



City of Santa Monica Shared Mobility Device Pilot Program Administrative Regulations

July 10, 2018

Section 1 Pilot Program Overview

1.1 Introduction

The purpose of these Regulations is to permit and govern a pilot program to test the deployment and use of shared mobility services within the City of Santa Monica.

City Council directed city staff to develop a Shared Mobility Device Pilot Program (Pilot Program). On June 26, 2018 City Council adopted Ordinance 2578 and gave staff direction to proceed with the implementation of the Pilot Program to forge a model way for regulating these new companies and technologies to protect public safety and promote community wellbeing, sustainability and equity.

In order to be able to provide flexibility and quickly adapt to changing environments and industries the Pilot Program will be facilitated through these Administrative Regulations. The Administrative Regulations are subject to amendment during the Pilot Program as the City works with Operators to make data-driven decisions to deliver a safe transportation option and define effective solutions to known and identified challenges as the process evolves. Participation in the Pilot Program is granted through a request for application and selection process.

A key to the Pilot Program's success would be an open and productive partnership between the City and Operators that facilitates the Operator being highly responsive to real community concerns about safety and adverse impacts on members of the public who walk, bike or drive in Santa Monica.

1.2 Pilot Program Goals and Objectives

- Diversify mobility options for residents, employees and visitors to Santa Monica.
- Protect public health and safety and reduce sidewalk, pathway and Americans with Disabilities Act (ADA) blockages.
- Reduce emissions from short trips and connections to transit.
- Maximize user awareness of safe and legal behaviors for operating shared mobility devices.
- Create an enforceable framework for managing shared mobility services.
- Ensure use of Public Right of Way (PROW) benefits public mobility.
- Ensure private Operators respond to pervasive issues and service complaints.

Section 2 Definitions

- (a) "Director" shall mean the Director of Planning and Community Development or designee.
- (b) "Minimum Utilization Rate (MUR)" is minimum average number of daily rides per device that an operator must achieve in order to maintain or increase fleet size. Utilization is calculated by dividing the sum of total daily rides within the jurisdiction over a one week period by the total devices available daily during the same timeframe.
- (c) "Operator(s)" shall mean any person or business entity selected by the City to participate in the Shared Mobility Device Pilot Program pursuant to SMMC Section 3.21, including employees, managers, officers, principals, directors, owners, contractors, representatives, or agents.

- (d) “Public Right-of-Way” shall mean any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.
- (e) “Regulations” shall mean the Administrative Regulations established and recommended herein.
- (f) “Shared Mobility Device (Device)” shall mean any transportation device by which a person can be propelled, moved or drawn that is displayed, offered or placed for rent in any Public Area or Public Right-of-Way, except that a “Shared Mobility Device” does not include a Car Share Vehicle, as defined by Chapter 3.06 of the SMMC, a device authorized by the City Bike Share System pursuant to Chapter 3.20 of the SMMC, a taxicab as regulated in Chapter 6.49 of the SMMC, or a device operated by the Los Angeles County Metropolitan Transportation Authority.

Section 3 Pilot Structure and General Terms

Operators are advised that requirements that are listed as “Must,” “Shall,” or “Required” are mandatory specifications. Specifications that are listed as “Should”, “Desirable”, “Preferred”, or “Advantageous”, are value added and their inclusion is desired.

3.1 Schedule

The Pilot Program will last approximately 16 months, with possible amendments to SMMC Section 3.21 and the Regulations during the term of the pilot program. Formal evaluation of the Pilot Program shall begin at 9 months, and conclude with a report and recommendation to City Council on a permit system or next steps within the 16 months.

Request for Applications published	July 9, 2018
Bidder applications due	July 27, 2018
Selection recommendations posted	August 30, 2018
Pilot Program launch	September 2018*
Pilot Program end	January 2020

*Once a notice to proceed is given, selected Operators are expected to begin operations within 30 days.

