

City of Dayton

Department of Public Works

Division of Civil Engineering

Rules and Regulations

of Electric Transportation Devices



Approved by the Commission of the City of Dayton on __ / __ / _____

by Ordinance Number __ - _____

I. Purpose and Background

The Rules and Regulations of Electric Transportation Devices (“Rules and Regulations”) is established to provide the rules and regulations governing the operation of Electric Transportation Devices within the City of Dayton, Ohio (“City”) and upon the City’s Right-of-Way. Further, the Rules and Regulations ensures that the operation of Electric Transportation Devices is consistent with the City’s larger safety and transportation goals by the safe and efficient use of its right-of-way by all different modes of transportation and by people of different ages and abilities.

The City Manager has been delegated the duty to manage and regulate the use of the City’s right-of-way by operators and users of Electric Transportation Devices pursuant to the Revised Code of General Ordinances of the City of Dayton (“R.C.G.O.”).

The City recognizes the need for rules and regulations concerning operators and user of Electric Transportation Devices within its jurisdiction. These Rules and Regulations are designed to balance the public’s need for safe and efficient transportation options while providing for the safe addition of emerging transportation systems. The City has developed this policy combining and adapting national practices with local knowledge to ensure that the public’s health, safety, and welfare is provided for in the greatest extent possible.

II. Definitions

The following terms shall have the proscribed meaning:

City: The City of Dayton, Ohio, a municipal corporation in and of the State of Ohio.

City Commission: The Commission of the City of Dayton, Ohio.

Code: The Revised Code of General Ordinances of the City of Dayton.

Designated Group Parking Areas: A clearly identified and established improvement, approved by the City in writing, placed on the Right-of-Way, for the purpose of group placement and/or parking of Electric Transportation Devices.

Director: The Director of the Department of Public Works.

Electric Transportation Device: A small electronic transportation device, such as an electric scooter, electric bicycle, electric unicycle, electric personal assistive mobility device or other similar device equipped with an electric motor. This includes, but is not limited to, all recreational devices such as skateboards, hoverboards, caster boards, tricycles, skates, roller blades, and heel wheels if equipped with an electric motor. This does not include any assistive mobility device used by persons with disabilities.

Electric Transportation Device Service: An individual, corporation, company, or any other entity renting or providing access to Electric Transportation Devices to the general public within the City.

Operator: An individual, corporation, company, and/or any other entity that is operating an Electric Transportation Device Service on the City's Right-of-Ways and is issued a valid Operating Permit.

Permit: A Probationary Operating Permit or an Operating Permit issued by the City pursuant to the Rules and Regulations.

Preferred Parking Location: A location established by the City and licensed to the Operator for the express purpose of relocation, rebalancing, and deployment of the Operator's Electric Transportation Devices.

Rebalance:(1) Moving Electric Transportation Devices from an area of low demand to an area of high demand; and/or, (2) Moving Electric Transportation Devices from an area of high concentration to areas of lower concentration.

Relocation: The movement of Electric Transportation Devices from one area to another by the Operator or on behalf of the Operator, such as by an independent contractor, employee, or agent.

III. General Authority

The City Manager, or their designee, shall implement, enforce, and manage the Rules and Regulations. The City Manager has delegated this authority to the Director. As a result, the Director is responsible for the management of the Rules and Regulations and the right-of-way. With the approval of the Commission, the Director may amend or the Rules and Regulations.

IV. Operating Permit Authority

No persons and/or entity shall operate, cause the operation of, or permit the operation of an Electric Transportation Device Service within the City without a valid Probationary Operating Permit or Operating Permit issued by the City. An Electric Transportation Device Service shall not store, leave, or abandon Electric Transportation Devices on the right-of-way without a valid Permit.

