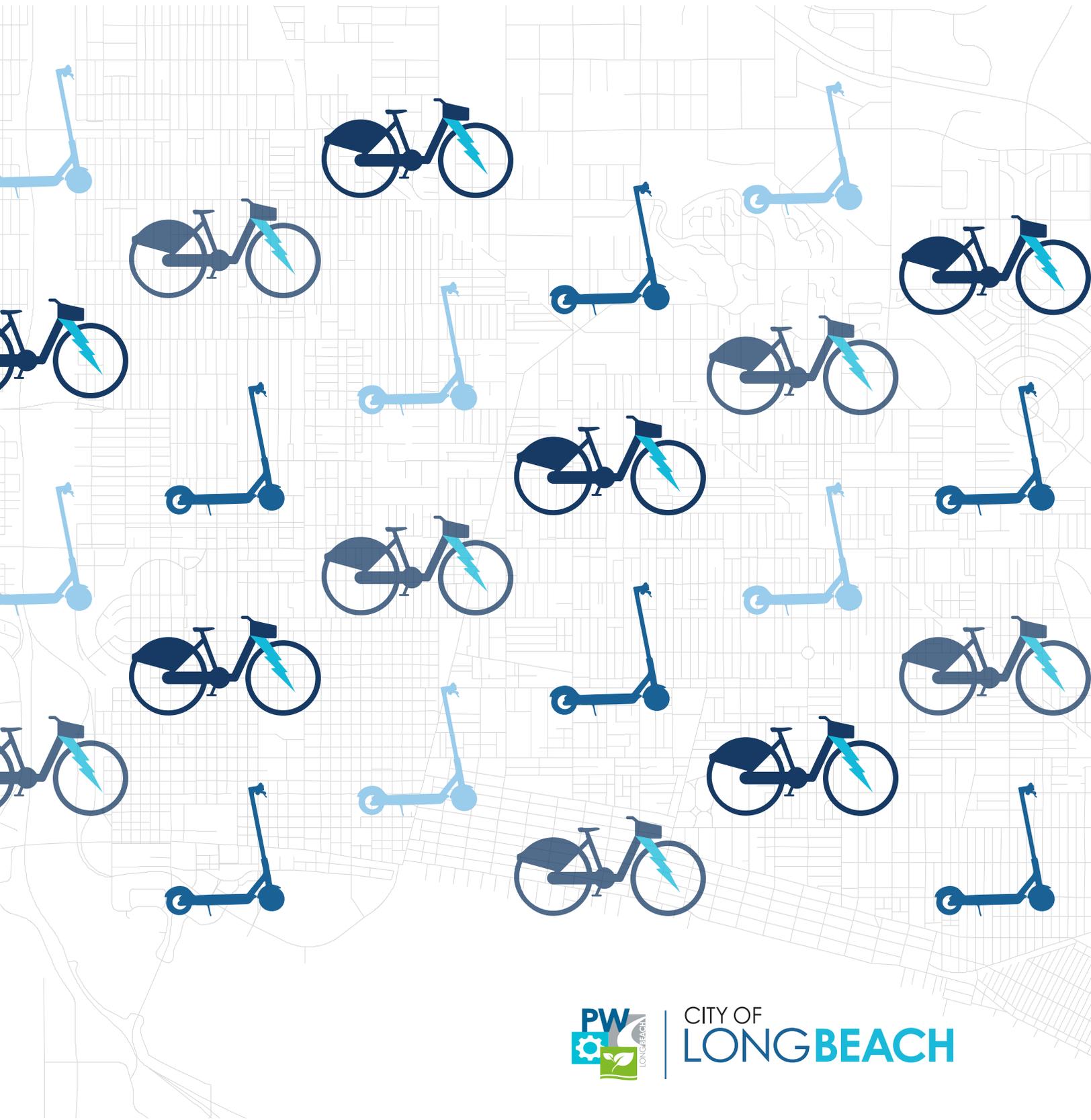


2020 Shared Micro-Mobility Program



CITY OF
LONG BEACH

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1 Program Overview

In June of 2018 the City developed a pilot program to allow for the operation of shared-use motorized scooters (e-scooters) as an additional mobility option for people living and working in Long Beach. The initial pilot program authorized six Operators to deploy a maximum of 1,800 e-scooters (300 per vendor) citywide for the duration of the pilot. The pilot program was launched on July 2, 2018 and the first e-scooters deployed in early August 2018. On February 19, 2019, City Council directed staff to prepare a Shared Micro-Mobility Program and Ordinance to make the program permanent in Long Beach.

The following document outlines the requirements necessary to operate as a permitted vendor under the Shared Micro-Mobility Program in the City of Long Beach. These requirements should be addressed when completing the permit application (Attachment A).

1.1 Terms and Definitions

- A. Shall: Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of a permit application as non-responsive and incur penalty or termination of the vendor's permit.
- B. May: Indicates something that is not mandatory but permissible.
- C. City: The City of Long Beach, including any subsequent organization therein.
- D. Shared Micro-Mobility Device (Device): Any privately-owned single operator vehicle made available for short-term shared public use and operated and/or stored on the public right-of-way (e.g., shared e-scooters or shared e-bicycles).
- E. Electric Bicycle (e-bike): A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts and that ceases to provide pedal assistance when the bicycle reaches the speed of 20 miles per hour. Defined by CVC 312.5(a)(1) as an "electric bicycle."
- F. Electric Scooter (e-scooter): Any two-wheeled device that has handlebars, a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. Defined by CVC 407.5 as a "motorized scooter."
- G. Operators: Owners and Operators of a shared micro-mobility service permitted for use by the City of Long Beach.
- H. Users: Any person 18 years or older who subscribes to a shared micro-mobility platform or pays a fee to ride a shared-mobility device.
- I. CVC: California Vehicle Code.
- J. LBMC: Long Beach Municipal Code.
- K. MDS: Mobility Data Specification; required data of Operators to provide to the City and/or third-party data platform provider(s).

- L. GBFS: General Bikeshare Feed Specification; required of Operators.
- M. Operational Area(s): Subdivisions A through F of the overall system area within the City of Long Beach limits where devices may be deployed by Operators. Each operational area includes assigned mandatory percentages for deployment of each Operator's fleet.
- N. System Area: Area within the City of Long Beach in which devices are eligible to operate exclusive of neighboring agencies and areas to be geo-fenced for non-operation within City of Long Beach geographic boundaries.
- O. Parking Zone: Area where devices are required to be deployed by Operators each morning or incentivized to be parked by users any time, typically on the sidewalk and identifiable by a ground marking.
- P. Public Right-of-Way (PROW): An easement to the City by private property owners for public use and may include curbs and sidewalks.
- Q. Violation: An instance in which a vendor, or a vendor's equipment, does not comply with the required permit regulations. The City reserves the right to amend to the list of violations (section 2.8 "Penalties for Permit Violations") as necessary.
- R. Rebalancing: The daily redistribution and organization of devices by Operators throughout the day into approved parking zones.
- S. ADA: The American with Disabilities Act is federal legislation passed in 1990 that prohibits discrimination against people with disabilities and requires public agencies provide access to public facilities including making sidewalks accessible.
- T. VMT: Vehicle miles traveled per capita in the City of Long Beach.
- U. Geo-fence: Ability of Operators to limit device function within a prescribed geographic area.
- V. Deployment: The daily distribution of devices by Operators at the start of operating hours each morning.

2 Program Structure and Scope

2.1 Project Scope

The City intends to permit up to six (6) micro-mobility Operators to operate within the Long Beach system area for 12 months. This one-year permit creates a regulated micro-mobility program and authorizes permit fee collection to support the City's efforts related to the program's management and oversight, impound and storage of devices, and the implementation of a third-party platform that will supply real-time data to track shared micro-mobility use and compliance. The City reserves the right to amend its Shared Micro-Mobility Program at any time.

The goals of this permit program are:

- To ensure the health and safety of Long Beach residents, especially the City's most vulnerable residents;
- To reduce Vehicle Miles Traveled (VMT), or miles traveled by automobile, by providing a reliable, safe, and environmentally-friendly transportation option throughout the City of Long Beach;
- To maximize equitable access to shared micro-mobility Citywide;
- To ensure vendor compliance, accountability, and device management;
- To enhance distances traveled by shared micro-mobility by users and allow for greater use of the devices by a larger portion of the population in the City; and
- To evaluate vendor compliance and performance through MDS and GBFS data received from Operators.

2.2 Permit Application and Evaluation

The Permit Application Form can be found in Attachment A. Only complete applications will be evaluated. Any incomplete applications will be considered non-responsive and ineligible for the program. Operators applying for both the e-scooter and e-bike permit must submit a separate application for each mode.

Applications will be evaluated on the following criteria:

- Device Information
- Operations and Customer Service
- Safety
- Parking



- Maintenance
- Application Programming Interface (API) Data and Reporting
- Education and Engagement
- References and Past Performance

Operators who most thoroughly meet these criteria and best define how they will meet the program goals and requirements will receive greater consideration.

2.3 Schedule

- Ordinance Adopted May 2019
- Request for Applications October 2019
- Applications Due October 31, 2019
- Staff Recommendations November 2019
- Permits Issued November 2019
- Six Month Check-In May 2020
- Renewal/New Applicant Phase Begins September 2020

2.4 Device Quantities

Applicants shall demonstrate their ability to deploy and maintain a substantial number of devices for their respective permit in the City of Long Beach within 60 days of permit award. Operators will be required to maintain an operable fleet of at least 90 percent of their maximum allowable deployment capacity (Table 1) while operating in the City. Operators who are unable to comply risk fine or permit revocation. Staff will provide an update to City Council on program compliance and usage six months after permits are awarded. The City reserves the right to adjust the per vendor device cap at any time.

Table 1. Requirements of Deployment Capacity

| Deployment Quantities | Within 60 days | After 6 month review |
|-----------------------|----------------|----------------------|
| E-Bike Permit | 300 | 600 |
| E-Scooter Permit | 500 | 1,000 |

2.5 Device Distribution

Permitted Operators are required to distribute devices among six operational areas (Figure 1; Attachment C). This distribution and allocation plan will help maximize access to devices for all Long Beach residents, especially those in north, central, and west Long Beach neighborhoods. Lastly, the City will consider additional incentives and controls to maximize the distribution of devices to all neighborhoods and business districts if it finds that the distribution of devices still leaves inequities in the operational areas. The City reserves the right to amend the boundaries, quantity, or fleet proportions of the program’s operational areas at any time.

Figure 1. Equity in relation to system operational zones

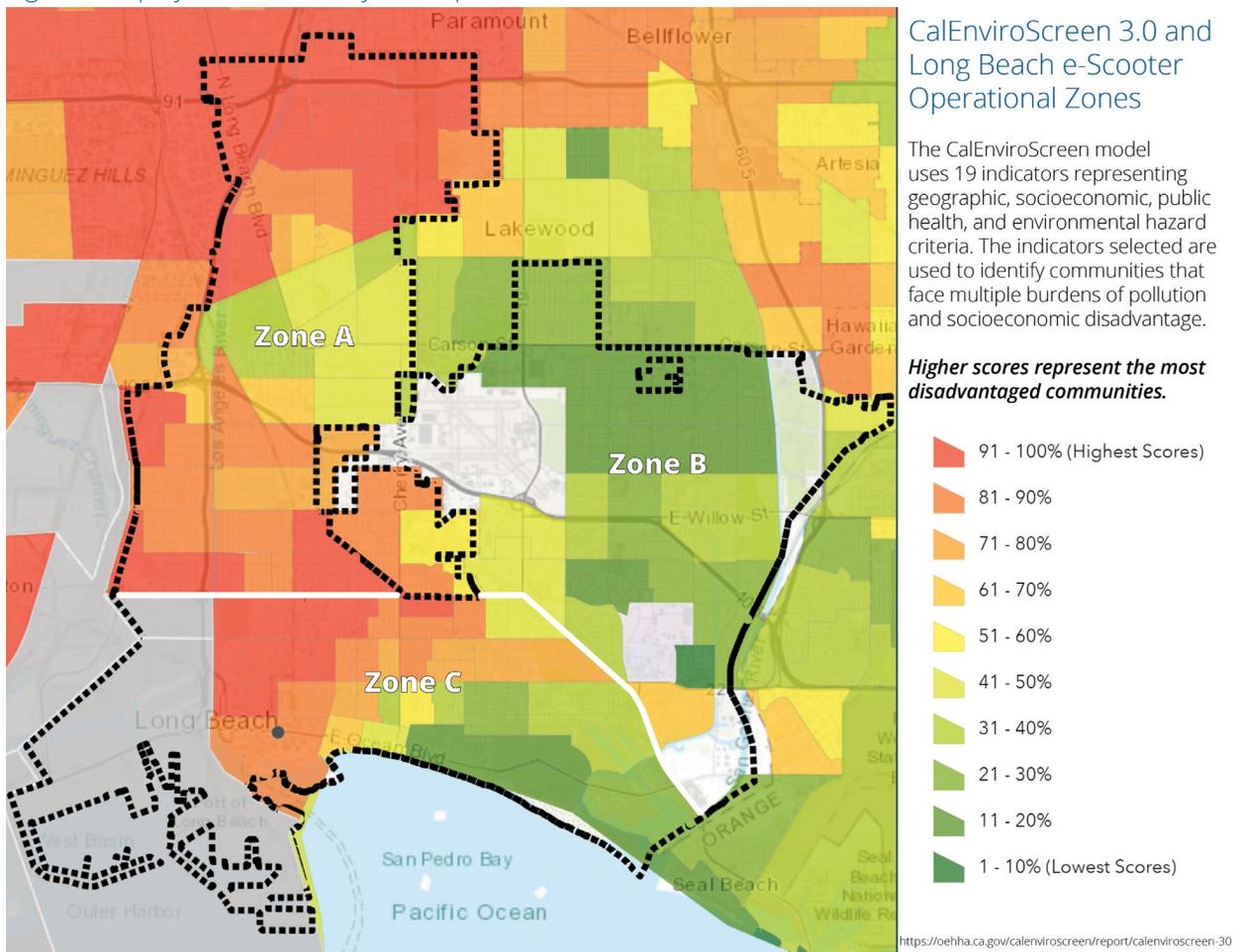


Table 2. Percentage of Fleet Required Per Operational Area: E-Scooters

| Operational Area | % | Council District(s) |
|------------------|----|---------------------|
| A | 20 | 6, 7, 8, 9 |
| B | 20 | 3, 4, 5 |
| C | 60 | 2, 3, 4, 6, 8, 9 |

