

DIRECTOR RULES FOR DEPLOYMENT AND OPERATION OF DOCKLESS TRANSPORTATION SYSTEMS

Section 1 – Definitions

Defined terms used in these rules shall have the meanings assigned to them in City Code or as follows:

Adaptive Dockless Transportation Unit means a singular vehicle or device with modifications to accommodate customers of different abilities and mobility needs.

Applicant means a person(s) or entity in the process of seeking a license under Chapter 14-9 of the City Code to operate a dockless transportation system.

Authorized Area means any part of the public right-of-way designated by the Director for the placement of dockless transportation units.

Authorized Third Party means a person(s) or entity, other than City of Austin staff, who is authorized by the Director through a contract or other agreement to provide a service.

Bike Share Station means a physical docking apparatus, consisting of docking spaces where bicycles may be returned or retrieved at a fixed location, authorized by the Director.

Block Face means all public right-of-way on one side of a given street segment belonging to one side of a given city block between two intersections, except for the corners at intersections.

Crash means any incident involving small, lightweight, low-speed vehicles or devices designed for personal transport, including dockless transportation units resulting in a traffic-related fatality or serious injury.

Critical Environmental Feature means features that are of critical importance to the protection of environmental resources, and includes bluffs, canyon rimrocks, caves, faults and fractures, seeps, sinkholes, and wetlands as defined by City Code 15-8-1.

Customer means a person who receives services through the dockless transportation system.

DAPCZ means the Downtown Austin Project Coordination Zone as defined by City Code § 14-11-161 (7).

1
2 **Data Reporting Specification** means the reference on the information that is
3 reported between the Licensee and the Director regarding dockless
4 transportation systems.
5

6 **Director** means the Director, Austin Transportation and Public Works
7 Department, or designee.
8

9 **Director's Rules** means these rules and procedures established by the
10 Director under City Codes, to provide additional guidance and clarity on the
11 administration of dockless transportation systems.
12

13 **Dockless Transportation System** means a transportation service licensed
14 by the City, comprised of dockless transportation unit(s) available for short-
15 term rental or leave upon public property or right-of-way for the purpose of
16 transportation or conveyance of people, goods, or services.
17

18 **Dockless Transportation Unit** means a singular motor vehicle or unit used
19 in a greater, publicly offered dockless transportation system for the
20 conveyance of people, goods or services that does not require fixed docking
21 stations or apparatus to receive or return a unit.
22

23 **Electric Bicycle** means a device consisting of two or three wheels held in a
24 frame, propelled by pedals and electric power, and steered with handlebars
25 and meets the definition under Texas Transportation Code Sec 664.001.
26

27 **Electric Scooter** means a device consisting of a footboard mounted on two
28 or more wheels and a steering handle, propelled by electric power, and
29 variations of this device may include standing and seated models.
30

31 **Environmentally Sensitive Area** means a location within or immediately
32 adjacent to a watercourse or other Critical Environmental Feature, or other
33 locations that are vulnerable to harm and have protected status related to
34 natural landscape, wildlife, or history.
35

36 **Fleet** means all of a Licensee's dockless transportation units that are
37 permitted for use of the right-of-way.
38

39 **Furniture Zone** means the curbside area and/or the back of the sidewalk,
40 where streetscape amenities are located.
41

42 **Geo-fence** means a digital boundary that may restrict deployment, riding,
43 and/or parking of dockless transportation units.
44

45 **Good Standing** means the status of an applicant or licensee, which is
46 compliant with all requirements of the Director, including but not limited to the

1 payment of all statutory fees, fines and the filing of required data, statistics
2 and reports and the resolution of reported issues and complaints
3

4 **Identifier** means a unique code that is not a serial number which is tied to a
5 unit used for data reporting and trip activation.
6

7 **Licensee** means a provider who holds a license issued by the City under City
8 Code to operate a dockless transportation system.
9

10 **Mobility Hub** means infrastructure that provides access, services and/or
11 parking for a variety of mobility options.
12