V. Application for Probationary Operating Permit or Operating Permit

An Electric Transportation Device Service shall apply to the Director for a Permit. The applicant must be the business entity or person that will own, control, or operate the Electric Transportation Devices permitted to operator under the Permit. The application for the Permit shall, at a minimum, consist of the following:

- The form of business of the applicant and, if the business is a corporation, association, or other legal entity, a copy of the documents establishing the business and the name and address of each person with 20 percent or greater ownership interest in the business;
- The address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

- The name of a person designated by the applicant to receive on behalf on the applicant any future notices sent by the City to the Operator, that person’s contact information, including a mailing address, telephone number, and email or other electronic address;
- Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required in Section XXI - Insurance;
- Documentary evidence from a bonding, insurance company, or a bank indicating that it had bound itself to provide the applicant with the performance bond or irrevocable line of credit required by Section XIX - Fees;
- The number and type of Electric Transportation Devices to be operated under the permit;
- A signed agreement to release and indemnify the City from any damages related to the use of Electric Transportation Devices on its right-of-way;
- An example of the language agreed to by any user of the Operator’s Electric Transportation Devices that will release and indemnify the City for any damages related to their use of Electric Transportation Devices on the right-of-way; and,
- A notarized signature of the applicant.

To renew an Operating Permit, an Operator shall submit the information above to the Director.

VI. Contents of a Permit

At a minimum, the Permit will contain:

- The amount of Electric Transportation Devices that are permitted to be in service by the Operator;
- The hours that the Electric Transportation Devices may be in service by the Operator;
- The expiration date of the Permit; and,
- The name and information of the Operator.

VII. Term of the Operating Permit

A. Probationary Operating Permit

Prior to obtaining an Operating Permit, an Operator shall apply for a Probationary Operating Permit. If the City approves the application then the Operator will be issued a Probationary Operating Permit. A Probationary Operating Permit shall be valid for six (6) months after its issuance by the City.

B. Operating Permit

If an Operator has successfully completed its probationary period then the Operator may apply for an Operating Permit. If the City approves the application then the Operator will be issued an Operating Permit. An Operating Permit shall be valid for twelve (12) months after its issuance.

VIII. Amendments to Operating Authority

At least ten (10) days prior to any amendment or change to a Permit taking effect, the Operator must submit, in writing, a request to the Director detailing the need and a request for the

amendment. The amendment request must be approved in writing by the Director. Further, any change in an Operator's fleet size must be approved by the Director in writing.

IX. Expiration of the Operating Authority

A full Operating Permit is valid for twelve (12) months after its issuance date. Prior to the expiration of an Operating Permit, the Operator may apply to renew its Operating Permit through the application process detailed above.

X. Refusal to Issue or Renew Operating Authority

The City may refuse to issue or renew a Permit if the Operator or applicant intentionally or knowingly makes a false statement to a material matter in an application for a license or license renewal. The City may refuse to issue or renew a Permit if the Operator or applicant has violated any state, local, or federal law, rule, or regulation. The City may refuse to issue or renew a Permit if it determines, in its sole discretion, that the amount of Electric Transportation Devices deployed within the City exceeds an amount that the Right-of-Way is capable of withstanding. Further, the City may refuse to issue or renew a Permit if the City, in its sole discretion, determines that Operator has not been responsive to community or City concerns in its use of the right-of-way. Finally, the City may refuse to issue or renew a Permit for any municipal purpose determined solely by the City.

XI. Termination, Suspension, and Revocation of Operating Authority

A. Termination

The City may, for cause or convenience, terminate a Permit for any municipal purpose, solely determined by the City, by providing the Operator with a notice of termination. If a Permit is terminated then the Operator must remove all Electric Transportation Devices from the right-of-way within seven (7) days of the notice of termination. If the Electric Transportation Devices are not removed then the City may impound the Electric Transportation Devices pursuant to the provisions of the Code.

B. Suspension

The City may, for cause or convenience, suspend a Permit if the City determines that the Operator has failed to respond to a request to remove an Electric Transportation Device or a request to move Electric Transportation Devices to another location within a specified period of time determined by the Director. A suspension of a Permit will not extend or alter the expiration of the Permit. Further, the City may suspend a Permit for any municipal purpose, determined solely by the City.

