

## APPENDIX B

**2019 SHARED MOBILITY PERMIT REQUIREMENTS**

*Mobility Share Entities wishing to operate within the City of Tucson Right-of-Way must certify that they meet all of the following requirements.*

**DEFINITIONS**

For the purposes of the Shared Mobility Permit Requirements, the listed terms shall have the following meaning:

1. **Applicant:** An entity or person applying for a Shared Mobility Permit.
2. **Director:** the Director of the City of Tucson Department of Transportation (TDOT), or their designee.
3. **Electric Scooter:** a self-propelled device that has an electric motor, a deck on which a person may ride, at least two tandem wheels in contact with the ground and is designed to be operated in a standup mode.
4. **Minimum Utilization Rate (MUR):** minimum average number of daily rides per device calculated by dividing the sum of total daily rides within City over a 7-day period by the total devices, excluding devices deployed in Opportunity Areas, available daily during the same timeframe. For Dynamic Capping purposes, the MUR for Electric Scooters is three (3) rides per day per device for expansion.
5. **Mobility Share Entity (MSE):** Any person, corporate or otherwise, offering a Shared Mobility Device for hire for use in the City of Tucson Right of Way (ROW), whether the use in the ROW is intended or not.
6. **Mobility Share Zone:** a defined area designated and marked by the Director as preferred for parking of Shared Mobility Devices
7. **Opportunity Areas:** Areas for deployment of additional Shared Mobility Devices excluded from calculation of a Permittee's MUR pursuant to Article III of the Shared Mobility Pilot Program. These are areas of high need derived by reviewing American Community Survey (ACS) Census Data (2012-2016) along four main themes:
  - a. Socioeconomic Status
  - b. Household Composition & Disability
  - c. Minority Status & Language
  - d. Housing & Transportation
8. **Permittee:** Any entity or person granted a Mobility Share Permit.
9. **Shared Mobility Device:** any wheeled device for hire: 1) on a short-term use basis (typically for a half hour or less, or one or two trips); 2) designed for moving one or more persons by means of human or electric power, or any combination thereof; and 3) not required to be returned to a specific origin point. This may include, but is not limited to, bicycles, electric bicycles, and electric scooters. A Shared Mobility Device may or may not be motorized.

**MINIMUM SAFETY REQUIREMENTS: Bicycles and Electric Bicycles**

**Requirement SB1:** All bicycles used by MSEs issued a permit under this pilot program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, permitted systems shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210.

**Requirement SB2:** All bicycles shall meet the Arizona Revised Statutes (ARS) requirements for lights during hours of darkness, described in ARS sec. 28-817. This includes a front light that emits white light and a rear red reflector.

**Requirement SB3:** Any electric bicycles used in systems issued a permit under this pilot program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles (described in Requirement SB1). This means that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. The City reserves the right to terminate any permit issued under this pilot program if the battery or motor on an electric bicycle is determined by the Tucson Department of Transportation (TDOT) to be unsafe for public use.

### **MINIMUM SAFETY REQUIREMENTS: Electric Scooters**

**Requirement SE1:** Any electric scooters used in systems issued a permit under this pilot program shall, at a minimum, meet the following criteria:

1. Must have a maximum speed of 15 mph or less;
2. Must be designed to be operated in a stand-up mode;
3. Must have an electric motor of 750 watts or less;
4. Must have a front light that emits white light visible at 500 feet to the front and a rear red light visible at 300 feet to the rear;
5. Must have brakes compliant with CFR Title 16 Chapter II Subchapter C § 1512.5 (a maximum braking distance of 15 feet when braking with a user of 150 lbs. from a speed of 15 mph)

The City reserves the right to terminate any permit issued under this pilot program if the electric scooters selected for any system are determined by the Tucson Department of Transportation (TDOT) to be unsafe for public use.

### **MINIMUM SAFETY REQUIREMENTS: All Shared Mobility Devices**

**Requirement S4:** All Permittees under this pilot permit program shall provide a monitored mechanism for customers to notify Permittees during all hours of operation that there is a safety or maintenance issue with any of Permittee's Shared Mobility Devices.

