

Shared mobility devices

MODEL PERMIT and OPERATIONAL CONDITIONS

July 2019

**COUNCIL LOGO HERE**

Pursuant to Section 222 of the *Local Government Act 199*9, a Permit for Business Purposes described below is hereby granted.

|  |  |
| --- | --- |
| **DESCRIPTION OF PERMITTED ACTIVITY** | **PERMIT NUMBER** |
| Operation of a commercial dockless mobility scheme  Maximum Number of mobility devices   * Bicycles * e-bicycles * Scooters * e-Scooters * Other devices (specify)   24-hour contact number: xxx  Contact: xxx | xxx |
| **LOCATION** |  |
| City of xxx |  |

**Expiry Date: xxx**

**PERMIT CONDITIONS**

The Permit Holder (dockless mobility operator) agrees:

* To adhere to all conditions set out in the attached *Operational Conditions*
* That the number of mobility devices (fleet size) is not to exceed the maximum noted on this permit, above.
* To adhere to and actively enforce the preferred parking and exclusion zones determined by council
* To adhere to and actively implement the deployment and density requirements determined by council
* To pay Council a permit fee of $XXXXX per month.

Council acknowledges that Permit Holder (dockless mobility operator) has satisfied the following:

* Proof of ongoing public liability insurance
* Detailed plans demonstrating how a proposed scheme will adhere to the attached *Operational Conditions*

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**PERMIT HOLDER ACKNOWLEDGEMENT: -**

I, the Permit Holder, acknowledge that I have received, read and understand the Permit and agree to abide by all the Conditions of this Permit.

**NAME OF ORGANISATION:**

Name……………………………………………………….

Signature…………………………………………………..

A.B.N. ……………………………………………………

**COUNCIL AUTHORISATION:**

Signed……………………………………………………..

Printed Name: ……………………………………………..

Position: Permit Officer

Date of Permit Authorisation: / /

# Operational Conditions

# General requirements

A dockless mobility device share scheme will not be permitted to operate in the council area without a Permit for Business Purposes, under Section 222 of the *Local Government Act 1999*.

A Permit for Business Purposes will not be granted unless the Operator provides council with a plan demonstrating how a proposed scheme would comply with these *Operational Conditions*.

The Operator is required to:

1. Ensure that no more than the permitted number of mobility devices of each category (as specified in the permit) will be based in the council area although the permitted number does not include devices that may be based in other council areas, (under the authority of permits that might be issued by other councils) and that may enter the council area from time to time.
   1. Provide a central point of contact to council and retain an open line of communication.
   2. Adhere to the conditions set in this document, and those specified in the Permit, at all times
   3. Pay the permit fee specified in the permit.

The Operator acknowledges that:

* 1. (subject to the provisions of sub-section 225(2) of the *Local Government Act 1999*) the council may cancel, suspend or modify the permit at any time by written notice to the Operator.
  2. the conditions of the permit may be revised with 30 days’ notice to the Operator
  3. in the event the Operator ceases trading, the Operator is obliged to remove all devices from public places within 15-days. Any devices removed or impounded by the council may result in costs being incurred by the Operator.
  4. the Operator must indemnify or reimburse council for any damage or maintenance costs that may arise as part of this activity.

# Safety & insurance

* 1. The Operator shall advise all customers of the need to comply with the South Australian Road Rules and all other Acts, Regulations, By-laws and Policies applicable to the operation. The Operator’s customers must also consider the safety and comfort of other people on the road and footpaths.
  2. The Operator must advise customers of risks and insurances applicable to users and recommend that users of dockless mobility devices aged under 18 years of age should be accompanied by an adult.
  3. Accidents causing injury must be recorded and included in the data made available to council.

### Insurances & Liability

* 1. The Operator indemnifies and releases council from all liability arising from or in connection with dockless mobility share operations or the conduct of the Operator’s business by the Operator or any of the Operator’s agents, including:
* any claim made by any person for injury, direct and indirect loss or damage arising in any manner.
* any direct and indirect loss or damage to any property belonging to the Operator or other persons located in the vicinity of the Defined Area caused by the Operator or the Operator’s agents.
* any direct and indirect loss, damage, injury or illness sustained or incurred by the Operator or any of the Operator’s agents.
  1. The Operator must have public liability insurance with a minimum coverage of $20 million held with an Australian-based insurer, and be able to show ongoing proof when requested.

