

Dockless 2020 Terms and Conditions Comments

The District Department of Transportation (DDOT) opened the 2020 Dockless Terms and Conditions (T&C) for comment from September 25, 2019- October 30, 2019. DDOT received 270 comments from 133 unique users. The majority of comments were focused on safety including dockless vehicle parking, speed limit, conflicts with pedestrians and other transportation modes, and fleet cap.

The comments were received via email and online form. They are sorted by first name, T&C reference, public comment, and finally DDOT’s response to the comment. In some cases, DDOT may have corrected the T&C column to reference the accurate section of the T&C document.

Comments are addressed below:

| Name | T&C | Comment | DDOT Response |
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| Adam Weigel | E | Permit holders should be required to facilitate use of SmarTrip card to start and end trip on each vehicle. Permit holders should be required to integrate app payment via Transit App (https://transitapp.com/partners/payments) | DDOT appreciates this comment and will continue to explore ways to make payment options more convenient across multiple modes. At present, Metro’s SmarTrip card is not available to use as a single payment wallet for dockless vehicle services. |
| Alexander Nerska | A.1 | <p>I am opposed to the addition of more dockless scooters to the streets and sidewalks of Washington DC.</p> <p>On the contrary, I believe the rollout of these vehicles in our city was demonstrably unplanned and thoughtlessly effected and should be rescinded.</p> <p>From what I have read, the new dockless scooter proposal adds fee revenue to the District’s treasury but adds nothing to the address the the depreciating effect these devices pose to the quality of life in our City.</p> <p>My parked automobile was damaged by the operator of a Lyft scooter. The company, when contacted, assumed no responsibility whatsoever.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with</p> |

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| | | <p>As someone who commutes to work on foot and via Capital Bikeshare, I am impeded by scooters left in the middle of public thoroughfare or by aggressive riders just barely colliding with me. Dockless scooters litter the sidewalks and alleys of my Dupont Circle neighborhood. I blame the DDOT, the Bowser Administration and the DC Council for this sorry state of affairs and will continue to do so if the program is not seriously reconsidered.</p> | <p>room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Alexander Nerska | A.1 | I am opposed to the addition of more dockless scooters in the District of Columbia. My property was damaged by a collision with a dockless scooter operated by the Lyft corporation. When this was brought to Lyft's attention they made no attempt to accept responsibility. | Thank you for your comment. DDOT cannot comment upon specific situations between third party individuals and operators. |
| Alexis Wang | Article IV. A | Effective date is outdated. Should it be updated to 2020? | DDOT has updated this date for the 2020 permit Terms and Conditions. |
| Alexis Wang | General | For 10,000 dockless bikes, is the author interested in e-bikes only or are pedal bikes included? | Both pedal bikes and e-bikes are included in the dockless 2020 permit. |
| Alexis Wang | Null | <p>Could the author consider clarifying the need and process for any required licenses/Certificates? E.g. Basic Business License, Clean Hands Certificate, Certificate of Good Standing</p> | <p>Full information regarding the requirements for the permit are available in the T&C document. All documents must be received ahead of permit issuance and include:</p> <p>a. Signed Terms and Conditions;</p> |

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| | | | <ul style="list-style-type: none"> b. Basic Business License; c. Clean Hands Certificate d. Proof of Insurance; and e. Bond receipt showing that the bond has been registered. |
| Ana Marie Tinsler | General comment | <p>Dockless scooters and bikes help people in communities far away from other transportation. I live in one of those neighborhoods in NE and have saved critical money and time by having access to these dockless vehicles. I fully support them continuing to operate in the city. It would minimize the efficiency and ease of use of these vehicles but, I am open to clustering drop off and pick up sites as long as there are just as many sites dispersed through those communities that need them the most. I also fully support that these vehicles should not be ridden on sidewalks. As long as the city keeps expanding bike lanes, it will be possible for people using the scooters & bikes to easily follow those rules. Thank you for keeping affordable and accessible transportation options open to ALL of DC's communities.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits.</p> <p>Thank you for your comment.</p> |
| Anastasia Dent | General (parking) | <p>More often than not the dockless bikes or scooters are left on sidewalks and curb cuts, making them obstacles for people who use motorized chairs or otherwise experience disabilities affecting mobility like blind or vision impaired. The scooters or bikes then end up tossed into a nearby lawn. It's bad enough that many sidewalks are uneven which makes getting through an issue, but a bike/scooter in the way only compounds things. If the dockless system is</p> | <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |

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| | | to continue, I hope DC will implement something similar to what Montgomery Cty did: a list of common-sense no-parking zones for dockless bikes or scooters: driveways, crosswalks, back alleys, bus stops, restaurant patios, the shoulder of already-narrow-Rock Creek/Piney Branch roads, the mid-field of a park, etc. Similarly, MoCo allows the companies one hour to remove bikes that are parked improperly before it confiscates them. And in the case of a snow emergency, Montgomery County expects dockless companies to reclaim all their bicycles for the duration. This seems like a sensible approach and an opportunity for the city to make additional income from confiscated bikes and scooters. | Dockless scooters and bikes are permitted to operate within the District's public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days. |
| ANC 2E Office | General | See letter. | Please see DDOT's response letter. |
| ANC 3D | General | See letter. | Please see DDOT's response letter. |
| ANC 6D | General | See letter. | Please see DDOT's response letter. |
| ANC3B | General | See letter. | Please see DDOT's response letter. |
| Ann Rodriguez | A.1 | There are currently 8 dockless operators in DC. This draft ordinance still leaves room for up to 8 operators (4 scooter, 4 bike/e-bike of any class, doesn't specify). This proposal arguably creates more chaos and confusion in DC. | The Terms and Conditions in effect during 2019 allow for an unlimited number of qualified operators in each category. DDOT's restriction on the number of operators in the 2020 permit will maintain the program at a more manageable size. Reducing the number of operators while increasing the number of vehicles that each permit holder may operate is also expected to improve users' experience by increasing the chances that vehicles within each company's network will be available within walking distance. |
| Anne Valentine | General (sidewalk riding) | I'm sorry, but these things are a total menace for pedestrians! You can't hear them coming, they ride all over the sidewalks, and they travel in | Thank you for your comment. |

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| | | <p>packs. I am NOT in favor of these scooters. There is absolutely no one monitoring any of the riders -- ugh!</p> | |
| Arin Damar | A.3 | <p>I am writing as a regular scooter driver who is concerned that the district is unintentionally creating a safety issue by limiting the speed to 10 MPH. The limit of 10 MPH actually creates greater risk for scooter drivers on streetways because of the significant differential in speed between cars and scooters and the lack of flexibility it affords to scooters to react to real time driving conditions. 10 MPH does not allow scooter drivers sufficient flexibility in their driving to maintain distance and react to other vehicles. For example, it creates situations where car drivers pass scooters, and where scooters cannot pass through roundabouts and yellow lights in a safe manner because they are unable to quickly execute on their intended route. It is correct to design regulation with the goal of safety, but the 15 MPH limit is a much better limit to create a safe roadway.</p> | <p>District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law.</p> |
| Ayanna Smith | General | <p>I'm all for reducing our carbon footprint; especially with the level of vehicle congestion in this city. However, I think we need to give a lot more thought to how we can do it in a way that makes sense and is safe for everyone. At least once a day, I see a biker or scooter-er dodge death by weaving in and out of traffic without paying attention, and assuming drivers see them; and also not abiding by basic driving rules. People using the rentals seem to be more</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has</p> |

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| | | <p>novice than those who appear to be riding their own.</p> <p>A few times a day, I have to step over a dockless bike or scooter left slap dab in the middle of the sidewalk.</p> <p>A week or so ago, I saw a news segment that said the city is interested in adding 10,000 more dockless scooters in the city.</p> <p>Before expanding these concepts, I think we need to do a little more work around rules/policies that make it safer & more practical.</p> <p>I realize it starts with everyone being more considerate.</p> | <p>been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies. There are a number of rules in place that can be enforced through denial of fleet increases, permit suspension or revocation.</p> |
| Benjamin R Dryden | General | <p>As a cyclist, I respectfully write to express how dockless scooters are making the District a less safe and enjoyable place to ride a bicycle. Dockless scooters are routinely parked in ways that impede the five-foot "clear zone," turning biking into a very unpleasant exercise in constantly looking out for illegally parked scooters. The problem is especially bad in poorly lit areas and around blind turns -- both of which are frequent on bike paths.</p> <p>Scooters are also routinely parked in a non-upright manner, posing an especially dangerous situation for cyclists. Once, biking at night, I came inches away from running over an all-black, non-upright scooter that was parked in the middle of a poorly lit bike path. I was very close</p> | <p>Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. While tipped over vehicles are not the norm, unfortunately, sometimes they do occur.</p> <p>Regarding a requirement for a light to remain on in an unused vehicle, DDOT declines including this suggestion. Thank you for your idea.</p> |

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| | | <p>to suffering a serious injury, for which the permit holder would no doubt have disclaimed liability. I would ask DDOT to consider requiring permit holders to configure parked scooters so that at least one light remains illuminated when the scooter is parked at night. Alternatively (or additionally), I would ask DDOT to consider requiring permit holders to assume liability for any injuries caused to pedestrians or cyclists by improperly parked scooters.</p> <p>Lastly, I applaud DDOT for proposed T&C II.A.9, which would require permit holders to test the most effective means for educating users on lawful riding and parking. I hope that DDOT requires permit holders to take this T&C seriously, and that rider education becomes a centerpiece of any continued dockless scooter program in DC.</p> <p>Thank you for your consideration.</p> | |
| Bradin Mercado | General (pricing, speed) | <p>I think it's a good idea to limit the companies who operate here, but ask that we be mindful to not create a monopoly within the district. Uber currently owns at least one scooter brand, and with Lyft included, they may be able to cause a lot of price hikes in transportation costs throughout their brand and make these inaccessible to many. It's also worth noting that due to the recent price increases most services have applied, the speed decreases have not only made riding less safe, but also more expensive as it's taking longer to reach a destination. Per minute charges should be limited if there is a speed cap in effect.</p> | <p>The Terms and Conditions in effect during 2019 allow for an unlimited number of qualified operators in each category. DDOT's restriction on the number of operators in the 2020 permit will maintain the program at a more manageable size. Reducing the number of operators while increasing the number of vehicles that each permit holder may operate is also expected to improve users' experience by increasing the chances that vehicles within each company's network will be available within walking distance.</p> <p>District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's</p> |

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| | | | <p>regulatory authority to change without Council action to change the law.</p> <p>Regarding per minute charges, DDOT does not have regulatory authority over this issue.</p> |
| Brandon Cheung | A.8 | <p>We respectfully suggest DDOT reconsider its proposed 50-pound weight limit on vehicles for the 2020 program. Though the vehicles that we currently have operating in the District would fall under compliance with that weight limit, we believe that this proposed restriction may preclude innovative operators such as Razor from being able to introduce newer, safer, more advanced vehicle types into the District in the future. For example, such newer models may include vehicles with stronger, reinforced frames whose heavier builds lead to a lower center of gravity, greater stability for the rider, and an ultimately safer ride.</p> | <p>Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space.</p> |
| Brandon Cheung | General | <p>We respectfully encourage DDOT to consider increasing the number of operators permitted in 2020 to greater than four. We believe that offering greater consumer choice is in the best interest of the District's residents and visitors. We advocate for affording micromobility users the opportunity to utilize the operator(s) they believe deserve their business, as opposed to preemptively limiting choice amongst consumers. If the intention behind a lower vendor cap is related to limited DDOT staff capacity and ensuring that less staff time/resources are required to manage the program, we propose that DDOT levy slightly higher fees on operators</p> | <p>DDOT agrees with Razor's assessment around the proposed total fleet cap.</p> <p>DDOT declines Razor's suggestion regarding lowering the number of vehicles per operator to increase the number of operators. DDOT is concerned with offering greater transportation network benefits for users across the District.</p> |

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| | | so that more resources can be allocated to program management. Even with an increased number of operators, we would still suggest maintaining the proposed 10,000 total fleet cap, but lowering the per-operator fleet cap relative to the number of operators, in order to prevent scooter over-saturation and clutter (EX: 5 operators with 2000 scooters per operator; 6 operators with 1666 scooters per operators, etc.). | |
| Brandon Kaufman | 1.E | Spin recommends striking "If infrastructure is installed by Permit Holder, the parking must be company agnostic and the infrastructure must be permitted by DDOT." At a minimum, Spin would like to ensure and clarify that the "agnostic" requirement does not apply to any infrastructure installed on private property. | DDOT does not have regulatory authority over private property. The District has no objection to operators installing infrastructure on private property with the agreement of the property owner. |
| Brandon Kaufman | A.10 | Spin seeks additional clarification where it states "or by manually entering a customer's account number?" Without additional information, Spin recommends striking. | The District requires that the dockless program be available to all residents of the District and this includes those without smartphones. Manually entering an account number is one way to make the vehicle available for those without smartphones. |
| Brandon Kaufman | A.15 | Spin recommends inserting "while on a trip" after "90 seconds" | Thank you for your comment. DDOT agrees to include this suggestion. |
| Brandon Kaufman | A.17 | Spin seeks further clarification on whether "Permit holder shall not require customers to share data with a third party" applies to DDOT and any other third party (such as an aggregator) with whom operators might be required to share data. | DDOT requires operators to restrict access to Personally Identifiable Information which includes but is not limited to name, email address, origin/destination, time of trip ^{(b)(7)(C)} . The reference in the Terms and Conditions to a third party is related to this restriction. DDOT does not plan on using a third-party aggregator with which the Permit Holder would be required to share data. If, over the course of the 2020 permit, DDOT would require the use of the third-party aggregator, the District would clarify this with the operator. |

