



City of Palo Alto

City Council Staff Report

(ID # 11523)

Report Type: Consent Calendar

Meeting Date: 9/21/2020

Summary Title: Bicycle and Electric Scooter Share Pilot Program

Title: Adoption of a Resolution to Extend the Bicycle and Electric Scooter Share Pilot Program for 18 Months

From: City Manager

Lead Department: Transportation Department

Recommendation

Staff recommends that Council adopt a resolution (**Attachment A**) approving an 18-month extension of the bicycle and electric scooter share pilot program through September 30, 2022.

Background

Bicycle and electric scooter sharing programs are emerging technologies for improving mobility, first/last mile connections, as well as reducing emission and traffic congestion. The City of Palo Alto adopted a one-year bicycle and electric scooter sharing pilot program in March 2018 ([CMR #8546](#)) and developed permit guidelines for vendors to operate within the City of Palo Alto. The pilot program was extended by Council in 2019 ([Resolution #9822](#)) and subsequently in 2020 ([Resolution #9882](#)). The pilot program implementation was initially delayed due to staff resources and delayed further as a result of the COVID-19 pandemic. A timeline for returning to normalcy is uncertain. Therefore, the current expiration date of March 31, 2021 will likely discourage providers' interest given that a successful application could only yield a few months of operations.

To account for the dynamic situation, staff recommends extending the pilot program for an additional 18 months to test the concept of private bicycle and electric scooter sharing systems in Palo Alto. The pilot program will assist the City in assessing the quality of various service providers to meet service requirements and interest from the community. If extended, the one-year bicycle and electric scooter pilot program will expire on September 30, 2022. Following the pilot program, staff anticipates returning to Council for action on adoption of permanent regulations and requirements.

Discussion

Across the nation, the pandemic is forcing a change of perspective on alternative transportation modes. Despite a lack of data documenting transmission via these shared modes, there are safety concerns regarding public transit, ride hailing, taxis, and micromobility. Micromobility

has been promoted to be a safer choice for travel as it enables physical distancing and is not enclosed. However, as a result of economic challenges, along with increasing sanitization protocols, providers have completely withdrawn or significantly reduced services to only operate in areas with most need. Additionally, with nearly half of our daytime, weekday population of in-commuters now absent, the pandemic hinders potential vendors' ability to conduct the inclusive community engagement required by the program, as well as prevents an accurate reading of community interest and device use.

Fortunately, literature suggests that micromobility, which is an open-air mode, could be one of the top transportation solutions to aid in the City's recovery plan. Staff will continue to monitor the situation and revise the City's regulations (**Attachment B**) to reflect any applicable operations and safety procedures.

As we carefully bring back small degrees of normalcy, staff will determine a practical program announcement and implementation timeframe.

Policy Implications

Development of the bicycle and electric scooter sharing systems is consistent with the following *Comprehensive Plan 2030* and *Bicycle + Pedestrian Transportation Plan* goals, policies, and projects:

Comprehensive Plan 2030:

- Program T1.6.1: Collaborate with transit providers, including Caltrain, bus operators and rideshare companies, to develop first/last mile connection strategies that boost the use of transit and shuttle service for local errands and commuting.
- Policy T-1.16: Promote personal transportation vehicles as an alternative to cars (e.g. bicycles, skateboards, roller blades) to get to work, school, shopping, recreational facilities and transit stops.
- Program T1.19.4: Encourage the use of bicycle sharing, and the provision of required infrastructure throughout Palo Alto, especially at transit stations and stops, job centers, community centers and other destinations.

Bicycle + Pedestrian Transportation Plan:

- PR-5 Bicycle Share Program

Additionally, bicycle sharing systems are consistent with goals outlined in the Sustainability and Climate Action Plan (S/CAP) and are strategies on improving and supporting non-automobile-based mobility. Electric scooter sharing systems also improve and support non-automobile-based mobility, however the maximum 3-month life cycle (the average is 1 month) for shared electric scooters create more GHG emissions, waste, and resource depletion due to the need to constantly replace the shared electric scooters. While scooter use is cleaner than automobile use, vendors are working to increase the scooter lifecycle and reduce the carbon footprint of

their programs by building improved devices, purchasing carbon offsets, and employing green vehicles to rebalance devices. Carbon footprint selection criteria can be included in a future permanent program when greener devices and systems may be available.

