

## Shared-Rideable Business Permit Application

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## **A. Introduction**

### **1. Permit Application Standards and Requirements**

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The Permit Application must be completed for all questions, meet the expectations of the City, and the City have payment for all applicable fees before approval of a permit to operate. Please expect 2-3 weeks for permit application review.

This application with any attachments must be submitted with a City of Sacramento Business Operation Tax (BOT) certificate issued pursuant to chapter 3.08 of the city code. No permit shall be approved or renewed if the applicant owes the city any unpaid required fees, fines, or penalties at the time of submitting the application. Other materials or documentation may be required to carry out the purposes of reviewing the application.

***The information contained in the permit application document is subject to disclosure under the Public Records Act.***

### **2. Number of Permitted Devices**

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Each operator shall have a minimum number of 250 devices.

#### *Initial Permit Year*

During an Operator's initial permit year operating in the City, the Operator will be permitted to launch up to 1,000 devices (unless modified pursuant to subsection e below) as follows:

- First Time Permit approval: Up to 250 devices
- Three months after permit approval: Up to an additional 250 devices (500 total)
- Six months after permit approval: Up to an additional 250 devices (750 total)
- Nine months after permit approval: Up to an additional 250 devices (1000 total)

#### *Subsequent Permit Years*

The City will evaluate the factors listed in subsection e below when evaluating permit renewal and fleet expansion applications. Any Operator seeking to increase the size of its fleet shall do so in quarterly increments of 250 devices or less, consistent with the schedule outlined above.

### **3. Modifying the Number of Permitted Devices**

The City will take into consideration market needs, total number of devices deployed in the City, device utilization, operator performance, public safety, seasonal and environmental conditions, special events, and related criteria to determine the total number of devices allowed in the City. The City will also take into consideration projected impact to city streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic. The City reserves the right to limit or reduce the number of allowed devices at any time based on these considerations.

If, after six months of operations, data reflects that an Operator's devices are frequently parked improperly, or are otherwise adversely impacting vehicular or pedestrian traffic, or are not meeting or exceeding a minimum utilization rate of 3 rides per day, the city may reduce the number of permitted devices. This does not limit the City's ability to utilize other enforcement tools set forth in the Ordinance, including permit revocation.

#### 4. Permit Payment Procedures

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An Operator shall pay all applicable fees prior to permit approval. Fees include:

First Time Permit	\$4,440
Annual Renewal	\$2,220
Parking and Infrastructure Fee (annual per trip per device)	\$0.10 per trip annually
Vehicle fee annual per device	\$136
Vehicle fee in Opportunity Areas (see Figure 1: Shared-Rideable Opportunity Areas on page 9 ) annual per device	\$104

The City will invoice the Operator once the fees are determined based on the fees described above and the number of devices proposed as described in the applicants application.

The estimated shared-rideable parking and infrastructure fees for each year of operation shall be deposited annually with the City based on the following formula: amount of fee, times 3 trips per day, times 365 days (annual deposit per device). The City will regularly reconcile the amount deposited against actual trip data and request that it be replenished as required.

**Submit applications to:**

915 I Street, 2<sup>nd</sup> Floor, Sacramento, CA 95814

**Applications may be emailed to:**

[jdonlonwyant@cityofsacramento.org](mailto:jdonlonwyant@cityofsacramento.org)

**B. Provide Information on Shared-Rideable Business**

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**Business Name:**

Business Address:

City/State/Zip:

Mailing Address:

City/State/Zip:

Primary Phone No:

Alt. Phone No:

Email Contact:

Alt. Email:

**Applicant Name:**

Title:

Mailing Address:

City/State/Zip:

Primary Phone No:

Alt. Phone No:

Email address:

**Local Point of Contact Name:**

Title:

Mailing Address:

City/State/Zip:

Primary Phone No:

Alt. Phone No:

Email address:

### **C. Provide Device Standards**

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The applicant shall demonstrate, to the satisfaction of the city, that its fleet meets the following standards:

1. Be made of high-quality materials, sturdily built, and meet the minimum standards of the United States Consumer Product Safety Commission and the International Organization for Standardization; or UL 2272 Standard for Electrical Systems for Personal E-Mobility Devices;
2. Have adjustable seat height (if device has a seat) to accommodate a wide range of customers;
3. Comply with California Vehicle Code sections 21201 et seq., if a bicycle, and 21220-2135, if a motorized scooter. These requirements include, but are not limited to, reflectors and integrated front and rear lights, and any other requirements set forth in applicable laws and regulations (provide detailed specification sheet illustrating with callout conforming elements);
4. Electric bicycle share bicycles shall comply with California Vehicle Code subsections 312.5(a), (a)(1), and (c) and section 24016, as well as any other applicable laws and regulations; notwithstanding the aforementioned, such electric bicycles shall be equipped with software or other mechanisms to prevent them from providing assistance when the bicycle exceeds 15 miles per hour;
5. Built with tamper-resistant hardware;
6. Withstand the rigors of outdoor storage and constant use for at least five years;
7. Include a basket, if a bicycle;
8. Include a warning bell;
9. Bear a unique identification number made visible to customers (show on specification sheet);
10. Bear the shared-rideable business' name and telephone number in a visible location (please show on specification sheet);
11. Bear a sticker or stencil communicating to users that sidewalk riding is prohibit, if a motorized scooter; and,
12. Be equipped with a GPS capable of providing real-time location data.

It is recommended applicants provide a specifications sheet calling out the information above.

## **D. Provide Required Plans**

### **1. Business Plan**

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The applicant shall provide to the City a Business Plan that includes:

1. The proposed number of devices; and
2. Proposed phasing of the devices, meeting the required phasing outlined in **A.2 Number of Permitted Devices** on **page 2**.

Additionally, the applicant shall submit documentation and other evidence demonstrating, to the satisfaction of the city, the shared-rideable business's compliance with the following requirements:

3. Shared-rideable devices shall be available to customers at an hourly rate, or smaller intervals, which are clearly and understandably communicated to the customer prior to the customer's use of the bicycle;
4. Shared-rideable devices must be operational for customers seven days per week;
5. An electronic payment system that complies with the Payment Card Industry Data Security Standards. Each transaction shall include the bicycle identification number corresponding to the make and model of the bicycle registered with the city;
6. A privacy policy that safeguards customers' personal, financial, and travel information, and usage including, but not limited to, trip origination and destination data.
7. A proposed service area, including opportunity areas, map in ESRI shapefile format, meeting the requirements of the city's ordinance; and
8. A plan for device distribution, including satisfaction of the City's requirement that a minimum of 20% of devices be deployed to opportunity areas each morning.

## **2. Maintenance and Repair Plan**

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The applicant shall submit a Maintenance and Repair Plan demonstrating that the shared-rideable business will provide:

1. Routine maintenance and cleaning of shared-rideables at least every six weeks or 200 miles, whichever comes first;
2. A method and schedule for providing full-service maintenance for shared-rideables; and
3. A method for customers to report issues with shared-rideables, including 24-hour customer service.

## **3. Right-of-Way Protection and Rebalancing Plan**

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The applicant shall submit a Right-of-Way Protection and Rebalancing Plan demonstrating, to the satisfaction of the city, how the bicycle-share business will comply with the following requirements:

1. Ensuring the right-of-way is unobstructed;
2. Ensuring devices do not obstruct accessible paths of travel;
3. Ensuring devices are parked in approved locations;
4. Rebalancing the devices to and from high use areas within peak operating hours;
5. Ensuring compliance with section 5.18.220 of the city code; and
6. Relocating or rebalancing bicycles within two hours in compliance with city code section 5.18.220.

Additionally, describe how the devices deployed by a permitted Operator shall meet the following requirements:

1. All devices shall be deployed to approved parking areas – at bike racks or City designated areas – each morning;
2. Be parked upright;
3. Not be deployed in a manner that violates the Americans with Disabilities Act (ADA) requirements, impedes ADA access or paths of travel; and
4. Not be deployed within 18 inches from the curb.

