NABSA

NORTH AMERICAN BIKESHARE ASSOCIATION

Dockless Bikeshare Regulation
Preliminary Guidance
Version 1

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Bikesharing has the potential to increase a place's livability and quality of life by enhancing the mobility options available. However, for bikeshare to succeed, it is essential for the local government to understand the goals they want to accomplish by implementing a bikeshare system, and clearly lay out the process for access and use of the public right-of-way. Cities have the responsibility of balancing the many needs, interests, and activities within the public right-of-way. Bikeshare, let alone dockless bikeshare, is a new concept for many cities. This document is intended to help cities consider their needs and guide them in the elements to include in dockless bikeshare regulation.

Note on Terms: "City" is used throughout this document to denote the local government agency. It can be interchanged with municipality, county, MPO, or any other local government entity tasked with thinking through dockless bikeshare regulation.

Recommended Guidelines

Permit or Request for Proposal
- Issue a Permit or Request for Proposal (RFP)
- Consider licenses, permits, and/or fees

Discussion: It is important to note that no two cities are alike. What works in one city, may not work in another. The first decision a municipality will have to make is whether to implement dockless bikeshare through a procurement process or through an open market strategy. You must assess if your city has the desire, infrastructure, population, and space to handle an

unlimited number of companies providing bikeshare, or if you want to limit the number of service providers. Consider how your city regulates other uses of the right-of-way. Does your city want to establish a permit fee per company, per bike, or some other unit? Does your city want to administer a fee for the use of the public right-of-way, or a fee for administration or oversight of the program, in addition to a permit or business license? The City should consider linking any fee amounts to the system fleet size. The goal of the fees is to cover costs incurred by the City due to administrative oversight, which can include permit review, monitoring, safety inspection, managing requests or complaints and potentially removal of derelict bicycles. Cities should also recognize that bikesharing is a transportation service, and that operators must be able to financially sustain their operations; overly high fees may prevent operators from entering your city, or may cause them to leave. Cities need to understand and consider that while there is often no out-of-pocket cost for dockless bikeshare equipment, there will still be both tangible and intangible costs related to dockless bikeshare that should be recouped.

Service Area
- Establish service area requirements.

Discussion: Do you want bikes in every corner of your city, or do you want to restrict the operations to certain sections? Does your city have accessibility or equity goals for bikeshare in which you would like to stipulate a certain percentage of bikes be located in underserved areas? Consider establishing minimum and maximum numbers of bicycles by geographic area. Do you have a university or private campuses that need to be included in the process? Do you have a neighboring city that may need to be included in the process to increase connectivity or because dockless bikes may be ridden into and parked in their jurisdiction?

Fleet Size
- Work with the dockless vendor(s) of choice to establish a process for minimum number of bicycles allowed in your city.
- Determine a phased expansion approach that works for your city and/or a process for city approval prior to a dockless expansion.

Discussion: What are your goals for establishing a bikeshare system in your city? Each city may want to consider not issuing a fleet maximum until the system is launched and travel patterns or system trends are realized. Rather, a clearly defined phased approach or clear city permissions for the dockless vendor(s) prior to each expansion is recommended and allows the city flexibility as the bikeshare system grows. In addition, consider the timeline under which you will re-evaluate your initial phasing or requirements.

Parking
- Establish requirements for dockless bicycle parking.
- Require a plan for educating users on proper bicycle parking.
- Identify a plan for enforcing or managing bicycle parking.

Discussion: The furniture zone[1] is a typical space of the public right-of-way available for bike parking, however, are there instances in which the furniture zone would not accommodate bike parking in your city? Do you want to stipulate requirements for leaving space around trash cans, trees, fire hydrants, ramps, entryways, etc.? How will you ensure that ADA requirements for sidewalk access are being met? Do you want to designate on-street parking spaces for bicycle parking by using bicycle corrals or paint to designate a desired parking area? Talk with the dockless vendor(s) regarding in-app parking restrictions or incentives for users to park in preferred areas. Identify strategies to monitor parking behavior. Determine enforcement strategy and identify the needed resources to implement it. Consider hiring a 3rd party monitoring service to alleviate strain on City staff.

Equipment
- Require that bicycles meet the minimum standards set forth in 16 CFR Part 1512 and ISO 4210-2:2015. (Please note that these standards are for commercially sold bicycles for private use. NABSA does not feel that these standards are sufficient for public shared-use bicycles, and is working to address this issue. For now, these are the minimum standards recommended.)
- Require that all bicycles are equipped with working front and rear lights.

Discussion: Testing documentation for meeting the standards outlined should be made available by bikeshare providers at City's request. Though many states do not mandate front and rear lights, active lighting offers substantially more visibility for the rider and enhances user safety. In addition, not all providers equip bicycles with GPS or other geolocation technology. Municipalities should consider whether or not geolocation requirements are needed for monitoring and enforcement. This can be especially important for use in crime detection if dockless bicycles are involved. Dockless bicycles have been involved in crime in cities in which they currently operate.

Pedal-Assist/Ebike Specifications
- Include any additional specifications having to do with pedal-assist/ebike equipment and cite relevant State or local policy or regulations.
- Include any particular provisions for ebikes.

Discussion: When considering an electric pedal-assist bikeshare system, the first action a City should take is to review the State and local laws pertaining to this type of bicycle product. Each state is different in their definitions and requirements. This will help determine if there may be additional challenges to overcome before implementing an ebike bikeshare fleet. All of the above areas of consideration regarding fleet size, system area, parking, or safety specifications should still be applied with an ebike bikeshare system. Additional considerations regarding

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[1] Defined by NACTO as the section of the sidewalk between the curb and the through zone in which street furniture and amenities, such as lighting, benches, newspaper kiosks, utility poles, tree pits, and bicycle parking are provided.

restricting throttle driven products, maximum speed requirements, and/or helmet requirements should be assessed.