Resource Impact

Under the proposed pilot program, minimal costs are anticipated primarily for staff time reviewing applications, issuing permits, data analysis, and monitoring compliance. The funding for this program is available in the Fiscal Year 2021 Adopted Operating Budget. If the program continues beyond the pilot phase, funding for subsequent years of the program will be subject to approval through the annual budget development process.

Timeline

Upon City Council approval, staff will continue to monitor the situation and announce the application process through our pilot program website when suitable. The application process is anticipated to remain open for three weeks.

The successful and timely deployment of devices is heavily reliant on vendors' application completeness, community engagement process, and staff resources for reviewing applications and issuing permits. A targeted timeframe for deployment of devices is four weeks from permit issuance.

Environmental Review

Amendment of the adopted resolution for a bicycle and electric scooter share pilot program extension is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3) because it can be seen with certainty that the project will have no significant effect on the environment.

Attachments:

- Attachment A: Resolution Bicycle and E-Scooter Share Extension
- Attachment B: Bike Scooter Share Pilot Permit Regulations

NOT YET APPROVED

Resolution No. ____

Resolution of the Council of the City of Palo Alto Extending
the Pilot Program for Bicycle and E-Scooter Sharing Systems
for 18-Months Through September 30, 2022

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. Findings and Declarations.

- A. On March 18, 2019, the Council of the City of Palo Alto adopted Resolution No. 9822, authorizing the City Manager to implement a pilot program to permit the operation of bicycle and electric scooter (“e-scooter”) sharing system, including stationless or “free-floating” sharing systems, for use by Palo Alto residents, workers, and visitors.
- B. On March 2, 2020, the Council of the City of Palo Alto adopted Resolution No. 9882, approving a one-year extension of the pilot program through March 31, 2021.
- C. Bicycle and e-scooter sharing programs are emerging technologies for improving mobility and first/last mile connections, as well as reducing emission and traffic congestion.
- D. With the emergence of stationless sharing technologies, the absence of a pilot permitting program is likely to result in cluttered and obstructed sidewalks, uneven and inequitable distribution of bicycles and e-scooters, or other threats to public health and safety.
- E. By contrast, a pilot program allows the City to develop permit regulations for vendors to operate within the City of Palo Alto in a way that is most responsive to the needs of Palo Alto residents, workers, and visitors.
- F. No permits have been issued to-date. Several bicycle and e-scooter sharing systems operators have expressed an interest in participating in the one-year pilot program authorized by Resolution No. 9822 and extended by Resolution No. 9882.
- G. The uncertainties with the COVID-19 pandemic present challenges for a timeline for returning to normalcy, implementing inclusive community engagement, and accurately capturing interest.
- H. The extension of the pilot program will allow the City to consider and process applications that may be submitted, and collect and analyze data and assess the quality of various service providers.

SECTION 2. Pilot Program Regulations.

- A. The City Manager or his designee is hereby authorized to adopt, and from time to time amend, regulations governing the operation of bicycle and e-scooter sharing systems within the City of Palo Alto. Such regulations shall address, at a minimum, the following topics:
 - 1. Bicycle and e-scooter safety;
 - 2. Bicycle and e-scooter fleet deployment, including the total number of bicycles and e-scooters permitted as well as their distribution throughout the City, in order to avoid nuisances or unwanted encroachments into the public right of way;
 - 3. Permitted areas for bicycle and e-scooter parking; and
 - 4. Additional measures to ensure efficient and effective deployment of bicycle and e-scooter sharing systems in the City.

- B. Any violation of regulations adopted pursuant to this section by a bicycle or e-scooter sharing system operator may result in revocation of any permit issued to the operator pursuant to the pilot program.

- C. The pilot program authorized by Resolution No. 9822, extended by Resolution No. 9882 and this resolution shall terminate upon the earlier of September 30, 2022 or the adoption of an ordinance regulating bicycle and e-scooter sharing systems by the Palo Alto City Council.

SECTION 3. Environmental Review.

The Council finds that the adoption of this resolution is exempt from review under the California Environmental Quality Act because it can be seen with certainty that there is no possibility of a significant effect on the environment as a result of the Bicycle and E-Scooter Sharing System pilot program.

//

//

//

//

NOT YET APPROVED

SECTION 4. This resolution shall be effective immediately upon City Council approval.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

City Manager

Chief Transportation Official

Director of Public Works



DOCKLESS BICYCLE, ELECTRIC-ASSIST BICYCLE, AND ELECTRIC SCOOTER SHARE PILOT PROGRAM PERMIT REGULATIONS

APPROVED ON **DATE**

I. Statement of Purpose

The purpose of these regulations is to govern the operation of a dockless bicycle, electric-assist bicycle, and/or electric scooter sharing pilot program within the City of Palo Alto. A key to the pilot program's success is to ensure that such mobility sharing systems are consistent with the safety and well-being of bicyclists, pedestrians, and all other users of the public right-of-way.