**Requirement S5:** All Permittees shall have Commercial General Liability Coverage Form CG 00 01 or the equivalent and additional coverages that include the terms contained in the Mobility Share Insurance Requirements (**Appendix C**).

**Requirement S6:** All Permittees shall notify the user, prior to allowing operation, of the following:

1. Failure to wear a helmet while using this Shared Mobility Device can result in injury or death, even in low speed collisions or falls.
2. Pursuant to Tucson City Code (TC) Sec. 5-18, Shared Mobility Device users shall not ride on the sidewalk unless signs are posted specifically permitting Shared Mobility Devices or bicycles on the sidewalk.

3. All users of motorized Shared Mobility Devices must be over the age of 18.
4. Proper usage around railroad and Sun Link Modern Streetcar tracks, construction areas and other common local hazards.
  - a. Entities shall make available for viewing, prior to operation, the video, Streetcar Safety for Bicyclists 2014.
5. The following language related to personal insurance coverage: " Your insurance policies may not provide coverage for accidents involving the use of this scooter. To determine if coverage is provided, you should contact your insurance company or agent."
6. Electric Scooters shall not be carried on Sun Tran buses or the Sun Link Streetcar.
7. Electric Scooters shall not be ridden on the Loop multi-use path.
8. Any and all additional safety-related information as instructed by the Director.

**Requirement S7:** Prior to the permit being issued, all Permittees shall sign and record an indemnification agreement indemnifying and holding harmless the City. Please see attached Mobility Share Indemnity Agreement.

**Requirement S8:** Permittees agree that the City of Tucson is not responsible for educating users regarding helmet requirements and other laws. Neither is the City responsible for educating users on how to safely ride or operate a bicycle or other Shared Mobility Device. Permittees agree to educate users on complying with applicable laws and safely riding and operating a Shared Mobility Device in the City of Tucson and Pima County and to instruct users to wear helmets.

### **PARKING: All Shared Mobility Devices**

**Requirement P1:** For mobility share stations that require the installation and maintenance of objects, including docks, in the right-of-way (ROW), an annual permit is required for every location in addition to an annual permit for this pilot program. TDOT's Planning, Engineering and Real Estate divisions will provide guidance on locating bicycle share stations, as well as the additional permits.

**Requirement P2:** For dockless mobility share systems, Shared Mobility Devices shall be parked in the landscape/furniture zone of the sidewalk, as designated by the applicable Design Guidelines, at a designated Mobility Share Zone or at a TDOT approved bicycle rack. The MSE shall inform users on how to park Shared Mobility Devices properly.

### **PARKING: Bicycle Parking Requirements**

**Requirement P3:** Restrictions to eligible bicycle parking zones on sidewalks.

1. **Bicycles shall NOT be parked:**
  - a. Within 15 feet of corners of sidewalks
  - b. On blocks where the landscape/furniture zone is less than 3 feet wide, or where there is no landscape/furniture zone
  - c. On blocks without sidewalks, bicycles may be parked if the travel lane(s) and 6-foot pedestrian clear zone are not impeded
  - d. In the landscape/furniture zone adjacent to or within:
    - i. Parklets or streateries

- ii. Transit zones, including bus stops, Sun Link streetcar stops, shelters, passenger waiting areas and bus layover and staging zones
  - iii. Loading zones
  - iv. Disabled parking zone
  - v. Street furniture that requires pedestrian access (e.g. benches, parking pay stations, bus shelters, transit information signs, etc.)
  - vi. Curb ramps
  - vii. Entryways
  - viii. Driveways
2. The City reserves the right to determine certain block faces where dockless bicycle share parking is prohibited.

### **PARKING: Electric Scooter Parking Requirements**

**Requirement P3a:** Restrictions to eligible non-bicycle Shared Mobility Device (Electric Scooter) parking zones on sidewalks.

