

CITY OF MEMPHIS
Shared Mobility Program OPERATING REGULATIONS

I. PURPOSE

Pursuant to Ordinance No. 5699 adopted by the Memphis City Council on August 14, 2018, the purpose of these Operating Regulations is to establish rules and regulations governing the operation of bicycle, electric-assist bicycle, electric scooter, and other small, wheeled-vehicle sharing systems within the City of Memphis and to ensure that such shared mobility systems are consistent with the safety and well-being of bicyclists, pedestrians, and other users of the public rights-of-way.

II. SCOPE

This policy applies to any proposed deployment of Shared Mobility, which is a network or system of Shared Urban Mobility Devices placed in the public rights-of-way within the City of Memphis' jurisdictional boundaries, and for rent in short time increments, that provides increased mobility options over short distances. Shared Urban Mobility Devices are defined as bicycles, tricycles, scooters, electric-assist bicycles, electric scooters, and any other small, wheeled vehicles designed specifically for shared-use and deployed by Shared Mobility companies.

III. PROCEDURES

- a) All operators are required to establish and maintain compliance with the provisions set out in Ordinance No. 5699, known as the Shared Mobility Ordinance.
- b) Operators shall be members of North American Bikeshare Association (NABSA) or agree to comply with the NABSA code of conduct for operations in City of Memphis.
- c) All permitted operators shall have a minimum of one million dollars (\$1,000,000) in automobile insurance and two million dollars (\$2,000,000) in commercial general liability insurance.
- d) Prior to a permit being issued, all permittees shall sign and record with City of Memphis an indemnification agreement in which the permittee agrees to indemnify and hold harmless the City of Memphis.
- e) City of Memphis reserves the right to limit the number of Shared Mobility companies operating within its jurisdictional boundaries.
- f) City of Memphis reserves the right to revoke permits issued to companies.
- g) City of Memphis reserves the right to prohibit specific companies from operating in the public right-of-way based on conduct or prior conduct, including conduct code violations recorded by NABSA or other North American cities.



- h) City of Memphis reserves the right to establish operating zones and fine companies for Shared Urban Mobility Devices and equipment found outside of those designated areas.
- i) City of Memphis reserves the right to update permit terms and operating regulations over time.
- j) Shared Mobility companies operating within the City of Memphis prior to these regulations entering effect shall reapply for a permit to operate within the City of Memphis once the regulations enter effect. The City will give their applications equal consideration as all others received during the transitional period.

IV. FEES

- a) Applicants shall pay an initial permit application fee of ten-thousand dollars (\$10,000.00) to Division of Engineering, as well as an annual renewal permit application fee of one-thousand dollars (\$1,000.00) to Division of Engineering for permit renewal.
- b) For-Profit applicants shall pay an administrative fee of fifty dollars (\$50.00) per non-electric or non-electric-assist Shared Urban Mobility Devices, and three-hundred-sixty-five dollars (\$365.00) per electric or electric-assist Shared Urban Mobility Device to Division of Engineering per year. Operators will be required to pay this administrative fee for any fleet expansions. This fee must be renewed annually, and may change at any time by resolution of the Memphis City Council. If a permitted operator receives approval to increase the size of its fleet prior to its annual renewal, the additional administrative fee shall be rendered before deploying the additional Shared Urban Mobility Devices.
- c) Non-Profit applicants with 501c3 status shall pay an administrative fee of one dollar (\$1.00) per non-electric or non-electric-assist Shared Urban Mobility Device, and ten dollars (\$10.00) per electric or electric-assist Shared Urban Mobility Device to Division of Engineering per year. Operators will be required to pay this administrative fee for any fleet expansions. This fee must be renewed annually, and may change at any time by resolution of the Memphis City Council. If a permitted operator receives approval to increase the size of its fleet prior to its annual renewal, the additional administrative fee shall be rendered before deploying the additional Shared Urban Mobility Devices.
- d) All permitted operators, both for-profit and non-profit, shall have a performance bond of fifty dollars (\$50.00) per Shared Urban Mobility Device, with a cap of twenty-thousand dollars (\$20,000.00). The form of the bond shall be approved by City of Memphis. These funds shall be accessible to City of Memphis for future public property repair and maintenance costs that may be incurred; removing, and storing Shared Urban Mobility Devices improperly parked; or if a company is not present to remove Shared Urban Mobility Devices if its permit is terminated. If a permitted operator increases the size of its fleet, the performance bond shall be adjusted appropriately before deploying additional Shared Urban Mobility Devices.



