



Rules and Regulations for Arvada's Pilot Mobility as a Service Permit Program

Effective Date:

Director of Public Works

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I. Definitions

1. **City:** City of Arvada
2. **Devices:** bicycles, scooters, electric bicycles, electric scooters, and other small, wheeled vehicles designed specifically for shared-use and deployed by micromobility companies.
3. **Director:** Director of Public Works or his or her designee.
4. **Micromobility:** a network or system of devices, placed in the public right-of-way and for rent in short time increments, that provides increased mobility options over short distances in urban areas.
5. **Mobility as a Service Permit Program:** a pilot program allowing for the implementation and operation of micromobility within the City of Arvada for a prescribed period of time which may extend past the pilot program allotted time through annual permit applications.
6. **Operator:** a person or entity who offers devices to be used for micromobility.
7. **Rebalancing/Redistribution:** The terms are used interchangeably to refer to the process in which devices are redistributed throughout the service area by the operators to ensure that devices are centrally located to meet the demand of its customers.
8. **Service Area:** The geographical area within Arvada where a micromobility program offers service for its users. The Public Works Department will work with operators to identify areas of Arvada that utilize and benefit most from the availability of device sharing.

II. Authority

Arvada City Code, Section 54-303, provides that the Director of Public Works has the authority to promulgate rules and regulations concerning the Mobility as a Service Program.

III. Intent

Principles of Arvada's City Council Strategic Plan provide that, in supporting infrastructure, Arvada "provides safe and efficient connections to modes of transportation, including transit, streets, sidewalks, and bikeways with a focus on enhanced technology at high-priority intersections improving safety and minimizing traffic congestion." Micromobility is the next step forward for Arvada to provide its residents with additional transportation options. Micromobility allows for efficient connections to modes of transportation, especially transit and the new G-Line, and these rules and regulations help to both control and implement this new and efficient technology through the Mobility as a Service Program.

IV. Pilot Program

It is in the best interest of Arvada and future permit holders for the City to open the Mobility as a Service Program on a limited basis to evaluate whether Micromobility will succeed in Arvada. A pilot program will allow Arvada and operators to determine how to make Micromobility successful and provide essential information as to the appropriate number of devices and needed public improvements for future success.

The pilot program will run for one year with a six month review where City Council may determine that Mobility as a Service Program is not compatible with Arvada's infrastructure or in the best interest of the City and end the pilot program. Public Works will provide the City Manager a report assessing the program by January 31, 2022 for Council prior to the six month review. City Council will again review the performance of Mobility as a Service Program by September 19th, 2022. Fees related to the pilot program permit will be prorated depending on the length of the program. If Council determines that it is in the best interest of the City to continue the program, the pilot program will extend to December 31, 2022. The Mobility as a Service Program will open to all prospective operators on January 1st, 2023 for an annual permit application.

Arvada Public Works will select two operators who can demonstrate their ability to meet all of the responsibilities listed in the rules and regulations for the pilot program. If the program continues after the pilot, all operators will have the same ability to apply for a permit as described in Section VII.

V. Responsibilities of Permittee

Safety

1. All micromobility systems issued a permit under this program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512- Requirements for Bicycles, and shall meet the safety standards outlined in both International Organization for Standardization (ISO) 43.150, subsection 4210, and the Consumer Product Safety Commission (CPSC) Public Law 107-319, 116 Stat. 2776 for low speed electric small vehicles.
2. Any devices used in micromobility systems issued a permit under this program shall meet the National Highway Traffic Safety Administration's (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles, meaning that electric bicycles must have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. The City reserves the right to terminate any permit issued under this program if the battery or motor on a device is determined by the City to be unsafe for public use.
3. All devices shall meet the requirements described in C.R.S. § 42-4-221 for lights during hours of darkness, The devices must have a front light that emits white light and a rear red reflector visible to low headlight beams on vehicles from 600 feet.

