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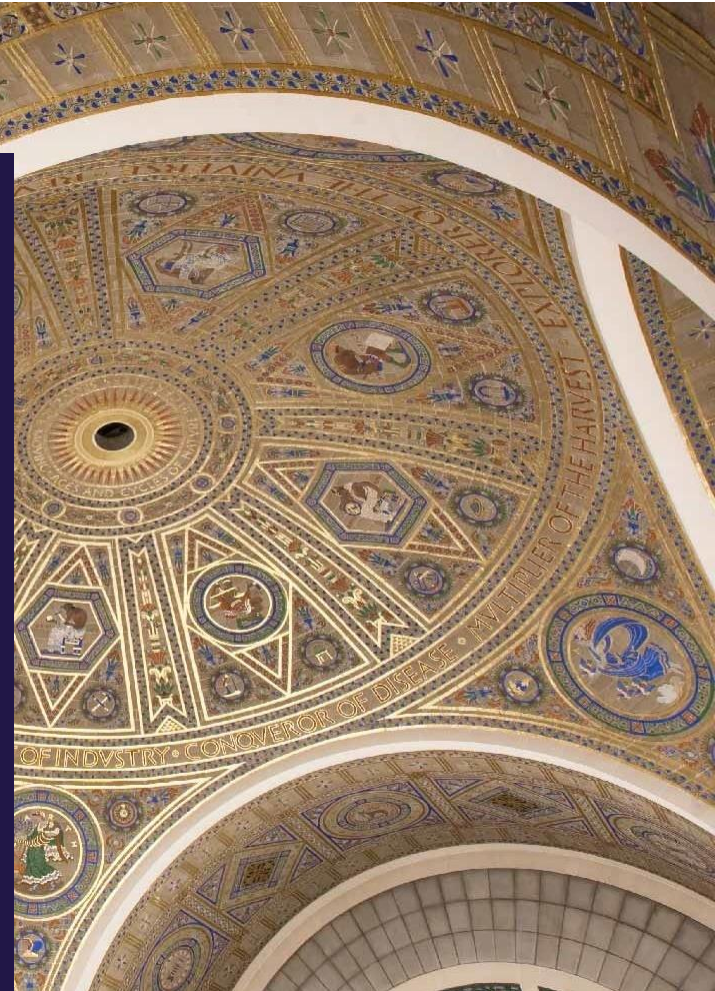
Sciences
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TRB TRANSPORTATION RESEARCH BOARD

TRB Webinar: Legal Insights for Micromobility Integration

June 18, 2025

1:00 – 2:30 PM



PDH Certification Information

1.5 Professional Development Hours (PDH) – see follow-up email

You must attend the entire webinar.

Questions? Contact Andie Pitchford at TRBwebinar@nas.edu

The Transportation Research Board has met the standards and requirements of the Registered Continuing Education Program. Credit earned on completion of this program will be reported to RCEP at RCEP.net. A certificate of completion will be issued to each participant. As such, it does not include content that may be deemed or construed to be an approval or endorsement by the RCEP.



AICP Credit Information

1.5 American Institute of Certified Planners Certification Maintenance Credits

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Log into the American Planning Association website to claim your credits

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CLE Credit Information

1.25 Continuing Legal Education Credits from the American Bar Association

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See email following webinar for the certificate to provide to your board

Purpose Statement

This webinar will examine the legal and regulatory challenges associated with transit agencies providing or subsidizing micromobility options. Presenters will offer guidance based on TCRP Legal Research Digest 61: Transit Agencies Providing or Subsidizing Innovative Micromobility Projects: Legal Issues, addressing key topics such as liability, accessibility, safety, and compliance.

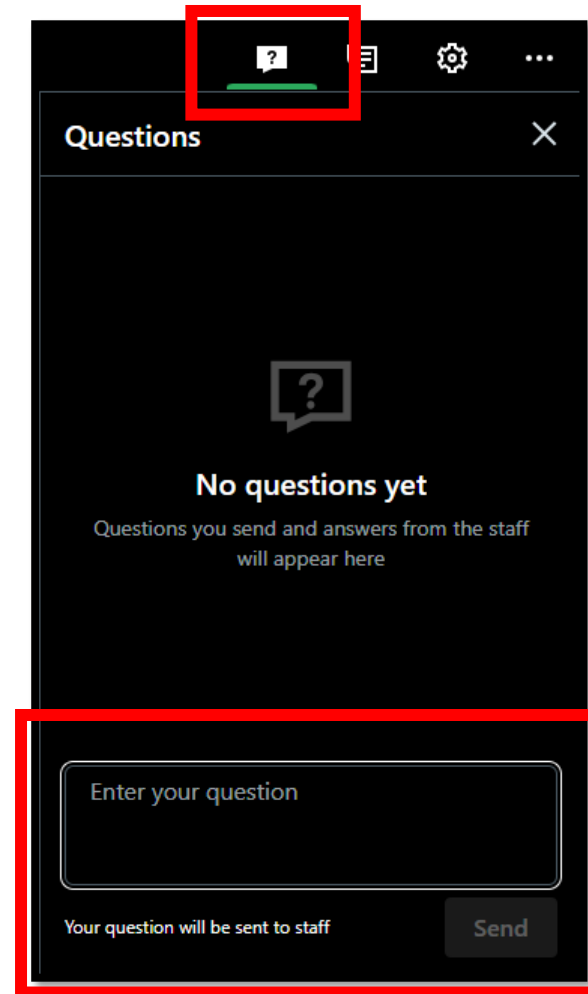
Learning Objectives

At the end of this webinar, you will be able to:

- (1) Identify key legal considerations transit agencies must address when providing or subsidizing micromobility programs
- (2) Describe the roles of federal, state, and local governments in regulating micromobility and the implications for transit agencies
- (3) Evaluate regulatory frameworks and enforcement mechanisms that influence micromobility integration with public transit

Questions and Answers

- Please type your questions into your webinar control panel
- We will read your questions out loud, and answer as many as time allows



The screenshot shows a dark-themed 'Questions' panel. At the top, a red box highlights a question icon (a speech bubble with a question mark) next to a list icon, a settings gear, and a menu icon. The panel title 'Questions' is on the left, and a close button 'X' is on the right. The main area contains a large question mark icon, the text 'No questions yet', and a subtitle 'Questions you send and answers from the staff will appear here'. At the bottom, another red box highlights the input area, which includes a text box with the placeholder 'Enter your question', the text 'Your question will be sent to staff', and a 'Send' button.