3.2 Program Scope & Scale

Up to four (4) Operators will be selected to operate within the administrative boundaries of the City of Santa Monica. It is desired that the Pilot Program include two e-bike and two e-scooter service options. If one operator is selected to provide both e-scooters and e-bikes, the City may decide to select fewer than four companies so long as a minimum of two e-bike and two e-scooter service options are provided.

3.3 Permitted Device Quantities

The total number of Devices permitted to operate may adjust every two weeks to allow Operators to increase the size of their fleets to meet demand when needed, and to reduce the size of their fleets when they are determined underutilized.

A Dynamic Capping system will be used to consider fleet adjustment according to the provisions below:

- The total size of the City-wide device fleet shall not exceed 3,500 total Devices, with up to 1,000 e-bikes and up to 2,000 e-scooters at the launch of the program. The ratio of e-bikes to e-scooters may change over the program based on utilization data from all Operators.
- At the launch of the program, selected Operators may deploy up to 500 e-bikes and/or 1,000 e-scooters.
- An operator may add devices to its fleet upon request to and approval by the City when the operator can demonstrate with device and utilization data that average ridership exceeds the Minimum Utilization Rate (MUR) of three (3) rides per day for e-bikes and four (4) rides per day for e-scooters.
- When utilization falls below the prescribed MUR, Operators must remove the number of devices necessary to meet or exceed the MUR.
- When utilization is above the prescribed MUR, Operators may request to add devices.
- Each operator shall have a minimum of 250 Devices deployed in its fleet.

3.3.1 Dynamic Cap Adjustment Process

Operators interested in increasing their device cap must submit a request to the City with supporting data that demonstrates fleet utilization levels that meet or exceed the MUR. Utilization is calculated by dividing the sum of total daily rides within the jurisdiction over a one week period by the number of total devices available daily during the same timeframe. The highest and lowest outliers may be removed from the calculation.

Adjustments to the Dynamic Cap must occur according to the following process.

Increase in the Number of Devices (Cap Increases):

- Operator submits request to City with supporting data.
- City will verify data using sources like the “real time” API system.
- City will consider allowing fleet size increases only to the point where the estimated number of devices and utilization meets, but does not fall below, the MUR.
- The City shall publish a tentative adjustment decision on the City’s Pilot Program webpage along with reasons supporting the decision within five (5) business days of the request.
- The City will solicit public comments for two (2) business days prior to issuing a final determination. The City’s final determination shall constitute the final decision and is not subject to further administrative review. Operators must comply with the City’s established device limits.
- Any approved increase cannot be deployed by the operator until a Notice to Proceed has been issued.
- The City will issue a decision within 14 days of the request.

Decrease in the Number of Devices (Cap Decreases):

- On a monthly basis the City will review operator utilization rates to determine if the MUR is met.
- If utilization is below the MUR, the City may direct Operators to reduce their fleet size such that the estimated number of devices and utilization meets the MUR.
- Operators must comply with required fleet reductions within 7 days.

The City will take into consideration market needs, the number of devices deployed in the City, device utilization, operator performance, seasonal and environmental conditions, special events, and criteria outlined in this document in the evaluation of requests for increased devices, or required device decreases. The Annual Per Device fee must be paid for each added device prior to deployment. Annual Per Device fees for additional Devices will be prorated based upon the schedule below.

3.4 Partnership between City and Operator

Pilot Program Operators must actively engage with City staff to resolve issues and to develop solutions to improve service performance throughout the duration of the Pilot Program. Operators shall be responsible for clearly communicating operational adjustments to the city, promptly responding to city inquires and requests, addressing public complaints, and resolving any operational issues that may arise. Operators will be evaluated by the City on their commitment to customer service.

Each selected operator shall assign a program liaison for the duration of the Pilot Program and supply the City with that person’s contact information at the pilot launch. An organizational chart of the operator’s team, including contact information must be provided. The assigned liaison shall be available to promptly respond to City staff during normal business hours.

3.5 Permitting Fees

There is no application fee for participation in the Share Mobility Pilot Program. Selected Operators must pay an Operator Fee for participation in the Program of \$20,000 per year. In addition, each applicant must pay a Per Device Fee of \$130 per year for each of its shared mobility devices. Operators must comply with applicable business licensing permits and fees.

