

INTRODUCED: September 24, 2018

AN ORDINANCE No. 2018-262

To amend ch. 24, art. II of the City Code by adding therein a new div. 4.1 (§§ 24-125—24-130), to amend City Code § 27-197, concerning parking prohibited in specified places, and to amend Appendix A of the City Code by adding therein new fees for § 24-128, concerning permit applications for the parking of certain vehicles, for the purpose of establishing a permit program for parking certain vehicles on sidewalks.

\_\_\_\_\_  
Patron – Mayor Stoney

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney

PUBLIC HEARING: NOV 13 2018 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Chapter 24, Article II of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** Division 4.1, consisting of sections numbered 24-125 through 24-130, as follows:

**DIVISION 4.1**

**PERMIT PROGRAM FOR PARKING OF MOBILITY DEVICES ON SIDEWALKS**

**Sec. 24-125. Definitions.**

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Applicant* means any person who files an application in accordance with this division.

*Application* means an initial application and any renewal application filed in accordance with this division.

*Director* means the Director of Public Works or the designee thereof.

*Mobility device* means a vehicle, including a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or motorized skateboard or foot-scooter, for which no docking station or other storage equipment is provided. For purposes of this definition, bicycle, electric personal assistive mobility device, electric power-assisted bicycle, and motorized skateboard or foot-scooter shall have the meaning set out for those terms in Code of Virginia, § 46.2-100.

*Permittee* means any person who holds a permit used in accordance with this division.

**Sec. 24-126. Administration of permit program for mobility devices; evaluation of program.**

The Director shall administer the permit process for which this division provides. The Director shall issue, enforce, and, from time to time, modify rules, regulations, or guidelines consistent with this division and other applicable law to carry out the requirements of this division. Such rules, regulations, and guidelines, and any and all modifications thereto, must be approved as to form by the City Attorney or the designee thereof prior to issuance.

**Sec. 24-127. Permit requirement.**

No person shall park a mobility device on any sidewalk within the city of Richmond unless such person has obtained or such mobility device is covered by a permit in accordance with this division.

**Sec. 24-128. Application; issuance and denial of permits.**

(a) Any person may file an application on forms provided by the Director to obtain a permit or, as applicable, a renewal permit for the parking of one or more mobility devices on sidewalks within the city of Richmond. The Director shall review all applications according to the provisions of this division and the rules, regulations, and guidelines issued in accordance the Section 24-126.

(b) Permits issued in accordance with this division shall be subject to the following general terms and conditions:

(1) The applicant shall demonstrate on such applicant's application that the applicant has met all of the requirements of this division.

(2) Each application to obtain or renew a permit shall be accompanied by payment of an application fee and the annual fee set forth in Appendix A to this Code.

(3) Each application to obtain or renew a permit shall, in accordance with the rules, regulations, and guidelines issued in accordance with Section 24-126, be accompanied by a certificate of insurance demonstrating evidence of commercial general liability insurance coverage of at least \$3,000,000.00 for each occurrence and at least \$5,000,000.00 in the aggregate, listing the City as an additional insured, and indicating that the City will receive at least 30 days' notice of cancellation or material modification of the policy.

(4) Each permit issued by the Director shall state the following:

a. The name of the permittee and the name, address, and phone number of the authorized representative of the permittee, if applicable.

b. The date and time period during which the permit shall be effective.

c. Specifications concerning the parking of the mobility device on City sidewalks.

d. Any other information, as permitted by law, that the Director deems necessary for the administration of the permit.

(5) Permits may be issued and renewed annually for a period not to exceed 12 months from the date of any such issuance, subject to the requirements of this division and the rules, regulations, and guidelines issued in accordance with Section 24-126.

(6) Permits shall incorporate by reference the provisions of this division and the rules, regulations, and guidelines issued in accordance with Section 24-126.

(7) No permit shall be issued to any person for more than 100 mobility devices. Multiple permits covering all or part of the same period shall not be issued to the same person for more than 100 mobility devices in the aggregate.

(8) The permittee shall execute a release, waiver of liability, and indemnification agreement prior to the issuance of any permit. This subdivision (8) shall not apply to governmental organizations.

(9) Upon revocation or expiration of a permit, the permittee shall be responsible for ensuring that any and all mobility devices to which a permit relates are removed permanently from every sidewalk unless another permit is obtained and are

otherwise stored in the manner provided in the rules, regulations, and guidelines issued in accordance with Section 24-126.

(10) The Director may deny a permit to any applicant upon determining that the applicant has not complied with any requirement of this division or the rules, regulations, or guidelines issued in accordance with Section 24-126.

**Sec. 24-129. Revocation of permit; unlawful actions.**

(a) The Director shall have the authority to revoke, which revocation shall not be appealable, a permit issued in accordance with this division if the Director determines that any of the following have occurred:

(1) The permittee has not complied with the requirements of this division or the rules, regulations, or guidelines issued in accordance with Section 24-126.

(2) The permittee has misrepresented or provided false information in an application.

(3) The permittee has parked, or suffered to be parked, a mobility device in such manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare.

(b) It shall be unlawful for any permittee whose permit has been revoked, or any employee or agent thereof, to park, or suffer to be parked, on any sidewalk a mobility device owned or controlled by that permittee or to commit, or suffer to be committed, any act that is a violation of this division or any applicable law or regulation.

**Sec. 24-130. Permission to park granted.**

A permit issued pursuant to this division shall permit a person authorized by the permittee to operate a mobility device owned by the permittee, for the period specified in the

permit and the mobility device or mobility devices covered by such permit, to park such mobility device on sidewalks within the city of Richmond, in accordance with the provisions of this division and the rules, regulations, and guidelines issued pursuant to Section 24-126.

