

Antonio J. Morabito III  
Acting Director



Jorge O. Elorza  
Mayor

**DEPARTMENT OF PUBLIC WORKS**  
*"Building Pride in Providence"*

Thursday, January 10, 2019

The Honorable Sabina Matos  
President, Providence City Council  
Providence City Hall  
25 Dorrance Street  
Providence, Rhode Island 02903

Dear Council President Matos,

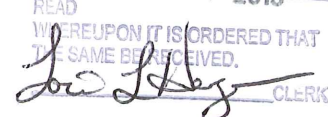
Enclosed please find the signed updated regulations governing the placement and operation of electric scooters on a pilot basis in the City of Providence, which I submit for your information.

If you have any questions, please feel free to contact me at 401-680-7512.

Sincerely,

  
Antonio Morabito

Acting Director, Department of Public Works

IN CITY COUNCIL  
JAN 17 2019  
READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED.  
 CLERK



DEPARTMENT OF PUBLIC WORKS  
*"Building Pride in Providence"*  
**REGULATIONS GOVERNING THE PLACEMENT AND  
OPERATION OF ELECTRIC SCOOTERS ON A PILOT  
BASIS IN THE CITY OF PROVIDENCE**

THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, SECTION 23-24, PROVIDES:

No person shall in any manner obstruct the public right-of-way, except for legally parked or standing motor vehicles or upon the filing of a petition and a finding by the director of public works that the proposed obstruction does not unduly hinder the free flow of pedestrian and vehicular traffic. The director is authorized to order the removal of any obstructions.... The director is authorized to promulgate regulations to effect the intent hereof.

THE FOLLOWING REGULATIONS ARE HEREBY PROMULGATED GOVERNING THE PLACEMENT AND OPERATION OF ELECTRIC SCOOTERS IN THE CITY OF PROVIDENCE.

1. The City will conduct a pilot program for the placement and operation of electric scooters during the twelve-month period commencing August 17, 2018. Applications may be filed as early as August 9, 2018.
2. No one shall place or operate electric scooters within any public right-of-way (PROW) without first obtaining authorization from the Director of the Department of Public Works (DPW)
3. An application for such authorization shall be submitted to the Director of DPW. This application shall include the appropriate fee(s), described below.
  - a. Fees: \$1 per day multiplied by the company's permitted number of scooters.
    - i. The City may approve proposals by companies for a certain number of inclement weather days, for which the fee will be waived and during which scooters will not be allowed on the street. To qualify for any such waiver, companies must notify the City of the use of such inclement weather days 12 hours in advance of the time when scooters would normally go out and retain proof of such notification. If at the conclusion of the permit term, fewer than the permitted number of inclement weather days have been used, companies will submit to the City payment for the unused inclement weather days, at the same payment rate as above. Only inclement weather days in which the City has confirmed notification will be considered in this payment.

- b. **Cap on total number of scooters: 300 active scooters total in the City.** Active scooters shall be defined as scooters that are available for rental by users and shall not include scooters unavailable due to maintenance. Each successful applicant will be issued a permit for a specific number of active scooters. The City may increase the cap at any time based on such criteria as rides per scooter per day and reach of Applicant's community programming.
- c. Fleets must be equitably distributed such that each day no more than 50% and no less than 10% of the fleet is present in each of five (5) zones of the City as indicated in the attached map. In addition, fleets must be kept to a maximum density of 100 scooters per square mile. Whether the distribution requirements are achieved through the morning deployment map for chargers to put scooters out or through day-long averages, permit-holders must provide ongoing documentation to the City of how this requirement is being met.
- d. Other requirements:
  - i. All scooters must be enabled with "tip-over" sensor technology alerting company staff when they are not positioned upright. Applicant must describe in the application the intended methods for enforcing customer compliance with safe parking guidelines. All scooters must have, and clearly display, a unique, permanent identification number that is provided to the City. All scooters must have the ability to be locked down or change speed limit over-the-air to more quickly adapt to (changing) local laws and to remedy safety hazards.
  - ii. As a condition of authorization, the Applicant agrees to indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, placement or removal of scooters, or by the acts or omissions of the employees or, agents of the Applicant **in connection with the scooters. The City of Providence does not require scooter users over the age of 15 to wear helmets. If the Applicant requires helmets, all liability for their customers' failure to comply with this requirement is assumed by the Applicant.**
  - iii. Applicant agrees to furnish the City of Providence with a general liability **insurance policy from an approved insurer, in an amount of not less than One Million (\$1,000,000.00) Dollars** and naming "*The City of Providence, its agents, servants, officers, and employees*" as additional named insured.