Permit	Current Fee*
Annual Operator Fee	\$20,000 Per Operator
Annual Device Charge	\$130 per Device
Business License Minimum Tax	\$75
cASP State Mandated Fee**	\$4

*Fees are adjusted annually by a cost of living factor and take effect July 1st of each year.

**Small business and non-profit exemptions exist. Speak with the Business License unit for more information.

The table above summarizes the general fees and business license taxes for new applicants. Additional fees and assessments may apply. Successful applicants will be classified under the “Services” classification as defined in SMMC 6.08.150.

Operators must be in compliance and in good standing with payments of taxes, fees and citations or their permit may be revoked.

The City reserves the right to amend these fees to ensure cost recovery and facilitate program development. The City is pursuing the creation of a Use of Public Property fee to compensate for use of the public right of way, like the fees collected for outdoor dining. Operators will be subject to payment of the fee once it is in effect.

3.5.1 Payment procedures

An operator must pay all applicable program fees prior to their launch date. The Per Device Fee must be paid prior to the deployment of any devices, and any additions. Failure to pay applicable fees could make the operator subject to revocation or suspension of participation in the Pilot Program.

The Operator and Device fees and fines must be paid in full at the start of the Pilot Program. Per Device Fees for additions during the Pilot will be prorated, based on the schedule below. The City will not issue a Device fee refund for devices that are required to be removed from deployment. The prorated schedule is:

Month of Fee Payment	Per Device Fee
September	130.00
October	119.17
November	108.33
December	97.50
January	86.67
February	75.83
March	65.00
April	54.17
May	43.33
June	32.50
July	21.67
August	10.83

3.6 Contingency Plan

In the event an Operator is no longer willing or able to operate within the City, the Operator must provide the City with written notice, at least 14 days in advance of it ceasing operations in the City. Once the Operator ceases operations, it must immediately surrender its permits to the City, and remove all of its devices and associated equipment from the public right-of-way and private properties immediately.

3.7 Device Specifications

Devices deployed in the City must meet the definition of a Shared Mobility Device as defined in Section 2 of the Regulations and Section 3.21.020(f) of the Ordinance. E-bikes shall meet the safety standards outlined in the International Standardization Organization (ISO) 43.150 - Cycles, as well as the standards outlined in Code of Federal Regulations Title 16, Chapter II, Subchapter C, Part 1512 - Requirements for Bicycles. In addition, all bicycles shall meet the standards established in CVC section 21201, including for lighting during operation in darkness

Electric-assist bicycles shall be "Class 1" or "Class 2" electric bicycles only, as defined in California Vehicle Code (CVC) Section 312.5. Motorized shared mobility scooters must comply with Section 407.5 (a) CVC; and CPSC Public Law 107-309 standards.

Each Shared Mobility Device must meet the following minimum criteria:

- Designed to withstand the demands of outdoor and shared use
- Highly durable; theft and vandal resistant
- Safe, comfortable and easy to use by a wide range of users, and in the case of bicycles, include an adjustable seat
- Durable brakes
- Warning bell
- Security hardware
- Front light that emits white light and a rear red light
- Safety information clearly posted on each device and in the system software
- Display customer service contact information
- Display a clearly visibly unique device identification number, for example a device number visible from a distance of at least 30 feet
- Maximum speed of 15mph or less
- Non-combustion engine

It is preferred that operator's provide:

- Use of proprietary parts to deter equipment theft and vandalism.
- Some three wheel scooter devices for stability-impaired individuals.

3.8 Device Technology

Devices must offer state-of-the art shared mobility technology. Operators must provide the necessary technology to track devices, determine device utilization, enhance customer service, and to educate users about safe riding and the rules of the road.

At a minimum, each device must provide the necessary technology to provide real-time location tracking and recorded trip origin and destination.

It is preferred that devices have enhanced GPS equipment that provides the locational accuracy needed to virtually designate a "hub" or "station" system for device parking, to track trip path, and to implement enforcement mechanisms that can recognize and prohibit sidewalk riding.