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| Brandon Kaufman | A.20 | Spin would request additional clarification on fleet minimums where operations are expected to be influenced by inclement/extreme weather. Furthermore, with the new permit to begin in January 2020, Spin would welcome flexibility in daily fleet amounts given seasonal weather variances. | DDOT expects operators to use their best judgement to deploy outside of extreme weather events. Operational plans should include information on what events and temperatures would trigger non-deployment. DDOT expects operators to communicate non-deployment by 10pm the night before. On any day when service is deployed, DDOT expects operators to meet deployment minimums and maximums associated with ward deployment, equity deployment, and the CBD cap. |
| Brandon Kaufman | A.3 | Spin supports a 15mph speed limit in the electric scooter legislation offered by Councilmember Cheh (B23-0359). In the alternative, should legislation be passed during the permit term, Spin proposes adding “or the maximum speed limit under law that is in effect during the duration of the permit” after “excess of 10 miles per hour on level ground.” | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law. |
| Brandon Kaufman | A.8 | Spin recommends striking “included but not limited to vehicles weighing over 50 pounds.” | Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space. |
| Brandon Kaufman | B.1.p | Spin recommends striking “bicycle” | Thank you for your comment. DDOT agrees to include this suggestion. |
| Brandon Kaufman | C.4 | Spin believes a two hour timeframe has worked well in moving improperly parked vehicles. However, we would ask that a longer timeframe | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |

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| | | (possibly 4 hours) be allowed outside general business hours (i.e., 9am - 7pm) | |
| Brandon Kaufman | D.3 | Spin looks forward to serving the entirety of the District, including the Central Business District (CBD). As worded, Spin has concerns that a maximum fleet of 1,000 in the CBD would be difficult to maintain this balance given the movement of scooters in real-time. Thus, if a max 1,000 per operator is deemed to be the maximum in the CBD, Spin would ask that this be related to deployment numbers. Alternatively, should an imbalance occur, Spin would request a predetermined period of time - similar to rebalancing efforts in II.C(4) - to correct the number of scooters in the CBD. | DDOT has analyzed the current number of vehicles in the Central Business District to determine the maximum number of vehicles. If operators are not able to meet operational concerns around limiting the number of vehicles in the Central Business District, the Permit Holder should only deploy the number of vehicles that can be successfully managed until the permit holder has appropriate staff capacity to rebalance fleets. Operators are welcome to use alternative modes of transport to move vehicles. |
| Brandon Kaufman | D.3 | Spin looks forward to serving the entirety of the District, including the Central Business District (CBD). As worded, Spin has concerns that a maximum fleet of 1,000 in the CBD would be difficult to maintain this balance given the movement of scooters in real-time. Thus, if a max 1,000 per operator is deemed to be the maximum in the CBD, Spin would ask that this be related to deployment numbers. Alternatively, should an imbalance occur, Spin would request a predetermined period of time - similar to rebalancing efforts in II.C(4) - to correct the number of scooters in the CBD. | DDOT has analyzed the current number of vehicles in the Central Business District to determine the maximum number of vehicles. If operators are not able to meet operational concerns around limiting the number of vehicles in the Central Business District, the Permit Holder should only deploy the number of vehicles that can be successfully managed until the permit holder has appropriate staff capacity to rebalance fleets. Operators are welcome to use alternative modes of transport to move vehicles. |
| Brandon Kaufman | General | Spin assumes this to be a typo which should read effective date January 1, 2020 and in effect until December 31, 2020. | DDOT has updated this date for the 2020 permit Terms and Conditions. |
| Brandon Kaufman | H | Per our Privacy Policy, Spin “may disclose Personal Information in the good faith belief that | Thank you for your comment. DDOT declines including this suggestion. |

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| | | we are lawfully authorized or required to do so, or that doing so is reasonably necessary or appropriate to comply with the law or with legal process or authorities..." Thus, we ask the Terms and Conditions to be explicit that any customer information relayed by Spin be done so in accordance with a subpoena or other court supported documentation. | |
| Brandon Kaufman | K | Advertising prohibitions, while well-intentioned, could reduce revenue to vendors that would allow them to provide innovative tools and programming for DC residents. Advertising revenue, for example, could be used to underwrite the cost of charging hubs on the public right of way. DC should allow advertising subject to the approval of DDOT. | Advertising is prohibited based on DCMR around advertising in public space. Should the DCMR change, DDOT will revisit this issue for the 2021 permit Terms and Conditions. |
| Brenda | D.5 | We need more scooters at the metro stations East of the river. We need to have consistent micro transit options that are available and functional. | DDOT has increased the Ward minimums for all wards and the number of vehicles associated with equity deployments. DDOT will continue to monitor the equity deployment program in 2020 and adapt it as needed the following year. DDOT has excluded the ¼ mile radius around Metro stations from equity emphasis areas in order to encourage the deployment of dockless vehicles in areas where fewer transportation options are available. |
| Carol Spring | General (underage riding) | Last month, I got a traumatic brain injury when I was hit by a pair of young children (aged 10-12) who were riding a rented e-scooter in Columbia Heights. I went in an ambulance to the ER, then spent time in the surgery ICU. My memory has been permanently damaged. Please, before increasing the number of scooters on the streets, sidewalks, bike lanes and crosswalks of DC, tell | We are very sorry to hear of your injury. Underage scooter usage is problematic. DDOT takes seriously operator compliance to the terms and conditions and have reprimanded companies for observed and reported non-compliance. DDOT values the safety of the most vulnerable users of public space. The District is creating more safe |

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| | | <p>me who is going to pay for enforcement of the rules and regulations, and who is going to perform said enforcement?</p> <p>The dockless scooter companies require users to sign a set of agreements. But that doesn't mean that users read them or abide by them. There is immense confusion and difference of opinion around the proper place to ride - on the street or the sidewalk? Pedestrians feel terrorized by the scooters on the sidewalk. Scooter users don't feel safe on the streets. Where should they be? Does it depend on what part of the city they are in?</p> <p>In my case last month, an adult presumably rented a scooter for two children and then let them ride it. This is expressly against the scooter company's own rules: riders must be 18 or over, and there must be only one rider per scooter. But no one is enforcing these rules. MPD has their hands full already. Some people view scooters as children's toys and feel it is fine to let children ride them, but they are exceedingly dangerous, when children do not know the rules of the road. Even an adult riding a scooter, if they have a driver's license, doesn't mean they know how to safely ride a scooter.</p> <p>If you must expand the number of scooters in the city, please tell me how you are going to do it safely, and where the money will come from for enforcement of safety rules. How would a person riding a scooter get "pulled over" safely for a citation? Who will perform this enforcement? Will there be a new team of traffic enforcement</p> | <p>spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts. Even where sidewalk riding is legal, riders should yield to pedestrians.</p> <p>Enforcement is a constraint for the program currently but DDOT will be working in partnership with relevant District agencies in the enforcement of legal dockless vehicle use in the District in 2020.</p> |

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| | | <p>officers devoted to dockless transportation, riding themselves on scooters or e-bikes? Thank you for your thoughtful consideration.</p> | |
| Carrie Darke | General | <p>Besides the obvious safety concerns of reckless wobbly drivers who are flying down the streets and speeding by passersby, my main concern with the scooters is the “dockless” part. As a business operator in Georgetown, these scooters are LITTERED all over the sidewalks, curbs, and blocking business doorways. They are left behind without any concern for the safety of the passageways or aesthetic of the community. Can there not be a small parking area that is required to keep these on? Or possibly a way to make sure they are not within xx amount of feet of a fire hydrant, crosswalk, or business door??</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |
| Cassi Wiseman | A.1 | <p>I just read a WAPO article that the District is considering increasing the number of scooters in the District. Please don't. I work near the mall and walk to/from L'Enfant plaza each day. With our current infrastructure, I feel that they are unsafe. The problem is that it's not safe for scooter riders in the street, but their presence among walkers is not safe either. Here is what I've witnessed: * Scooters being operated by children much to young to operate a motorized vehicle, much less</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding,</p> |

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| | | <p>in areas densely populated with walkers/tourists/commuters.</p> <ul style="list-style-type: none"> * Scooters being ridden tandem - most worryingly by two children at a time. * Scooters zipping in/out of walkers/tourists/commuters with earbuds on, not giving warning to people they are approaching, causing at least one near miss with myself included. * A man riding his scooter in the middle of a parking garage going the wrong way in order to get to his car more quickly. * In one instance, I saw a woman operating a scooter with an infant strapped to her chest in a sling, her adult companion following her while riding tandem with a toddler. <p>Not to mention the fact that these things litter the sidewalks and impede foot traffic. I have seen them thrown in trash bins and rivers as well.</p> | <p>double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Catherine Gibson | B | <p>In evaluating permit holders' requests to operate more than 2,500 scooters, DDOT should consider not only the performance the permit holder, but also (1) demand for (or opposition to) additional scooters in DC, and (2) DC's ability to accommodate additional scooters on sidewalks or roads, given existing pedestrian, bicycle, and car traffic.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing</p> |

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| | | | bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Chris | General (parking) | Please make people dock the scooters. As a biker and a pedestrian scooters have made commutes more dangerous and more congested. | Thank you for your comment. |
| Christopher Ellefson | C.2 | In which ways would the companies be required to incentivize proper parking? Is this something that the city will provide a program or standard across all companies, or something that is on the companies to provide an incentive program for? | Operators must provide their own program and incentives around proper dockless vehicle parking. |
| Christopher Ellefson | D.4 / D.5 | Next year, since there are both equity deployment regulations and wards deployment regulations, do the daily equity zone deployments count toward the daily ward deployments and vice versa? | The deployment of vehicles in equity emphasis zones requirement will count toward the Ward requirement. |
| Connor Dunn | A.3 | These scooter need to be allowed to go faster. The current cap around 10 mph is an arbitrary and dangerous number. 10mph is too slow to ride on the street or in a protected bike lane, with bikes or cars flying past you, sometimes simultaneously. This has caused a huge uptick in the amount of sidewalk riding I have seen, which endangers pedestrians. A much more reasonable cap would be somewhere around 15mph, which would allow these scooters to actually keep up with bikes. | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law. |
| Curtis Steuber | General | I'm worried that moving from 8 to 4 carriers will reduce the level of competition. I have already seen some companies raise prices to keep up with other carriers. You will effectively create an oligopoly and I am unaware why artificially | The Terms and Conditions in effect during 2019 allow for an unlimited number of qualified operators in each category. DDOT's restriction on the number of operators in the 2020 permit will maintain the program at a more manageable size. Reducing the number of operators while increasing the number of vehicles that each permit holder |

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| | | limiting competition would be a net benefit for customers. | may operate is also expected to improve users' experience by increasing the chances that vehicles within each company's network will be available within walking distance. |
| Cynthia Lee | A.1 | I am writing to express my strong opposition to the planned expansion of dockless scooters in DC. Currently, scooter riders are not following traffic rules and running red lights, increasing the risk of accidents and the police do not ticket scooter riders (or bicyclists who disobey the traffic rules). Also, many scooters are left on the sidewalk or on ramps, making it difficult for disabled persons in wheelchairs to navigate around them. | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout</p> |

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| | | | 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. |
| dallas salisbury | 1.E | Should not be allowed in residential neighborhoods | Dockless options provide first and last mile solutions for those using transit. Some hubs may be located in residential neighborhoods where many trips start. |
| dallas salisbury | A.1 | There should be no expansion of the number of allowed vehicles. 10,000 should never be allowed. Even the small current number are a public nuisance and a danger to life for many. The users and the public that must survive users that have no respect for the law or for people. Keep the 2018 limits. | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| dallas salisbury | A.6 | My neighborhood - luckily - seldom has these vehicles in it - but when they are - they are into private landscaped lawn areas and on their side. One bike with a broken front wheel which I reported over 20 times was never moved until it was taken to a police station out of frustration by the homeowner. All firms should be required to have a staffed brick and mortar location where citizens can go to file complaints with a real local person. 800 number and web sites are worthless in my experience - even if you send pictures to | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |

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| | | them and they give you assurances - they do not follow though. | |
| dallas salisbury | A.7 | vehicles and users should all have unique ID so they can be identified - large numbered plates so that violations of space, safety, etc. can be reported. Individuals should also have an identification number on their fronts and backs for this purpose. I have almost been rundown many times and they are always ignoring traffic signs and rules. | Unique ID's for dockless shared vehicles are required in Article II, A.7. The size and location of the ID is not dictated in the Terms and Conditions by DDOT. |
| dallas salisbury | C.4 | The rules should allow any resident of DC - if after reporting a problem that requires 2 hour movement - to be able to move take the vehicle to the nearest police station and leave it in front after 3 hours and should be authorized to call a junk hauling firm to take the vehicle after a second call and a total of 4 hours of non response by the licensee. Only threat of loss of the property will cause these firms to follow the law. | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| dallas salisbury | D | Most residential single family home neighborhoods in DC have narrow sidewalks, or no sidewalks, and all these vehicles are eyesores and should not be allowed to be parked in single family or townhouse neighborhoods on sidewalks or narrow parking strips. | Dockless scooters and bikes are permitted to operate within the District's public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov . As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless |

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| | | | operators to remove vehicles that have not been moved within 5 business days. |
| Dallas salisbury | General | I find nothing in the rules setting out allowed colors of the vehicles. The law should require neutral colors that are not an eyesore. Require them all to be dark green - a color you can see and contrasts with the sidewalk and street color-but is not terrible. The orange bikes should all be trashed and this should be an outlawed color. In our neighborhood in front of a private home orange bikes locked to a street sign post ---which you should not allow to be legal under the rules -- - are both a nuisance and an eyesore that makes a joke of DC rules that say I should keep my property cut and neat. I want to plant large bushes along the full parking strip to hide the ugly orange bikes. Such a bike has been in front of my home for six days - just so some private company can make money from the free use of public space and my front yard - IT SHOULD NOT BE LEGAL - WAKE UP AND PROTECT THE PROPERTY TAXPAYERS. | DDOT does not regulate the color of the permit holder's vehicles. Dockless scooters and bikes are permitted to operate within the District's public right-of-way , subject to regulations and the Terms and Conditions document for the permit. |
| dallas salisbury | General | The city is being ruined by bike lanes and the dockless vehicles for a low use unsafe purpose. The total numbers on bike riders is a low number joke, given the expense of set asides, the lack of ability to enforce laws against the users themselves, the danger to young children and the elderly, and the fair weather limitations for most users. Hopefully all these firms will go bankrupt quickly and this madness will go away. | Thank you for your comment. |
| dallas salisbury | General | The licensee should be required to give all users a safety test before allowing them to open an | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new |

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| | | <p>account. All users should be required to have a valid use license from DC that is like an auto license that is issues only after safety testing, age verification, and posting of a payment method with DC if violations by the individual occur. Each licensed user should be issued a numbered plate that they must affix to any vehicle being used to assure that they can be identified by a police officer, camera, citizen, ets. when they run red lights, leave vehicles on their side, ride on prohibited sidewalks, etc. Under current rules all these vehicles are a safety threat to all pedestrians, particularly the elderly like me.</p> | <p>permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Danielle Glazer | A.1 | <p>Please do not increase the permitted number of dockless scooters in the District. Sidewalks are already crowded, scooter users and pedestrians are being injured by reckless drivers, and the scooters make it unpleasant to walk around some of the loveliest areas of the city.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit</p> |

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| | | | <p>application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Dante Ferrando | E | <p>I frequently use scooter to get home from work in the early morning hours. I have 2 comments. 1st- If you limit the number of scooter companies please keep Razor. Their scooters provide a much safer and more comfortable ride then the others, and they seem to have much more consistent maintenance. 2nd - I don't like the companies that require minimum up front payments (\$10). Thank You</p> | <p>DDOT permits the use of the public right-of-way for private operators to offer enhanced transportation options to the residents and visitors of the District. DDOT does not control the pricing of the dockless vehicles. Low-income customer plans (LICP) are available to residents at 200% or less of the federal poverty line. Further information on the LICP and how to sign up for them is located on DDOT's dockless webpage and through the operators directly.</p> |
| David Cranor | D.5 | <p>I share the goal of an equitable system, but I feel like forcing the companies to put vehicles in places where they are lightly used is a bad idea. It will serve not purpose while making the whole system more expensive. A better plan is to create equity with targeted subsidies. Perhaps free or nearly free use for people eligible for SNAP for example. This feels like it's for show.</p> | <p>DDOT has increased the Ward minimums for all wards and the number of vehicles associated with equity deployments. DDOT will continue to monitor the equity deployment program in 2020 and adapt it as needed the following year. DDOT has excluded the ¼ mile radius around Metro stations from equity emphasis areas in order to encourage the deployment of dockless vehicles in areas where fewer transportation options are available.</p> <p>Low-income customer plans (LICP) are available to residents at 200% or less of the federal poverty line. Further information on the LICP and how to sign up for them is located on DDOT's dockless webpage and through the operators directly.</p> |

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| David Gilliland | A.1 | I fully support this. The quality of the dockless scooters provided by the current eight providers varies greatly as does the responsiveness of their customer service (like getting scooters in the middle of the sidewalk removed). Let's just authorize the four best players. | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| David Gilliland | D.3 | That's 4,000, or 20%, of the allowed dockless vehicles allocated to downtown which is home to multiple WMATA bus lines and access to the Green, Yellow, Red, Silver, Orange and Blue Metro lines (see attached). It seems to me we should be assisting transportation access to those who do not live or work on top of a Metro station or on a bus line. I work in the Central Business District (Penn Quarter) and see unused scooters on every corner. I strongly recommend having less than 4,000 dockless vehicles in the CBD - the hub of Metro. We need them in places like ANC 4D. | DDOT has analyzed the current number of vehicles in the Central Business District to determine the maximum number of vehicles. Increasing the number of vehicles available to the operator will allow for increased deployments in neighborhoods like ANC 4D. |
| David Gilliland | D.4 | The initial requirement of six per ward was beyond inadequate. Twenty is equally | DDOT has increased the Ward minimums for all wards and the number of vehicles associated |

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| | | inadequate given the size of our eight wards. I can attest to the fact that I see more dockless vehicles outside of the Georgia Avenue/Petworth Metro station than anywhere else in Ward 4, leaving those of us at 4th and Kennedy in ANC 4D2 underserved. | with equity deployments. DDOT will continue to monitor the equity deployment program in 2020 and adapt it as needed the following year. DDOT has excluded the ¼ mile radius around Metro stations from equity emphasis areas in order to encourage the deployment of dockless vehicles in areas where fewer transportation options are available. |
| David Gilliland | General | <p>Resident agrees with limiting scooter operators to 4 with 2500 per operator. He says quality of current 8 operators varies greatly as does their responsiveness of their customer service like getting blocking scooters removed. He says authorize 4 best operators.</p> <p>Resident says 20 vehicles per ward is inadequate. There are more dockless vehicles at GA/Petworth Metro than anywhere else in Ward 4, leaving residents along Kennedy St., NW underserved. Resident challenges allocating dockless vehicles to downtown where there is great access to Metro lines and buses. Resident strongly recommends few dockless vehicles in Central Business District and more in Ward 4 and ANC 4D where needed.</p> | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| David Suls | A.9 | Specify in the Terms and Conditions that these types of vehicles (scooters, bikes, etc.) are not allowed to be operated on the sidewalk in the defined downtown area. | Thank you for your comment. DDOT agrees to include this suggestion. |
| David Suls | G | Require permit holder to send DDOT a complete record of complaints if requested. | Thank you for your comment. DDOT has included this in the data reporting document. |
| DC citizen | A.1 | I think that there are already too many dockless scooters on the street. They are a safety hazard | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located |

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| | | <p>to pedestrians on the streets and sidewalks and litter sidewalks throughout the city with lazy people too busy to care to get them out of way. I think that the bikes are a better alternative and prefer the bikeshare with docks for the bikes. No more motorized vehicles need to be on the streets or sidewalks. DC is a very walkable city and people could get around just fine if they used their feet. Enough scooters already exist. I would say get them all out of the city but know that some people do use them. I would say we certainly don't need anymore. It will continue to cause more of a problem.</p> | <p>in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |
| DC Sustainable Transportation | A.1 | <p>DCST supports a significant increase in the overall number of dockless vehicles permitted for rental by commercial operators in the District of Columbia. As suggested above, DCST proposes that managing the dockless program toward achieving the District's mode shift goals be a formal element of DDOT's decision-making in allocating and renewing permit in a way that reflects their potential contributions to our agreed, District-wide mode shift goals.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |

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| DC Sustainable Transportation | C | DCST suggests that in addition to being concerned about the availability of dockless vehicles in residential areas of the city during the mornings when many trips will connect them to job centers, attention be paid to the currently low availability of vehicles in job centers at the end of the day for people to use to return home or at least to reach transit such as a Metrorail station. | Thank you for your comment. |
| DC Sustainable Transportation | D.5 | DCST supports increasing access to dockless vehicles on an equitable basis. We suggest that DDOT evaluates closely the extent to which this provision is successful in making it easier for people in Equity Emphasis Areas to use dockless bikes and scooters, and whether additional, complementary provisions might be required. | Thank you for your comment. DDOT will evaluate the results associated with the increased deployments in equity emphasis areas and may update the 2021 permit Terms and Conditions. |
| DC Sustainable Transportation | G | DCST recommends that DDOT pay particular attention in data analysis to the degree to which dockless scooter and bike trips are replacing car trips, public transit trips, walking trips or other modes. This information would help clarify the degree to which they are helping achieve the mode share goals of 50% transit and 25% walk/bike, and helping reduce carbon emissions to make progress toward our emissions goals. | Thank you for your comment. DDOT looks forward to evaluating mode shift around dockless vehicle trips. |
| DC Sustainable Transportation | General | DCST recognizes concerns from some individuals and business owners about dockless vehicles being left haphazardly and/or blocking the way of sidewalk users. We urge DDOT to look at ways to incentivize users to store bikes safely, ideally in the micromobility corrals (which we strongly recommend are positioned on the roadway, as opposed to the sidewalk). A financial incentive | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the |

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| | | <p>such as a discount on service fees might be most effective in influencing user behavior.</p> <p>It's worth considering whether incorporating electrification/charging capabilities into micromobility corrals might further combine with a storing incentive: users are already rewarded for charging the vehicles, and this reward could be structured to reflect both storage and charging.</p> | <p>Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| DC Sustainable Transportation | General | <p>DCST recommends that DDOT evaluate possible incentives to encourage a wider range of operators (more than one) to offer dockless bikes. Bikes may be an attractive vehicle option for a more diverse customer base, and having more than one operator will both contribute to healthy competition that benefits the end user, and lead to more bikes available for rental.</p> <p>If fewer than four companies offer dockless bikes, DCST recommends allowing higher per-company limits so that the total number of dockless bikes is not more limited than the number of scooters.</p> | <p>DDOT looks forward to receiving dockless bike applications in addition to the dockless scooter applications. DDOT hopes to encourage dockless bike operators to offer service within the District.</p> |
| DC Sustainable Transportation | General | <p>DCST recognizes the potential of the dockless bike and scooter share program to contribute substantially to the District's mode share goals, which includes 25% of trips by active transportation modes and a sub-goal on new and accessible micro vehicles such as dockless scooters. As such, DCST encourages DDOT to take an actively encouraging stance to increase the number of dockless vehicles available, and formally consider their potential to achieve the District's sustainability goal as a key factor in making policy decisions.</p> | <p>DDOT has actively increased the number of dockless vehicle's available via permit and considers the dockless shared model as part of reaching the mode share goals.</p> |

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| | | DCST also recommends encouraging more operators to take up dockless bike share services, which may make dockless vehicle use more appealing to some market segments and also improve quality through competition among operators. | |
| Deb Broderson | A.1 | The scooter companies are already not abiding by the safety requirements in place (e.g. clearance on sidewalks; picking up abandoned scooters); the dramatic increase in the number of scooters will only increase this problem. In addition, the District should explain how pedestrian safety will be protected given the significant increase in scooter density; the District should ban all scooter riding on sidewalks. | DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. |
| Debbie N. | General (sidewalk riding) | I am against having more dockless electric scooters in DC. Currently, the people who use the scooters ride on the sidewalks and have no regard for the safety of the pedestrians walking on the sidewalks. I have been bumped and side-swiped by the scooter riders, I have also seen it happen to elderly folks and others. Every time this happened the scooter rider didn't bother stopping to see if the pedestrian was ok. It is a safety hazard and to increase the amount of scooters in DC will only cause more accidents since there are no regulations for riders and they couldn't care less about pedestrians. | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. |
| Deepa Shukla | General | There have to be some rules and regulations on these scooters. They are becoming a menace. For example age restrictions: I definitely see kids younger than 18 writing these. I wonder what the | The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is |

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| | | <p>accident rates are since these have been popular. The other main problem is where they are left. Middle of sidewalks, half on the curb half in the road, On peoples property, in my personal parking spot in my alley. And I'm sure much worse. It seems many of your clientele have no regard whatsoever or value of property, And will just throw them down wherever.</p> | <p>revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies. There are a number of rules in place that can be enforced through denial of fleet increases, permit suspension or revocation.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Denis James | General | <p>Firt, the use of all docked or undocked "mobility devices", scooters, bicycles, mo-peds, etc, should require that the user where a safety helmet, and that no use of earbuds or other listening devices that could distract their attention from the roadway should be allowed. There are already far too many dockless scooters and bicycles in the city. From my observations, I would say that over half of the users of these devices are complete scofflaws about the rules of the road, and about where they place the devices when finished their rides. To increase the number allowed from 6200 to 10,000 simply means that there will be more accidents caused by the irresponsible behavior of</p> | <p>District law does not require those over 16 years of age to wear a helmet when riding a bicycle or personal mobility device. All operators in the 2019 permit period required riders to be at least 18 years of age. Article II, A.18 will encourage the operator to provide a free helmet to customers upon request within 20 business days of the request.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public</p> |