1. **Electric scooters shall NOT be parked**
  - a. Within 15 feet of intersections
  - b. In the landscape/furniture zone within:
    - i. Parklets or streateries
    - ii. Transit zones, including bus stops, Sun Link streetcar stops, shelters, boarding platforms, passenger waiting areas and bus layover and staging zones
    - iii. Loading zones
    - iv. Disabled parking zones
    - v. Street furniture that requires pedestrian access (e.g. benches, parking pay stations, bus shelters, transit information signs, etc.)
    - vi. Curb ramps
    - vii. Entryways
    - viii. Driveways
2. **Electric scooters shall be parked:**
  - a. To allow at least 4 feet of usable pedestrian walking space at all times
3. The City reserves the right to determine certain block faces where dockless mobility share parking is prohibited.

**Requirement P4:** This permit is only valid for operations within the City of Tucson Right-of-Way. Additional zones may be established; for example, locations within parks, publicly-accessible plazas, on-street parking spaces, off-street parking lots/garages, or campuses. However, permission to do so shall require coordination with the appropriate department, agency, or property owner; and shall be communicated to the user through signage approved by the respective entity and/or through the mobile and web application.

**Requirement P5:** TDOT retains the right to create geo-fenced stations within certain areas where Shared Mobility Devices shall be parked and/or where Shared Mobility Device users shall not end a trip. Permittees shall abide by such designations upon notice by notifying users of such designated areas and, if applicable, not allowing violating users to end a trip in prohibited areas.

**Requirement P6:** Any dockless Shared Mobility Device that is parked in one location for more than 48 consecutive hours without moving may be removed by City of Tucson crews and taken to a City facility for storage at the expense of the Permittee. TDOT shall invoice the violating Permittee as stated in Requirement O12 below.

**Requirement P7:** All Permittees shall provide, on every Shared Mobility Device, contact information for Shared Mobility Device relocation requests.

**Requirement P8:** Shared Mobility Devices shall be upright when parked.

**Requirement P9:** Any Shared Mobility Device that is parked incorrectly shall be re-parked in a correct manner or shall be removed by the Permittee based on these times:

- 7am to 10pm - within two hours of receiving notice,
- All other times - within 8 hours of receiving notice.

### **OPERATIONS: All Shared Mobility Devices**

**Requirement O1:** All Permittees under the pilot permit program shall have a staffed operations center in the City of Tucson staffed by at least one (1) Permittee employee.

**Requirement O2:** All Permittees under the pilot permit program shall have a 24-hour customer service phone number for customers to report safety concerns, complaints, or ask questions.

**Requirement O3:** All Permittees under the pilot permit program shall provide TDOT with a direct contact for MSE staff that are capable of rebalancing Shared Mobility Devices. All permittees under the pilot permit program shall relocate or rebalance Shared Mobility Devices based on these times:

- 7am to 10pm - within two hours of receiving notice,
- All other times - within 8 hours of receiving notice.

**Requirement O4:** All Permittees shall have on file with City a performance bond of \$30/Shared Mobility Device, with a cap of \$30,000 per Permittee. The form of the bond shall be approved by TDOT. These funds shall be accessible to TDOT for any Shared Mobility related expense incurred by Permittee or Permittee's users, including, but not limited to: future public property repair and maintenance costs, removing and storing Shared Mobility Devices improperly parked, or if a company is not present to remove Shared Mobility Devices if its permit is terminated. If a Permittee increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional Shared Mobility Devices.

**Requirement O5:** Any inoperable Shared Mobility Device, or any Shared Mobility Device that is not safe to operate shall be removed from the right-of-way within 2 hours of notice by any means to the Permittee by any individual or entity, and shall be repaired, if possible, before putting the Shared Mobility Device back into revenue service, or permanently removed from revenue service.

**Requirement O6:** All Permittees shall have a minimum fleet of 100 units if using standard (non-electric) bicycles; Permittees shall meet this fleet size within four weeks of initial launch date.

**Requirement O7:** Permittees using only electric bicycles or Electric Scooters shall have a minimum fleet size of 100 devices; Permittees shall meet this fleet size within four weeks of initial launch date.

