

## Shared-Rideable Business Permit Application

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## I. Introduction

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

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The Permit Application must be completed for all questions, meet the expectations of the City, meet data sharing requirements, and the City must have payment for all applicable fees before approval of a permit to operate. **Please expect 2-3 weeks for permit review, permit amendments, and/or foreach time a permit application is resubmitted.** Once the Shared-Rideable Business's/Operator's application is approved, the City will issue a Shared-Rideable Permit and the Operator will be allowed to start operations.

The terms "Shared-Rideable Business" and "Operator" are used interchangeably herein to refer to a business, including a franchise, that owns, manages, or makes available shared-rideable for hire. "Shared-Rideable Business" and "Operator" include the applicant's contractors and franchisees.

By applying for a permit, an Operator agrees to comply with the City's adopted Shared-Rideable Ordinance (City Code Chapter 5.18), as amended during the term of this permit, and to comply with the City's Shared-Rideables Business Administrative Procedures, as amended during the term of this permit.

An Operator must apply for a permit amendment to modify its operational service area, opportunity areas, the number of permitted devices, introducing a new device, and/or if any information within the permit application changes. Please allow a minimum of two (2) weeks for City staff to review and approve any modifications and if needed, prepare any required invoicing.

**Permitted Operators interested in renewing their permit for a subsequent permit year must provide the City six (6) weeks' notice in writing prior to permit expiration and must submit renewal permit applications a minimum of four (4) weeks prior to permit expiration.**

For a permitting process to stay active, Operators will have a maximum of six (6) weeks to respond and address the City's comments on draft permit applications. If an Operator fails to respond timely to the City's comments, the application will be deemed withdrawn. After an Operator's application has been deemed withdrawn, the Operator will be required to submit a new application and permit fee.

**Please follow the format and order of the permit application. The City of Sacramento's Shared-Rideable Permit is not a competitive process and the City does not need to be sold on the benefits of shared micromobility, so please do not include creative marketing language.** Clearly, concisely, and directly answer the permit applications questions and prompts. We recommend repeating the questions or narratives and affirming to meet requirements. Applications that do not follow this guidance will be sent back to be revised to meet requirements.

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. Operators are required to keep their BOT current. If the BOT expires, Operators must renew and send the updated BOT certificate copy to City staff. 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.

**Application Checklist**

Please review the checklist prior to each permit application submission and ensure the required items are included with each permit application submittal. Incomplete applications will not be reviewed until the applicant provides all the required documentation.

X	Items to include each time a permit application is submitted:
	<ul style="list-style-type: none"> <li>• Complete permit application</li> </ul>
	<p>All required insurance documentation that meets requirements and have current, active dates.</p> <ul style="list-style-type: none"> <li>• General Liability</li> <li>• Automobile liability</li> <li>• Workers' Compensation with Waiver of Subrogation pages that include the Workers' Compensation policy number AND is in favor of the City of Sacramento</li> </ul>
	<ul style="list-style-type: none"> <li>• Current copy of the Business Operations Tax (BOT) Certificate</li> </ul>
	<ul style="list-style-type: none"> <li>• Signed applicant certification</li> </ul>
	<ul style="list-style-type: none"> <li>• ESRI Shapefile and KML file of the Operator's service area that includes opportunity areas and bike racks, city designated parking areas where the Operator plans to deploy</li> </ul>

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

## **B. 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 Section **C. Modifying the Number of Permitted Devices** below).

### *Subsequent Permit Years*

The City will evaluate the factors listed in C. Modifying the Number of Permitted Devices below when evaluating permit renewal and fleet expansion applications. Any Operator seeking to increase the size of its fleet can do so at any time and must submit in writing a fleet expansion request to the City. Please allow a minimum of two (2) weeks for City staff to review and approve expansion requests. Upon City approval, the Operator must pay shared-rideable fees.

Should an Operator choose to decrease their City approved fleet size, fees will not be refunded.

Should the City require an Operator to decrease the number of devices in their fleet based on improperly parked devices and adverse impacts on vehicular or pedestrian traffic, fees will not be refunded.

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

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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 data reflects that an Operator's devices are frequently parked improperly, are otherwise adversely impacting vehicular or pedestrian traffic, are not meeting or exceeding a minimum utilization rate of 3 rides per day or the shared-rideable business is being operated in a manner that is injurious to public health, safety, or welfare, 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.