Table 3. Percentage of Fleet Required Per Operational Area: E-Bikes

| Operational Area | % | Council District(s) |
|------------------|----|---------------------|
| A | 15 | 6, 7, 8, 9 |
| B | 15 | 3, 4, 5 |
| C | 20 | 2, 3, 4, 6, 8, 9 |

2.6 Number of Permitted Operators

This program authorizes up to six (6) qualifying micro-mobility operators (e-scooters and e-bikes) to operate within the City of Long Beach. Devices in the program must meet the requirements defined in the CVC for Electric Scooters (CVC 407.5) and Class 1 Electric Bicycles [CVC 312.5(a)(1)], however, the City reserves the right to amend its Shared Micro-Mobility Program to allow for other types of devices to operate in the PROW. All permit requirements, fees, and conditions herein are applicable to any future programs under this permit and are subject to change at the City's discretion.

2.7 Permit Fees

The City requires the following fees paid in full prior to permit approval and subsequent rebalancing of devices.

Table 4. Fee structure

| Fee Type | Permit Fee | Per Device Fee |
|--------------------|-------------------|-------------------------|
| Vendor Cost | \$25,000 annually | \$100 per unit annually |

*See Attachment K for Per Device Payment Schedule. Payments available in quarterly installments.

Operators seeking to operate both shared e-scooter and e-bike permits must submit a separate application and respective fees for each mode.

2.8 Permit Violations

The City expects all vendors to abide by all permit requirements and ensure the public right-of-way remains clear and unobstructed. Devices that obstruct the public right-of-way and are not removed within the allowable time as specified in section 3.6.2 will be impounded. The City reserves the right to revoke the vendor's permit in the case of multiple violations or major programmatic abuses creating a significant public safety risk.

Some specific areas of focus include:

- Devices blocking ADA accessibility
- Devices failing to meet equipment standards (Section 3.4.1)
- Non-compliance with City request for removal or relocation
- Non-compliance with monthly reporting requirements
- Non-compliance with supplying GBFS/MDS data to City's 3rd party vendor
- Non-compliance with device speed limits
- Non-compliance with geo-fencing requirements

The City is currently reviewing additional fees/fines for vendors that do not meet expected standards illustrated above. Should any changes to fees occur, all vendors will receive notice in writing.

2.9 ADA Requirements

All vendor equipment, operations, and public use shall comply with the Americans with Disabilities Act. Operators are responsible for devices deployed, rebalanced, or parked illegally (e.g., obstructing curb ramps or pedestrian access to the PROW) by their users. Parking zones placed by the City on the sidewalk or roadway will adhere to all ADA requirements and shall not inhibit unobstructed access to pedestrians along any sidewalk, curb ramp, transit stop, or entryway.

2.10 Term

Only the most qualified Operators, as demonstrated by the responsiveness of the permit application and as determined by the City, will be issued a 12-month permit to operate within the City. Operators shall submit a 14-day written notice to the City and users if they decide to opt out of the permit program and cease operations in Long Beach. Permit fees paid to the City are not subject to refund or return.

The City reserves the right to revoke a vendor's permit for violating the terms of the program and will provide a 14-day notice of termination to the vendor and may require equipment to be inoperable within 24 hours of notice. Devices deployed after 10 business days of the notice

of termination are subject to impound and fees. Additional Operators will be considered for inclusion in the program if a permit vacancy becomes available. The City may renew annual permits to Operators who consistently demonstrate satisfactory performance and cooperation with the program requirements.

Permits are non-transferable and will only be valid to the original applicant. Permits shall be revoked should a vendor be unable to fulfill the requirements of the permit or should the business undergo a change in ownership. In the event that a vendor is acquisitioned by another company, the current permit will be revoked. The City will issue a call for applications for additional Operators to apply or reapply to the program.

Any vendor that deploys devices within the City of Long Beach without permit approval will be subject to impound and related fees.

2.11 Long Beach Shared Micro-Mobility Release and Waiver of Liability

All Operators shall include in their end user agreements the requirements of the Long Beach Micro-Mobility Release and Waiver of Liability (Attachment I).

2.12 Indemnification and Insurance

1. **Indemnification.** Permittee shall defend, indemnify, and hold harmless the City, its Commissions and Boards, and their officials, employees, and agents from and against any and all demands, claims, causes of action, liability, loss, liens, damage, costs, and expenses (including attorney's fees) arising from or in any way connected or alleged to be connected with Permittee's work, operations, or activities, or the work, operations, or activities of its employees, agents, customers, invitees, or contractors as authorized under this Permit and from any act or omission, willful misconduct, or negligence (active or passive) by or alleged to be by Permittee, its employees, agents, customers, invitees, or contractors either as a sole or contributory cause, sustained by any person or entity (including employees or representatives of City or Permittee). The foregoing shall not apply to claims or causes of action caused by the sole negligence or willful misconduct of the City, its Commissions and Boards, or their officials, employees, or agents. This indemnification shall survive the termination of this Permit.
2. **Insurance.** As a condition precedent to the effectiveness of this Permit, Permittee shall procure and maintain at Permittee's expense for the duration of this Permit from an insurance company that is admitted to write insurance in the State of California or that has a rating of or equivalent to an A:VIII by A.M. Best and Company the following insurance:
 - a) Commercial general liability insurance equivalent in scope to ISO form CG 00

- 01 11 85 or broader and that does not exclude coverage for liability resulting from the use or operation by Permittee or its customers, employees, or invitees of electric bicycles as defined by the California Vehicle Code, for liability resulting from XCU (explosion, underground, and collapse) perils, cross liability protection, mobile equipment, and products and completed operations liability naming the **City of Long Beach, its Commissions and Boards, and their officials, employees, and agents** as additional insureds on a form equivalent in coverage scope to ISO CG 20 26 11 85 from and against claims, demands, causes of action, expenses, costs, or liability for injury to or death of persons, or damage to or loss of property arising out activities performed by or on behalf of the Permittee in an amount not less than One Million Dollars (US \$1,000,000) per occurrence and Two Million Dollars (US \$2,000,000) in general aggregate.
- b) If applicable, commercial automobile liability insurance equivalent in coverage scope to ISO CA 00 01 06 92 in an amount not less than One Million Dollars (US \$1,000,000) combined single limit (CSL) covering Symbol 1 (“Any Auto”).
 - c) Cyber and privacy insurance that does not exclude coverage for liability resulting from the Permittee’s or its contractors’, employees’, or agents’ failure to protect private or confidential information of its customers or others from unauthorized access on or through the internet, making known to any person or organization material that violates a person or organization’s right to privacy or publicity right, and failure to prevent the transmission of a computer virus to its authorized users of its web site or any private communication networks such as customers, suppliers or supporters, on or through the internet in an amount not less than Five Million Dollars (US \$5,000,000) per occurrence and Five Million Dollars (US \$5,000,000) in general aggregate.
 - d) Umbrella liability insurance on a following form basis insurance with respect to (a), (b), and (c), including, but not limited to, additional insured coverage, if provided, in an amount not less than Five Million Dollars (\$5,000,000) per claim covering the indemnification provided pursuant to this Permit.
 - e) Special perils personal property insurance covering all of the devices and other equipment belonging to, leased by, or under the care, custody, or control of Permittee at full replacement value new. Permittee and Permittee’s insurer shall waive rights to sue City for any property damage or loss covered by property insurance.

Any self-insurance program or self-insurance retention must be approved separately in writing by City and shall protect the **City of Long Beach, its Commissions and Boards, and their officials, employees, and agents** in the same manner and to the same extent as they would have been protected had the policy or policies not contained retention provisions. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, or

canceled by either party except after twenty (20) days prior written notice to City, and shall be primary and not contributing to any other insurance or self-insurance maintained by City. Any contractors or others which Permittee may use as part of this Permit shall be required to maintain insurance in compliance with the provisions of this section and to indemnify the City to the same extent as Permittee.

Permittee shall deliver to City certificates of insurance and original endorsements for approval as to sufficiency and form prior to the start of performance hereunder. The certificates and endorsements for each insurance policy shall contain the original signature of a person authorized by that insurer to bind coverage on its behalf. Such insurance as required herein shall not be deemed to limit Permittee's liability relating to performance under this Permit. City reserves the right to require complete certified copies of all said policies at any time. Any modification or waiver of the insurance requirements herein shall be made only with the approval of City Risk Manager. The procuring of insurance shall not be construed as a limitation on liability or as full performance of the indemnification provisions of this Permit.

3 Vendor Terms and Operating Conditions

3.1 Rebalancing

Device rebalancing standards apply to Operators and all their staff, individual contractors, third-party contract services, and/or any individual or organization that benefits financially from providing services to the vendor.

Devices on public sidewalks shall not:

- Violate ADA accessibility requirements or impede pedestrian access along the sidewalk, curb ramps, doorways, or transit stops;
- Impede pedestrian movement;
- Hinder the normal functions of the streets or sidewalks; or
- Create conditions which threaten public safety and security.

Operators are encouraged to propose solutions for user parking of devices on or around the public right-of-way. Solutions may include the use of racks, lock-to devices, on- or off-street parking, or the use of private property (upon written agreement from the property owner).

3.1.1 Deployment Standards

Operators shall follow these standards during their daily device rebalancing at parking zones throughout the City. Repeat violations of these standards are subject to penalties, program suspension, or permit revocation.

General Deployment Standards (apply to all modes)

- Device deployment or rebalancing shall be compliant with the ADA, as to not in any way impede pedestrian access, including obstructing curb ramps, pedestrian push buttons, crosswalks, sidewalks, or any other location within the public right-of-way. Device deployment or rebalancing shall be consistent with all ADA, CVC, and LBMC requirements.
- Devices shall only be deployed or rebalanced within the limits of pre-approved parking zones in the 3 geographic deployment zones throughout the City (Attachment C). The City will not install parking zones within public parks; transit stops including the entirety of the 1st Street Transit Mall between Long Beach Boulevard and Pacific Avenue; the Belmont Pier; LA Metro property; Long Beach Airport; California State University Long Beach campus; and Long Beach City College campuses.
- Devices shall only encroach into the roadway within a pre-approved on-street parking zone and shall always maintain a minimum 48-inches of pedestrian clearance on sidewalks.
- Devices shall be upright when deployed or rebalanced.
- Any device that is damaged, missing parts, or parked incorrectly shall be deactivated or removed by the vendor within 2 hours of receiving notice between the hours of

8:00 AM and 10:00 PM daily. Any device left over 2 hours of receiving notice is subject to impound.

- Devices shall only be deployed or rebalanced with properly functioning kickstands. Any device found with a missing or faulty kickstand shall be deactivated or removed within 2 hours of receiving notice, or it shall be subject to impound.

Additional E-Scooter Deployment Standards

- E-scooters shall meet the same minimum requirements per section 3.4.1 of this document or shall be removed within 4 hours or it shall be subject to impound.
- E-scooters shall be redeployed in approved parking areas.
- Operators who seek to operate between the hours of 10:00 PM and 12:00 AM shall implement an app-based deterrent for impaired device operation from 22:00 to 00:00 within 90 days of starting the program. Operators who do not implement an app-based deterrent within the 90-day period shall be required to shut down operations.

Additional E-Bike Deployment Standards

- E-bikes deployed in the City of Long Beach shall be “Class 1 electric bicycles” per CVC 312.5 and shall meet the minimum requirements for bicycles per CVC 21201 or shall be removed within 4 hours of notice or shall be subject to impound.

3.1.2 Circulation and Rebalancing

Operators shall have staff (in-house, contractor, or third-party) actively monitor each operational area to correct any improperly or haphazardly parked device and/or collect such devices for their regular redistribution in the City. All staff and/or contractors in the field responsible for maintenance or rebalancing are required to wear vendor-branded clothing or identification.

Operators are encouraged to be mindful of locations with greater trip origins and/or destinations to rebalance their fleet accordingly and work with the City to make recommendations on new or additional parking zones based on trip data.

3.1.3 Response to Deployment Issues

Operators shall have customer service staff immediately available to City staff and the public via telephone and email 24 hours a day to address field conditions including, but not limited to:

- ADA violations;
- Blocked pedestrian pathways;
- Requests for the removal of devices from private property;
- Broken equipment;

- Inappropriate parking, excessive sidewalk clutter, or recumbent devices;
- Unsafe conditions; or
- Unsafe or illegal user behavior.