A photograph of two people riding white Citi Bike bicycles on a city street. The bicycles have blue accents and the 'citi bike' logo. The riders are wearing dark jackets and pants. The background shows a city skyline with buildings and a body of water. A semi-transparent dark rectangle is overlaid on the image, containing the main title text.

Legal Insights for Micromobility Integration

TRB Webinar
Wednesday, June 18, 2025

Matthew W. Daus, Esq.



- **Former Commissioner/Chair/CEO & General Counsel, New York City Taxi & Limousine Commission (TLC)**
- **President, IATR**
 - *International Association of Transportation Regulators* www.iatr.global
- **Transportation Technology Chair, CUNY-UTRC, CCNY**
 - *University Transportation Research Center, City University of New York at The City College of NY* www.utrc2.org
- **Partner & Chairman, Transportation Practice**
 - *Windels Marx Lane & Mittendorf, LLP* www.windelsmarx.com
- **Transportation Research Board**
 - *Former-Co-Chair, Legal Committee for Shared AVs/CVs*
 - *TRB/US DOT Delegate, US-EU Symposium, Socio-Economic Impact of Avs*
- **New York City Bar Association**
 - *Chair, Transportation Law Committee*
 - *Co-chair, Task Force on Digital Technologies, Electronic Mobility Services subcommittee*

Contact: mdaus@windelsmarx.com 646-261-1590



Our Webinar Presenters/Speakers Today



Matthew W. Daus, Esq.
*Founder & Chair, Windels Marx
Transportation Practice Group*



Breanne Injeski
*Special Counsel, Windels Marx
Transportation Practice Group*



Juan Martinez
*Associate, Windels Marx
Transportation Practice Group*

Breanne Injeski



- **Special Counsel, Windels Marx Transportation Practice Group**
- **Member: Committee on Professional Ethics, New York City Bar Association**
- **Former Deputy General Counsel, Ethics Officer & Disciplinary Trial Advocate, Office of the New York City Comptroller**
- **Former Enforcement Attorney, NYC Conflicts of Interest Board**

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Juan Martinez



- Associate, Windels Marx Transportation Practice Group
- ITE Certified Roadway Safety Professional (RSP1)
- Board Member: Open Plans, Vision Zero Network, Parks & Trails NY
- Former Senior Advisor for Legislative Affairs, New York City Hall
- Former Director of Traffic Operations Policy, NYCDOT
- Former General Counsel, Transportation Alternatives

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Ben Listman, Moderator

(Webinar Coordinator/Administrator)



- Senior Regulatory/Mobility Analyst, Windels Marx Transportation Practice Group
- *Member:* Manhattan Community Board 2 Transportation Committee
- NYU Robert F. Wagner Graduate School of Public Service, *Masters of Urban Planning*

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Today's Topic:

Transit Agencies Providing/Subsidizing Innovative Micromobility Projects

- TCRP Legal Research Digest 61
- Aims to determine legal issues/guidance for transit agencies to implement micromobility modes effectively, equitably, & safely, in compliance with applicable laws
- Topics
 - Regulating Micromobility
 - Risks and Challenges
 - Mitigating Risk
 - Accessibility
 - Equity & Environmental Justice
 - Data Privacy
- For public agencies: Legal landscape roadmap
- For community: Inform advocacy efforts



<https://tinyurl.com/dvbpra4h>

TRB Volunteer Work, Projects/Reports & Experience

- **Reports**

- TRCP LRD 59, *Legal Issues and Emerging Technologies*
- TCRP LRD 61, *Transit Agencies Providing or Subsidizing Innovative Micromobility Projects: Legal Issues*

- **Current Committees**

- Member, AP055 Standing Committee on Rural, Intercity Bus, and Specialized Transportation
- Member, AP055(4) Subcommittee on Intercity Bus Transit
- Member, International Coordinating Council

- **Former Committees**

- Member, AP060 Standing Committee on Paratransit
- Member, AP020 Standing Committee on Innovative Public Transportation Services and Technologies

- **Projects, Forums, Panels**

- ACRP Project Panel on ACRP Insight Event--The Uberization of Business Aviation
- Member, Forum for Automated Vehicles and Shared Mobility
- Planning Committee Member, International Demand Responsive Transportation Conference
- Member, Forum on Preparing for Automated Vehicles and Shared Mobility
- Member, TRB/AAMVA Project Panel on Demographic and Technological Trends Impacting the DMV of the Future



The Windels Marx Transportation Practice Group: *Our Experience & Qualifications*

- **Transportation Technology & Innovation**

- Full-service “Start-Up” Representation
- Mobile Apps, Terms of Service, Licensing
- Intellectual Property - Data & Privacy

- **Mobility Consulting – Government & Private**

- Regulation Drafting, Studies & Reports
- Stakeholder Management & Navigation
- Business & Policy Strategy

- **Government Contracts & Grants**

- Electric Vehicle (EV) Grants & Financing
- Procurement – Bid Assistance & Disputes
- Public-Private Partnerships

- **Regulatory Counselling & Monitoring**

- Federal, State & Local Licensing
- Rulemaking & Legislative Analysis
- Regulatory Compliance



Prior Related Work/Legal Digest: *Legal Issues & Emerging Technologies*

- TCRP Legal Research Digest, Oct 2022
- Aims to provide transportation attorneys with guidance and resources for legal changes
- Examines:
 - Regulatory challenges
 - Liability & risk management
 - Cybersecurity
 - Data Privacy
 - ADA & civil rights
 - Labor and employment
 - Procurement
- Explores the potential benefits of technological advancements, including cost reduction, safety improvement, enhanced mobility, and greater efficiency
- 2023 Webinar: <https://vimeo.com/834744785>