## D. 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 (per trip per device)	\$0.10 per trip
Vehicle fee (Annual per scooter device)	\$104
Vehicle fee (Annual per bike device)	\$52
Vehicle fee in Opportunity Areas (see Figure 1: Shared-Rideable Opportunity Areas) (Annual per scooter device) Bike fee waived in opportunity areas.	\$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 applicant's application.

The Operator will be invoiced monthly for the shared-rideable parking and infrastructure fee. This fee is based on the following formula: amount of fee times actual trips that occurred during the month.

For example, \$0.10 trip fee x number of trips during the month.

For example, an Operator will be invoiced in October 2020 for actual device trips taken from September 1, 2020 – September 30, 2020. Formula: \$0.10 trip fee times number of monthly device trips.

Permitted Operators that choose to terminate service prior to permit year completion must acknowledge that first time permit review, annual permit renewal, vehicle fee per device, vehicle fee for opportunity area devices, and the parking and infrastructure fee for trips taken cannot be prorated or refunded.

## E. Parking Citation Payment Processing System

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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. This processing system will allow the City and the Shared-Rideable Businesses to manage citations and invoicing through an online portal.

While Operators are responsible for paying invoices within 30 days, **Operators must pass on the citation fee to the rider that illegally parked the cited device and make an appeals process available. Failure to pass on citations to riders and/or paying invoices on-time shall be grounds for permit revocation or suspension.**

**Submit complete applications to:** 915 I Street, 2<sup>nd</sup> Floor, Sacramento, CA 95814

**Complete applications may be emailed to:** [jdonlonwyant@cityofsacramento.org](mailto:jdonlonwyant@cityofsacramento.org)

## II. Application

### A. Provide Information on Shared-Rideable Business

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**Business Name:**

Primary Phone No:

Business Address:

Alt. Phone No:

City/State/Zip:

Email Contact:

Mailing Address:

Alt. Email:

City/State/Zip:

**Applicant Name:**

Primary Phone No:

Title:

Alt. Phone No:

Mailing Address:

Email address:

City/State/Zip:

**Local Point of Contact Name:**

Primary Phone No:

Title:

Alt. Phone No:

Mailing Address:

Email address:

City/State/Zip:

**Parking Citation Point of Contact:**

Primary Phone No:

Title:

Alt. Phone No.

Mailing Address:

Email address:

City/State/Zip:

**GIS/IT Point of Contact:**

Primary Phone No:

Title:

Alt. Phone No.

Mailing Address:

Email address:

City/State/Zip:

## **B. Provide Device Standards**

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The applicant shall demonstrate, to the satisfaction of the city, that its fleet meets the following standards below. Applicants must provide a specifications sheet that includes a clear, large image of the device within this section of the application. Please note this image will also be shared with the City's 311 team, so please be sure the photo of the device is clear.

Identify or graphically point to where on the device required elements listed below are located. For example, a labeled arrow pointing to where on the device the device ID is located. For items that cannot be seen on the device, for example, built with tamper-resistant hardware, please explain how the applicant/device meets the requirements.

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 21220-21235, if a motorized scooter. These requirements include, but are not limited to, reflectors and integrated front and rear lights, be equipped with software or other mechanisms to prevent the motor from providing assistance when the shared-rideable device's speed exceeds 15 miles per hour and any other requirements set forth in applicable laws and regulations (provide detailed specification sheet illustrating with callout of 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 permanent markings in a visible location and in braille and raised text identifying the shared-rideable business name, telephone number, and shared-rideable unique identification number (and clearly show on specification sheet). The size, material, and location of the braille and raised text must be in a consistent location on each device and approved by the City of Sacramento.
10. Indicate the template for the device IDs (for example, alphanumeric code of six characters);
11. Bear a sticker or stencil communicating to users to park the device upright at bike racks or city designated parking areas. Font must be a minimum of 24-point and the sticker must be placed in a prominent location on the device and in a consistent location on each device.
12. Bear a sticker or stencil communicating to users that sidewalk riding is prohibited (if a motorized scooter). Font must be a minimum of 48-point and the sticker must be placed in a prominent location on or near the handlebars and in a consistent location on each device.
13. All devices must have an integrated locking mechanism which cannot be removed using simple tools and which securely holds the scooter upright when parked at a bike rack or other fixed object. A combination lock will not be considered an integrated locking mechanism. All devices must have an integrated locking mechanism by January 1, 2022.
14. Be equipped with a GPS capable of providing real-time location data.