C. Revocation

The City may revoke a Permit if it determines that the:

1. Operator, or their agents or employees, made a false statement as to a material matter in the application for the Permit ;
2. Operator has either diminished, failed to maintain, or altered the Insurance required by the Rules and Regulations;

3. Operator has either diminished, failed to maintain, or altered the performance bond or letter of credit required by the Rules and Regulations;
4. Operator has failed to pay a fee or fees as required by the Rules and Regulations;
5. Operator has received two (2) Notices of Violation and failed to remedy the issues described within the Notices of Violation;
6. Operator, to the satisfaction of the City, has not adequately addressed and/or responded to issues or concerns that it has been notified of; and/or,
7. Operator has failed to immediately and fully assist the City of Dayton Police Department in any criminal investigation concerning the use of any Electric Transportation Devices.

If a Permit is revoked by the City then the Operator, or any person with a twenty percent or larger interest in the Operator, shall not be eligible for another Permit for a period of up to two years, determined solely by the City based on the severity of the violation resulting in the revocation.

XII. Notice of Violation

If the City becomes aware of an Operator violating any term of the Rules and Regulations or the Code then the City may issue a Notice of Violation indicating the violation and the violation factual basis. The Operator may appeal a Notice of Violation within ten (10) days after the date of issuance to the Director. The appeal shall include the factual basis for the Operator's appeal. The Director will issue a written decision within fifteen (15) days after receiving an Operator's appeal. If the Operator disagrees with the Director's written decision, then the Operator may request a hearing held by a designee of the Director.

If an Operator receives two (2) or more Notices of Violation then the City may, at its sole discretion, reduce the Operator's fleet size, suspend its Operating Permit, or terminate its Permit.

XIII. Non-Transferability

A Permit is not transferable and any transfer that occurs is void. This Section should not be construed to impede the continued use of trade names or trademarks. However, a Permit is only valid for the entity that it was originally issued to.

XIV. Fleet Size

In general, the City will not limit the number of Operators that are permitted to operate within the City. However, fleet size and the total amount of Electric Transportation Devices allowed to operate within the City will be monitored by the Director and the approval of Permits and the number of Electric Transportation Devices will be impacted. The Director will determine a maximum number of Electric Transportation Devices that may safely operate within the City. Once this threshold is met then no other Permits will be issued by the City. This determination will be based on the capabilities of the right-of-way.

A. Probationary Operating Permits

Operators issued a Probationary Operating Permit may deploy a maximum of 200 Electric Transportation Devices in the first month of its issuance. After the first month of operation, an Operator may apply to the City for an increase in the total number of Electric Transportation Devices permitted under its Probationary Operating Permit. The City, in its sole discretion, may

increase the permitted number of Electric Transportation Devices under the Probationary Operating Permit. Notwithstanding anything in the foregoing, the maximum amount of Electric Transportation Devices permitted by a Probationary Operating Permit shall not exceed 400. If the Operator desires to reduce the number of Electric Transportation Devices deployed under a Probationary Operating Permit then it must receive the consent of the City, which will not be unreasonably withheld.

B. Operating Permits

Operators issued an Operating Permit may carryover a maximum of 400 permitted Electric Transportation Devices from its Probationary Operating Permit to its Operating Permit. Operators may apply for additional Electric Transportation Devices in increments of 200 additional Electric Transportation Devices. The maximum amount of Electric Transportation Devices per Operating Permit shall not exceed 1,000. The Director may approve or deny, at their sole discretion, any request for additional Electric Transportation Devices for any municipal purpose.