4. All micromobility operators permitted under this permit program shall provide a mechanism for customers to notify the company that there is a safety or maintenance issue with the device, including a valid phone number for users who do not have access to smartphone technology.
5. All permitted systems shall have visible language on the device or in the mobile application (in English and Spanish) that notifies the user that:
 - a) Helmet use is encouraged while riding a device and if the company offers helmets and how to acquire a helmet.
 - b) Riders shall yield to pedestrians on sidewalks and trails.
 - c) When riding on-street, follow the rules of the road, as one would in a motor vehicle.
6. Permitted micromobility operators agree that the City of Arvada is not responsible for educating users on laws governing micromobility devices. Neither is Arvada responsible for educating users on how to ride or operate a device. Permitted operators agree to educate users regarding laws applicable to riding and operating a device in Arvada and to instruct users to comply with applicable laws.
7. Each device should be equipped with technology equipment, provided by the micromobility operator that tracks ridership data.

Service Area

1. Micromobility operators must submit, as part of its application to Arvada, a proposed service area that meets the goals and intent of this regulation and approval by the Bicycle and Pedestrian Coordinator, or their designee.
2. Micromobility operators must submit, as part of its application to Arvada, a proposed redistribution plan to be approved by the Bicycle and Pedestrian Coordinator within the Department of Public Works, or their designee.
3. The service area is generally defined within a one-mile radius of the G-line stations and within the jurisdictional boundary of the City of Arvada. Micromobility permit holders may request service area changes in writing to the Director of Public Works. The Director's determinations under this Section shall constitute the final decision of the City and are not subject to further administrative review.

Parking

1. Devices shall be parked in the hardscaped amenity zone between the sidewalk and the roadway, at any bicycle rack, or within designated micromobility parking zones. Micromobility operators shall inform customers on how to park a device properly.
2. The following restrictions to eligible device parking zones on sidewalks apply:
 - a. Devices shall not be parked against trees or within landscape planting beds.
 - b. On blocks without sidewalks or within neighborhoods with sidewalk widths less than four (4) feet, but with a paved shoulder, devices may be parked if the travel lane(s) and six (6) foot pedestrian clear zones are not impeded.
 - c. Parked devices shall comply with all American with Disabilities Act (ADA) requirements.
 - i. Parked devices shall not block the sidewalk and be parked at the edge of the sidewalk or in designated locations.
 - ii. A parked device shall not block access to a curb ramp or pedestrian push buttons at an intersection.
3. The City reserves the right to determine certain block faces where micromobility parking is prohibited.
4. Devices shall not be parked in the landscape/furniture zone in a manner that blocks access to:
 - a. Parklets or streateries;
 - b. Loading zones;
 - c. ADA handicap parking zones;
 - d. Street furniture that requires pedestrian access (i.e. benches, parking pay stations, bus shelters, transit information signs, etc.);
 - e. Curb ramps;
 - f. Entryways;
 - g. Driveways;
 - h. Landscape planting beds or other landscape materials;
 - i. Fire hydrants and fire lanes; and
 - j. Railroad tracks or crossings.
5. This permit is only valid for operations within the City of Arvada's rights-of-way (ROW). Additional zones may be established, for example, in off-street parking lots, garages, or campuses. However, permission to park in these areas shall require coordination with the appropriate department, agency, or property owner, and shall be communicated to the customer through signage approved by the respective entity and/or through the mobile and web application.
6. Arvada reserves the right to designate scooter parking areas.

7. Any micromobility device that is parked in one location for more than seven (7) consecutive days without moving must be moved by the micromobility system operator. If the device remains in one location after seven (7) days, it may be removed by Arvada and taken to a City facility for storage at the expense of the micromobility operator. Arvada will invoice the violating operator pursuant to the “Operating” section of these rules and regulations.
8. All permitted operators shall include on every device a customer service phone number for small vehicle relocation requests.
9. Devices shall be upright when parked.
10. Any device that is parked incorrectly shall be re-parked in a correct manner, or shall be removed by the operator based on these times:
 - a. 6 a.m. – 6 p.m., Monday – Friday (holidays excluded): within four (4) hours of receiving notice.
 - b. At all other times: within twelve (12) hours of receiving notice. Arvada reserves the right to remove a device immediately if it is determined to be a public safety concern, or is impeding the public’s right of way.
11. Devices can only be parked on hard surfaces within the landscape/furniture zone (i.e. concrete, asphalt). Devices shall not be parked on grass areas on any public property that requires Arvada mowing or maintenance.