## **C. Provide Required Plans**

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### **1. Business Plan**

The applicant shall provide to the City a Business Plan that includes documentation and other evidence demonstrating, to the satisfaction of the city, the shared-rideable business's compliance with the following requirements:

- a. The proposed number of devices.
- b. 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 shared-rideable device.
- c. Provide associated costs to use devices. For example, cost to unlock and cost per minute or per mile.
- d. Shared-rideable devices must be operational for customers seven days per week.
- e. 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.
- f. A privacy policy that safeguards customers' personal, financial, and travel information, and usage including, but not limited to, trip origination and destination data.
- g. Affirmation that permitted Operators/shared-rideable business (includes staff, employees, franchisees, contractors, subcontractors, independent contractors, or any person working on behalf of the Operator), must not engage in anti-competitive behavior toward another shared-rideable business, including falsifying data, sabotaging devices, and/or moving competitor vehicles. Such behavior can result in permit suspension.
- h. Affirmation that the permitted Operator must pass on parking citations to the customer that illegally parked a shared-rideable device to accomplish the goal of educating customers and changing behavior. Describe the process to pass on parking citation fines to the customer that illegally parked a shared-rideable device, what type of education will be provided to the customer, and describe the customer-appeal process.
- i. A plan for device distribution, including satisfaction of the City's requirement that a minimum of 20% of active devices be deployed to opportunity areas each morning.
- j. Affirmation that the permit holder must not advertise nor publish the City of Sacramento's participation in or endorsement of the shared-rideable business in marketing, promotion, or other materials without the City of Sacramento's prior written consent.
- k. Affirmation that the shared-rideable business permit holder must notify the city of any changes to the shared-rideable business ownership, corporate structure, or business model. Failure to report these changes to the city are grounds for permit suspension, revocation, or modification to a permit.



- l. Affirmation that the permit holder will educate its staff, employees, franchisees, contractors, subcontractors, independent contractors, or any other people working for or on behalf of the shared-rideable business of local and state regulations for shared-rideables.
- m. Shared-rideable businesses must not utilize its devices for the sale or display of third-party advertising.
- n. Affirmation that an Operator's employees and independent contractors will wear the name or logo of the Operator they work for during device deployment, rebalancing, and retrieval. The name or logo of the Operator must be visible to the public to ensure that Operators are accountable when operating in the right-of-way.

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

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

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

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

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

- a. Ensuring the right-of-way is unobstructed;
- b. Ensuring devices do not obstruct accessible paths of travel;
- c. Ensuring devices are parked in approved locations;
- d. Rebalancing the devices to and from high use areas within peak operating hours; and
- e. Acknowledges that shared-rideable devices blocking sidewalks or curb ramps are ADA violations and should be retrieved as soon as possible;
- f. Ensuring compliance with section 5.18.220 of the city code.

A shared-rideable business shall, within two hours of notice, retrieve or relocate its shared-rideable that is in any of the following conditions:

- i. Inoperable or not safe to operate, and parked in the public right-of-way;
- ii. Not parked in an authorized parking space in an upright position;
- iii. Parked in the same location for more than 48 hours;
- iv. Operating with a battery or motor determined by the city to be unsafe for public use; or
- v. Parked in violation of sections 10.76.050 or 10.76.060.

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

- g. All devices must be deployed to approved parking areas – at bike racks or City designated parking areas;
- h. Be parked upright and within the footprint of the bicycle rack or the designated parking area. **Devices parked at City bike racks shall not be parked in a manner that exceeds the number of devices the bike rack is designed to hold;**
- i. Not be deployed in a way that takes up all available bike and scooter parking. Twenty percent (20%) of each bicycle rack must remain empty for privately-owned bicycles or scooters;
- j. Not be over-deployed or deployed in a way that over-concentrates the number of devices within an area;
- k. Not be locked to other devices;
- l. Not be deployed to SACOG regional bike share bike racks (unless the Operator holds the SACOG regional bike share contract);
- m. Not be deployed in a manner that violates the Americans with Disabilities Act (ADA) requirements, impedes ADA access or paths of travel;
- n. Not be deployed within 18 inches from the curb;
- o. Affirmation that the City may require geofencing or otherwise identify, through the shared-rideable business's smartphone application, city-designated parking spaces, no-ride zones, speed zones, or areas where parking or riding restrictions may apply on a permanent or temporary basis; and
- p. Devices shall not be deployed to any location prohibited by the City of Sacramento, beginning 48 hours after an Operator receives notice that the location is prohibited.