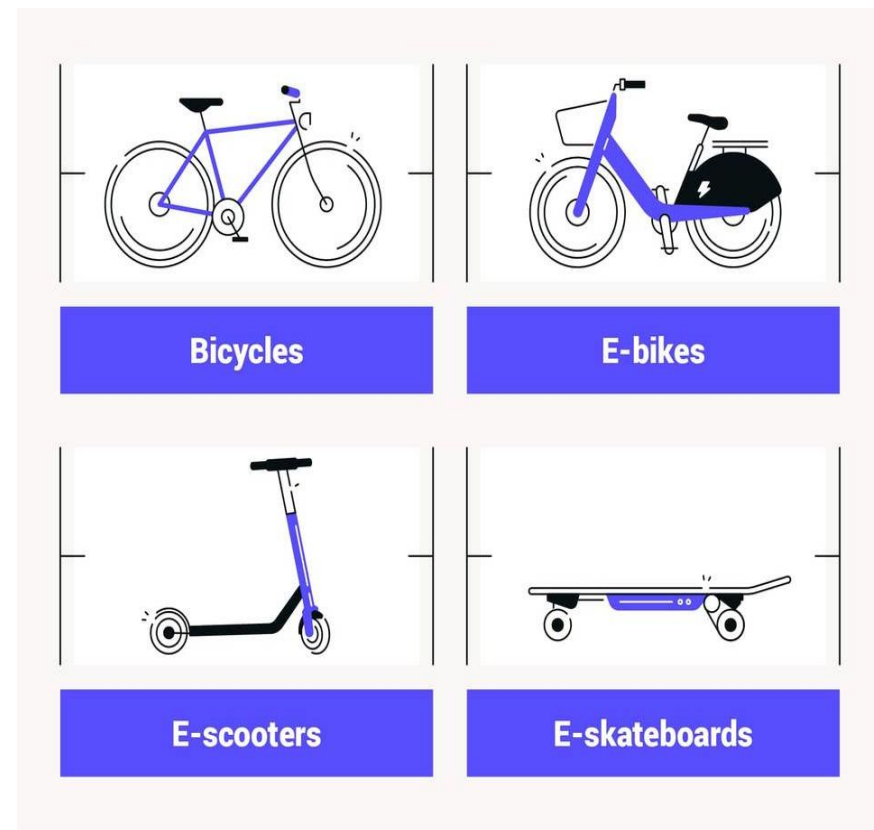


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Regulatory Landscape

What is Micromobility

- Small, lightweight vehicles for short urban trips (e.g., e-scooters, e-bikes)
- Typically <15 mph and <100 lbs
- Shared & privately owned
 - Shared services are primary regulatory focus
- Cost-effective, flexible for urban trips, first & last mile
- Reduces GHG emissions and car use
- Driven by new tech, VC investment, unmet local mobility needs



Brief History

- Began with bike-share pilots in early 2010s
- E-scooters: 2017+, private startups
- Initial rollout outpaced regulation → backlash; cities scrambled to respond
- Shift to structured permit/ pilot systems
- Now part of transport strategy/ long-term planning



Ridership Trends

- **2023: 157M U.S. trips (NACTO)**
 - Sharp rebound post-COVID
 - Scooters: 69M
 - Docked bikes: 81M
 - Dockless e-bikes: 7M
- **Citi Bike: 45M+ trips in 2024**
- **First/last mile and short local trips dominate use cases**
 - 1–3 mile trips
- **Increasingly integrated with public transit through station siting and discounts**



Why Regulate?

- **Ensure safety (riders, pedestrians, others)**
 - Especially in dense areas
- **Clarify legal status in local codes**
 - Reduce liability risks for cities and operators
- **Manage public right-of-way use**
 - Sidewalks, curbs, bike lanes
- **Advance goals around sustainability, underserved communities, multimodal access**
- **Support broader transport planning**



Federal Role – Limited Scope



- No unified federal framework specific to shared micromobility
- NHTSA regulates motor vehicles under FMVSS (Federal Motor Vehicle Safety Standards) - excludes most micromobility
- CPSC oversees consumer product safety (e.g., batteries)
- Can issue recalls/safety alerts
- Federal focus = product safety, not street operations or permits
- State/local governments handle most operational rules

Federal Role – Funding



- **Transportation Alternatives Program (TAP) – FHWA**
 - Supports bike infrastructure, shared micromobility planning, safe routes to school, mobility hubs
 - Can fund capital projects like docks, signage, and bike lanes
- **Congestion Mitigation and Air Quality (CMAQ) – FHWA**
 - Funding eligible for bikeshare system start-up and expansion, especially when reducing car trips
 - Includes fleet acquisition, equipment, and some operating support
- **Rebuilding American Infrastructure with Sustainability and Equity (RAISE) – USDOT**
 - Large competitive grants for capital projects, including complete streets and multimodal corridors
 - Can include micromobility infrastructure as part of a larger urban mobility project
- **FTA's Urbanized Area Formula Grants (5307) and Flexible STP Funds**
 - Micromobility can qualify if integrated into transit systems
 - Planning studies and first/last-mile enhancements are eligible
 - Can be used for bike parking, docks, or smart integration tools
- **FTA's Pilot Program for Transit-Oriented Development (TOD) Planning**
 - For cities exploring station-area planning
 - Supports integration of micromobility into multimodal hubs and last-mile access
- **Safe Streets and Roads for All (SS4A) – USDOT**
 - Funds safety action plans and infrastructure projects addressing roadway deaths and serious injuries
 - Strong opportunity for funding protected bike lanes, speed management, and mobility equity initiatives
- **Carbon Reduction Program – FHWA**
 - Supports low-emission transportation modes
 - Can be used for bike/scooter infrastructure or shared micromobility programs

State Legal Authority

- **States define traffic code, safety rules, helmet laws, areas of operation (sidewalks, roads)**
 - Often determines if cities can regulate locally (preemption vs municipal delegation)
- **Some states pass enabling laws for local programs**
 - Others silent or restrictive — legal uncertainty slows innovation
- **Clarity helps deployment**