- e) If any docking stations or other structures are proposed, each site shall require additional review deposits and permitting, including obtaining a separate encroachment permit.

V. OPERATING REGULATIONS

a) Shared Urban Mobility Devices

- i) Permittees shall establish and maintain compliance with provisions set forth in Ordinance No. 5699, known as the Shared Mobility Ordinance.
- ii) Permittees shall have a minimum fleet of 250 Shared Urban Mobility Devices. Operators shall meet this initial fleet size within four weeks of permit approval by the City. Permit applicants shall include the proposed initial fleet size in their application. Permittees shall request approval from City Engineering prior to altering their fleet size, and provide justification for the change. Once City Engineering has approved the request, Permittees shall meet the new fleet size within four weeks and shall comply with any updated permit conditions prior to implementing the change. The total number of Shared Urban Mobility Devices permitted shall be determined by the City Engineer or his/her designee. The City reserves the right to revoke a permit for cause with 15-days notice and can require that a permittee's fleet be removed from the City right-of-way within 15 days.
- iii) Permittees shall inspect, maintain, and/or replace each Shared Urban Mobility Device in their fleet at a maximum of every 90 days.
- iv) Permittees shall have the ability to manually or remotely lock-down individual Shared Urban Mobility Devices when they are deemed/reported as unsafe.

b) Parking

- i) Permittees shall obtain an encroachment permit for any kiosks, stations, signage or racks that require the installation and maintenance of structures within the public right-of-way. Permittees are responsible for the cost of installation and maintenance of structures within the public right-of-way.
- ii) Shared Urban Mobility Devices shall be parked upright on hard surfaces in the furniture zone of the sidewalk, at a bicycle rack, or in another area specifically designated for bicycle parking.
- iii) Shared Urban Mobility Devices shall not be parked in such a manner as to block the pedestrian clear-zone area of the sidewalk; any fire hydrant, call box, or other emergency facility; bus bench; or utility pole or box.
- iv) Shared Urban Mobility Devices shall not be parked in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.
- v) Shared Urban Mobility Devices shall not be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.
- vi) The City Engineer or his designee reserves the right to determine certain block faces where Shared Urban Mobility Device parking is prohibited or to create



- geo-fenced stations within certain areas where bicycles, electric-assist bicycles, and/or electric scooters shall be parked.
- vii) Within the Central Business Improvement District, the City reserves the right to enforce a requirement that Shared Urban Mobility Devices shall be parked only at bicycle racks, kiosks, demarcated spaces, and stations or within geo-fenced stations. The City Engineer or his designee will determine and communicate to Permittees when this option is in effect.
 - viii) To reach compliance of parking requirements in the Central Business Improvement District, in lieu of designated racks, kiosks, or stations Permittees may request from the City painted or otherwise demarcated spaces on the public sidewalk to designate parking areas. Alternatively, Permittees may request to install such demarcated parking areas at their expense and with a City-approved design. Permittees must allow Shared Urban Mobility Devices from other operators to occupy the demarcated spaces, and may not reserve the spaces solely for their own Shared Urban Mobility Devices. Such spaces may be provided outside of the Central Business Improvement District as well to encourage proper parking by customers.
 - ix) Shared Urban Mobility Devices may be parked in un-metered on-street parking spaces in the following circumstances:
 - a. When marked parking spaces are officially designated stations/painted spaces for the program in business districts;
 - b. Where the furniture zone is less than three feet wide;
 - c. Where there is no furniture zone;
 - d. In neighborhoods with rolled curbs, or with inadequate sidewalk space.
 - x) Shared Urban Mobility Devices may not be parked in metered on-street parking spaces unless City Engineering has approved specific parking spaces for such use.
 - xi) Shared Urban Mobility Devices may be parked on blocks without sidewalks only if the travel lane(s) and six-foot-wide pedestrian clear zone are not impeded.
 - xii) Shared Urban Mobility Devices shall not be parked in the landscape/furniture zone adjacent to or within:
 - a. Transit zones, including trolley rights-of-way, bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - b. Loading zones;
 - c. Disabled parking zone;
 - d. Street furniture that requires pedestrian access (for example, benches, parking pay stations, bus shelters, transit information signs, etc.);
 - e. Curb ramps;
 - f. Entryways; and
 - g. Driveways.
 - xiii) To the extent a Permittee desires to park Shared Urban Mobility Devices in areas other than the public right-of-way (e.g. parks, plazas, parking lots, private property, or transit stations), the Permittee must first obtain the right to do so from the appropriate City division, property owner, or public agency and shall communicate this right to users through signage approved by the respective entity and/or through a mobile or web application.



