# **Dockless Shared Mobility Programs**

## Sample Ordinance

Prepared by the

Transportation Agency for Monterey County

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ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ AMENDING \_\_\_\_\_\_\_\_\_\_\_\_\_\_ MUNICIPAL CODE CHAPTER \_\_\_\_\_\_\_\_\_\_\_  BY CREATING ARTICLE \_\_\_\_, DOCKLESS SHARED MOBILITY PROGRAMS, TO PERMIT AND REGULATE DOCKLESS BICYCLE, ELECTRIC BICYCLE AND ELECTRIC SCOOTER SHARED MOBILITY PROGRAMS

 WHEREAS, dockless or station-less shared mobility programs are emerging transportation options that provide clean emissions vehicles such as bicycles, electric bicycles, and electric scooters for rent on a short-term basis for point to point trips within a defined service area; and

 WHEREAS, dockless shared mobility programs provide city residents and visitors with “first/last” mile connections, bridging some of the gaps in the existing transportation networks, as well as encouraging individuals to use multiple transportation modes; and

 WHEREAS, unregulated dockless shared mobility programs can result in conflicts between pedestrians and dockless shared mobility vehicles, as well as automotive vehicles; and

 WHEREAS, unregulated dockless shared mobility programs can also result in questions concerning accessibility to such mobility vehicles; and

WHEREAS, the measures set forth in this ordinance are intended to regulate dockless shared mobility programs throughout the City, in order to promote the health and safety of the residents and visitors of the City;

 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. \_\_\_\_\_\_\_\_\_\_ Municipal Code Chapter \_\_\_\_\_ Article \_\_\_\_\_ is hereby created to provide as follows:

**ARTICLE X. DOCKLESS SHARED MOBILITY PROGRAMS**

**Sec. XX-XXX. Purpose.**

1. The purpose of this article is to:
	* 1. Permit and regulate Dockless Shared Mobility Programs in the City of \_\_\_\_\_\_\_\_ in order to provide for the health and safety of residents and visitors.

**Sec. XX-XXX. Definitions.**

1. *Bicycle* means either a traditional bicycle, tricycle, or electric bicycle.
2. *City Manager* means the City Manager of the City of \_\_\_\_\_\_\_\_.
3. *City-owned property* means property owned, occupied, managed, maintained, or controlled by the city pursuant to a deed, easement, lease, license, or dedication, and

includes city parkland and any other property owned by or under control of the city.

When city-owned property is identified for use for a bicycle/scooter-sharing facility, it

shall be considered an ancillary ROW area subject to city right-of-way standards and

regulations and under the jurisdiction of the city engineer.