New Jersey's
MUNICIPAL REGULATIONS
On Micromobility Devices

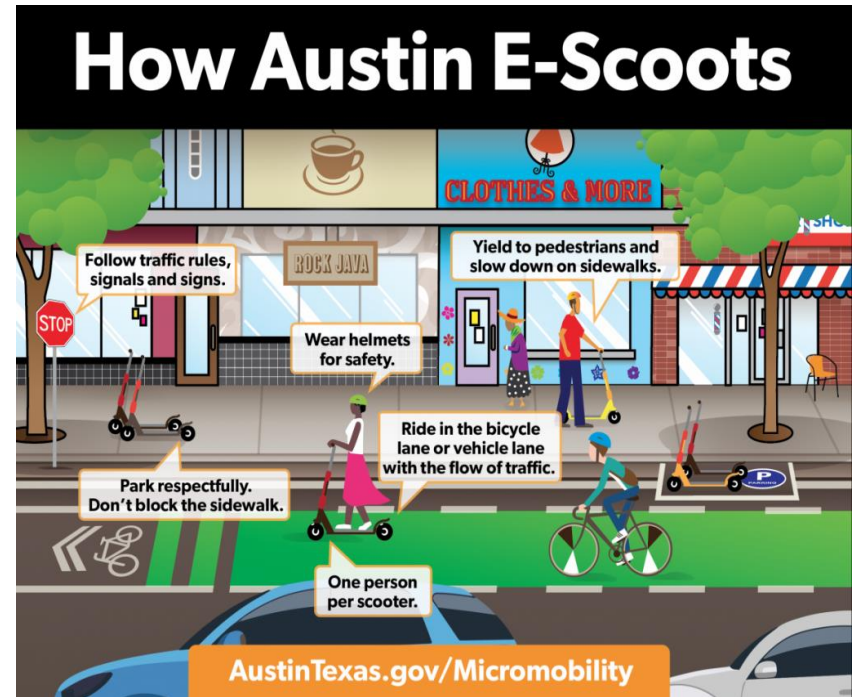


Every municipality has their own regulations for some or all micromobility devices, including whether they permit them on local sidewalks, pedestrian plazas, boardwalks, and shared-use paths.

National Bicycle Safety Month with NJDOT

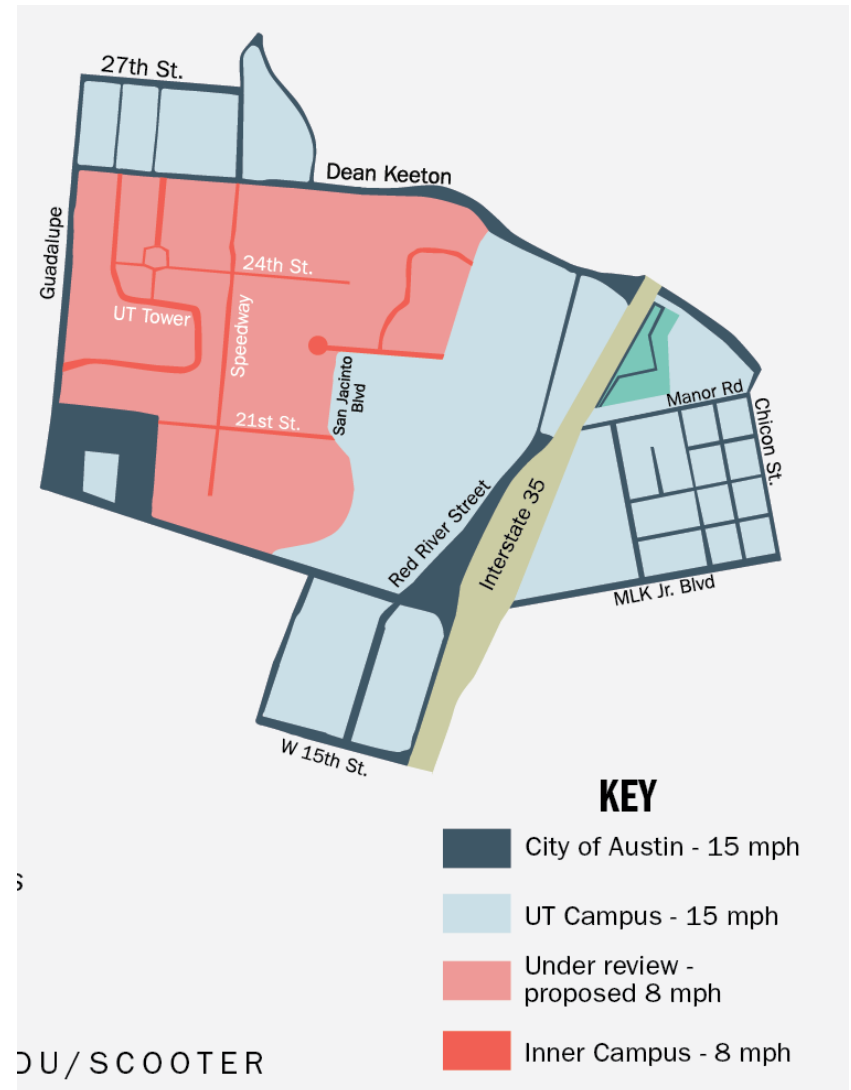
Local Regulation Areas

- Permit systems: control vendor count, fleet size, fees, service area
- Rules for parking (dockless vs docked), riding zones, slow/no-go areas
- Local speed limits, helmet mandates, sidewalk riding bans
- Tools for inclusive planning: rebalancing requirements, priority zones, discount programs
- Data-sharing mandates for oversight, enforcement, and planning



Local Policy Trends

- Moving from pilots to permanent programs
- RFPs & scoring for vendor selection
 - Performance-based renewals tied to safety, inclusive planning, climate goals, complaints
- Target zones & service mandates (disadvantaged/ underserved communities)
- GPS tools: slow zones, no-ride areas
- Real-time monitoring emphasis
- Cities seek balance between flexibility and consistent baseline standards



Regulatory Landscape Summary

- **Micromobility is now mainstream — but regulatory patchwork persists**
 - Cities/states lead regulation
- **Innovative local models**
 - Local programs as policy labs: access, sustainability, safety
- **Key issues:**
 - Safety
 - Access
- **Regulatory Challenges:**
 - Standardization
 - Enforcement
 - Vendor accountability
- **Future needs:**
 - Clearer state laws
 - Interagency coordination
 - Tech integration



Risks & Risk Mitigation

Public Safety Risks

- **Crash rates rising for scooters/bikes**
 - Often w/ motor vehicles or pedestrians
- **2023: 87,800 ER visits from micromobility**
 - Collisions, falls
- **E-bike injuries: 751 (2017) → 23,493 (2022)**
- **E-scooter injuries: 8,566 (2017) → 56,847 (2022)**
- **Improper riding (e.g., sidewalk use, wrong-way travel, low helmet use) increases injury risk**
- **Trip hazards from cluttered sidewalks or fallen devices**