Signage and Advertising
- Require company logo to appear on each bicycle.
- Require a unique bicycle ID number appear on each bicycle.
- Require that a 24-hour customer service number appear on each bicycle.

Discussion: A bikeshare provider should offer a customer service option which does not place an additional burden on the City. Therefore, this information should be available on the bicycle and in-app. Additional considerations for logos outside of the dockless bikeshare logo, such as system sponsorships or advertisements, should be assessed using local signage ordinances or allowances/restrictions clearly defined in a contractual agreement with the dockless bikeshare vendor(s).

Maintenance and Operations
- Establish minimum response time and process for correcting improperly parked or placed bicycles.
- Establish minimum maintenance requirements and/or clear definitions of "functioning" bicycles.
- Require a mechanism for users to report bikes in need of repair.
- Require a fleet maintenance plan which identifies strategies and response time to identify and repair or remove damaged or broken bicycles.
- Require a 24-hour customer service number be available and staffed at all times system is operable.
- Require vendor provide a contact person from their company with phone number and email (outside of the public customer service number) for the City to contact directly.

Discussion: A responsible bikeshare provider should offer turn-key operations and maintenance which does not place an additional burden on the City to perform this function. In what timeframe do you want a dockless bikeshare company to remove or attend to bicycles improperly parked or placed? What is your minimum standard for safety and operational checks? What is considered a functioning bicycle safe for a user to access? Can the dockless bikeshare company remotely lockdown a bicycle in need of maintenance? Additionally, consider how the City will carry out enforcement of these requirements, particularly if there are overlapping jurisdictions. How will you pay for the enforcement of these requirements and how will you staff it? Similarly, think about the disposal of defunct bicycles in public space. Whose responsibility will this be?

Equitable Bikeshare
- Require the submission of a plan for bikeshare access for low income and under-served populations. Considerations should be placed on:
  - Service areas

○ Community engagement
○ Rebalancing
○ Payment options
○ Customer service
○ Adaptive bicycle options

Discussion: Does the bikeshare provider offer a solution for low-income, unbanked citizens, and/or differently abled users? Is a subsidized rate available? What local partnerships is the bikeshare vendor willing to engage in order to reach these citizens? Does the defined service area include low-income areas of the City? How is the vendor communicating with community members about the service? Consider hiring policies and workforce opportunities as a component of the equity plan.

Insurance and Indemnity
● Require General Liability Insurance $1,000,000 minimum per occurrence.
● Require Workers Compensation that meets your State's requirement.
● Require Automobile Liability Insurance $1,000,000 minimum per occurrence.
● Require that the bikeshare company indemnify the City, its employees, officials, agents and assignees.
● Include clause that allows municipality to remove bicycles without prior notice in case of any obstruction, interference, or emergency.

Discussion: The coverage outlined above is standard with bikeshare systems across the country. Lower insurance standards may place additional risk on the public and the City. The dockless bikeshare provider should indemnify the City since they're privately operating in a public space. Additionally, a surety or performance bond can protect the City if the private bikeshare company goes out of business or is failing to meet certain terms under a contractual agreement. The City should consider linking the bond amount to the system fleet size. The goal of a surety bond would be to protect the City in the possible event that they incur the costs of fleet removal to non-compliance, and should not be to financially gouge the bikeshare vendor providing a service to citizens.

Open Data
● Real-time or semi-real-time bike location data should be provided via a publicly accessible API in General Bikeshare Feed Specification (GBFS) format.
  Required files:
  ● gbfs.json
  ● system_information.json
  ● Free_bike_status.json

Discussion: The General Bikeshare Feed Specification, known as GBFS, is the open data standard for bikeshare. A valid GBFS data source can be an essential real time tool for

monitoring and enforcement purposes. At minimum, feeds should provide the current locations of all deployed bicycles both available for rent as well as those that are disabled or damaged.

Reporting
- Require monthly reporting to municipality that specifies:
    - Number of bikes in service
    - Number of bikes out of service (damaged)
    - Aggregated system usage -- total unique users, total miles ridden, total number of rentals, average rental duration,
    - Monthly summary of bike distribution and GPS-based natural movement in heat map format
    - Summary of customer comments/complaints and resolution
    - Summary of theft/vandalism and resolution
    - Summary of bike maintenance activities
    - Summary of bike redistribution (rebalancing) activities
- De-identified point to point trip level data. Understand implications for City planning and operations.
- Consider requiring vendors to conduct or assist in distributing an annual user survey to be conducted in collaboration with municipality.
- Require customer data privacy protection that meets CPSC standards.

Discussion: Understand your City's need or desire for trip-level information. Any data collected may be subject to FOIA so de-identification of data is critical to ensure user privacy. Consider as well your City's ability to store, digest and utilize data. How will reports be used? How will they be shared? Trip level data should be de-identified to protect users, but can be extremely valuable to municipal planners. Successful bikesharing systems generate thousands of trips per day. Consider working with a third party consultant to monitor and maintain the data from multiple bikeshare providers. If multiple providers are present in your city, third party vendors may be useful in fielding complaints or customer service questions across platforms. You may desire to calibrate licensing fees to cover the cost of this administrative support. An annual survey would help to assess if the system is meeting needs of citizens and goals of the City, and could be used to capture additional demographic information and user behavior.