#### **4. User and Community Safety Plan**

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The applicant shall submit a User and Community Safety Plan demonstrating that the shared-rideable business will educate customers and city residents about applicable local and state regulations, including how to safely and legally travel on shared-rideables. The application shall demonstrate, to the satisfaction of the city, how the applicant will comply with the following requirements:

1. Educate members about where devices are allowed to operate and where they can be parked;
2. Ensure devices are parked in approved locations;
3. Educate members about local and state regulations;
4. Educate members about how to safely use the devices (such how to ride, how to use hand signals, etc.);
5. Ensure users meet the minimum age established by law or the operator's rules (whichever is more restrictive) and meet the legal requirement to have a valid driver's license or instruction permit (CVC 21235) if operating a motorized scooter; and
6. Ensure users under 18 years of age wear a helmet (CVC 21212).

#### **5. Community Outreach Plan**

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The applicant shall submit a Community Outreach Plan demonstrating how the shared-rideable business will:

1. Educate members about the benefits of using its business; and
2. Educate members about methods to access and how to use its business, including discounts available.

The operator will be required report to the City, on a monthly basis, its efforts towards community outreach. See **Outreach Reporting on page 11** for required reporting.

#### **6. Geographic Distribution Plan**

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The applicant shall submit a Geographic Distribution Plan and map (in ESRI format) demonstrating:

1. Operation service area;
2. Opportunity area(s) where no less than 20% of the shared-rideables will be distributed each morning.

The operator will be required to report monthly to the City any changes to the opportunity area(s) where it is distributing the 20% of its fleet each morning. See Figure 1 for the opportunity areas. See **E Required Reporting on page 11** for reporting requirements.