XV. Parking

A. General Rules

All parking locations on the right-of-way are subject to the review and approval of the Director. The Director may prohibit or permit parking of Electric Transportation Devices within the right-of-way. Further, the Director may modify these general rules, at their sole discretion. All Preferred Parking or Designated Parking Areas locations shall be approved by the City and comply with this policy. Operators shall deploy, relocate, or rebalance Electric Transportation Devices at a Preferred Parking Location or a Designated Group Parking Area. If any Operator deploys, relocates, or rebalances outside of a Preferred Parking Location or a Designated Group Parking Area then it shall receive a Notice of Violation.

Individual riders are not required to end their rides at a Preferred Parking Location or a Designated Group Parking Area; however, the nearest Preferred Parking Location or Designated Group Parking Area should be recommended to riders or users of the Electronic Transportation Devices. Generally, Electric Transportation Devices should be parked in accordance with Section 70.11.1 of the Code and any failure to comply is a violation of the Rules and Regulations.

If an Operator is notified that any Electric Transportation Device is parked incorrectly then the Operator shall respond and remedy the situation as soon as reasonably possible.

If an Operator desires to park in areas other than the right-of-way then the Operator must first obtain permission to do so from the appropriate property owner, the City, or other public entity. These other approved locations shall be indicated by appropriate signage approved by the property owner, City, or other public entity. For example, the Operator would be required to obtain the permission of Five Rivers MetroParks for the parking of Electronic Transportation Devices at RiverScape MetroPark.

If an Electric Transportation Device is left unattended for longer than twenty-four (24) hours then the City may impound the Electric Transportation Device. Further, if an Electric

Transportation Device is left in violation of Section 95.407 of the Code then the City may impound the Electric Transportation Device. The Operator shall pay the City an impoundment fee and a storage fee for everyday the City stores the Electric Transportation Device.

The City may, with or without notice, inspect an Operator's compliance with the Rules and Regulations or the Code. If an Operator is found to not comply with either then the City may reduce the number of Electric Transportation Devices approved in its Permit.

B. General Parking Rules

Generally, Operators and users of Electric Transportation Devices shall follow all the requirements of Sections 74.11 and 74.11.1 of the Code.

C. Preferred Parking and Designated Parking Areas

Operators may apply for Preferred Parking and Designated Parking Areas within the City. Application for these areas must include the following information:

- The location of the Preferred Parking and Designated Parking Area;
- The amount (width and length) of the right-of-way that will be impacted by the Preferred Parking and Designated Parking Areas;
- The Operator's name; and,
- The signage for the Preferred Parking and Designated Parking Area.

1. Preferred Parking Areas

An Operator shall apply for a Preferred Parking Area and receive a written authorization by the City prior to deploying, relocating, or rebalancing any Electric Transportation Devices.

2. Designated Parking Areas

Any Operator may apply for a Designated Parking Area to the Director. The original applicant shall provide the City signage dedicating the area as a Designated Parking Area. Designated Parking Areas may be utilized by any Operator or user once it is approved by the Director.

The minimum requirements for a Designated Parking Areas are as follows:

- The area must be clearly identified by surface decals or another acceptable method, showing the outlining boundaries of the Designated Parking Area; and,
- The location, layout, and operation shall comply with all Americans with Disabilities Act requirements.

A Designated Parking Areas shall be maintained by Operators utilizing the Designated Parking Area. The City may change or remove any Designated Parking Area for any municipal purpose it deems necessary.

XVI. Operations

A. Sidewalk Operation

Electric Transportation Devices are to be operated on streets, in accordance with the Ohio Revised Code and the Code, and, where available, bike lanes and paths. Electric Transportation

Devices may only be operated on sidewalks when immediately leaving or accessing a parking location. All other operation on sidewalks is prohibited. If a user is operating on a sidewalk then a rider shall yield to pedestrians and maintain a low rate of speed. This information should be contained in the Operator's mobile app.

