

# MIKE KUGLITSCH

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STATE REPRESENTATIVE • 84<sup>TH</sup> ASSEMBLY DISTRICT

DATE: May 7, 2019  
RE: **Testimony for 2019 Assembly Bill 159**  
TO: Assembly Committee on Local Government  
FROM: Representative Mike Kuglitsch  
SUBJECT: The Operation of Electric Scooters

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- Thank you Mr. Chair and Members of the Committee for your consideration of Assembly Bill 159—which regulates the rental and operation of electric scooters on local roads.
- The rise of mobility as a service has spawned an evolution in rentable electric scooters in America and companies like Lime, Jump and Bird provide an inexpensive and readily available product in many metropolitan markets.
- Although electric scooters have been available to the American public for many years, the recent trend involves public rentals in urban areas through an individual’s cell phone.
- Lime is active in more than 60 markets and wants to include Wisconsin. Milwaukee and Madison would be poised to see the first scooter rentals in Wisconsin if AB 159 is approved by the Legislature and signed by the Governor.
- Assembly Bill 159 sets the guidelines for scooter rentals in Wisconsin and requires local communities to “opt-in” before scooters can be locally rented. In addition, the local government determines whether scooters are appropriate to operate on sidewalks and bike lanes.
- Scooters are treated similar to bicycles in the bill draft, which ensures scooters follow the same rules of the road as bicycles.
- AB 159 sets the speed limit of scooters to 15mph. While the definition includes a capacity of 20mph, 15mph is the appropriate safe speed agreed upon by manufacturers.
- AB 159 clarifies an electric scooter is not a motor vehicle and does not need to be titled or registered at the state level.
- I believe it is our job as legislators to allow innovations like scooters and other emerging technologies to prosper and to be welcome in our state.



# CINDI DUCHOW

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## **Assembly Committee on Local Government Tuesday, May 7<sup>th</sup>, 2019**

Thank you Chairman Novak and fellow committee members for holding a hearing on Assembly Bill 159 relating to the operation of electric foot scooters in Wisconsin and thank you for allowing me to testify in favor of this legislation today.

Recently, metropolitan cities across the United States have seen an influx of rentable electric scooters entering their communities. Currently, these electric foot scooters are not regulated in the State of Wisconsin. Assembly Bill 159 provides certainty and clarity for local communities and the fast growing electric scooter industry by defining what an electric scooter is and by ensuring its regulative authority remains at the municipal level.

Under Assembly Bill 159, local municipalities have the power to develop city ordinances to regulate the use of rentable electric scooters, including speed restrictions, parking parameters, and sidewalk limitations. This bill also allows municipalities the freedom to outright ban rentable electric scooters if they choose to. As a former town supervisor, I support local control and oppose a one-size-fits all mentality. I recognize each city has unique factors that warrant careful consideration and that individual municipalities are in the best position to determine how these companies operate in their cities. Therefore, this bill allows local officials to make the important decisions about what will work best for their community.

Specifically, Assembly Bill 59 clarifies state statutes by defining an electric scooter as “a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. The bill provides that “electric scooter” does not include an electric personal assistive mobility device (EPAMD), motorcycle, motor bicycle, or moped.

This proposal recognizes local control while at the same time provides a framework for businesses who wish to enter the scooter sharing business in Wisconsin. Again, thank you for hearing this bill. I am happy to answer any questions you have about the proposed legislation.



**DALE KOOYENGA**  
WISCONSIN STATE SENATOR

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May 7, 2019

**TO:** Members of the Assembly Committee on Local Government  
**FR:** Senator Dale Kooyenga  
**RE:** Assembly Bill 159

Thank you for holding a public hearing on Assembly Bill 159, which would authorize the use of electric scooters.

The expansion of shared electric scooters has recently taken off under the micro-mobility revolution. Electric scooter rentals can serve as a more convenient and affordable transportation option for individuals looking to navigate areas without having to worry about traffic or parking. But, under current law Wisconsin does not govern electric scooters.