§ 2. That section 27-197 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

**Sec. 27-197. Parking prohibited in specified places.**

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk, except as may be permitted in accordance with Chapter 24, Article II, Division 4.1.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of a crosswalk at an intersection.
- (7) In front of a ramp leading to the crosswalk at an intersection or located at any other point along a curb, constructed for use of persons with disabilities.
- (8) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (9) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.

(10) Within 50 feet of the nearest rail of a railroad grade crossing.

(11) Within 15 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted.

(12) Alongside or opposite any street excavation or obstruction where such parking would obstruct traffic.

(13) On the roadway side of any vehicle parked at the edge or curb of a street.

(14) At any place where official signs prohibit parking or during street cleaning.

(15) At any place where an order, rule, or regulation issued under section 2-428 prohibits or restricts parking.

(16) On a curb, or with any wheels off of the roadway and on the far side of the curb from the roadway.

(17) On a median.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful; start or cause to be started the motor of any motor vehicle; or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof or attempt to do so.

§ 3. That Appendix A of the Code of the City of Richmond (2015) be and is hereby amended and reordained by **adding therein a new** fee for section 12-122 of the Code of the City of Richmond (2015) as follows:

*Code Section Description*

*Fee*

24-126	Application fee	\$1,500.00
	Annual fee:	
	From one to 100 mobility devices	\$40,000.00

§ 4. This ordinance shall be in force and effect upon adoption.





CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST
4-8156
SEP 07 2018

Office of the
Chief Administrative Officer

O&R REQUEST

DATE: September 5, 2018 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney (By Request) [Signature] 9/14/18

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Robert Steidel, Deputy Chief Administrative Officer - Operations

THROUGH: Bobby Vincent Jr., Director
Department of Public Works

THROUGH: M.S. Khara, P.E., City Engineer
Department of Public Works

FROM: Brian Copple, Right of Way Manager
Department of Public Works

RE: AUTHORIZATION FOR THE CREATION OF A 'MOTORIZED DOCK-
LESS SCOOTER/BICYCLE SHARE PROGRAM PERMIT'; AND TO
AMEND CITY CODE SECTION 27-197 TO ALLOW PARKING OF
PERMITTED MOTORIZED SCOOTERS/BICYCLES ON THE PUBLIC
SIDEWALK

RECEIVED

SEP 18 2018

OFFICE OF CITY ATTORNEY

ORD. OR RES. No.

PURPOSE: To authorize the Chief Administrative Officer (CAO) to regulate motorized dock-
less scooters and bicycles and to authorize the creation of a 'Motorized Dockless Scooter/Bicycle
Share Program Permit' within the public right-of-way; and to amend City Code Section 27-197
to allow parking of permitted motorized scooters/bicycles on the public sidewalk.

REASON: To enable the Department of Public Works to regulate motorized dockless scooters
and bicycles by creating a permit process and guidelines for the safe operation of Motorized
Dockless Scooter Bicycle Share Program. This Program will:

- Enhance the public transit network

- Promote travel to landmarks, parks, trails and shopping districts
- Increase access to job opportunities and education
- Expand mobility options for low-income neighborhoods
- Create equitable and accessible system for all
- Serve visitors and tourists
- Connect neighborhoods
- Improve air quality and reduce motor vehicle traffic

**RECOMMENDATION:** The adoption of this ordinance is recommended by the Department of Public Works that will allow the Director of Public Works to regulate and update motorized dockless scooter/bicycle operations in the City by creating a Motorized Dockless Scooter/Bicycle Share Program permit.

**BACKGROUND:** Due to the increasing demand for alternative mobility options to reduce traffic congestion, parking problems and carbon emissions the City of Richmond (The City) will create a Motorized Dockless Scooter/Bicycle Share Program Permit authorizing the use of dockless scooters and bicycles. The City will permit qualified vendors to operate, maintain, manage and market a modern scooter share program located in the city. Ideally, this program would enable the public to access shared scooters/bicycles available in the public right-of-way as an extension of the public transportation system and as a new mobility option for residents and visitors to the city. Share Programs are fast becoming an expected mobility option in American cities, complementing other mobility options, resulting in reduced car usage, increased rates of transit use, lower parking demand, increased sales for local small businesses, and improved public health, among other positive outcomes. The Motorized Dockless Scooter/Bicycle Share Program Permit will outline the City's policies and regulations pertaining to dockless scooter/bicycle operations in the City of Richmond.

The Director of Public Works or designated Program Administrator will review applications and determine whether each applicant is in conformity with the requirements outlined in the standard operating procedures and Program Guidelines. The Director of Public Works or the Program Administrator may issue a permit for motorized dockless scooter/bicycle operation within City right-of-way. No business, company or entity, may engage in the business of offering and providing dockless scooters/bicycles within the City without obtaining a permit from the Department of Public Works. The permit will authorize vendors to operate only within the City of Richmond limits.

City Code 27-197(a)(1) prohibits parking of a vehicle on a sidewalk. Motorized scooter/bicycle is considered a 'motor vehicle' per Va Code 46.2-100. Pursuant to City Code Section 27-327, motorized scooters and/or bicycles parked on a City sidewalk are considered "unattended motor vehicles" and may be removed from the City's right-of-way pursuant to City Code Sec 27-330. Also, the placement of scooters and bicycles on City sidewalks is an unauthorized use of the City's right-of-way under City Code Section 24-59. Proposed Permit process will allow the use of the City's right-of-way for this use. Requested revision in the City Code will allow permitted motorized scooters bicycles to park on the public sidewalk pursuant to the permit guidelines and rules and regulation.

The Program and the proposed changes to Section 27-197 are intended to apply to dockless bicycles, tricycles, scooters, hoverboards, skateboards, pedal cars, and other similar devices, whether they are powered or nonpowered.

The Director of Public Works and/or designated Program Administrator will approve the locations for motorized scooters/bicycles corral areas for storage.

The Program and Permit Application will be reviewed and evaluated one year after the adoption of the ordinance.