B. Deployment and Retrieval

Operators shall deploy Electric Transportation Devices prior to 7:00 a.m., local time, daily and placed in their approved locations. All Electric Transportation Devices regulated by this policy must be immobilized by sunset each day and retrieved within the following hour. An Operator's failure to perform these duties shall be considered a violation of this policy. City may impound any Electric Transportation Device left out past dark and charge Operator for storage and impoundment. An Operator must maintain a staffed operations center and shall maintain a 24-hour customer service phone number posted on the vehicle and within its app for customers and members of the public to report safety concerns, complaints, or to ask questions of the Operator. An Operator must also provide the City a designated contact who will be responsible for relocation of Electric Transportation Devices or to receive customer complaints forwarded by the City. Any changes in the contact information must be provided to the City within 24 hours. Operators shall comply with all City policies, protocols, and procedures in the case of: extreme weather; emergencies; special events; and/or, construction.

C. User Communications

Operators shall create and maintain City-specific information outlining all locally relevant terms and conditions as outlined in this policy on the company's websites and/or social media platforms. Such information is to include the terms of service, including user instructions, privacy policies, and outlines all fees, costs, penalties, and unexpected charges in all languages required by the City. The Operator shall provide notice to all users by means of signage and through a mobile, web or social media application that:

1. Electric Transportation Devices are to be operated on streets, and where available, in bike lanes and bike paths. Users are prohibited from operating Electric Transport Devices on sidewalks unless immediately leaving from or accessing a parking location.
2. Users are to obey traffic laws and practice safe operating conduct.
3. Electric Transportation Devices are to stay to the right of street lanes and to offer the right of way to bicycles on bike lanes and bike paths and shall yield to pedestrians.
4. Helmets are encouraged for all Users.
5. Parking must be done in the designated areas or in accordance with the Code.
6. Users shall not obstruct the walking area of a sidewalk with an Electric Transportation Device when finished with its use. A minimum 48 inch sidewalk clearance shall be maintained. Operators must make all reasonable effort to inform riders of the proper parking procedures and best practices.
7. The Operator shall require Electric Transportation Device Users, through its Vehicle Use Agreement, to release and forever discharge the City of Dayton, Ohio, its elected and appointed officials, employees, agents and successors in interest from all claims, damages, losses and expenses including reasonable attorneys' fees, arising out of or resulting, directly or indirectly, from the User's use of Electric Transportation Devices

within the City of Dayton. The Operator shall provide the City a copy of the Vehicle Use Agreement.

D. Prohibited Areas

Operators shall inform users that the operation of Electric Transportation Devices within a festival, event footprint, or on a street closed by the Dayton Police Department or the Public Works Department is prohibited. Further, if the Director or Dayton Police Department notifies the Operator of a festival, event, or street closure then Operator shall ensure a notice is placed on its mobile application notifying the user that Electric Transportation Devices are prohibited within the festival, event, or street closure's footprint.

Further, the City may declare areas in which the operation of Electric Transportation Devices is prohibited. Any declaration will be made by the Director or the Chief of Police and published on the City's Website and Operators will be notified. The Operator shall ensure that its users are notified of the prohibited areas.

The Oregon District, between 400 and 600 East Fifth Street, is a prohibited area. As a result, the operation of Electric Transportation Devices is prohibited in this area. The Operator's mobile application should indicate to the user that operation of Electric Transportation Devices is prohibited within this area and the location of the Designated Parking Areas before entering this prohibited area.

E. Public Safety Information Campaigns

Operators shall make periodic efforts to inform non-users about proper behavior around the Operator's Electric Transportation Devices, including providing information on how a non-user may report parking or operations related issues to the Operator. The Operator shall document all information campaigns and provide a summary to City in their monthly reports. Operators shall conduct information outreach efforts at least twice a year. Probationary Operating Permit holders must conduct public safety information campaigns monthly during each month of their probationary permit. Public safety information campaigns must occur each time the Operator's fleet is notably expanded, as determined by the City.