Under this bill, the use of electric scooters would become legal on Wisconsin roads and a local municipality can pass an ordinance allowing businesses to offer rentable scooters to the public. The local municipality will then have the ability to dictate specific requirements, such as parking or sidewalk limitations, necessary to operate in that jurisdiction. By providing more control to the local government, each municipality can make the decision that best reflects the interests of their community.

Specifically, the bill defines an electric scooter while differentiating it from an electric bike, motorcycle, moped, or an electric personal assistive mobility device. Additionally, this bill authorizes electric scooters to be used on certain highways subject to the same requirements that apply under current law to electric personal assistive mobility devices.

Assembly Bill 159 provides clarity for a rapidly growing industry and empowers our local governments to make the decisions that best fit their community while attracting startup companies to invest in Wisconsin.

Thank you again for hearing AB 159 and I respectfully ask for your support.



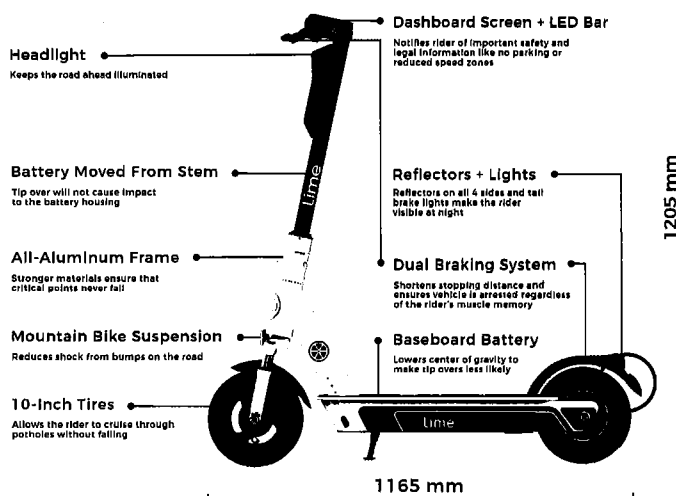
# Scooter Classification Matters

Riding a Lime scooter should be a great experience for users and the community. This includes everything from how to ride Lime scooters, traffic rules, road etiquette, and proper parking.

It also includes working with state legislators on appropriate vehicle classification to ensure they best fit within a state's transportation ecosystem. Lime's experience across the US and the world has taught us that with robust community education, and the right policies in place, Lime is a positive addition to any community.

## Vehicle Classification

Vehicle classifications and the rules governing them are determined on a state level. In many states, electric foot scooters are not clearly defined, and have been inaccurately characterized as toys, or as mopeds or motorcycles.



## Lime's Electric Scooter

An electric foot scooter should be defined as a device weighing less than 100 pounds, with two or three wheels, handlebars and a floorboard that can be stood upon while riding, which is solely powered by an electric motor and/or human power, and whose maximum speed, with or without human propulsion on a paved level surface, is no more than twenty miles per hour.

## Scooters, bikes and ebikes are similar, and should be similarly classified:

- They travel at speeds of less than, but near 20mph.
- They need the same right-of-way access to bike lanes, roads, and trails.
- They should have the same helmet policies.
- Given the difference in speed capabilities and weight, they should not be classified as a moped or a motor vehicle nor should they be required to have license plates, vehicle registration, or driver's license.



## Safety and Rider Education

Through its Respect The Ride Campaign, Lime is investing over \$3 million to help empower people across the world to ride responsibly. Over the next six months, we will be distributing a total of over 250,000 free helmets to riders across the globe.

## Parking

A Lime ride only ends when users park their bike or scooter responsibly. This means parking by a curbside, a bike rack or other designated spaces for mobile vehicles so they are not inhibiting the use of sidewalks or streets. Riders must submit a photo of their parking, and are held responsible for inconsiderate actions.





