



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 190321

Introduced April 25, 2019

Councilmember Squilla and Council President Clarke

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Amending Chapter 12-900 of The Philadelphia Code, entitled "Parking Regulations and Penalties," by adding a new Section 12-918.1, entitled "Parking for Flexible-Park Auto Sharing Organizations," to provide for exemption from certain parking regulations for flexible-park auto sharing organizations, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 12-900 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 12-900. PARKING REGULATIONS AND PENALTIES

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12-918.1. Parking for Flexible-Park Auto Sharing Organizations: Pilot Program.

(1) The term "Flexible-Park Auto Sharing Organization" or "Organization" shall mean an Auto Sharing Organization, within the meaning of § 12-918, that does not require its members to return a vehicle to the location from which the vehicle was first obtained and that allows its members to return a vehicle to any lawful parking space as permitted pursuant to this Section.

(2) The provisions of this Section 12-918.1 shall apply only within the following Service Area, including both sides of any bounding street: The area bounded by East Somerset St.; Belgrade St.; East Lehigh Ave.; Kensington Ave.; East Hagert St.; Emerald St.; East Boston St.; Coral St.; North Front St.; Amber St.; East Norris St.; Frankford Ave.; East Oxford St.; West Oxford St.; North American St.; Master St.; North 6th St.; Diamond St.; North 17th St.; Cecil B.

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Moore Ave.; North 33rd St.; West Girard Ave.; Parkside Ave.; Belmont Ave.; North 44th St.; Haverford Ave.; North 46th St.; Farragut Street; Chestnut St.; South 50th St.; Springfield Ave.; South 51st St. (extended); Botanic Ave.; South 49th St. (extended); Schuylkill Ave.; Reed St. (extended); Schuylkill Expressway; South 26th St.; Constitution Ave.; South 16th St. (extended); the Delaware River; League Island Blvd. (extended); South Broad St.; Delaware Expressway; East Oregon Ave. (extended); the Delaware River; and East Somerset St. (extended).

(a) The Department may exclude from these boundaries any streets where the Department determines that inclusion would impede the free flow of traffic, the availability of parking, or public safety. The Department shall use its best efforts to exclude only those streets mutually agreeable to the Department and the organization, and, absent an emergency, only after thirty (30) days' notice to the organization.

(b) The Department may further exclude from these boundaries any streets, upon request by the organization for business or efficiency reasons. The Department shall grant any such request unless the Department finds that the exclusion would lead to an unreasonably inequitable provision of service, or otherwise would be inconsistent with the purposes of this Section.

(c) The Department may expand the boundaries of the Service Area, upon request by the Organization and a determination by the Department that expansion will promote transportation flexibility, reduce congestion or improve the equitable provision of service.

(3) A vehicle registered to a flexible-park auto sharing organization shall be exempt from the following parking regulations, so long as the organization is in substantial compliance with the provisions of subsection (4), below ("Required agreement"), and so long as the vehicle is in compliance with the provisions of subsection (6), below ("Vehicle requirements"):

(a) Maximum parking limits of one-half (1/2) hour or more, except in zones reserved for designated purposes, such as loading zones.

(b) Parking meter or parking kiosk payments.

(4) Required agreement. A flexible-park auto sharing organization must execute, and be in substantial compliance with, an agreement between the organization and the Department, in order to take advantage of the exemptions set forth at subsection (3), above. Such an agreement shall provide for:

(a) Quarterly payment of a meter revenue offset fee, calculated as follows:

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(.1) For the first year of the pilot period provided for in subsection (10), below: \$500 per car per year.

(.2) For any year thereafter, the Organization shall provide to the Department, on an agreed-upon schedule and in an agreed-upon format, data reflecting actual time parked, per car, at pay-parking spaces, for which no payment was made, and the amount of foregone revenue resulting therefrom. The Organization shall remit an amount equal to such foregone revenue, on an agreed-upon schedule, but no less frequently than quarterly, plus an annual administrative fee of up to \$100 per car, to be established by the Department to cover reasonable administrative costs. The Department shall have the right to audit the provided data and to require payment of any underpayment, plus an agreed-upon penalty, within thirty (30) days of any determination of underpayment. The Department will provide a credit to the Organization for any overpayment.

(A) The Organization shall not be responsible for payment on account of any new pay-parking spaces established after the execution of the agreement required by this subsection (4), unless the Department has provided to the Organization at least thirty (30) days' advance notice of the establishment of any such new space.

(B) After review of the data provided pursuant to subparagraph (.2), the Department may establish a quarterly fee by regulation, in an amount that approximates the average foregone revenue, per car, plus a reasonable administrative fee, not to exceed \$100 per car. The Department may modify such quarterly fee, at any time, by further regulation.

(b) A maximum fleet size, as determined by the Department to maximize public benefit. Such maximum shall be no less than 300 vehicles and no more than 500 vehicles.

(c) Commitment by the organization to use its maximum reasonable efforts:

(.1) To maintain a fleet of vehicles reasonably and equitably dispersed throughout the Service Area.

(.2) Not to allow any individual vehicle to remain parked on any block for more than forty-eight (48) consecutive hours.