II. Scope and Applicability

These regulations apply to the application process, deployment, and wind-down of bicycle, electric-assist bicycle, and/or electric scooter sharing systems within the City of Palo Alto's jurisdictional boundaries. (Stanford University's academic campus is not within Palo Alto). All operators of electric-assist bicycle, and/or electric scooter sharing systems shall be required to comply with these regulations, as they may be amended from time to time.

III. Duration of Pilot

The duration of this pilot is set by City Council resolution. As of the date of these regulations, the pilot is authorized until **DATE** per **Resolution XX**. Permittees shall cease operations to the public and remove their full fleet and any other signs or fixtures from the City by **DATE**.

IV. Authority

- a. The City Manager is authorized pursuant to Council **Resolution Nos. 9822, 9882, and XX** to establish regulations governing the operation of bicycle, electric-assist bicycle, and/or electric scooter sharing programs.
- b. The City Manager designates the Chief Transportation Official to: (1) act on his behalf to adopt and amend these regulations at the Chief Transportation Official's discretion; and (2) carry out all powers and duties in these regulations, including those attributed to the City Manager.
- c. A valid permit is required to operate electric-assist bicycle, and/or electric scooter sharing systems in the City.
- d. The City Manager is authorized to issue, suspend, and revoke permits to allow, limit, or suspend operation of electric-assist bicycle, and/or electric scooter sharing systems within the City in accordance with applicable City Council resolutions and these regulations.

PERMIT APPLICATION REGULATIONS

I. Application Procedures

a. Application Submission

Applications must be completed and submitted electronically by 5:00pm on **DATE**. By submitting an application, applicants acknowledge that they have read, understand, and agree, if selected, to all regulations. A completed application package must include the following components:

- i. Signed Application Cover Sheet in Appendix A
- ii. Application materials listed in Section II of these permit application regulations

Please submit one searchable format application via email and five hard copies by mail to the City of Palo Alto Office of Transportation.

Email: Micromobility@CityofPaloAlto.org

Mail: City of Palo Alto, Office of Transportation
250 Hamilton Ave, 5th Floor
Palo Alto, CA 94301
Re: Dockless Bicycle and Electric Scooter Sharing Pilot Program

As of **DATE**, there is no fee to submit an application for this pilot program.

Note: Vendors with a fixed place of business in Palo Alto are required to register with the City in accordance with the City's [municipal code](#). Please see the Palo Alto Business Registry website: https://www.cityofpaloalto.org/business/business_registry/default.asp

b. Selection Process

- i. The City anticipates initially selecting a limited number of operators.
- ii. The City will evaluate applications based on the criteria shown in Appendix B.
- iii. In the case where operators received the same evaluation total, the selection will be prioritized as follows:
 1. Operator who scored higher in the *Operations* category.
 2. Operator who scored higher, on average, in the *Experience and Qualification, Community Engagement, and Customer Service* categories.

Note: If operators receive the same evaluation total and score the same in the above, the permit will be granted to the operator with the early application submission time stamp via email.

- iv. After application submission but before selection, applicants may be contacted to provide additional information or documentation.

- v. Selected applicants will be allowed to obtain an encroachment permit to operate from the Office of Transportation conditioned on compliance with these regulations and any other conditions established by the City including, revisions to applicant's proposed fleet size and community engagement plan. As of **DATE**, there is no fee to obtain a permit. Only applicants selected by the Office of Transportation shall be eligible to obtain an encroachment permit from the Office of Transportation. No person shall operate a bicycle, electric-assist bicycle, and/or electric scooter share program within the city except pursuant to such permit.
- vi. Selected applicants shall conduct their community outreach process after permit issuance but prior to deployment of any devices. Selected applicants shall notify via e-mail completion of their Community Engagement Plan along with a summary memo, and all supporting documents (e.g. sign-in sheets, flyers, questionnaires, presentations) to the Office of Transportation. Applicants shall deploy their devices upon receiving a letter of authorization from the City. The Community Engagement Plan summary memo shall include at a minimum the following:
 - 1. Date, time, and location
 - 2. Audience (e.g. schools, community centers)
 - 3. Engagement format
 - 4. Major themes and key takeaways