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| | | <p>the users on the streets and sidewalks and proportionately more scooters and bikes left in the public right of way in a manner that is disrespectful of pedestrians.</p> <p>There is no more public right of way being built. Adding more of these devices, which seem to invite poor behaviour, will result in the degradation of the sidewalks and right of way in general. I also believe that there is no further ability to allow any more use of the public right of way by any docked or dockless vehicles or devices.</p> | <p>education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Derek Davis | | <p>On several occasions, Gorevel mopeds have blighted, impeded, and is have an impact on the businesses at the 4600 block of Livingston Rd SE. Drug boys are using the Scooters to stash their drugs and just sit on them without regard. Often they turn them over in the middle of the street, curve side, and sidewalks; blocking pedestrians, vehicles, and entrances. I have on many occasions contacted the Gorevel Company with no help. September 14th, I called to report an incident about a turned over moped in front of my Barbershop. No physical action was taken by the company to resolve the issue. I asked a lady name Victoria for the CEO phone number and/or email she said she could not give it to me, she said "look it up on the Internet".</p> <p>I understand Gorevel is doing business in Washington DC, however, so am I. Gorevel is impacting my business of 51 years.</p> <p>I need assistance in resolving this ongoing issue because it is a major problem. Maybe Gorevel</p> | <p>The Revel mopeds (motor-driven cycles) are not part of the dockless bicycle and scooter program. This comment has been forwarded to the appropriate program administrator.</p> |

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| | | <p>should have docking stations. We already have limited parking on the 4600 block of Livingston Rd SE and currently there is major construction ongoing.</p> <p>Thanks in advance.</p> | |
| Dr. Darnita L. Payden | General | <p>I received this email from Councilmember Allen's office concerning the complaints about the proliferation of scooters and bikes that litter our streets.</p> <p>My complaint is they are left in front of my house directly in front of my gate or are left in random places on the sidewalk or the middle of the street, impeding traffic and causing a risk for safety.</p> <p>I'd like to see "no parking zones" instituted for those areas (in front of homes and gates) and a designated space, out of the way of residential walk areas, sidewalks and streets). I cannot count the number of "overturned carcasses" I have seen since these bikes and scooters have infiltrated the city.</p> | <p>Dockless scooters and bikes are permitted to operate within the District's public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days.</p> <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |
| Ed Maddern | A.1 | <p>I'm horrified by the idea of even more scooters littering the sidewalks of DC. In addition for them being left everywhere and anywhere, often times riders are unaccompanied kids without helmets. Scooters are a nuisance, not a transportation solution.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than</p> |

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| | | | <p>20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Elizabeth Nelson | A.7 | Unique IDs should be large enough to be seen at a distance - and appear in photographs documenting problem behavior. Ideally, these could be affixed at both the front and rear of devices. While easy enough to do on a bicycle, it might not be practical on scooters. If not, probably best to affix to the front as they could be placed high enough to be more plainly visible | Unique ID's for dockless shared vehicles are required in Article II, A.7. The size and location of the ID is not dictated in the Terms and Conditions by DDOT. |
| Elizabeth Nelson | A.9 | As with my comments regarding age limits, double-riding should be forbidden.... Companies have told me they do not allow this, but there is | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by |

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| | | <p>no means of enforcement. I often people riding two-to-a-scooter. In addition to explicitly forbidding this in the T&C, there ought to be a requirement that companies take specific steps to educate their users, establish disincentives for their users who break the rules, and make it easy for the public to report incidents. As a side note - although I've already proposed mandatory age limits and explicitly forbidding double-riding - there should be an additional penalty for children riding without helmets, as there is for human-powered bicycles. If adults are going to engage in this unsafe behavior (riding double), they should at least protect any children riding with them.</p> | <p>asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Elizabeth Nelson | A.9 | <p>I don't see any reference to age limits. Surely no one under 16 should be allowed to operate them. Several companies have told me they have age restrictions, but there is no means of enforcement. I often see children riding them, sometimes with an adult, often with another child or even alone. In addition to establishing age limits, there ought to be a requirement that companies take specific steps to educate their users, establish disincentives for their users to break the rules, and make it easy for the public to report incidents.</p> | <p>All operators in the 2019 permit period required riders to be at least 18 years of age. DDOT is working on developing systems to integrate with 311 for the 2020 permit year.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding.</p> |
| Elizabeth Nelson | D | <p>There should be limits on how many devices can be placed and a single location. There should be a requirement that those deploying (delivering) devices - not just users of the devices - receive education regarding where they can and cannot be placed. Anecdotally, those delivery persons</p> | <p>Dockless scooters and bikes are permitted to operate within the District's public right-of-way, subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts</p> |

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| | | claim not to have received instructions other than to put them in highly visible locations. | requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days. |
| Elizabeth Nelson | General | Companies should be required to establish disincentives for users who break the rules. It is not sufficient for there to be disincentives for the companies - they know that they are unlikely to get caught and may be tempted to just accept penalties as a 'cost of doing business". They should be required to pass on disincentives to their customers. These disincentives should meet minimum standards and be easily discoverable. Providers should be required to be proactive about educating their customers. A standard means of reporting bad behavior should be made available to the public. This should include accepting cell phone photos of the bad behavior. DDOT should have a right to view these images - and should establish a means of compliance checks. Persons initiating a complaint should be entitled to some sort of response, even if it is just an acknowledgment of receipt. | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| Elizabeth Nelson | General | I often see scooters in "operation" that appear to be unlocked and yet not powered-on. Generally, these are operated by young people who appear to be simply pushing them as a heavier version of a non-electronic scooter. This creates two problems. First, these users often leave them in | User agreements for the 2019 permit year did not allow users under 18 to rent or ride scooters. DDOT will not require a lock-to or tethering mechanism for the 2020 permit year. |

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| | | <p>inappropriate places. Second, this type of use is unsafe and difficult to monitor, especially as it is often children doing it. There ought to be either a required auto-locking mechanism (that stops the wheels from turning) or the requirement of a disincentive for users leaving them unlocked.</p> | |
| Elizabeth Panarelli | General | <p>What about the rights of the disabled? I cannot navigate the scooters lying about nor the overprivileged brats who nearly hit me. I am becoming a shut-in in a city that does not respect pedestrians.</p> | <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |
| Eric Wolff | A.1 | <p>I'm not deeply familiar with the specific questions here, but I am a regular user of dockless transportation options, mainly scooters. I would like to see a significant increase in the total number of scooters and bikes available, as I often have trouble finding one when I need it whenever I am somewhere other than downtown/Cap hill. As a consumer, I wouldn't mind seeing some consolidation in the overall number of companies (maybe down to 4 companies?).</p> <p>I would also like to see DC address the geofencing around the Capitol and Congressional office buildings. These buildings are the destination for many, many people in DC and dockless vehicles have to be parked at a prohibitive distance from</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |

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| | | <p>them (prohibitive in the sense that you may as well just walk from your point of origin).</p> | <p>The District government can only permit the use of public space in the District’s right-of-way. Federal land, such as the U.S. Capitol Grounds and the National Mall, is controlled by separate federal entities. The Capitol Police may have security concerns around the placement of dockless vehicles. Please address this comment to them directly.</p> |
| Eric Wolff | A.21 | <p>I'm not deeply familiar with the specific questions here, but I am a regular user of dockless transportation options, mainly scooters. I would like to see a significant increase in the total number of scooters and bikes available, as I often have trouble finding one when I need it whenever I am somewhere other than downtown/Cap hill. As a consumer, I wouldn't mind seeing some consolidation in the overall number of companies (maybe down to 4 companies?).</p> <p>I would also like to see DC address the geofencing around the Capitol and Congressional office buildings. These buildings are the destination for many, many people in DC and dockless vehicles have to be parked at a prohibitive distance from them (prohibitive in the sense that you may as well just walk from your point of origin).</p> | <p>The District government can only permit the use of public space in the District’s right-of-way. Federal land, such as the U.S. Capitol Grounds and the National Mall, is controlled by separate federal entities. The Capitol Police may have security concerns around the placement of dockless vehicles. Please address this comment to them directly.</p> <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours’</p> |

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| | | | notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice. |
| Erik Bue | | For Adaptive Vehicles, where the total demand, and distribution of that demand, is initially unknown, the minimum fleet size of 400 vehicles and distribution requirements may be highly impractical, or simply economically unsustainable. We request that you exclude Adaptive Vehicles from these requirements, at least for the first year of operation. | At this time, DDOT does not manage a separate adaptive dockless vehicle permit program. Adaptive vehicles permitted through the existing dockless bicycle and scooter permit would be part of the larger fleet with fleet minimums associated with that dockless bicycle or scooter fleet. A permit for an adaptive vehicle dockless permit may be issued at a later date. |
| Erik Bue | | The 50 lb weight limit is too low for some electric bikes, and is much too low for Adaptive Vehicles like enclosed, electric tricycles. We recommend that you either clarify that this weight limit applies only to electric scooters by adding "electric scooters" in place of the word "vehicles" in the sentence with the weight limit, or increase the weight limit to 350 lbs, which will cover enclosed, electric tricycles Adaptive Vehicles like the Veemo vehicle. Alternatively, you could just specify that Adaptive Vehicles are excluded from this weight limit. | Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space. |
| Erik Bue | | Some Adaptive Vehicles, like tricycles and recumbent bikes, are bigger than ideal to fit in the furniture zone. Thus, we recommend that you insert a new bullet "(b)" which says "b. For Adaptive Vehicles only, on the street, perpendicular to the curb, within zones where cars and motorcycles are legally permitted to park." | Thank you for your comment. |
| Erik Bue | | Some Adaptive Vehicles, like tricycles and recumbent bikes, are bigger than ideal to fit in | Thank you for your comment. |

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| | | <p>the furniture zone. Thus, we recommend that you add a 4th bullet to Definition G that says “4. For Adaptive Vehicles only, on the street, perpendicular to the curb, within zones where cars and motorcycles are legally permitted to park.”</p> | |
| Erik Bue | | <p>Tricycles (aka: 3-wheeled bicycles) and bicycles with recumbent seats do not appear fit within any of the existing 18 DCMR 9901 vehicle definitions. We recommend you amend the definition of “Motorized Bicycle” (at least for the purpose of this program) to explicitly include three-wheeled electric cycles. If you replace the requirement to have “A post mounted seat or saddle for each person that the device is designed and equipped to carry” with the requirement to have “fully operable pedals”, that would address the issue.</p> | DDOT does not have regulatory authority over this issue. |
| Erik Bue | | <p>“Adaptive Vehicles” such as 3-wheeled tricycles, or bicycles with recumbent seats are not included within the “Publicly Accessible Dockless Vehicle Sharing Program” definition.</p> <p>We suggest that you add “Adaptive Vehicles” to Definition A as follows: “Publicly Accessible Dockless Vehicle Sharing Program: means a program to rent bicycles, motorized bicycles, Adaptive Vehicles or electric scooters for short-term one-way trips without the installation of any infrastructure within the District other than the deployment of vehicles.”</p> <p>We suggest that you similarly add “Adaptive Vehicles” and “Motorized Bicycle” to Definition B as follows: “Dockless Sharing Vehicle: means a</p> | Thank you for your comment. |

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| | | dockless bicycle, dockless motorized bicycle, Adaptive Vehicle, or dockless electric scooter that is available to rent in the public right-of-way through a rental system that does not include the installation of docking stations in the public right-of-way. The term “dockless sharing vehicle” does not include a motor vehicle, motorcycle, low-speed vehicle, or a motor-driven cycle, as defined in 18 DCMR 9901, or an all-terrain vehicle as defined in D.C. Official Code §50-2201.02(2).” | |
| Eugene Martinez | General | Do less scooters are a great way with many benefits including less car traffic and an easy way to get around the great city of DC. | Thank you for your comment. DDOT agrees that Dockless vehicles now provide an important part of the District's transportation options. |
| Ezra DF | A.3 | <p>I like the dockless bikes and scooters even though I have not used them myself and do not plan to. I think they are a great alternative to cars that take up much less space, emit far fewer pollutants into our air, and are far less deadly if they hit someone.</p> <p>I think that the speed regulations should be removed, or at least raised to a speed like 20 - 25 MPH so that a scooter rider can feel safe biking on the street amid cars. If the limit stays at 10 MPH they will never feel safe on the street and will only ride on sidewalks, which is less safe for pedestrians and there is less room there anyway. Longer term the city will need to build more protected lanes and do more to discourage car use in favor of bikes, scooters, and walking.</p> | <p>Thank you for your comment. The District is creating more safe spaces for dockless users to ride across the city.</p> <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.</p> |
| Galin Brooks, DowntownDC BID | A.3 | Dockless vehicles are using sidewalks routinely in the CBD. We hear on a daily basis about crashes between pedestrians and scooters. Geofencing the CBD and limiting the maximum speed within | DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on |