**FISCAL IMPACT/COST TO CITY:** Permit Application Costs and Program Administration costs. Estimated 4,160 man-hours annually and supporting resources will be required to administer the program for up to 500 scooters and bicycles Program/City wide.

**FISCAL IMPLICATIONS:** None. Annual Permit Fees will provide funding support to administer the Permit Program.

**BUDGET AMENDMENT NECESSARY:** No amendment necessary at this time.

**REVENUE TO CITY:** \$1,500 Application Fee; Annual Permit Fees per Fee Structure (Attached)

**DESIRED EFFECTIVE DATE:** 30 days upon adoption

**REQUESTED INTRODUCTION DATE:** September 24, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** November 13, 2018

**REQUESTED AGENDA:** Consent Agenda

**RECOMMENDED COUNCIL COMMITTEE:** Land Use Housing and Transportation Committee

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** None

**AFFECTED AGENCIES:** Public Works; Law Department; Planning and Development Review; Economic and Community Development; Public Utilities; Assessor; Finance; Budget and Strategic Planning; Fire Department; Police Department; CAO's Office; Mayor's Office; City Attorney's office.

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Motorized Dockless Scooter Bicycle Share Program – 1) Permit Application, Checklist, Fee Structure; 2) Instructions; 3) Rules and Regulations.

**STAFF:**

Prepared for Bobby Vincent, Director DPW

Prepared by Brian Copple – RW Manager DPW – 646-3639

Research and Coordination by Jakob Helmboldt – Bicycle and Pedestrian Coordinator – DPW;

Lynne Lancaster – Deputy Director Parking – DPW – 646-6006

**CITY OF RICHMOND**  
**MOTORIZED DOCKLESS SCOOTER/BICYCLE SHARE**  
**PROGRAM**  
**RULES & REGULATIONS**



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**Rules and Regulations for the Operation of Motorized Dockless Scooters & Bicycles (MDSB)**

**Safety Requirements**

Permittees are required to ensure the safety of both their permitted users, and the general public with respect to the operation of MDSB's in the public right-of-way. Permittee shall:

- Have a 24-hour customer service phone number for customers to report safety concerns, maintenance issues, complaints, or ask questions. In addition, permittee is required to provide contact information for local operation staff for publishing on City's website and/or other materials.
- Any inoperable or unsafe MDSB shall be removed from the right-of-way within 24 hours of notice by any means to the Permittee by any individual or entity, and shall be repaired before placing back into the City right-of-way.
- The City may remove MDSB's from the right-of-way if it interferes with pedestrian or vehicular traffic or impedes or obstructs the right-of-way.
- If notified of public access and safety concerns by the City or the public, Permittee shall rebalance MDSB's within two hours of notification.
- MDSB's remaining in the same location for 72 hours without being used or rebalanced shall be relocated to a new location.

Permittees shall educate and inform their customers/users of safety practices and legal requirements, including, but not limited to the following:

- Strongly promote helmet use through their electronic user interface
- Strongly promote use of MDSB's on the streets, not on sidewalks
- Notify users of State and City Code requirements including push notifications informing users of legal requirements, including, but not limited to use of a bell when passing, yielding to pedestrians, and obeying traffic signals.
- All devices must be equipped with:
  - Front and rear lights that operate whenever in use
  - A bell or other device to warn of overtaking other users of the right-of-way
  - Brakes
- Permittee must provide routine maintenance to ensure the safety features are properly functioning.
- Repeated violations of the safety requirements by permittee or their users, frequent crashes and/or injuries, and complaints from the public regarding the unsafe operation of the Permittee's devices shall be cause for revocation of the permit.

**Operating and Parking Requirements**

Specific requirements for parking MDSB's:

- 1) MDSB's may not, at any time, for any reason, impede the free flow of pedestrian and traffic.
- 2) Devices shall be parked upright on hard surfaces in the furniture zone of the sidewalk which is defined as the zone containing tree wells, utility poles, signage, and street furniture;
- 3) Where there is no furniture zone, or the zone is less than three feet (3') wide, MDSB's shall be parked upright on the portion of the sidewalk closest to the curb only if the six-foot-wide pedestrian clear zone is not impeded.
- 4) MDSB's may be parked on the street only when specifically designated by signage, pavement markings, and/or enclosures (e.g. "corrals"). Such designated locations, when located in a paid parking space will require an annual payment from the permittee in an amount consistent with the City's parking Code to offset lost parking revenue.
- 5) MDSB's parked on private property, including privately owned sidewalks outside of the City-owned public right-of-way are subject to impoundment by the property owner.
- 6) Any MDSB that is not in use must not be placed or parked in the following areas:
  - a) Any portion of the sidewalk designated or intended for the passage of pedestrians;
  - b) Any multi-use path;
  - c) Any vehicle travel lane;
  - d) Any vehicle parking space, unless otherwise specifically allowed;
  - e) Any RVA Bike Share docking station;
  - f) Any GRTC Pulse BRT boarding platform;
  - g) Within ten (10) feet of any GRTC bus stop sign or bench;
  - h) Within fifteen (15) feet of any ADA ramp or access of any kind;
  - i) Within fifteen (15) feet of any traffic signal pole;
  - j) Within the sidewalk next to a disabled parking zone;
  - k) Within the sidewalk next to a designated loading zone;
  - l) Within a pedestrian plaza or park;
  - m) Within ten (10) feet of any building access or egress, including driveways;
  - n) No more than ten (10) devices may be parked at a single location at any one time, to include within a single block face unless parked in an area specifically designated for MDSB parking. MDSB users shall park elsewhere if the allowed number of parked devices in that location has been exceeded.
- 7) Permittee shall require MDSB operators to take a photograph of their properly-parked MDSB, or otherwise verify that the operator has properly parked the MDSB, as part of the process for completing a MDSB transaction.
- 8) MDSB's that have not been placed in accordance with the restrictions set forth in this Permit may be impounded by the City at Permittee's expense.