1. *Customer or User* means the individual who rents or uses a Dockless Bicycle or Scooter provided by an Operator.
2. *Department* means the City of \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ Department
3. *Director* means the City of \_\_\_\_\_\_\_\_ Director of \_\_\_\_\_\_\_\_\_\_\_ or designee.
4. *Dockless Bicycle Program* means a program authorized by this Ordinance that provides bicycles or electric bicycles for rent on a short-term basis for point to point trips where, by design of the Operator, the bicycles are intended to remain free-standing in the public right-of-way rather than being locked to a fixed set of docking stations.
5. *Dockless Shared Mobility Program* means a Dockless Bicycle Program, Dockless Scooter Program, or Dockless Electric Bicycle Program.
6. *Dockless Scooter Program* means a program authorized by this Article that provides electric scooters for rent on a short-term basis for point to point trips where, by design of the Operator, the scooters are intended to remain free-standing in the public right-of-way when not being rented by a customer.
7. *Dockless Electric Bicycle,* also known as electric-assist or e-bike, means a bicycle equipped with a battery and an electric motor that is activated by pedaling and deactivates when not in use, giving the user an extra boost while riding.
8. *Dockless Shared Mobility Unit or Unit* means any and all the following: Dockless Bicycles, Dockless Electric Bicycles, and Dockless Scooters.
9. *Dockless Shared Mobility Unit Relocation Fee* means a fee designated by the City to cover municipality expenses in the event of relocating a Dockless Shared Mobility Unit that is reported to be inoperable, damaged, or blocking paths of travel.
10. *Dockless Shared Mobility Unit Storage Fee* means a fee designated by the City to cover municipality expenses in the event of storing overnight a Dockless Shared Mobility Unit that is reported to be inoperable, damaged, or blocking paths of travel.
11. *Dockless Scooter* means a vehicle that is equipped with a battery and propelled by an electric motor, consisting of a long footboard where riders stand, two in-line wheels at the front and back, a vertical pole at the front with handlebars, a throttle, and a break.
12. *Furniture Zone* means the section of the sidewalk between the curb and the through zone in which street furniture and amenities, such as lighting, benches, utility poles, and bicycle parking are provided.
13. *Geofencing* means the use of GPS or RFID technology to create a virtual geographic boundary designated by the City, enabling software to trigger a response when a Dockless Shared Mobility Unit enters or leaves an area. Geofencing facilitates the enforcement of no parking zones, speed reduction zones, and designated parking facilities.
14. *On-Street Bike/Scooter Corral* means bicycle/scooter parking facilities designated by the City that can accommodate a group of bicycles or scooters typically installed on-street in lieu of a single vehicle parking space. Corrals can be displayed to users as virtual stations, or designated parking stations, through the Operator’s mobile application.
15. *Operator* means any entity that owns, operates, redistributes, or rebalances bicycles or

scooters, and services a Dockless Shared Mobility Program.

1. *Permit Application* means the application required by the Department in order to participate in the Dockless Shared Mobility Program.
2. *Rebalancing* means the process by which bicycles, or scooters, are redistributed to ensure bicycle/ scooter availability throughout a service area and to prevent excessive buildup of bicycles at locations throughout the city.
3. *Right-of-way or ROW* means the surface and space above and below a public roadway, highway, boulevard, road, freeway, bridge, alley, court, street, bicycle lanes, public sidewalk and terrace in which the city of other public entity has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.
4. *Service Area* means the geographical area within the City of \_\_\_\_\_\_\_\_ where the

Dockless Mobility Program is intended to offer service for its users/customers as designated in the Permit Application.

1. *Striped Bike/Scooter Corral* means bicycle/scooter parking facilities designated by the City to accommodate a small group of bicycles or scooters typically painted in the furniture zone of the sidewalk.
2. *Virtual Stations* means recommended parking areas designated by the City and shown to users through the Operator’s mobile application, including on-street bicycle/scooter corrals.

**Sec. XX-XXX. Dockless Shared Mobility Program Permitting**

1. It shall be unlawful for an Operator to provide or operate a Dockless Shared Mobility Program within the City without first obtaining authorization and a permit from the Department.
2. No more than one (1) Operator will be permitted to operate a Dockless Shared Mobility Program within the City during the first year of this Ordinance. The Director, at his/her discretion, may increase the number of permitted Operators based on program growth reporting.
3. An Operator shall apply to participate by submitting to the Department a permit application to provide a Dockless Shared Mobility Program in the city limits.
4. Program permits shall be issued by the approval of the Director or their designee and subject to the terms of this Ordinance.
5. Permits will be effective for a period of one year. Operators shall be required to re-apply for a permit upon the conclusion of each one-year period.
6. Operators must comply with the requirements of Sec. XX-XXX. Dockless Mobility Program Requirements or face immediate suspension of operation and/or revocation of permit.