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| | | <p>it is the only practical way to limit the injuries from this situation. A maximum speed limit of 10MPH is an implementable and enforceable measure that can reduce the severity and volume of crashes in the densest part of the city. We recommend changing the language in this section to read: “Permit Holder shall certify that all dockless electric scooters deployed are equipped with a speed governor that ensures the vehicle will not travel in excess of 10 miles per hours on ground level, and that Permit Holder geofence the CBD to limit scooter speed to a maximum of 10MPH within the CBD.”</p> | <p>sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.</p> |
| Galin Brooks, DowntownDC BID | B | <p>We recommend adding an additional measure to the semi-annual assessment of Permit Holders to the list included in this section. It is as follows: “r. Compliance with geofencing of CBD and maximum speed operability within the CBD of 10MPH.”</p> | <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit both inside and outside the CBD. DDOT declines to set a different standard for the speed within the Central Business District as the speed is District law.</p> |
| Galin Brooks, DowntownDC BID | C.1.A | <p>Again, a minimum width of 5-feet for pedestrians and people with disabilities will not be enough room to maintain adequate space for everyone in the CBD. We recommend changing the language in this section to read: “Dockless vehicles must be parked: Within the furniture zone of the sidewalk where one exists, and must maintain a pedestrian travel space to a width of at least five (5) feet and twelve (12) feet in the CBD.”</p> | <p>DDOT declines to set a different standard for parking within the Central Business District.</p> |
| Galin Brooks, DowntownDC BID | C.1.A | <p>It is useful that there is a suggested minimum clearance for pedestrians adjacent to Dockless Vehicle Parking Areas. However, in a location like the CBD, a 5-foot minimum is not enough clearance. Sidewalks in most of the CBD are 20+</p> | <p>DDOT declines to set a different standard for parking within the Central Business District.</p> |

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| | | <p>feet wide and can accommodate parking and ample right-of-way for pedestrians and people with disabilities. Pedestrian traffic flows are also at their highest levels in the District in much of the CBD. To avoid failing pedestrian conditions, we strongly recommend changing the language in this section to read: "Dockless Vehicle Parking Area: means the following areas where dockless vehicles may be parked, provided that a minimum 5-foot clear zone (12-foot clear zone in the CBD) for pedestrians is maintained at all times."</p> | |
| gary mintz | General (parking) | <p>I am not against deckles scooters per se. I understand the rationale. However, they have become a safety hazard for pedestrians. This afternoon I walked south on 8th Street SE. On just one block between East Capitol and A Streets SE, there were two Uber dockless scooters parked in the middle of the sidewalk. There was plenty of room to park them near to the curb or in a nearby tree box that was barren and devoid of foliage. However, the last two riders chose to park them in the middle of the sidewalk where they were a safety hazard to any pedestrian with limited sight or mobility. There must be a way to control them and protect pedestrians. My thought is to fine the company an amount equivalent to parking in a disabled parking slot, and the company can decide whether or not to charge the last user. There could be a website where a photo of the hazardously parked scooter could be uploaded. Gary S Mintz, MD</p> | <p>Dockless scooters and bikes are permitted to operate within the District's public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days.</p> |

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| Gary S Mintz | General | <p>822 E Capitol St, NE</p> <p>I am not against dockless scooters per se. I understand the rationale. However, they have become a safety hazard for pedestrians. This afternoon I walked south on 8th Street SE. On just one block between East Capitol and A Streets SE, there were two Uber dockless scooters parked in the middle of the sidewalk. There was plenty of room to park them near to the curb or in a nearby tree box that was barren and devoid of foliage. However, the last two riders chose to park them in the middle of the sidewalk where they were a safety hazard to any pedestrian with limited sight or mobility. There must be a way to control them and protect pedestrians. My thought is to fine the company an amount equivalent to parking in a disabled parking slot, and the company can decide whether or not to charge the last user. There could be a website where a photo of the hazardously parked scooter could be uploaded.</p> | <p>Dockless scooters and bikes are permitted to operate within the District’s public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the “furniture zone” of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days.</p> <p>Thank you for your comment. DDOT declines including this suggestion.</p> |
| Gitana | A.1 | <p>Due to the lack of maintenance and oversight/enforcement of the 6,200 current scooters as it relates to deployment, parking, and usage; I am against increasing the problems to 10k scooters.</p> | <p>Dockless scooters and bikes are permitted to operate within the District’s public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the “furniture zone” of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction f DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across</p> |

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| | | | <p>the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |
| <p>Glenn Engelmann on behalf of The Dupont Circle Citizens Association</p> | <p>General</p> | <p>See letter.</p> | <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. or pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and</p> |

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| | | | will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. |
| Gray Brooks | A.1 | Generally, the proposed changes are great. Increasing the total number to 20k is outstanding. Anything that can be done to encourage powered dockless bikes should also be a priority. | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Gray Brooks | A.3 | Lastly, the 10mph speed limit on scooters must be raised to a normal speed. It lessens use and adoption of the scooters, but most importantly, it's proactively dangerous! This is one reason why people ride on the sidewalk - because of how unsafe it feels (and *is*) to ride then at that slow speed in the street. | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law. |
| Guillermo Galdamez | A.3 | Scooters operating at 10mph on roads is insufficient. This speed is fine for riding on a sidewalk, but for riding on the street, this is dangerously slow. Please increase the speed allowed by the speed governor device, especially | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law. |

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| | | considering there are large parts of the downtown core where riding on the sidewalk is not permitted. | |
| Hannah Smith | A.1 | We applaud the District’s decision to increase fleet sizes to 2500. Washington, DC has long been a leader in providing additional mobility options, and it is exciting to see the District further build strong partnerships with providers who are dedicated to serving their constituents. | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Hannah Smith | A.20 | Bird is satisfied with the current language for this section. One suggestion that Bird has seen help support city efforts elsewhere is outlining potential extreme weather events that would necessitate pulling scooters off the road, so Bird can work in advance to anticipate the District’s needs. Some examples are: setting a minimum temperature for deployment (ie: if temperatures drop below X, scooters will be pulled off the road), or listing specific weather events, like hurricanes, or winter storms above a certain category. This worked well in cold weather markets last winter when we worked with cities | DDOT expects operators to use their best judgement to deploy outside of extreme weather events. Operational plans should include information on what events and temperatures would trigger non-deployment. DDOT expects operators to communicate non-deployment by 10pm the night before. On any day when service is deployed, DDOT expects operators to meet deployment minimums and maximums associated with ward deployment, equity deployment, and the CBD cap. |

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| | | to preemptively remove scooters due to incoming storms. | |
| Hannah Smith | A.21 | Bird is able and willing to administer geofence requests within 24 hours of a request from DDOT. However, based on experience operating in other cities, Bird has found that having 3-4 days to administer geofence requests leads to better implementation technologically and stronger communication with riders, allowing them to fully understand the change in service area. With more time companies will be able to email riders, provide in-app messaging and better annotate service areas on the rider map. | <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice.</p> <p>DDOT tries to offer as much lead time as possible regarding special events and weather. However, some major special events occur with limited notice or ability to predict. During such events, DDOT may require permit holders to deploy additional operational resources to safely maintain the public right-of-way. Operators who are not capable of deploying adequate resources under such circumstances may be required to suspend service to ensure that their vehicles do not create obstructions or safety hazards.</p> |
| James Harnett | General | I like these proposed rules! | Thank you for your comment. |

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| Janice Ferebee | A.23 | Permit Holder shall report to DDOT within 24 hours, any issue which could affect public safety, including but not limited to reports of criminal activity . . . What about reports of accidents like "trip & falls" by pedestrians when bikes/scooters are left haphazardly on sidewalks? | DDOT relies on operators to receive reports of injuries by dockless vehicle users or pedestrians. When operators receive information from persons injured by a dockless vehicle, operators are required to include such information in their monthly safety reports. |
| Janice Ferebee | A.9 | Permit holders are NOT informing their users of all applicable District laws and regulations IN AN EFFECTIVE MANNER. Users, on a regular basis, share with me that they weren't aware that they were NOT supposed to be on the sidewalks in the Central Business District; they don't know where the CBD is located (even when they are right in it); they don't follow the laws about no one under 16 is supposed to ride; they don't follow the rules about only one person is allowed to ride; they don't respect the "Pedestrians have the Right of Way" regulation. Their education and awareness for users is NOT working; is NOT EFFECTIVE; and nothing is being done about it, as I can see. The proof is that most riders HAVE NO REGARD OR AWARENESS OF THE EXISTING LAWS AND REGULATIONS! | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. |
| Janice Ferebee | C | Dockless vehicles must be parked: Within the furniture zone of the sidewalk where one exists, and must maintain a pedestrian travel space to a width of at least five (5) feet. Many times this does not happen; travel much to close, especially near elders, people with children, and those with handicaps - when allowed on the sidewalk. Also done on a regular basis on the sidewalks in the CENTRAL BUSINESS DISTRICT (where it is unlawful). | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and |

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| | | | with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Janice Ferebee | C.2 | Permit holder will use all of its communication platforms to educate users on proper dockless vehicle parking, and will incentive proper parking. Not being done. | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| Janice Ferebee | C.2 | Communication methods for educating users about safe operations and proper parking. How/When/Where is this being done? It is not effective at all. Sept. 25, 2019, 86-year old friend tripped over scooter that had fallen over and was in the middle of the sidewalk; rushed to ER; is now in Rehab Facility for 6 - 8 weeks due to broken shoulder and doctor's orders to stay immobile. | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| Janice Ferebee | C.4 | Procedures for responding to complaints. This is not effective. What type of complaints are they hearing, and, what are they doing about them? They are certainly not hearing any of the complaints about riding on the sidewalks in the CENTRAL BUSINESS DISTRICT; riding with only 1 person on the scooter; no one under 16 should be on the scooter; and, how pedestrians are supposed to be given the right of way. | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| Janice Ferebee | General | f. Response time to violations. What violations count that would affect the "Performance-Based Fleet Expansion?" | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |

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| | | <p>j. Effectiveness of user education. What's being done/I don't see anything that is effective because users continue to DISREGARD THE DC LAWS AND REGULATIONS. Permit holders should NOT be allowed to increase their fleets UNTIL/UNLESS a more massive and comprehensive PUBLIC & USER EDUCATION and ENFORCEMENT CAMPAIGN is designed and implemented. DDOT will be remiss if they allow this next set of Permit Users Fleet Expansion to be approved without this being done.</p> | <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Jared Perlmutter | A.3 | <p>I am an avid user of the scooters around DC. I use them to get around and think the 10 MPH is actually dangerously slow. At 10 MPH I often am passed by faster bikers in the bike lane who need to go around my into the traffic lane. I also feel the speed is not fast enough to easily and safely navigate traffic.</p> | <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.</p> |
| Jason Clock | A.21 | <p>Any property owner should be able to submit a petition for a GEO Fence to keep bikes out of areas near their property for evaluation by DDOT.</p> | <p>Dockless scooters and bikes are permitted to operate within the District’s public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the “furniture zone” of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the</p> |

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| | | | <p>Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days.</p> <p>Private property owners, like the educational institutions or the Wharf can request geofences. However, dockless vehicles are permitted in the public right-of-way. DDOT will not use geofences to ban vehicles on the public right-of-way near your property.</p> |
| Jason Clock | A.21 | Special considerations for senior centers and public spaces. There should be a way to petition for a GEO Fence for any property owner that is reviewed much like a Traffic Study. GEO Fences should be used to prevent users from ending trips in those areas. | DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice. |
| Jason Clock | A.3 | Vehicles travel faster than 10 MPH now. How are they regulated? Does GPS tracking provide a speed for remediation if needed? | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory |

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| | | | authority to change without Council action to change the law. |
| Jason Clock | C | Users should be required to take a photo at trip end to show that the vehicle is properly docked and issued citations if not. | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. |
| Jason Clock | C | Geofencing needs to be used to enforce the parking. This is a large undertaking, but a one time map should be able to be used by all companies to program in the areas where bikes are not allowed to be parked. | Thank you for your comment. |
| Jason Clock | C.4 | There shall be a central number / website / email to use for reporting issues with the vehicles much like there is a central system for Elevator Certs. This will make it easy to report any vehicle. | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| Jason Clock | E.2 | How will this be publicized and validated? There needs to be more specific instruction here. | Information for the 2019 low income customer plan and how to sign-up is available on DDOT's dockless web page. This information is also available through all operators. We anticipate the sign-up process will be much the same for the 2020 permit. During the 2020 permit period, operators will be required to report on usage of LICPs. |

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| Jason Clock | E.2 | How are such programs going to be provided? What outreach is being done to get low income and minorities discounted rates for usage? | Information for the 2019 low income customer plan and how to sign-up is available on DDOT's dockless web page. This information is also available through all operators. We anticipate the sign-up process will be much the same for the 2020 permit. During the 2020 permit period, operators will be required to report on usage of LICPs. |
| Jason Clock | General | Please don't allow them to be placed or locked up in Bicycle Parking. | DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Jason Clock | I.E | DDOT shall create HUBS wherever possible with first come first served use. | Thank you for your comment. |
| Jason Clock | I.E | Hubs, areas between the parking and stop sign shall be preferred for parking. | <p>DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT's installation of parking corrals is typically located at the first 25 feet of intersections where parking is not permitted and using the infrastructure to daylight the intersections for increased pedestrian visibility.</p> |
| Jason Kelly | D.3 | Given the longstanding ban on bikes using sidewalks in the Central Business District (which is virtually unknown due to a host of factors including a complete absence of signage, curb markings, etc.), how will DDOT address the obvious escalation of thousands of scooter users now using MOTORIZED vehicles on the same sidewalks? I would like to think that the District government and DDOT won't get punked by profit-making scooter companies who have already proven their lack of accountability with their (essentially trash) abandoned property that clogs our public space on a daily basis. How many | <p>Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020.</p> <p>Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |

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| | | scooters will I have to walk around today? How many of them will be lying in crosswalks used by wheelchair users? The other night from inside my apartment, I heard a scooter user yell, "get the f*ck out of my way!", while they went speeding down a residential sidewalk no wider than two people. Please do something about this. The current situation is unacceptable. | DDOT has analyzed the current number of vehicles in the Central Business District to determine the maximum number of vehicles. If operators are not able to meet operational concerns around limiting the number of vehicles in the Central Business District, the Permit Holder should only deploy the number of vehicles that can be successfully managed until the permit holder has appropriate staff capacity to rebalance fleets. Operators are welcome to use alternative modes of transport to move vehicles. |
| Jason Maga | A.3 | <p>Speed governors are helpful, however electric scooters and bikes also should be banned from sidewalks altogether - downtown and otherwise. 10mph is still very fast for riding on a sidewalk. My daughter - then 3 years old - was almost hit by a scooter on a sidewalk. She could have been killed. In talking with other parents since then I have encountered several who experienced similar scares.</p> <p>Adults also are at risk. Scooter riders often shoot through crowds at full speed, passing people from behind within inches. It's dangerous even at 10mph.</p> <p>Motorized scooters and bikes should be permitted on streets and in bike paths only, never on sidewalks. MPD should enforce this by ticketing riders.</p> | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law. |
| Jason Maga | C.4 | It should not be left to the general public to ask scooter companies to please move their incorrectly parked scooters. Imagine if that's how we enforced automobile parking regulations - if a double-parked car is in the way you have to call the car's owner and then they have 2 hours to | DOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |

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| | | <p>move it. No one would take parking regulations seriously since there would be no deterrent. I believe the same people who write parking tickets for automobiles should also write tickets for improperly parked scooters. Those tickets would be paid by the scooter companies. This would provide an actual deterrent and force scooter companies to prevent scooters from being left in the way in the first place.</p> | |
| Jennifer Hughes | | <p>As a parent of a young child, I have grown increasingly more concerned about the safety of my 2 year old walking down the street by my side. Scooters on the sidewalk alarm me and feel far more dangerous than bikes, as they try to maneuver very quickly around pedestrians, and their smaller and speedier stature enables them to do so. I wish there was consideration for pedestrian safety on the sidewalks with scooters - particularly more vulnerable populations, such as young children. If DC wants to be home to more families and children, then policy should consider sidewalks as an important piece of the public realm that should be safe from scooters and provision people of all-ages to utilize them as pedestrians.</p> | <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |
| John G Williams | General | <p>I oppose motorized scooters of all types in DC. Experience so far has shown that such devices will be driven on sidewalks at great danger to pedestrians. Further, these devices do not displace automobile traffic, they only displace walking.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than</p> |

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| | | | <p>20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |
| john kelly | C.4 | <p>What recourse do we have when a scooter user just leaves the scooter on the sidewalk in front of our house? It seems to take the owner awhile to pick them up.</p> | <p>Dockless scooters and bikes are permitted to operate within the District's public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days.</p> <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |
| John Stimpson | General | <p>The dockless scooters provide a necessary supplement to DC's public transit system. The system does not cover 100% of the city and is not reliable even during commuter hours, never mind</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater</p> |

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| | | <p>evenings and weekends. In fact just this morning my train was delayed and I ended up using a dockless scooter to get work on time.</p> <p>For DC citizen's without cars these short term rentals are an incredibly helpful supplement to public transit.</p> | <p>transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |
| Josh Albertson | D. 5 | <p>This is an outstanding provision and goes a long way toward more equitable transportation planning! This is great!</p> | <p>The District's goal is to have access for all residents to the dockless shared vehicle program.</p> |
| Josh Albertson | General | <p>More scooters and bikes will fill a serious void in mobility in the District. This legislation would be a HUGE step in the right direction, allowing easier riding and decreasing car traffic in the city. We need this!</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |

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| Karen Bell | A.7 | I am concerned about liability should there be an accident with a pedestrian or car. The scooters speed on the sidewalk, as pedestrians walk. Additionally, they do not follow the traffic rules of stopping at stop signs, red lights, etc. If the use of dockless scooters is to continue, I would like them to be limited to specific areas. | Unique ID's for dockless shared vehicles are required in Article II, A.7. The size and location of the ID is not dictated in the Terms and Conditions by DDOT. |
| Kathleen Davin | General (boundaries of CBD) | The city core where scooters are not allowed on sidewalks needs to be expanded to include DuPont Circle & Columbia Heights, neighborhoods with heavy pedestrian traffic. #2 it will be impossible to enforce rules about not parking scooters in the path of pedestrians, any fines would be incurred after someone already had been injured. During the trial period scooters have been strewn recklessly throughout neighborhoods with high pedestrian traffic. No space has been reserved for pedestrians. Soon it will be safer to walk in the streets. | The definition of the Central Business District and the prohibition on riding in the Central Business District is District law. DDOT does not have regulatory authority over this issue. |
| Kaytrue Staley | C | I strongly oppose DDOT's proposed 2020 T&C with respect to its parking provisions for companies operating dockless scooters in the District. The parking provisions lack any true reporting, accounting, and penalty mechanism. They only require companies to submit a plan explaining how they will communicate methods to educate users about proper parking, and state that the company "shall" incentivize proper parking and remove improperly parked vehicles with NO mechanism by which to enforce either of those provisions. Under the proposed T&C, proper scooter parking in the District is voluntary. "Shall" has very little meaning when not backed | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. |

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| | | <p>up by any enforcement or penalty (or means of tracking compliance). DDOT should levy penalties against companies for improperly parked vehicles. In San Francisco, companies were subject to fines of \$100 per improperly parked scooter; these fines were increased in June 2018 to \$100 for the first violation in a 12 month period, \$200 for a second violation, and \$500 for the third and every subsequent violation. https://www.kqed.org/news/11675763/s-f-weighs-tougher-parking-penalties-for-rental-scooters). At the University of Texas Austin, dockless companies are fined \$150 for every improperly parked scooter. https://www.kut.org/post/dockless-companies-now-face-150-fines-scooters-parked-wrong-places-ut). Unlike DDOT's proposed T&Cs, these penalty structures actually incentivize dockless companies to solve the improper parking problem of dockless vehicles. The fines hurt the companies' bottom lines and require them to either figure out a workable solution to improperly parked scooters OR pass costs on to users, which will quickly disincentivize bad behavior. I will note that the proposed T&C's threat that companies will lose their \$10,000 bond if the holder fails to remove unsafe/unpermitted/abandoned scooters or if DC is forced to do so on the companies' behalf seems like it would only be exercised in the most</p> | <p>DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |

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| | | <p>egregious of violations, and does not appear to be designed to change the everyday functioning of scooter use and improper parking. Given the experience of dockless scooters in the District thus far (and in other cities where these vehicles have been introduced), it is clear that instituting "rules" about scooter parking with no monetary penalties, and reporting/tracking/enforcement that is external to the companies themselves, is NOT working. After having grown very frustrated with encountering improperly parked scooters that block public rights of way and in particular accessibility ramps on a daily basis, I started a public instagram account at dc_scooter_shamer. I encourage you to go there to see photographic evidence of scooter companies flagrantly violating DDOT's dockless parking "rules." Institute stiff penalties on dockless scooter companies or end the permit programs.</p> | |
| Kaytrue Staley | C.4 | <p>There has been no change between the existing terms and conditions and the new proposed terms and conditions with respect to using the number of parking violations as a criteria for determining whether a given scooter company may expand its fleet. However, nothing in the existing terms and conditions nor in DC's general dockless rules demonstrates how the city would even know how many parking violations each company has accrued and whether the companies have moved improperly parked vehicles within 2 hours as required under the rules (DDOT's dockless vehicles page directs</p> | <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |

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| | | <p>citizens to report improperly parked scooters to the companies, not the city). Bird, Lime, Skip, Spin, Jump (by Uber), and Lyft are all under consideration for fleet expansion under the proposed rules even though these companies on a daily basis permit their users to improperly park vehicles. I work in downtown DC (near metro center) and see improperly parked scooters and jump bikes ALL THE TIME. Please see my public instagram account-- dc_scooter_shamer for ongoing photographic evidence of dockless scooters that violate the rules.</p> <p>In short, I do not see anywhere in the T&C how DC is tracking the number of parking violations, which would seem to be a critical data point given that DDOT has made # of parking violations a criteria by which to determine whether companies are permitted to expand their fleet.</p> | |
| Kenichi Haramoto | | <p>I am writing to strongly oppose the expansion of dockless scooters in the District. I have seen so many scooters violating traffic laws, riding through intersections when the light is red. The traffic rules are for everyone, including scooters, bicyclists and pedestrians. Also, I am not happy to see so many scooters cluttering up our sidewalks and curbside areas, even alleys. This is a hazard for those in wheelchairs who cannot easily get out of their wheelchair to move a scooter lying in the middle of the sidewalk or blocking a ramp. If the District permits the increase of scooters, it should ramp up the enforcement of traffic rules and ticket scooter drivers who violate the traffic rules.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding,</p> |

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| | | | double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Kim Varzi | General (mostly about mopeds) | As the ANC commissioner for 4C07 I believe it is important for DDOT to first survey the program within the city before increasing it solely based on other cities platforms. within 4C07, scooters are left everywhere, fallen on the ground on the sidewalk, in the street in alley's. The new revel mopeds are being parked as though they are a car taking up a full car space; drivers of the mopeds are not wearing helmets, riding in bike lanes and passing cars down one lane roads. This to me is not only a nuisance but a major safety hazard. I was shocked to see that the only safety concerns written about in the terms and conditions was with regard to battery life and operation; nothing to do with human life and operation! I believe more time should be taken to assess the current program as well as more time should be allowed for community members to share their input. Thanks, Kim | The Revel mopeds (motor-driven cycles) are not part of the dockless bicycle and scooter program. This comment has been forwarded to the appropriate program administrator. |
| Kirby J Rootes-Murdy | A.1 | I am against an increase in the number of dockless vehicles. There is little to no accountability for the number of vehicles that get ridden and then discarded throughout the city. When there is no infrastructure for these vehicle, they are left everywhere- standing, lying on the group, in people's yards, in the street, in wooded areas. This amounts to another form of trash or litter, which is already a problem in our city. | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an |

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| | | Again, I'm against an increase in the number of dockless vehicles. | important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Kirby J Rootes-Murdy | General (parking) | Dockless vehicles, particularly scooters and bikes, are being left anywhere in the city without any recourse. This amounts to lawless littering. The enforcement of these vehicles being placed appropriately and the penalties for not complying with the regulations have been insufficient. If you park your car in place you are prohibited from, the vehicle owner is fined and eventually towed. At a minimum the same approach should be taken with dockless vehicles. | Thank you for your comment. |
| Larry G | General | I am so tired of fondling Dockless scooters next to handicap trims, on my property, and blocking my driveway. What can I do about this citywide nuisance? This is a ridiculous hazard. If I were to leave my personal bike in the same locations the police would either take the bike or I would get fined. This is not fair and the city needs to take responsibility now! | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. |

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| | | | <p>DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |
| Laurel Hammig | A.20 | <p>NPS would like to work with DDOT to identify events, Cherry Blossom, 4th of July etc, where use of dockless vehicles could be restricted due to the large number of people and crowds. Requiring staffing during events may also help with some of the dockless vehicle parking issues we have dealt with during these events in the past. Perhaps use of geofencing could be utilized to restrict certain areas where use of dockless vehicles could become problematic during event times.</p> | <p>DDOT tries to offer as much lead time as possible regarding special events and weather. However, some major special events occur with limited notice or ability to predict. During such events, DDOT may require permit holders to deploy additional operational resources to safely maintain the public right-of-way. Operators who are not capable of deploying adequate resources under such circumstances may be required to suspend service to ensure that their vehicles do not create obstructions or safety hazards.</p> |
| Laurel Hammig | A.21 | <p>Geofencing should restrict areas where e-scooters are not permitted</p> | <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that</p> |

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| | | | force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice. |
| Laurel Hammig | A.21 | Would like to coordinate with DDOT to utilize geofencing to restrict the use of dockless vehicles within particular areas, specifically around the monuments and memorials. Reducing speed within certain areas of the park with geofencing would also be helpful because these areas have multiple types of users, largely pedestrians. | DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice. |
| Laurel Hammig | A.21 | Request DDOT and permit holders partner to work with the NPS regarding regulations on parking and speed limits while on park service property. Speed limits should differ in heavily used pedestrian areas versus street riding. This could be packaged as an educational campaign to the public. Perhaps use of GPS and location services could help dictate the speed at which the dockless vehicle is used. | DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, |

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| | | | some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice. |
| Laurel Hammig | C.1 | Consider adding language about parking vehicles in proximity of an active construction zone. Parking a scooter near/on Memorial Bridge could/would add congestion and increase likelihood of an accident. | Thank you for your comment. |
| Laurel Hammig | C.1 | Add language about no scooter riding within the monuments and memorials. | DDOT will include geofence restrictions outside of the T&Cs document. Please follow-up with appropriate geojson files. |
| Laurel Hammig | C.4 | does this include reports of illegally parked vehicles (C4)? if so, that's not clear and may need to be clarified. please ensure that responsiveness to illegally parked vehicles is part of the permit evaluation for fleet increases. | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| Laurel Hammig | General | NPS would like to coordinate with DDOT to identify appropriate parking and/or staging areas for dockless vehicles when being used on the National Mall and other NPS parks. Would also like to work with DDOT and permit holders on an education campaign to inform users about parking/staging, general use and safety at National Mall and Memorial Parks. We would like to emphasize that dockless vehicles should not be parked within the monuments and | DDOT looks forward to coordinating with the National Park Service. |