**CITY OF RICHMOND**  
**MOTORIZED DOCKLESS SCOOTER/BICYCLE**  
**SHARE PROGRAM**  
**PERMIT APPLICATION AND CHECKLIST**



**Applicant Information:**

Please Print Clearly			
Business Name:		Business Phone:	
Contact Person:		Phone:	
Mailing Address:			
Street Address if different than above:			
Email Address:		Website:	

**Application Requirements (attach):**

- Applicant Information
- Applicant Signature
- Pricing Structure
- Scooter Availability
- Service Area
- Plan for Safe Riding and Storage of Scooters
- Scooter Recharging Plan
- Maintenance and Cleaning Plan
- Hiring and Labor Plan
- Community Outreach Plan
- Experience and Qualifications
- Privacy Policy, User Agreements and Terms of Service
- Images and Description of E- Scooter
- Images and Description of Mobile Application
- Proof of Business License
- Proof of Insurance

- Proof of Indemnification
- Corral storage location map (Provide proof of contract or agreement of equipment at an off-site storage)
- Non-refundable Application Fee: \$ 1,500
- Annual Permit Fee (due at time of permit issuance):
  - 0 – 100 Scooters/Bicycles     \$40,000
  - 101 –200 Scooters/Bicycles     \$60,000
  - 200—500 Scooters/Bicycles     \$80,000

This application is to provide the Department of Public Works with information necessary to process your request. Additional information may be required. Submission of an application does not give the applicant any authority or permission to use or occupy any portion of the public street, sidewalk, or right-of-way; an approved **Motorized Dockless Scooter/Bicycle Share Program Permit** from an the Director of Public Works or Designee is necessary before a **Motorized Dockless Scooter/Bicycle Share Program** operator may operate according to the approved Permit. To ensure safe and efficient flow of traffic, pedestrians, and bicyclists, the application may be modified, disapproved, and any previously-issued permits may be modified or revoked at the sole discretion of Director of Public Works and/or designee in consultation with the City Transportation Engineer. **Motorized Dockless Scooter/Bicycle Share Program Permit is required to be renewed annually.**

By signing this application, the applicant verifies on behalf of the Motorized Dockless Scooter/Bicycle Operator that all information provided is true, and that if issued a permit, the applicant agrees to comply with the requirements of the Motorized Dockless Scooter/Bicycle Permit Program.

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Printed Name	Company	Title
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Authorized Signature	Date
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<b>For internal use only</b>	
<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Application No.	



## City of Richmond

### *Motorized Dockless Scooter/Bicycle Share Program*

### **Permit Application Instructions**



The Motorized Dockless Scooter/Bicycle Share Program Permit was adopted as a one-year pilot program by the City of Richmond's Department of Public Works (DPW). The Motorized Dockless Scooter/Bicycle Share Program Permit allows permitted Scooters and Bicycle Share Operators to implement a Scooter and Bicycle Share Program in the City of Richmond. DPW will review the completed applications, determine whether each applicant is in conformity with the requirements listed in the subsequent pages, and evaluate which applicants appear best able to operate a Scooter and Bicycle Share Program (SBSP) consistent with DPW's guidelines and requirements.

After evaluating an applicant's permit application, the Director of DPW and/or designee shall either grant the Permit as requested, grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the Director and/or designee shall explain the basis for the decision. An applicant whose permit application is denied or granted with modifications shall have the opportunity to request a hearing on the Director's and/or designee decision. The Director and/or designee will issue no more than five permits for the pilot program.

**Table of Contents**

Submission Instructions ..... 2

Permit Costs ..... 2

Application Materials ..... 3

    A. Pricing Structure ..... 3

    B. Scooter Availability and Service Area ..... 3

    C. Plan for Safe Riding and Storage of Scooters ..... 3

    D. Scooter Recharging Plan ..... 4

    E. Maintenance, Cleaning and Zero Waste Plan ..... 4

    F. Hiring and Labor Plan ..... 4

    G. Community Outreach Plan ..... 4

    H. Experience and Qualifications ..... 4

    I. Privacy policy, User Agreements, and Terms of Service ..... 5

    J. Images and Description of Powered Scooter ..... 5

    K. Images and Description of Mobile Application ..... 5

    L. Proof of Business Registration ..... 5

    M. Proof of Insurance ..... 5

    N. Corral Storage Location Map ..... 5

Appendix I. Permit Requirements ..... 6

    General Requirements ..... 6

    Customer Service Requirements ..... 6

    Equitable Service Requirements ..... 7

    User Protections ..... 7

    Vehicle Specifications ..... 8

    Safe Riding and Storage of Scooters ..... 8

    Distribution of Scooters ..... 9

    Data Sharing Requirements ..... 9

Appendix II. Insurance and Indemnification Requirements ..... 11

    I. Indemnification ..... 11

    II. Insurance Requirements ..... 11

## Application Submission Instructions

The City of Richmond will only consider completed applications. A completed application must include the following components:

- Application Fee of \$1,500 made out to City of Richmond
  - This non-refundable application fee covers the cost to evaluate the application
- Signed Application
  - 1 copy mailed or delivered to the City of Richmond offices
  - PDF sent by email
- Application Materials per Application Checklist
  - 2 hard copies mailed or delivered to the City of Richmond offices
  - PDF sent by email

Mail: City of Richmond  
Department of Public Works  
Attn: Lynne Lancaster  
900 E Broad St, Room 104  
Richmond, VA, 23219

In Person  
Delivery:

City of Richmond Motorized Dockless Scooter/  
Bicycle Share Program Permit  
900 E Broad St, Room 104  
Richmond, VA, 23219

## Permit Costs

The following payments must be made in order for a Motorized Dockless Scooter/Bicycle Share Program Permit application to be accepted and a permit issued:

1. A non-refundable permit application fee of \$1,500, due at the time of application. This covers the cost of staff time to review applications and no application will be considered complete before this payment is remitted.
2. Fee Structure (due at time of permit issuance)

Tier		
I	0 - 100 scooters/bicycles	\$40,000/year (annual fee)
II	101 - 200 scooters/bicycles	\$60,000/year (annual fee)
III	201 - 500 scooters/bicycles	\$80,000/year (annual fee)

## Application Materials

Applicants seeking a Motorized Dockless Scooter/Bicycle Share Program Permit should provide the following information along with the Permit and Application Checklist Form:

### A. Pricing Structure

- Description of pricing structure including low-income and other discounted customer plans, including cash payment

### B. Scooter Availability and Service Area

- Hours of operation
- Storage of scooters during non-operational hours
- Proposed fleet size and service area at launch
  - How many scooters would you deploy in different portions of the service area, including disadvantaged communities?
  - Would your deployment area change depending on the number of scooters you are permitted for?
  - Describe methods for deploying and redistributing scooters
  - Would your service area apply to where users are allowed to deposit scooters?
  - Provide map of proposed service area

### C. Plan for Safe Riding and Storage of Scooters

- Proposed approach to ensure compliance with laws - The City of Richmond will monitor the degree to which motorized scooter and bike share program users comply with applicable laws, particularly related to riding on sidewalks and safe parking of scooters and bikes. If the City of Richmond in its sole discretion determines that the permittee's users are not sufficiently compliant with applicable laws, the City of Richmond may require that the permittee implement additional measures or may revoke the permit.
  - Describe any education, incentives, training, scooter modifications, notification systems, infrastructure, etc. you propose.
  - Describe how you would monitor compliance, including any technology innovations that allow monitoring, and how you would address users who are noncompliant.
- Describe how you would phase in additional measures if your initial approach does not achieve desired levels of compliance.
  - The City of Richmond is potentially interested in a tethering/locking pilot. Describe opportunities to consider a tether or locking mechanism for the scooters to be secured to fixed objects and how much notice would be needed in order to deploy such a program if determined necessary by the City of Richmond.
- How will you ensure customers have valid driver's licenses?

#### **D. Scooter Recharging Plan**

- Describe how scooters will be recharged
  - How will you know when a scooter needs to be recharged?
  - Will independent contractors be used to charge scooters? If so, describe the incentive structure for charging scooters and any information provided to contractors concerning safe charging practices.
  - How will the permittee minimize potential negative impacts associated with practices related to collecting, redistributing, and recharging scooters? Will the permittee document new vehicle miles generated by collecting, redistributing and charging activities?

#### **E. Maintenance and Cleaning**

- How will you know when a scooter needs maintenance?
- Describe approach to maintenance, cleaning, and repair of scooters, including scooter and battery lifespan
- Describe how you will comply with the producer responsibility policies, including taking responsibility for the scooters throughout their life cycles by properly managing hazardous components including batteries, reducing the need for new scooters through repair, redistributing for reuse, and recycling or otherwise properly disposing of all component parts.
- What fleet size is needed to maintain a given number of active scooters?

#### **F. Hiring and Labor Plan**

- Describe the staffing plan, including hired staff and contractors, for operation and maintenance of your scooter share program
- Describe how your hiring plan will comply with local laws and best practices regarding equal opportunity, local hiring, and fair wages
- Describe how you will approach transparency with any contractors related to hourly rate and net of job related expenses
- Will you provide skills training for potential staff and contractors?

#### **G. Community Outreach Plan**

- What community outreach have you done or would you plan to do with stakeholder groups, merchants, and residents in the neighborhoods you are considering serving? If applicable, describe any strategies to partner with community benefit organizations, minimize disruption in neighborhood commercial districts, provide community benefits, implement a culturally relevant and multilingual communications plan, an equitable implementation plan, or promote the use of scooter sharing systems citywide among low income communities.

#### **H. Experience and Qualifications**

- Describe your qualifications to operate a scooter share program including experience operating shared mobility programs in North America

City of Richmond Motorized Dockless Scooter/Bicycle Share Program Permit

- If you have ever operated a shared scooter/bicycle program in the City of Richmond, describe how you complied with applicable laws, including your efforts to ensure compliance by your users with applicable laws, your efforts to work in good faith with staff from the City of Richmond, and your expeditious compliance with previous enforcement efforts and payment of administrative charges to the City of Richmond for right-of-way violations (including sidewalk obstruction).

**I. Privacy Policy, User Agreements, and Terms of Service**

- Provide any privacy policies, user agreements, and/or terms of service in plain text for review
- Provide screen shots of all locations where this language would be shared with customers including method for obtaining user acknowledgement/agreement.

**J. Images and Description of a Scooter**

**K. Images and Description of Mobile Application**

**L. Proof of Business Registration**

Please attach a copy of your business registration. If your business is not yet registered with the City of Richmond, supply a statement of intent to register your business in advance of being issued a permit. The City of Richmond will require proof of registration before issuing a permit to accepted permittees.

**M. Proof of Insurance / Proof of Indemnification**

Please attach a certificate of insurance as well as an endorsement of additional insured, per specifications included in Appendix II. If you have not yet purchased insurance meeting these specifications, supply a statement of intent to obtain this insurance in advance of being issued a permit. The City of Richmond will require certificates of insurance as well as an endorsement of Commercial General Liability and Commercial Automobile Liability insurance showing the City as an additional insured before issuing a permit to accepted applicants.

**N. Corral Storage Location Map**

Please attach a map showing the geographic boundaries and the specific location where scooters/bicycles will be corralled (if applicable.) Provide all proof of agreement or contract that allows for the storage of equipment and/or vehicles at an off-site facility.