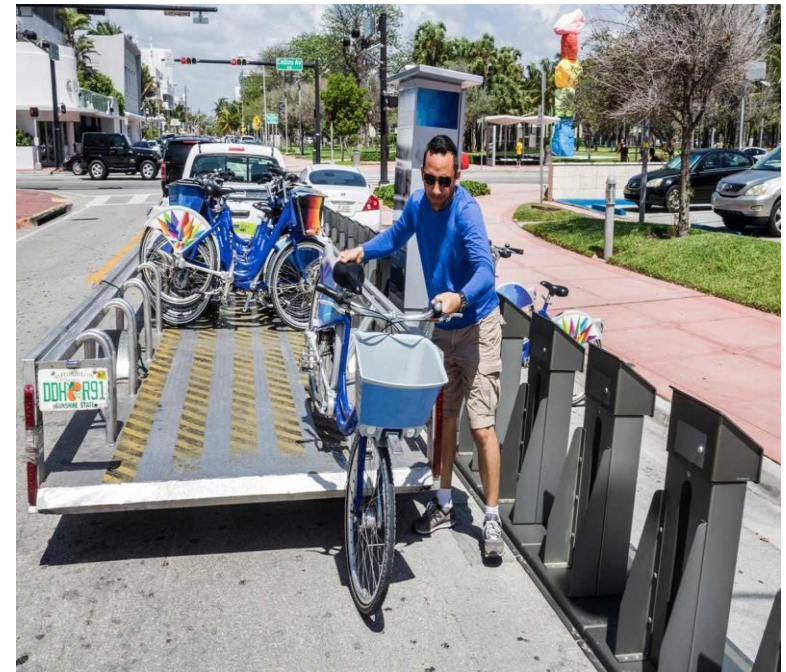
Battery Risk / Fires

- Li-ion battery fires a growing concern
- Main causes: overcharging, poor storage, tampering, substandard parts
 - Unregulated imports often lack safety testing or labels
- NYC: dozens of deaths reported
- Local laws (e.g., UL certification)
 - UL 2272 = electrical/fire safety standard for hoverboards and scooters
 - UL 2849 = battery/electrical safety standard for e-bikes
- 2023 NYC law: fines for noncompliance



Market Entry Controls

- City caps on vendors via RFPs
- Permit selection based on safety, tech standards, fair access, and past performance
- Renewals based on performance metrics
 - May be required to meet service benchmarks to expand
- Fleet required in priority areas
- Rebalancing ensures even service
 - Example: 30% of fleet must be available in designated target zones at peak hours



Safety Reg Examples

- Mandated features: front/rear lights, reflectors, bells, dual brakes
- Speed governors/ geofencing for speed/ no-riding zones (parks/ campuses)
- Maintenance logs and fleet inspection policies often required
- In-app safety tutorials, helmet giveaways
- Parking rules: docks or zones



Enforcement Tools

- Performance measures track compliance
- Cities issue fines or suspend permits for repeated violations
- Operator liable for rider misconduct
- App-based parking photos used to verify compliance
- Dashboards flag issues
 - Real-time fleet data enables spot checks and route tracking
- Community reporting tools (e.g., 311) used to track complaints



Insurance Requirements

- Cities require vendors to carry general liability insurance (often \$1M+ coverage)
- Some require cyber liability insurance or workers comp for rebalancing teams
- Rental agreements ≠ rider coverage
 - Rider insurance usually not provided — liability waived in app terms
- No national insurance standard
 - Enforcement can be weak if policy documents not routinely reviewed



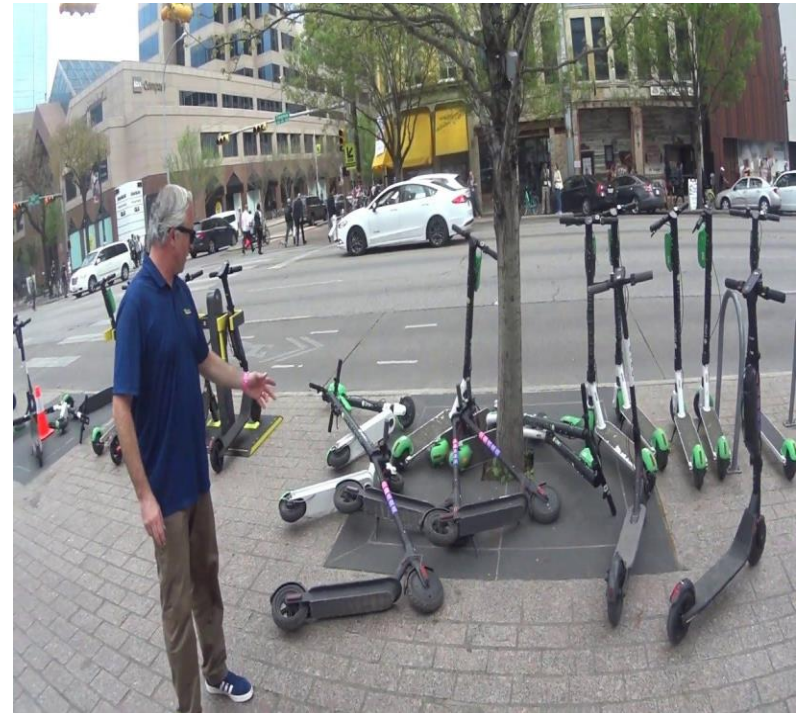
Indemnity + Waivers

- Cities often require vendors to indemnify them in case of lawsuits
- Waivers in app terms release operator liability in crashes or injuries
 - Binding arbitration clauses common
- 3rd parties can still sue companies



Risk Mitigation Takeaways

- Cities using layered approach: entry caps, tech rules, insurance, enforcement
- Safety tailored to local/device context
- Regulations growing stricter (e.g., fires)
 - Battery and fire safety gaining urgency with high-profile incidents
- Collaboration needed to reduce risk
 - Enforcement relies heavily on real-time data and local staff
- Balance access vs liability