Vendors should demonstrate they can provide customer service in multiple languages to better serve the City's diverse population.

City staff shall report public complaints directly to the vendor. After each reported incident, the vendor's Operations Manager (or staff of similar title and responsibilities) shall communicate an acknowledgement of the issue and confirmation once the issue has been resolved including any relevant photos or service logs via email directly to the City's point of contact.

3.1.4 Abandoned Devices

Operators are required to recover any devices that are broken, inoperable, vandalized or abandoned in the public right-of-way or submerged in local waterways, including but not limited to the Los Angeles and San Gabriel Rivers, Marine Stadium, Colorado Lagoon, public parks, marinas, harbors and the Port of Long Beach.

3.2 Parking Zones

The City will designate and install shared micro-mobility parking areas (parking zones), identifiable by City-branded markings (Attachment J) at locations throughout each of the three operating zones. Operators shall place a max of 8 devices within the boundaries of parking zones during daily device deployment. Parking zone markings will indicate the boundary limits of the parking zone. *Devices may not exceed the marked boundaries of a parking zone or in a manner that violates the ADA requirements.* The City reserves the right to modify parking zones at any time. Operators may submit suggestions, along with proof of need, for new parking zones to the program manager for consideration.

3.2.1 Parking Zone Placement

1. **Public Right-of-Way:** The City will determine the size of each parking zone on a case-by-case basis. Parking zones may be located in the PROW including sidewalks, City-owned parking lots, or unused roadway space. Parking zones placed on the PROW shall be compliant with ADA regulations. On-street parking zones will be designed by the City to be placed in unused roadway space (e.g., adjacent to red curbs or angled and parallel parking spaces). Exceeding the capacity of any given parking zone or in a manner that violates the ADA requirements may result in impound.
2. **Private Property:** Operators are encouraged to work with private property owners to site, install, and maintain parking zones on private property. Operators shall notify



the City of any intent to work with private property owners and provide a copy of a letter of consent between the two parties and a site plan to the City. Operators are responsible for securing consent from property owners and for resolving issues related to the use of shared-mobility device operations on private property with the property owner. Operators are encouraged to use the City-branded parking zone markings. Users shall not be prohibited from parking devices that do not belong to the vendor that sponsored the parking zone after initial daily vendor rebalancing.

Operators shall submit the following information regarding parking zones on private-property:

- Property address;
- Property owner;
- Contact information (owner or property manager);
- Business name(s) if applicable;
- Proposed parking zone site plan and design; and
- Letter of consent from property owner.

3.2.2 Parking Zone Return Incentive Program

Applicants shall demonstrate their ability to develop and implement a parking incentive program as a part of the permitting process to encourage riders to park in established parking zones and out of the pedestrian path of travel or transit stops. Applicants shall submit a plan for an incentive program with the program application which outlines discounts and incentives, and provide a timeline to implement the program prior to any device deployment. Operators who do not instill an incentive program within 60 days of permit issuance will be subject to permit revocation.

3.3 User Requirements

3.3.1 User Parking

The following parking standards apply to users of devices under the Shared Micro-Mobility Program. Operators are required to convey this information to their users:

- Devices shall not be parked in a manner that violates ADA accessibility requirements or impedes ADA access;
- Users may park devices in any marked parking zone;
- Operators shall encourage users to park at public bicycle racks or near Bike Share Hubs when possible and no device parking zone is nearby;
- Users should be encouraged to park within the limits of pre-approved locations (i.e., parking zones) but can park outside of pre-approved locations if the location complies with all CVC, LBMC, and ADA regulations;
- Devices shall be left upright when parked;

- Devices shall not encroach onto the roadway unless in a designated parking zone and shall always maintain a minimum of 48-inches of pedestrian clearance on sidewalks, curb ramps, or entryways;
- Device parking shall be consistent with the CVC and LBMC.
- **E-Scooters** shall not be ridden or parked within the beach area or beach bike-path, public parks; the waiting, loading and unloading areas of transit stops including the entirety of the 1st Street Transit Mall between Long Beach Boulevard and Pacific Avenue; Long Beach Convention Center; Long Beach Airport; or any Cal State Long Beach, Long Beach City College, or LA Metro property; and
- **E-Bikes** shall not be ridden or parked within public parks, transit stops including the entirety of the 1st Street Transit Mall between Long Beach Boulevard and Pacific Avenue, the Belmont Pier; LA Metro property; Long Beach Airport; or any California State University Long Beach or Long Beach City College property.

Operators shall provide incentives and app features to maximize the safe and legal parking behaviors by their users. Features include, but are not limited to, parking confirmation photo verification systems, parking rating, parking reporting systems, and geofenced no-parking zones (Attachment D and E). Incentives include, but are not limited to, geo-marked parking zones to inform users of ideal parking locations, ride credit or incentives for parking within these geo-marked locations, or for a high rating as awarded by other users.

Devices parked immediately adjacent to or within a transit stop, immediate to a waiting/loading/unloading zone, ADA accessible parking zone or other facilities specifically designated for handicap accessibility, fire hydrant, curb ramp, entryway, driveway, or parklet will be considered an immediate hazard or obstruction and are subject to fine and immediate impound pursuant to the LBMC (Attachment F).

3.3.2 User Operation

Operators are responsible for the use of their equipment and compliance by users for the duration of the program. The following violations outline the progressive penalties for each violation. The City reserves the right to amend and add additional violations to this list. Users shall follow all State and City of Long Beach laws and rules pertaining to the operation of e-scooters, e-bikes and bicycles per the CVC, LBMC, and the Program. These include:

- Users shall be at least 18 years old;
- Riders shall obey all traffic laws per the CVC;
- Users shall not ride e-bikes on the sidewalk in business districts (LBMC 10.48.070) or e-scooters on *any* sidewalk (LBMC 10.38.020);
- Users shall ride with only one person per device;
- Users shall not leave a device on its side on any sidewalk, or park a device on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic (CVC 21210) (a minimum of 48 inches); and

- Users shall not operate the devices with pets including allowing dogs to run alongside the device.

Users are subject to citation by the Long Beach Police Department (LBPD) for the violation of any laws pertaining to the operation of e-bikes or e-scooters. The City may request that Operators cooperate to identify frequent violators.

3.3.3 User Prohibited Conduct

Operators are required to take an active role in self-policing the use of their equipment and must perform activities that ensure their users follow the rules and regulations for device use in Long Beach and in the State of California. Operators shall display visible information on the device and in the mobile app discouraging prohibited conduct, including: sidewalk riding, wrong-way riding, use by minors, double-riding, non-ADA compliant parking, and unsafe or reckless riding. Operators should encourage riders to follow the rules of the road as would be expected from any other road user (i.e., motorists or bicyclists). Operators are required to implement a simple, graphics driven, five question weekly quiz on their app which must have a 100-percent pass rate by each user prior to unlocking the device.

The user quiz must address these five CVC/LBMC laws and program regulations:

- No sidewalk riding;
- Proper device parking;
- Operator must ride in the same direction of traffic;
- One rider per e-bike or e-scooter; and
- Operator must be 18 years old.

A proposed sample of the quiz, and how it will be administered to users, should be included in the permit application. The final quiz must be submitted to the City of Long Beach for review and input in the manner it is to be distributed to users weekly and the Operators must demonstrate the quiz is operable prior to the granting of the permit for operation by the City.

3.3.4 Transit Stations

Devices shall not be rebalanced or parked within 10 feet of any transit stop, station, platform, or transit vehicle entryway. Operators shall make efforts to educate their users on this requirement and note that a significant percentage of transit ridership in Long Beach includes disabled residents. Oftentimes device use and rebalancing near the transit stops constitutes an ADA violation. Devices found in violation shall be moved by Operators within 2 hours of notification. If this requirement is not met and equipment is not moved within 2 hours, the device or devices shall be impounded by the City of Long Beach and applicable fines applied.

3.4 Equipment and User Interface

3.4.1 Minimum Equipment Specifications

The City of Long Beach requires that all devices operating in the City meet State and local equipment requirements. Each device shall meet the following equipment specifications:

Electric Bicycles

- Publicly visible device numbering located on rear fender to allow identification by the public while the device is in use;
- Minimum equipment requirements for bicycles per CVC 21201;
- Must meet the requirements of a Class 1 electric bicycle per CVC 312.5;
- A basket and cup holder permanently secured to the bicycle;
- A bell (or audible device) that allows the user to notify others when passing; and
- Functional speedometer which can be easily read by the user.

Electric Scooters

- Publicly visible device numbering to allow identification by the public while the device is in use;
- Functional head and tail lights, brakes, horn/bell, and kickstand;
- User speed display on a functional speedometer that tracks the device's maximum speed of 15 MPH; and
- Audible notification device on each scooter to communicate restricted areas to users.

Notification of equipment changes (upgrades, modifications, new models) shall be communicated by the vendor to the City prior to release of new models or upgraded equipment no less than 24 hours before rebalancing in the City of Long Beach.

3.4.2 Device Identification

All devices operating under a permit in the Shared Micro-Mobility Program shall have a unique, high-contrast identification number, located on the rear fender or from bottom of the steer tube that is clearly legible from a minimum of 15 feet. Each device shall also have a clear brand identity and 24/7 contact information for its respective vendor. Any device failing to display either the identification number or vendor contact information is subject to immediate impound and any associated fines.

All devices shall display the following via a well-maintained and high-contrast sans serif ≥ 32 -point font in a location clearly visible by the user and approved by the City:

- No Sidewalk Riding

- No Double Riding; and
- Customer Service Number

3.4.3 Speed Monitoring

Excessive speed by device Operators can create dangerous conditions for riders and others using the public right-of-way. All devices operating in the City of Long Beach shall not exceed a maximum speed of 15 MPH for e-scooters (CVC 22411) or 20 MPH for e-bikes (CVC 312.5(a) (1)) as required by State law. The City will conduct routine testing of devices being utilized in the program for the requirements outlined by this permit including testing for excessive speed. If during routine testing by the City three or more devices by a vendor are found to exceed the 15 MPH speed limit (e-scooters) or 20 MPH assist (e-bikes):

- The vendor will be initially informed of the violation;
- With a second violation, the vendor’s equipment will be suspended until a fleetwide correction is made and demonstrated to the City by the operator; and
- Upon a third violation the vendor’s permit to operate in the City will be permanently revoked and vendor will be required to remove equipment from the public right-of-way within 24 hours.

3.4.4 Software and Data Security

Operators shall be required to take measures to protect user’s personal information. Financial transactions shall be secure and Payment Card Industry (PCI) compliant. Along with the submission of the permit application, Operators must provide their most recent third-party PCI audits with the permit package. Personal data must be protected using industry accepted encryption and customer permission must be sought before sharing personal data with a third party. Auto-renewal procedures must comply with State and Federal standards.

Operators shall demonstrate appropriate measures to prevent hacking and theft of user’s personal information. Failure to do so may result in permit revocation.

3.5 Maintenance

Each vendor shall regularly maintain its fleet in a condition to ensure the safety of the public. Daily device inspections shall include the information listed in Tables 5 and 6. If a device fails to meet the inspection requirements, it must be removed from the fleet until the deficiency is corrected:

Table 6a. Daily Inspection Log: E-Bikes

| Equipment | Requirements |
|------------------|--|
| 1. Wheels | Inspect for wear, roundness, and tire pressure when applicable |
| 2. Grips | Clean and intact |

Table 6a. Daily Inspection Log: E-Bikes

| | |
|---------------------------------|---|
| 3. Lights (Head + Tail) | Functional and always on when device is in operation/moving |
| 4. Nuts and Bolts | Tightened to torque specs per manufacturer's specifications |
| 5. Brakes (Front + Rear) | Fully operational |
| 6. Kickstand | Functional and supports weight of device |
| 7. Handlebar Alignment | Properly aligned with front wheel |
| 8. GPS and Battery Units | Securely attached to device |
| 9. Decals | Complete; no key identifying information missing |

Table 6b. Daily Inspection Log: E-Scooters

| Equipment | Requirements |
|--------------------------------------|--|
| 1. Wheels | Inspect for wear, roundness, and tire pressure when applicable |
| 2. Grips | Clean and intact |
| 3. Front and Rear Lights | Functional and always on when device is in operation/moving |
| 4. Nuts and Bolts | Tightened to torque specs per manufacturer's specifications |
| 5. Throttle | Functional with smooth on/off operation |
| 6. Hand Brake | Fully operational |
| 7. Foot Brake | Fully operational |
| 8. Suspension | Intact and fully functional |
| 9. Kickstand | Functional and supports weight of device |
| 10. Steering Column Alignment | Properly aligned with front wheel |
| 11. GPS and Battery Units | Securely attached to device |
| 12. Decals | Complete; no key identifying information missing |

All devices shall undergo a comprehensive monthly inspection of the following conditions and completed maintenance logs shall be submitted to the City along with monthly operations reports:

Table 7a. Monthly inspection log: E-Bikes

| Equipment | Requirements |
|----------------------------|---|
| 1. Speed Check | Check accuracy for top speed of 20 MPH |
| 2. Missing Hardware | Replace any missing parts |
| 3. Loose Wiring | Inspect, and repair or replace, loose or compromised wiring |
| 4. Wheels and Tires | Properly inflate (if applicable); Replace tires with worn out tread, flats spots, or damage |
| 5. Worn out Grips | Replace grips that are missing, torn, or worn out |

Table 7a. Monthly inspection log: E-Bikes

| | |
|--------------------------------------|---|
| 6. Bent or Damaged Handlebars | Inspect for functionality and replace or repair as needed |
| 7. Bent or Damaged Pedals | |
| 8. Lights (Head + Tail) | |
| 9. Brakes (Front Rear) | |
| 10. Gears | |
| 11. Drivetrain | |

Table 7b. Monthly inspection log: E-Scooters

| Equipment | Requirements |
|---------------------------------------|---|
| 1. Speed Check | Check accuracy for top speed of 15 MPH |
| 2. Missing Hardware | Replace any missing parts |
| 3. Loose Wiring | Inspect, and repair or replace, loose or compromised wiring |
| 4. Worn Out Tires | Replace tires with worn out tread, flats spots, or damage |
| 5. Worn Out Throttles | Inspect for functionality, and repair or replace, throttle deficiencies |
| 6. Worn out Grips | Replace grips that are missing, torn, or worn out |
| 7. Bent or Damaged Steer Tubes | Inspect for functionality and replace as needed |
| 8. Bent or Damaged Foot Board | |
| 9. Head and Tail Lights | |

Any device that does not meet the requirements of the daily/monthly maintenance requirements shall not be rebalanced. Doing so may result in permit revocation.

