

Shared-Rideables Business Administrative Procedures by the City of Sacramento pursuant to Section 5.18.150 of the City Code

Under the authority of Section 5.18.150 of the City Code, the City of Sacramento adopts this Administrative Procedure to implement provisions in City Code Section 5.18 Shared-Rideable Businesses. This document includes:

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Attachment A. Permit Application

1. Purpose

This Administrative Procedure regulates Shared-Rideable Businesses as defined in Sacramento City Code 5.18. The operation of a shared-rideable business in the City of Sacramento is a privilege, not a right. For a company to offer shared-rideables for commercial purposes in Sacramento, the company must obtain a shared-rideable business permit.

The purpose of this Administrative Procedure is to implement the ordinance regulating shared-rideable businesses, including the issuance of business permits by the City of Sacramento.

Transparency and uniformity are the primary goals of this administrative procedure.

2. Policy

Businesses seeking a shared-rideable business permit must comply with the policies, procedures, and provisions outlined in this document.

3. Scope

a. Permit Application Standards and Requirements

The Operator's permit application must be complete, consistent with the expectations of the City. Operators must pay all applicable fees before their permit application will be approved.

b. Permit Payment Procedures

All applicable fees must be paid 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
Vehicle fee (Annual, per device)	\$136
Vehicle fee in Opportunity Areas (see Figure 1: Shared-Rideable Service Areas) (Annual, per device)	\$104

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. Operator shall replenish the amount on deposit, as required.

c. Parking Citation Payment Processing System

Devices that violate Sacramento City Section 10.76.060 are subject to citation from the Department of Public works. All operators must participate in the City's electronic parking citation processing system, once it is available. This processing system will allow the City and the Shared-Rideable Businesses to manage citations and invoicing through an online portal. Until the electronic citation processing system is available, operators must pay invoices within 30 days. Failure to participate once it is available shall be grounds for permit revocation.

d. Number of Permitted Devices

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.

e. 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.

f. Deployment Operations

Devices deployed by a permitted Operator shall meet the following requirements:

1. 20% of the Operator's fleet shall be deployed each morning in Opportunity Areas as show in Figure 1: Shared-Rideable Service Areas;
2. All devices shall be deployed to approved parking areas – at bike racks or City designated areas – each morning;
3. Be parked upright;
4. Not be deployed in a manner that violates the Americans with Disabilities Act (ADA) requirements, impedes ADA access or paths of travel; and
5. Not be deployed within 18 inches from the curb.

