

## STANDARD (NON-EMERGENCY) REGULATION/RULE

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### *Rule 4-31.A18*

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#### Rules Regarding Dockless Bicycle Share Operators and Users

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BRC Sections that are the subject of this Rule:

Sections 4-31-4, 4-31-7, 4-31-9, and 4-31-10, B.R.C. 1981

#### **A. PARKING**

1. Except as otherwise provided in this Section A, no user of a dockless shared bicycle shall park a shared bicycle on any public property except at a bicycle rack provided for such use, within an area specifically designated for shared bicycle parking by a traffic control device or pavement marking placed by a public authority, OR to any fixed object where it is permissible to lock a bicycle within the city of Boulder. Every traffic control device or pavement marking on public property shall be presumed to be placed by a public authority unless the contrary is established by a preponderance of credible evidence.

2. No operator shall deploy a shared bicycle unless it is equipped with a cable or u-lock locking mechanism that can be locked and unlocked only by the user of the shared bicycle.

3. No dockless shared bicycle shall be parked upon any private property without first obtaining the express consent of the owner or lessee or any agent authorized by the owner or lessee of the property or for a time period in excess of or in a manner other than that for which consent was given by such person. No complaint shall issue for a violation of this rule unless signed by the owner or lessee of the entire real property or any agent authorized by the owner or lessee of the entire real property.

4. No person shall move any dockless shared bicycle not lawfully under such person's control into any area where parking or stopping is prohibited, leave such bicycle there, or leave such bicycle otherwise improperly parked. The penalty for violation of this section is a fine of \$50.

5. No user of a dockless shared bicycle, or operator as defined in chapter 4-31, "Dockless Bicycle Share," B.R.C. 1981, shall fail to prevent parking a dockless shared bicycle in violation of any of the prohibitions or requirements of this Section A. Both the user of the shared bicycle and the operator are jointly and severally liable for any such violation. It is not a defense to the liability of the owner that the shared bicycle was parked by an unauthorized user at the time of the violation.

#### **B. APPLICATION**

As a part of its application for a license an operator shall provide the following plans:

1. A geographically equitable rebalancing management plan that includes the following specific service areas:

- a. The Downtown Boulder Station (14th Street and Walnut Street).
- b. Boulder Junction (Pearl Parkway and Junction Place).
- c. South Boulder (Table Mesa Road and Broadway).
- d. North Boulder (Broadway and Yarmouth Street).

- e. East Boulder (Arapahoe Ave and 55th Street).
  - f. University Hill (College Avenue and 13<sup>th</sup> Street).
  - g. Gunbarrel (Spine Road and Lookout Road).
2. A maintenance and repair plan that demonstrates the following requirements:
- a. That routine maintenance: inspections and cleaning will be performed by the operator at least every four weeks.
  - b. How the operator will provide full-service maintenance for bicycles.

## **C. OPERATIONS**

1. An operator may request an increase in its fleet size on a quarterly basis if the operator demonstrates it has met key performance indicators described in this section. The percent increase in fleet size per quarter shall not exceed 20 percent. Key Performance Indicators include:

- a. An operator's ability to correct complaints by users and complaints made directly to the City and conveyed to the operator.
- b. Shared bicycle parking performance and operator response time to remove inoperable bicycles as required by in chapter 4-31, "Dockless Bicycle Share," B.R.C. 1981.
- c. Compliance with the rebalancing management plan established in the license.
- d. Compliance with the monthly shared bicycle maintenance record and repair plan established in the license.
- e. An operator's compliance with the reporting requirements established in section **D** of this Rule and with the requirements of chapter 4-31, "Dockless Bicycle Share," B.R.C. 1981.

2. An operator's maximum fleet size will be determined by a demand-based cap of two rides per bike per day. "Demand-based" means how often each shared bicycle in the fleet is used each day.

3. An operator shall deploy only the types of shared bicycles such as electric assisted, adaptive and standard bicycles, as determined by the City in the operator's license.

## **D. REPORTING**

1. An operator shall provide the City with an electronic interface to a General Bikeshare Feed Specification ("GBFS") that displays a real-time data feed of active shared bicycles operating within the City of Boulder.

2. An operator shall provide a quarterly report, or earlier if requested by the City, that includes the following information:

- a. The number of shared bicycles deployed in the City.
- b. The origin and destination of each trip by each user.
- c. The number of total trips per bicycle.
- d. The total number of individuals who have subscribed to the operator's service.
- e. The maintenance performed on each dockless shared bicycle in the fleet by its bicycle identification number.
- f. Customer survey results of no fewer than 20 percent of the total number of individuals who have subscribed to the operator's service.
- g. Record of reported collisions involving a shared bicycle in its fleet to include the accident report for each collision from the reporting jurisdiction.

3. An operator shall maintain a membership in good standing with the North American Bikeshare Association ("NABSA"). To the extent only of any conflict, this Rule supersedes any conflicting Rules or parts of Rules.

4. To the extent only of any conflict, this Rule supersedes any conflicting Rules or parts of Rules.

\*\*\* NOTICE TO THE PUBLIC \*\*\*

Rule *4-31.A18*

As adopting authority, on \_\_\_\_\_ *8/21/2018* \_\_\_\_\_ the Boulder City Manager, filed with the city clerk a Rule proposing to:

Establish rules regarding dockless bicycle share operators and users, including licensing program requirements, parking regulations and rules of operation.

Copies of the Rule are available for public review at the Central Records Office at the Municipal Building, 1777 Broadway, 2<sup>nd</sup> floor.

The public has a right to submit written comments on the proposed rule for 15 days from the date of this publication. Please direct written comments to:

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1101 Arapahoe Ave.  
Boulder, Colorado 80302  
Kempd@bouldercolorado.gov

For more information, visit [Goboulder.net](http://Goboulder.net) or call: 303-441-1955.

If no written comments are received, the Rule will become final when the time for comments has passed.