RFID and/or NFC technology that enables users to rent bicycles from mobile devices, access cards, or other similar device is preferred.

3.9 System Design & Distribution

Operators must have a system operations strategy that provides an equitable distribution of devices, which ensures devices are available and accessible throughout neighborhoods, commercial areas, and key destinations citywide. Operations must also limit the excessive concentration of devices in congested areas. Adequate ground operations must be provided to ensure the safe, accessible and responsible placement of Shared Mobility Devices. Operators must communicate their strategy for the deployment of devices to the City.

The System design should:

- Identify equitable device deployment locations that adequately distributes Shared Mobility Devices and minimizes over concentrations in high demand locations like the Downtown and Beach areas.
- Limit the number of devices in the City's Downtown District to 1/3 of the operator's total devices.

It is desirable that Operators work with the City to create virtually designated parking areas in the public right of way using a geofence or equivalent technology. It is preferred that users are informed, directed and incentivized by the Operator to return equipment to those predesignated deployment locations or drop zones.

It is preferred that the operator provide staff or other contracted services to constantly rebalance the distribution of devices throughout the day to achieve an equitable distribution of devices.

3.10 Deployment and System Operations (See Exhibit A: Deployment Map).

Use of public sidewalks must not a) adversely affect the streets or sidewalks, b) not inhibit pedestrian movement, or c) create conditions which are a threat to public safety and security..

Parking standards for device deployment include:

- Devices must be upright when deployed.
- Devices must be deployed in the part of the sidewalk adjacent to the roadway curb (so long as 48-inches of pedestrian clear zone is maintained), at a public bike rack, or other locations consistent with the local laws and regulations.
- Devices must not be deployed within: Ocean Front Walk, The Beach, beach parking lots, Third Street Promenade, The Pier or Pier Bridge, Palisades Park, public parks, and transit stops.
- Devices must not be deployed in a manner that violates ADA accessibility requirements or impedes ADA access.
- No device shall be parked in one location for more than forty-eight hours.
- Any device that is parked incorrectly shall be re-parked or removed by the operator within 2 hours of receiving notice between the hours of 7am and 10 pm daily.

Parking standards for users include:

- Unless at a bike rack or designated location, devices should not be parked on, or within: Ocean Front Walk, the Beach Bike Path, The Beach, beach parking lots, public parking facilities, Third Street Promenade, The Pier or Pier Bridge, Palisades Park, public parks or transit stops.
- No device shall be parked in one location for more than forty-eight hours.
- Any device that is parked incorrectly shall be re-parked or removed by the operator within 2 hours of receiving notice between the hours of 7 am – 10pm daily.

Devices parked immediately adjacent to or within a transit zone, loading zone, accessible parking zone or other facilities specifically designated for handicap accessibility, fire hydrant, , curb ramp, entryway, driveway, or parklet, can be considered an immediate hazard or obstruction and are subject to impoundment pursuant to Santa Monica Municipal Code Chapter 3.21.

Operators are responsible for securing approval from private property owners for all use of private property. Operators are responsible for resolving all shared mobility device issues with private property owners.

Operators shall create systems that maximize behavior of users to park in appropriate locations. Systems could include, but are not limited to, education/information, incentives and penalties. Operator must educate customers on how to appropriately park devices at the time of each rental. Operators are encouraged to provide clear and specific parking information during every ride through in-app messaging, video or virtual reality features. Messages should inform users that improper parking puts other at risk. It is preferred that Operators use photo verifications of parking and develop systems to review and link users to violations. Operators are encouraged to provide incentives for encouraging proper parking.

3.11 Maintenance

Operator must be able to ensure that all devices in their fleet are in good working order, clean and safe to operate. Operators must share their system maintenance strategy and process with the City both prior to operations, and upon further request by the City. Maintenance should include:

- Regular device inspection for wear and tear, and stress-based damage that could lead to failure.
- Maintenance and repair consistent with or exceeding manufacturer's recommendations.
- Immediate replacement of worn or damaged parts.
- A strategy for maintaining electric batteries, both for daily use and for long-term replacement.