3.6 Customer Service

3.6.1 Contacts

The City will assign staff from the Department of Public Works to enforce the regulations of the program and compliance by Operators to ensure the safe operation of devices in the City. Operators shall provide an up to date (within 24 hours) individual point of contact to the City and contact information (email and phone number) to allow the public to report any deficient equipment, improperly rebalanced devices, or safety concerns directly to the vendor. The general contact information will be made publicly available via the City's website and other public means.

The vendor point of contact for the City of Long Beach is:

Tony Cruz
Community Programs Specialist

tony.cruz@longbeach.gov
Office: (562) 570-6384
Cell: (562) 209-8648

Department of Public Works,
Transportation and Mobility Bureau: (562) 570-6331

3.6.2 Public Responsiveness

Each vendor shall provide responses to public complaints within two hours of receiving the complaint and submit to the City point of contact photographic proof before and after the correction. A summary of corrections shall also be included in monthly reports. If the complaint constitutes an ADA violation such as a blocked sidewalk, access ramp, or transit stop the vendor shall immediately notify the City and address the complaint to the satisfaction of the City within two hours of the notification. Complaints regarding devices left inappropriately (residential sidewalks, etc.) in the public right-of-way must result in correction by the vendor within 2 hours of receipt of the complaint. Multiple complaints of non-responsiveness by the vendor may result in a fine or impound of devices.

3.7 System Areas and Geo-fencing

3.7.1 System Area

The operational area for any micro-mobility system in the program is within the boundaries of the City of Long Beach (Attachment B). Devices shall be rebalanced at parking zones within the City limits each day and are prohibited from rebalancing in surrounding cities, including the Cities of Lakewood, Seal Beach, and Signal Hill.

Any devices reported to an operator left in neighboring cities shall be collected within 2 hours or are subject to impound.

3.7.2 Geo-fencing

The City reserves the right to define prohibited parking and riding zones, or restricted-speed zones for e-scooters and e-bikes throughout Long Beach (Attachments D and E). Within geo-fenced areas, Operators shall be required to:

- Reduce speed **Geo-Speed**
- Buffer speed **Geo-Speed Buffer**
- Incentivize and/or limit parking areas **Geo-Park**
- Restrict riding and parking in pre-determined area **Geo-No Ride**

The City will notify Operators in advance of such needs and provide Operators with shapefiles that define the boundaries of the limited-use areas. Operators are required to update their apps within 72 hours of the request. The City also reserves the right to request short-term geo-fencing of devices at any time for special events such as Beach Streets, the Long Beach Grand Prix, and other areas where riding is restricted. Specific geo-fenced areas are subject to change at any time as directed by City staff.

Areas which are currently geofenced include, but are not limited to:

- Public parks;
- Transit stops, including the entirety of the 1st Street Transit Mall between Long Beach Boulevard and Pacific Avenue;
- The campuses of California State University Long Beach, and the Liberal Arts and Pacific Coast campuses of Long Beach City College;
- Long Beach Airport;
- City of Lakewood;
- City of Signal Hill;
- City of Seal Beach; and
- Beach bike path (e-scooters only).

3.8 Public Engagement

3.8.1 Education and Safety

Operators shall conduct outreach and educational efforts to provide safety training to current and potential users throughout the City. This can take the form of materials to be disseminated to the public via social media, other media outlets, City-mandated user quiz, participation at special events, and engagement at community events and neighborhood meetings. Operators shall provide a public engagement plan with their permit application.

Vendor shall at a minimum educate users on:

- Laws and regulations required by the State and City regarding micro-mobility device riding;
- How to appropriately park and where not to park devices, including parking zone information at the time of each rental;
- Who is a legal user and safety concerns with the use of devices by minors; and
- Benefits of helmet use.

3.8.2 User Awareness

The City of Long Beach welcomes campaigns and informational opportunities to better educate users on e-scooter and e-bike laws and courteous use by patrons. In addition to

the required user quiz, Operators may create educational content to instruct and remind users of legal and courteous riding, and parking practices to be disseminated via campaigns, events, and via their mobile app or electronic communications at regular intervals (e.g., every five or ten rides). Permit proposals should include examples of materials and methodologies that might be utilized by the vendor to provide greater user awareness and compliance of the rules and regulations regarding e-scooter and e-bike use in Long Beach.

3.8.2 Public Communications

The City requires any marketing or educational materials disseminated to riders in the City to be submitted for review by program staff prior to being shared with the public. The City reserves the right to recommend changes or additions.

3.9 Special Events

The City of Long Beach hosts a large number of special events annually. The events include the Long Beach Grand Prix (April), Long Beach Pride (May), Long Beach Jazz Festival (August), Long Beach Marathon (October), and Beach Streets. At the request of the City, Operators shall provide support during events where large numbers of devices are expected to be used. Operators shall coordinate with City staff to develop a parking plan and geo-fencing for temporary parking zones for the event(s) and provide personnel to assist with bicycle parking during the event.

Operators are encouraged to provide ambassadors for special events who shall wear brand recognizable clothing and provide materials necessary to engage the public within the device parking area. They are encouraged to communicate the safe and lawful use of the devices, and provide any relevant program marketing and details for the duration of the event.

Operators may be required to provide the gratis use of devices to City staff for use at special event activities. The provision of devices for Special Events staff will be limited to five per year per operator and 20 devices per event.

3.10 Emergencies

In the event of an emergency, the City may require Operators to remove or relocate devices in the affected area within one hour of notification. Failure to comply may result in the impound of devices and any associated fines. In instances of dire public emergency with no demonstrated vendor support, permits may be temporarily suspended, or revoked.

3.11 Income Sensitive Program

Operators shall establish a reduced rate program for income-sensitive residents prior to the distribution of devices in the City of Long Beach. All Operators in the City of Long Beach are encouraged to hire staff from income sensitive areas of the City. Vendor permit applications should provide an overview of qualifications for the reduced-rate program and how the operation may be conducted in Long Beach. Programs shall include a reduced rate for qualifying income-sensitive riders but may also include a cash payment option and smartphone alternative option:

- Reduced rate: Operators must implement a fare structure that encourages riders to use the system who may not otherwise do so due to a cost burden;
- Cash payment: Applicants are encouraged to provide a payment plan that does not require possession of a debit or credit card, including cash bill-pay programs such as Pay Near Me; and
- Smartphone alternative: Applicants are encouraged to implement an alternative to unlocking a device via smart phone. Options can include (but are not limited to) a text to unlock devices option or RFID card distribution.

3.12 Change in Regulations

Operators in the program are subject to all local regulations and State law. Should the State of California or the City of Long Beach, or any federal agency, adopt or rescind any regulations effecting the ongoing operation of devices in the City of Long Beach, the City and Operators will collaborate to update the program to reflect such changes. The Operators shall update publicly disseminated information and educate program users to the changes in regulations. Permits issued by the City are subject to review, change, suspension, and/or revocation at the sole discretion of the City.

3.13 Rate Change Notification

In order to provide program consistency to users of equipment in the City of Long Beach, Operators are required to notify the City at least 24 hours in advance of any changes in user rates. Operators are required to notify all registered customers via email or mobile app at least 12 hours prior to the rate change policy prior to subjecting users to additional fees. Operators shall not increase user rates in Long Beach without these required notifications. Failure to do so may result in permit revocation.

4 Monitoring and Program Compliance

In compliance with State law and the City of Long Beach's rules and regulations for the Shared Micro-Mobility Program, Operators are required to closely monitor all aspects of their program including data sharing, user compliance, condition of the equipment in their fleet, and reporting to the City.

4.1 Data Sharing and Compliance

Companies operating in the public right-of-way shall provide the City and its third-party data management provider(s) with real time accurate programmatic data. The City requires that data be submitted to its third-party data platform provider via API feed to meet the Mobility Data Specification (MDS) for providers and General Bikeshare Feed Specification (GBFS). These data requirements will allow the City to more effectively manage the program with support of its data management vendor. Each operator shall be required to comply with the requirements of the MDS (<https://github.com/CityOfLosAngeles/mobility-data-specification>) and GBFS (<https://github.com/NABSA/gbfs/blob/master/gbfs.md>) data requirements. This includes, but is not limited to:

- The number of devices operating in the City at any one time;
- Location of devices and travel characteristics; and
- Devices which are out-of-service, in need of repair, or have an expended battery.

The City reserves the right to release new or updated versions of the MDS and requires Operators to use the current version. The City is permitted to use all data the operator provides in accordance with the Mobility Data Specification. The operator may not change the API URL without notifying the City with at least 30 days' notice.

Operators shall begin work to establish their API feeds for MDS and GBFS data directly to the City's contracted data management provider(s) prior to deploying devices within the City. Data reporting requirements are subject to change at any time by the City.

4.2 Vendor Interface

Operators in the program shall be required to participate in a City-selected collaborative vendor communication platform to facilitate streamlined communication between all Operators and City staff regarding ongoing program operations. Failure to do so may result in violation and/or disciplinary action. The City reserves the right to change platforms and require Operators to participate or potentially forfeit their permit to operate in the City.

4.3 Reporting

To ensure effective fleet management and efficient program management, the City requires all Operators provide an electronic Monthly Report to the program manager at the end of each operating month. The report will be due no later than the seventh business day of each subsequent month. The City reserves the right to adjust the reporting timeframe at its discretion.

The Monthly Report will consist of three components - Operations, Maintenance, and Data Management - and must include the following:

1. Operations Report, as outlined in the template in Attachment F includes the following:
 - a. Total number of users enrolled in the program in Long Beach, including the number of new users enrolled each month;
 - b. The five most popular parking zones per operational zone per month based on trips;
 - c. Number of devices serviced per month;
 - d. Number of devices lost, stolen, or missing each month;
 - e. Number of devices impounded each month;
 - f. Total amount of revenue collected per month including, but not limited to:
 - i. Rental fees,
 - ii. Membership fees, if any,
 - iii. User penalty fees, if any,
 - iv. User fees per minute,
 - v. User fees per ride, and
 - vi. Parking zone incentives provided;
 - g. Any injuries reported by users per month;
 - h. Any legal actions taken by users per month;
 - i. Make, model, and total number of all equipment in circulation;
 - j. Recap of monthly community outreach efforts;
 - k. Complaint and Resolution Log; and
 - l. Recap of any special event coordination with the City
2. Maintenance Report, as outlined in Attachment F and Section 3.5.

4.4 Law Enforcement Compliance

If a device is involved in criminal activity, the vendor shall upon provision of a warrant, provide the Long Beach Police Department with any available materials, equipment, and/or data pertaining to the recent locations of devices and any relevant customer information pertaining to recent rentals of the devices. Information requested will be subject to State and Federal law as appropriate. Operators who refuse to participate are subject to permit revocation.

For emergency cases involving the imminent threat of death or serious physical injury to any person or place, the permit holder shall have an established Emergency Disclosure Request process to allow the release of data and customer information to a law enforcement agency. The Emergency Disclosure Request shall be submitted with the permit application.

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5 Attachments

| | |
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| B. Program System Area Map | 44 |
| C. Program Operational Zones Map | 45 |
| D. E-Scooter Geo-fence Locations Map | 46 |
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| H. Long Beach Insurance and Indemnification | 53 |
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| J. E-Scooter Parking Zone Marking | 58 |

Submission Instructions

Please refer to the permit for guidance on the following application questions. Please answer the questions in full and provide all required attachments in one PDF document. Operators will be chosen based on their ability to demonstrate adherence to the goals and requirements of the permit guidelines. *Please complete a separate application for each mode in the program (i.e., e-scooters and/or e-bikes).*

Email completed applications to: **Tony.Cruz@longbeach.gov**

Applications must be received by October 31, 2019 at 11:59PM PST.

Only complete applications responding to all questions with all required attachments will be reviewed. Please print and place the cover page at the end of this form on top of your application before submitting. Evaluation will be based on the following criteria:

- Device information;
- Parking;
- API data and reporting;
- Safety;
- Experience;
- Proposed operations and maintenance plan;
- Financial wherewithal and stability;
- Adequacy of insurance;
- Ability to begin operations in a timely manner;
- Responsiveness to the City's direction and compliance with regulations during the program;
- Public education strategies;
- References; and
- Relevant record of the applicant's or officers', owners', or principals' violations of Federal, State or local law, rules or regulations.