13 **Moped** means a motor vehicle that is equipped with a rider's saddle and
14 designed to have when propelled not more than three wheels on the ground,
15 that cannot attain a speed in one mile of more than 30 miles per hour, and the
16 engine of which: (A) cannot produce more than five-brake horsepower; and
17 (B) if an internal combustion engine, has a piston displacement of 50 cubic
18 centimeters or less and connects to a power drive system that does not
19 require the operator to shift gears, as defined by section 541.201 (8) of the
20 Texas Transportation Code.
21

22 **Motor Vehicle** means a self-propelled vehicle or a vehicle that is propelled by
23 electric power from overhead trolley wires, as defined by section 541.201 of
24 the Texas Transportation Code.
25

26 **Notice** means written or electronic communication such as a letter, citation or
27 civil penalty, warning, or announcement from the City of Austin.
28

29 **Parking Area** means an area designated by the Director within the public
30 right-of-way, typically delineated with traffic grade striping or paint, may
31 contain physical racks, where certain dockless transportation units may be
32 parked when not in active use.
33

34 **Performance Review** means an evaluation process of the Licensee
35 conducted by the Director.
36

37 **Permit** means a designation of approval for deployment and operation of a
38 number of dockless transportation units.
39

40 **Provider** means an entity that offers a dockless transportation system
41 service.
42

43 **Restricted Area** means any part of the public right-of-way restricted by the
44 Director, for the deployment, riding and parking of dockless transportation
45 units.
46

1 **Service Area** means the designated boundaries within the City of Austin
2 where the dockless transportation system is licensed to provide service on
3 public right-of-way.

4
5 **Terms and Conditions** means the formal agreement regarding operation of
6 dockless transportation system between the Licensee and City.

7
8 **Trip** means activated use of a dockless transportation unit by a customer that
9 starts or ends in the City of Austin's full purpose jurisdiction, regardless of
10 distance taken.

11
12 **Unlicensed Area** means any location within the City of Austin's full purpose
13 jurisdiction that is not licensed to a provider for operating their dockless
14 transportation system.

15
16 **Watercourse** means a natural or artificial channel for the conveyance of
17 water, including but not limited to storm sewers.

18 19 **Section 2 – Dockless Transportation Units**

- 20
21 A. Dockless transportation units shall be available to customers at pricing rates
22 and structures that are clearly and understandably communicated to the
23 customer prior to use. Pricing rates and structures shall be published in the
24 smart phone application and in any form deemed by the Director necessary to
25 communicate to customers paying without a smart phone application.
- 26
27 B. Each dockless transportation unit shall prominently display at all times the
28 name of the Licensee, their customer support contact information outlined in
29 Section 7-B, and an identifier consisting of numbers and letters, available in
30 print and in braille. The identifier shall be displayed twice on each unit: one
31 identifier displayed with retro-reflectivity for visibility from a distance and one
32 identifier displayed for rental of the unit. Licensee shall maintain the visibility
33 of these identifiers.
- 34
35 C. Dockless transportation units shall be equipped with a brake, a front light that
36 emits white light and a red light and reflector at the rear of the unit, pursuant
37 to Section 551.104 of the Texas Transportation Code. All dockless
38 transportation units must have front and back lights that are always activated
39 during a trip and at night, visible from a distance of at least 500 feet pursuant
40 to Section 551.104 of the Texas Transportation Code.
- 41
42 D. Dockless transportation units shall be equipped with an on-board GPS unit or
43 equivalent that can report the location of a unit at any time for the purposes of
44 use, recovery, repair, data collection, and incident investigation.
- 45