Access Considerations

Accessibility Basics

- **Micromobility devices & services may be considered “public accommodations”**
 - Therefore, ADA & Rehab Act apply
 - Title II of ADA = requires state and local gov’t services to be accessible
- **Common issues: infrastructure siting and digital access**
 - Adaptive access, app barriers
- **Blocking sidewalks becomes legal risk**



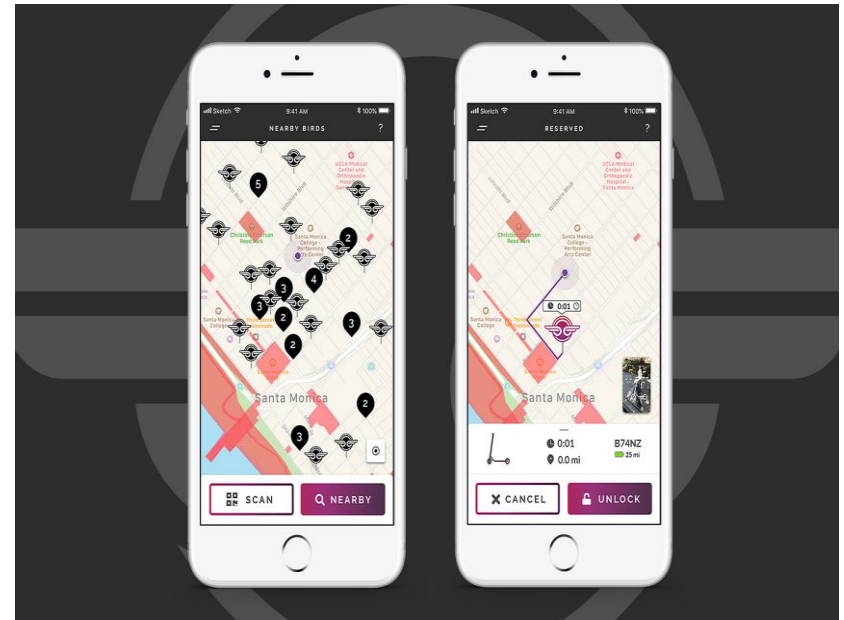
Applying ADA to Micromobility

- All users must have access
- Lack of adaptive bikes/scooters (e.g., handcycles, trikes) limits inclusion
- ADA applies to private vendors too
- Some pilots offer concierge access
- Cities facing lawsuits over access
 - Obstructive parking can block sidewalks, curb ramps, and access zones
- Liability questions: who's responsible — vendor or city?
 - Legal guidance still evolving; few court cases but growing concern



App + Tech Accessibility

- **ADA covers digital interfaces**
 - Most cities don't test for compliance or require accessibility in contracts
- **WCAG 2.1 standards = web accessibility benchmark (screen readers, color contrast, navigation)**
 - Few apps meet WCAG 2.1 AA
- **Issues: no screen readers, poor contrast, small font sizes, limited language options, payment via card only**
- **App access = broader service inclusion goal**



City-Level Responses

- Some cities require adaptive micromobility or alternative booking access in permit RFPs
- Work with disability advocates to improve devices, app interface, programs
- Pilots for adaptive devices
- Enforcement of no-blocking rules tied to ADA compliance
 - Report tools for blocked sidewalks



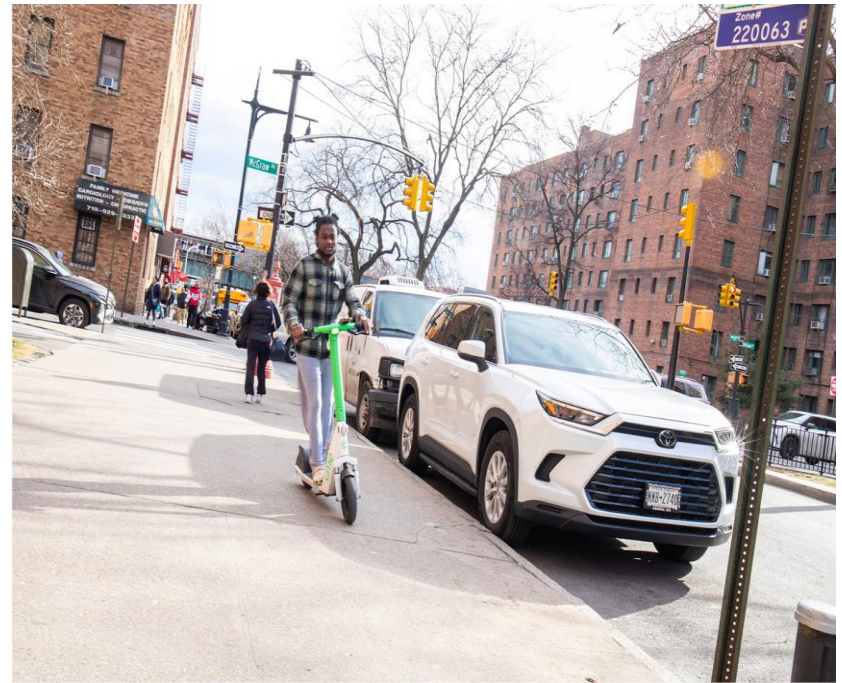
Accessibility Programs in Action

- **Portland: Adaptive BIKETOWN uses manual trikes, recumbent bikes, cargo bikes**
 - Concierge service for reservations and assisted hand-offs
- **San Francisco: SFMTA requires bike-share stations to comply w/ accessibility siting**
 - Sidewalk clearance audits and complaint-driven enforcement
- **NYC: adaptive scooters required**
- **LA, DC testing concierge services**