**Sec. XX-XXX. Dockless Mobility Program Requirements.**

1. Parking and Right-of-Way
	1. Dockless Shared Mobility Units shall not be parked or deployed within the following areas:
		1. Loading and unloading zones of transit stops
		2. Accessible parking zone or other facilities specifically designated for people with disabilities
		3. Curb ramps
		4. Business or residential entryways and driveways
		5. Building doorways and ramps.
	2. Dockless Shared Mobility Units shall not be parked in a manner that:
		1. Violates Americans with Disabilities (ADA) accessibility requirements
		2. Obstructs paths of travel or motorists’ visibility of pedestrians
		3. Obstructs loading and unloading zones at transit stops
		4. Obstructs travel lanes, bicycle lanes, multi-use paths, trails and/or sidewalks.
	3. Dockless Shared Mobility Units that do not comply with the parking and right-of-way requirements may be removed by the municipality at the expense of the Operator.
	4. Dockless Mobility Units shall be parked within the Furniture Zone of the sidewalk.
	5. In areas with high pedestrian volumes, the Director, at her/his discretion, may:
		1. Create geofenced areas where Dockless Shared Mobility Units shall not be parked.
		2. Create location-based speed reduction zones where Dockless Shared Mobility Units shall be walked.
	6. The Director, at her/his discretion, may create designated parking zones where Dockless Shared Mobility Units shall be parked, including:
		1. On-street bike/scooter corrals where vehicle use is frequent
		2. Striped bike/scooter corrals in the furniture zone of the sidewalk
		3. Virtual stations or recommended parking areas through the Operator’s mobile application.
2. Safety Regulations
	1. Dockless Scooters must have a top motor-powered speed of 15 miles per hour.
	2. In compliance with California Vehicle Code Sec. 21235, Dockless Scooters shall be ridden on a bicycle lane or shoulder. In the absence of a bicycle lane or shoulder, riders may:
		1. Ride on streets with a speed limit of 35 miles per hour or less
		2. Ride on sidewalks that are over ten (10) feet wide no faster than X miles per hour (CVC 21100).
		3. Ride on multi-use paths and trails no faster than X miles per hour (CVC 21230).
	3. The Operator’s mobile application and website must inform users of how to safely and legally ride a bicycle as defined by the California Vehicle Code, including the right and duties of cyclists riding on sidewalks or in streets. For the purposes of this Ordinance, these duties shall also apply to users of Dockless Scooters.
	4. The Operator’s mobile application must inform users of proper parking requirements and where to ride in the absence of a bike lane or shoulder.
	5. The Operator’s mobile application must inform users of helmet laws and encourage the use of helmets by those over 18 years of age.
3. Maintenance, Operations, and Fleet Size
	1. Dockless Shared Mobility Units that are inoperable, damaged or that have non-functioning features must be removed by the Operator within 2 hours upon receipt of the complaint or may be removed by the municipality at the expense of the Operator.
	2. The Operator’s mobile application must clearly direct users to customer support mechanisms, including but not limited to customer service phone numbers or websites. The Operator must also provide customer service information on the device itself for those without access to the mobile application.
	3. The Operator must provide a staffed, toll-free Customer Service line which must provide support 24 hours / 7days per week.
	4. The Operator must provide a direct customer service or operations staff contact to Department staff.
	5. Operators must rebalance Dockless Shared Mobility Units daily based on use within each Service Area as defined by the Permit Application.
	6. Operators must rebalance Dockless Scooters based on the recommended utilization rate of four (4) rides per vehicle per day. If this ratio is exceeded, then likely more vehicles are needed. If this is too low, the number of vehicles may need to be reduced, or vehicles may need to be redirected to different locations.
4. Equity
	1. Operators must provide service and must rebalance Dockless Mobility Units as needed in order to maintain a reasonable level of convenience in renting a Unit in the following areas:
		1. \_\_\_\_\_\_\_\_\_\_\_\_\_
		2. \_\_\_\_\_\_\_\_\_\_\_\_\_
	2. The Operator’s customer support mechanisms, including but not limited to customer service phone numbers, websites or mobile applications, must be available in multiple languages.
5. Data Sharing
	1. Operators shall provide the City of \_\_\_\_\_\_\_\_ with the following data, stripped of personally identifiable information on a monthly basis:
		1. Total number of vehicles in circulation
		2. Total number of rides
		3. Total number of riders
		4. Total miles traveled by users
		5. Average miles traveled per ride
		6. Average ride time
		7. Number of rides per vehicle per day
		8. Monthly summary of trip origin and destination information
		9. Monthly summary of vehicle GPS-based movement in heat map format
	2. All permitted Operators shall distribute a six month and one-year customer satisfaction survey, the summary and raw results of which (stripped of personally identifiable information) shall be provided to the Department.