It is preferred that each Operator keep a record of all maintenance performed for each device, which is made available to the City upon request.

Devices that are not operable must be removed from the system promptly, including inoperability due to insufficient battery power, communications failure, or other systems and software failures. Inoperable devices, or any device that is not safe to operate, shall be removed or made un-available to the public via device lock-down within two hours of notification.

3.12 Customer Service

Operators must provide customer service enabling members of the public to ask questions, report damaged devices or improper parking, request refunds, or otherwise receive support. Operators must prominently display customer service contact information including but not limited to telephone number, email address, and website location.

The operator must provide a Public Safety Hotline to allow City personnel direct contact with Operators 24 hours a day for emergencies and device relocation, with a response time of 2 hours or less.

Customer service should:

- Appoint a City liaison per Section 4.4
- Coordinate with City issue and reporting processes.
- Allow Operators the ability to receive courtesy notifications on device or system operations issues.
- Strive to use technology to reduce all customer service response times.

- Be responsive to community concerns

It is preferred that the operator provide additional customer support and service mechanisms (e.g.: mobile applications like Twitter, texting, websites like Nextdoor, phone number) and hours of service. Customer support must be available each day between 7am and 10pm Service in multiple languages, especially Spanish, is preferred.

It is preferred that the operator establish a separate public safety reporting and response system. It is preferred that Operators use a city-integrated “active ticket resolver” system for customer service delivery or that the City gets auto copies of all complaints to the operator.

3.13 Events and Emergencies

Operators must be prepared to work with the City in the case of emergencies or special events to prioritize the safety of users and respond to municipal concerns. Operators may be asked to participate in a plan for special event operations. For example, Operators shall be prepared to work with the City on modified operations during the annual Coast open street event, or other large events, by adjusting deployment plans, providing additional operations staff, relocating parking, modifying customer access, and informing users about system changes. Operators must cooperate with public safety personnel in the case of emergencies, and comply with agreed upon operations plans for special events. Operators are expected to proactively communicate with users during events and emergencies. Access to real time device data must be provided to the City public safety personnel during emergencies and requested events.

For devices on public property, the City may require the Operator to temporarily move devices to a nearby location if the approved location needs to be used for emergency, event, construction, or public purposes. Devices may also be moved by City for these purposes.

3.14 Multimodal Connections

3.14.1 Multi-modal Interoperability

The City prefers a connected shared mobility system that increases the accessibility of other modes of transportation and builds upon a cohesive regional transportation network. Operators that provide a system that can interact with other modes of transportation, such as public transit, car sharing services, ride hailing services, and existing bike share services, are preferred.

3.14.2 Interaction with Multi-modal Transportation Systems

Operators are required to work in a cooperative manner with the existing and emerging multi modal transportation systems. This includes, but is not limited to, car sharing services, Big Blue Bus, Metro, and other bike sharing systems, such as the Breeze Bike Share System.

3.15 User Engagement

Operators are strongly encouraged to engage with users to increase the safety of customers and all roadway users. Engagements should include virtual (online, video, and other digital media), physical and in-person methods. Regular and repeated engagement is strongly encouraged, as well as use of effective and creative methods of reaching people. Engagement should consider the needs and concerns of customers as well as non-users of the system. Engagement should reflect values consistent with the community, including but not limited to, safety, civic/civil engagement, mobility options, sustainability and wellbeing, and encourage behaviors consistent with those values.

3.15.1 Helmets

Every person operating a Device must be informed about protective headgear requirements at the time of rental. The system should remind users regularly that helmet use is required. Operators must provide a helmet to users at the time of rental or offer a similarly effective alternate approach for distribution. Operator should seek partnerships with local businesses and organizations to make helmets easily available to users. To reduce waste, opportunities to reuse helmets is preferred.