## **Appendix I. Permit Requirements**

The following requirements will be included in the Terms and Conditions of any permits issued under the City of Richmond Motorized Dockless Scooter/Bicycle Share Program. In submitting an application, applicants acknowledge that they agree to abide by these requirements if issued a permit.

### **General Requirements**

1. If the City of Richmond Public Works, or any other City agency, department, or commission, including the City Attorney's Office, incurs any costs for addressing or abating any violations of law, including repair or maintenance of public property, the Permittee, upon receiving written notice from the City of Richmond regarding such costs, shall reimburse the City for these costs within thirty days. Any payment made pursuant to this paragraph shall not substitute for any installment payment otherwise owed or to be paid to the City of Richmond. If the Permittee fails to reimburse the City within thirty days, the City may suspend the permit temporarily.
2. The City of Richmond reserves the right to terminate any permit issued if the permittee violates any terms of the permit or is found to have misrepresented any aspect of their application.
3. A permit may not be transferred without the prior written approval of the Director of Public Works or designee. Permittee shall promptly notify City of Richmond of any changes to Permittee's corporate structure or ownership. Failure to do so, shall be cause for revocation of the permit. For purposes of this paragraph, "transfer" shall include the sale or other exchange of 50% or more of the ownership or control of a permittee to a third party.
4. Permittee agrees to indemnify and hold the City of Richmond, its departments, commissions, boards, officers, employees, and agents (collectively, "Indemnitees") harmless in accordance with the indemnification requirements set forth in Appendix II.
5. Permittee shall comply with all applicable federal, state, and local laws.
6. Permittee agrees to limit the total number of their scooters and/or bicycles parked or in use in the City of Richmond to the number assigned by the City in their permit. This number shall include the total number of scooters and/or bicycles that are either being rented or that have been left on public property, whether they are available for hire, or whether they are unavailable due to needing recharging or other maintenance.
7. Permittee shall provide compliance reports to the City of Richmond at 3, 6, and 12 months from date of permit issuance documenting the permittee's implementation of the plans proposed in their application.
8. Adhere to City Parking laws. (Section 27, Article VI, Division I of the City Code)
9. A Permit may be revoked or suspended at any time by Director of Public Works and/or designee for non-compliance with conditions set forth in approved permit or for non-conformance with City of Richmond rules and regulations for Motorized Dockless Scooters/Bicycle Program. A \$2,500 reinstatement fee will be required should a Permit be revoked and/or suspended. Two (2) revocations and/or suspensions of an approved Permit within the annual term of the permit shall result in denial of future permit applications by the Applicant.

City of Richmond Motorized Dockless Scooter/Bicycle Share Program Permit  
**Customer Service Requirements**

10. Permittee shall provide the City of Richmond with an up to date contact name and direct phone number for staff that are responsible for collecting and rebalancing E-scooters.
- 11 Upon notification by the City of Richmond any E-Scooter and/or bike belonging to E-Scooter/Bike Share Program Operator that is improperly parked, left standing, or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the City, the E-Scooter/Bike Share Operator shall remove the scooter within one hour.
12. Permittee shall have a customer service phone number, staffed seven days a week during hours when permittee has scooters in the public right of way, for customers to report safety concerns, complaints, or ask questions. Permittee must have a way to receive and respond to feedback in multiple languages, including, but not limited to, Chinese and Spanish.
13. Customers using E-Scooters that are permitted under this program must be provided with a mechanism to notify the Permittee that there is a safety or maintenance issue with the E-Scooter.

**Equitable Service Requirements**

14. Permittee will maintain a multilingual website and app in languages including, but not limited to, Spanish.
15. Permittee will offer a low-income customer plan that waives any applicable E-Scooter deposit and offers an affordable cash payment option to any customer with an income level at or below the federal poverty guidelines, subject to annual renewal.
16. Mobile apps 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.
17. The City of Richmond must approve the number of permitted scooters and/or bikes and the service area for each Permittee, and must approve any proposed changes in writing prior to the Permittee implementing any changes.

**User Protections**

18. Permittee must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).
19. Permittee must provide a Privacy Policy that safeguards customers' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data. Permittee agrees to make its policies, procedures and practices regarding data security available to the City of Richmond, upon request, and further agrees that the City reserves the right to hire a third party to perform a security audit mid-way through the permit term, or at any time the City determines that an audit is warranted.
20. Permittee must provide customers the opportunity to explicitly assent to any privacy policy, terms of service, or user agreements. Separately, customers must have the ability to decline sharing any data not required to enable the Permittee to process and complete the transaction. The customer's options with regard to these requirements shall be clearly stated and easily accessed by the customer.
21. Permittee shall produce a Privacy Policy that complies with the City of Richmond and any data



City of Richmond Motorized Dockless Scooter/Bicycle Share Program Permit

protection laws applicable to minors, and further, expressly limits the collection, storage, or usage of any personally identifiable information to the extent absolutely required to successfully accomplish the provision of an E-Scooter transportation service. Without limitation to other permitting provisions requiring anonymized origin/destination and route data for solely public purposes set forth by the City of Richmond, Permittee may not make any personal data of program participants in Richmond available to any third party advertiser or other private entity, including another entity that may be affiliated with or jointly owned by the entity that owns Permittee.

22. Permittee shall not claim any legal right in its Terms of Use, Privacy Policy, or elsewhere to institute retroactive changes to its Privacy Policy and shall provide an opportunity for the customer to explicitly assent prior to any changes to its data practices, including uses of data Permittee collected under a prior policy.
23. Permittee may not collect Personal Data related to, nor sort Personal Data nor individual data subjects according to race, gender, religion, national origin, age, or sexual orientation except for survey data collected on an opt-in basis and for a public purpose expressly set forth by the City of Richmond. Permittee may not deny service to any user on the basis of their refusal to provide any such survey information. The City of Richmond shall consult the Human Rights Commission if it receives any complaints based upon any potential violations of this provision.
24. Permittee must disclose any and all existing data sharing agreements and must notify the City of Richmond in advance of any prospective partnership, acquisition or other data sharing agreement. Permittee may not engage in or facilitate any inter-app operability or other form of private partnership that includes data acquisition or other data sharing model with any entity if the entity does not meet the standards set forth herein.