**Requirement O8:** TDOT may determine by Director's Approval additional or altered permit conditions based on data received as part of the data sharing requirements specified below, community input and/or for the protection of public health and safety.

**Requirement O9:** Every Shared Mobility Device shall have a unique identifier that is clearly visible from a distance of 30 feet or more.

**Requirement O10:** If TDOT or any other City department or office incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the City costs, the Permittee shall reimburse TDOT for such costs within 30 days.

**Requirement O11:** All applicants to the pilot permit program shall include the requested initial fleet size in their application. Permittees shall notify TDOT if they plan to change their requested initial fleet size at least two weeks before deployment; and include the additional program administrative fee for the expanded fleet (Requirement F3), and documentation of their updated performance bond (Requirement O4).

**Requirement O12:** TDOT reserves the right to terminate permits at any time and require that the entire fleet of Shared Mobility Devices be removed from Tucson right of way. The decommissioning shall be completed within 7 days unless a different time period is determined by TDOT.

**Requirement O13:** Any Permittee operating systems with 1200 or more Shared Mobility Devices must comply with the requirements of Articles XII and XIV of the Tucson Procurement Code relating to hiring goals and living wages.

**Requirement O14:** At launch, no more than 1,000 total Electric Scooters may be deployed, other than those deployed in Opportunity Areas. At launch, each Permittee may deploy up to 500 Electric Scooters. Additionally, each Permittee may deploy up to 250 additional Electric Scooters in Opportunity Areas.

**Requirement O15:** Dynamic Cap. After launch, Permittees may increase their Electric Scooter fleets by written request to the Director. Each request must be accompanied by documentation demonstrating:

1. A MUR of at least three (3) rides per day, and
2. The number, if any, of Electric Scooters in Permittee's fleet designated to be deployed in Opportunity Areas daily.
  - a. Electric Scooters deployed in Opportunity Areas will be excluded from the MUR calculation

City will verify documentation using real-time and historical data. City will then issue a final adjustment decision within 14 days of receipt of the written request and supporting documentation. For approved fleet increases, all fees for the added Electric Scooters must be paid 14 days prior to deployment. Beginning 30 days after deployment and continuing monthly thereafter, the Director will review Permittee fleets for utilization below, at or exceeding the MUR. Upon determining that a Permittee fleet has not met an MUR of at least 2 rides per vehicle per day during the preceding week, City may issue a formal notice of removal. Permittee fleets with utilization below the 2 rides per vehicle per day MUR must remove the number of devices necessary to meet or exceed the 2 rides per vehicle per day MUR within 7 days of receipt of City's formal notice. In evaluating fleet adjustment requests and notices of removal, City will consider the following factors in making its adjustment decision:

1. Market needs
2. Total number of Shared Mobility Devices deployed
3. Utilization
4. MSE performance and compliance
5. Equitable deployment
6. Public safety
7. Criteria outlined in this document and the Mobility Share Permit Requirements

**Requirement O16:** Alternative access. Permittees shall provide a reasonable means for users lacking credit cards, bank accounts or smartphones to access Shared Mobility Devices upon request. Such means shall be clearly identified to City in any permit application along with the method or methods of communicating these alternative access means to users.

### **DATA SHARING: All Mobility Share Entities**

1. All permitted MSEs shall provide City with real time information on permitted Shared Mobility Devices within City through a documented application program interface (API).
  - a. Each MSE shall obtain the relevant API key from City prior to operation to allow for immediate reporting.
  - b. Real time data shall be provided in Mobile Data Specification (MDS) format.
  - c. Real time data should be updated or "ping" every 90 seconds or less.
  - d. GPS data shall be provided by GPS equipment permanently affixed to the Shared Mobility Devices and not by MSE customer phones.
  - e. Minimum real time data shall include (for each Shared Mobility Device):
    - i. Point location (Latitude/Longitude WGS84 decimal degrees format to at least four (4) decimal places)
    - ii. Shared Mobility Device identification numbers
    - iii. Shared Mobility Device type (bicycle, E-bike, electric scooter)
    - iv. State of charge (if electric)
2. All data provided for any purpose shall become property of City and may be published to the public.
3. All permitted MSEs shall provide City with anonymized trip record data as described in the chart below for transportation planning and management purposes. Data will be submitted to City via an API.