Operator should provide regular, creative and effective outreach to educate users on helmet laws through means such as street teams, ambassadors, print media and social media. It is preferred that the operator provide marketing and information to the community at large regarding helmet use as part of overall roadway safety practices.

3.15.2 Education

Operators must educate users about riding rules, helmet use, and appropriate parking at the time of sign-up. A map of the city including existing bike infrastructure, must be provided to users for enhanced navigation. Each shared mobility device and the system software must clearly post safety information.

Operators must reach out to users on a regular and systematic basis to provide the following information:

- Rules of the road and helmet use
- Safe riding and etiquette
- Proper device parking
- Customer service contact information

Software should regularly educate users about riding and parking rules. Users should be informed and reminded of traffic laws and associated penalties that apply before every ride through an in-app message, video or other means. Messages may include information on the cost of fines for sidewalk riding; scooters must stop at stop signs and follow roadway rules; that riding on a sidewalk put the rider and others at risk.

Operators should host monthly events, classes, rides or other publicly-available means to inform and educate people. Hosting these more frequently than monthly is preferred.

It is desirable that users are notified of the above described etiquette at the start of every rental. It is desirable that Operators find innovative and effective ways to employ technology to direct users to not ride on sidewalks, park devices appropriately, and ride safely. Use of ambassadors

and street teams is strongly recommended, as well as orienting marketing and outreach to the community at large to reach both users and non-users of the system.

3.15.3 Equitable Access

In addition to equitable device distribution discussed in earlier sections, it is desirable that Operators offer a means of accessing devices that do not require the use of a smartphone and/or access to a credit or debit card.

It is desirable that Operators establish low-income qualified rates, and provide a system for user sign up and payment that enables easy use of the reduced rates. Other incentives such as education, outreach and payment plans for low-income or other disadvantaged users is strongly encouraged.

3.16 Data Sharing & Reporting

Operators must provide accurate data through a publicly accessible Application Programming Interface (API) that meets the requirements of the General Bikeshare Feed Specification (<https://github.com/NABSA/gbfs>). It is desirable that Operators make the API endpoint available to the public for viewing data, querying data, and mapping. The Operator should not change the API URL without notifying the City with at least 30 days' notice.

3.16.1 Mobility Data Specification ("Specification")

Operators shall provide a City-accessible Application Programming Interface (API) that provides the data outlined within, and meets the Specification of, the City of Los Angeles Mobility Data Specification as published online at <http://github.com/CityOfLosAngeles/mobility-data-specification>.

The City may, in its sole discretion, release subsequent versions and/or updated versions of the Specification and require operator to use the most current version by releasing an automatic update and/or disabling support for the previous version.

The City is permitted to use all data the operator provides in accordance with the Mobility Data Specification (Specification), including, but not limited to, displaying real-time data and real-time device availability data to the public.

The Operator may not change the API URL without notifying the City with at least 30 days' notice. It is desirable that Operators provide a standardized dashboard interface to support the City in viewing data, querying data, and mapping.

Raw data supplied by an operator shall be held confidentially between the City and the operator to the extent that is permitted by law. Personal information must be protected by the Operator, and data should be anonymized regarding user information. Program summary utilization data, and trend data may be made public.

Notwithstanding the returned results of any of the Mobility Data APIs, it shall be the sole responsibility of the operator to comply with the City's Program requirements listed herein.

3.16.2 Reporting

Operators must provide accurate monthly reports to the City describing system operation, system use, reported complaints, customer service responses, and system maintenance.

A weekly dynamic cap report will be made available immediately following the program launch to assess and potentially adjust fleet deployment quantities. Once service quantities and usage levels are better understood, the City may elect to extend the dynamic cap reporting timeframe to one month or later.

Operators should assist and participate in the formal evaluation of the Pilot Program, including provision of data and information to inform subsequent City ordinances and program.

3.16.3 System Reports

Anonymized data reports to the City is required monthly for the following municipal-level data:

- Total users in system by month
- Trip number by day, week and month
- Detailed, aggregate trip origin/destination information
- Trip length and time
- Hourly fleet utilization with trip origin or destination in Santa Monica and within the Downtown area*
- Hourly device quantities within Santa Monica and within the Downtown area*

* Required weekly at program launch.