Email: Micromobility@CityofPaloAlto.org

II. Application Materials

The applicant shall include the listed information described below in a searchable format. The applicant shall be responsible for including all information that demonstrates compliance with these requirements.

a. Experience and Qualification

Provide a description of the individual, firm, or entity that is anticipated to become the operator of the Palo Alto Bicycle, Electric-Assist Bicycle, and Electric Scooter Share Program. Description shall include but shall not be limited to the following:

- i. Experience operating micro-mobility devices.
- ii. List of cities in which you are currently operating and have operated. If you are operating in and/or have operated in neighboring cities of Palo Alto, include the following (if applicable):
 - 1. Dates of operation.
 - 2. Total number of devices in service.
 - 3. The average active fleet size in your first six months of operation.
 - 4. Total trips provided in your first six months of operation.
- iii. Citations or suspensions from local authorities.

b. Operations and Maintenance Plan

Operators must have a system operations strategy that provides an equitable distribution of devices. Devices shall be available and accessible throughout neighborhoods, commercial areas, and key destinations citywide. The applicant shall submit an operations and maintenance plan that includes at a minimum the following:

- i. General operations, service area, and availability, including hours of operations, pricing structure, proposed deployment locations, proposed fleet size at each deployment location, geofencing capabilities, recharging or devices, and storage of devices during non-operational hours.
- ii. Data justification for the proposed fleet size.
- iii. Provide information about hiring, including the descriptions of hired staff and contractors for operation and maintenance of your sharing systems, , staffing levels and training provided to them.
- iv. Methods for deployment and rebalancing.
- v. Speed reduction and deactivation strategies as appropriate.
- vi. Permittee shall propose incentivized parking areas, with justification, for key destinations, such as:
 1. Downtown Avenue business districts, as defined in the [City of Palo Alto Comprehensive Plan 2030](#) Map L-3, p.21
 2. Palo Alto Caltrain Station
 3. California Avenue Caltrain Station
 4. Stanford Shopping Center
 5. Town & Country Village
 6. Palo Alto Libraries – Children’s Library, College Terrace Library, Downtown Library, Mitchell Park Library and Rinconada Library
 7. Large Community Parks – Rinconada Park, Mitchell Park and Greer Park
- vii. For incentivized parking areas, explain the use of geofencing technology.
- viii. Methods for parking verification, notification, reporting, and enforcement.
- ix. Describe the approach to inspection, maintenance, cleaning, and repairing, as well as procedures for customers to notify the operator of a safety or maintenance issue.

In addition to compliance with all federal, state, and local laws, the Operations and Maintenance Plan shall clearly describe compliance with all regulations

Note: Selected applicants will be conditioned on compliance with these regulations and any other conditions established by the City including, revisions to applicant’s proposed fleet size and community engagement plan.

c. Community Engagement Plan

The outreach process shall be oriented to the community at large to reach both users and non-users of the program. Engagement shall include virtual, physical, and in-person methods, as well as use of effective and creative techniques. The plan shall describe at a minimum the following:

- i. Methods of conveying information about safety rules and regulations, as well as associated penalties, including those related to wearing helmets, riding on sidewalks and/or roadways, and parking.
- ii. Partnerships with local businesses or other organizations to promote the use of the program.
- iii. Any fines, consequences, and user accountability measures to encourage and monitor compliance with applicable laws and regulations. Specify methods to address users who are noncompliant.
- iv. A list of planned communication materials, events and activities with residents, business groups, community organizations, neighborhood associations, the Transportation Management Association, and other key stakeholders within the City. Outreach materials shall be made available in English, Spanish and/or Chinese.

Note: Selected applicants will be conditioned on compliance with these regulations and any other conditions established by the City including, revisions to applicant's proposed fleet size and community engagement plan.

d. Personal Data and Privacy Plan

- i. Provide any privacy policies, user agreements, and/or terms of service in a searchable format for review, including the method for obtaining user acknowledgement and/or agreement.
- ii. Define the extent of personal information collected about users, how it is being used, and for how long.

e. Description of Devices

Provide devices' specifications and safety measures including but not limited to the following:

- i. Type of bicycles, electric-assist bicycles, and/or scooters including accompanying hardware – warning bells, lights, and other relevant components.
- ii. Technology for location-based speed regulation, deactivation, and parking restriction.
- iii. Describe devices' geofencing technology.
- iv. Propose approaches to ensure user compliance with laws and regulations – including those related to wearing helmets, riding on sidewalks and/or roadways, parking locations.
- v. Describe devices' capabilities to accommodate a range of users.

f. Description of Mobile Application

Provide mobile application's capabilities including but not limited to the following:

- i. Provide information of the mobile application and the website to be used.
- ii. Clarify if using a third-party mobile application or website.