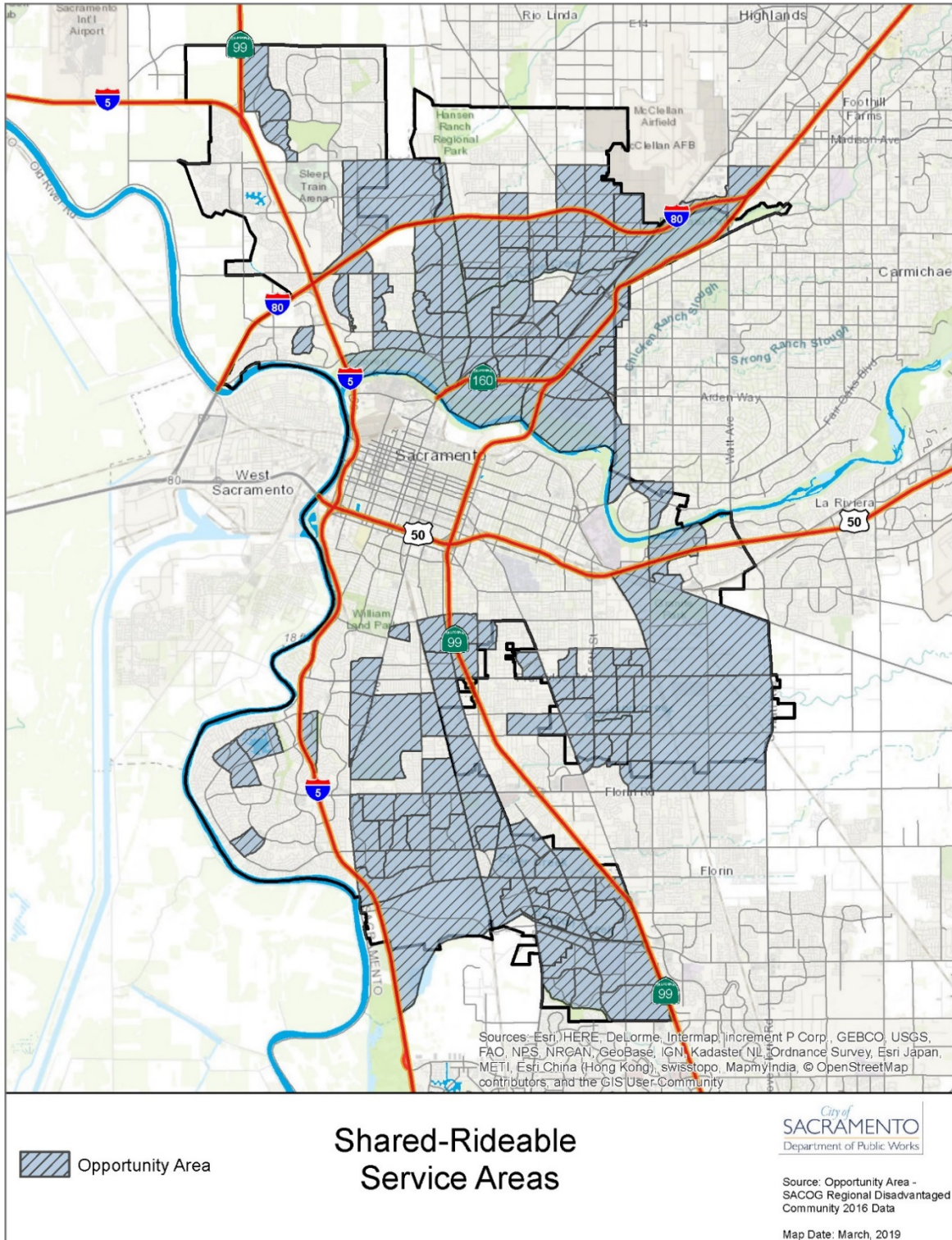


Figure 1: Shared-Rideable Service Areas

g. Required Plans

Applicants shall provide to the city the required plans as described in the attached permit application.

h. Required Reporting

i. Outreach Reporting

Permitted Operators 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 to 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

ii. Equity Reporting

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

iii. Data Sharing and Reporting

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 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.

iv. Weekly Data Summaries

In addition to the required reporting described earlier, 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:

- Number of active devices by type (bike and/or scooter, etc)
- Total users in system by week and month
- Total users by cohort (members, low income plan)
- Trip number by day, week, and month (Trips will be measured by those that end within the City of Sacramento).
- Detailed, aggregate trip origin/destination information
- Average trip length and time

- Hourly fleet utilization with trip origin or destination in Sacramento
- Description of distribution of 20% of the fleet to Opportunity areas including location of distribution areas, how many devices, and percentage of fleet

v. 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.

i. Data Privacy

The applicant shall submit a Data Sharing Plan demonstrating that it will provide data for the previous day's 24-hour period and archival data for the entire Sacramento shared-rideable fleet, the API key, and in GBFS and MDS format. MDS formats must be MDS Provider; MDS Extension is not acceptable. Access to data must require secure authentication.

Agreement with this data privacy agreement is a shared-rideable permit condition. Failure to provide GBFS and MDS Provider and maintain consistently accurate data that is made available within the previous calendar day could result in permit suspension until the issues identified by the city are resolved.

The City may use data provided via by the applicant via MDS or GBFS ("**Applicant Data**") for the following purposes ("**Permitted Purposes**"):

- as a tool to help the City analyze traffic and usage patterns;
- to validate and enforce compliance of the Shared Rideables Program permit requirements; and
- for local and regional planning purposes and other public purposes, unless otherwise prohibited by applicable law.

The City agrees to use Applicant Data only for the above purposes or as otherwise agreed in writing with applicant.