#### 4. Community Outreach and Education Plan

The applicant must submit a Community Outreach and Education Plan demonstrating that the shared-rideable business will educate and engage with its employees, contractors, subcontractors, franchises, or people working for the shared-rideable business, customers, and city residents about applicable local and state regulations, including operations that meet local and state regulations and how to travel on shared-rideables safely and legally. The application must demonstrate, to the satisfaction of the city, how the applicant will comply with the following requirements.

- A. User and Community Safety. Explain how the shared-rideable business will:
  - i. Educate and ensure that employees, in-house staff, contractors, subcontractors, franchises, or people working for the shared-rideable business know and will follow Sacramento and state laws.
  - ii. Promote and educate potential members and existing members about the benefits of using its business.
  - iii. Educate members about methods to access and how to use its business, including discounts available, low-income customer memberships.
  - iv. Educate members about local and state regulations.
  - v. Educate members about where devices are allowed to operate.

- vi. Educate members about where devices must be parked and that devices left blocking sidewalks or curb ramps can incur a fee that they (the rider) may have to pay.
  - vii. Ensure devices are parked in approved locations.
  - viii. Educate members about how to safely use the devices (such how to ride, how to use hand signals, riding with (not against) traffic, yielding to pedestrians, not to ride e-scooters on sidewalks, etc.).
  - ix. Ensure users under 18 years of age wear a helmet (CVC 21212).
  - x. 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.
  - xi. Implement a plan to address underage riding and outline the steps the shared-rideable business will take when receiving notification of underage riding. Must include:
    - i. Increased push notifications, blog posts, community outreach, consistent and joint Operator messaging, penalties for riders who allow others to use their account, and membership termination.
    - ii. Driver's license scans every six months.
    - iii. Regular driver's license audits: Increased driver's license audits, scans, and/or suspension of accounts using fraudulent or expired forms of driver's licenses.
- B. Digital Rider Safety Education: Shared-rideable businesses must take special measures to ensure that customers are aware that riding e-scooters on the sidewalk is illegal and shared-rideable devices (bikes and e-scooters) must be parked at bike racks or city designated parking areas. The shared-rideable business must have this active within thirty (30) days of the date of the issued permit. Measures include at a minimum:
- i. For first time riders, a mandatory video that expressly instructs riders how to use the device, where they can and cannot ride, and park. This is not required for users who do not access their rental without a smart phone.
  - ii. A pop-up reminder every time a user opens the app that riding on the sidewalk is illegal and all devices must be parked at bike racks or city designated parking areas. This is not required for users who do not access their rental without a smart phone.
  - iii. A pop-up reminder at the end of each trip reminding the user that the device must be parked at a bike rack or city designated parking areas and that leaving devices blocking sidewalks or curb ramps can result in a fine and potential suspension of their membership. This is not required for users who do not access their rental without a smart phone.

- iv. Trip-end photograph: All users must take a photo of the legally parked device before ending a trip for the first three (3) trips. This is not required for users who do not access their rental without a smart phone.
- C. Safety education and engagement events: Shared-rideable businesses must complete a minimum of 10 safety education and engagement events per permit year with four (4) occurring in opportunity areas. Safety education and engagement is not only an opportunity to let potential riders know about these transportation options and how to access membership, discounts, low-income memberships, but it's also an opportunity to educate riders how to safely use shared-rideable devices, where to legally park devices to avoid receiving a fine, that e-scooting on sidewalks is illegal, to ride with traffic, and to yield to pedestrians in addition to other relevant local and state laws.
- All engagement efforts must occur in the areas and opportunity areas that the shared-rideable business serves. Efforts outside of the shared-rideable Operator's service area will not count toward meeting total required events. Please note the shared-rideable businesses must report on safety education, outreach, and engagement in monthly reporting.
- i. Affirm to meet the minimum required 10 safety education and engagement events, with 4 in opportunity areas.
  - ii. Which local organizations does the shared rideable business plan to reach out to and establish partnerships with to be able to reach more customers?
  - iii. Are there established events the shared-rideable business plan to attend and if so, which events?
- D. Equity Plan: 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 must:

- i. Explain how the shared-rideable business will encourage access, promote, and market its services to the City's low-income communities.
- ii. Explain how the shared-rideable business will provide a discounted, low-income customer plan available to any customer who resides in housing managed by Sacramento Housing and Redevelopment Agency (SHRA), receives a rent subsidy from SHRA, or qualifies for: CalFresh; the PG&E Cares program; SMUD's low-income program; or the Women, Infant, and Children (WIC) program.
- iii. The shared-rideable businesses should strive to provide a cash payment option for customers. If available, explain how the applicant will provide cash payment options. Please explain the process for a customer to utilize any cash payment system.