Each qualified applicant shall be evaluated based upon objective criteria including: experience; proposed operations and maintenance plan; financial wherewithal and stability; adequacy of insurance; ability to begin operations in a timely manner; responsiveness to the City's direction and compliance with regulations during the program; public education strategies; references; relevant record of the applicant's or officers', owners' or principals' violations of Federal, State or local law, or rules and regulations; and any other objective criteria established by administrative regulation.



Appeals

Vendors who have submitted a permit application for consideration in the City of Long Beach Micro-Mobility program are eligible to appeal the selection process in the event of non-selection. The applicant will have five (5) business days to submit an appeal from the time of notification of the selection results. The applicant must email the appeal to **tony.cruz@longbeach.gov** no later than the close of business (5:00 PM Pacific) on the fifth business day following the posting of the intent to award permits to the selected vendors.

The appeal must be in writing and signed by the individual who signed the bid, or if the proposer is a corporation by an officer of the corporation, and submitted electronically to **tony.cruz@longbeach.gov**. Appeals must include a valid email address, street address, and phone number to ensure that the City’s decision concerning the appeal will be received. Appeals must include a complete and detailed statement of the grounds for the appeal and include all relevant information to support the grounds stated, and must refer to the specific portions of the permit application and/or attachments upon which the appeal is based. Once the appeal is submitted, the City will not accept additional information on the protest unless requested by the City.

The City is not responsible for vendor’s failure to obtain notification of selection results for any reason, including but not limited to failure to maintain updated email addresses; failure to open/read electronic messages; or failure of their own computer/technology equipment. The City will respond with the decision regarding the appeal within two (2) business days of receipt of the appeal by email to the email address provided in the appeal. This decision shall be final.

Required Attachment Checklist

- Organizational Chart
- Device Photo and Specifications
- Rider Pricing Plan
- Emergency Disclosure Request
- PCI Audit
- End User Agreement
- Proof of Insurance
- Financial Qualification
- Public Education Strategy
- References

Vendor Information, Structure and Governance

1. Company name
2. Company address
3. Name of company contact
4. Contact email and phone

5. Company website
6. Is the applicant a registered business in the City of Long Beach? If so, please provide business license number. If not, please provide timeline for obtaining a license.
7. Is the applicant a disadvantaged business? If so, please describe.
8. Total number of cities where applicant has shared devices deployed as of August 2019. *Specify e-bikes and/or e-scooters.*
9. Total number of devices currently deployed in U.S. *Specify e-bikes and/or e-scooters.*
10. Please **attach** the applicant's corporate organizational chart.
11. Please **attach** financial statements provide the City with enough information to determine financial stability. These statements may include, but are not limited to:
 - a. Financial Statement or Annual Report;
 - b. Business tax return;
 - c. Statement of income and related earnings;
 - d. Statement of Changes in financial position;
 - e. Letter from the proposer's banking institution;
 - f. Statement from a certified public accounting firm.
12. The name and business address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity.
13. Please provide the name and business address of each person or entity that: (i) has more than a ten percent equity, participation, or revenue interest in the applicant; or (ii) is a trustee, applicant, excepting persons serving in those capacities as volunteers, without compensation, for organizations exempt from income taxes under Section 501(c)(3), (4), or (6) of the Internal Revenue Code.
14. Has any officer, owner, or principal of the company had a civil judgment rendered against them for commission of fraud or been convicted of a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property anytime within the past ten (10) years? If so, please provide a summary of each instance along with dates and reference numbers as applicable. Failure to disclose any past instances as described hereinabove will render the subject Micro-mobility Permit Application invalid.



ATTACHMENT A - Permit Application Form and Cover Page

15. Please provide name, title, email and phone number for four (4) references from public agencies in cities where the vendor currently operates. If the vendor operates in fewer than four (4) cities, please provide one (1) reference for each city.
16. Provide a list of cities in which the vendor is operating, including summary data on the number of units deployed, rides per scooter per day, number of scooters serviced per day.

Fleet and Device Information

1. Please describe how the applicant is capable of and intends to deploy the minimum permitted devices within 60 days of permit award (see Table 1; Section 2.4).
2. Please describe the device model(s) the applicant intends to deploy in the City of Long Beach. Please **attach** a photo and technical specifications for each model expected to be used, which should include detailed information on the requirements listed in 3.4.1 and the following features:
 - a. Pneumatic or solid tires.
 - b. Average mileage on a single full battery charge.
 - c. Expected lifespan of a device.
 - d. Brake type.
 - e. Single or dual kickstand.
 - f. Handlebar height (from ground).
 - g. Minimum and maximum possible seat height (if applicable).
 - h. Wheel circumference; tire dimensions; recommended inflation pressure (if applicable).
 - i. Light brightness (in Lumens) and placement on device; unique lighting features.
 - j. Specialized anti-theft hardware or security features; and
 - k. Any unique device amenities that enhance rider experience.
3. Classification and Speed
 - a. Bicycles: Will all e-bikes be Class 1 and have a maximum speed of no more than 20 mph [CVC 312.5(a)(1)]?
 - b. Scooters: Will all e-scooters have a maximum speed of no more than 15 mph [CVC 22411]?
4. Do devices allow or provide a geo-fencing technical option to allow for a decrease in speed or maximum assistance level to be set if needed? Please explain.
5. Does the device have some way of providing riders with audible warnings? Please describe warning features.
6. Please **attach** the applicant's rider pricing plan, including any income assistance or corporate plans.
7. Please describe how the applicant will satisfy the income sensitive requirements described in Section 3.11, including any the mandatory reduced rate and optional cash payment and smartphone alternative options. Please reference any of the

applicant's similar programs currently deployed in other cities.

8. What safe guards, if any, are included on devices and/or battery technology to prevent fires and environmental hazard (i.e., toxic pollution due to device being submerged in a waterway).

Parking

1. How will the applicant ensure devices are deployed and/or rebalanced by 8:00 AM each morning at designated parking zones as required in Section 3.1.1?
2. How will the applicant convey to riders the user parking requirements enumerated in Section 3.3.1?
3. Please describe the applicant's parking zone return incentive program, as required in Section 3.2.2, which must be in place prior to device deployment?
4. What other parking strategies will be used to ensure devices are parked outside the sidewalk path of travel and uphold ADA rules and regulations. Operators are encouraged to propose innovative rider-parking solutions per Section 3.1. Please also reference strategies the applicant has used in other cities as applicable.

Data and Reporting

1. Please describe the applicant's approach to data sharing and reporting. Please refer to Sections 4.1 and 4.3 for the program's data sharing and reporting requirements.
2. What is the GPS accuracy of an device's given location to the nearest foot?
3. If selected, does the applicant agree to provide the City of Long Beach and its third-party provider with GBFS, MDS, and raw data per Section 4.1?
4. Does the applicant agree to provide the City of Long Beach with a monthly report, the contents of which are outlined in Section 4.3?
5. Does the applicant agree to the data privacy terms as indicated in Section 3.4.4?
6. Please **attach** vendor's most recent third-party PCI audit.

Safety

1. Please describe in detail how the applicant will ensure the safety of riders as well as other road users, including pedestrians and people with disabilities. Please note any unique mechanisms and strategies to reduce or eliminate the violation of any of the following regulations that apply to the permit mode being applied for:
 - a. Shared micro-mobility riders shall be at least 18 years old (Section 3.3.2);
 - b. Shared micro-mobility riders shall obey all traffic laws per the CVC;
 - c. Shared micro-mobility riders shall ride with only one person per device; and



ATTACHMENT A - Permit Application Form and Cover Page

d. Shared micro-mobility riders shall not operate the devices with pets including allowing dogs run to alongside the device (Section 3.3.2).

e. E-Scooter Application Only

- E-Scooter users shall not ride on the sidewalk, on the beach bike path, or on any roadway with a posted speed limit above 25 MPH unless in a designated bikeway, and shall use a bicycle facility when one is available (CVC 21235b; LBMC 10.38.020);
- E-Scooter users shall not leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic (CVC 21235i); and
- Riders shall have a valid driver license or learner permit (CVC 21235d).

f. E-Bike Application Only

- E-Bike users shall not leave a bicycle lying on its side on any sidewalk, or park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic (CVC 21210); and
- E-Bike users shall not ride on the sidewalk in business districts (LBMC 10.48.070);

2. Does the applicant have a program to disperse helmets free of charge?

Operations and Customer Service

1. Please describe the applicant's daily operations and rebalancing staff and their training requirements. Please indicate if staff will be independent contractors (1099) or payroll employees (W2). How many full-time and/or part-time staff does the applicant plan to hire locally from within Long Beach?
2. Please **attach** an Operations Plan that outlines daily management of applicant's device fleet. The Operations Plan must address the following:
 - a. Daily timeline for rebalancing shared micro-mobility fleet throughout each of the six operational areas (Attachment B) in applicant's designated parking zones areas by 8:00 AM daily as described in Sections 2.5 and 3.1?;
 - b. Schedule for daily rebalancing of devices left by users in residential neighborhoods;
 - c. Business hours and availability of staff; and
 - d. Management plan for parking and rebalancing at special events where devices may be in high demand.
3. Does the applicant agree to notify the City prior to implementation of changes that affect operations, pricing, operations, user experience through the app, all geo-fencing, charging of devices, rebalancing of devices, and software changes to enhance the optimization of a Operators program?
4. It is important to the City that the Shared Micro-Mobility Program is as environmentally sustainable as possible. Please describe the types of vehicles that will be used to rebalance and/or deploy your shared micro-mobility fleet daily.
5. Does the applicant agree to the penalties fees and terms as listed in Sections 2.7 and 2.9?

6. Please describe the applicant's customer service resources available for riders and residents, including hours of availability and methods of contact.

Maintenance

Please refer to Section 3.5 for guidance on the following questions.

1. Please describe the applicant's training requirements for maintenance staff. Will the applicant use independent contractors (1099) or payroll employees (W2) for inspections and maintenance of e-bikes?
2. Please describe the applicant's maintenance process and standards.
3. During the City of Long Beach's 2018-19 pilot, shared micro-mobility devices with various missing or non-functioning parts were found deployed in the PROW and made available for public use. Please answer the following questions regarding the applicant's ability to properly maintain their fleet.
 - a. Will the applicant conduct daily maintenance checks per the sample log in Section 3.5?
 - b. Does the applicant's operations/rebalancing staff have the authority to remove a faulty device from service to undergo maintenance based on their own visual assessment? If so, what threshold do they use to determine a that a device should be removed from service?
 - c. If independent contractors are used for operations, what mechanisms (financial or otherwise) are in place to ensure these contractors do not redeploy a device which is in need of maintenance?
4. Does the applicant agree to submit thorough maintenance logs each month in the format specified in **Attachment E** and outlined in Section 3.5 of the permit?

Education and Engagement

1. Please describe how the applicant will comply with the education requirements set forth in Section 3.8?
2. Please describe the applicant's organization's philosophy on educating and engaging the public?
 - a. How will the applicant ensure riders know the rules of the road?
 - b. About how many engagement or education events will the applicant's staff attend and/or host annually?
3. Please **attach** a mockup of the 5-question safety quiz, as required per Section 3.3.3.

User Agreement, Indemnification and Insurance

1. Does the applicant's user agreement comply with the requirements in Attachment I?



ATTACHMENT A - Permit Application Form and Cover Page

2. Please **attach** the applicant's end user agreement which shall include the City's Waiver of Liability requirements as outlined in Attachment I.
3. Please **attach** proof of insurance per the requirements in Section 2.11.

References and Past Performance

1. Has the applicant deployed devices in any U.S. city without the required permits? If yes, please list city or cities.
2. Has the applicant had any micro-mobility permit revoked or have been required to suspend operations due to programmatic violations by any other public agency? If yes, please list city or cities.
3. Please provide references from up to 3 cities where the applicant has deployed any e-scooter or e-bike share including the following information for each reference:
 - City;
 - City staff contact name, phone, and email;
 - Number of e-scooter, e-bike, or pedal bike share devices currently deployed; and
 - Date first deployed.

PERMIT APPLICATION COVER PAGE

Print and place on top of completed application before submission

COMPANY INFORMATION

| | |
|------------------|---|
| Company Name | Primary Contact Name |
| Business Address | Primary Contact Email |
| City, State, Zip | Primary Contact Phone |
| Company Website | Long Beach Business License Number (If none, provide estimated date of issuance) |

MODE BEING APPLIED FOR:

Electric Scooter Share

Electric Bicycle Share

Note: If applying for 2 modes, Operators must submit a separate application for each mode.