### Equipment Standards

* 1. Dockless mobility devices and equipment must be of sufficiently high quality to withstand constant public use, while meeting rider safety and comfort standards. The devices must include smart technology with an active global positioning system (GPS) and wireless connectivity to enable maintenance and proactive device re-distribution.
  2. All dockless mobility devices must comply with relevant Australian Standards. When deployed, all devices must be supplied with a helmet. All bicycles must also have sturdy kickstands.
  3. The Operator must include in its application, a detailed plan on how it will ensure each dockless mobility device is always supplied with a helmet.
  4. Electric devices must be limited in speed and power levels as required by South Australian legislation.

# Operations & maintenance

* 1. The Operator must provide council with up to date and relevant locally based contact details for the operational point of contact who will resolve any issues that arise.
  2. The Operator must have a system in place to ensure dockless mobility equipment, (including helmets) continue to comply with legal standards and requirements. At a minimum all dockless mobility devices must be given a full service every six months, with regular checks and repairs throughout the year. All mechanical services and repairs must be logged and available for review by council at least every month or whenever requested.
  3. The Operator must enable easy 24/7 reporting of faulty or damaged devices, missing helmets or devices in inappropriate locations, through their app, website, email and a fully dedicated phone number.
  4. After notice from council or a member of the public, any faulty or damaged device shall be immediately disabled from service and suitably repaired before it is returned to service;
  5. Any dockless mobility device considered faulty or damaged must be removed by the Operator within the timeframes specified in clause 3.16 or it may be removed by council at the expense of the operator.

### Parking of Devices

* 1. The Operator’s devices must not cause disruption or nuisance. The Operator must ensure device sharing does not compromise or have a negative impact on other street users, including people with a disability. Dockless mobility devices must not be parked or allowed to remain on or in inappropriate locations such as:

1. Within the pedestrian zone of a footpath,
2. Where they could pose a safety hazard, or
3. Where they could interfere with pedestrian access generally or access to amenities;
   1. Dockless mobility devices must be parked in an upright position beside cycle parking stands where possible. If this is not possible, they should be parked on wide footpaths, in areas of low pedestrian activity, and positioned kerbside; away from the building line. This information must be conveyed clearly to each customer.
   2. Council may determine the location of preferred parking and exclusion zones. The Operator must have geo-fencing capabilities and other methods to implement and enforce preferred parking and exclusion zones. All preferred parking areas and exclusion zones set by council should be displayed on service maps.
   3. Any dockless mobility device that is parked in an exclusion zone or outside of a permitted area must be relocated or removed by the Operator within the timeframes specified in clause 3.16 or it may be removed by council at the expense of the Operator.
   4. In order to manage an expected increase in the numbers of dockless mobility devices, parking requirements will be subject to change as council adapts to the increase in dockless mobility devices as a result of these operations.

### Deployment and Density Requirements

* 1. The Operator’s fleet of dockless mobility devices must not exceed the maximum as specified by the council in the permit.
  2. The Operator must deploy devices in a manner consistent with the Parking of Devices clauses.
  3. Council may determine the appropriate dockless mobility device distribution and densities. These may vary by location as determined by council. If the Operator fails to relocate devices, as advised by council, within the response time specified in clause 3.16, the council may remove or relocate devices at the expense of the Operator.
  4. The Operator must monitor the location of all dockless mobility devices daily to avoid clutter or clustering of devices in any one location and adhere to the fleet size and density limits set by council.
  5. The Operator must include in its application and maintain a plan to manage the redistribution of dockless mobility device to ameliorate clustering, in advance of major events or at the request of council.