- iii. Propose technology to be used to ensure user compliance with laws and regulations – including those related to wearing helmets, riding on sidewalks and/or roadways, parking locations, and other relevant safety rules.
- iv. Describe mobile application’s customer interface to accommodate multilingual users and necessary interface to enhance customer service and educate users about safe riding and rules of the road.

The mobile application and other customer interface technology must be fully accessible to persons with disabilities and accessible to screen readers and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973.

g. Proof of Insurance

Attach certificates of insurance per requirements set forth in the operational regulations.

OPERATIONAL REGULATIONS

I. Parameters of the Program

The City Manager reserves the right to:

- a. Determine the type and number of devices to operate within the City of Palo Alto. The City Manager can restrict the type of devices to operate even after issuing permit or after deploying devices in the city.
- b. Set a maximum on the number of bicycles, electric-assist bicycles, and/or electric scooters parked in specific areas of the city (e.g., the Downtown or California Avenue business districts, as defined in the City of Palo Alto Comprehensive Plan 2030).
- c. Limit or deny the use and/or parking of bicycles, electric-assist bicycles, and/or electric scooters in specific areas of the city to maintain equal distribution and prevent congestion on the public right of way.
- d. Set the total number of bicycles, electric-assist bicycles, and/or electric scooters and total number of operators permitted under this pilot program,

II. General

- a. Permittees must comply with all applicable federal, state, and local laws, including but not limited to, the Palo Alto Municipal Code, the California Vehicle Code (CVC), and local wage requirements.
- b. Permittees shall be responsible for educating their users regarding all applicable federal, state, and local laws governing safe operations and parking of bicycles, electric-assist bicycles, and/or electric scooters.
- c. Permittees shall not transfer or assign permits issued under this program to a substitute provider, a successor in interest, or a purchaser of the permit, without the advance written consent and approval of City.
- d. Permittees shall maintain a staffed operations center within the [San Francisco Bay Area](#), as defined by the Metropolitan Transportation Commission.

- e. Permittees shall provide to the City a record of all public feedback received during the marketing and community outreach process. Permittees shall obtain confirmation of receipt by the City of such document prior to deployment of any devices.
- f. Permittees shall roll out their permitted full fleet within four weeks of permit approval by the City. Permittees shall include the proposed fleet size in their application.
- g. Permittees interested in adjusting their fleet size must submit a written request to the City with recent and relevant supporting data. The City reserves the right to approve or deny the request at its discretion. Supporting data shall reflect at a minimum 30 day fleet utilization levels within the city. Data from the first 30 days of the pilot program shall be included but will not be considered as supporting data for the adjustment request.
- h. The City will monitor permittees' compliance with these regulations and reserves the right to suspend or revoke a permit.

III. Operating and Maintenance

- a. All bicycles and electric-assist bicycles shall meet the safety standards outlined in ISO 43.150 – Cycles, as well as the standards outlined in Code of Federal Regulations Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. In addition, all bicycles and electric-assist bicycles shall meet the standards established in California Vehicle Code (CVC) Section 21201, including for lighting during operation in darkness.
- b. Electric-assist bicycles shall be “Class 1” or “Class 2” electric bicycles only, as defined in CVC Section 312.5.
- c. Electric scooters shall comply within the meaning of devices as defined in CVC Section 407.5 (a) and must meet specifications set forth in CVC Sections 21220 – 21235.
- d. Permittees shall provide easily visible contact information, including toll-free phone number and e-mail address, on each bicycle, electric-assist bicycle, and/or electric scooter for members of the public to make relocation requests or to report other issues with devices. This information shall be in a font at least 1” tall.
- e. Permittees shall provide notice to all users by means of signage and through a mobile or web application that:
 - i. Helmets should be worn by all users as defined in the California Vehicle Code (CVC).
 - ii. Electric scooter users must have a valid Driver’s License as defined in the CVC Section 21235.
 - iii. All users operating a bicycle, electric-assist bicycle, and/or electric scooter must obey all rules of the road, traffic laws, and all applicable federal, state, and local laws.
- f. Electric-assist bicycles and electric scooters shall not operate, propel, or leave standing on park or open space land, as defined in Palo Alto Municipal Code (PAMC) Chapter 22.04.
- g. Electric scooters shall not operate greater than 15 mph speed. The City Manager reserves the right to revise the speed limit based on collision and injury data recommended by Office of Transportation, City of Palo Alto.
- h. Permittees shall make efforts to reduce landfill e-waste and follow local and state law requirements for disposal or recycling of all types of batteries and other toxic materials at an appropriate recycling facility.