Field name	Format	Description
Company Name	[company name]	n/a
Type of Shared Mobility Device	“Standard Bike” “Electric Bike” or “Electric Scooter”	n/a
Trip record number	xxx0001, xxx0002, xxx0003, ...	3-letter company acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Start location	Census block	n/a
End location	Census block	n/a
Shared Mobility Device ID number	xxxx1, xxxx2, ...	Unique identifier for every Shared Mobility Device, determined by company
Anonymized User ID	xxxx1, xxxx2, ...	Unique Anonymized User ID, determined by company

- All permitted MSEs will provide the following Shared Mobility Device availability data for oversight of parking compliance and distribution by minutes. Data will be submitted to the City API.

Field name	Format	Description
GPS Coordinate	X,Y	n/a
Availability duration	Minutes	n/a
Availability start date	MM, DD, YYYY	n/a
Availability start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a

- All permitted MSEs shall report calculated fleet MUR weekly, separately calculating MUR for fleets deployed in Opportunity Areas from other deployed Shared Mobility Devices.
- All permitted MSEs shall distribute a customer survey, to be provided by City, to all users quarterly.
- All permitted MSEs shall keep a record of maintenance activities, including but not limited to bicycle identification number, date and maintenance performed. These records shall be sent to City weekly.
- All permitted MSEs will keep a record of reported collisions, including but not limited to Shared Mobility Device identification number, date and time, and brief description of the collision. These records will be sent to City weekly.
- If collected, all permitted MSEs shall report the aggregated breakdown of customers by gender and age monthly. Gender will be reported by male, female, and other. Age



will be reported into these age groups: 18-24, 25-34, 35-44, 45-54, 55-64, 56 and over.

10. All permitted MSEs agree to City using third-party data collection for evaluation and compliance monitoring of the Shared Mobility Device program. Data will be shared with the third party only for the purposes of evaluation and/or enforcement of the requirements in this Pilot Program. Note: if a public disclosure request is submitted that could result in City sharing data required by this permit, City will notify all vendors prior to sharing data.

### **DATA PRIVACY: All Mobility Share Entities**

1. All permitted MSEs shall provide a Privacy Policy that safeguards customers' personal, financial and travel information and usage including, but not limited to, trip origination and destination data.
2. MSE customers shall not be required to share personal data to third parties to use MSEs services.
3. All permitted MSEs shall employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the bicycle identification number corresponding to the make and model of the Shared Mobility Device registered with the City.
4. Permitted MSEs must provide customers with clear, prominent notification about what data will be accessed (e.g. location services, camera, contacts, photos etc.) and explain how and why data will be used. Notification must be active (e.g. affirmative confirmation-required to continue) and may not be buried in larger terms-of-service notifications.
5. Permitted MSEs must allow customers to opt-in (not opt-out) to providing access to their contacts, camera, photos, files, other private data and 3rd party data sharing.

### **FEES: All Mobility Share Entities**

**Requirement F1:** Applicants shall pay one half of the \$15,000 Annual Permit fee (\$7,500) for the Initial Period of the Pilot Program, with an additional amount of \$7,500 for any Renewal Period. Note if any stations or other structures are proposed, each site shall require additional review deposits and permitting.

**Requirement F2:** Applicants shall pay an application fee of \$4,000 representing staff time for acceptance, review, scoring and verification of application materials.

**Requirement F3:** Applicants shall pay a right of way use fee of \$.20 per vehicle trip for use of the right of way for staging and operation of Shared Mobility Devices.

**Requirement F4:** Any pilot program compliance fees arising from the need for City crews to relocate or remove Shared Mobility Devices from any location where a Shared Mobility Device is prohibited under this permit (**Requirement O12**) shall equal the City crews' hourly rate plus 15 percent.