F. Equipment Safety and Maintenance

Operators shall remove from service any inoperable Electric Transportation Device, or an Electric Transportation Device that is not safe to operate, from the right-of-way within 24 hours of notice received from a customer, resident, or the City. An Electric Transportation Device removed from the right-of-way in accordance with this subsection must be repaired before it is returned to service. In the meantime, between notification and retrieval, the Electric Transportation Device shall be removed from the user interface that allows the public to locate said vehicle and the vehicle shall not be able to be unlocked by potential Users.

XVII. Equipment Standards

Each Electric Transportation Device permitted under an Operating Permit shall display the emblem of the Operator along with a unique identification number that is easily visible while the vehicle is in a standard upright position. Each Operator shall ensure that its Electric

Transportation Devices meets all requirements of local, state, and federal law and at a minimum the following additional requirements:

- Bicycles must meet the safety standards outlined in ISO 43.150 – Cycles, Subsection 4210, as amended. Electric-assist bicycles should refer to CPSC Public Law 107-309 for Low Speed Electric Bicycles for maximum engine wattage.
- Electric motor assisted scooters should refer to CPSC Public Law 107-309 for standards around weight bearing.
- The maximum motor-assist speed while in operation of an Electric Transportation Device shall not exceed 15 miles mph. However, electric bicycles may exceed this limit if approved by the Director.
- All Electric Transportation Devices or the rider of an Electric Transportation Device shall have an always-on front lamp and a red rear lamplight that are visible from a distance of at least 500 feet away under normal atmospheric conditions.
- Front and rear lamps shall stay illuminated 90 seconds after an Electric Transportation Device has stopped.
- All Electric Transportation Devices shall feature a decal or sticker notifying riders that they are not to ride on the sidewalk and that helmets should be worn.

Operators shall ensure that all Electric Transportation Devices are inspected, maintained, and or replaced on a mutually agreed upon schedule with the City.

Operators shall have the ability to lock-down individual Electric Transportation Devices when they are deemed to be or reported to be unsafe.

Each Electric Transportation Device permitted under an Operating Permit shall be equipped with active global positioning system technology, which must ping its location at a minimum of every 60 seconds while the Device is being ridden.

The City may, with or without notice, inspect any Electric Transportation Device operating under an Operating Permit to determine whether the Electric Transportation Device complies with the standards outlined in this policy.

This section may be updated as new standards for new mobility technologies are developed.

XVIII. Data Sharing and Standards

A. Data Collection and Reporting

Operator shall provide City with real-time information on the entire Dayton fleet through a documented application. Operator is directly responsible for providing the City with the data described below. The Operator shall published the following data and information into the portal, in real time, for every Electric Transportation Device parked in the City:

1. Point location;
2. Electric Transportation Device identification number;
3. Type of vehicle (standard or electric); and,
4. Battery Level (if electric).

All GPS data shall come from the active GPS that is affixed to each vehicle and shall not be collected from Users’ mobile devices. The City is permitted to publish all non-identifiable data and may publish real time availability data to the public. All Operating Permit holders 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 will be submitted to the City in a manner acceptable to it.

Table 1- Operational Assessment Geospatial Fields

Field Name	Format	Description
Company Name	Text	n/a
Type of Electric Transportation Device	“Standard Bicycle”, “Electric Bicycle”, “Electric Scooter”, or etc.	n/a
Trip Record Number	xxx0001, xxx0002, xxx0003, etc.	3-letter company acronym + consecutive trip #
Trip Duration	MM:SS	n/a
Trip Distance	Feet	n/a
Start Date	MM, DD, YYYY	n/a
Start Time	HH:MM:SS	n/a
End Date	MM, DD, YYYY	n/a
End Time	HH:MM:SS	n/a
Start Location	Census Tract	n/a
End Location	Census Tract	n/a
Electric Transportation Device Unique Identifier	xxxx1, xxxx2, xxxx3, etc.	Unique identifier for every device

All Operating Permit holders will provide the following device availability data for oversight of parking compliance and device distribution by minutes. Data will be submitted to the City in a manner acceptable to it.