- i. Bicycles, electric-assist bicycles and electric scooters shall not create excessive, unnecessary and unreasonable noises in violation of Palo Alto Municipal Code (PAMC) Chapter 9.10.
- j. Permittees shall maintain a customer service phone number and mobile application interface for the public to report safety concerns, complaints, or to ask questions twenty-four hours a day, seven days a week.
- k. Permittees shall issue a “ticket number” for each issue and provide a response to the complaining party within three business days.
- l. In the event a safety or maintenance issue is reported for a specific device, that bicycle, electric-assist bicycle, and/or electric scooter shall immediately be made unavailable to users and shall be removed within the timeframes provided below. Any inoperable or unsafe device shall be repaired before it is put back into service.
- m. Permittees shall provide a direct contact to a representative who is capable of responding to requests from the public and City for rebalancing, reports of incorrectly parked devices, or reports of unsafe/inoperable devices by relocating, re-parking, or removing the bicycles, electric-assist bicycles, and/or electric scooters, as appropriate, within the following timeframes:
 - i. From 6:00 am to 6:00 pm on weekdays, not including holidays: within two hours of receiving notice.
 - ii. All other times: within 10 hours of receiving notice.
- n. In the event a bicycle, electric-assist bicycle, and/or electric scooter is not relocated, re-parked, or removed within the timeframes specified above, or a device is parked in one location for more than seventy-two hours, it may be removed by the City. Permittees shall compensate costs the City incurs to relocate, remove and store devices at a rate of \$130 per device and shall reimburse the City within 30 days of receipt of an invoice detailing such costs. Permittees shall provide a direct contact to handle invoicing from the City and to pick up impounded devices by the City respectively.
- o. Permittees not in good standing with payment and retrieval of impounded devices will risk suspension or revocation of their permits.

IV. Parking

- a. The City Manager reserves the right to determine certain block faces where free-floating bicycle, electric-assist bicycle, and/or electric scooter parking is prohibited or to create geofenced areas where bicycles, electric-assist bicycles, and/or electric scooters shall be parked.
- b. Free-floating bicycles, electric-assist bicycles, and/or electric scooters shall be parked upright on flat and hard surfaces in the landscape/furniture zone of the sidewalk, at a bicycle rack, or in another area specifically designated for bicycle parking.
- c. Bicycles, electric-assist bicycles, and/or electric scooters shall not be parked within 5'-15' of a crosswalk or curb ramp.
- d. Parking along sidewalks or blocks without sidewalks (passageways by or between buildings) shall not impede into travel lanes and must maintain a 6' clear path for pedestrians.

- e. Bicycles, electric-assist bicycles, and/or electric scooters shall not be parked in the landscape/street furniture zone in such a manner as to impede other street uses or obstruct pedestrians, including at transit stops, in loading or disabled parking zones, or blocking access to buildings, driveways, curb ramps, and other street features that requires pedestrian and/or emergency access (e.g. benches, parking pay stations, bus shelters, transit information signs, fire hydrants, call boxes, utility poles, etc.).
- f. Bicycles, electric-assist bicycles, and/or electric scooters shall not be parked in such a manner as to impede or interfere with the regular flow of travel in the public right-of-way, clearance on sidewalks needed for ADA compliance, or within reasonable use of any commercial window display or access to or from any building.
- g. Permittees shall institute geofencing around incentivized parking areas and implement in-app technology to direct users to incentivized parking areas as appropriate.
- h. No device shall be parked in one location for more than seventy-two hours.
- i. To the extent a permittee proposes to park bicycles, electric-assist bicycles, and/or electric scooters in areas other than the public right-of-way (e.g. parks, plazas, parking lots, private property or transit stations), the permittee must first obtain the right to do so from the appropriate City department, property owner, or public agency and shall communicate this right to users through signage approved by the respective entity and/or through a mobile or web application.