- xiv) Permittees shall provide a parking enforcement plan that includes how operators will educate customers on proper parking, verify that its customers follow the parking regulations, issue warnings to customers who incorrectly park the Shared Urban Mobility Devices, and penalize customers who repeatedly offend the parking regulations.
- c) Operations
 - i) Permittees shall maintain a staffed operations center within the city of Memphis.
 - ii) Permittees shall maintain a 24-hour customer service phone number for customers and the general public to report safety concerns, file complaints, or ask questions to the local management and operations staff. The phone number shall be placed on all Shared Urban Mobility Devices and other equipment (e.g. signage, racks, etc.).
 - iii) Permittees shall create and maintain a website and/or social media platform that explains the terms of service, including user instruction, privacy policies, and all fees, costs, penalties, and unexpected charges.
 - iv) Permittees shall provide 24-hour contact information of a locally-based manager/operations staff who can respond to City requests, emergencies, and any other issues at any time.
 - v) Operators shall provide the number of local full-time, part-time, and contractual employees when applying for a permit or permit renewal.
 - vi) Permittee will implement a marketing and targeted community outreach plan at its own cost or pay an in-lieu fee to the City of Memphis or its designee to provide these services, and will promote the use of shared active transportation throughout its service areas, particularly among low-income communities.
 - vii) Permittee shall propose a service area for approval by Division of Engineering that includes low-income communities.
 - viii) Permittee will provide a cash payment option or execute other financial and technology strategies that ensure equitable payment options.
 - ix) Permittee will provide options for Spanish-language speakers and those with special needs to access program information and memberships.
 - x) In the event a safety or maintenance issue is reported for a specific device, that Shared Urban Mobility Device shall immediately be made unavailable to users and shall be removed within the timeframes provided herein. Any inoperable or unsafe device shall be repaired before it is put back into service.
 - xi) Permittee shall provide a rebalancing and relocating plan that includes how the operator will redistribute Shared Urban Mobility Devices. Permittees shall rebalance Shared Urban Mobility Devices daily, and may not discriminate against communities of low and moderate income.
 - xii) City Engineering may request the Permittee to rebalance the distribution of Shared Urban Mobility Device fleets in specified areas if deemed too dense or too sparse, or if doing so will help promote equitable access to and from communities of low and moderate income.
 - xiii) Permittees shall provide City staff with a direct contact to a local representative who is capable of rebalancing the Shared Urban Mobility Devices within the City of Memphis. Permittees shall respond to requests from the City and citizens for



- rebalancing, reports of incorrectly parked devices, or reports of unsafe/inoperable devices by relocating, re-parking, or removing the Shared Urban Mobility Devices, as appropriate, within the following timeframes:
- a. From 7:00 am to 6:00 pm on weekdays, not including holidays: within four hours of receiving notice,
 - b. All other times: within 12 hours of receiving notice.
- xiv) In the event a Shared Urban Mobility Device is not relocated, re-parked, or removed within the timeframes specified herein, or a dockless device is parked in one location, outside of a designated station or space, for more than 72 hours without moving, it may be removed by the City and taken to a City facility for storage at the expense of the Permittee. Multiple offenses may result in the revocation of the operator's permit.
 - xv) The City may, in its sole discretion and without prior notice, remove Shared Urban Mobility Devices from the right-of-way if an emergency arises. In such instances, the City will attempt to notify the permitted operator as soon as reasonably practicable thereafter.
 - xvi) The City may request Permittees to remove Shared Urban Mobility Devices from the right-of-way due to permitted special events. In such instances, the City will provide notice as soon as reasonably practicable, and at least three business days prior to the special event.
 - xvii) If Engineering or any other City division or office incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the City costs, the permitted operator shall reimburse City of Memphis for such costs within thirty days.
 - xviii) Permittees with electric-assist bicycles and electric scooters shall encourage the use of bicycle helmets by system users through partnerships, promotional credits, and other incentives.
 - xix) Electric scooters are to be ridden on streets, and where available, in bike lanes and bike paths. Electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths.
 - xx) Permittees shall provide notice to all users by means of signage and/or through a mobile or web application regarding the following:
 - a. Persons operating Shared Urban Mobility Devices must yield to pedestrians in crosswalks and on sidewalks;
 - b. Where applicable, that electric scooters are to be ridden on streets, and, where available, in bike lanes and bike paths. Electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths.
 - c. Helmets are encouraged for all users and required for persons under the age of 16 (to the extent those persons are permitted as users);
 - d. Customers must park the Shared Urban Mobility Devices in accordance with the City's regulations; and
 - e. Customers must ride responsibly.
 - xxi) Permittees shall provide education to users on the City's rules and regulations, safe riding, and proper parking.



