the e-scooter; and

(3) remove the County registration decal when the e-scooter is sold, transferred, or dismantled.

(b) E-scooter registration under this Section is not transferable.

(c) A person, other than the owner, must not remove a County registration decal from an e-scooter.

(d) The County Executive may set e-scooter registration fees by Method (3) Regulation.

31-73. Registration of e-scooter fleets.

(a) *Applicability*. This Section only applies to a company that owns an e-scooter fleet provided for shared use.

(b) *Registration.* The owner of 2 or more e-scooters for rent in the County must register the e-scooter fleet with the Department of Transportation by:

(1) completing a form provided by the County Executive or the Executive's designee; and

(2) paying a registration fee.

(c) The owner of an e-scooter fleet operating in the County must ensure that each e-scooter has the following information visible:

(1) e-scooter company name;

(2) unique identifier for each e-scooter; and

(3) contact information for the e-scooter company.

(d) E-scooter registration under this Section is not transferable.

(e) The Executive may set e-scooter registration fees by Method (3) Regulation or through a memorandum of understanding between the Department of Transportation and the owner of an e-scooter fleet.

31-74. E-scooter operation and parking requirements.

(a) *Minimum age.* A person under the age of 14 must not operate an e-scooter.

(b) *Maximum speed.* A person must not operate an e-scooter at a speed greater than 15 miles per hour.

(c) *Reflectors required.*

(1) Every e-scooter operating in the County must have:

(A) a lamp on the front that emits a white light visible from at least 500 feet to the front; and

(B) a red reflector on the rear visible from all distances from 600 feet to 100 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle.

(2) In addition to, or instead of, the reflector required in subsection (c)(1)(B), an e-scooter may have a functioning lamp that acts as a reflector and emits a red light or a flashing amber light visible from at least 500 feet to the rear.

(d) *Parking requirements.*

(1) An e-scooter must be parked in a standing upright position.

(2) Unless otherwise prohibited by law that specifically prohibits parking on a sidewalk, a person may park an e-scooter:

(A) in the street buffer zone, which is located between the sidewalk and curb;

(B) in the frontage zone, which is located between the sidewalk and right-of-way line;

(C) in the curbside zone, which is located on-street, if:

(i) corrals or demarcated spaces are available; or

(ii) if there is no sidewalk or street buffer zone

(D) on a residential street that permits on-street parking; and

(E) in a designated location as determined by the Director of the Department of Transportation.

(3) A person must not park an e-scooter:

(A) on a sidewalk that is 5 feet in width or narrower;

(B) in a driveway without the permission of the owner of the driveway;

(C) in an area reserved for sidewalk dining;

(D) in a transit zone, including bus stops, shelters, and passenger-waiting areas, except at designated areas within a transit zone, as determined by the Director;

(E) in a loading zone;

(F) in a parking zone dedicated to accessible parking;

(G) in a bicycle lane;

(H) in a manner that impedes access to a doorway, gate, or other entrance or exit;

(I) in a manner that reduces the pedestrian zone to less than 4 feet or that otherwise prohibits the free flow of pedestrian traffic; or

(J) in a manner that interferes with places of access for persons with disabilities as required by the Americans with Disabilities Act.

31-75. Enforcement

(a) The enforcement provisions in this Section are in addition to the enforcement provisions of Article VII of this Chapter.

(b) The fine for a person's first violation of a helmet requirement of this Article must be waived if:

(1) the person charged:

(A) is a minor; and

(B) produces proof that the person has obtained a helmet for the person's use; or

(2) the person charged:

(A) is the parent or guardian of a minor; and

(B) produces proof that the person has obtained a helmet for use by that minor.

(c) *Penalty.* The penalty for a violation of the helmet requirement in this law must be a Class C civil violation.

(d) *Impoundment*.

(1) The County Police Department may impound any unregistered e-scooter that is provided for rent until the e-scooter is properly registered.

(2) The County police must give an impounding receipt to the owner or operator of the unregistered e-scooter that is provided for rent. If an unregistered e-scooter provided for rent is impounded, the County police must hold an unregistered e-scooter provided for rent until it is:

(A) registered;

(B) donated to a non-profit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code in the discretion of the Chief Administrative Officer if reasonable attempts to locate the owner are unsuccessful; or

(C) disposed of in the manner provided for abandoned motor vehicles under Section 31-63.

31-76. Parental responsibility.

A parent or guardian of a minor must not knowingly allow that minor to violate this Article.

31-77. Evidence of negligence.

Failure of a person to use a helmet as required by this Article, or evidence that a parent or guardian of a minor knowingly allowed the minor to violate a helmet requirement of this Article, must not:

(a) be considered evidence of negligence;

(b) be considered evidence of contributory negligence;

(c) limit liability of a party or an insurer; or

(d) diminish recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

LEGISLATIVE REQUEST REPORT

Bill 36-21
Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration

DESCRIPTION:	Bill 36-21 would permit a person to register an electric low speed scooter (e-scooter) owned by a County resident for personal use. The owner of 2 or more e-scooters would be required to register and pay a fee for an e-scooter fleet offered for rent in the County. The Bill would also establish operating and parking requirements for e-scooter use in the County.
PROBLEM:	E-scooters are a growing transportation method, but there few laws or regulations regarding their operation.
GOALS AND OBJECTIVES:	To provide operating expectations for e-scooters
COORDINATION:	Transportation, Police
FISCAL IMPACT:	Office of Management and Budget.
ECONOMIC IMPACT:	Office of Legislative Oversight
RESJ STATEMENT:	Office of Legislative Oversight
EVALUATION:	To be researched.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Robert H. Drummer, Senior Legislative Attorney (240) 777-7895
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	A violation of Chapter 31 is a Class B violation.

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Marc Elrich
County Executive

OFFICE OF THE COUNTY ATTORNEY

Marc P. Hansen
County Attorney

MEMORANDUM

October 29, 2021

TO: Chris Conklin, Director
Department of Transportation

FROM: Neal Anker Neal Anker
Associate County Attorney

VIA: Edward Lattner, Chief Edward B. Lattner
Division of Governmental Operations
Office of County Attorney

RE: Bill 36-21, Motor Vehicles and Traffic - E-Scooters - Operation Requirements and Registration

Bill 36-20 would permit a person to register an electric low speed scooter (e-scooter) owned by a County resident for personal use; would require the owner of two (2) or more e-scooters (an e-scooter fleet) to register and pay a fee for an e-scooter fleet for rent in the County; and would establish operating and parking requirements for e-scooter use in the County.

The Bill is legally valid. Although the Maryland Vehicle Law[1] expressly preempts local regulation on any subject with which the Maryland Vehicle Law deals, Transp. § 25-101.1, the provisions of Bill 36-21 fall within one of the statutory exceptions to preemption.

The Maryland Vehicle Law broadly provides that no local authority or political subdivision of the state may "make or enforce any local law, ordinance or regulation on any subject covered by the Maryland Vehicle Law." Transp. Art., § 25-101.1(b)(3). The same statute also provides that "[t]he provisions of the Maryland Vehicle Law prevail over all local legislation and regulation on any subject with which the Maryland Vehicle Law deals" and "[a]ll public local laws, ordinances, and regulations that are inconsistent or identical with or equivalent to any provision in the Maryland Vehicle Law are repealed." Transp. Art., § 25-101.1(c)(1) & (2).