### Faulty, Damaged or Misplaced Devices

* 1. If council or a member of the public reports a damaged, faulty, abandoned or inappropriately parked or located dockless mobility device, the Operator must comply with the following timeframes, from receipt of notification:

|  |  |  |
| --- | --- | --- |
| **ISSUE** | **EXAMPLES** | **RESPONSE TIME** |
| Dangerously located | Creating a barrier or hazard to pedestrian access  Parked on a roadway or traffic island | Within 2 hours |
| Damaged/Faulty | Missing Wheels  Reported as unsafe | Immediately deactivate device and remove within 24 hours |
| Inappropriately located | Parked in an exclusion zone  On private property | Within 24 hours |
| Inappropriate density | Clustering and breaching density limit set by council | Within 48 hours |
| Unused | Unused for more than 7-days | Within 7 days |

* 1. Council may impound dockless mobility devices if they are not removed within the listed response times. These devices will then be treated as abandoned and may be disposed of as deemed fit. Associated costs may be recovered from the Operator.

# Customer experience and education

* 1. The Operator must provide 24/7 communication channels for users, including a clearly advertised telephone number provided on their website, apps and devices. The Operator must also have a complaint handling process. The Operator must have a clear plan in place to respond to queries and complaints to minimise escalation to council. The Operator must provide council, when requested, a record of complaints received and response times.
  2. The Operator’s customers shall not use the Operator’s devices unless they have agreed to the Operators terms and conditions of use which must be consistent with these Guidelines and promote responsible and legal use, public safety and good parking behaviour.
  3. The Operator must have systems in place to incentivise good parking behaviour and penalise user non-compliance. All preferred parking areas and exclusion zones set by council should be displayed on the Operator’s service maps.

# Data requirements

* 1. All personal information must be collected, processed and stored in accordance all relevant legislation.
  2. Anonymised data collected by the Operator is to be shared with the council to assist with ongoing network planning and cycle facility improvements. The clauses below set out the data required.
     1. The following table outlines the data to be provided to council for each trip record. This is to be sent to council at least once a month or as requested.

|  |  |  |
| --- | --- | --- |
|  | **Format** | **Description** |
| Company Name | [company name] | n/a |
| Type of bicycle or e-scooter | “Standard” or “Electric” | n/a |
| Trip record number | Xxx00001, xxx00002, xxx00003,  … | 3-letter company acronym + consecutive trip # |
| Unique, hashed and persistent ID of the user |  | So council can understand one-time vs regular users. |
| User Demographics as available |  | For example, country of origin (from mobile phone or app store), gender and age (if collected). |
| Trip duration | MM:SS | n/a |
| Trip distance | KM | n/a |
| Trip waypoints to track the route (at least every minute) | An XML file format to be agreed | n/a |
| Start date | MM, DD, YYYY | n/a |
| Start time | HH:MM:SS (00:00:00 – 23:59:59) | n/a |
| End date | MM, DD, YYYY | n/a |
| End time | HH:MM:SS (00:00:00 – 23:59:59) | n/a |
| Start location | GPS location | n/a |
| End location | GPS location | n/a |
| Bicycle or e-scooter ID number | xxxx1, xxxx2, … | Unique identifier for every bicycle and e-scooter, determined by the company |

* + 1. The Operator shall include any data regarding public complaints and response times, maintenance and repair activities, and incidents involving dockless mobility devices within the data that is sent to council every month.
    2. The Operator must have the capacity to provide council on request with real-time information on the entire fleet through a documented application program interface (API). The data to be published to the council API should include the following information in real time for every parked device:

a) Identification number

b) GPS Co-ordinates

c) Availability start date

d) Availability start time

e) Power level (if electric)

f) Date of last service

g) Time to next service

h) Service status

* 1. The Operator will support the General Bikeshare Feed Specification (GBFS), an open data standard for cycle share. GBFS makes real-time data feeds publicly available online in a uniform format so that map and transportation-based apps can easily incorporate this data into their platforms.
  2. Council reserves the right to display information about the operator on its website. The Department of Planning Transport and Infrastructure may choose to integrate cycle share into Adelaide Metro’s MetroMATE Mobile app.