

## Attachment 1

### City of Santa Rosa Shared Scooter System Pilot Program Permit Conditions

#### **I. Statement of Purpose**

The purpose of these conditions is to govern the operation of shared electric scooter (“Shared Scooter”) systems (“Shared Scooter Systems”) in the City of Santa Rosa (“City”) during a pilot program. The City recognizes the potential for Shared Scooter Systems to improve car-free transportation options and help meet goals related to health, equity, climate change, traffic congestion, and land use. However, a key to the pilot program’s success is to ensure that Shared Scooters do not negatively impact safety and accessibility for other users of the public right-of-way.

#### **II. Scope and Applicability**

These conditions apply to the deployment and termination of Shared Scooter Systems within the City. All permitted Shared Scooter Operators (“Operators”) are required to complete the attached application and comply with permit conditions, both of which may be amended by the Assistant City Manager/Transportation and Public Works Director as needed.

#### **III. Pilot Program Term; Duration of Permits Issued Under Pilot Program**

The Term of the Pilot Program begins on X and ends on Y. The City will issue Encroachment Permit(s), to include Appendix A (Special Shared Scooter Conditions), for approved Shared Scooter Systems. Operator(s) must immediately cease operations to the public and promptly remove their full fleet and any other signs or fixtures from the City upon permit expiration. The City may extend the pilot program or make the program permanent pending further evaluation.

#### **IV. Authority**

An encroachment permit is required to operate Shared Scooter Systems in the City. The City Engineer, or their designee, is authorized to issue encroachment permits. The Assistant City Manager/Transportation and Public Works Director may suspend and revoke permits to allow, limit, or suspend operation of Shared Scooter Systems within the City in accordance with Chapter 13 of the Santa Rosa City Code, these conditions, and other generally applicable permit conditions.

## **PERMIT APPLICATION CONDITIONS**

The City anticipates selecting one Operator for the term of the pilot program. Selection will be based on the selection process and criteria outlined in Appendix A and B.

## **OPERATIONAL CONDITIONS**

### **I. Parameters of the One-Year Pilot Program**

The Assistant City Manager/Transportation and Public Works Director reserves the right to:

- a. Issue, suspend, and revoke permits.
- b. Determine the type and number of Shared Scooters to operate within the City of Santa Rosa. The Assistant City Manager/Transportation and Public Works Director can adjust the type and number of Shared Scooters to operate even after issuing the permit.
- c. Set a maximum on the number of Shared Scooters parked in specific areas of the city.
- d. Limit or deny the use and/or parking of Shared Scooters in specific areas of the city to maintain equal distribution and accessibility throughout the public right-of-way.
- e. Set the total number of Shared Scooters and total number of Operator(s) permitted under this pilot program.

### **II. General Operator(s) Responsibilities**

- a. Operator(s) must pay a property repair and maintenance security deposit to the City in the amount of \$X to ensure adequate funds are available to reimburse the City for public property repair, maintenance, and other costs that may be incurred, including but not limited to any costs of repairing or maintaining public property damaged by the Operator(s), its Shared Scooters, or its customers, removing and storing Shared Scooters improperly parked or left unattended on public property, and addressing and abating any other violations. The deposit must be paid prior to permit issuance.
- b. Operator(s) must comply with all applicable federal, state, and local laws and regulations, including but not limited to, the Santa Rosa City Code, the California Vehicle Code (CVC), and local wage requirements.
- c. Operator(s) must not transfer or assign permits issued under this program to a substitute provider, a successor in interest, or a purchaser of the permit, without the advance written consent and approval of the City.
- d. Operator(s) agree not to engage in anti-competitive behavior with other Shared Scooter Operators, including falsifying data and sabotaging Shared Scooters.
- e. Operator(s) agree to provide sufficient operations and maintenance staff in Santa Rosa to address issues and remove improperly parked or unsafe/inoperable Shared Scooters.