### **Vehicle Specifications**

25. The current contact phone number for the Motorized Dockless Scooter/ Bicycle Share Operator Customer Service line shall be prominently displayed on all Motorized Dockless Scooters and Bicycles.
26. A unique identification number shall be prominently displayed on both sides of the Motorized Dockless Scooter/ Bicycle Share.
27. Each scooter/bicycle shall be equipped with an on-board GPS device capable of providing real-time location data in accordance with the specifications described in the "Data Sharing Requirements" section of this application.
28. All Scooters/bicycles shall be equipped with equipment meeting all specifications, including but not limited to brakes, reflectors, a bell, and front and rear lighting.
29. All Scooters/bicycles must be certified as safe to operate under any applicable standard by Underwriters Laboratories or an equivalent safety rating agency.
30. All Scooters/Bicycles must be equipped with devices that allow the permittee to remotely render a scooter or bicycle inoperable that has been reported as being either damaged or defective.

### **Safe Riding and Storage of Scooters**

31. Permittee shall be responsible for educating their employees and Motorized Dockless Scooter/Bicycle Share users regarding state and local laws governing the safe operation and parking of Motorized Dockless Scooters/bicycles in Richmond. This shall include providing notification about key laws governing operation on each scooter.

32. If the City of Richmond determines in its sole discretion that the Permittee's users' failure to comply with applicable laws governing the safe operation and parking of Motorized Dockless Scooters/bicycles, including but not limited to, operation on sidewalks, and parking requirements, has created a threat to public health and safety, such determination shall be grounds for permit suspension or revocation at the discretion of the Director.
33. Motorized Dockless Scooters and Bicycle shall be parked standing upright and outside the path of travel in the furniture zone. The City of Richmond will provide detailed specifications to clarify existing City regulations prohibiting obstruction of the right of way. The Permittee shall instruct customers how to park a Motorized Dockless Scooters/bicycles properly.

### **Distribution of Scooters**

34. Permittee is responsible for monitoring distribution of E-Scooter available to customers according to parameters proposed by the Permittee through this application and approved by the City of Richmond. Each daily scooter deployment must match agreed upon parameters for the number of scooters within sub-areas of the permittee's approved service area.
35. Permittee shall stop placing scooters or allowing contractors to place scooters in front of any address provided by the City of Richmond, within 48 hours of notice.
36. Permittee shall apply geofencing specifications provided by the City of Richmond to prohibit parking/locking scooters in specified areas and geographic areas of the City or to direct users to specified designated parking area (e.g., at an event venue), within one week of notice.
37. During deployment and rebalancing, employees and contractors of the Permittee shall obey the all City of Richmond operating guidelines.

### **Data Sharing Requirements**

38. Permittee agrees that the City may use a third-party researcher to evaluate the Motorized Dockless Scooter/Bicycle Share Program. Permittee shall share all data with the third-party researcher necessary for purposes of the evaluating or enforcing the requirements in this permit.
39. Permittee shall administer two customer surveys within the permit year, using questions provided by the City of Richmond. The survey will include questions regarding travel behavior and basic socioeconomic indicators that will help the City of Richmond evaluate how the provider's services support the agency's goals for transportation in Richmond.
40. Permittee shall keep a record of maintenance activities, including but not limited to Motorized Dockless Scooter and Bicycle identification number and maintenance performed. These records shall be sent to the City of Richmond on a monthly basis.
41. Permittee shall make available real-time and archival information for their entire City of Richmond Motorized Dockless Scooter/bicycle fleet. This data will ensure the City of Richmond can successfully manage the Scooter Program and execute related planning efforts in support of the agency's strategic goals. Data provided will include real-time location, event, and status information provided by on-board GPS devices put on all Motorized Dockless Scooters/bicycles, anonymized data for each trip record, historic/archival data, and key system information. Real-time data will be shared via documented APIs. The City of Richmond will also provide details regarding historic/archival transfer protocols, including the frequency and schedule for data to be delivered. Except as otherwise provided herein, Permittee will not share personally identifiable information with the City. At a minimum, providers will supply:

City of Richmond Motorized Dockless Scooter/Bicycle Share Program Permit

- a. Vendor/operator information
  - b. Daily drop-off locations or aggregation sites/zones
  - c. System alerts
  - d. Pricing plans
  - e. Real-time location, event, and status information
  - f. Trip-level details including start/end location/time, duration, and distance traveled
  - g. Trip-level breadcrumb trails listing all GPS readings for each scooter
  - h. Vendor calendars detailing planned hours of operation and planned exceptions
42. The Permittee is directly responsible for providing the API key to the City of Richmond and shall not refer the City to another subsidiary or parent company representative for API access. The City of Richmond shall be permitted to publicly use Permittee's API and display real-time data.
  43. Permittee shall provide monthly reports of all calls and emails received through their customer service hotline and contact email including telephone wait times, email response times, and the nature of the customer inquiry.
  44. Permittee shall submit any collected aggregate user demographic data gathered by the system application that does not identify individual users, payment methods or individual trip history, to the City of Richmond not less than monthly, using anonymized keys.
  45. Permittee shall share personally identifiable information in Permittee's possession about a Motorized Dockless Scooter/bicycle user with the City where there is an injury alleged to be related to a Motorized Dockless Scooter/bicycle, or a claim or lawsuit against the City and the scooter user may have information about, or responsibility for, the claim.