[1] The Maryland Vehicle Law is found in Titles 11 through 27 of the Transportation Article, Md. Code Ann., Transp. § 11-206.

But Bill 36-21 falls within one of the many exceptions where the Maryland Vehicle Law permits local regulation. Transp. § 25-102(a) states that the Maryland Vehicle Law "do[es] not prevent a local authority, in the reasonable exercise of its police power, from exercising [certain enumerated] powers as to highways under its jurisdiction. One of those powers is "regulating the operation of bicycles, requiring them to be registered, and imposing a registration fee." Transp. § 25-102(a)(8). The Maryland Vehicle Law includes and Electric Low Speed Scooter within its definition of the term Bicycle[2], the County is empowered to regulate the operation and registration of Electric Low Speed Scooters as to the highways under its jurisdiction. As a result, the Bill is not preempted by state law.

Bill 36-21 is similar to Bill 8-20, Bicycles and E-Scooters - Operating Requirements and Registration that was introduced on March 3, 2020 and recommended for approval by a joint Public Safety and Transportation and Environment Committee, with amendments, on June 25, 2020, but which was never considered by the full Council before expiring last month due to the global COVID-19 pandemic. Bill 36-21 includes the amendment approved by the joint committee in June 2020.

One note: it appears there may be a typo on line 70 (should this read as "**60** feet to 100 feet"?). I have no other editing suggestions or concerns regarding this Bill. All the editing suggestions and concerns that I raised in my memorandum regarding Bill 36-20, dated March 16, 2020, and which were applicable to e-scooters, have been incorporated into this Bill.

If you have any questions or concerns regarding this memorandum, please call me at (240) 777-4240.

cc: Marc Hansen, County Attorney
Dale Tibbitts, Special Assistant to the County Executive
Robert H. Drummer, Senior Legislative Attorney
Gary Erenrich, Special Assistant for WMATA
Ken Hartman, Director of the Strategic Partnerships

21-011527

[2] Transp. §§ 11-104 (Bicycle) & 11-117.2 (Electric Low Speed Scooter).

Fiscal Impact Statement
Council Bill 36-21, Motor Vehicles and Traffic – E-Scooter Operation Requirements and Registration

1. **Legislative Summary**.

   The attached Bill 36-21 serves to propose legislation related to the operation requirements and registration of e-scooters. The Bill will permit the registration of an electric low speed scooter owned by a County resident for personal use. The owner of two or more e-scooters for rent in the County must register the e-scooter fleet with the Department of Transportation (DOT). The Bill also includes operating requirements and an enforcement clause. The operating requirements include an operator age of at least 14 years of age, a speed requirement not to exceed 15 miles per hour, reflector, and parking requirements. The enforcement clause details fine and impoundment conditions.

   . Bill 36-21 is similar to Bill 8-20, Bicycles and E-Scooters – Operating Requirements and Registration – introduced on March 2, 2020. Bill 8-20 was never considered by the full Council before expiring in September. The current Bill 36-21 includes all amendments approved by the joint Committee last June.

2. **An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

   The change in operating expenditures is estimated to be $40,000 per year, $240,000 over a six-year period. This expenditure represents the DOT's estimate to support hiring a contractor to administer and monitor the e-scooter program. The contractor will be tasked with mapping the location and use of e-scooters. This cost is based on a current contract with a consultant performing these duties.

   The County Executive may establish e-scooter registration fees at an amount which is sufficient to pay the costs of administering e-scooter services by Method 3 Regulation or through a Memorandum of Understanding (MOU) between DOT and the owner of an e-scooter fleet.

   While the e-scooter program is privately owned and operated, there has been a growing safety concern related to improper parking of e-scooters and bikes. To address parking hazards, it is recognized that additional corrals and bike racks maybe a solution; however, the associated costs have not yet been identified.

3. **Revenue and expenditure estimates covering at least the next 6 fiscal years.**

   At $40,000 per year, the cost will be $240,000 over the next 6 fiscal years. The registration fee should be set at a level to cover the costs to implement Bill 36-21. Additional revenue may support additional parking infrastructure.

Estimated Operating Costs	FY23	FY24	FY25	FY26	FY27	FY28	6 Year Total
Contractor	40,000	40,000	40,000	40,000	40,000	40,000	240,000

4. **An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

   Not applicable.

5. **An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.**

   Not applicable.

6. **Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

   This bill does not authorize future spending.

7. **An estimate of the staff time needed to implement the bill.**

   It is expected that staff time will be necessary to process rental e-scooter registrations. The specific amount of time will depend on the number of registrations, but the total time is expected to be minimal.

8. **An explanation of how the addition of new staff responsibilities would affect other duties.**

   Staff time to process rental e-scooter registrations is expected to be low, thus a minimal impact on other staff duties. There may also be additional time needed to track, respond to complaints, and monitor compliance.

9. **An estimate of costs when an additional appropriation is needed.**

   It is expected that $40,000 will be required to support the cost of the consultant to map the location and the use of the e-scooters provided for rent in the County.

10. **A description of any variable that could affect revenue and cost estimates.**

    The consultant costs are fixed; an increase in the number of e-scooters operating in the County will not require an additional expense. DOT's staff time may increase should complaints increase.

    Also, the e-scooter program is privately owned and operated without public funding. DOT regulates advertisements on the vehicles; there is no provision for any advertising revenue sharing program.

    Currently, the County has four private companies authorized to operate e-scooters and e-bike rental operations in the County. Should additional e-scooter companies wish to operate in the County, resources may be required to execute the MOU, as well as, to monitor their performance and adherence.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a bill is likely to have no fiscal impact, why that is the case.

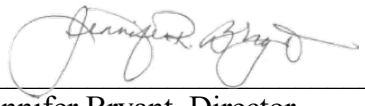
Any additional costs incurred by the County are expected to be covered by the registration fee.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Gary Erenrich, Department of Transportation
Brady Goldsmith, Department of Transportation
Felicia Hyatt, Office of Management and Budget



Jennifer Bryant, Director
Office of Management and Budget

11/9/21
Date

Economic Impact Statement

Office of Legislative Oversight

Bill 36-21 Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 36-21 would have an insignificant impact on economic conditions in the County. Enacting the Bill would likely increase costs for certain electric low speed scooter companies and riders, as well as revenues for certain County-based businesses. However, OLO expects the increases in costs and revenues to be negligible on a per business and rider basis.

BACKGROUND

Electric low speed scooters (hereinafter "e-scooters") are an integral part of the County's growing shared micro-mobility network. Yet, there are few laws and regulations regarding the registration, safety/operation, and parking of e-scooters. The goals of Bill 36-21 are to fill these regulatory gaps and reduce injuries associated with the use of e-scooters.[1] If enacted, the Bill would make the following changes to County law:

- **Registration:** Require owners of 2 or more e-scooters for rent to register their e-scooter fleet with the Department of Transportation and pay a registration fee to be set by the County Executive; permit any County resident who owns an e-scooter for personal use to register it with the Montgomery County Police Department; and allow the County Executive to set a registration fee.
- **Safety/Operation:** Require a person under the age of 18 to wear a helmet when riding an e-scooter and require every e-scooter to have reflectors.
- **Parking:** Establish various parking requirements for e-scooter use.