d) Data Sharing

- i) In advance of permit issuance, Permittees shall provide the City or its designee with real-time information on the Memphis fleet through a documented application program interface (API) in General Bikeshare Feed Specification (GBFS) and Mobility Data Specification (MDS) formats. Permittees are directly responsible for providing an API key and REST specifications to City Engineering or its designee. The data to be published to the API will include the following information in real-time for every Shared Urban Mobility Device parked in the City of Memphis operational area:
 - a. Point location (GPS Latitude and Longitude)
 - b. Identification number (Unique identifier for every device, by company)
 - c. Type of Shared Urban Mobility Device (bicycle, electric-assist bicycle, scooter, electric scooter, tricycle, etc.)
 - d. Fuel level (if Electric/Electric-Assist)
- ii) The City or its designee is permitted to display real-time data provided via the API and may publish real-time Shared Urban Mobility Device availability data to the public.
- iii) All permittees shall provide the following anonymized data for each trip record to inform and support safe and effective management of the system, and for transportation planning efforts. Data will be submitted to the City or its designee via an API.

Field name	Format	Description
Company Name	[company name]	n/a
Type of Shared Urban Mobility Device	“Bicycle”, “Electric-Assist Bicycle”, “Scooter”, etc.	n/a
Trip record number	xxx0001, xxx0002, xxx0003, ...	3-letter company acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Start location	Census block	n/a
End location	Census block	n/a
Shared Urban Mobility Device ID number	xxxx1, xxxx2, ...	Unique identifier for every device , by company

- iv) All permitted operators will provide the following device availability data for oversight of parking compliance and device distribution by minutes. Data will be submitted to the City API .



Field name	Format	Description
GPS Coordinate	X,Y	n/a
Availability duration	Minutes	n/a
Availability start date	MM, DD, YYYY	n/a
Availability start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a

- v) GBFS must be made available to the public through the Permittee’s website. The MDS feed must be available to contracted City partners for the explicit purpose of program management. As such, these feeds must be consumable by third-party software.
- vi) Permittee must maintain a dashboard for the City to use for program monitoring and compliance that displays MDS data.
- vii) Data shall be available for the duration of the permitted program.
- viii) The City may, in its sole discretion, release subsequent versions and/or updated versions of the Specifications and require Permittee to use the most current version by releasing an automatic update and/or disabling support for the previous version.
- ix) Permittees shall provide a parking enforcement report annually as part of its permit renewal, and at any time within three business days, if requested by the City.
- x) The City may, at its option, require Permittees to distribute a customer survey at the end of the first permit period.
- xi) Permittees shall keep a record of maintenance activities and reported safety issues, collisions, and lost, stolen, or vandalized devices, including but not limited to device identification number and maintenance performed. These records shall be sent to the City monthly and at any time within three business days, if requested by the City.
- xii) Permittees shall report monthly the aggregated breakdown of customers by race, gender, and age. Gender must be reported as male, female, and non-binary/other. Age must be reported using these age groups: 5-17, 18-24, 25-34, 35-44, 45-54, 55-64, 65 and over.
- xiii) The City reserves the right to request additional aggregated reports on system use, compliance, and other aspects of operations.

VI. EFFECTIVE DATES

This policy shall be effective on April 5, 2019. The City reserves the right to update these regulations as it deems necessary.