- iv. Applicant must make a public property repair and maintenance endowment of \$50 per scooter at the time of authorization, to ensure adequate funds are available to reimburse the City for future public property repair and maintenance costs that may be incurred. This endowment will be held by the City in escrow and will only be accessed if company fails to reimburse the City for costs incurred within 30 days of being notified; if the endowment is unused at the end of the pilot program, the funds may be returned to the company or rolled over to a future program year. Each month of operation, companies must refill this endowment to the \$50 per scooter level. Should this endowment become depleted with outstanding reimbursement due, the City, acting through and by the Law Department, shall institute any and all appropriate legal action to ensure payment of any appropriate costs.
- v. Applicant shall place a customer service contact phone number, answered 24 hours a day, 7 days a week, on all scooters, which connects the public to local management and operations teams. Permits shall be conditional upon documentation of a physical staffed operations center within the City of Providence. Applicant must provide the City with 24-7 contact information (name, phone number, and email) of a locally-based manager/operations staff with decision-making power who can respond to city requests, emergencies, and other issues at any time.
- vi. Applicant must agree to share all data with the City at no cost in order to be eligible for authorization.
  - 1. In advance of permit issuance, each operator must have an application program interface (API) or other automated mechanism that allows their services to be integrated into third-party mobility applications.
  - 2. Data for all device types must be provided to the City, and partners, in the General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) formats, or some other format as specified by the City on its website, each through an API. The City maintains links to the full specification of these required data formats on the City's webpage.
  - 3. GBFS must be made available to the public through the permittee's website. The MDS feed must be available to contracted city partners for the explicit purpose of program management. As such, these feeds must be consumable by third-party software.
  - 4. Permittee must maintain a dashboard for the City to use for program monitoring and compliance that displays MDS data.
  - 5. Data shall be available for the duration of the permitted program.

6. Non-GBFS data consumed through the API by City specified third-party software providers shall not be publicly available without consent from the permittee.
  7. The City may, in its sole discretion, release subsequent versions and/or updated versions of the Specification and require operators to use the most current version by releasing an automatic update and/or disabling support for the previous version.
  8. Companies will additionally provide the City with monthly aggregated reports on system use, compliance, and other aspects of operations (including parking complaints, crashes, damaged or lost scooters). In addition to report format, the aggregate data must also be provided in spreadsheet or comma-delimited format.
  9. Companies must also make anonymized trip data available to the public for use in creating apps that are not affiliated with the companies or the City.
  10. In order to accurately convey scooter location, use patterns, and other information, all scooters shall ping, at a minimum every 90 seconds while in use. In order to ensure that scooter locations are known even when the scooter is not in use, all data shall be provided by GPS equipment that is affixed to the company's scooter (e.g. not customer phones). This does not include phone-based location services information, used by customers, to locate a scooter or track their own personal route.
  11. If a company is found to be misleading the City in any provided data, that company's permit may be revoked.
- vii. All companies must ensure customer data privacy and that company policies are in accordance with city data privacy policies.
1. Personally-identifiable information shall not be shared with the City or any other entity; permittee shall ensure the privacy of its users.
  2. Companies must provide a clear, written justification for why they need access to each type of customer files (e.g. contacts, camera, photos, location, other apps etc.)
  3. Customers shall not be required to share personal data with 3rd parties (e.g. advertisers, investors etc.) in order to use the mobility services.
  4. Customers shall not be required to provide access to their contacts, photos, files and other private data to use the mobility service.
  5. Location services may be required to use the service for the purpose of locating nearby scooters, but not for providing trip-level data.