Operations

1. All permitted micromobility operators under the permit program shall have a 24-hour customer service phone number displayed on the vehicle and in a mobile application for customers to report safety concerns, complaints, or ask questions.
2. All permitted micromobility operators under the permit program shall provide Arvada with a direct contact for micromobility operator staff who are capable of rebalancing devices. In addition, operators will provide a rebalancing management plan to Arvada.
3. In the event City Staff identifies or receives a nuisance complaint, permitted micromobility operators under the permit program must relocate or rebalance small vehicles within four (4) hours of receiving notice of the nuisance complaint. If Arvada determines the device is a public safety concern or is impeding the public’s right of way, the City may remove the device immediately.
4. Any inoperable device or any device that is not safe to operate shall be removed from the ROW within twenty-four (24) hours of notice and shall be repaired before returning the device into revenue service.

5. All permitted operators shall have a minimum fleet in service of fifty (50) devices of the same type (e-scooters or bicycles). Operators shall meet this fleet size within four (4) weeks of initial launch date.

6. Every device shall have a unique identifier that is visible to the user on the device.

7. If Arvada incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of Arvada's costs, the permitted operator shall reimburse Arvada for such costs within thirty (30) days.

8. Arvada reserves the right to terminate permits at any time and require that the entire fleet of devices be removed from Arvada streets. Such notice of termination shall be delivered to the permit holder by certified mail. The decommissioning shall be completed within thirty (30) days, unless a different time period is determined by the Arvada.

a. Upon receiving notice of permit termination, the permit holder has the right to appeal the decision to the Director of Public Works. A request for appeal must be provided in writing to the Director of Public Works no less than seven (7) days after receiving the termination letter via certified mail.

b. Any permit holder not satisfied with the Director's decision may request a final appeal hearing with a hearing officer pursuant to Arvada City Code Chapter 2, Article V, Division 3. Such hearing shall be set before the end of the thirty (30) day decommissioning period set by Arvada in the original notice provided via certified mail. The decision made by the hearing officer is final.

9. The Director of Public Works shall establish the number of shared micromobility devices authorized under each shared mobility operator pilot permit. The Director may adjust the maximum number of each device type authorized by each shared mobility operator pilot permit. The Director shall take into consideration market needs, the number of devices deployed in the City, device utilization, and any other criteria the Director deems relevant. The Director's determinations under this Section shall constitute the final decision of the City and are not subject to further administrative review.

Reporting

1. Permitted micromobility operators will report data to the Bicycle and Pedestrian Coordinator, in the Public Works Department, for reporting and analysis purposes.

2. Permitted micromobility operators are required to report, on a monthly basis, information regarding their fleet and membership. This report does not require providers

to solicit comments from riders or members of the system. The goal of these reports is to better understand how the entire micromobility system is being utilized, and to better inform future policy changes. Data must be delivered to the City in a Mobility Data Specification (MDS) compatible Application Programming Interface (API). Operators must provide the following information in a monthly report on their company's operations within Arvada:

- a. Number of devices in system, separated by type of device;
- b. Origin and destination data;
- c. Usage (total trips, per time frame, per location, per vehicle);
- d. Total number of members;
- e. Member survey and general demographics;
- f. Vehicle maintenance reports;
- g. Complaints; and
- h. Reported crashes/accidents.

3. All permitted operators shall distribute an annual customer survey. Results of these surveys shall be provided to Arvada.