Department of Administration  
Intergovernmental Relations Division

**Tom Barrett**  
Mayor

**Sharon Robinson**  
Director of Administration

**Kimberly Montgomery**  
Director of Intergovernmental Relations

City of Milwaukee Testimony on AB 159  
Assembly Committee on Local Government  
May 7, 2019

Thank you to Chairman Novak and committee members for holding the hearing today. The City of Milwaukee supports AB 159 and thanks the authors, Rep. Kuglitsch and Sen. Kooyenga, and all co-sponsors for their support. We'd also like to thank the industry representatives who worked with us to address our concerns. The bill before you is a result of that collaboration. We are in support of the bill because it provides much needed clarity in order for us to manage the right balance of safety and access of the right of way for all users.

We are seeking this clarity because as you may recall last June a dockless e-scooter company placed approximately 100 motorized scooters in the City of Milwaukee. Immediately, citizens called to complain to aldermen, Department of Public Works staff, and the police questioning the legality of these unregistered motor vehicles on our streets and sidewalks. Currently, motorized vehicles under Wisconsin law are required to be registered unless specifically exempted by statute as is done for Segways and personal delivery devices. Also under Wisconsin law, bicycles are banned from sidewalks unless municipalities allow them so it was logical for citizens and City officials to question if electric scooters could be used similarly. Our City Attorney determined that motorized scooters were unregistered motor vehicles and under Wisconsin law could not be legally operated on our streets or sidewalks. At that time, we called for the company to cease operations. Concurrently, the City also passed a resolution on July 31, 2018 to seek introduction and passage of state legislation to allow the operation of motorized scooters upon the highway. We support this legislation because we want the scooters to operate in the City of Milwaukee and provide another transportation option for our residents and visitors, but we also want them to be legal, and to follow the rules of the road and the proper use of the right of way.

From our perspective, the essential provision in the bill allows the governing body of any municipality to pass an ordinance to regulate the rental and operation of electric scooters. The ability to regulate scooters locally is critical to the success and public acceptance of this new transportation option going forward. We intend to initiate a pilot study in coordination with scooter operators to allow the City of Milwaukee, its residents, and dockless scooter operators an opportunity to see what works and what does not work in a large city environment, and make adjustments and improvements easily. This flexibility and local authority to regulate will help

mitigate any concerns or occurrences of companies launching unexpectedly, scooters causing unintended challenges for pedestrians, or disorder and disruption within the public right of way.

This approach of initiating a pilot study to understand scooter operations and aid in developing more permanent regulatory language is considered best-practice and common throughout the United States. Cities must have flexibility so policies can evolve and adapt as new mobility systems are introduced. Portland, Chicago, Minneapolis and Denver are currently conducting such a pilot study. Austin and Charlotte, North Carolina have completed studies and are implementing permanent rules. We will monitor the experiences of these cities as well as our own in developing a more permanent regulatory framework.

The City of Milwaukee supports the proposed bill as it allows us to study and understand the potential benefits that e-scooters may provide, including improving access to low-cost transportation options, reducing single-occupancy vehicle use, and serving as a first/last-mile solution to residents and visitors throughout the City.

We hope you agree and ask you to support AB 159. Thank you.

For more information please contact:

Brenda Wood, Intergovernmental Policy Manager, [bwood@milwaukee.gov](mailto:bwood@milwaukee.gov), 414-286-2371



**STARTUP  
WISCONSIN**

**STARTUP**  
MILWAUKEE

May 7, 2019

Assembly Committee on Local Government:

Startup Wisconsin and Startup Milwaukee have always supported cultivation across the State of Wisconsin, as it offers a place for new and existing millennials to thrive. For this reason, among many others, we are vocalizing our support for AB 159.

Our organizations are committed to advancing and developing Wisconsin's tech and startup ecosystems through unique programming, collaborative partnerships and networking. Many of our community events include the discussion of retaining and attracting workforce talent as well as how local communities can support entrepreneurship.

A common topic includes our competition among other major metropolitan areas to attract individuals looking to begin a career or start a business. We want to be advocates of anything that can show people what a great place Wisconsin is to build life, but also that keeps up with the changing markets and pursues innovation encouraging existing companies and individuals to stay.

AB 159 does just these things. The use of electric scooters supports transportation at little cost and solves a significant first and last mile issue, making them ideal for students, young professionals, tourists and more. This small addition of innovation could be the deciding factor of someone choosing to begin or continue their next journey in Wisconsin.