- 1 E. Dockless transportation units shall be equipped with a speed governor to
2 ensure compliance and which can be programmed to follow reduced speed in
3 geo-fenced areas.
4
- 5 F. Dockless transportation units shall employ tamper-resistant security hardware
6 to prevent damage.
7
- 8 G. Prior to dockless transportation license issuance, Applicant shall undergo and
9 pass a unit inspection prior to deployment. For any new unit model or
10 upgrade/modification to current unit, Licensee shall have unit undergo and
11 pass a new inspection, prior to deployment. Inspection elements include but
12 are not limited to the following:
13
- 14 1. Lights
 - 15
 - 16 2. Brakes
 - 17
 - 18 3. Frame
 - 19
 - 20 4. Contact Information
 - 21
 - 22 5. Identification of company
 - 23
- 24 H. Electric bicycles used in dockless transportation systems shall meet the most
25 up-to-date definition of low-speed electric bicycle outlined in Consumer
26 Product Safety Commission (CPSC) Public Law 107-309 for Low-Speed
27 Electric Bicycle and 15 U.S.C. Chapter 47 Section 2085 and be equipped with
28 fully operable pedals and shall be subject to the same requirements as
29 ordinary bicycles. Licensed systems shall meet any other standards deemed
30 necessary by the Director.
31
- 32 I. Scooters used in dockless transportation systems shall meet the most up-to-
33 date equivalent safety standards as those outlined in the Code of Federal
34 Regulations and the International Organization for Standardization for
35 bicycles. Currently, scooters shall meet CPSC in Public Law 107-309 for
36 standards around weight bearing. Licensed systems shall meet any other
37 standard deemed necessary by the Director.
38
- 39 J. Scooters shall have a minimum front wheel size of 12 inches and a minimum
40 rear wheel size of 10 inches and any relevant features determined to be safe
41 for use in a dockless transportation system by applicable national standards.
42
- 43 K. Electric scooters used in dockless transportation systems, shall have a
44 maximum motor-assist speed of 15 mph.
45

- 1 L. Electric bicycles used in a dockless transportation system shall have a
2 maximum motor-assist speed of 20 mph.
3
- 4 M. Mopeds used in a dockless transportation system, which are also authorized
5 by the State of Texas to operate exclusively on public roadways, shall have a
6 maximum motor-assist speed of 29 mph.
7
- 8 N. Mopeds and motor vehicles used in dockless transportation systems shall
9 have a Texas state-issued license plate and 17-character vehicle
10 identification number.
11
- 12 O. Mopeds shall be equipped with a rider's saddle, side kickstand, automatic
13 shut-off turning signals, and a helmet case containing at least one United
14 States Department of Transportation-certified helmet.
15
- 16 P. Dockless transportation units shall be able to securely stand
17 upright when parked, without needing to lean on any structure or object.
18
- 19 Q. Dockless transportation units shall be inspected when removed from routine
20 service, to ensure that all its components are present and functioning
21 properly.
22
- 23 R. Dockless transportation units shall have a casing that meets the
24 manufacturer's specifications for battery type.
25
- 26 S. The Director shall approve any dockless transportation unit type and
27 technology prior to unit deployment.
28

29 **Section 3 – Equity**

- 30
- 31 A. As a requirement for a license, Applicant shall submit an equity plan to be executed
32 at their own cost over the course of the license period. This plan shall include a
33 scope and details about equitable programs and features the Licensee shall
34 implement, as required, or approved by the Director. Licensee should implement
35 programs and features that include but are not limited to:
36
- 37 1. An Affordable program to be activated and offered to any customer with an
38 income level at or below 80% of the median household income in Austin
39 whereby eligible customers can use the service at no greater than 50% of the
40 regular price.
41
 - 42 2. The ability for any customer to rent a dockless transportation unit without
43 requiring the use of a smartphone application.
44
 - 45 3. Non-digital/cash-based payment options for any customers to use the
46 dockless transportation system.