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

If the Council enacts Bill 36-21, the changes to the registration and safety/operation regulations for e-scooter use in the County would have economic impacts on certain residents and private organizations operating in the County. However,

[1] Montgomery County Council, Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration, Introduced on October 19, 2021.

OLO believes these impacts would be negligible for affected residents and private organization based on the following assumptions:

- **Registration Fee Assumption:** The County Executive would set the fees by Method (3), meaning they would not be subject to County Council approval or disapproval.[2] Given the importance of micro-mobility to the County's climate goals,[3] OLO assumes the fees would be set at levels too low to significantly affect conditions in the local e-scooter market (prices, supply, demand, etc.).
- **Helmet Requirement Assumption:** OLO assumes the total number of helmets that would be purchased in County-based businesses on an annual basis because of the e-scooter helmet requirement for persons under the age of 18 would not significantly affect household expenses or business revenue. This assumption is informed by the price range of helmets,[4] survey data suggesting that most e-scooter riders subject to the helmet requirement likely would already possess a helmet,[5] and the likelihood of residents purchasing helmets from vendors based outside the County.
- **Reflector Requirement Assumption:** The reflector requirement likely would increase operating expenses for e-scooter companies and household expenses for e-scooter riders, assuming companies pass on some portion of the additional cost. However, based on the potential price of purchasing, installing, and replacing reflectors,[6] the number of daily riders of e-scooters,[7] and the likelihood of residents purchasing reflectors from vendors based outside the County, OLO assumes the requirement's impacts would be on operating expenses on rider income would be negligible.

Note: While the helmet and reflector requirements may reduce e-scooter injuries, the Bill's potential impacts on medical costs for residents is excluded from the scope of this analysis. Also excluded from the analysis is any positive externality that businesses may receive from regulating e-scooter parking.

[2] Montgomery County Code, Sec. 2A-15. Procedure for adoption of regulations.
[3] Montgomery County, Climate Action Plan, June 2021.
[4] Most helmet prices reportedly range from $25 to $200. See Hannah Horvath, "7 best bike helmets for 2021 and how to choose one," NBC News, April 7, 2021.
[5] In a nationally representative household survey conducted in 2019, parents reported that 4 out of 5 children ride bikes and 1 out of 5 never wear helmets. See University of Michigan, National Poll on Children's Health, May 20, 2019.
[6] A cursory review of prices for e-scooter lights suggest that the per unit cost may be less than $20. Companies would likely pass on the cost
[7] See Toole Design, Montgomery County Dockless Mobility Update, Montgomery County Department of Transportation.

VARIABLES

The primary variables that would affect the economic impacts of enacting Bill 36-21 are the following:

- total annual e-scooter registration fees
- total annual amount of helmet and reflector purchases at County-based businesses
- total annual cost of reflectors
- percentage of registration, helmet, and reflector costs passed from e-scooter companies to residents

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

If enacted, Bill 36-21 would have targeted impacts on e-scooter companies operating in the County and certain County-based businesses that sell helmets and reflectors. E-scooter companies would experience a net increase in operating costs due to the registration fee and reflector requirements. However, as previously discussed, OLO anticipates the increase in operating costs would be negligible due to the expected minor costs associated with registration fees and purchasing reflectors and the likelihood of companies passing a portion of the costs onto e-scooter riders.

Moreover, the Bill may result in certain County-based businesses experiencing an increase in helmet and reflector sales because of enacting the Bill. However, as previously discussed, OLO anticipates that the net increase in revenues would have a negligible impact on business incomes due to the price of purchasing, installing and the likelihood of residents purchasing reflectors from vendors based outside the County.

Beyond these effects, OLO does not believe the Bill would impact private organizations based in the County in terms of the Council's other priority indicators.[8]

Residents

If enacted, Bill 36-21 would have targeted impacts on certain residents who own e-scooters for personal use. Residents who would opt into the voluntary registration fee and/or purchase helmets would experience a net increase in household expenses. However, OLO anticipates the net increase in household expenses would be negligible for individual households due to the price of helmets and expected registration fees and that relatively few households would experience the expenses due to the number of e-scooter riders who already possess a helmet and the voluntary registration provision.

[8] Montgomery County Code, Sec. 2-81B, Economic Impact Statements.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 36-21: MOTOR VEHICLES AND TRAFFIC—E-SCOOTERS—OPERATION REQUIREMENTS AND REGISTRATION

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Bill 36-21 could widen racial and social inequities in the County by widening inequities in transit options and law enforcement and potentially widening inequities in traffic injuries. To improve racial equity and social justice, this statement offers several recommended amendments for consideration.

PURPOSE OF RESJ IMPACT STATEMENT

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.[1] Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.[2]

PURPOSE OF BILL 36-21

Across the nation, emergency room visits involving electronic scooters (e-scooters) have increased three-fold, from 7,700 to 25,400, between 2017 and 2020.[3] The goal of Bill 36-21 is to improve the safety of e-scooters operating in the County to reduce such injuries.[4] If implemented, the Bill would require the registration of e-scooters for rent, the use of helmets for minors using e-scooters in public, the use of reflectors on e-scooters, limiting use to persons 14 years of age or above, and parking of e-scooters upright that avoids interfering with access to sidewalks and other spaces that comply with the Americans with Disabilities Act. Bill 36-21 also defines that e-scooters will be regulated and authorizes the Montgomery County Police Department to enforce the bill's helmet and rental fleet registration requirements. Further, the bill sets a maximum speed of 15 miles per hour for e-scooters used in the County.

Several of Bill 36-21's provisions align with best practices for the public management of e- scooters.[5] Bill 36-21's provisions are also consistent with County law (Bill 2-20) regulating bicycle and helmet use in the County.[6] Bill 36-21 is similar to Bill 8-20, Bicycles and E-Scooters - Operating Requirements and Registration, which was introduced on March 3, 2020 and recommended for approval with amendments by the joint Public Safety and Transportation and Environment Committee. Introduced on October 19, 2021, Bill 36-21 includes amendments approved by the joint Committee in June 2020.

TRANSIT OPTIONS, SAFETY, AND RACIAL EQUITY

As part of a broader framework of shared mobility options that include ride and bicycle share programs, e-scooter share programs are changing the transportation landscape. A major concern is whether shared mobility options, including e-scooter share programs, will equitably benefit people and communities of color, or will they "perpetuate and exacerbate transportation inequities."[7] To consider this concern, this section describes the historical drivers of racial inequities in transit and available data on transit, banking, and public safety disparities that could be impacted by Bill 36-21.