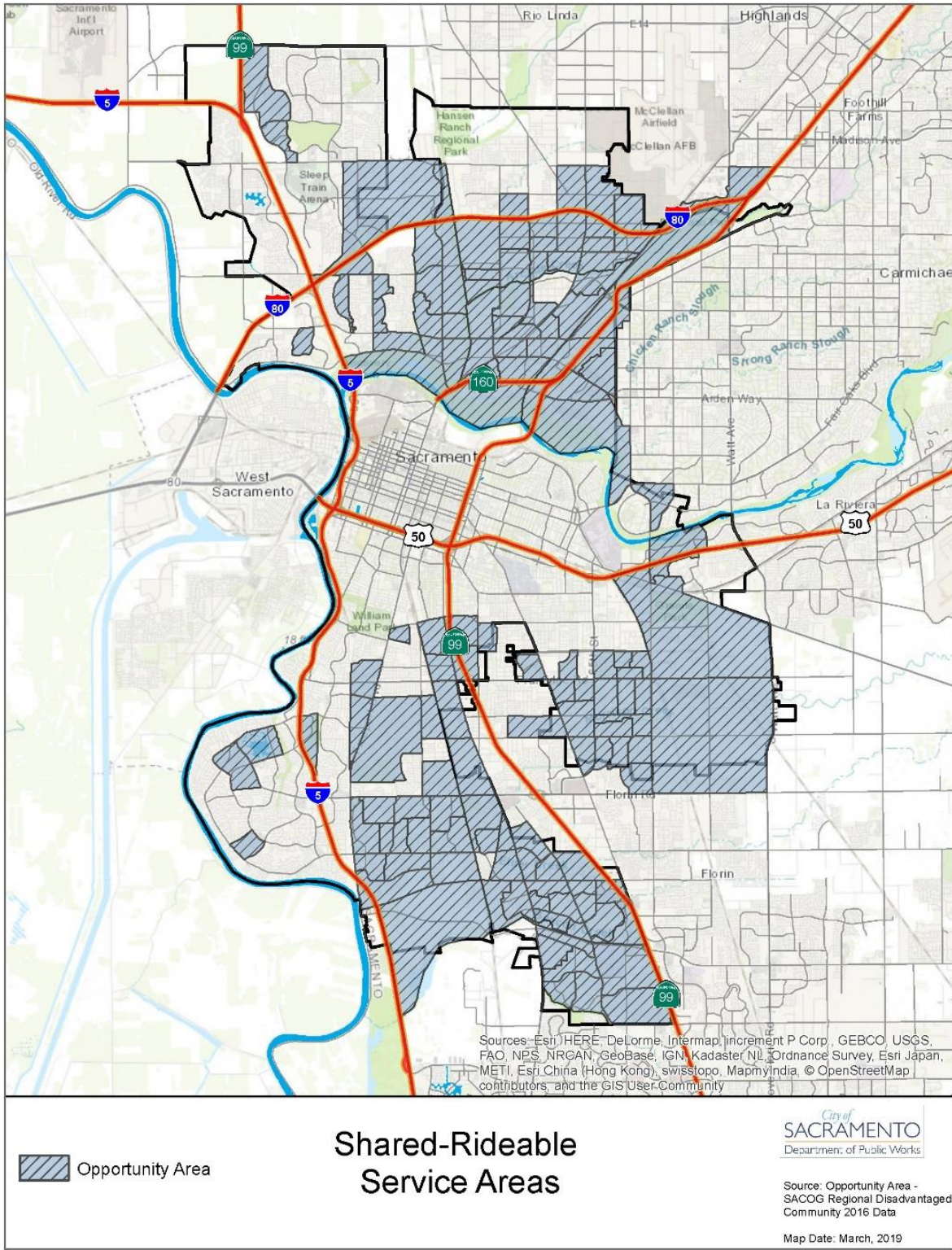


Figure 1: Shared-Rideable Opportunity Areas

## **7. Equity Plan**

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The applicant shall submit an Equity Plan demonstrating the availability of its shared-rideables and its strategy to promote the use of its shared-rideables citywide, including among low-income communities.

The applicant shall:

1. Demonstrate how it will market its services to the City's low-income communities; and
2. Provide a discounted, low-income customer plan available to any customer who is a Sacramento Housing and Redevelopment Agency resident or qualifies for: CalFresh; the PG&E Cares program; SMUD's low-income program; or the Women, Infant, and Children (WIC) program.

The operators should strive to provide a cash payment option for customers.

See Data Sharing and Reporting **on page 11** Required Reporting for reporting requirements.

## **8. Data Sharing Plan**

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The applicant shall submit a Data Sharing Plan demonstrating that it will provide real-time and archival data for the entire Sacramento shared-rideable fleet, the API key, and in GBFS and MDS format.

See **E.3 Data Sharing and Reporting** on **page 11** for detailed data sharing requirements.

## **E. Required Reporting**

### **1. Outreach Reporting**

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The Operator will report to the City on a monthly basis its efforts/events conducted to meet the requirements in its approved Outreach Plan, including:

- Promotion to city residents about the benefits and how to access to its devices
- Promotion to low-income communities
- Education of city residents about State and local laws regarding its device(s) including, but not limited to:
  - Where to legally park devices
  - Sidewalk riding
  - Riding with traffic
  - Yielding to pedestrians

### **2. Equity Reporting**

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Permitted Operators will report to the City on a monthly basis its efforts/events conducted to meet the requirements in its approved Equity Plan, including:

- Description of distribution of 20% of the fleet to Opportunity areas including location of distribution areas, how many devices, and percentage of fleet
- Description of member fees for low-income plan
- Promotion efforts during the past month to low-income city residents about the benefits and how to access to its devices
- Number of low-income members
- Number of new low-income members signed up in the most recent month

### **3. Data Sharing and Reporting**

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#### **Data Format**

Operators must provide accurate data through two formats.

#### **GBFS**

Operations must provide data through a publicly accessible Application Programming Interface (API) that meets the requirements of the General Bikeshare Feed Specification (GBFS) (<https://github.com/NABSA/gbfs>). It is desirable that Operators make the API endpoint available to the public for viewing data, querying data, and mapping. The Operator should not change the API URL without notifying the City with at least 30 days' notice.