Table 2 – Parking Assessment Geospatial Fields

Field Name	Format	Description
GPS Coordinate	X, Y	n/a
Availability Duration	Minutes	n/a
Availability Start	MM, DD, YYYY	n/a
Availability End	MM, DD, YYYY	n/a

An operator shall provide a monthly report in a format acceptable to the City that includes, but is not limited to the following:

- Total number of rides for the previous month and total miles ridden;
- Total number of Electric Transportation Devices in service for the previous month;
- Number of rides per Electric Transportation Device per day;

- Location and performance of all Preferred and Designated Parking Areas;
- Number of Electric Transportation Devices removed from service;
- Operator staffing levels;
- Number and resolution of Customer Service Cases, including complaints registered;
- Vandalism Incidents;
- Crash reports (to include injury/fatalities);
- An aggregated breakdown of customers by gender and age monthly. Gender must be reported as male, female, and/or 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; and,
- Provide a “heat map” indicating commonly used streets and routes within the City.

The City maintains the right to request additional reports, additional data or change the frequency of the reports at its sole discretion. Further, the City maintains the right to request meetings with an Operator to discuss operations, issues, concerns, and any corrective actions that may be necessary.

B. Data Privacy

All Operators shall ensure customer data privacy and that the Operator’s policies are in accordance with the City’s data privacy policies. Customers shall not be required to share personal data with third parties (e.g. advertisers, investors etc.) to use the Operator’s services. Customers shall not be required to provide access to their contacts, camera, photos, files, and other private data to use the Electric Transportation Devices. Location services may be required to use the Electric Transportation Device Service for locating nearby Electric Transportation Devices, but not for providing trip-level data. Operators shall provide clear notification about what data will be accessed (e.g. location services, camera, contacts, photos etc.) and explain how and why that data will be used. Notification must be active (e.g. affirmative confirmation-required to continue). All digital applications and/or consent forms shall provide customers with the option to opt-in to providing access to their contacts, camera, photos, files, other private data and 3rd party data sharing. This opt-in shall not be the default setting and digital applications and consent forms shall not require customers to opt-out of providing access.

C. Application Programming Interface Requirements

The City intends to integrate all permitted Operator’s services through a publicly available, mobility trip planning app(s). Successful integration requires that the Operator’s service availability be displayed in real-time, at all times near the user, and allow users to sign up, view, plan trips, unlock, pay, and consume the Operator’s service completely within the City’s selected mobility trip planning app(s).

Operators shall provide a publicly accessible Application Programming Interface (API) that meets the requirements of the latest General Bikeshare Feed Specification (GBFS) version. If the Operator operates more than one type of vehicle, they must provide a separate GBFS [per vehicle type]. The Operator may not change the API URL without notifying the City with at least 30 days’ notice. Operators are required to make the API endpoint available for public consumption. The public API need not be available without authentication; however, any member of the public, including commercial entities, must be able to gain access to the data provided by the API by requesting access through a web interface. The Operator shall provide a publicly-

accessible API, clearly posted on the Operator’s website that shows, at minimum, the current location of any services available for use at all times. A smart phone-based application used to access the Operator’s services does not qualify as a publicly accessible API.

The following must be provided by the Operator to the City of:

- API endpoints and API keys for staging and production environments.
- API documentation.
- Technical contact to whom the City can ask questions regarding the integration.
- Test accounts for the production environment.
- PCI attestation of compliance (AOC).
- Results from a recent scan done by an approved scanning vendor (ASV).

XIX. Fees

Fees associated with the operation of Electric Transportation Devices are presented in Table 3. In addition to the fees found in Table 3, an Operator shall also be responsible for:

- Fines and fees associated with any impoundment, storing, relocation, and/or removal of Electric Transportation Devices from the right-of-way by the City.
- Costs incurred by the City for relocating Electric Transportation Devices.

