

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

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

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Attachment A. Permit Application (forthcoming)

1. Purpose

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

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

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

2. Policy

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

3. Scope

a. Permit Application Standards and Requirements

The Operator's permit application must be complete and consistent with the expectations of the City. Operators must pay all applicable fees before their permit application will be approved. Once the Operator's application is approved, the City will issue a Shared-Rideable Permit and the Operator will be allowed to start operations.

Permitted Operators must provide the City two (2) weeks' notice in writing of any permit amendments.

An Operator must apply for a permit amendment to modify its operational service area, opportunity areas, and/or the number of permitted devices. 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.

b. Permit Payment Procedures

All applicable fees must be paid prior to permit approval. Fees include:

First Time Permit	\$4,440
Annual Renewal	\$2,220
Parking and Infrastructure Fee (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 Service Areas) (Annual, per scooter device) Bike fee waived in opportunity areas.	\$104

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 device trips that occurred 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.

c. Parking Citation Payment Processing System

Devices that violate Sacramento City Section 10.76.060 are subject to citation from the Department of Public works. All Operators must participate in the City's electronic parking citation processing system. 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.

d. Number of Permitted Devices

Each Operator shall have a minimum number of 250 devices.

Initial Permit Year

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

Subsequent Permit Years

The City will evaluate the factors listed in subsection e below when evaluating permit renewal and fleet expansion applications. Any Operator seeking to increase the size of its fleet can do so at any time and must submit in writing, provide 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.

e. Modifying the Number of Permitted Devices

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

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

f. Device Requirements

In addition to the device requirements in section 5.18.230 Shared-Rideable standards, all devices must meet the following requirements:

1. Have adjustable seat height (if device has a seat) to accommodate a wide range of customers;
2. 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, and any other requirements set forth in applicable laws and regulations (provide detailed specification sheet illustrating with callout conforming elements);
3. Include a basket (applies only to bicycles);
4. Include a warning bell;
5. 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. Indicate the template for device IDs (for example, alphanumeric code of six characters);
6. 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.
7. 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;
8. 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. Applicants that hold an existing Shared-Rideable Business Permit will be given 90 days upon notification to deploy locking devices.

g. Deployment Operations

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

1. Operators are required to maintain a minimum of 250 devices in their fleet;
2. 20% of the Operator's active fleet shall be deployed each morning in Opportunity Areas as show in Figure 1: Shared-Rideable Service Areas;
3. All devices shall be deployed to approved parking areas – at bike racks or City designated parking areas – each morning. 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;
4. 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;
5. 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;

6. Not be over-deployed or deployed in a way that over-concentrates the number of devices in an area;
7. Not be locked to other devices;
8. Not be deployed to SACOG regional bike share bike racks (unless the Operator holds the SACOG regional bike share contract);
9. Not be deployed in a manner that violates the Americans with Disabilities Act (ADA) requirements, impedes ADA access or paths of travel;
10. Not be deployed within 18 inches from the curb; and
11. 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.

City Designated Parking Spaces

The City may implement parking spaces, areas demarcated with paint and or other treatments for the parking and/or deployment of shared-rideables.

The City may also designate parking spaces that allow for end of trip parking but are not available for operator deployment.

All City designated parking spaces will be published on the City's website.

Geofencing

The City may establish special parking, no-ride zones, speed zones, or other areas where riding and/or parking restrictions may apply. These locations may either be permanent or temporary. The City may request that an operator mark or geofence these areas and make that information available through its smartphone app. The City may also limit the total number of allowable devices in certain districts or areas. The City may require that Operators direct riders to specified designated parking areas (bike racks, city designated parking zones, or special areas for events). Geofencing must be integrated into the Operator's app within one week of notice from the City of Sacramento.