Inequities in Transit.[8] A history of inequitable planning and policy has shaped today's transportation landscape. This includes federal, state, and local policies that enabled the rise of automotive ownership and the mass construction of the federally funded interstate highway system in the 1950's. The federal government also subsidized the creation of White-only suburbs that allowed White householders to drive to jobs in the city and build wealth while discrimination in lending and employment restricted housing choices and wealth building for Black residents and other people of color. As highway construction and urban renewal efforts destroyed and displaced many Black neighborhoods, increasing isolation, crowding, and clustering of communities of color, funding and support for public transit waned making it more difficult for residents of color to connect to jobs, education, healthy food options and more.

The gentrification and influx of high-income residents back into many city centers has further pushed many low-income residents into car-dependent suburbs since the early 2000's, but many of these residents lack vehicles. Racial discrimination in automotive financing and the insurance industry where Black customers and communities are charged higher rates than their White peers exacerbates this trend. As such, residential patterns defined by structural racism persist today with the racial wealth gap enabling White residents to more housing and transportation choices, while BIPOC residents experience far fewer options. Of note, the spatial mismatch for low-wage workers is most prevalent in the suburbs where a lack of public transit hinders transit dependent workers' ability to commute.

Historically inequitable policies combined with current inequities in housing and transit manifest as disparities by race and ethnicity on several measures of transportation access. At the national level:

- Black households were the least likely to have access to an automobile (20 percent);[9]
- Black riders were twice as likely as their population share to rely on public transit (24 percent vs. 12 percent);and[10]
- Black riders also had the longest average public transit time.[11]

Local data on vehicle access, reliance on public transit, and commute time mirrors these trends with Black residents experiencing the worst transportation options compared to others. More specifically, in Montgomery County:

- Black households (13.8 percent) were the least likely to have access to an automobile followed by Latinx households (8.4 percent), Asian households (5.4 percent), and White households (5.3 percent);[12]
- Black residents (20.7 percent) were the most likely to commute to work by on public transit compared to Asian residents (14.3 percent), White residents (13.4 percent), and Latinx residents (11.3 percent);[13] and
- Black residents also experienced the longest commutes (38 minutes) compared to Asian residents (36 minutes), and White and Latinx residents (34 minutes).[14]

These trends suggest that Black households could especially benefit from access to shared mobile options such as e-scooters that address their greater need for additional transportation options. Available data, however, suggests that many of the households with the greatest transit needs may not be able to access the e-scooter rental options that rely on credit cards connected to e-scooter rental apps. Nationally, among Black households:

- 17 percent are unbanked, meaning that no one has a checking or savings account;[15]
- 30 percent are under-banked, meaning they have an account but also use alternative and often exploitive financial services such as check cashing or payday loans;and[16]
- 25 percent do not have a smartphone, which hinders the ability to access app-based shared mobility options.[17]

Inequities in Traffic Injuries. Historically inequitable policies and current inequities have also fostered traffic-related injuries by race and ethnicity. Researchers note that unsafe street infrastructure, such as inadequate sidewalks, lighting, signage, and crosswalks, contribute to traffic accidents and injuries often characterize historically under-invested communities of color.[18] Racial and ethnic differences in the social determinants of health have also been cited as drivers of racial inequities in traffic-related injuries.[19] National data on traffic injury inequities show that:

- Among traffic deaths, Indigenous and African Americans evidence the highest death rates at 145.6 and 68.5 per 100,000 followed by White (55.2 per 100,000), Latinx (46.9 per 100,000) and Asian (15.3 per 100,000) persons.[20]
- Among bicyclists, Latinx riders demonstrated the highest accident fatality rates, accounting for 38 percent of bicycle fatalities compared to 16 percent of the population in 2010.[21]
- For motorcycle crashes, Black victims were 1.5 times more likely to die from their injuries than similarly injured White victims even though Black motorcyclists were 30 percent more likely to have been wearing helmets.[22]
- Among bicyclists and pedestrians, Black people accounted for 18 percent of traffic-related deaths compared to 12 percent of the overall population.[23]

Available local data also demonstrates disparities in traffic safety by race and ethnicity with:

- Latinx pedestrians being the most likely to be killed in a traffic incident (2.9 per 100,000) followed by Black pedestrians (1.6 per 100,000) and White pedestrians (0.9 per 100,000). Yet, among vehicle occupants, Black residents are the most likely to be killed in Montgomery County (4.3 per 100,000) followed by White residents (3.4 per 100,000) and Latino residents (3.2 per 100,000).[24]
- Local communities in Montgomery County with higher rates of poverty, persons of color, and younger residents also evidence higher collision rates than higher-income, White, and older communities.[25]

Inequities in Law Enforcement. Historically inequitable policies and current inequities have also fostered law enforcement interactions with the public by race and ethnicity. Both over-policing in communities of color and racial bias in police interactions with the public has been identified as drivers of racial inequities in law enforcement driven in part by the "War on Drugs." Inequities in law enforcement often begin with disparate decisions about who police officers pull over, ticket, and search during routine stops of motorists, bicyclists, and pedestrians. For example, a large-scale analysis of racial disparities in police stops across the U.S. found that:[26]

- Black drivers are 20 percent more likely to be stopped by police than White drivers on average. More specifically, the annual per capita traffic stop rate by local police offers was 0.20 for Black drivers compared to 0.14 for White drivers and 0.09 for Latinx drivers; and the per capita traffic stop rate by state patrol officers was 0.10 for Black drivers compared to 0.07 for White drivers and 0.05 for Latinx drivers.
- Black drivers are also twice as likely to be searched during traffic stops than White drivers, yet they are less likely to have contraband. Disproportionate shares of people shot and killed at traffic stops are also Black.
- Black driver stop rates diminished under the "veil of darkness," suggesting that discrimination (e.g. racial profiling) rather than differences in driver behavior account for disparities in traffic stops and searches.

Of relevance to potential e-scooter police stops, available data from other jurisdictions demonstrate racial disparities in police stops of bicyclists. For example:

- In Seattle, Black cyclists received helmet infractions nearly four times higher than White cyclists, and Indigenous cyclists' was more than two times higher than White riders. In 2019, Black people accounted for 4.7 percent of cyclists however accounted for 17.3 percent of bicycle helmet infractions from 2003 to 2020; Native Americans accounted 0.5 percent of riders and 1.1 percent of bicycle helmet infractions.[27]
- In Washington, DC, available data from 2010 to 2017 indicates that Black cyclists accounted for 88 percent of stops, a rate nearly twice the Black population. Black cyclists younger than 18 were stopped more than twice as often as White cyclists of all ages.[28]
- In Oakland, Black cyclists accounted for nearly 3 in 5 police stops, being stopped three times as often as White riders, despite accounting for less than a quarter of the population. Of those stopped between 2016 and 2019, 59.4 percent were Black, 18.2 percent were White, 15.2 percent were Latinx, and 4.3 percent were Asian.[29]

Local data on racial disparities in juvenile justice intakes and traffic stops in Montgomery County suggest that similar disparities in traffic stops among bicyclists and e-scooter riders could also occur. For example:

- Black youth were over-represented in juvenile justice intakes, accounting for 55 percent intakes in 2019 compared to comprising 36 percent of all youth. Conversely, White youth accounted for 13 percent of intakes compared to 20 percent of all youth, and Latinx/Other youth accounted for 32 percent of intakes compared to 44 percent of all youth.[30]
- Black drivers experienced the highest traffic stop rates. In 2019, 27.4 percent of Black adults were stopped compared to 13.5 percent of White adults, 17.4 percent of Latinx adults, 11.6 percent of Native American adults, and 7.2 percent of Asian adults.[31]
- Black drivers received the highest rate of traffic violations. In 2019, there were 321 violations issued per 1,000 Black drivers compared to 310 violations issued per 1,000 Other Race drivers; 215 violations issued per 1,000 Latinx drivers; 132 violations issued per 1,000 White drivers; 126 violations issued per 1,000 Native American drivers; and 70 violations issued per 1,000 Asian drivers.[32]
- Black and Latinx drivers were more than twice as likely as White drivers to be searched during traffic stops. In 2019, 3.8 percent of Black drivers were searched compared to 3.4 percent of Latinx drivers, 1.6 percent of White drivers, 1.4 percent of Asian drivers and 1.0 percent of Asian drivers.[33]

ANTICIPATED RESJ IMPACTS

Discerning the potential impact of Bill 36-21 on racial equity and social justice in Montgomery County requires considering the potential impact of the bill on three sets of racial disparities: inequities in transit options, traffic-related injuries, and law enforcement. The potential impact of Bill 36-21 on each of these is addressed in turn. Taken together, OLO finds that Bill 36-21 as currently constructed could widen racial and social inequities in transit options and law enforcement and potentially widen racial inequities in traffic-related injuries.

- *Transit options.* E-scooter rentals as a shared mobility service could be implemented to narrow racial and income disparities in transportation access. Bill 36-21, however, is unlikely to improve transportation opportunities for households reliant on public transportation because available research suggests that White, affluent, and male riders are the primary beneficiaries of e-scooter share programs.[34] As such, the Bill as currently constructed is unlikely to diminish transit inequities by race, ethnicity or income across the County.

- *Traffic injuries.* An e-scooter rental program could be implemented to narrow racial disparities in traffic accidents and injuries. As currently constructed, Bill 36-21 might not reduce racial disparities in traffic injuries since its primary injury reduction provision – requiring minors to wear helmets when riding e-scooters – could widen disparities in helmet use by race and ethnicity. For example, a 2016 research report evaluating bicycle helmet laws found that while helmet laws increased helmet usage for every racial group, they increased use more for White students than for students of color thus widening the helmet use gap by race.[35] Another study found that helmet use among motorcyclists offered less protection against injury among Black riders compared to White riders.[36] While Bill 36-21 could yield public health gains by increasing helmet use overall, it could also sustain or exacerbate racial inequities in helmet use and injuries.

- *Law enforcement.* An e-scooter rental program could be implemented to narrow racial disparities in law enforcement. Analogous to Bill 2-20, Bill 36-20 specifies the fine for a person's helmet violation must be waived if a minor or their parent can produce proof they have obtained a helmet. Any fines for not wearing a helmet, however, could exacerbate racial inequities in law enforcement by increasing citations among youth of color that further burden communities of color. Further, current disparities by race and ethnicity in juvenile justice intakes, traffic stops and violations locally suggest a high likelihood that inequities by race and ethnicity in enforcing the helmet requirement may also occur. Enforcement of this provision of Bill 36-21 could likely widen racial inequities in law enforcement.

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.[37] OLO finds that Bill 36-21 as currently constructed could widen racial and social inequities in transit options and law enforcement and potentially widen racial inequities in traffic-related injuries. Should the Council seek to address these inequities with recommended amendments to Bill 36-21, the following promising practices for advancing racial equity in transit options, reduced traffic injuries and law enforcement can be considered.

Expand inclusive transit options. Promising practices for using e-scooter programs, policies, and practices to improve transportation opportunities for households reliant on public transportation include:

- Ensuring equitable access to e-scooters by setting targets for e-scooter distribution and/or availability at the neighborhood level and adjust the target as needed to address the mobility needs of each neighborhood,[38]
- Integrating shared mobility services with public transportation,[39]
- Integrating public transit payment methods with shared mobility services,[40]
- Requiring shared mobility services to offer lower cost options for low-income users and publicize available discount programs,[41]
- Requiring shared mobility services to provide cash and non-smart phone booking options,[42]
- Requiring multi-lingual customer service, website, signage, outreach and apps.[43]

Reduce traffic injury inequities. Promising practices for enabling e-scooter programming to reduce racial inequities in traffic accidents and injuries include:

- Requiring e-scooter providers to engage in information provision, education, and outreach activities that encourage e-scooter riders to wear helmets, especially BIPOC residents, and reframe helmet norms,[44]
- Providing opportunities for new e-scooter users to gain riding experience,[45]

- Distributing helmets for e-scooter riders,[46]
- Improving infrastructure for vulnerable road users (bicyclists and e-scooter riders) especially in BIPOC communities and low-income communities,[47]
- Allowing e-scooters to operate in bike lanes or paths, but not on sidewalks,[48]
- Requiring signage where e-scooter travel, speed, or parking is restricted,[49]
- Recommending helmet use to reduce head injuries for all riders,[50]
- Recommending limiting use to one rider per unit.[51]

Reduce law enforcement inequities. Promising practices for ensuring that e-scooter programs, policies, and practices do not exacerbate racial inequities in law enforcement include:

- Removing provisions that criminalize minors and their parents for teens not wearing helmets,
- Investing in public education campaigns that encourage e-scooter riders of all ages to wear helmets,[52]
- Encouraging law enforcement to provide helmets for riders to encourage helmet use,[53]
- Establishing data reporting requirements for e-scooter providers that allow the County to monitor their compliance with County requirements and to access the impacts of e-scooters on safety and equity concerns,[54]
- Establishing data reporting requirements for e-scooter providers to share collision data with the County.[55]

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Dr. Elaine Bonner-Tompkins, Senior Legislative Analyst, drafted this RESJ impact statement with assistance from Dr. Theo Holt, RESJ Performance Management and Data Analyst.

[1] Definition of racial equity and social justice adopted from "Applying a Racial Equity Lends into Federal Nutrition Programs" by Marlysa Gamlin, et.al. Bread for the World, and from Racial Equity Tools https://www.racialequitytools.org/glossary
[2] Ibid
[3] Injuries Using E-Scooters, E-Bikes and Hoverboards Jump 70% During the Past Four Years, September 30, 2021, United States Consumer Product Safety Commission. https://www.cpsc.gov/Newsroom/News-Releases/2021/Injuries-Using-E-Scooters-E-Bikes-and-Hoverboards-Jump-70-During-the-Past-Four-Years
[4] Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration https://apps.montgomerycountymd.gov/ccllims/BillDetailsPage?RecordId=2728
[5] Bill 36-21 provisions aligning with best practices include: requiring rental e-scooters to be registered, restricting e-scooter speeds to 15 mph, requiring e-scooters to be parked upright and prohibiting parking of e-scooters in front of pedestrian crossings and loading zones to maintain American with Disabilities Act access. See Karl Reidhardt and Elizabeth Deakin, Best Practices for the Public Management of Electronic Scooters, The University of California Institute of Transportation Studies, October 2020.
[6] Montgomery County Council, Bill 2-20, Bicycles – Registration – Amendments
[7] Regan Patterson, New Routes to Equity: The Future of Transportation in the Black Community, Congressional Black Caucus Foundation, September 2020