## **Appendix II. Insurance and Indemnification Requirements**

### **I. Insurance Requirements**

#### **A. Required Coverages**

a. The Applicant shall provide and keep in full force and effect during the performance of the contract the kinds and amounts of insurance prescribed in this section, and shall comply with all other provisions of this section. Such insurance shall be provided and kept in full force by insurance companies authorized to do business in the Commonwealth of Virginia and acceptable to the City. The Applicant shall pay all premiums and other costs of such insurance. It will be assumed that the consideration paid or to be paid to the Applicant for the performance of the contract includes the premiums and other costs of such insurance and that the City shall not be responsible therefore. Each insurance policy and certificate of insurance shall be signed by duly authorized representatives of such insurance companies, which shall be licensed to business in the Commonwealth of Virginia and shall be countersigned by duly authorized local agents of such companies. The certificates and evidence of coverage must be complete before the City issues the permit.

b. All Certificates of Insurance shall show the Permit Application Number. The Applicant shall not be required to furnish the City with copies of the insurance contracts required by this paragraph unless requested from time to time by the Director of Public Works but the Applicant shall provide a Certificate of Insurance issued by such insurance companies in which the company shall irrevocably warrant that the insurance is provided to enable the Applicant to comply with and provide the required insurance provided. However, in no event shall the Insurance Contract be expanded to afford coverage which is greater than the maximum coverage approved for writing in the Commonwealth of Virginia, and that it will not be canceled or modified by the insurer for non-payment of premiums or otherwise unless at least ninety (90) days prior notice to that effect is given the Director of Public Works by registered mail, return receipt requested, anything in such Insurance Contract to the contrary notwithstanding; and that the Insurance Contract has been endorsed accordingly. The City reserves the right to require, without cause, insurance in greater amounts than those set out below in this paragraph on any Permit, provided notice of such requirements is given prior to final acceptance of the Permit. The insurance contract shall provide that the insolvency or bankruptcy of any of the insured shall not release the insurer from its obligation to satisfy claims otherwise within the coverage of such policies

#### **B. Schedule of Insurance Coverages**

- a. Commercial General Liability Insurance with a combined single limit of not less than \$3,000,000 per occurrence/\$5,000,000 aggregate. May be accomplished with underlying coverage and an excess or umbrella policy.
- b. Automobile Liability Insurance with a combined limit of not less than \$1,000,000 per occurrence.
- c. Statutory Workers' Compensation and Employers' Liability with the Alternate Employers Endorsement WC 000301. If any employee of the Applicant is not subject to the provisions of the

Virginia Worker's Compensation Act, the Applicant shall nevertheless insure payment of the same compensation to such employee as is provided for by the Virginia Workers' Compensation Act.

d. Professional Errors and Omissions Insurance with limits of not less than \$1,000,000 per occurrence. (Submit only if applicable.)

e. Other insurance as required based upon the nature of the Permit.

f. All insurance contracts (other than workers' compensation) shall name the City as an additional insured, and the Applicant shall furnish the City with a copy of the policy endorsement naming the City, as an additional insured for each policy required under this section before the City issues the Permit.

Further, the Applicant shall assume the entire responsibility and liability for any and all damages to persons or property caused by or resulting from or arising out of any negligent act or omission or any willful misconduct on the part of the Applicant, its subcontractors, agents or employees under or in connection with the Permit. The Applicant shall hold harmless and indemnify the City and its agents, volunteers, servants, employees and officers from and against any and all claims, losses or expenses, including but not limited to court costs and reasonable attorney's fees, which either or both of them may suffer, pay or incur as the result of claims or suits due to, arising out of or in connection with any and all such damage, real or alleged, to the extent caused by the Applicant's negligence or willful misconduct. The Applicant shall, upon written demand by the City, assume and defend at the Applicant's sole expense any and all such suits or defense of claim.

### **C. Indemnity and Liability**

a. Indemnification. The Applicant shall indemnify, defend and hold harmless the City, its officers, agents and employees from and against any and all losses, liabilities, claims, damages and expenses (including court costs and reasonable attorneys' fees) arising from any material default or breach by the Applicant of its obligations specified in this Permit, as well as all claims arising from errors, omissions, negligent acts or intentional acts of the Applicant, its officers, agents and employees.

b. Insurance. The Applicant shall furnish the City with evidence of the following types of insurance in the amounts specified with an insurer licensed to do business in the Commonwealth of Virginia:

c. Commercial General Liability Insurance with a combined limit of not less than \$3,000,000 per occurrence/\$5,000,000 aggregate through a primary or excess or umbrella policy.

d. Automobile Liability Insurance with a combined limit of not less than \$1,000,000 per occurrence.

e. Statutory Workers' Compensation and Employers' Liability Insurance with the Alternate Employer Endorsement WC 000301. If any employee of the Applicant is not subject to the Virginia Workers' Compensation Act, the Contractor shall nevertheless compensate such employee at the level required by that Act.

f. Other insurance as required based on the nature of the Permit.

The Applicant shall furnish the City a certificate of insurance evidencing the above coverage, naming the City, its officers and its employees as additional insured (excluding workers' compensation) and providing that the coverage will not be canceled, modified or non-renewed without ninety (90) days' written notice to the City.

Further, the Applicant shall assume the entire responsibility and liability for any and all damages to persons or property caused by or resulting from or arising out of any act or omission on the part

City of Richmond Motorized Dockless Scooter/Bicycle Share Program Permit

of the Applicant, its subcontractors, its agents or its employees under or in connection with this Permit. The Applicant shall hold harmless and indemnify the City and its agents, its volunteers, its servants, its employees, and its officers from and against any and all claims, losses or expenses, including but not limited to court costs and attorneys' fees, which either or both of them may suffer, pay or incur as the result of claims or suits due to, arising out of or in connection with any and all such damage, real or alleged. The Applicant shall, upon written demand by the City, assume and defend at the Applicant's sole expense any and all such claims or legal actions.