4. Geographic areas for boosting dockless transportation system service and promoting affordable programs, especially areas that are underserved in mobility opportunities, with evidence to support this planning. Plans for these dedicated areas shall include a schedule and number of units for deployments. Plans shall be approved by the Director before implementation. The Director may require other areas for operation as deemed appropriate.
 5. A calendar of upcoming community outreach education and safety events that shall be offered in person and online. Licensee is required to perform minimum of one such event per permit cycle.
 6. A biannual report on marketing and communications strategies for equity and community engagement outreach, to include but not be limited to the following, in a template format provided by the Director:
 - a. Retention rates for the affordable program.
 - b. Summary of community outreach efforts for safety education and affordable program promotion, resulting in sign-ups from each event, and feedback received.
- B. The Director may set forth other equity requirements and goals as needed.

Section 4 – Service Area, Modifications, and Fleet

- A. Each permit is valid for a single dockless unit type.
- B. Licensee shall be responsible for monitoring distribution of dockless transportation units available to customers according to parameters required by the Director and shall comply with terms of operations within the City of Austin, defined as follows:
1. Licensee shall have operations only within the City of Austin full purpose, public right-of-way unless authorized by separate agreement.
 2. Licensee shall not deploy dockless transportation units or authorize their customers to operate devices within parks, publicly accessible plazas subject to City license agreements with private property owners, off-street parking lots/garages, State-owned land and/or facilities, campuses, or other areas outside of the City of Austin public right-of-way, unless authorized by a separate agreement. The Director may require implementation of geofences to reinforce these restrictions.

- 1
2 C. Licensee shall remove, relocate, or rebalance units as instructed by the Director.
3 Licensees shall reduce the number of units within four (4) hours of receipt of notice,
4 unless Licensee expresses in writing a request and rationale for extending the
5 timeline.
6
7 D. Licensees shall implement the Director's instructions to administer any geofences
8 which may include alterations to service area or zones, within 24 hours of the
9 Director's request.
10
11 E. Any expansion or reallocation of current service area and/or fleet size shall be
12 reviewed and approved by the Director and only at the time of license renewal, or
13 temporarily during special events with prior approval. The Director may approve the
14 expansion of units for existing permits to deploy additional units in existing or new
15 service areas, provided they meet the following criteria:
16
17 1. Licensee passes a performance review of existing permits based on
18 key metrics in the following categories:
19
20 a. Operations and Management
21
22 b. Community Engagement and Equity
23
24 c. Safety
25
26 d. Responsiveness
27
28 e. Data and Privacy
29
30 f. Fees and Insurance
31
32 2. Licensee arranges a meeting with the Director to discuss proposed
33 modifications to existing permits regarding service areas and/or fleet
34 numbers at least 30 days prior to permit expiration. Following this
35 meeting, Licensee shall submit, along with complete permit application,
36 a formal justification letter requesting service expansion. Letter shall
37 address the following points:
38
39 a. Number and distribution of additional dockless
40 transportation units.
41
42 b. How level of service will meet the demand of additional
43 units.
44
45 c. Any information as requested by the Director.
46

3. Any additional units deployed in an agreed-upon area shall be verified in real-time through a web-based application programming interface (API), as specified by the Data Reporting Specification.
 4. Complete application and additional documents are received by the stated date for each license period, prior to the expiration of the current license.
 5. The Licensee adjusts the performance bond to meet the coverage requirements for any additional units once the Director has approved fleet expansion.
 6. There is not another compelling reason to limit fleet size.
- F. Licensee shall communicate to the Director at least two weeks in advance of any temporary or long-term modifications to deployment numbers within existing service areas, fleet and/or to operation hours.
- G. Should Licensee choose to cease service or not renew a permit, Licensee shall submit a letter to the Director stating this intention at least 72 hours prior to relevant service being terminated to allow for adequate notification to customers and clearance of Licensee's fleet from public right-of-way.
- H. The Director reserves the right to establish, modify, or divide service areas or zones at any time with minimum 24-hour notice to Licensee.