### **III. Shared Scooter Specifications**

- a. Operator(s) agree to provide proof to the City's reasonable satisfaction, that each of its proposed Shared Scooter models comply with all applicable federal, state, and local laws and regulations.
- b. Operator(s) must provide to the City one fully functioning device of every make and model that it intends to deploy. Operator(s) must not deploy new Shared Scooter models without prior inspection and approval by the City unless changes in new models

- are only cosmetic and have no impact on safety or performance. Shared Scooters must be made available for compliance audits and enforcement actions upon request.
- c. Shared Scooters must not create excessive, unnecessary, and unreasonable noises in violation of [Santa Rosa City Code Chapter 17-16](#).
  - d. Shared Scooters must have always-on front and back lights that are visible from a distance of at least 300 feet under normal atmospheric conditions at night, or greater if required by the California Vehicle Code. Front and rear lights must stay illuminated for at least 90 seconds after the scooter has stopped.
  - e. Shared Scooters must have an integrated locking mechanism which cannot be removed using simple tools and securely holds the scooter upright when locked to a bike rack or street sign. A combination lock will not be considered an integrated locking mechanism.
  - f. Shared Scooters must have a warning bell.
  - g. Shared Scooters must have GPS capable of providing real-time location data.
  - h. Shared Scooters must have tamper-resistant hardware.
  - i. Operator(s) must not utilize Shared Scooters for the sale or display of third-party advertising.
  - j. Shared Scooters must have a governor that restricts speed to 15 mph.
  - k. Shared Scooters must have a minimum wheel size of 9" in diameter.
  - l. Shared Scooters must have clearly visible signage including 1) a unique identification number (in both English and Braille) and 2) a phone number, website, and/or email address to report parking, safety, or maintenance issues.
  - m. Shared Scooters must have clearly visible signage notifying the user that:
    - i. Helmets are required by all persons under the age of 18 when operating a scooter;
    - ii. Riding on sidewalks is prohibited at all times. "No Riding on Sidewalks" must be printed on every Shared Scooter in no less than 48-point font;
    - iii. Shared Scooter users must yield to pedestrians;
    - iv. Shared Scooter users must obey traffic laws; and
    - v. Shared Scooter users must have a valid Driver's License to operate.
  - n. Adaptive Shared Scooters must be self-balancing (or include at least three wheels).
  - o. Adaptive Shared Scooters must have a seat.
  - p. Adaptive Shared Scooters must have a basket or storage area large enough to hold a cane.

#### **IV. Fleet Size, Deployment, and Service Areas**

- a. Operator(s) must provide a minimum of 50 and maximum of 100 Shared Scooters at the start of the pilot.
- b. Operator(s) must roll out their full permitted Shared Scooter fleet within four weeks of permit issuance by the City.
- c. Operator(s) must submit a written request to the City for City approval prior to expanding fleet size beyond the initial permitted amount. The request must include a minimum of 30-day fleet utilization levels within the city (trips per scooter per day). Data from the first 30 days of the pilot program may be included but may not be considered by the City to be supporting data for the adjustment request. The City reserves the right to approve or deny the request at its discretion.
- d. Operator(s) must closely monitor ridership and adjust Shared Scooter density and location accordingly to maximize the convenience of the greatest number of users.

- e. Operator(s) must submit a written request to the City for City approval prior to implementing new service areas or modifying existing service areas, including a map and/or shapefile of the proposed service area. The City reserves the right to approve or deny the request at its discretion.
- f. Operator(s) must obtain permission to operate scooters outside of the public right-of-way from the appropriate agency or property owner(s).

**V. Operations & Maintenance**

- a. Operator(s) must provide a single point-of-contact to City (phone number, email, website form, and mobile application form) customer service line, available 24 hours a day, seven days a week, for complaints regarding improperly parked, damaged, or vandalized scooters, or other issues related to their Shared Scooter System. Operator(s) must respond to and satisfactorily address requests to repark or remove Shared Scooters that are inoperable, damaged, vandalized, unsafe, irretrievable, or improperly parked within 2 hours during business hours (Monday-Friday, 9 AM-6 PM) or 12 hours during non-business hours and on weekends. Operator(s) must remotely lock Shared Scooters that are reported or believed to be inoperable until the scooters are removed, repaired, and placed back in public service.
  - i. In the event a Shared Scooter is not relocated, re-parked, or removed within the timeframes specified above, the City will relocate and/or remove the scooter and deduct all of the City's costs to do so from the Operator's deposit.
  - ii. Operator(s) not in good standing with payment and retrieval of impounded scooters will risk suspension or revocation of their permits.
- b. Operator(s) must issue a "ticket number" for each issue and provide a response to the complaining and/or requesting party when the issue is resolved.
- c. Operator(s) must make efforts to reduce landfill e-waste and follow federal, state and local law for disposal or recycling of all types of batteries and other toxic materials at an appropriate recycling facility.