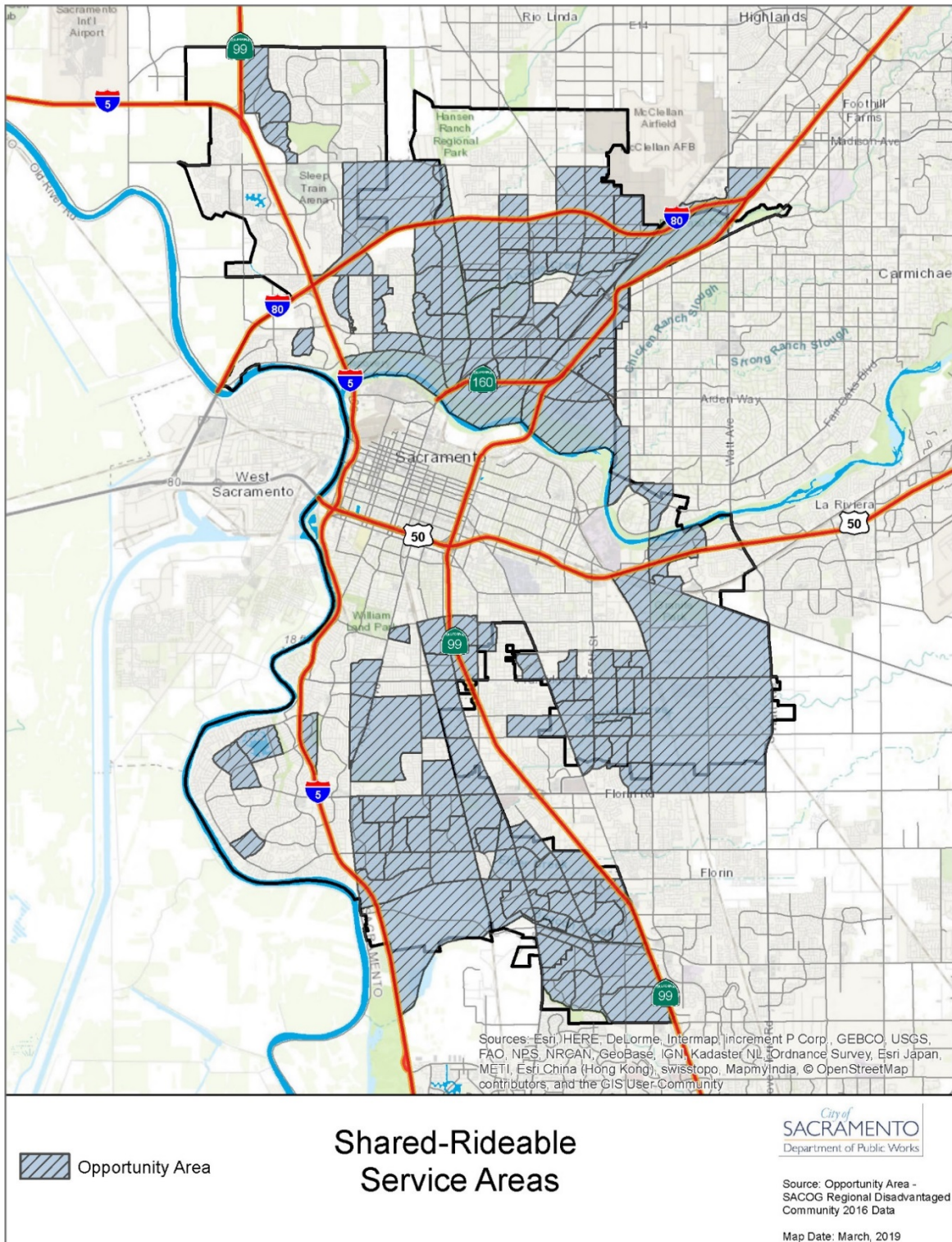


Figure 1: Shared-Rideable Service Areas

h. Required Plans

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

In addition to requirements in Section 5.18.110 of the City Code ("Application for a shared-rideable business permit"), applicants must provide:

- A digital rider safety education plan, which includes special measures such as mandatory informational videos, trip-end photos, or pop-up notifications to educate riders that motorized scooters cannot be ridden on sidewalks and where devices can be parked.
- A plan to prevent and address underage riding that must include:
 - Increased public awareness and outreach: Including, but not limited to, 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.
 - Require driver's license scans every six months.
 - 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.
- A community outreach plan. The shared-rideable business must host or participate in a minimum of 10 events per permit year (four in opportunity areas) within the City of Sacramento. The plan must reflect a commitment to meeting the minimum number of outreach events and a commitment to working with the City to distribute a City sponsored survey to their shared-rideable users and members.

i. Required Reporting

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

Monthly reporting sections include:

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

i. Community Outreach and Education Reporting

Permitted Operators must report to the City monthly its efforts, trainings, events, partnerships, or other relevant information to meet the requirements in its approved Community Outreach, Education, and Equity Plan, including:

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

This reporting must match what the permitted Operator proposed in the Community Outreach and Equity Plan section of the permit application and the outreach efforts must be in areas that the Operator serves.

Reports must also include the Operator's progress in meeting the 10 minimum events (four minimum in opportunity areas). Reports must include the following information:

- Indicate if the effort or event occurred in an Opportunity Area.
- How many efforts or events did the shared-rideable business host or participate in?
- Approximately how many people attended each effort or event?
- Approximately how many people did the shared-rideable businesses speak with?
- When was the effort or event (date)?
- Where was the effort or event (business name and address)?
- Who was the event hosting organization or did the shared-rideable business independently host the event?
- What type of training was provided?
- Describe the event.

ii. **Equity**

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

iii. **Other Monthly Metrics**

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

iv. Sustainability Metrics

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):

- 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

v. Membership Surveys

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.

vi. Data Sharing and Reporting

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.

vii. 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.

j. Data Privacy

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

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

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

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

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

Applicant Data generated under this permit and received by the City is the property of applicant and shall be anonymized using industry best practices before it is presented through the City's dashboard. The City shall not retain in its possession, custody, or control, any data that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked directly or indirectly, with a particular consumer or household ("Personal Data") that can be used on its own or with other information to identify, contact, or locate a consumer or household. The City will combine Applicant Data so that start points, stop points, routes, and times of individual trips cannot be discerned or combined with each other or other information to isolate details of an individual trip and/or reveal Personal Data ("Aggregated Data"). The City will limit access to data to City employees who have a need to access such information for planning or permit oversight purposes. The City shall not attempt to re-identify any individual from Applicant Data, Aggregated Data or any other data made available under this permit to an individual under any circumstance.

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

- 20% deployment to Opportunity Areas

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

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

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

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

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

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

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

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

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

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

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