Section 5 – Safety

- A. Licensee shall report through a method provided by the Director within 24 hours, any issue occurring within City of Austin's full purpose jurisdiction which could affect public safety, including but not limited to:
1. Any incident or crash involving dockless transportation units resulting in a fatality or hospitalized injury.
 2. Any collision involving dockless transportation units.
 3. Defects in any equipment including but not limited to fires, tampering, damaged/leaking batteries, electrical issues, and charging issues.
 4. Any contact with the Austin Police Department or other law enforcement agency having jurisdiction within the City of Austin.

5. Any contact with the Fire, Austin-Travis County Emergency Medical Services departments or any other emergency management agency having jurisdiction within the City of Austin.
6. Any contact with City Departments regarding issues affecting their jurisdiction, such as Watershed Protection, Parks and Recreation and Public Works.

B. Licensee or Authorized Third Party shall provide routine inspection and maintenance of dockless transportation units when removed from service to ensure all components are present and functioning properly prior to redeployment.

C. Licensee must identify and address safety and maintenance issues with dockless transportation units deployed for use in the City right-of-way, including:

1. The ability for the Director to test and report devices and
2. A mechanism for customers to notify the company, as outlined in Section 7-B, that there is a safety or maintenance concern with the unit.

D. Licensee or authorized third-party shall remotely disable and then remove any unit reported unsafe or non-functional and that are deemed unsafe for public use with response time not to exceed 1 hour following receipt of notice. Licensee shall provide proof of removal to the Director and shall not deploy units until repaired and deemed safe for service.

E. Licensees shall respond to and resolve complaints within the following timeframes indicated by priority based on level of safety concern. High priority requires resolution in 1 hour and medium priority in 2 hours. The following addresses some, but not all complaints that may be related to dockless transportation systems. The Director may provide further instruction regarding necessary resolution.

1. High Priority means the following:

- a. Obstructions in violation of the Americans with Disabilities Act (ADA) on sidewalks, curb ramps, and any other accessibility accommodations.
- b. Obstruction of travel and bicycle lanes
- c. Environmentally sensitive areas

1 d. State property

2
3 2. Medium Priority means the following:

4
5 a. Rebalancing concentration of units within an area of
6 concern

7
8 b. Other obstructions

9
10 c. Unauthorized portions of park and trails

11
12 d. Other unauthorized areas

13
14 e. Private property

15
16
17 F. Licensee shall keep a record of reported collisions including but are not
18 limited to the following elements. Future elements may be added as
19 determined by the Director.

20
21 1. Complaint Type

22
23 2. Date of Incident

24
25 3. Time of Incident

26
27 4. Latitude

28
29 5. Longitude

30
31 6. Address

32
33 7. Severity of Injury

34
35 8. Start Time

36
37 9. Stop Time

38
39 10. Speed

40
41 G. Licensee shall keep a record of maintenance activities which includes the unit
42 identifier and type of maintenance performed.

43
44 H. Licensee shall sign and record an indemnification agreement indemnifying
45 and holding harmless the City of Austin.

- I. Licensee shall educate customers on lawful and safe use of dockless transportation units, as outlined in City Code 12-2.
- J. Licensees shall have a program to ensure proper recycling and disposal of batteries in accordance with the Universal Waste Battery disposal standards under Title 40 of the Code of Federal Regulations (CFR) in part 273 and must report on number of units disposed monthly as outlined in Section 8.
- K. Licensee shall require their staff or authorized third party individuals that pick up, drop off or charge units to wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107–2004 publication entitled "American National Standard for High-Visibility Apparel and Headwear."
- L. Licensee shall participate in City of Austin initiatives that raise awareness for accessibility, mobility, and the safety of pedestrians and dockless transportation system customers such as public meetings, open houses, safety events, etc.
- M. Licensee shall provide information relating to unit locations and unit customers upon request of law enforcement or pursuant to judicial subpoena. (See Section 2-D).
- N. Licensee shall be responsible for implementing and submitting to the Director disinfection and sanitation plans for dockless transportation units.
- O. Licensee shall be responsible for implementing and submitting emergency management plans for special events, bad weather and other emergencies, at the request of the Director. Applicant shall submit a general emergency management plan with application.