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[21] National Highway Traffic Safety Administration data cited by Jesus Barajas, *Not all crashes are created equal: Associations between the built environment and disparities in bicycle collisions*, The Journal of Transport and Land Use, 2018
[22] Johns Hopkins Medical Institutions, 2010
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[28] Dan Roe, Black Cyclists Are Stopped More Often Than Whites, Police Data Shows, Bicycling, July 27, 2020
[29] Ibid
[30] Maryland Department of Juvenile Services, FY 2020 Databook
[31] Elaine Bonner-Tompkins and Natalia Carrizosa, Local Policing Data and Best Practices, Office of Legislative Oversight Report 2020-9, Montgomery County Government, July 21, 2020
[32] Ibid
[33] Ibid
[34] San Francisco Metropolitan Transportation Authority assessment of pilot study of e-scooter riders cited by Reinhardt and Deakin (2020) found that 63 percent were White, 82 percent were male, and 68 percent had incomes over $100,000 in a city that is 41 percent White, 51 percent male, and 49 percent with incomes above $100,000.
[35] John Kraemer, Bicycle helmet laws and persistent racial and ethnic helmet use disparities among urban high school students: a repeated cross sectional analysis, Injury Epidemiology, December 3, 2016
[36] Data from Centers for Disease Control and Prevention, Smart Growth America and The League of American Bicyclists cited by Patterson, 2020.
[37] Montgomery County Council, Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established
[38] Reinhardt and Deakin, 2020
[39] Patterson, 2020
[40] Ibid
[41] Reinhardt and Deakin, 2020

[42] Patterson, 2020
[43] Reinhardt and Deakin, 2020
[44] Ibid and Kraemer, 2016
[45] As noted by Benjamin Preston in "New Study Show Safety Risks of Riding e-Scooters on the Sidewalk" article in Consumer Reports (October 15, 2020) describing a IIHS study on e-scooters conducted by IIHS, inexperience increases crash risk and about 40 percent of e-scooter riders interviewed has been injured on their first ride. As such, opportunities for new riders to practice using e-scooters prior to first rental might reduce e-scooter accidents and injuries.
[46] Recommended by Edwin Lindo of the NorthStar Cycling Club cited by Michelle Baruchman, February 19, 2021
[47] Reinhardt and Deakin, 2020
[48] Ibid
[49] Ibid
[50] Ibid
[51] Best practice in Columbus Ohio cited in Evan Byrnes, et. al., Identifying Best Practices for Management of Electric Scooters, College of Food, Agricultural and Environmental Services, The Ohio State University, 2019
[52] Kraemer, 2016
[53] Recommended by Edwin Lindo of the NorthStar Cycling Club cited by Michelle Baruchman, February 19, 2021
[54] Reinhardt and Deakin, 2020
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DISCUSSION ITEMS

Not applicable

WORKS CITED

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Toole Design. Montgomery County Dockless Mobility Update. Montgomery County Department of Transportation.

University of Michigan. National Poll on Children's Health. May 20, 2019.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

Testimony from Bird Rides, Inc.
Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration

Thank you, Councilmember Katz, Vice President Albornoz, and all Council Members for your leadership and careful consideration of Montgomery County's e-scooter regulations.

Bird is a shared e-scooter company that operates in more than 350 communities around the world and we have had the privilege to operate shared e-scooters in Montgomery County since 2019. We greatly value our partnership with the County, MCDOT, and the other community stakeholders who have helped make the Dockless-Bike and E-Scooter program a success.

Bird in Montgomery County
With 13,458 riders and 77,230 rides in Montgomery County, Bird scooters have become an important transportation option for residents and visitors. In our third year of operations it is clear that micromobility is safe, sustainable, and grows the economy

- **Safe:** Bird has a medical incident rate of 0.00201% of rides, or 1 in 50,000 rides, which is comparable to bike injury rates and over two times lower than cars (1 in 20,000).
- **Sustainable:** Montgomery County riders replaced 25,000+ vehicle miles travelled (VMT) and avoided 23,000+ lbs of CO_2 emissions.
- **Economic Impact:** Emory University researchers found "$921 in spending created per e-scooter deployed on average over 6 months" in the local economy.

We are proud to help our riders make this important impact, helping to advance the County's ambitious climate goals to reduce greenhouse gas emissions 80% by 2027 and 100% by 2035. Our years of experience have allowed us to build efficient and orderly operations, responding quickly to community concerns and decreasing complaints. This strong record enabled Bird to expand our service, recently being invited into new communities like Gaithersburg and Germantown.

Scooters have also proven to be a useful mode of transportation when other modes are disrupted. During the COVID-19 pandemic we saw longer trips and new travel patterns as residents took advantage of our naturally socially distant service to make essential trips. We continue to offer free rides for healthcare workers. In response to the recent Metro disruptions

we have adjusted our deployments to serve commuters impacted, helping them reduce congestion from added car trips.

We share your commitment to safety and sustainability and we support the Council's effort to formalize the regulatory framework for e-scooters. Our existing MOU with MCDOT includes many of Bill 36-21's requirements for scooter parking and vehicle specifications. We look forward to building on that foundation in the next phase of the program.

Safety and Community Engagement
We require riders to be 18 years of age or older and we strongly encourage all riders to wear helmets. Helmets are available free of charge on our website or through our app, and we regularly distribute free helmets in the community. Most recently we held scooter safety training sessions in Wheaton (9/18/21) and Rockville (10/16/21) alongside the Adult Learn to Ride bicycle classes from the Washington Area Bicyclist Association (WABA).

At these events we gave out free helmets and taught attendees how to safely ride and correctly park our scooters. We also made residents aware of our Community Pricing program, which offers a 50% discount to low income riders, Pell grant recipients, select local nonprofit and community organizations, veterans and senior citizens.

While this program began as a pilot, we have seen it mature into an important component of the County's climate and mobility strategies. We look forward to continuing our partnership in the months and years ahead.

Sincerely,
Perry Holmes
Manager, Government Partnerships
Bird Rides, Inc.

##

Testimony on Behalf of the County Executive

Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration

My name is Hannah Henn, Deputy Director in the Department of Transportation, and I am providing testimony on behalf of County Executive Marc Elrich. Bill 36-21 is an important step toward encouraging safe and responsible use of e-scooters in the County. The County Executive supports the proposed bill and its requirements that aim to protect low speed e-scooter riders and improve safety and accessibility for all people traveling on roads and sidewalks in the County.

When used properly and appropriately managed, micromobility devices such as e-scooters can expand the reach of our overall transit network and reduce the use of automobiles for short and medium length trips. MCDOT has an existing pilot program agreement with private companies for shared use scooters and bikes. The agreement includes requirements for parking, operating hours, and operator age. While this arrangement has generally been effective, improper parking of e-scooters is the dominant concern raised by the public about these vehicles. Proper parking is especially important to minimize potential obstacles for people with disabilities.