ATTACHMENT CHECKLIST

Please check that all of the following are included in your application packet prior to submission

- Device Photo and Specifications
- Organizational Chart
- Rider Pricing Plan
- Emergency Disclosure Request
- PCI Audit

- End User Agreement
- Proof of Insurance
- Financial Qualification
- Public Education Strategy
- References

SIGNATURES

Declaration under penalty of perjury:
I certify, by signing below under penalty of perjury, that the foregoing information is accurate and correct.

| | |
|------------|-----------|
| Print Name | Signature |
| Title | Date |

CITY OF LONG BEACH USE

Permit Status

Approved

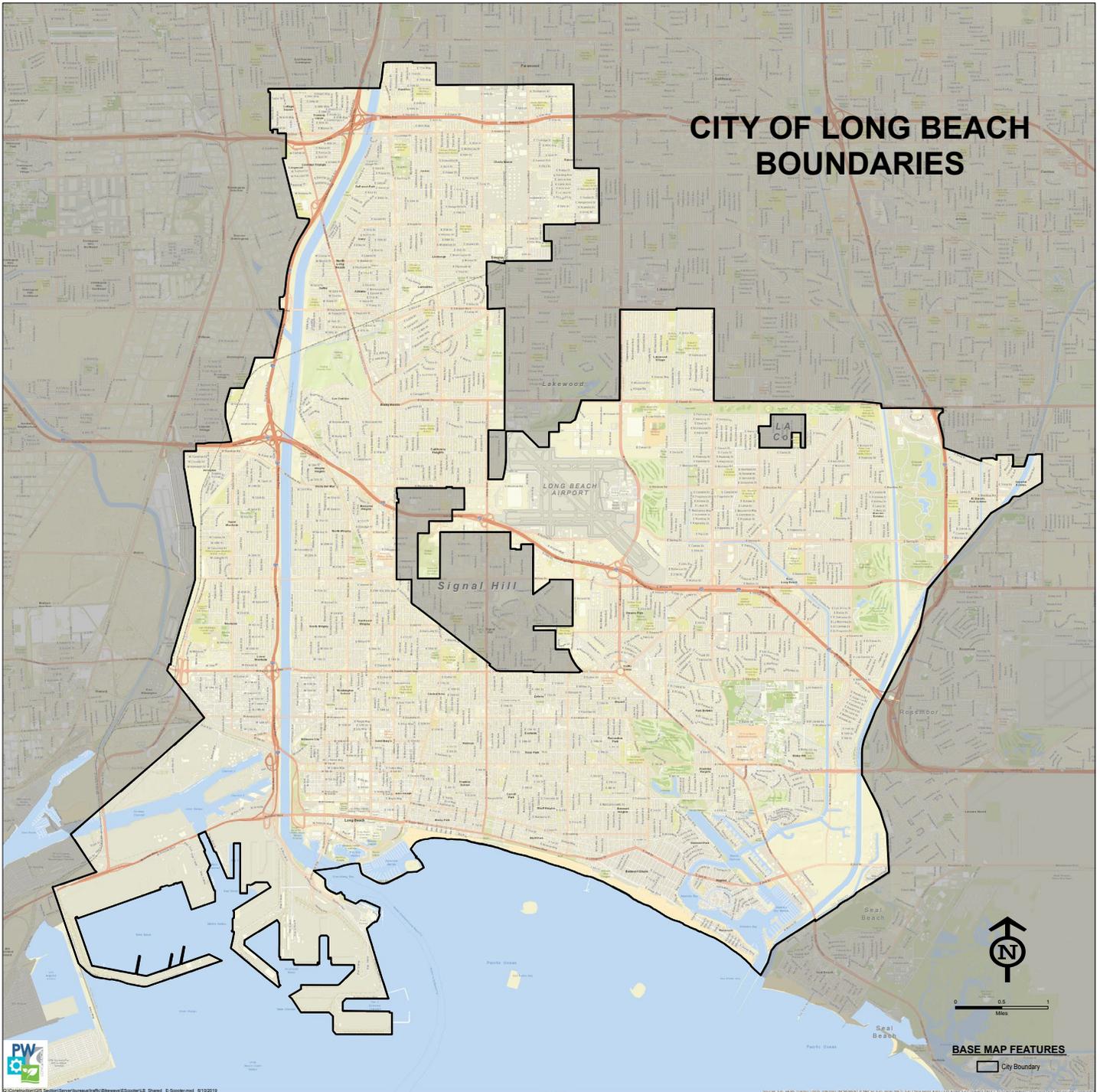
Denied

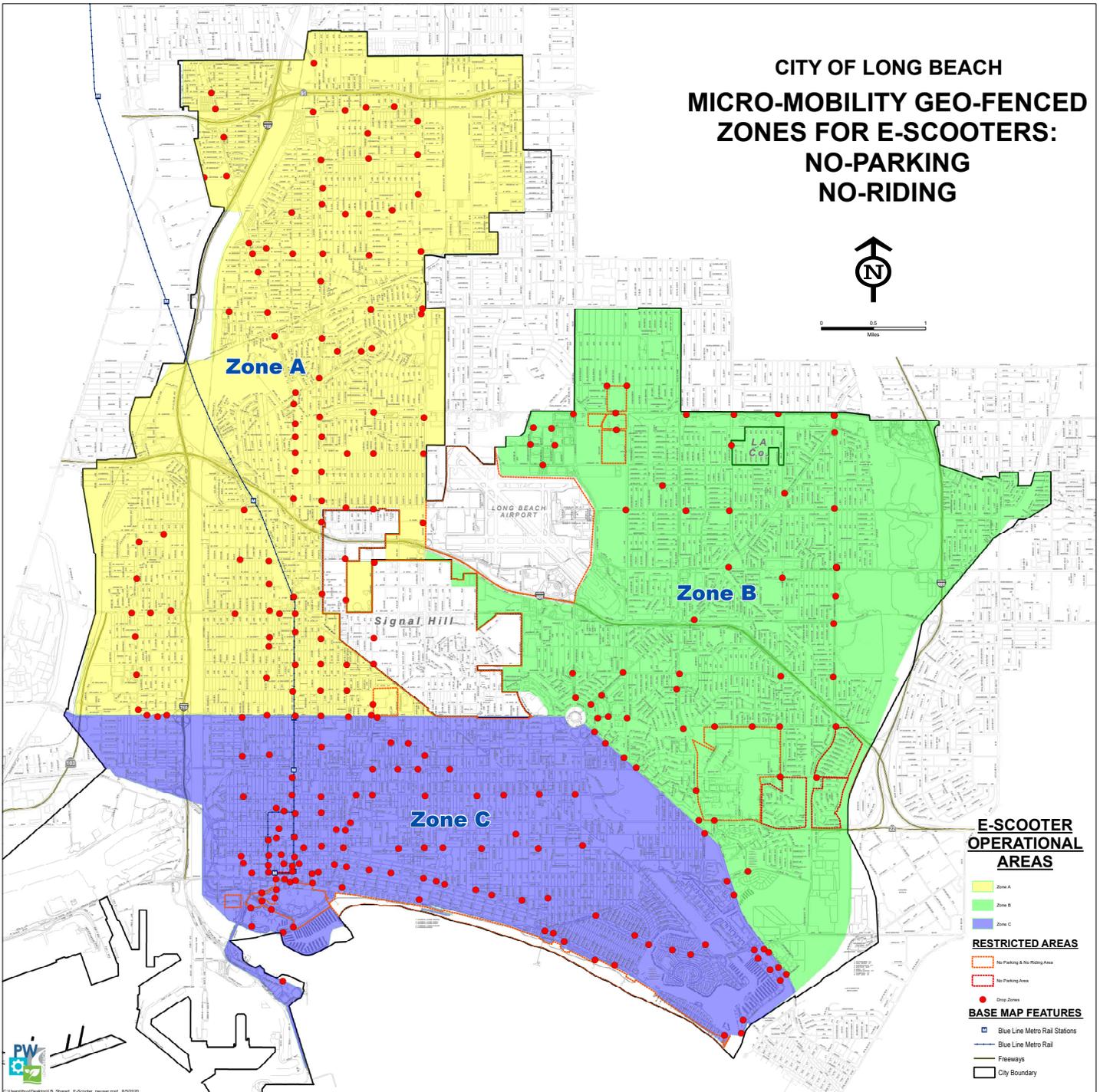
City of Long Beach, a municipal corporation