6. Companies must provide customers with clear, prominent notification about what data will be accessed (e.g. location services, camera, contacts, photos etc.) and explain how and why data will be used. Notification must be active (e.g. affirmative confirmation-required to continue) and should not be buried in larger terms-of-service notifications.
    7. Customers may opt-in (not opt-out) to providing access to their contacts, camera, photos, files, other private data and 3rd party data sharing.
  - viii. Companies shall distribute and collect a customer survey on a semiannual basis, developed in collaboration with the City, to all customers.
  - ix. Applicant must provide an equity plan, reviewed and verified by the Department of Planning and Development, including low-income payment, cash payment options, an engagement plan, a hiring plan, and an equitable distribution plan. Any granted permits will be conditional upon execution of provided equity plans. If companies require customer identification for use of the system, Municipal ID must be accepted to meet this requirement.
  - x. Applicant must submit a plan specifying how scooters will be inspected and maintained for safety and operability. Any inoperable scooter or any scooter that is not safe to operate shall be removed from the right-of-way within twenty-four (24) hours of notice to the company and shall be repaired before being returned into revenue service.
- e. Authorization or disapproval of the application shall be issued after receipt of the application and confirmation of the applicant's compliance with all the requirements as set forth in these regulations.
4. Where scooters may operate: Roadway, bike lane, bike path/multi-use trail, or sidewalk. If on sidewalk or within an approved street closure, riders must ride single file, limit speeds, and yield to pedestrians. If operated on the roadway or in a bike lane, scooter users must follow rules of the road (including but not limited to laws regarding operating under the influence) and ride no more than two (2) abreast.
5. Hours of availability: Scooters must be unavailable for rental and removed from the street between sunset and sunrise. On occasions when the City issues a parking ban or school closure for snow events or any other reason, or when companies are notified of the need for scooter removal at the Director's discretion, companies must remove all scooters such that snow clearance and other emergency crews can complete their duties without obstruction. At the discretion of the Director of DPW, scooter companies shall be provided 12 hours notification by email or phone from the Providence DPW to remove scooters from the public right of way during emergency situations including inclement weather. Scooters will remain off the streets until further notice by DPW. If less than 12 hours notice is provided, scooter companies shall turn off and make inoperable all scooters within two hours of notification to do so by DPW with

removal of all scooters within 12 hours. In no instance shall the City be liable for any damage to scooters due to work associated with snow or ice removal or other emergency related work.

6. Where scooters can be parked: Scooters shall not obstruct crosswalks (whether marked or not), handicapped curb ramps, fire hydrants, building ingress or egress nor other public utilities. Placement of scooters shall not unduly impede pedestrian travel. A minimum four-foot pedestrian clearance through-aisle must be maintained at all times. Scooters creating a public safety hazard should be removed within two (2) hours of notice being given to the company.
7. Fines: \$100/unpermitted scooter, abandoned scooter, or scooter creating hazardous conditions (e.g. parked incorrectly) per documented instance. Enforcement shall be conducted by Police Officers, Parking Enforcement Officers, or DPW staff.
8. Should an authorized company fail to comply with relevant law and regulations, the Director of DPW shall provide written notice by certified mail or hand delivery to the company of such non-compliance. In the event that the company wishes to contest the notice of the non-compliance, the company shall request a hearing before the Director of DPW within forty-eight (48) hours of the notice of non-compliance.
9. In addition, the Director of the DPW may cause the scooters to be removed and stored upon written notification to the company. The costs of removal and storage of the same, if deemed necessary, shall be paid to the City by the company within sixty (60) days after written notice or demand was made upon the company by the City. Should payment not be forthcoming within the prescribed time, the City will deduct the payment amount from the public property repair and maintenance endowment.
10. The Director of the DPW shall cause these regulations to be posted and on public display at both the City Clerk's Office and DPW.
11. These regulations may be changed at any time, in the sole discretion of the Director of DPW.

Effective this 27<sup>th</sup> day of December 2018:

  
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Antonio J. Morabito, Acting Director  
Department of Public Works