(.3) Not to allow its vehicles to be parked in violation of applicable parking regulations, except those for which an express exemption is provided for in this Section.

(d) Commitment by the organization that all vehicles in its fleet:

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(.1) *Shall maintain current Pennsylvania registration, registered to a Philadelphia address.*

(.2) *Shall be in compliance with the Pennsylvania Vehicle Code, including applicable inspection and insurance requirements.*

(e) Commitment by the organization that:

(.1) *Members of the organization will not be required to furnish or maintain a credit card.*

(.2) *Its pricing schedule will not change with less than seven days' notice, posted on its website. Pricing for vehicle usage may vary according to time and day of usage.*

(.3) *It will comply with all local license and tax requirements, including but not limited to the Vehicle Rental Tax set forth at Chapter 19-3300.*

(.4) *It will timely pay all parking tickets, red light camera tickets, automated speed enforcement tickets, and any other automated traffic enforcement tickets incurred by its members, subject to the right of the organization to dispute any such tickets pursuant to Section 12-2806 ("Answer") or 12-3009 ("Request for a Hearing").*

(.5) *It will provide to the Department, on a continuous basis, the license plates of all vehicles in its fleet. Any vehicle for which the license plate number is not provided to the Department shall not be entitled to any of the parking privileges set forth in this Chapter or in any agreement.*

(.6) *It will provide to the Department, on at least a semi-annual basis, or on such more frequent basis as the Department shall require, such data regarding vehicle usage and location, as required by the Department, primarily to determine the effect of the program on traffic congestion and mitigation.*

(.7) *It will cooperate with the Department in the event of a weather or other emergency, including but not limited to by clearing its cars from such locations as determined by the Department.*

(f) *Regular meetings, no less frequently than every two weeks, between the Department and the organization, to address ongoing concerns of either the Department or the organization.*

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(g) *Such reasonable penalties as the Department, in its discretion, determines are appropriate for violations of the agreement.*

(h) *Such other provisions as the Department, in its discretion and as agreed to by the organization, determines are necessary or appropriate to support the free flow of traffic, the availability of parking, the equitable provision of services, and compliance with applicable laws and policies.*

(5) *Agreement suspension and termination.*

(a) *Upon a determination by the Department that a flexible-park auto sharing organization is not in substantial compliance with its agreement, the Department, after written notice and an opportunity of no less than five (5) business days for the organization to resolve any deficiencies, may suspend the organization's privileges under this Section for a period not to exceed thirty (30) days.*

(b) *Upon a determination by the Department that a flexible-park auto sharing organization is not in substantial compliance with its agreement and that the violations of the agreement present a substantial impediment to the free flow of traffic, the availability of parking, or the equitable provision of services, the Department, after written notice and an opportunity of no less than five (5) business days for the organization to resolve any deficiencies, may cancel the agreement.*

(c) *Council may amend, suspend, or repeal this Section 12-918.1 at any time. No flexible-park auto sharing organization shall have any rights under the provisions of this Section or any agreement under this Section, other than as provided under such amendment, suspension or repeal.*

(6) *Vehicle requirements. A vehicle must be in compliance with the following provisions in order to take advantage of the regulatory exemptions of subsection (3), above:*

(a) *Registration with the Department as a flexible-park auto share vehicle.*

(b) *Display of such permit, sticker or electronic identification, as the Department shall require.*

(7) *The Department may, at its discretion, set reasonable time limits for potential organizations to apply for, and to complete, an agreement under this Section 12-918.1. Other than during the term of any exclusive agreement, pursuant to subsection (8), below, the Department may enter into agreements with up to three Organizations, and may establish a*

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maximum number of vehicles permitted in all fleets, combined, in order to maximize the flow of traffic, the availability of parking or public safety. The Department may allocate equitably among multiple organizations the total number of vehicles permitted; provided that, for any Organization that already has an agreement with the Department under this Section 12-918.1, the Department shall not reduce the number of vehicles permitted by such Organization absent overriding considerations of public safety, traffic congestion or equity.

(8) The Department may, at its discretion, enter into an exclusive agreement with a single flexible-park auto sharing organization for an initial pilot period not to exceed twelve (12) months, to begin when the organization first places vehicles on the street for public use.

(9) On such schedule as the Department deems appropriate, the Department shall file a report with City Council setting out the Department's analysis of the success of this program with regard to the free flow of traffic, availability of parking, equitable provision of services, and such other factors as the Department determines are appropriate for evaluating the program's merits. The Department shall work with any Organization under agreement to ensure that, as permitted by law, no proprietary information is made public in any such report.

(10) Pilot Program; Sunset Provision. The provisions of this Section 12-918.1 shall expire either:

(a) Two years after an organization first places vehicles on the street for public use, unless the Department certifies to the Chief Clerk of Council, prior thereto, that continuation of these provisions are not likely to impede the free flow of traffic, the availability of parking, or public safety; or

(b) One hundred and twenty (120) days after the Department certifies to the Chief Clerk of Council that continuation of these provisions will impede either the free flow of traffic, the availability of parking, or public safety. The Department shall send a contemporaneous copy of such certification to each organization that has entered into an agreement under subsection (4), above.

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