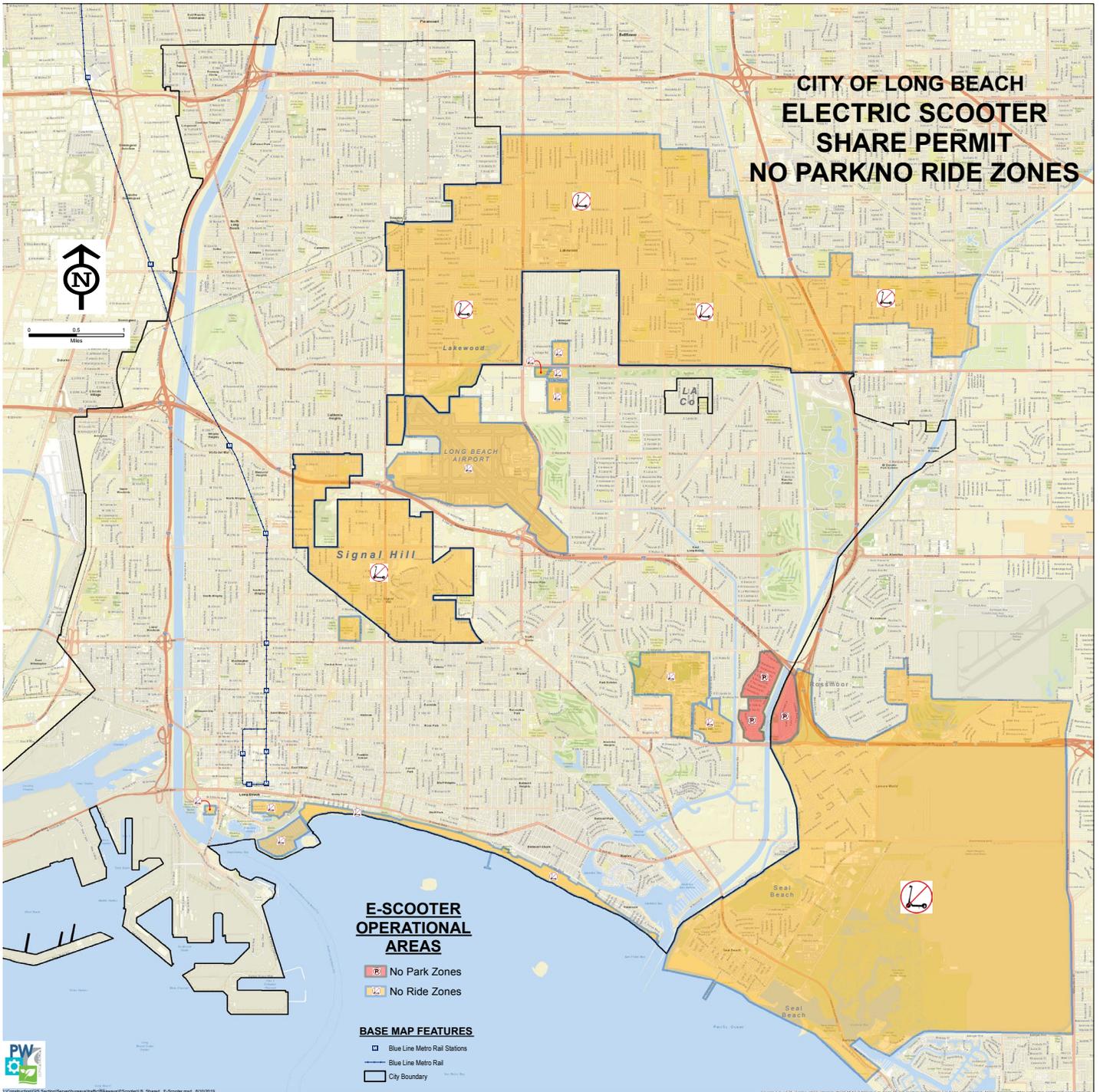
Date _____

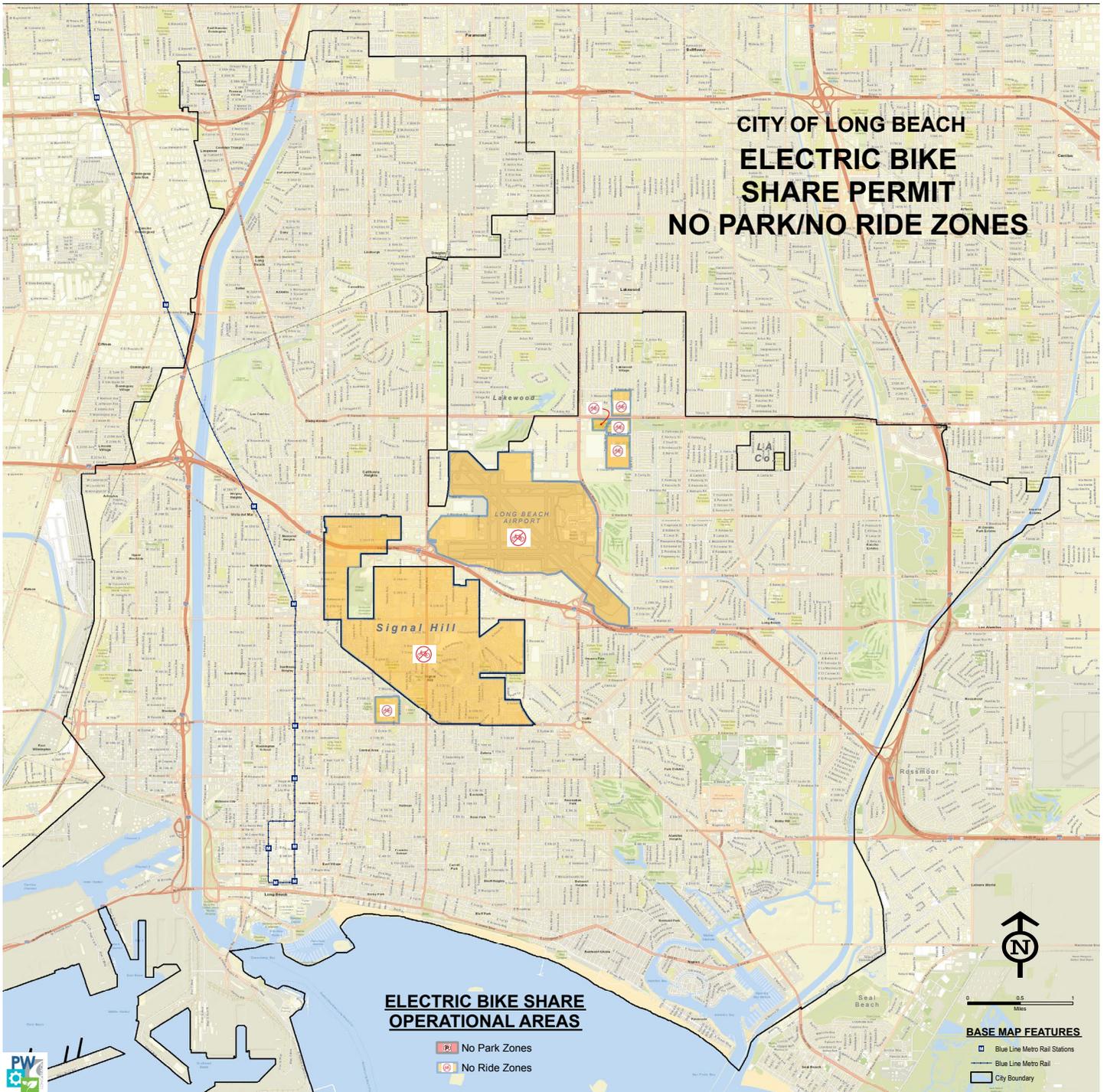
By _____

Craig Beck
Director of Public Works, City of Long Beach











Monthly Operations Report (City of Long Beach System Area ONLY)

- A. Total number of users enrolled;
- B. Total number of users enrolled during month;
- C. Trips/device/day;
- D. Top 5 most popular parking zones;
- E. Percentage of devices placed within 15' of parking zone at end of trip;
- F. Number of devices serviced;
- G. Number of devices lost, stolen, or disappeared;
- H. Number of devices impounded;
- I. Total revenue collected;
- J. Number of injuries reported;
- K. Number of legal actions filed against company;
- L. Make and model of devices in circulation;
- M. Recap of community outreach efforts, including dates, and locations;
- N. Recap of special coordination with City, including dates, locations, and original comments; and
- O. Summary of complaints and resolutions.

Monthly Maintenance Report (City of Long Beach System Area ONLY)

- Device ID#;
- Date serviced; and
- Work performed.

CALIFORNIA VEHICLE CODE

Bicycles and Electric Bicycles or “E-Bikes”

DIVISION 1. WORDS AND PHRASES DEFINED

CVC 312.5. (a) An “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

(1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

ARTICLE 4. Operation of Bicycles

CVC 21201. (a) No person shall operate a bicycle on a roadway unless it is equipped with a brake that will enable the operator to make one braked wheel skid on dry, level, clean pavement.

(b) No person shall operate on the highway a bicycle equipped with handlebars so raised that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

(c) No person shall operate upon a highway a bicycle that is of a size that prevents the operator from safely stopping the bicycle, supporting it in an upright position with at least one foot on the ground, and restarting it in a safe manner.

(d) A bicycle operated during darkness upon a highway, a sidewalk where bicycle operation is not prohibited by the local jurisdiction, or a bikeway, as defined in Section 890.4 of the Streets and Highways Code, shall be equipped with all of the following:

(1) A lamp emitting a white light that, while the bicycle is in motion, illuminates the highway, sidewalk, or bikeway in front of the bicyclist and is visible from a distance of 300 feet in front and from the sides of the bicycle.

(2) A red reflector or a solid or flashing red light with a built-in reflector on the rear that shall be visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

(3) A white or yellow reflector on each pedal, shoe, or ankle visible from the front and rear of the bicycle from a distance of 200 feet.

(4) A white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles that are equipped with reflectorized tires on the front and the rear need not be equipped with these side reflectors. The reflectors and reflectorized tires shall be of a type meeting requirements established by the department.

(e) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front and from the sides of the bicycle, may be used in lieu of the lamp required by paragraph (1) of subdivision (d).

CVC 21202. (a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:



(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(4) When approaching a place where a right turn is authorized.

(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of that roadway as practicable.

CVC 21204. (b) An operator shall not allow a person riding as a passenger, and a person shall not ride as a passenger, on a bicycle upon a highway other than upon or astride a separate seat attached thereto. If the passenger is four years of age or younger, or weighs 40 pounds or less, the seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.

CVC 21205. No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handlebars.

CVC 21210. No person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

Motorized Scooters or "E-Scooters"

DIVISION 1. WORDS AND PHRASES DEFINED

CVC 407.5. (a) A "motorized scooter" is any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, or a motorized bicycle or moped, as defined in Section 406, is not a motorized scooter.

ARTICLE 5. Operation of Motorized Scooters

CVC 21229. (a) Whenever a class II bicycle lane has been established on a roadway, any person operating a motorized scooter upon the roadway shall ride within the bicycle lane, except that the person may move out of the lane under any of the following situations:

(1) When overtaking and passing another vehicle or pedestrian within the lane or when about to enter the lane if the overtaking and passing cannot be done safely within the lane.

(2) When preparing for a left turn, the operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and complete the turn by crossing the roadway on foot, subject to the restrictions placed on pedestrians in Chapter 5 (commencing

with Section 21950).

(3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

(4) When approaching a place where a right turn is authorized.

(b) No person operating a motorized scooter shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Chapter 6 (commencing with Section 22100) in the event that any vehicle may be affected by the movement.

CVC 21235. The operator of a motorized scooter shall not do any of the following:

(a) Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(b) Operate a motorized scooter on a highway with a speed limit in excess of 25 miles per hour unless the motorized scooter is operated within a class II bicycle lane.

(c) Operate a motorized scooter without wearing a properly fitted and fastened bicycle helmet that meets the standards described in Section 21212.

(d) Operate a motorized scooter without a valid driver's license or instruction permit.

(e) Operate a motorized scooter with any passengers in addition to the operator.

(f) Operate a motorized scooter carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.

(g) Operate a motorized scooter upon a sidewalk, except as may be necessary to enter or leave adjacent property.

(h) Operate a motorized scooter on the highway with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

(i) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

(j) Attach the motorized scooter or himself or herself while on the roadway, by any means, to any other vehicle on the roadway.

LONG BEACH MUNICIPAL CODE

Bicycles and Electric Bicycles or "E-Bikes"

10.48.070. Riding on sidewalks

A. No person shall ride a bicycle upon a sidewalk within any business district; upon the sidewalks of bridges; in pedestrian underpasses; on pedestrian overpasses; upon sidewalks adjacent to any school building, church, recreation center, playground, or senior citizens' residential development; within the area south of Ocean Boulevard between the Long Beach Museum of Art on the west and Bluff Park on the east; on the northerly side of the Downtown Marina mole which directly abuts said marina, between Gangway A and Gangway P.

B. Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian, and when overtaking and passing a pedestrian, shall give an audible signal and shall pass to the left of



the pedestrian only under conditions permitting such movement in safety.

C. The speed limit for bicycles on a sidewalk is fifteen (15) miles per hour unless otherwise posted. The speed limit where pedestrians are present is five (5) miles per hour. Signs specifying the speed limit shall be placed by the Traffic Engineer in locations which will provide notice to significant concentrations of sidewalk bicycle riders or where bicycle speed problems are found to exist on sidewalks.

D. For purposes of this Section, the following public ways shall be considered sidewalks:

1. Seaside Walk south of Ocean Boulevard between Fifty-fifth Place and Sixty-ninth Place, known as the Boardwalk;
2. Bay Shore Walk north of Ocean Boulevard between Fifty-Fifth Place and Sixty-Ninth Place.

Motorized Scooters or “E-Scooters”

10.38.020 Driving on sidewalks.

A. No operator of any automobile, truck, tractor, motorcycle or power driven scooter shall drive the same within or upon any sidewalk area in the City, except at a permanent or temporary driveway.

B. No operator of any motorized scooter shall drive the same upon any bike path on the beach or any bike path adjacent to a City marina.

9.42.100 Operating vehicles on private property prohibited.

A. No person shall operate or drive a motor vehicle, motorcycle, mini-bike, trail bike, dune buggy, motor scooter, jeep or other form or motor vehicular transportation upon the private property of another or upon any public property which is not held open to the public for any vehicular use and which is not subject to the provisions of the Vehicle Code of the State.

1. **Indemnification.** Permittee shall defend, indemnify, and hold harmless the City, its Commissions and Boards, and their officials, employees, and agents from and against any and all demands, claims, causes of action, liability, loss, liens, damage, costs, and expenses (including attorney's fees) arising from or in any way connected or alleged to be connected with Permittee's work, operations, or activities, or the work, operations, or activities of its employees, agents, customers, invitees, or contractors as authorized under this Permit and from any act or omission, willful misconduct, or negligence (active or passive) by or alleged to be by Permittee, its employees, agents, customers, invitees, or contractors either as a sole or contributory cause, sustained by any person or entity (including employees or representatives of City or Permittee). The foregoing shall not apply to claims or causes of action caused by the sole negligence or willful misconduct of the City, its Commissions and Boards, or their officials, employees, or agents. This indemnification shall survive the termination of this Permit.
2. **Insurance.** As a condition precedent to the effectiveness of this Permit, Permittee shall procure and maintain at Permittee's expense for the duration of this Permit from an insurance company that is admitted to write insurance in the State of California or that has a rating of or equivalent to an A:VIII by A.M. Best and Company the following insurance:
 - a) Commercial general liability insurance equivalent in scope to ISO form CG 00 01 11 85 or broader and that does not exclude coverage for liability resulting from the use or operation by Permittee or its customers, employees, or invitees of motorized scooters as defined by the California Vehicle Code, for liability resulting from XCU (explosion, underground, and collapse) perils, cross liability protection, mobile equipment, and products and completed operations liability naming the **City of Long Beach, its Commissions and Boards, and their officials, employees, and agents** as additional insureds on a form equivalent in coverage scope to ISO CG 20 26 11 85 from and against claims, demands, causes of action, expenses, costs, or liability for injury to or death of persons, or damage to or loss of property arising out activities performed by or on behalf of the Permittee in an amount not less than One Million Dollars (US \$1,000,000) per occurrence and Two Million Dollars (US \$2,000,000) in general aggregate.
 - b) If applicable, commercial automobile liability insurance equivalent in coverage scope to ISO CA 00 01 06 92 in an amount not less than One Million Dollars (US \$1,000,000) combined single limit (CSL) covering Symbol 1 ("Any Auto").
 - c) Cyber and privacy insurance that does not exclude coverage for liability resulting from the Permittee's or its contractors', employees', or agents' failure to protect private or confidential information of its customers or others from unauthorized access on or through the internet, making known to any person or organization material that violates a person or organization's right to privacy or publicity right, and failure to prevent the transmission of a computer virus to its authorized users of its web site or any private communication networks such as customers, suppliers or supporters, on or through the internet in an amount not less than Five Million Dollars (US \$5,000,000) per occurrence and Five Million Dollars (US \$5,000,000) in general aggregate.
 - d) Umbrella liability insurance on a following form basis insurance with respect to (a), (b), and



ATTACHMENT H - Long Beach Insurance and Indemnification

(c), including, but not limited to, additional insured coverage, if provided, in an amount not less than Five Million Dollars (\$5,000,000) per claim covering the indemnification provided pursuant to this Permit.

- e) Special perils personal property insurance covering all of the devices and other equipment belonging to, leased by, or under the care, custody, or control of Permittee at full replacement value new. Permittee and Permittee's insurer shall waive rights to sue City for any property damage or loss covered by property insurance.

Any self-insurance program or self-insurance retention must be approved separately in writing by City and shall protect the **City of Long Beach, its Commissions and Boards, and their officials, employees, and agents** in the same manner and to the same extent as they would have been protected had the policy or policies not contained retention provisions. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, or canceled by either party except after twenty (20) days prior written notice to City, and shall be primary and not contributing to any other insurance or self-insurance maintained by City.

Any contractors or others which Permittee may use as part of this Permit shall be required to maintain insurance in compliance with the provisions of this section and to indemnify the City to the same extent as Permittee.

Permittee shall deliver to City certificates of insurance and original endorsements for approval as to sufficiency and form prior to the start of performance hereunder. The certificates and endorsements for each insurance policy shall contain the original signature of a person authorized by that insurer to bind coverage on its behalf. Such insurance as required herein shall not be deemed to limit Permittee's liability relating to performance under this Permit. City reserves the right to require complete certified copies of all said policies at any time. Any modification or waiver of the insurance requirements herein shall be made only with the approval of City Risk Manager. The procuring of insurance shall not be construed as a limitation on liability or as full performance of the indemnification provisions of this Permit.