4. The City of Arvada will utilize the Mobility Data Specification (MDS) Provider Application Program Interface (API) for data sharing as outlined at <https://github.com/openmobilityfoundation/mobility-data-specification/tree/dev/provider>. At a minimum, all required fields in the Provider API must be populated as well as a publicly accessible General Bikeshare Feed Specification (GBFS) API. Operator should update the MDS status endpoint at least every 10 minutes during operation. Implementation of changes to the required fields, as formalized through the MDS Github Repository, will be required within 30 business days of being provided formal notice by the City.

Data management services may be provided by a third party software company, so access to MDS must be provided to the third party specified by the City upon request. The City may also use a third party vendor to conduct an audit on the MDS API of operator to ensure compliance with the specification as a condition of launch of service. The Denver Regional Council of Governments (DRCOG), Colorado Department of Transportation (CDOT), Regional Transportation District (RTD) and DRCOG member governments participating in the DRCOG regional micromobility data partnership may have access to the same third party software platform to view operator metrics and visualizations for the Arvada service area.

5. All permitted operators understand that Arvada is obligated to comply with the Colorado Open Records Act (C.R.S. §§24-72-200 *et seq.*)(CORA), which may require Arvada to disclose all or a portion of communications relating to the permit, any transaction under the permit, and other related materials. Operator is advised to familiarize itself with CORA.

VI. Insurance and Indemnification

1. Micromobility operators will be required to procure and maintain, at their own expense and without cost to Arvada, the following types of insurance. The policy limits are to be considered minimum amounts. Prior to the issuance of a permit, the operator, and any of its subcontractors, shall provide a certificate of insurance evidencing the following coverages:

- a. Commercial General Liability Insurance. During the term of this program, the operator, and any of its subcontractors, shall provide general liability coverage against claims arising out of bodily injury, death, damage to or destruction of the property of others, including loss of use thereof, and including products and completed operations in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) general aggregate.
- b. Excess or Umbrella Liability. The operator, and any of its subcontractors, shall maintain an Excess or Umbrella Liability on an occurrence basis in excess of the underlying insurance described in (A)(i), which has coverages as broad as the underlying policies, with a limit of Two Million Dollars (\$2,000,000).
- c. Workers' Compensation or Employers' Liability Insurance. The operator, and any of its subcontractors, shall provide proof of workers' compensation coverage with limits as required by the laws of the State of Colorado. Additionally, the operator, and its subcontractors, shall provide proof of Employers' Liability Insurance with limits as follows:

\$500,000 bodily injury each accident
\$500,000 bodily injury each disease
\$500,000 bodily injury disease aggregate.

2. All insurance policies required under this program, except workers' compensation, shall name the City of Arvada, its officers, employees and agents as an additional insureds by endorsement and said coverage shall contain a waiver of subrogation. The operator, and its subcontractors, shall provide a copy of an endorsement providing this coverage.

3. The total limits of general and excess liability insurance set forth above may be provided to Arvada using a combination of primary and excess liability insurance.

4. Prior to receiving a permit, the operator shall provide certificates of insurance to Arvada demonstrating that at the minimum coverages required herein are in effect. The operator agrees that the required coverages will not be reduced, canceled, non-renewed or materially changed without thirty (30) days prior written notice to Arvada. All certificates of insurance must be kept in force throughout the duration of the services. If any of operator's, or any of its subcontractor's coverage is renewed at any time prior to the expiration of this program, the operator shall be responsible for obtaining updated

insurance certificates for itself and such subcontractors from the respective insurance carriers and forwarding the replacement certificates to Arvada within ten (10) days of the expiration date of any previously delivered certificate.

The minimum A.M. Best rating of each primary insurer shall be A- X and the minimum A.M. Best rating of each excess insurer shall be A- VIII. The Licensee shall provide copies of insurance policies to the City's Risk Manager upon request. Any of the minimum limits of insurance set out herein may be raised or lowered at the sole discretion of the Risk Manager for the City of Arvada in response to the particular circumstances giving rise to the permit. The operator's policy will be primary and non-contributory with respect to any and all self-insurance or insurance policies purchased by the additional insured.