Section 6 – Unit Deployment and Infrastructure

- A. Licensee shall deploy dockless transportation units, except for motor vehicles and other units that are required to be operated in the roadway, in areas defined as follows:
 - 1. The hard surface (e.g., concrete, asphalt) within the landscape/furniture zone of a sidewalk so long as there is at least 3-foot pedestrian clear-zone;
 - 2. Next to public bike racks in the public right-of-way;
 - 3. Any designated parking areas, mobility hubs, or other areas as determined by the Director and communicated to the Licensee by email.

- 1 B. Licensee shall deploy units that must be operated in the roadway, such as
2 motor vehicles and other units that are required to operate in the roadway, in
3 the parking lane or in mobility hubs where appropriate, and in compliance with
4 all applicable signage, pavement markings, and regulations that control the
5 parking of vehicles in the public right-of-way.
6
- 7 C. Licensee shall instruct customer on how to park units and avoid improper
8 parking, as outlined in City Code 12-2-15 and report efforts monthly as
9 outlined in Section 8.
10
- 11 D. Licensee shall NOT deploy units in **restricted areas**, defined as follows, but
12 not limited to:
13
- 14 1. Areas where there is no landscape/furniture zone, and the sidewalk is
15 less than 4 feet wide.
16
- 17 2. In the area within or immediately adjacent to:
18
- 19 a. Americans with Disabilities Act accommodations including
20 parking zones, curb ramps, braille signs, railings and signal
21 push buttons;
22
- 23 b. Sidewalk Cafes or Street Patios;
24
- 25 c. 30 feet of transit zones, including bus stops, shelters, passenger
26 waiting areas, and bus layover and staging zones, within areas
27 approved by Capital Metro;
28
- 29 d. Zones for commercial loading, valet, customer service, or any
30 other specialized zones as deemed necessary;
31
- 32 e. Infrastructure on sidewalks that require unobstructed pedestrian
33 pathways:
34
- 35 i. benches
36
- 37 ii. pay stations
38
- 39 iii. drinking fountains
40
- 41 iv. public art
42
- 43 f. Curb corners at intersections
44
- 45 g. Building access;
46

- h. Driveways, alley or curb cut
 - i. Fire hydrants
 - j. Clearance areas near bike share stations that are required for access and use of bike share.
 - k. Portions of parks that are deemed restricted by the Director of the Parks and Recreation Department.
 - l. Environmentally sensitive areas
 - m. Underground utility access points, manhole lids, or utility covers
- 3. The paved right-of-way between curb lines, unless there is zone approved or designated by the Director.
 - 4. The Director may further restrict additional areas for dockless transportation system deployments, for the purposes of maintaining order, safety and mobility.
- E. The number of dockless transportation units in any location shall not exceed the safety capacity as identified by the Director. Licensee shall deploy according to these area limitations and immediately rebalance or remove dockless transportation units away from any area that exceeds limitations within 24-hour notice.
 - F. Licensees shall remove or rebalance all dockless transportation units arising from normal customer use that result in being left in unlicensed areas or zones, arising from normal customer use by 6:00 A.M. every morning.
 - G. Areas identified by the director as high demand may be subject to additional rebalancing requirements to address public safety concerns.

Section 7 – Operations and Customer Service

- A. Licensee shall have a customer service phone number and have live agents available to respond to customer service requests during business hours. Licensee shall have a website, and smart phone application customer interface that are available 24 hours a day, 7 days a week for customers to report safety concerns, complaints or to receive answers to their questions.
- B. Licensee shall have a staffed operations and customer service center in the City of Austin.