V. Data Sharing

- a. Permittees shall provide data to the City in an editable spreadsheet on their entire Palo Alto fleet. The City may request permittees to provide real-time information through a documented application program interface (API). As such, permittees are directly responsible for obtaining an API key from the City's Office of Transportation to which they will publish the data described below. The data to be published to the City's API will include the following information in real time for every bicycle, electric-assist bicycle and electric-scooter parked in the city's operational areas:
 - i. Point location
 - ii. Bicycle/electric-assist bicycle/electric scooter identification number
 - iii. Type of bicycle (standard or electric-assist)
 - iv. Fuel level (if electric)
 - v. Incentivized parking area

The City is permitted to display real-time data provided via the API to the public.

- b. Permittees shall provide the following anonymized data for each trip record to inform and support safe and effective management of the system and for transportation planning efforts. Data shall be submitted in an editable spreadsheet and via City's API when requested by the City. The daily and weekly fleet average number of rides per day per device shall be reported to the City monthly.

Field Name	Format	Description
Company name	[Company name]	n/a
Type of device	Bicycle, electric-assist bicycle or electric scooter	n/a
Trip record number	xxx0001, xxx0002, xxx0003,...	3-letter company acronym + consecutive trip number
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM,DD,YYYY	n/a
Start time	HH:MM:SS	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS	n/a
Start location	Census block	n/a
End location	Census block	n/a
Device ID number	xxxx1, xxxx2, xxxx3,...	Unique identifiers for every device
Trip route	n/a	Only in API format
Trip cost total	\$ per trip	n/a

- c. Permittees shall provide the following device availability data for oversight of parking compliance and device distribution by minutes. Data should be submitted in an editable spreadsheet and via City's API within three business days if requested by the City.

Field name	Format	Description
Device ID number	xxxx1, xxxx2, xxxx3,...	Unique identifiers for every device
GPS coordinate	X,Y	n/a
Trip parking verification	Compliant, non-compliant	Parked location
Availability start date	MM, DD, YYYY	n/a
Availability start time	HH:MM:SS	n/a
Unavailability start date	MM, DD, YYYY	n/a
Unavailability start time	HH:MM:SS	n/a
Availability duration	Minutes	n/a

- d. Permittees shall generate a "ticket number" for each complaint, provide the ticket number to the person who reported the issue, and provide a response to the complaining party within three business days. The ticket numbers, complaint information, and provided responses shall be sent to the City monthly and at any time within three business days if requested by the City.

- e. Permittees shall keep a record of maintenance activities and reported safety issues and collisions, including but not limited to device identification number and maintenance performed. These records shall be sent to the City monthly and at any time within three business days if requested by the City.
- f. Permittees shall report the aggregated breakdown of customers by gender and age. Gender must be reported as male, female, and non-binary. Age must be reported using these eight age groups: under 5, 5-17, 18-24, 25-34, 35-44, 45-54, 55-64, 65 and over. This report shall be sent to the City monthly and at any time within three business days if requested by the City.

VI. User Enrollment

- a. Permittees must comply with all relevant federal, state and local laws regarding age requirements for use of electric-assist bicycles and electric scooters.
- b. Permittees shall implement technology-based measures to verify age requirements, including state law requirements, before giving membership to users.

VII. User Privacy

- a. Permittees must keep all financial data from users in a secure manner that complies with the Payment Card Industry Data Security Standards (PCI DSS), and accessible to authorized personnel only.
- b. Permittees shall provide a privacy policy that complies with the California Online Privacy Protection Act (CalOPPA) that safeguards customers' personal, financial and travel information and usage.
- c. Permittees shall clearly communicate to the public and to the City what personal data will be accessed and provide an explanation why such access is needed, and for how long.

VIII. Insurance

During the term of this pilot program, permittee, and each of its contractors and agents shall maintain in full force the following insurance amounts and coverages:

- a. Comprehensive General Liability in a minimum amount of two million dollars (\$2,000,000) per occurrence (bodily injury and property damage) and four million dollars (\$4,000,000) aggregate. The City of Palo Alto is to be named as an additional insured, including its Council members, officers, employees and agents.
- b. Comprehensive Automobile Liability insurance in a minimum amount of one million dollars (\$1,000,000) per occurrence.
- c. Worker's Compensation and Employer's Liability in a minimum amount of one million dollars (\$1,000,000) per occurrence (accident, injury, or illness).
- d. Performance Bond of \$130 per device, in a form approved by the City.

IX. Notices to Cure, Suspension and Revocation of Permit

If there is a violation of this pilot program’s regulations or any federal, state, and local laws, or if there is a risk posed to public safety, health, or welfare, the Chief Transportation Official is authorized to issue a notice to cure by email or any other written means to the permittee. The notice to cure shall identify issue(s) that the permittee must address within a specified time.