We would like to thank Representative Kuglitsch and Senator Kooyenga for taking the lead on this bill, as we believe electric scooters are a valuable and affordable transportation option that can only benefit what we have to offer as a State. We ask that you please join us in supporting AB 159.

Sincerely,

Matthew Cordio  
President, Startup Wisconsin & Startup Milwaukee



# ***Former Mayor Steve Arnold***

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## **Testimony to the Committee on Local Government**

**Tuesday, 7 May 2019, Madison, Wisconsin**

Mr. Chair and Committee members, thank you for taking public testimony on Assembly Bill 159, on defining and regulating electric scooters.

I am Steve Arnold, a resident and former mayor and alder of the city of Fitchburg. I speak only for myself today but intend to share the perspectives of a person who has served as a Wisconsin local elected official. I served on Fitchburg's Transportation and Transit Commission for eleven years, chairing the commission for four. As mayor 2015 through 2017, I chaired the Plan Commission and Board of Public Works and served as commissioner on the Dane County Regional Planning Commission.

For identification only, I am a director of Bike Fitchburg, a local advocacy group for accessible, safe, and fun walking and biking, and Secretary of the board of the Wisconsin Bike Fed, the country's largest statewide bicycle advocacy organization. I do not own or have any financial interest in electric scooters.

I generally support AB 159 and the one amendment proposed to date but have reservations that I hope you will address before recommending the bill to the entire assembly.

Electric scooters, particularly as part of rental fleets, are being widely proposed as a cost-effective mode of transportation, particularly in urban areas. However, they are in regulatory limbo in Wisconsin, not anticipated by the statutes. Potential operators of rental fleets and local governments seek clarification about where and how electric scooters may be operated. This bill seeks to provide that clarification, which I support. I have two reservations.

First, this bill is proceeding concurrently with AB 132, defining electric bicycles. The definition of electric scooters in this bill explicitly excludes "motor bicycles", where electric bicycles are classified under current law. If

AB 132 were to be enacted into law, electric bicycles will be defined as a new type of vehicle in the statutes. If AB 159 were subsequently enacted into law, the definition of electric scooters would include electric bicycles, which is no one's intention. Therefore, if AB 132 is enacted first, AB 159 should be amended to explicitly exclude electric bicycles from the definition of electric scooters, on page 8, lines 21-22. If AB 159 is enacted first, AB 132 should be amended to make the same change to the new Sec. 340.01(15ps) of the statutes.

Second, state-wide operators general perceive that uniform state law, with no additional local regulations, is to their advantage in providing products or services. Electric scooter rental operators are no exception. In the past, the Wisconsin Legislature has declared certain areas of regulation to be of "state-wide concern" and preempted local regulation. Examples include the regulation of smoking, landlord-tenant relations, and network transportation companies.

In the case of electric scooters, this would be unwise. Electric scooters are an emerging technology for which best practices are not yet clear. The urban areas where electric scooters could be used are as diverse as Milwaukee, Superior, and La Crosse. Local and county governments should not be preempted from further regulating electric scooters!

I am encouraged that Rep. Kuglitsch has offered Assembly Amendment 1 to this bill, recognizing that municipalities and counties may enact additional regulations on electric scooters as they do for bicycles, for example pertaining to operation on sidewalks, and in five additional areas. The amendment shows me that at least some in the Assembly recognized the diversity of potential needs to further regulate these vehicles. Please take care to avoid tying the hands of localities to address unique local issues in a misguided effort to provide a "level playing field". One size does **not** fit all in this area!

I urge you to recommend passage of Assembly Bill 159 to the entire Assembly in a form that recognizes these two concerns, that electric scooters should not be conflated with electric bicycles, and that local regulators have free hand to deal with unique and emerging issues. Thank you again for your kind attention. I welcome any questions you may have now or for later staff follow-up at [Steve.Arnold@Fitchburg.WI.US](mailto:Steve.Arnold@Fitchburg.WI.US).