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MEMORANDUM

TO: West Allis Common Council
FROM: Kail Decker, City Attorney
DATE: September 4, 2019
SUBJECT: Optional Regulations for Electric scooters

At the August 6 meeting of the Safety & Development Committee, I gave a brief presentation on electric scooters and summarized the recent changes in state law under 2019 Wisconsin Act 11. After the presentation, I drafted an ordinance that would implement regulations where allowed by the newly created state law under Wis. Stat. § 349.237; this version will be included for discussion purposes on the September 17 agenda to ensure that the council can pass an ordinance at that meeting if it so chooses.

The regulations in this ordinance version represent a restrictive framework that exercises many of the regulatory options available to the City. However, any of these regulations may be scaled back or eliminated to allow state law to control.

This memo will discuss the primary matters for consideration that the City may regulate and sets forth the least and most restrictive regulations that the common council may consider. The least restrictive option will always be the default set by the new state law.

1. Restricting Electric Scooter Operations on Roadways

Default state law: Electric scooters may be operated on any street.

Optional city laws:

- a. Restrict operation on particular streets with a speed limit over 25 MPH at particular times of day
- b. Restrict operation on particular streets with a speed limit over 25 MPH
- c. ---Other regulations possible---
- d. Electric scooters are prohibited on all streets with a speed limit over 25 MPH
(*most restrictive*)

NOTE: The City is required by state law to allow electric scooters on city roads that have a speed limit of 25 MPH or less.

2. Restricting Electric Scooter Operations on Sidewalks

Default state law: Electric scooters may be operated on any sidewalk.



Optional city laws:

- a. Restrict operations on particular sidewalks at particular times of day
- b. Restrict operation on particular sidewalks
- c. ---Other regulations possible---
- d. Electric scooters are prohibited on all sidewalks (*most restrictive*)

3. Restricting Electric Scooter Operations on Bicycle Ways

Default state law: Electric scooters may be operated on any bicycle way.

Optional city laws:

- a. Restrict operations on particular bicycle ways at particular times of day
- b. Restrict operation on particular bicycle ways
- c. ---Other regulations possible---
- d. Electric scooters are prohibited on all bicycle ways (*most restrictive*)

4. Restricting Electric Scooter Parking

Default state law: Where possible without impeding the flow of pedestrian traffic, an electric scooter may be parked on a sidewalk or in a bike rack or other similar area designated for bicycle parking.

Optional city laws:

- a. Establish parking restrictions including parking time, location, manner, and penalties for violations
- b. Electric scooters may not be parked on a roadway, sidewalk, bicycle lane, or bicycle way and may not be parked on private property without the consent of the property owner (*most restrictive*)

5. Restricting Short-Term Rental of Electric Scooters

Default state law: Any company may rent any number of scooters to the general public.

Optional city laws:

- a. Establish rental business requirements
 - 1. Registration of all rental vehicles
 - 2. Registration/licensing of rental companies
 - 3. Geographic limitations on use of rental vehicles
 - 4. ---Other regulations possible---
- b. Prohibit the operation of rented electric scooters (*most restrictive*)

The version that was published for purposes of starting this discussion implements the following:

- 1. Electric scooters are prohibited on all streets with a speed limit over 25 MPH (*most restrictive*)
- 2. Electric scooters are prohibited on all sidewalks (*most restrictive*)
- 3. Electric scooters are prohibited on all bicycle ways (*most restrictive*)
- 4. No person may park an electric scooter on a roadway, bicycle lane, or bicycle way, but may park on a sidewalk only if there is a 4-foot path remaining.
- 5. Prohibit the operation of rented electric scooters (*most restrictive*)