Applicant Data generated under this permit and received by the City is the property of applicant and shall be anonymized using industry best practices before it is presented through the City's dashboard. The City shall not retain in its possession, custody, or control, any data that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked directly or indirectly, with a particular consumer or household ("Personal Data") that can be used on its own or with other information to identify, contact, or locate a consumer or household. The City will combine Applicant Data so that start points, stop points, routes, and times of individual trips cannot be discerned or combined with each other or other information

to isolate details of an individual trip and/or reveal Personal Data ("Aggregated Data"). The City will limit access to data to City employees who have a need to access such information for planning or permit oversight purposes. The City shall not attempt to re-identify any individual from Applicant Data, Aggregated Data or any other data made available under this permit to an individual under any circumstance.

The City collects GBFS data which does not reveal information about users and no raw data is stored. This data includes:

- 20% deployment to Opportunity Areas

The City will only capture and store anonymized or Aggregated Data. This data includes:

- Number of devices
- Total number of trips
- Trip duration
- Trip distance
- Trip start (by block segment)
- Trip end (by block segment)
- Number of trips per block/segment (aggregated to 3 trips per block segment)
- Vehicle type

The City will comply with all applicable laws and regulations, including consumer privacy laws, and will take all reasonable steps to protect Applicant Data. The City shall not rent or sell Applicant Data. It will not share applicant's MDS authentication token with any third-party and will take all reasonable steps to protect applicant's MDS authentication token. The City shall not require the applicant to share Applicant Data except as set forth in this policy and permit, and consistent with applicable data protection laws.

Any data accessible under this permit that is not deidentified or Aggregated Data will be considered the confidential information of the applicant ("Confidential Information"). The City will not collect or store Confidential Information or disclose Confidential Information to any third party. Confidential Information includes, but is not limited to:

- Any raw trip travel route data;
- Specific, individual, single trip travel route data;
- Trip travel data per block when, during the 24-hour period around the trip, there are less than three trips; and
- Information which is subject to re-identification using information that may be publicly available to identify or be linked to an individual person. For example, an individual's home or work address may be publicly available and an individual's travel routes and destinations may also be publicly available, such as through blogs, publications or social media, and a third party could review such other sources of information in addition to the de-identified data.

If the City receives a request pursuant to the California Public Records Act or any other applicable law for any data retained or otherwise accessible to the City under this permit, or is sued to obtain disclosure of data accessible under this permit, the City shall notify the applicant as soon as reasonably possible. The applicant may seek judicial protection from disclosure if the City and applicant disagree as to whether some part of the data is exempt from disclosure. Failure by the applicant to seek judicial protection from disclosure within fourteen (14) days from the date on which the City provides such notice to the applicant shall constitute a waiver by the applicant, and such information may be disclosed by the City pursuant to law. The City shall have no liability for such disclosure, unless it is made in violation of a court order obtained by the applicant.

The City shall use appropriate security measures to protect all data accessed under this permit including any Personal Data, Aggregated Data, Applicant Data, and Confidential Information. In the event of any unauthorized or unlawful processing, access, or disclosure, including an accidental loss, destruction, damage, or alteration of data, as well as any breach or attempted breach of the City security measures (collectively "security breach"), the City shall notify the applicant within 24-48 hours of detection. The City will cooperate in good faith with applicant to take appropriate measures to mitigate/remedy the effects of the security breach.

The City shall provide the applicant notice at least 20 business days in advance of changes to its use of GBFS and MDS data, or processes and practices to collect such data.

If the City elects to contract with a private third-party vendor to collect or manage data, the City will require the vendor to enter into a data privacy agreement with the City that appropriately restricts the use of data by the vendor and otherwise ensures the protection of personal privacy and personally identifiable information. Such data privacy agreement shall be no less restrictive than the data usage and privacy terms agreed to by the City, as set forth herein. The City shall also require any such third-party vendor(s) to enter into a data sharing agreement with the applicant that is no less restrictive than the data usage and privacy terms agreed to by the City, as set forth herein. Should the third-party vendor have an existing data sharing agreement with applicant concerning Applicant Data, the City shall not be required to enter into a data sharing agreement with the third-party vendor.

Applicant Data may be retained by the City for as long as reasonably necessary to fulfill any Permitted Purposes, provided, however, that Applicant Data shall be securely deleted following a determination by the City that Applicant Data is no longer necessary to fulfill any Permitted Purpose.

These Data Privacy Administrative Procedures serve as a binding legal obligation of the City and as a precondition to the Applicant's acceptance of the Permit terms and in entering into the terms of the Permit and carrying out its obligations thereunder.