**Sec. XX-XXX. Indemnification and Insurance.**

1. To the fullest extent permitted by the law, the City does not assume any liability whatsoever with respect to having issued a Dockless Shared Mobility Program Permit or otherwise approving the operation of any Dockless Shared Mobility Unit. As a condition to the issuance of any Dockless Shared Mobility Program Permit, the applicant shall be required to meet all the following conditions:
2. The applicant must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant’s sole cost and expense), and hold harmless the City, and its officers, officials, employees, representatives, and agents from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City’s issuance of decision to approve a Dockless Shared Mobility Program Permit, the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the applicant or any of its officers, managers, employees or agents.
3. Maintain comprehensive liability and motor vehicle insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time, as determined by the Risk Manager and name the City of \_\_\_\_\_\_\_\_\_ as additional insured. The applicant’s insurance policy shall be endorsed to state that coverage shall not be canceled or reduced except after thirty days prior written notice by certified mail has been given to the City. If any insurance policy issued to a permittee is canceled or reduced for any reason, the permit issued under this Ordinance is automatically suspended. In order to reinstate the permit, the permittee shall provide a new certificate and policy of insurance to the City.
4. Reimburse the City of all costs and expenses, including but not limited to attorney fees and costs, which it may be required to pay as a result of any legal challenge related to the City’s approval of activities conducted pursuant to the applicant’s Dockless Shared Mobility Program Permit. The City may, at its sole discretion, participate at its own expenses in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

**Sec. XX-XXX. Fees and Penalties.**

1. The following fees shall apply to Operators:
	1. Initial Permit Fee $XXX
	2. Annual Permit Renewal Fee $XXX
	3. Dockless Shared Mobility Unit Relocation Fee $XX
	4. Dockless Shared Mobility Unit Storage Fee $XX per day
2. An Operator is subject, at the discretion of the City Manager, to a fleet size reduction, suspension of operations, or total permit revocation if violations of the regulations set forth in this Ordinance are not addressed in a timely manner. Suspension of operations for a period of more than thirty (30) days shall be deemed notice of permit revocation.
3. In the event of permit revocation, the City Manager shall provide thirty (30) days’ prior written notice of the revocation via certified mail, informing the Operator of the permit revocation and the right to appeal such revocation.

**Sec. XX-XXX. Appeal from Revocation.**

1. Operators who have been subject to a permit revocation may appeal the revocation of such permit to the City Council. Should an Operator seek an appeal from the revocation, the Operator shall furnish notice of such request for appeal to the city clerk no later than ten (10) business days after the date of mailing of the certified letter informing the Operator of the revocation of the permit.
2. Upon receipt of a request for appeal, the city clerk shall fix the date and time at which the city council shall hear the appeal, such hearing to be held no more than sixty (60) days subsequent to the date upon which such request for appeal was filed with the city clerk. Upon setting the matter for hearing, the city clerk shall notify the Operator of the date and time of such hearing. At the conclusion of the hearing, the city council shall either sustain the decision of the city manager or direct the city manager to reinstate the permit, consistent with City Ordinance \_\_\_\_\_\_\_\_\_ governing the appeal of use permits not related to the ownership of land.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 3. That this Ordinance shall be in full force and effect on \_\_\_\_\_\_\_\_.