The Operator will be required report to the City monthly its efforts toward achieving the community outreach and education plan. See Required Reporting on page 15.

## 5. Geographic Distribution Plan

The applicant must submit a Geographic Distribution Plan with a map and address the prompts below. Please attach ESRI and KML formats of the service area and bike rack/city designated parking area deployments with each permit application submission. Please provide a map within the application showing:

- a. A proposed operational service area.
- b. Opportunity area(s) where no less than 20% of active shared-rideable devices will be distributed each morning. Please delineate the opportunity areas from the rest of the service area in both the map within the application and the ESRI and KML shapefiles; (See Figure 1 for the opportunity areas. A shapefile can be found on the City's website).
- c. The City of Sacramento requires that devices be deployed to and parked at bike racks or city designated parking areas. Please identify public bike racks and city designated parking areas the applicant plans to initially deploy devices to in both the service area and opportunity areas. Operators shall not deploy to bike racks designated exclusively for privately-owned bicycles or scooters unless the operator has obtained permission from the owner before deploying to the private bike rack.

Please address the following prompts:

- d. Affirm to meet the minimum 20% opportunity area deployment of active shared-rideable devices each morning.
- e. Affirm to not deploy devices in a way that takes up all available bike parking.
- f. Affirm that the City may designate block faces, districts, areas, or other locations in the City where devices should not be operated by riders ("no-ride zones"), speed zones, limited number of devices, or where other riding restrictions apply. These locations may be either permanent or temporary. The shared-rideable business must mark or geofence special ride zone locations in its smartphone application upon request of the City.
- g. Affirm to let the City know in writing when the shared-rideable business is interested in modifying its operational service area or opportunity areas. Please allow for a minimum of two (2) weeks for City staff to review and approve any modifications.