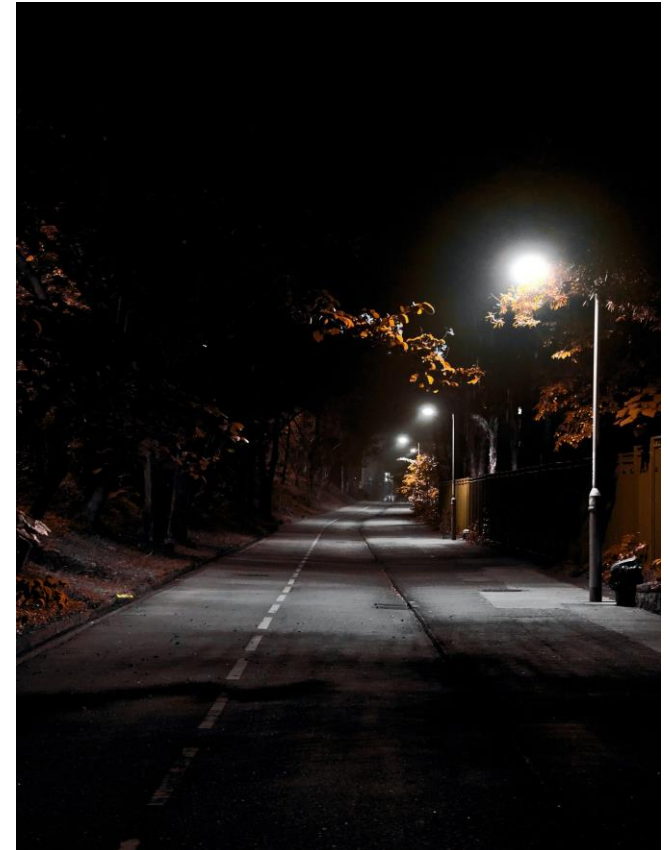
Community Benefit Goals

- Community benefit = fair distribution of mobility access, safety, affordability
- Aims to serve low-income, and unbanked, underserved communities
- Cash payments, call-in options
- Tech/infrastructure access
- Environmental justice lens emerging
 - Air quality, street safety



Community Benefit Challenges in Practice

- **Operators focus on profitable zones**
 - Cluster in wealthier, central areas
- **Smartphone gaps exclude users**
 - Few cash or prepaid options — credit required for registration
- **Low-lit or high-crime areas may discourage night use**
 - Safety disparity
- **Weak permit enforcement**
- **Discounts underused without outreach**
 - Community engagement sometimes lacking in program design



Community Benefit Plans in Action

- **Target zones, scorecards in RFPs**
 - Permit scoring = points assigned for proposed service plans, safety, access, innovation
- **Fleet quotas by zip code - rebalancing**
- **Service requirements by time/location**
- **SNAP & public housing discounts**
 - SNAP = Supplemental Nutrition Assistance Program
 - NYC Citi Bike discounts for NYCHA (NYC), JCHA (Jersey City), HHA (Hoboken) public housing residents
- **Community engagement & reporting**
 - Outreach includes multilingual campaigns, community advisory boards
- **Data reporting required to monitor compliance**

Equity on two wheels

Get around the city for less with the Citi Bike Discount program!

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- Unlimited 45-minute classic rides
- E-bikes at \$0.12/min
- No unlock fees
- Free guest passes

Eligibility

- NYCHA Residents
- SNAP Recipients
- 16+

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Final Takeaways – Access Considerations

- Accessibility and community benefits now integral to permit design and enforcement
- Legal/reputation risks rising
- More robust rider protections, tech inclusion, and fleet rebalancing needed
- Plans need data, partnerships, resources
- Access must be built into every stage: design, operations, outreach



Transit Agency Checklist

Transit Agency Checklist for Micro-Mobility Partnerships (Risk Mitigation & Compliance)

1. Local Authority & Enabling Legislation

1. Confirm legal authority to operate or contract for shared mobility services under municipal or state law
2. Assess land use and right-of-way (ROW) control for bike racks, parking zones, or docking stations
3. Review zoning and traffic ordinances to determine if amendments are needed for scooter/bike operations on streets, sidewalks, or trails

2. Public Procurement & Contracting

1. Ensure competitive procurement of vendors through RFP, RFQ, or public bidding processes
2. Draft clear performance-based contracts defining metrics, responsibilities, and penalties
3. Include termination clauses and public interest provisions in operator agreements

3. Liability & Risk Management

1. Define indemnification responsibilities between the agency and the operator (*e.g.*, operators must hold harmless the agency for third-party claims)
2. Require comprehensive insurance coverage (*e.g.*, general liability, bodily harm, property damage, cyber, E&O)
3. Establish protocols for crash investigations and third-party claims handling

4. Traffic & Vehicle Law Compliance

1. Verify devices comply with vehicle code definitions (*e.g.*, bicycles, e-scooters)
2. Establish local ordinances for where devices can operate and park (*e.g.*, sidewalks, bike lanes)
3. Set speed limits and operational rules (*e.g.*, helmet use, age limits)



Transit Agency Checklist

5. Safety Standards & Enforcement

1. Establish safety requirements for devices (brakes, lights, reflectors, maintenance)
2. Mandate operator training or education for users (*e.g.*, in-app tutorials)
3. Collaborate with law enforcement on enforcing rules of the road and theft prevention

6. Data Sharing & Privacy

1. Define data sharing requirements for trip data, usage reports, and maintenance logs
2. Ensure user data privacy by complying with applicable laws (*e.g.*, state privacy statutes)
3. Clarify data ownership and acceptable uses of shared information

7. Cybersecurity

1. Require data systems to be secure from breaches and misuse
2. Establish protocols for breaches

8. Parking & ROW Management

1. Set parking standards to prevent obstruction of sidewalks, driveways, and ADA access points
2. Designate no-parking or preferred-parking zones using geofencing or signage
3. Define enforcement powers and penalties for improper parking or device dumping



Transit Agency Checklist

9. ADA and Accessibility

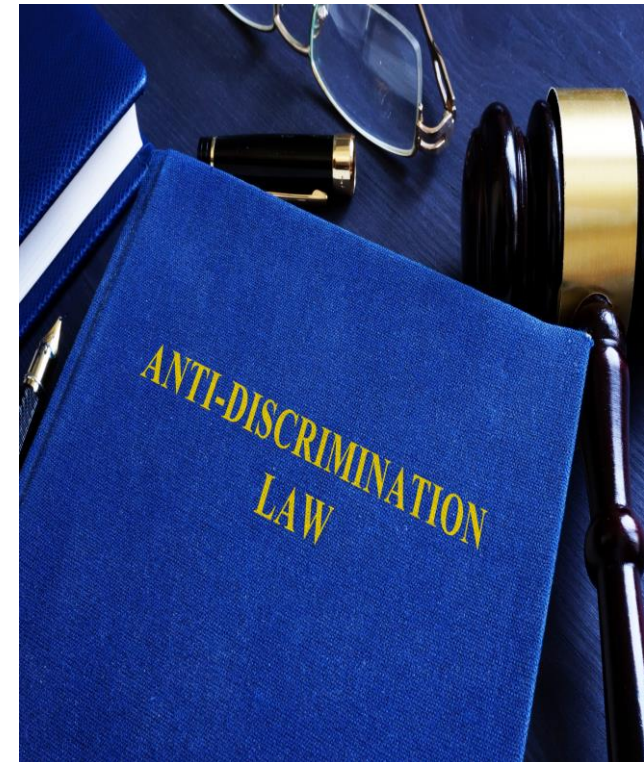
1. Evaluate access to shared mobility for people with disabilities, including adaptive devices or call-based services
2. Ensure equitable program design that doesn't exclude individuals without smartphones or credit cards