3.16.4 Surveys

Operators shall survey users every 6 months to provide information to the City for future planning, including asking users what mode of transportation was replaced for the use of a shared mobility device. Survey questions will be consistent among Operators and jointly determined with the City.

3.16.5 Sale of Data

Operators are required to follow all local, state, and federal laws and regulations with respect to personally identifiable information and credit card information. It is strongly preferred Operators do not resell users' personally identifiable information. If the Operator engages in such a practice, then it is preferred that a) this is communicated clearly and transparently to users, and b) users have a clear means of opting out if they do not want their data sold.

3.16.6 Data Security

Operators must protect user's personal information. Finance transactions must be secure and PCI compliant. Operators should provide their most recent 3rd party PCI audits.

Personal data should be protected using industry accepted encryption, and customer permission is sought before sharing data with a third party. Auto renewal procedures should comply with state and federal standards.

3.17 General Requirements

Operators are required to obtain and maintain the following during the Pilot Program:

- Valid Insurance meeting city requirements
- Indemnification Agreement with the City of Santa Monica
- Operators permit
- Public right-of-way agreement

3.17.1 User Release

(Operators must include release language in their applications and each rider must affirmatively sign or check a box within the application notating consent. Operators must obtain an affirmative signature or box check from riders as a condition for participating in the Shared Mobility Device Pilot Program.)

For and in consideration of rental and use of the [Bike, Scooter], rider, for himself or herself and on behalf of rider's heirs, executors, administrators and assigns, forever releases and relinquishes and discharges the City and its elected and appointed officials, officers, employees, agents, contractors, and volunteers (Collectively, the "City") from any and all claims, demands, disputes, losses, liabilities, debts, liens, charges, penalties, proceedings, causes of action and damages including 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 this agreement or the rental, maintenance, design, placement, use and/or operation of the Operator's equipment, including the bikes, scooter, or the Operator's website, including any and all claims related to the sole or partial negligence of the 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 a bike or scooter, and expressly waives rider's rights under any statutes that purport to preserve rider's unknown claims.

Section 4 Pilot Program Monitoring and Enforcement

4.1 Adjustment Procedures

Per SMMC Ordinance 2578 the Director or designee has the authority to phase in or adjust any elements of the Program and these Regulations over time in order to meet the program purpose outlined in the Ordinance. Selected Operators will immediately be notified of Program and Regulation adjustments. Operators will be expected to comply with new Regulations within 7 days, or as otherwise identified in the adjusted Regulations.

4.2 Enforcement and Response Procedures

Each operator shall make a good faith effort to comply with all terms and conditions set forth in these Regulations, and the City will take reasonable steps to allow the Operators to comply. Both the Operators and the City will provide each other assistance as may reasonably be requested in order to facilitate the Operators' compliance. Such assistance shall include but is not limited to the provision of documentation, data, and creation of reports as well as responding to requests for information.

4.2.1 Enforcement Procedures

The Shared Mobility Enforcement Program is designed to promote and achieve compliance with local law and the Program guidelines. The enforcement program with typically include an escalated enforcement strategy that in most cases will begin with a written warning/advisement to comply without being subjected to fines/penalties. In some cases, depending on the nature of the violation, enforcement could begin with the imposition of fines/penalties in accordance with local law however the enforcement program is intended to work with the responsible party(ies) to gain voluntary compliance. Enforcement will be balanced and fairly applied.

In the event that a permit is revoked, suspended or denied, operator must immediately remove all devices and any associated equipment from the public right-of-way and participating private properties.

Exhibit A: Deployment Map

 **Downtown Santa Monica Boundary**

 **No Deployment and Limited Parking Areas**

Devices must not be deployed immediately adjacent to or within; or, Unless at a bike rack or designated location, devices must not be parked on: Ocean Front Walk, Beach Parking Lots, Third Street Promenade, The Pier or Pier Bridge, Palisades Park, public parks, and transit stops.