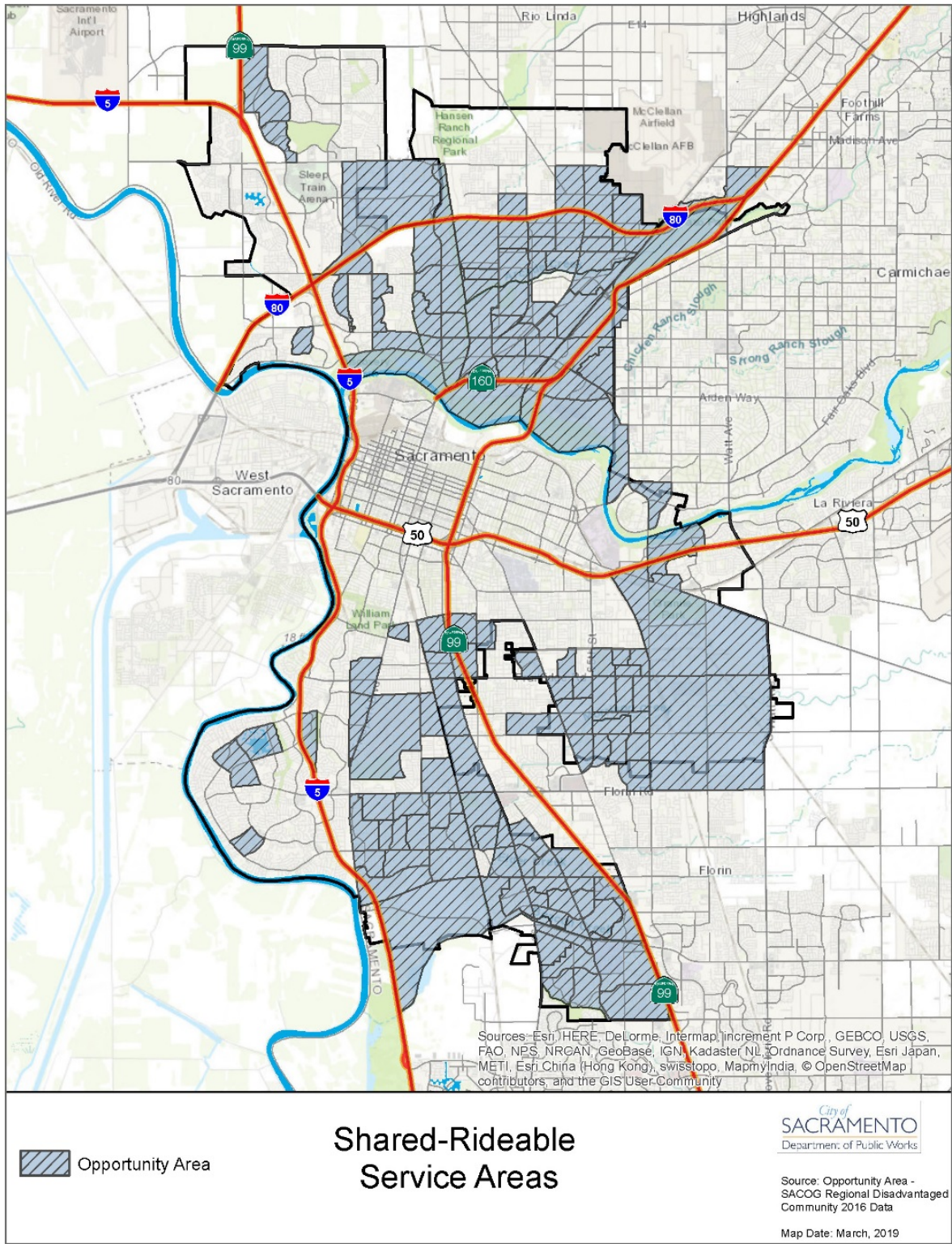


Figure 1: Shared-Rideable Opportunity Areas

## 6. Data Sharing Plan

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 formats.

Operator must acknowledge that as a condition of operating in the City of Sacramento, Operators must provide accurate data through GBFS and MDS. Failure to provide these data formats are subject to permit suspension.

See Data Sharing and Reporting on **page 1717** for detailed data sharing requirements.

## D. Required Reporting

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Reports will be provided to the Operator in the format defined by the City and will be due to the City of Sacramento the second Friday of the following month. For example, data from July 1 – July 31, 2020, would be due the second Friday in August.

All reporting metrics submitted by permittees must include work of Operator staff/in-house employees, contractors, subcontractors, independent contractors, franchises, or any people working on behalf of or for the Operator. All reporting must be accurate and complete under penalty of perjury to the Shared-Rideable Permit.

Monthly reporting sections include:

- Community Outreach and Education
- Equity
- Other monthly metrics
- Sustainability metrics

### 1. Community Outreach and Education Reporting

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Shared-rideable businesses must report to the City monthly its efforts, trainings, events, partnerships, or other relevant information to meet the requirements in its approved Community Outreach and Education Plan on page 10. This reporting must match what the shared-rideable business proposed in the Community Outreach and Education Plan section of the permit application. Shared-rideable businesses must report on their progress in meeting the 10 minimum events (four in opportunity areas) in a reporting format/template that will be provided by the City.

- Affirm the shared-rideable business will meet this reporting requirement
- Affirm the shared-rideable business will submit accurate information and by the reporting due date
- Affirm the shared-rideable business understands and acknowledges that failure to submit accurate and timely reporting are grounds for permit suspension

### 2. Equity Reporting

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Affirm the shared-rideable business will meet the equity reporting requirements.

- Average percentage of fleet distribution to meet minimum 20% deployment of the fleet to Opportunity Areas for the past month

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- Provide a list of the opportunity areas served and device type if applicable
- Description of member fees for low-income plan
- Describe promotional efforts during the past month to low-income city residents about the benefits and how to access to its devices. Please provide social media outreach examples or flyers (if applicable)
- Total Number of low-income members
- Number of new low-income members signed up in the most recent month
- Number of trips on low-income plan (provide for each device type if applicable)
- Average revenue hours (provide for each device type if applicable)
- Number of trips facilitated through cash payment (provide for each device type if applicable)
- Average cost of trips facilitated through cash payment (provide for each device type if applicable)
- Number of trips per shared-rideable device per day in opportunity areas (provide for each device type if applicable)

### **3. Other Monthly Metrics Summaries**

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Affirm the shared-rideable business will meet the other monthly metrics summaries reporting requirements.