10. Non-Discrimination

1. Implement pricing or access programs for low-income or unbanked users
2. Distribute devices equitably across different neighborhoods, not just high-demand areas.
3. Provide multilingual user support and interfaces

11. Public Engagement & Transparency

1. Conduct public outreach before implementation to address community concerns
2. Hold public hearings or workshops if required by local law
3. Publish program goals and performance metrics regularly



Transit Agency Checklist

12. Environmental Review & Compliance

1. Determine if environmental impact review (*e.g.*, NEPA or state equivalents) is required
2. Ensure device disposal and battery recycling complies with environmental regulations
3. Include end-of-life disposal in contracts

13. Intergovernmental Coordination

1. Coordinate with state DOTs, local public works, law enforcement, and transit agencies
2. Review franchise or permitting requirements that apply at state or county level
3. Ensure compliance with federal transportation or funding rules if federal dollars are involved



Thank You! Any Questions?



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Upcoming events for you

June 25, 2025

[TRB Webinar: Quantifying the Impacts of Delayed Maintenance of Airport Assets](#)

July 8, 2025

[TRB Webinar: Improving Airport Curbside and Roadway Operations](#)

<https://www.nationalacademies.org/trb/event>

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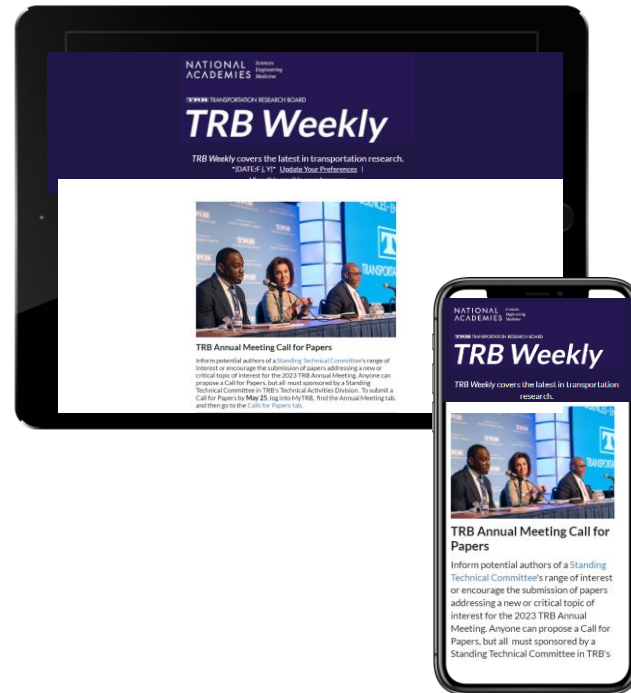


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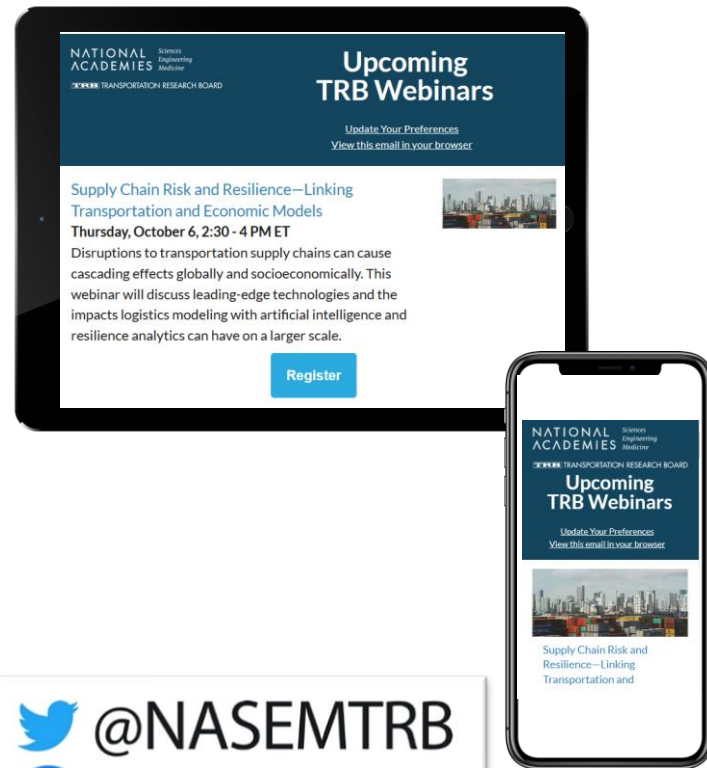
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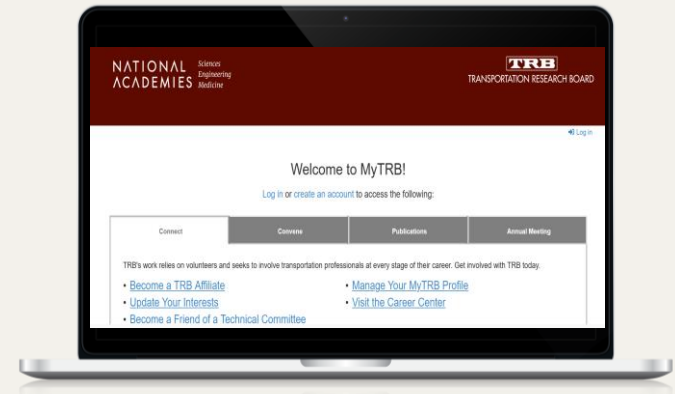
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