**VI. Parking**

- a. Operator(s) must inform customers how to properly park scooters.
- b. Operator(s) must ensure their scooters are not parked in a way that impedes the regular flow of travel in the public right-of-way, or in any way impedes the clearance on sidewalks or other accessible routes needed for ADA compliance. Shared Scooters should not be parked in a manner that impedes access to the following:
  - i. Disabled parking;
  - ii. Curb ramps;
  - iii. Fire hydrants;
  - iv. Loading zones;
  - v. Transit zones, including bus stops, shelters, and passenger waiting areas;
  - vi. Entryways; and
  - vii. Driveways.
- c. Operator(s) must ensure their scooters are locked upright on flat/hard surfaces to bicycle racks, street signs, or other fixed objects located within the sidewalk furniture zone or other areas specifically designated for bicycle parking. Shared Scooters should not be locked to the following:

- i. Street furniture that requires pedestrian access (for example: benches, parking pay stations, bus shelters, transit information signs, etc.);
  - ii. Hand railings;
  - iii. Bus stop signs;
  - iv. Disabled parking signs;
  - v. Trees;
  - vi. Fire hydrants; and
  - vii. Private property.
- d. Operator(s) must ensure Shared Scooters locked to bike racks are positioned parallel to the rack unless the rack is a wave style rack, in which case scooters must be positioned perpendicularly. No more than one scooter must be locked to each bike rack.
- e. Upon request, Operator(s) must agree to institute geo-fencing and implement in-app technology to require or prohibit parking in designated areas.
- f. Operator(s) agrees to ensure no Shared Scooter is parked in one location for more than 72 hours.
- g. Operator(s) must have a means of communicating with the user when a Shared Scooter has been parked in a non-permitted area. The communication to the user must be sent electronically at the end of the ride.

## **VII. Engagement, Education, & Safety**

- a. Operator(s) are responsible for educating their users regarding all applicable federal, state, and local laws governing safe operations and parking of scooters.
  - i. During the first seven days of an Operator’s deployment, representatives from the company must be on-hand in the deployment area to answer questions and distribute information regarding safety and proper use of Shared Scooters. These activities must be coordinated with City staff. Operator(s) are encouraged to continue this practice throughout the duration of their permitted activities.
  - ii. Operator(s) must include on its website and mobile app a “Code of Conduct” that, at a minimum, encourages and promotes the safe and responsible conduct of scooter users.
- b. Operator(s) must use English and Spanish in all education and outreach materials, on its website, and on its mobile application.
- c. Operator(s) must verify that users comply with all relevant federal, state, and local laws regarding age requirements.
- d. Operator(s) must verify that users have valid credentials for use of a Shared Scooter, as required by [CVC 21235](#). This verification may include in-app Driver’s License scanning and verification or similar technologies.
- e. Operator(s) must ensure that each user is only able to rent one scooter at a time.

## **VIII. Accessibility**

- a. Operator(s) must provide adaptive scooters for persons with disabilities. The total percentage of adaptive scooters must be based on expected need, performance, and usage.
- b. Mobile applications and other customer interface technology must be fully accessible to persons with disabilities and accessible to screen readers and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973.

## **IX. Pricing and Affordability**

- a. Operator(s) must make available ways to use and pay for the service that do not require a smart phone or credit card.
- b. Operator(s) must offer a discounted membership for those who participate in the State Nutritional Assistance Program (SNAP) or California Alternative Rates for Energy (CARE). The price for low-income membership will be set by the Operator in coordination with the City.
- c. Operator(s) must implement a marketing and targeted outreach plan at its own cost to increase awareness of low-income discount options.