Permittee must track and report the following metrics monthly to the City.

- Total unique users in system by month: broken down by membership type and gender (provide for each device type if applicable)
- Total monthly trips (provide for each device type)
- Average trip length (miles) (provide for each device type)
- Average trip duration (minutes)(provide for each device type)
- Hourly fleet trip utilization (provide for each device type)
- Complaints/customer service log: device type, date, who reported (311, rider, etc.), nature of complaint (illegally parked device, not parked at a bike rack, etc.), source (mobile app, call, email, etc.), response time, including time of request, time of resolution
- Number of citations received (provide for each device type)
  - Number of citation fees passed onto the rider
- A maintenance log, including device ID, device type, date, time, and maintenance type
- Describe any noticeable trends over the last month

### **4. Sustainability Metrics**

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Affirm the shared-rideable business will meet the sustainability metrics reporting requirements.

The City of Sacramento has an adopted Climate Action Plan and conducted a two-year study called the Mayors' Commission on Climate Change, which has recommendations on how Sacramento and West Sacramento can achieve carbon-zero by 2045. Permittee must track and report the following metrics to the City monthly (for informational and educational purposes only):



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- Number of trips generated by redistributing, recharging, and other operational activities (by vehicle type and fuel efficiency)
- Vehicle Miles Traveled (VMT) for operational activities (by vehicle type, fuel type, average fuel efficiency)
- Source of electricity used to recharge devices, and/or the location(s) where charging occurs
- Average kilowatt hours per mile per device
- Average lifespan of device
- Number of batteries disposed and location of disposal

### **5. Membership Surveys**

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Each Operator must share with its members a city created survey at least once (one time) per permit year and provide results of the survey to the City of Sacramento. The City of Sacramento will create the survey and provide it to the Operator to share with its members. Affirm the Operator will meet this requirement.

### **E. Data Sharing and Reporting**

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#### **Data Format**

As a condition of operating in the City of Sacramento, Operators must provide accurate data through two formats (GBFS and MDS). Failure to provide these data formats are subject to permit suspension.

#### **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**

Operators must provide at a minimum MDS Provider. MDS Extension is not acceptable Operators must provide data through a City-accessible Application Programming Interface (API) that provides the data outlined within, and meets the Specification of, the Open Mobility Foundation Mobility Data Specification (MDS) as published online at <https://github.com/openmobilityfoundation/mobility-data-specification>

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 Operator may not change the API URL without notifying the City with at least 30 days' notice. Operators must provide the City at least 30 days' notice of any changes to how data is shared, changes in MDS/GBFS versions, or any other changes that could impact the data feeds. 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 provide MDS and GBFS access or maintain consistently accurate and real-time data could result in permit suspension until the issues identified by the city are resolved.

Operators must provide a data point of contact that City of Sacramento staff can reach out to with questions or issues. Please provide this information in section A. Provide Information on Shared-Rideable Business on page 6.

### **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.

### **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.

## City of Sacramento

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.

## **F. Grounds for suspending, revoking, or modifying a permit.**

Applicant must acknowledge the grounds for permit suspension, revocation, or modification of a permit (City Code 5.18.300).

## **G. Indemnification**

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The Operator, 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 and contractors of the Operator or loss of or damage to property, arising directly or indirectly from the Operator's performance of this permit (including Operator's franchisees and agents), including, but not limited to, the Operator'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 Operator or its franchisees, agents, or employees. 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 Operator 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 Operator by City and continues at all times thereafter. The Operator 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.

## **H. Insurance**

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Operators must provide insurance documentation that meet insurance requirements outlined in 5.18.200 Insurance requirements.

### **When insurance policies expire or change, the Operator is responsible for providing updated documentation to the City of Sacramento.**

By submitting this application, the Operator affirms it will monitor the required insurance coverage and provide to the City updated information when insurance policies expire or change.

## **I. Business Operations Tax (BOT)**

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Provide a copy of the Operator's current Business Operations Tax (BOT) certificate.

Operators must affirm to keep the BOT current. If the BOT expires, Operators must renew and send the updated BOT certificate copy to City staff.

**J. Applicant's Certification**

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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 Shared-Rideable Business and to bind the Shared-Rideable Business.

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

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