- 1 C. Licensee must provide the Director with account logins for Director-authorized
2 personnel, where rentals will be free of charge, for testing purposes and ease
3 of repositioning units. Use of these logins shall not be counted toward
4 Licensee trip totals.
5
- 6 D. Licensee shall have visible in-app language that notifies the customer on their
7 first trip in a day, of information on responsible use, riding and parking of
8 dockless transportation systems as outlined in City Code 12-2.
9
- 10 E. The Director reserves the right to require Licensee to provide additional
11 information to their customers.
12
- 13 F. Licensee shall provide the Director with a direct contact for licensee staff that
14 are capable of rebalancing units. All licensees shall remove, relocate or
15 rebalance units based on the times listed in Section 5-E.
16
- 17 G. Licensee shall be responsible for implementing and submitting to the Director
18 a maintenance, cleaning, repair plan for approval. This plan shall outline
19 details regarding ongoing maintenance of units, routine cleaning and repair of
20 units.
21
- 22 H. Licensee shall be responsible for implementing and submitting to the Director
23 a waste management plan for approval, which shall address:
24
- 25 1. Responsible disposal of units that are no longer capable of service
 - 26 2. Recovery and disposal of units exposed to watercourses
 - 27 3. Donations of retired units to local community organizations and
28 programs
 - 29 4. Battery disposal as outlined in Section 5-J
30
31
32
33

34 **Section 8 – Privacy, Data Reporting and Sharing**

- 35
- 36 A. Licensee shall be responsible for implementing and submitting to the Director
37 a privacy policy, a data breach response plan, and retention policies that
38 safeguards customer's information, which includes but is not limited to
39 personal, financial, and travel information.
40
- 41 B. Licensee shall disclose to customers a statement of Licensee's privacy
42 policies and procedures. This statement shall describe how Licensee protects
43 and handles data and what retention policies are in place. The statement
44 shall cover what level of data is collected, how data will be shared, for what
45 purposes, the parties with who the data will be shared about customers.
46

- 1 C. Licensee shall not require customers to grant location services to use the
2 Licensee's dockless transportation system, while the application is not in use.
3
- 4 D. Licensee shall allow users customers to opt-in (not opt-out) to providing
5 access to their contacts, photos, files, or other private data with clear notice to
6 the customer.
7
- 8 E. Licensee shall provide the Director with updates to the terms of service;
9 including but not limited to the Privacy Policy, terms and conditions of use,
10 and the End User License Agreement (EULA) published on the licensee's
11 website and app and agrees to provide all customers and the Director any
12 changes to the terms of service immediately upon adoption.
13
- 14 F. Licensee shall employ an electronic payment system that is compliant with
15 the Payment Card Industry Data Security Standards (PCI DSS). Each
16 transaction shall include the unit identifier.
17
- 18 G. On a monthly basis, Licensee shall provide the following reports as specified
19 by the Data Reporting Specification (DRS):
20
- 21 1. Complaint history
 - 22 2. Collision history report, as referenced in Section 5-A.
 - 23 3. Trip report broken down by day in a month detailing the number of trips
24 for overall service area and by zone, highlighting trips taken using the
25 affordable program.
26
 - 27 4. Maintenance history of each unit in the fleet
28
 - 29 5. Number of new customers overall and for the affordable program by
30 users who signed up earlier than the last 30 days.
31
 - 32 6. Number of units disposed, with detail regarding disposal method and
33 reason, as referenced in Section 7-H. Director may require additional
34 reports deemed necessary for evaluating Licensee's quality of service.
35
 - 36 7. Fleet summary of number of devices in service, out of service,
37 missing/lost.
38
 - 39 8. Summary of outreach efforts related to safety, equity and proper
40 parking
41
- 42 H. Prior to licensing, Applicant shall provide the Director and any Director-
43 authorized third party who is providing regulatory services for the Director,
44 with real-time and historical information for their entire fleet through a
45
46

documented web-based application programming interface (API), as specified in the DRS. The licensee is directly responsible for providing the API key to the Director and any Director-authorized third party and shall not refer the City to another subsidiary or parent company representative for API access. The API shall deliver real-time and historical data according to the most current Director authorized specifications, in a manner that protects individual user privacy. Throughout license period, the Licensee shall continue to maintain real-time historical information for their entire fleet through the API.