## **X. Data Sharing and Reporting**

- a. Operator(s) must provide the City with access to a real-time database of all requests (tickets) that include the following:
  - i. Unique ticket number;
  - ii. Time and date generated;
  - iii. Location;
  - iv. Contact information for the person who submitted the ticket;
  - v. Description of the incident or request; and
  - vi. Status (or time and date closed, if applicable).
- b. Operator(s) must provide real-time access to data showing the location of their Shared Scooters.
- c. Prior to deployment, Operator(s) must have an application program interface (API) or other automated mechanism that allows their services to be integrated into third-party mobility applications so that users can see data about and procure services through third-party Mobility-as-a-Service applications.
- d. Operator(s) must make anonymized real-time data in Mobility Data Standard (MDS) format available to the City, and/or a City-designated, third party transportation data analysis platform, for purposes of aggregating this data, evaluating scooter usage or enforcing the requirements in this permit. Precise origin and destination points will be obscured to a one-block (or equivalent) radius to protect user privacy. Scooter IDs must be unique scooter identifiers that are consistent over time. Operator(s) data may be publicly reported in an aggregated form(s). More information about MDS can be found online at: <https://github.com/openmobilityfoundation/mobility-data-specification>  
The City is permitted to display real-time data provided via the API to the public.
- e. Operator(s) must provide quarterly reports that include the following:
  - i. User data:
    1. Total downloads, active users, and number of trips taken per user;
    2. User demographics (age and gender); and
    3. Number of users receiving a low-income discount and number of trips taken at a discounted rate.
  - ii. Fleet utilization:
    1. Utilization rates (trips per scooter per day);
    2. Total trips by day of week and time of day;
    3. Average trip distance;
    4. Origins and destinations; and

5. Aggregated heatmaps showing routes taken by riders.
- iii. Incident reports:
  1. Incident summaries that include the ticket number, time/date the ticket was submitted, type of incident (vandalism, theft, mis-parked scooter, etc.), location, and how quickly the issue was resolved; and
  2. Number of crashes or collisions, including the date and time of the incident, location, traveling paths of the scooter and other parties, severity of the incident, and whether a police report was filed.
- iv. Sustainability metrics:
  1. Vehicle miles traveled (VMT) generated by redistributing, recharging, and other operational activities (include vehicle type and fuel efficiency);
  2. Average scooter and battery lifespan; and
  3. Number of batteries disposed.
- v. Mitigation measures:
  1. Summary of any pricing incentives, geofencing, or educational efforts to address proper parking, compliance with service areas, safe riding, etc. (include estimated number of users reached and dates of implementation).
- f. Operator(s) must agree to distribute an opt-in user survey, developed by the City or a designated third party, to all users annually and to provide input on survey questions.

#### **XI. User Privacy Plan**

- a. Operator(s) must keep all financial data from users in a secure manner consistent with applicable federal, state and local law, including in a manner that complies with the Payment Card Industry Data Security Standards (PCI DSS), and accessible to authorized personnel only.
- b. Operator(s) must provide a privacy policy that complies with the California Online Privacy Protection Act (CalOPPA) that safeguards customers' personal, financial and travel information and usage.
- c. Operator(s) must clearly communicate to the public and to the City what personal data will be accessed by the Operator and provide an explanation why such access is needed, and for how long.

#### **XII. Liability and Insurance**

Operator(s) and each of its contractors and agents are subject to the terms outlined under [Santa Rosa City Code 13-04.070](#) including, without limitation with respect to all installation, operation, maintenance and/or removal of Shared Scooter Systems.

#### **XIII. Notices to Cure, Suspension, and Revocation of Permit**

If a violation of the conditions or general provision of the issued encroachment permit occurs, the permit may be revoked or suspended consistent with Section 13-04.350 of the Santa Rosa City Code. The Assistant City Manager/Transportation and Public Works Director is authorized to issue a notice to cure any permit violations by email or any other written means to the Operator. The notice to cure must identify issue(s) that the Operator must address within a specified timeframe. If the Assistant City

Manager/Transportation and Public Works Director determines that the violation presents an immediate and significant threat to safety, capacity, or integrity of the City's right-of-way or if a failure to cure documented violations within the specified time frame occurs, the Assistant City Manager/Transportation and Public Works Director may immediately suspend or revoke the permit. If a permit is suspended, the Assistant City Manager/Transportation and Public Works Director must designate the duration of suspension and/or any conditions for reinstatement. If a permit is revoked, the Operator must cease operations on the date of revocation and must remove its full fleet (and all other signs or fixtures) from the City within 14 days from the date of the notice of revocation.

Any request for reconsideration of revocation must be submitted in writing to the Assistant City Manager/Transportation and Public Works Director within 30 days from the date of the notice of revocation with all supporting materials.

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