5. The permit holder and any subcontractors, agrees to investigate, defend, indemnify and hold harmless (including court costs and attorney fees, whether or not the claim or claims alleged are groundless, false, or fraudulent) Arvada, its officers, employees, and insurers, from and against all liability, claims and demands on account of any losses, injuries, and damages, including but not limited to, alleged personal injury claims and/or death claims, or property damage claims, or errors and omissions, which arise out of or are in any manner connected with this permit, whether or not such injury, loss, or damage is caused by, or is claimed to be caused by, the act, omission, negligence or other fault of the permit holder, any employees the holder, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Nothing herein is intended to constitute a covenant, promise, or agreement to indemnify and hold harmless Arvada from any liability or damages directly caused by or attributable to Arvada's own negligence. Notwithstanding the foregoing, if the permit holder is performing services in any of the City of Arvada's rights-of-way, then indemnity language contained in the Arvada City Code shall prevail in the event of any conflict between this clause and the Arvada City Code. Nothing herein intended to be nor may be construed as a waiver of the immunities, protections, or limitations on damages provided to Arvada by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 et seq., as it may from time to time be amended.

VII. Fees and Permit Schedule

1. The following permit fee schedule shall apply to approved operators based on the size of the operator's fleet. A business license, separate from this permit, shall be required as well in order to operate within Arvada.

- a. Operators must pay an initial permit fee consisting of \$5000 plus \$10 per device. This fee will be dedicated to installing additional parking for mobility as a service permit program. \$500 of this fee shall be due at time of initial application, and the remainder at permit issuance.
- b. Operators must pay a maintenance bond of \$30 per vehicle deployed, to be used to reimburse Arvada as needed for costs associated with auditing, removing, and storing improperly parked vehicles. If needed, this deposit is to be refreshed yearly upon

- permit renewal, or upon issuance of permit for increase in number of vehicles. At the end of the permit period, any maintenance bond remaining will either be reimbursed to the operator or if the permit is renewed, the amount will be rolled over to the next permit period.
- c. Operators must pay a yearly permit renewal fee of \$5,000 based on Arvada staff time dedicated to management, oversight, communications, enforcement, and education of the program.
 - d. Operators must pay a monthly operations fee that will be assessed at a rate of \$0.10 per ride taken each month.
2. Operators must submit an application to the City of Arvada to increase the number of vehicles deployed. Applications will be reviewed based on staff assessment of operator performance, public demand, and other criteria. Fees for vehicle deployment increases shall include a \$500 application fee, as well as \$10 per vehicle parking infrastructure fee, and \$30 per vehicle maintenance bond due at time of permit issuance.
3. Arvada in collaboration with permitted operators, will evaluate the needs of the community annually; Arvada staff will determine a maximum number of permitted vehicles across all operators for the upcoming program year.

VIII. Application Process

1. Organizations interested in applying for a permit shall submit Arvada's mobility as a service application to the Public Works Department; the application will be available at Arvada's City Hall and on Arvada's website. The application must include these items:
 - a. Organization name and local, primary contact information;
 - b. Insurance & indemnification documentation;
 - c. Images and description of devices and mobile application;
 - d. Size of fleet, including any planned fleet expansion over the year;
 - e. Service area, including any planned area expansion over the year;
 - f. Education and outreach plan for proper device parking and riding;
 - g. Plan to provide an equitable micromobility as a service to the service area;
 - h. Device maintenance and recharging plan; and
 - i. Device rebalancing plan.
2. Applications will be reviewed in the order that they are received starting on January 1st of each year. If an application is not complete, the application will be rejected and the applicant will be given an opportunity to correct the application but it will not be included in the review process order until the submitted application meets all of the City's requirements. Complete applications will be allotted an annually determined number of devices based on the prior year's reporting. If the need for more devices exists, Arvada will work with operators who have submitted a complete application in the order that the application was received.