Each Operator shall ensure that the City is reimbursed, for any and all costs incurred by the City concerning the abatement of any violations of this policy or any conditions of the Permit, repair and/or maintenance of public property, repair and/or maintenance of the City’s Right-of-Way, within 30 days of receiving written notice from the City.

Table 3 – Electric Transportation Device Fee

Description	Fee	Costs Associated
Probationary Operating Permit Application	\$2,000.00	Administrative Cost for review.
Annual Operating Permit Application	\$1,500.00 annually	Administrative Cost for review.
Annual Registration of Electric Transportation Device Fee	\$50.00 annually	Analyzing and assessing data, responding to public complaints, cover costs associated with: removing broken, damaged, and/or incorrectly parked devices if the Operator cannot or will not themselves, the purchase and installation of physical infrastructure related to the system such as racks or thermoplastic markings, loss of public Right-of-Way space especially on sidewalks

Daily Electric Transportation Device Fee	\$1.00 daily per Device	Improvements and maintenance of shared mobility infrastructure
Designated Group Parking Area	\$250.00 annually per Designated Group Parking Area	Costs to cover the loss of Right-of-Way for group parking of Devices.
Required Performance Bond	\$10,000.00	To cover Operator's default on the terms and/or conditions of its Operating Permit and this policy.

An Operator shall ensure that all impoundment fees and removal costs are remitted to the City within 30 days after the Operator is notified by the City. The City shall charge an Operator \$100.00 per impoundment of an Electric Transportation Device found to be out of compliance with this policy and a \$100.00 daily storage fee.

XX. Impoundment and Fees

The Director may impound Electric Transportation Devices not in compliance with these Rules and Regulations or the Code. Operators should refer to the Code concerning the impoundment of Electric Transportation Devices. Prior to impoundment, the Director will make a good faith effort to notify the Operator of the violation. Depending on the severity of the violation, the Operator may have an opportunity to remedy the violation prior to impoundment.

An Operator shall pay the City a fee of \$100.00 for the impoundment of any Electric Transportation Device. Further, an Operator shall pay an additional storage fee of \$50.00 per day per Electric Transportation Device stored by the City.

XXI. Insurance and Indemnification

A. Insurance

An Operator shall maintain, with an insurance company authorized to conduct business in the State of Ohio and having at least an "A" rating from A.M. Best, General/ Comprehensive Liability Insurance, with a combined single limit of not less than Five Million Dollars (\$5,000,000.00) for each occurrence and Five Million Dollars (\$5,000,000.00) in the aggregate, and specifically covering property damage, including any property damage to City-owned property, and bodily or personal injury, and death of any person resulting from the use of any of the Operator's Electric Transportation Devices. Said policy of insurance shall name the City, its elected officials, officers, agents and employees as additional insureds, and shall contain a provision requiring at least thirty (30) days notice to the City of any cancellation or diminution of coverage. Operator shall provide a copy of a certificate of insurance demonstrating compliance with this section.

This required insurance shall not in any way relieve or decrease the liability of the Operator hereunder. It is expressly understood that the City does not in any way represent that the

specified Limits of Liability, coverage, or policy forms are sufficient or adequate to protect the interests of the Operator.

B. Indemnification

An Operator shall defend, indemnify, and hold harmless the City and its elected officials, officers, employees, and agents from and against all claims, losses, damages, and expenses (including reasonable attorney’s fees) of whatsoever kind and nature, caused by or arise out of the Operator Permit or this Policy and/or the acts, errors, omissions or wrongful conduct of Operator, its owners, employees, contractors, and/or agents. This Section shall survive the termination of any Operating Permit issued.

XXII. Non-Discrimination Clause

An Operator shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, ancestry, national origin, place of birth, age, marital status, or handicap with respect to employment, upgrading, demotion, transfer, recruitment or recruitment advertising, lay-off determination, rates of pay or other forms of compensation, or selection for training, including apprenticeship. Any violation of this section shall be considered a material breach of the Operating Permit and may result in the immediate termination of the Operating Permit.