Alternatively, if there is a violation of this pilot program’s regulations or any federal, state, and local laws; or if there is a risk posed to public safety, health, or welfare; or if there is incomplete or non-compliance with a notice to cure; or repeated notice to cures on the same or different issues, the Chief Transportation Official may suspend or revoke the permit. If a permit is suspended, the Chief Transportation official shall designate the duration of suspension and/or any conditions for reinstatement. If a permit is revoked, the permittee shall cease operations on the date of revocation and shall remove its full fleet (and all other signs or fixtures) from the City within 14 days from the date of the notice of revocation.

Any request for reconsideration of revocation shall be submitted in writing to the City Manager within 30 days from the date of the notice of revocation with all supporting materials.

X. End of Pilot

By the end of the term of the permit or by the end of pilot program (currently set to expire **DATE** per **Resolution XX**), whichever occurs first, permittees shall immediately cease operations to the public and remove their full fleet and any other signs or fixtures, from the City by **DATE**.

APPROVED:

Ed Shikada
City Manager

Date

Philip Kamhi
Chief Transportation Official

Date

APPENDIX A – APPLICATION COVER SHEET



DOCKLESS BICYCLE, ELECTRIC-ASSIST BICYCLE, AND ELECTRIC SCOOTER SHARE PILOT PROGRAM APPLICATION COVER SHEET

Application Date: _____

The Dockless Bicycle, Electric-Assist Bicycle, and Electric Scooter Share Pilot Program allows permitted operators to operate bicycles, electric-assist bicycles, and/or electric scooters within the City of Palo Alto.

The City of Palo Alto Office of Transportation will review completed application packages and evaluate applications according to regulations and requirements described in the pilot program permit regulations.

I. General Applicant Information (Please Print)

Company Name:	
Mailing Address:	
Physical Address (If different than above):	
Contact Person, Title:	
Applicant's Email:	
Applicant's Phone Number:	
Company Website:	

II. Application Agreement

By signing this application, the applicant verifies on behalf of the Bicycle, Electric-Bicycle, and Electric-Scooter Share Operator that all the information provided is true and that if issued a permit, the applicant agrees to comply with all regulations and requirements set forth in the bicycle, electric-bicycle and electric-scooter share program regulations.

Printed Name, Title:	
Authorized Signature:	
Date:	

APPENDIX B – APPLICATION SELECTION CRITERIA



DOCKLESS BICYCLE, ELECTRIC-ASSIST BICYCLE, AND ELECTRIC SCOOTER SHARE PILOT PROGRAM APPLICATION SELECTION PROCESS

I. Initial Screening

The application will be rejected if there are missing application materials, and if provided information is not sufficient to meet all requirements and regulations.

- Signed Application Cover Sheet
- Experience and Qualification
- Operations and Maintenance Plan
- Community Engagement Plan
- Personal Data and Privacy Plan
- Description of Devices
- Description of Mobile Application
- Proof of Insurance

II. Evaluation Process

Criteria will be scored as follows:

- “1” to responses that include basic level of commitment and ability with typical approaches to solving known challenges and concerns, meeting the minimum requirement.
- “2” to responses that include moderate level of commitment and ability with detailed approaches to solving known challenges and concerns, exceeding the minimum.
- “3” to responses that include higher level of commitment and ability with robust and innovative approaches to solving known challenges and concerns.

Category	Criteria	Points	Weight
Experience and Qualification	Knowledge and experience operating a shared micromobility program of similarly sized North American cities.		15%
Operations	Staffing for scale of proposed operations; Methods of deploying, recharging, and redistributing devices; Plans for proper riding and parking.		20%
Maintenance	Ability to respond to maintenance, cleaning, and repair of devices; Description of safety check protocols.		10%
Pricing Model	Availability of special offers and alternative forms of payment for users without smart phones, bank accounts, or credit cards; Plans for incentivized proper riding and parking.		10%
Community Engagement	Demonstration of a socially sensitive marketing and education plan tailored to different audiences within the city; Local partnerships; Innovative strategies to maximize reach and engagement.		15%
Data Sharing	Demonstration of accurate and timely reporting.		10%
Devices	Demonstration of commitment to ensure devices are safe for operations.		5%
Customer Service	Demonstration of commitment to ensure responsiveness to customer complaints and inquiries.		15%
TOTAL			100%