#### **MDS**

When the City is confident it has the ability to anonymize the data, Operators must provide data through a City-accessible Application Programming Interface (API) that provides the data outlined within, and meets the Specification of, the City of Los Angeles Mobility Data Specification (Mobility Data Specification) as published online at <https://github.com/CityOfLosAngeles/mobility-data-specification>. Should the City seek to use a third party to manage the data, the Operator shall provide

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MDS data to the third party. The City shall require the third party to agree to the MDS Data Protections Principles and a Data Usage agreement.

The City may, in its sole discretion require the Operator to use the most current anonymization plug-in version by releasing an automatic update and/or disabling support for the previous version.

The City is permitted to use all data the Operator provides in accordance with the Mobility Data Specification, including, but not limited to, displaying anonymized, real-time data and real-time device availability data to the public.

The Operator may not change the API URL without notifying the City with at least 30 days' notice.

Personal information must be protected by the Operator, and data should be anonymized regarding user information. Summarized program performance information in memos or updates may be shared with the public. Detailed data will be protected to the extent permitted by law.

Notwithstanding the returned results of any of the Mobility Data APIs, it shall be the sole responsibility of the Operator to comply with the City's Program requirements listed herein. Failure to maintain consistently accurate and real-time data could result in permit suspension until the issues identified by the city are resolved.

### **Weekly Data Summaries**

Operators must provide accurate weekly summaries to the City describing customer and staff incidents, injuries, system operation, system use, reported complaints, customer service responses, and system maintenance. Reports will be provided to the City in the format defined by the City.

Anonymized data reports to the City are required weekly for the following municipal-level data:

- Total users in system by month
- Trip number by day, week, and month
- Detailed, aggregate trip origin/destination information
- Trip length and time
- Hourly fleet utilization with trip origin or destination in Sacramento

### **Use of Data and Data Security**

Operators are required to follow all local, state, and federal laws and regulations with respect to personally identifiable information and credit card information. It is strongly preferred that Operators do not resell users' personally identifiable information. If the Operator engages in such a practice, then it is required that a) this is communicated clearly and transparently to users, and b) users have a clear means of opting out if they do not want their data sold. Auto renewal billing procedures should comply with state and federal laws and regulations.

Operators must protect users' personal information. Finance transactions must be secure and PCI compliant. Operators should provide their most recent 3rd party PCI audits to the City quarterly. Personal data should be protected using industry accepted encryption, and customer permission should be sought before sharing data with a third party.

**F. Applicant's Certification & Indemnification**

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I certify under penalty of perjury under the laws of the State of California, that I have personal knowledge of the information contained in this application, and that the information contained herein is true and correct, and that I am fully authorized to sign and am signing this application on behalf of the bicycle-share business and to bind the bicycle-share business.

The applicant, shall indemnify and hold harmless the City and its officers, agents, and employees from, and, if requested, shall defend them against any and all loss, cost, damage, injury, liability, and claims thereof for injury to or death of a person, including employees of the applicant or loss of or damage to property, arising directly or indirectly from the applicant's performance of this permit, including, but not limited to, the bicycle-share business's use of facilities or equipment provided by City or others, regardless of the negligence of, and regardless of whether liability without fault is imposed or sought to be imposed on City , except to the extent that such indemnity is void or otherwise unenforceable under applicable law in effect on or validly retroactive to the date of this application, and except where such loss, damage, injury, liability or claim is the result of the active negligence or willful misconduct of the City and is not contributed to by any act of, or by any omission to perform some duty imposed by law or agreement on the applicant or agent or employee. The foregoing indemnity shall include reasonable fees of attorneys, consultants, and experts and related costs and City's costs of investigating any claims against the City. In addition, the applicant specifically acknowledges and agrees that it has an immediate and independent obligation to defend City from any claim which actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to the applicant by City and continues at all times thereafter. The applicant shall indemnify and hold City harmless from all loss and liability, including attorneys' fees, court costs and all other litigation expenses for any infringement of the patent rights, copyright, trade secret or any other proprietary right or trademark, and all other intellectual property claims of any person or persons in consequence of the use by the City, or any of its officers or agents, of articles or services to be supplied in the performance of this permit.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_