The County Executive supports the fact that Bill 36-21 further defines parking requirements that are the responsibility of rental companies and their riders. Additionally, the County Executive supports the inclusion of parking requirements for privately owned vehicles, as individual ownership is growing in popularity. Bill 36-21 should improve enforcement capabilities for existing provisions in agreements with rental fleets while ensuring that the safety and operating requirements also apply to privately-owned e-scooters.

At the County Executive's direction, MCDOT will focus on the working sessions to ensure that the final legislation is as effective as possible in supporting the enforcement of the parking guidelines. Possible solutions may include restructuring the agreement between the County and rental companies to impose fines levied on private companies or renters when scooters are improperly parked.

The Department has several technical comments and clarifications that can be addressed during committee work sessions on this legislation. Thank you for your attention to this important matter.

Comparison of Micromobility Policies in Washington Region
March 1, 2022

Local Government	Montgomery	Arlington	Alexandria	D.C.	Fairfax
Lock-To Requirement	No	No	Currently no but vendors are encouraged to have the ability to meet a lock- to requirement.	Yes	No
Minimum age to rent	(vendor requires riders to be 18 or older)	(vendor requires riders to be 18 or older)	(vendor requires riders to be 18 or older)	(vendor requires riders to be 18 or older)	(vendor requires riders to be 18 or older)
Helmet requirement 18 or over	No	No	No	No	No
Max speed	15 mph	15 mph on streets and multi-use trails. 20 mph for power assist bikes. 6 mph when operated on sidewalks.	15 mph	10 mph	10 mph
Parking requirements	In right of way or corral. Vehicles are parked at public bicycle racks or on public sidewalks or other public areas in a manner that does not impede pedestrian access,does not obstruct access to fire hydrants, does not interfere with traffic operations, bus stop operation, driveway access, crosswalks, ADA ramps, accessto private property, or access to outside dining or retail areas.	Street, roadway, against the curb, corrals and spaces specifically designated through signage or racks. Cannot be parked 3 consecutive days without being moved.	Parking may not impede pedestrian or ADA access. Devices should not block access to sidewalks, ramps, entrances to buildings, fire hydrants, bus stops, parked cars, travel lanes and driveways.	Lock-to but not to trees.	In areas where a bike could be parked and not impede normal car or foot traffic.
Education/training requirements	Yes	Permit holder must require users to review safety and etiquette rules upon registration and shall regularly offer free instruction to persons interested.	Will likely be required once permits are issued starting April 1, 2022.	Must have a plan but no actual requirements.	None
Geographic distribution	Pilot areas only. Vendors must use best efforts for equal distribution.	Minimum 15% of devices must be deployed in locations outside of the Rosslyn-Ballston and Richmond highway metro corridors.	Must deploy a minimum of 30% of the fleet in equity zones and in corrals where one is nearby.	Yes. Vendor must have at least 3% of its fleet deployed in each ward deployment.	No mandates but vendors must use best efforts for equal distribution.
Other equity measures	Must have cash option.	Permit holder must provide discounted access programs to encourage use by lower-income community members. Permit holders shall allow alternate legal forms of ID other than a driver's license.	Currently none but are under review for permit program.	Vendors required to offer cash option and gift cards and must have a low-income marketing plan.	Encourage cash option or non-smart phone access.
Riding areas prohibited	Not permitted on sidewalks, roads 50 mph or over.	Riders may ride on sidewalks except where no riding signs are posted,or protected bike lanes are available.	Per City Code sidewalk riding is not permitted. Streets, bike lanes and trails are permitted.	Not permitted on sidewalks in the Central Business District (CBD). Vehicles are permitted on sidewalks outside of the CBD and trails, but riders must yield to pedestrians.	Sidewalks are allowed on roads over 25 mph.
Hours of operation	5 am -10 pm	24/7	24/7	24/7	24/7
Enforcement process	Vendor can block repeat offenders. County monitors vendor and requires monthly reporting by vendor on complaints.	There are specific civil penalty fines in the County code for rider violations for helmet laws, riding on prohibited sidewalks, failure to yield pedestrian right of way. Enforcement is done by the Police.	Police enforcement but not a priority.	DDOT does not enforce but may revoke permit or refuse to renew.	Police enforcement but not a priority.
Fees charged to scooter vendors	$10,000 bond/ $10,000 per year for data.	$1000 non-refundable application fee. $80 operations fee for each approved device. Surety bond of $25 for each device.	$10,000 permit fee. $75 per device.	$350 annual fee and $5 per month per device.	Permit program with $100 refundable application fee. $1000 annual operator's fee. $28 certificate charge per vehicle. $5000 surety bond.
Distinction between adult and kids/ toy scooters	No distinction.	No distinction in County Code but there is a distinction in State Code.	No distinction.	No distinction.	No distinction in County code.
Track serious injuries	Must be reported monthly by vendor.	No unless reported by vendor.	Only when reported.	No unless reported by vendor.	No

Shared Mobility Comparison References

Montgomery County

- MOU
- https://www.montgomerycountymd.gov/dot-dir/Resources/Files/commuter/Bikesharing/Sample-MOU-Dockless-Vehicle-Demonstration-Project-Spring-2019.pdf

Alexandria

- Phase 2 Pilot MOU: https://www.alexandriava.gov/uploadedFiles/tes/info/LIME2020MOU.pdf
- Docket from Nov '21, where Council reviewed City Code: https://alexandria.legistar.com/LegislationDetail.aspx?ID=5208537&GUID=DA9895D9-B087-4AEE-9158-007660BA0AD6
- City Code for Micromobility Use: https://library.municode.com/va/alexandria/codes/code_of_ordinances?nodeId=PTIITHCOGEOR_TIT10MOVETR_CH7BIMIDE
- City Code for Micromobility Permits: https://library.municode.com/va/alexandria/codes/code_of_ordinances?nodeId=PTIITHCOGEOR_TIT9LIRE_CH16SHMIDEHIPEPR

Arlington

- Arlington County Code: MOTOR VEHICLES AND TRAFFIC
- ARTICLE II.
- BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES, MOTORIZED SKATEBOARDS and MOTORIZED SCOOTERS
- §14.2-61 https://www.arlingtonva.us/files/sharedassets/public/county-board/documents/code/ch14.2_motorvehiclesandtraffic.pdf
- https://www.arlingtonva.us/Government/Programs/Transportation/Scooters-and-Dockless-Bikeshare

District of Columbia

- https://lims.dccouncil.us/Legislation/B23-0359
- D.C Terms and Conditions
- https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/2021.12.14%20Final%20Dockless%20Scooter%20Terms%20and%20Conditions.pdf