Long Beach Micro-Mobility Release and Waiver of Liability

PLEASE READ THESE TERMS AND CONDITIONS OF USE CAREFULLY BEFORE USING AN ELECTRIC SCOOTER IN THE CITY OF LONG BEACH ("CITY"). BY USING AN ELECTRIC SCOOTER, YOU AGREE TO ALL OF THE TERMS AND CONDITIONS CONTAINED HEREIN, INCLUDING, BUT NOT LIMITED TO, THE WAIVERS, RELEASES AND LIMITATIONS OF LIABILITY SET FORTH HEREIN. IF YOU DO NOT AGREE WITH ALL OF THE TERMS AND CONDITIONS OF USE, YOU ARE NOT PERMITTED TO RENT OR USE AN ELECTRIC SCOOTER FROM ANY ELECTRIC SCOOTER OPERATOR OR ITS AFFILIATES.

1. RESTRICTIONS AND OTHER TERMS AND CONDITIONS OF ELECTRIC SCOOTER USE

1.1. REPRESENTATIONS AND WARRANTIES. Rider represents and warrants to Operator and City that:

- Rider meets the minimum age requirements: (1) is 18 years of age or older to check out an e-scooter with a credit card and ride.
- Rider is experienced and familiar with the safe and competent operation of an e-scooter, and that he/she is physically and mentally fit to ride the e-scooter.
- Rider is familiar with all applicable local, state, and county rules, regulations, codes and laws that relate to the safe and legal operation of an e-scooter.

1.2. ACKNOWLEDGEMENTS AND AGREEMENTS: Rider acknowledges and agrees as follows:

- Rider is fully aware that riding an e-scooter poses a risk of accident due to motorists, pedestrians, and pavement/sidewalk conditions, and Rider must keep a proper lookout to avoid such accidents.
- Rider is fully trained and capable of operating and riding an e-scooter and is not relying on City to learn how to operate or ride an e-scooter.
- Failure to use a helmet and protective gear or to use the e-scooter in a careful and reasonably competent manner may result in bodily injury or death.
- Rider is solely responsible for obtaining and using a helmet and protective gear.
- Rider is solely responsible for operating and riding an e-scooter in a careful and reasonably competent manner.
- A helmet and protective gear, even when used, does not eliminate the risk of bodily injury in the event of an accident.
- Rider is solely responsible for any moving violations and/or fines incurred by Rider while using the e-scooter, including any fees for parking the e-scooter in prohibited locations.
- If Rider causes damage to property or injury to another party while operating or in possession of the e-scooter, Rider is solely liable for such damage or injury. Rider agrees to defend and hold harmless City from any and all losses, liabilities, claims, causes of action, costs, fees, penalties or the like arising from Rider's use of the e-scooter.

1.3. RESTRICTED USES. Rider shall not do any of the following acts ("Restricted Uses"):

- Use any e-scooter if Rider is younger than 18 years of age.
- Use any e-scooter if Rider has any existing physical or mental condition that would prohibit Rider from safely operating the e-scooter.
- Operate an e-scooter while carrying any item that impedes Rider's ability to safely operate the e-scooter.



ATTACHMENT I - Long Beach Waiver of Liability (Rev. 13 Feb. 2020)

- Operate an e-scooter while under the influence of alcohol, drugs, or any other substance that impair Rider’s ability to safely operate the e-scooter.
- Use any cell phone or mobile electronic device, including, but not limited to, for the purposes of phone calls, text messages, music or any other use that distracts Rider from the safe operation of the e-scooter.
- Allow more than one person to be carried on the e-scooter.
- Violate any applicable federal, state, or local law.
- Operate or use an e-scooter in any manner during adverse weather conditions, including but not limited to: hail, dust storms, fog, heavy rains, or lightning storms.
- Ride or operate an e-scooter that has any defect, fails to operate properly is in need of repair.
- Use the e-scooter for racing, trick riding, jumping, stunt riding and/or, off-road riding.
- Tow, pull, carry or push any person or object with an e-scooter.
- *Modify the physical state of the e-scooter
- * Alter or modify the onboard electronics of the e-scooter
- *Bypass or disable the technological operations platform of the system to make the e-scooter for personal use
- *Modify or make changes to the mechanics or electronics that govern the speed of the e-scooter

2. RELEASE AND LIMITATION OF LIABILITY

2.1. FOR AND IN CONSIDERATION OF RENTAL AND USE OF THE E-SCOOTER AND TO THE FULLEST EXTENT PERMITTED BY LAW, RIDER, FOR HIMSELF OR HERSELF AND ON BEHALF OF RIDER’S HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS, FOREVER RELEASES AND RELINQUISHES AND DISCHARGES (i) CITY AND CITY’S OFFICERS, BOARDS AND COMMISSIONS, MEMBERS, MANAGERS, EMPLOYEES, SUPPLIERS, AGENTS, REPRESENTATIVES FROM ANY AND ALL CLAIMS, DEMANDS, DISPUTES, LOSSES, LIABILITIES, DEBTS, LIENS, CHARGES, PENALTIES, PROCEEDINGS, CAUSES OF ACTION AND DAMAGES INCLUDING BUT NOT LIMITED TO, FOR PERSONAL INJURY, WRONGFUL DEATH, PROPERTY DAMAGE, AND INJURY TO RIDER OR TO THIRD PARTIES (COLLECTIVELY, “CLAIMS”), INCLUDING UNKNOWN OR UNANTICIPATED CLAIMS, WHICH ARISE FROM OR ARE RELATED DIRECTLY OR INDIRECTLY TO: (A) THE MAINTENANCE, DESIGN, USE AND/OR OPERATION OF THE E-SCOOTER; (B) ANY RISK, DANGER OR HAZARD DESCRIBED IN THIS RELEASE; (C) RIDER’S USE OF, OR INABILITY TO USE, ANY OF THE E-SCOOTER EQUIPMENT; (D) RIDER’S BREACH OF THIS AGREEMENT OR RIDER’S VIOLATION OF ANY LAW; (E) ANY NEGLIGENCE, MISCONDUCT, OR OTHER ACTION OR INACTION BY RIDER OR A THIRD PARTY; OR (F) RIDER’S FAILURE TO WEAR PROTECTIVE GEAR SUCH AS A HELMET WHILE UTILIZING THE OPERATOR EQUIPMENT.

TO THE FULLEST EXTENT PERMITTED BY LAW, THIS RELEASE AND HOLD HARMLESS AGREEMENT INCLUDES ANY AND ALL CLAIMS RELATED TO OR ARISING FROM THE SOLE OR PARTIAL NEGLIGENCE OF CITY OR ANY OTHER PARTY. RIDER HEREBY EXPRESSLY WAIVES ANY CLAIMS AGAINST THE CITY WHICH RIDER DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF RENTING AN E-SCOOTER, AND EXPRESSLY WAIVES RIDER’S RIGHTS UNDER ANY STATUTES THAT PURPORT TO PRESERVE RIDER’S UNKNOWN CLAIMS.

2.2. IF CITY IS DEEMED TO HAVE ANY LIABILITY ARISING OUT OF RIDER’S USE OF THE OPERATOR

EQUIPMENT, INCLUDING E-SCOOTER OR THE OPERATOR WEBSITE, SUCH LIABILITY SHALL NOT EXCEED THE AMOUNT OF THE MEMBERSHIP OR RENTAL PAID TO OPERATOR BY RIDER.

2.3 ASSUMPTIONS OF RISKS; DISCLAIMER. RIDER AGREES THAT E-SCOOTERS ARE MACHINES THAT MAY MALFUNCTION, EVEN IF THE E-SCOOTER IS PROPERLY MAINTAINED, AND THAT SUCH MALFUNCTION MAY CAUSE INJURY. RIDER EXPRESSLY ACKNOWLEDGES AND ACCEPTS THAT RIDER'S USE OF THE E-SCOOTER IS AT HIS/HER OWN RISK, AND THAT BY CHOOSING TO RIDE AN E-SCOOTER, RIDER ASSUMES FULL AND COMPLETE RESPONSIBILITY FOR ALL RELATED RISKS, DANGERS, AND HAZARDS. RIDER ACCEPTS THE E-SCOOTER FOR USE AFTER EXERCISING HIS/HER OWN FREE CHOICE TO PARTICIPATE VOLUNTARILY IN THIS ACTIVITY AND AFTER HAVING INSPECTED THE E-SCOOTER AND CERTIFYING THAT IS IN GOOD OPERATING CONDITION. RIDER UNDERSTANDS THAT USING AN E-SCOOTER MAY BE A HAZARDOUS ACTIVITY THAT INVOLVES MANY OBVIOUS AND NOT-SO-OBVIOUS RISKS, DANGERS, AND HAZARDS, WHICH MAY RESULT IN INJURY OR DEATH TO RIDER OR OTHERS, AS WELL AS DAMAGE TO PROPERTY, AND THAT SUCH RISKS, DANGERS, AND HAZARDS CANNOT ALWAYS BE PREDICTED OR AVOIDED. RIDER ACKNOWLEDGES, UNDERSTANDS AND ASSUMES ALL RISK RELATING TO THE RENTAL, MAINTENANCE, DESIGN, USE AND/OR OPERATION OF THE OPERATOR EQUIPMENT, INCLUDING THE E-SCOOTERS, AND UNDERSTANDS THAT USING AN E-SCOOTER INVOLVES RISK TO THE RIDER AND OTHERS INCLUDING DAMAGES, BODILY INJURY, PARTIAL OR TOTAL DISABILITY, PARALYSIS AND DEATH TO RIDER OR OTHERS, AND THAT RIDER HAS FULL KNOWLEDGE OF SAID RISKS AND DANGERS, INCLUDING SUCH RISKS, DAMAGES AND INJURIES THAT MAY ARISE FROM THE NEGLIGENCE OF OTHERS OR AS A RESULT OF ROADWAY CONDITIONS. CITY DOES NOT REPRESENT OR WARRANT THAT ANY OF THE E-SCOOTERS, OPERATOR EQUIPMENT OR RELATED INFORMATION WILL BE IN GOOD REPAIR OR ERROR-FREE, AND DELAYS, OMISSIONS, INTERRUPTIONS, OR INACCURACIES COULD EXIST WITH RESPECT TO ANY OF THE OPERATOR EQUIPMENT OR RELATED INFORMATION. RIDER ASSUMES FULL RESPONSIBILITY AND RISK OF LOSS FOR USING ANY OF THE E-SCOOTERS AND THE CITY IS NOT LIABLE FOR ANY CLAIM ATTRIBUTABLE TO ANY OF THE FOREGOING.

3. INDEMNIFICATION. Rider shall indemnify, defend and hold harmless City for, from and against any and all Claims related to or arising out of this Agreement, even where caused in whole or in part by City's negligence, and/or the negligence of others, whether presently known or unknown. At City's option, Rider will assume control of the defense and settlement of any Claim subject to indemnification by Rider (provided that, in such event, City may at any time elect to take over control of the defense and settlement of any such Claim). In no event may Rider settle any Claim without City's prior written consent.




Scooter Parking

No Riding on Sidewalks
(CVC21235g; LBMC 10.38.020)

Ride in Bike Lanes

18+ ONLY

No Minors
(CVC21235c)

Driver License Required
(CVC21235d)

i E-ScooterShare@longbeach.gov
www.longbeach.gov/GoActiveLB

CITY OF LONG BEACH



Scooter Parking

One Person Per Scooter
(CVC21235e)

Keep Sidewalks Clear

Follow All Traffic Laws
(CVC21235)

Please Ride Responsibly

i E-ScooterShare@longbeach.gov
www.longbeach.gov/GoActiveLB

CITY OF LONG BEACH

ATTACHMENT K - Annual Per Device Payment Schedule

| SHARED MICRO- MOBILITY ANNUAL PER DEVICE PAYMENT SCHEDULE | | | | | |
|---|---|---------------|----------------|-----------|--|
| FEE NAME | DESCRIPTION | DEVICE CAP | PER DEVICE FEE | TOTAL FEE | |
| Shared Micro-Mobility Operations | Due on 1st Submittal prior to Permit Issuance | | | \$25,000 | |
| Shared Micro-Mobility Devices- Q1 | Due on 1st Submittal prior to Permit Issuance | 500 devices | \$100.00 | \$12,500 | |
| Shared Micro-Mobility Devices- Q2 | Payment due 90 days after permit was issued* | 500 devices | \$100.00 | \$12,500 | |
| Shared Micro-Mobility Devices- Q3 | Payment due 180 days after permit was issued* | 500 devices | \$100.00 | \$12,500 | |
| Shared Micro-Mobility Devices- Q4 | Payment due 270 days after permit was issued* | 500 devices | \$100.00 | \$12,500 | |
| Shared Micro-Mobility Devices- Q3 | Payment due 180 days after permit was issued** <i>If the Device Cap increase approved by the City after 6mo review</i> | 1,000 devices | \$100.00 | \$25,000 | |
| Shared Micro-Mobility Devices- Q4 | Payment due 270 days after permit was issued** <i>If the Device Cap increase approved by the City after 6mo review</i> | 1,000 devices | \$100.00 | \$25,000 | |

NOTES:

* To avoid termination or suspension of operations, payments shall be process prior to due date.

** Ensure that approvals for 6 month review has been processed. To avoid termination or suspension of operations, payments shall be process prior to due date.



City of Long Beach
411 West Ocean Boulevard
Long Beach, CA 90802

www.longbeach.gov