- I. Licensee shall provide accurate data to the Director.
- J. Licensee shall comply with Director-Authorized Third Party who is providing regulatory services to the Director.

Section 9 – Insurance, Performance Bond and Fees

- A. Licensee shall maintain insurance, coverages specified in the license terms and conditions. The City of Austin shall be named as an additional insured.
- B. Licensee shall maintain a current performance bond. The form of the bond shall be approved by the Director. These funds shall be accessible to the Director for future public property repair and maintenance costs that may be incurred, removing, and storing units improperly parked or if a company is not present to remove units if its license is terminated.
 - 1. Obtain funds \$100/unit for recovery from public right-of-way.
 - 2. Separate cost for reconnaissance and recovery from watercourses and other environmentally sensitive areas outlined in Section 9-E.
 - 3. Observe a retainment period if license expires and operator leaves, require time for (maintenance bond).
 - 4. If Licensee increase the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional units.
- C. If Licensee decides to cease operations before license expiration or allows license to expire, the Licensee shall for a period of 30 days following cessation of operations maintain service to recover any dockless transportation units found in the City of Austin's full purpose jurisdiction and pay cost incurred by the City of Austin to recover dockless transportation units.
- D. Licensee shall pay all fees established by ordinance, including but not limited to:

1. Trip Fees
2. License and permit fees
3. Costs incurred from violation as referenced in section 11 - Violations and Penalties.

- E. If the Director or any other City of Austin agency, department or commission, including the Law Department, incurs any costs for addressing or abating any violations of law, including impound fees, costs to recover a unit from a waterway and other ancillary costs, including repair or maintenance of public property, the licensee, upon receiving written notice from the City of Austin regarding such costs shall reimburse the Director for these costs within 30 days. Any payment made pursuant to this paragraph shall not substitute for any other payment otherwise owed or to be paid to the Director.

Section 10 – Performance

- A. The Director shall determine all license terms, conditions, fees and other standard or special requirements.
- B. At the end of license and permit term, Licensee shall undergo a performance review by the Director. Good standing shall be defined as a score of at least 80% of possible points in the performance review. Following a performance review:
1. If a Licensee is in good standing and the Director finds no compelling reason otherwise, the Director may approve request for permit renewal and, if applicable, service expansion.
 2. If a Licensee is found not in good standing, the Director may require that the Licensee reduce service area or fleet size if Licensee seeks to renew permit.
- C. Throughout the license term, the Director may conduct random quality checks of Licensee operations for compliance with the rules that will influence the performance review score at the end of Licensee term. Depending on findings, the Director may remedy habitual rule violations by amending, suspending, or completely revoking a license as outlined in Section 11 – Violations and Penalties.

Section 11 – Violations and Penalties

- A. The Director may remedy habitual rule violations by amending, suspending, or completely revoking a license for cause listed in City Code Chapter 14-9 or for public safety concerns. The following are examples but are not an

1 exhaustive list of possible violations which, if habitual, may result in action
2 taken against Licensee:

- 3
- 4 1. Failure to pay all fees established by ordinance.
- 5
- 6 2. Expired or insufficient insurance coverage.
- 7
- 8 3. Expired or insufficient surety bond policy.
- 9
- 10 4. Deployment in restricted or unauthorized area.
- 11
- 12 5. Failure to submit data and reports or meet data compliance.
- 13
- 14 6. Submission of incomplete or inaccurate data, such as
- 15 misrepresenting the total number of units in service and/or the
- 16 number of trips.
- 17

18 B. Prior to licensing, applicants shall:

- 19
- 20 1. Be in good standing with the City of Austin: and
- 21
- 22 2. Provide the Director or Director authorized third party company a
- 23 verifiable and fully functional API.
- 24

25 C. Units are eligible to be placed into operation immediately, upon authorization
26 issued by the Director.