Fairfax

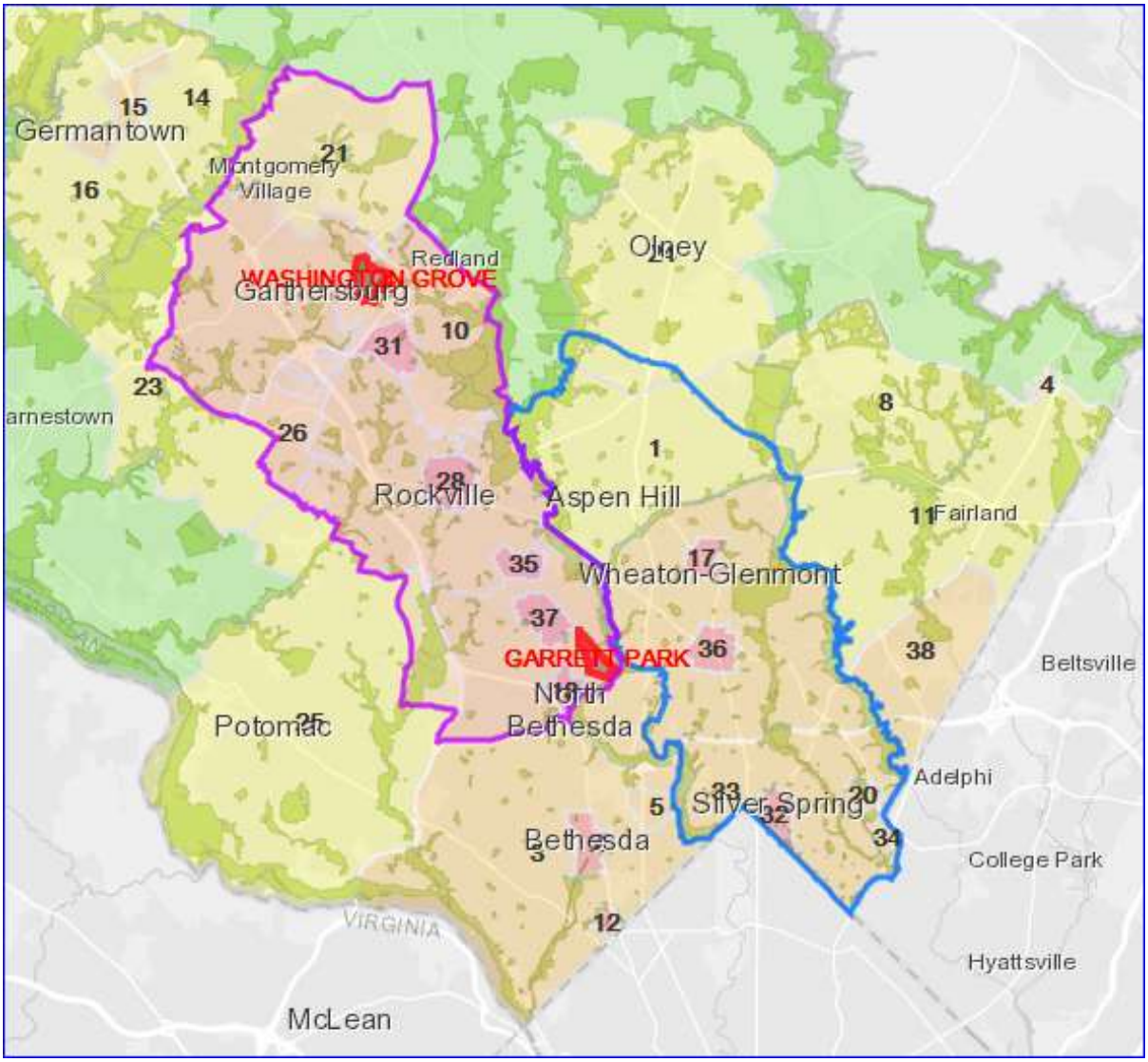
- Fairfax County Website
- Fairfax County Code, CHAPTER 86 - Shared Mobility Devices

Virginia

- https://law.lis.virginia.gov/vacodefull/title46.2/subtitleI/
- https://law.lis.virginia.gov/vacode/title46.2/chapter8/section46.2-905/
    - § 46.2-908.1. Electric personal assistive mobility devices, electrically powered toy vehicles, electric power-assisted bicycles, and motorized skateboards or scooters.
    - All electric personal assistive mobility devices, electrically powered toy vehicles, and electric power-assisted bicycles shall be equipped with spill-proof, sealed, or gelled electrolyte batteries. No person shall at any time or at any location operate (i) an electric personal assistive mobility device at a speed faster than 25 miles per hour or (ii) a motorized skateboard or scooter at a speed faster than 20 miles per hour. No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than 20 miles per hour at a speed greater than 20 miles per hour. No person less than 14 years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least 18 years old.

Exhibit A: Dockless Vehicle-Sharing Demonstration Project Service Areas– Spring 2019

Participating Company Assignment: East &/or West County Service Areas



Dockless vehicle trips are permitted to be started or ended only within the designated Service Areas of the County. Each dockless vehicle company is permitted to operate in one of the Service Areas, based on the terms of their MOU. For detail on boundary lines, streets and other features see the interactive map, which has layers that can be added or deleted: http://mcgov-gis.maps.arcgis.com/apps/View/index.html?appid=1449ea63a4f941b6bc13e8249d520aeb
Minor adjustments may be made to the boundary lines in the future. Updated mapping will be provided.

Jurisdictions within boundaries of designated Service Areas not participating.

As of Spring 2019 in the West County Service Area, the municipalities of Garrett Park and Washington Grove are not participating in the Demonstration Project.
No dockless vehicle trips are permitted to be started or ended within these non-participating jurisdictions.

Note: Montgomery Parks Department is adopting their own program for dockless vehicle use in County Parks. Please visit their website for further information: www.montgomeryparks.org.

	2021							2022					
Scooter Trip Dat	JUL '21	AUG '21	SEP '21	OCT '21	NOV '21	DEC '21	JAN '22	FEB '22	MAR '22	APR '22	MAY '22	JUN '22	
otal Monthly Trip	8,483	8,455	9,056	6,046	4,249	2,680	898	2,466	6,510	8,394	11,138	12,668	**Total: 81043**
verage Daily Trip	274	273	302	195	142	86	29	88	210	280	359	274	**Average:222**
Total Monthly Trip Distance (miles)	8,185	8,305	8,538	5,866	4,097	2,619	684	2,441	6,193	8,113	12,749	14,481	**Total: 82271**
Average Distance per Trip (miles)	0.98	0.99	0.95	0.98	0.98	1	0.76	1	0.97	0.99	1.18	1.18	**Average: 1.0**
Average Duration per Trip (minutes)	12.1	11.26	11.2	11.4	12.36	15.3	9.56	11.53	12.18	12.4	15.24	15.43	**Average: 12**
Average Daily Availability	368	476	560	358	283	185	99	204	399	452	540	610	**Average: 378**
% Trip in Equity Emphasis Areas—Trip Origin	46%	50%	56%	49%	50%	55%	57%	47%	47%	45%	47%	44%	**Average: 49%**
% Trip in Equity Emphasis Areas—Trip Destination	43%	48%	53%	47%	47%	52%	54%	44%	45%	43%	45%	42%	**Average: 47%**
Trip Origin or Destination in East Sector	3,263	3,501	4,964	2,921	2,558	1,837	419	1,009	2,548	3,128	3,935	3,928	**Average: 2834**
Trip Origin or Destination in West Sector	5,172	4,930	4,124	2,985	1,576	808	469	1,443	3,940	5,227	7,214	8,779	**Average: 3889**