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| | | memorials and not in the path of travel on sidewalks within the park. | |
| Lillian Jordan | General | I thinks these scooters are a bad idea. The are left in the middle of sidewalks, a a problem for disable people in wheelchair to navigate. | DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. |
| Lynn Dennis | General | ANC Commissioner reporting comments from resident in my SMD 4D02. Resident states that there should be some protocol on how and where these bikes should be placed. Resident reports seeing bikes and scooters blocking doorways, hospital and home entrances, and on the ground in front of stores She says it is dangerous for older people, those with poor vision, and those hurrying to catch buses or cross at street light. | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. |
| Marcus Kendrick | A.3 | I am a resident of the Kalorama Triangle Neighborhood of NW DC. I respectfully request that the Council eliminate article A.3 in this proposal and reverse the previously enacted rule to limit scooter speeds to 10mph. I would | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law. |

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| | | <p>appreciate the opportunity to speak before the council on this matter.</p> <p>DC does not have adequate infrastructure to protect bikers and scooter riders. As a result, scooters must share the road with drivers and cyclists. I'm sorry to hear about the death of the scooter rider in DuPont Circle, but the speed governors that the Council began requiring on scooters actually make me feel much less safe riding on the streets of DC.</p> <p>Let's first deconstruct the actions of the DuPont circle rider who died. It was raining, and they were in the bizarrely organized roundabout that is Duopont Circle. I'm an experienced rider and I do all I can to avoid that intersection on my bike or scooter. Was speed really what got them killed, or was it operator error? We're they even going above 10mph, and if so would slower speeds actually have prevented their death? Accidents happen. But I truly feel less safe being limited to 10mph on a scooter, commuting immediately next to cars doing 25-40mph. I am unable to maneuver quickly to avoid precarious situations now that you've limited my speed to 10mph.</p> <p>A better solution for safety would be to require scooters to have helmets. But I'm not arguing for that—I just want to be able to make use of the power the manufacturers of the scooters intended the scooters to have.</p> <p>Additionally, it now costs me nearly double to get from point A to point B because of the slower speed—money I could be spending at local</p> | <p>District law does not require those over 16 years of age to wear a helmet when riding a bicycle or personal mobility device. All operators in the 2019 permit period required riders to be at least 18 years of age. Article II, A.18 will encourage the operator to provide a free helmet to customers upon request within 20 business days of the request.</p> <p>DDOT permits the use of the public right-of-way for private operators to offer enhanced transportation options to the residents and visitors of the District. DDOT does not control the pricing of the dockless vehicles.</p> |

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| | | <p>businesses instead of the corporate conglomerate that is Lyft and Uber. It takes me longer to get to where I'm going, reducing the attractiveness of scooters as a means of transportation.</p> <p>Please consider removing the speed governors.</p> <p>Thank you</p> | |
| Marisa a Rodriguez-McGill | G | <p>Publicly Available Privacy Framework</p> <p>Before requiring operators to share sensitive trip data, the District should develop, adopt and implement privacy principles. As noted in NACTO's Guidelines for Regulating Shared Micromobility, "[w]ith the rise of shared micromobility and app-enabled ride-hail services, cities and operators must grapple with important questions about data privacy. To address this, city transportation departments are coordinating with their legal departments to develop or update protocols for how to handle, store and protect data. In particular, ensuring that geospatial trip data is treated as personally identifiable information (PII) is an essential part of best practice data management." Failing to do so places the privacy of your residents at risk.</p> <p>Prior to ingesting sensitive mobility data, DDOT should develop publicly available privacy principles to create transparency with District residents and tourists about how this sensitive data will be collected, used, minimized, secured, and shared by the city. Indeed, the forthcoming Society of Automotive Engineers Mobility Data Collaborative will kick off a joint public-private initiative to rigorously assess the privacy risks</p> | <p>The District is committed to the responsible management and protection of personal information and has established a comprehensive data policy for the District government, as defined in Mayor's Order 2017-115 (available at https://octo.dc.gov/page/district-columbia-data-policy). DDOT recognizes the privacy risk inherent in geospatial trip data and has classified the dockless trip data as level 3, confidential. The District is engaged in and supports conversations around data standards and privacy.</p> |

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| | | <p>associated with MDS and engage experts in the field to develop a privacy-centric, world-class framework for location data sharing—one that can unlock the insights cities seek from multiple transportation modes and grow to accommodate other sectors and new technologies as they emerge. Lyft would welcome DDOT’s participation in this Collaborative.</p> | |
| <p>Marisa a Rodriguez-McGill</p> | <p>G</p> | <p>2. MDS Agency API The Proposed Agreement states that DDOT is evaluating whether or not it will begin to require MDS Agency, a two-way API designed to enable cities to rollout “active management” of mobility services. As envisioned by LADOT in their Strategic Implementation Plan, the Agency-API requires a real time push to the city of the precise location of bikes and scooters every 5 seconds while riders are actively on a trip. It also requires operators to receive and ingest data and commands from DDOT, and dynamically adjust operations in response to those commands. This amounts to an unprecedented level of oversight and control that DDOT would have over private companies and individual citizens, and presents significant surveillance risks. Given these concerns, we respectfully ask that DDOT suspend any requirements that would necessitate implementation of the Agency-API until a transparent and public discourse can take place that includes stakeholder engagement from both DC residents and leading U.S. privacy organizations.</p> | <p>The Mobility Data Specification is now being managed by the Open Mobility Foundation. DDOT is a member of the Open Mobility Foundation and is actively participating in discussion around the development of this standard. We support the development of a standard that meets privacy concerns while also addressing legitimate agency planning and operations needs. Further information on the data standards will be published with the updated T&Cs but at this time, DDOT will be using MDS Provider and not MDS Agency.</p> |

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| Marisa a Rodriguez-McGill | G | Subsection G of Article II includes a provision that would permit DDOT to “to install temporary GPS trackers on a random sample of dockless sharing vehicles for research purposes.” Lyft has serious concerns about the significant risks to personal privacy and industry competition that could result due to the installation of such GPS trackers. Lyft is committed to protecting the data of our community -- we invest heavily in teams, technology, and policies to keep sensitive information secure. Indeed, Lyft’s concern stems, in part, from the risk of data being breached or manipulated. Importantly, the utility of this request is not clear to Lyft since the Proposed Agreement already requires Permit Holders to provide DDOT with the same data that would arguably result from installation of the temporary GPS trackers. As such, Lyft proposes that DDOT strike this provision. | Thank you for your comment. DDOT agrees to include this suggestion. |
| Marisa Rodriguez-McGill | A.21 | Subsection 21 of Article II.A. includes a provision that would permit DDOT to require speed reductions within specific geofences. Later this month, the Society of Automotive Engineers will publish material that seeks to standardize terms, definitions and classifications of micromobility devices. This publication will define low-speed electric devices as vehicles with top speeds between 8 mph and 20 mph, as this is a bike lane appropriate top speed that homogenizes to pedal-bike pace. Accordingly, Lyft proposes that DDOT strike the language that would require | DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and |

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| | | speed reduction below 8 mph while the devices are in use. | system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice. |
| Marisa Rodriguez-McGill | B | Subsection 1 of Article II.B includes "total number of trips per month" as a factor DDOT will use when assessing fleet increases. While DDOT notes that the domains "may be adjusted as fleet size fluctuates," an assessment that incorporates "total number of trips per month" as a metric does not appear as appropriately tailored as the other metrics outlined in Subsection 1. As DDOT notes, fluctuation in fleet size is a possibility, and can occur due to a variety of factors including but not limited to weather, seasonality, and geofence restrictions. Accordingly, Lyft proposes that DDOT strike "total number of trips per month" as a metric. | DDOT will determine the total fleet increase (if any) allowed to each permit holder. DDOT will not be performing quarterly fleet increases. Based on DDOT's experience in managing the permit program during the 2019 calendar year, the three-month period during the winter does not provide enough time or usable data to properly assess performance. The fleet increases will be determine based on Article II, B. |
| Marisa Rodriguez-McGill | G | presents to consumer privacy. 1. MDS Provider API The Mobility Data Specification Provider API is a standard first developed by the Los Angeles Department of Transportation and is now managed by the Open Mobility Foundation. The MDS Provider API includes sensitive trip and rider location data, including precise GPS, timestamp, and route information for individual trips — data that can be used to easily re-identify riders (even when anonymized). Indeed, NACTO's Guidelines for Regulating Shared Micromobility | The District is committed to the responsible management and protection of personal information and has established a comprehensive data policy for the District government, as defined in Mayor's Order 2017-115 (available at https://octo.dc.gov/page/district-columbia-data-policy). DDOT recognizes the privacy risk inherent in geospatial trip data and has classified the dockless trip data as level 3, confidential. The District is engaged in and supports conversations around data standards and privacy. The Mobility Data Specification is now being managed by the Open Mobility Foundation. DDOT is a member of the Open Mobility Foundation and is actively participating in |

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| | | <p>notes, “trip data can become personally identifiable information, especially when combined with other data sources, and should be treated as such in policy and practice.”²</p> <p>The MDS has received significant concern from the legal and privacy communities. For example:</p> <ul style="list-style-type: none"> ● In an open letter sent to LADOT, the Center for Democracy and Technology (“CDT”) outlines many privacy and data security concerns with the MDS and also recommends clarifying the legitimate needs for data collection and minimizing the data collected in order to meet those needs. ● The Electronic Frontier Foundation (“EFF”) recently sent a letter to the California Legislature expressing their concerns about how cities across the state are requiring this standard in dockless mobility permits. ● On August 1st, 2019, the California Legislative Council issued a formal opinion clarifying that the MDS standard runs contrary to the California Electronic Communications Privacy Act (CalECPA). While CalECPA only applies to California cities, it should raise significant flags that MDS runs afoul of the nation’s most progressive privacy law. <p>While Lyft supports the vision of a global data sharing standard that contributes to city planning and micromobility program enforcement, the lack of consumer privacy protections in the MDS at</p> | <p>discussion around the development of this standard. We support the development of a standard that meets privacy concerns while also addressing legitimate agency planning and operations needs. Further information on the data standards will be published with the updated T&Cs but at this time, DDOT will be using MDS Provider and not MDS Agency.</p> |

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| | | <p>present create significant cause for concern. Lyft encourages DDOT to engage directly with the legal and privacy communities, and speak with experts in this field who can communicate these issues in detail, including the EFF and CDT. Indeed, before requiring personal and sensitive consumer data like this, we would like to work closely with DDOT to understand how the current data being shared is not meeting the city's planning or enforcement needs. We would welcome the opportunity to work through this with the DDOT team and discuss solutions.</p> | |
| Marisa Rodriguez-McGill | G | <p>Lyft understands the importance of sharing data with our city partners that could help inform, understand, enforce, and plan for the future of micromobility in the community. Lyft understands the District's need to receive data from operators as DDOT makes edits to the existing regulations for the 2020 program. However, the Proposed Agreement contains data specifications that would be a departure from the District's previous requirements, and Lyft would ask DDOT to take into account the following concerns, given the risks this new approach presents to consumer privacy.</p> | <p>The District is committed to the responsible management and protection of personal information and has established a comprehensive data policy for the District government, as defined in Mayor's Order 2017-115 (available at https://octo.dc.gov/page/district-columbia-data-policy). DDOT recognizes the privacy risk inherent in geospatial trip data and has classified the dockless trip data as level 3, confidential. The District is engaged in and supports conversations around data standards and privacy.</p> <p>The Mobility Data Specification is now being managed by the Open Mobility Foundation. DDOT is a member of the Open Mobility Foundation and is actively participating in discussion around the development of this standard. We support the development of a standard that meets privacy concerns while also addressing legitimate agency planning and operations needs. Further information on the data standards will be published with the updated T&Cs but at this time, DDOT will be using MDS Provider and not MDS Agency.</p> |

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| Mark and Maryanne Trumbore | A.1 | <p>We were disappointed to read that the District is considering increasing the number of eclectic scooters available in the city. In our neighborhood in Southwest DC it is becoming increasingly difficult to walk without being run over by scooters.</p> <p>We have several near misses every week where a scooter will whiz by us and miss hitting us or our dog on a leash walking beside us by inches. We have been lucky. So far. The scooters are so quiet that you can't hear them coming up behind you, they are also too fast, and riders rarely seem to have sufficient control. Children are also riding them on sidewalks and in the street, putting themselves and others at risk. Whatever rules there are for using scooters, they do not seem to be followed.</p> <p>When scooters are not in use, they are strewn about sidewalks, parks, and other public spaces. This creates trip hazards and makes it unsafe and difficult. for people in wheelchairs who are trying to navigate sidewalks - not to mention creating ugly eyesores in our beautiful city. Please see the attached photo.</p> <p>We realize this is not an easy problem to solve, but they should not be allowed on the sidewalks. Making the scooters slower and louder would at least alleviate the element of surprise as they are coming behind you or toward you so you can get yourself and your dog out of the way in time.</p> <p>The District's proposed rules don't seem to appear to place the responsibility for rider education on the companies. To date, we have</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |

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| | | <p>not seen any evidence that riders know what they are doing. The District should ensure companies are educating riders and enforce the rules through fines and other means.</p> <p>It seems ridiculous to be required to make these suggestions, but unfortunately the District's approach seems to favor "disruption" over manageable solutions. We suggest the District take the opposite approach and put in place a stringent, enforceable regulatory scheme to ensure that pedestrians are treated equitably and fairly before expanding the number of scooters in the city.</p> <p>This used to be a very walkable city, but it is no longer because of the proliferation of dockless scooters and bikes. Sidewalks were made for pedestrians, not electric scooters.</p> <p>Thank you for your time and attention to our concerns.</p> | |
| Mark Gray | E | <p>I'm a little concerned about the proposed change to limit the total number of scooter operators to four. Currently, the large number of providers seems to result in competition in price and service. If there are only four operators though, I worry about the temptation for companies to adopt the pricing approach that Bird uses, in which rather than paying for the cost of the ride, riders have to "refill" or "load" their accounts in credits of set increments, which Bird in particular used to help juice its revenue numbers (source: https://www.theinformation.com/articles/hit-by-big-loss-bird-seeks-300m-in-new-funds; I can provide a copy if needed). If the District feels</p> | <p>DDOT permits the use of the public right-of-way for private operators to offer enhanced transportation options to the residents and visitors of the District. DDOT does not control the pricing of the dockless vehicles. Low-income customer plans (LICP) are available to residents at 200% or less of the federal poverty line. Further information on the LICP and how to sign up for them is located on DDOT's dockless webpage and through the operators directly.</p> <p>DDOT does not control the pricing of the dockless vehicles. However, the District is concerned about rides being unaffordable as DDOT permits the use</p> |

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| | | confident that pricing and service won't be affected with a capped number of operators, I'd like to see more public information on that analysis and why DDOT reached that conclusion. | of the public right-of-way for private operators to offer enhanced transportation options to the residents and visitors of the District. |
| Mark Gray | G.1 | I want to commend the District for pushing for open data access via APIs. I often commute to work with a scooter, and it is incredible being able to walk out of my apartment while opening the Transit app and seeing what specific company has the closest scooter to my building. Instead of opening 8 separate apps and see if one of them is slightly closer than the other, it's all laid out as a result of the District's focus on open data. Since it looks like you are pushing further on a sustainable long term open data policy, I support that, though I would feel slightly more comfortable if some basic minimum requirements for APIs was set out in the Terms (the way the current terms set a floor of current available vehicle location). | Thank you for your comment. Specific information regarding data requirements is available in the Data Standards document. A public API is also part of the MDS standard. |
| Mark J. Ugoretz | General | The proposal covering deckles scooters and bicycles fails to provide for the safety of pedestrians. Vehicles of any kind should be barred from public sidewalks and limited to the streets, particularly since many streets now have restricted lanes available solely for bicycles and scooters. I walk a great deal on Capitol Hill and regularly must dodge riders on bicycles and scooters who often ride at an excessive speed. Sidewalks were originally developed to provide safety for pedestrians who needed to avoid walking in the roadways where they were in harms way from vehicles. Scooters and bicycles | DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. |

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| | | <p>are vehicles and should be barred from the sidewalks not only in congested areas but throughout the entire District. DDOT seems blind to the need to protect pedestrians and is too focused on regulating where bicycles and scooters are parked. The fact is, these vehicles are more of a danger while in use on sidewalks than they are when parked.</p> | |
| Mary B Rios | General | <p>Please require additional safety mandates - not for the rider's sake but for the pedestrians in the District. I often see riders wearing headphones, barefoot, with no helmets - this is dangerous for the pedestrians in the sidewalk, they come up behind you with no warning. This is especially dangerous for seniors who may not have the same reaction time. Not to mention what a nuisance/liability those scooters present when they are strewn about blocking intersections, sidewalks, etc. I have tripped over one on more than one occasion. I worry about some of my neighbors. This makes DC less walkable. PLEASE also consider the safety of pedestrians, not just the additional revenue the city will receive under the planned expansion.</p> | <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-rider conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |
| Mary Ellen Whyte | A.1 | <p>I want to express my concern about the number of dockless vehicles (scooters) being nearly doubled, and possibly quadrupled, without regulations and enforcement in place. I understand the benefit these scooters provide to workers needing easier access to their jobs and to tourists attempting to visit multiple places in the District, but they do provide a risk to</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an</p> |

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| | | <p>pedestrians, especially those like myself who are elderly and/or disabled.</p> <p>I use a walker and cannot "turn on a dime" when scooter riders speed by, weaving back and forth between pedestrians. I have nearly been hit a couple of times and am concerned whenever I venture outside.</p> <p>I know that Councillor Chea is conducting a hearing next week on bill B23-0359 requiring DDOT to create regulations for these vehicles. I am hopeful that DDOT will take into account the issues impacting pedestrians as well as those touting the need for more dockless vehicles, and perhaps delay the planned increase in the number of scooters until these new regulations have been codified and the results studied.</p> <p>Thank you.</p> | <p>important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies. There are a number of rules in place that can be enforced through denial of fleet increases, permit suspension or revocation.</p> |
| Matthew Tolan | A.8 | <p>Limiting the weight of electric scooters to 50 pounds isn't the solution. Scooters belong in the bike lane and streets off the sidewalk and away from pedestrians on the sidewalk. Many users of lightweight kick scooters ride on sidewalks because they feel exposed on the street or in bike lanes -- they gravitate to the sidewalks for safety. Scooters that are built with stronger materials and have heavier weights will not be ridden on sidewalks but rather where they belong on bike lanes and streets. The solution is more infrastructure to support various modes of mobility - each vehicle that seeks permitting</p> | <p>Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space.</p> |

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| | | should be judged on its total safety merits not a predetermined weight criteria. | |
| Matthew Tolan | General | Why limit to standing scooters? This definition is overly narrow and outdated, and doesn't address seated electric scooter options which broaden the scooter user base (not everyone feels comfortable standing or is capable of standing) and is viewed by many as a safer alternative. Seated electric scooters operate in many existing rideshare markets today with much success and appeal to a different base of user than kick scooters. | Personal Mobility Devices are defined in District law. DDOT does not have regulatory authority over this issue. |
| Michael Ablan | A.3 | <p>The 10mph speed limit is dangerous to both riders and pedestrians. Because the scooters can only go 10mph, many riders do not feel safe in the streets -- especially those that don't have bike lanes -- because many drivers do not drive safely or pay attention to other drivers, much less to scooter riders or cyclists. This, combined with the 10mph limit, leads riders to feel very unsafe riding their scooters in the street. Thus, many will ride them on the sidewalk, which has no cars but then can put pedestrians at risk because they walk slower than 10mph and take up less space than scooters.</p> <p>If the speed is increased back to 15mph, I would feel much safer riding in the street, especially where there are no bike lanes. I imagine that others would do and feel similarly.</p> <p>Please increase the speed limit to 15mph; the scooters that people purchase themselves can go at least 20 mph anyways, so a modest increase</p> | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law. |

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| | | back to 15mph for the rented ones in the program seems reasonable. | |
| Michelle Stockwell | A.8 | I would like to see the most stable and smooth scooters promoted. I have found Lyft scooters with larger tires and Bird scooters to be safer rides than the Lime scooters. | DDOT considers vehicle design in the dockless vehicle application. Information about scoring for the 2020 permit will be included in the application materials. |
| Mike Veselik | C.1 | Dockless Scooters should be required to be tethered to some station object such as a road sign or bike rack to ensure they remain out of the way. Also, a notice should come up in the app encouraging users to park their dockless vehicles out of the right of way. | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. |
| Nancy Groth | A.6 | Providing this information "on each dockless vehicle" may be unreadable to disabled persons, most affected by blocking of access ramps and other features. As a quadriplegic and power wheelchair user, I cannot I cannot get myself close enough to the thing on the ground to read the signage, or pick the thing up to examine it. A visually-impaired person who tripped over the damn thing cannot access such signage. There should be Twitter and Instagram handles for DDOT and every licensed provider, as well as email addresses, to be able to transmit photos of violations quickly and easily based on the color/logo of the vehicle. DDOT should publish a | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. For the 2019 permit year, dockless vehicle contact information has been available on DDOT's dockless website. |

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| | | directory of all licensed providers so we can load the handles and addresses into our cell phones. | |
| Nancy Groth | C.1 | Need to add language specifically prohibiting the blockage of any ADA access feature, including but not limited to curb ramps, retail merchant or restaurant access ramps, other public accommodation access ramps, disabled-permit parking features, Braille signage, pedestrian walk buttons, etc. I have a perfectly explanatory photo I took at 7pm 10/3/19 of a narrow access ramp occupied by both a dockless bike and a dockless scooter. | <p>Dockless operators and their users are responsible for ensuring that vehicles are parked in the “furniture zone” of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. Curbcuts are not acceptable parking locations.</p> <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |
| NCPC | General | Vendors continue to stage vehicles in improper areas. Such actions tends to encourage similarly problematic behavior by end users. Perhaps most critically, we continue to experience parked dockless vehicles that block pedestrian and vehicle rights-of-way, posing basic public safety concerns. | <p>Dockless operators and their users are responsible for ensuring that vehicles are parked in the “furniture zone” of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. In-app geofences around federal property in the District communicate to riders where parking and riding is not allowed.</p> |
| NCPC | General | We appreciate that the T&C envisions “corrals” and related infrastructure to better manage vehicles in high demand areas. To ensure that any such infrastructure is optimized and doesn’t have significant adverse impacts on public spaces, we would appreciate further information and/or consultation with federal agencies, as appropriate. | <p>DDOT is working with Business Improvement Districts on locating in-street corrals within high density and commercial areas around the city, and can coordinate the location of in-street corrals adjacent to federal property.</p> |
| NCPC | General | The proposed terms should reduce lingering issues that federal agencies have been experiencing with the current program. Nonetheless, we note the proposed T&C permits | <p>The new terms and conditions will regulate 20,000 total permitted vehicles split between 10,000 scooters and 10,000 bikes. If the agency approves 4 dockless scooter operators the max amount will be less than double the current 6,210 permitted scooters. There is currently only</p> |

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| | | a quintupling of the number of vehicles compared to the current deployment. | one dockless bike operator and, if that operator applies then they may be permitted for 2,500 vehicles. |
| Nicholas Pender | General (enforcement) | <p>Regardless of my personal feeling on dockless vehicles in DC, they're here to stay. So let's make sure the laws regarding WHERE to RIDE them & WHERE to PARK them are enforced!</p> <p>I'm tired of having to dodge abandoned scooters on the sidewalk or verge in my neighborhood (Petworth). I'm also amazed when I see MPD officers ignore people riding them on sidewalks or blatantly running through red lights or making illegal turns.</p> <p>Some enforcement mechanism other than MPD will need to be found.</p> | <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Nicholas Valentino | 1.A | <p>We recommend amending this language to allow dockless vehicle operators the flexibility to offer company-specific solutions, such as charging hubs, subject to the Department's approval. Innovative solutions such as company-specific charging hubs would help achieve both JUMP's and the Department's goal of encouraging proper parking and reducing clutter. Solutions such as charging hubs also support fleet availability, while limiting motor vehicle miles traveled (VMT) by operation teams for rebalancing, vehicle charging, and battery swapping. We recommend amending the defined terms as follows:</p> <p>I.A. Publicly Accessible Dockless Vehicle Sharing Program: means a program to rent bicycles, motorized bicycles, or electric scooters for short-term one-way trips without the required installation of any infrastructure within the District other than the deployment of vehicles.</p> | <p>The District welcomes innovation among dockless vehicle operators. However, this comment changes the definition of dockless. DDOT has no objection to operators installing infrastructure on private property with the agreement of the property owner. Permitted operators may also install infrastructure that does not provide exclusive or preferential access to particular companies (such as parking racks) on public right-of-way with the appropriate permitting and approvals.</p> |

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| Nicholas Valentino | 1.B | <p>We recommend amending this language to allow dockless vehicle operators the flexibility to offer company-specific solutions, such as charging hubs, subject to the Department’s approval. Innovative solutions such as company-specific charging hubs would help achieve both JUMP’s and the Department’s goal of encouraging proper parking and reducing clutter. Solutions such as charging hubs also support fleet availability, while limiting motor vehicle miles traveled (VMT) by operation teams for rebalancing, vehicle charging, and battery swapping. We recommend amending the defined terms as follows:</p> <p>I.B. Dockless Sharing Vehicle: means a dockless bicycle or dockless electric scooter that is available to rent in the public right-of-way through a rental system that does not include require the installation of docking stations in the public right-of-way. The term “dockless sharing vehicle” does not include a motor vehicle, motorcycle, low-speed vehicle, or a motor-driven cycle, as defined in 18 DCMR 9901, or an all-terrain vehicle as defined in D.C. Official Code § 50-2201.02(2).</p> | <p>The District welcomes innovation among dockless vehicle operators. However, this comment changes the definition of dockless. DDOT has no objection to operators installing infrastructure on private property with the agreement of the property owner. Permitted operators may also install infrastructure that does not provide exclusive or preferential access to particular companies (such as parking racks) on public right-of-way with the appropriate permitting and approvals.</p> |
| Nicholas Valentino | 1.C | <p>We recommend amending this language to allow dockless vehicle operators the flexibility to offer company-specific solutions, such as charging hubs, subject to the Department’s approval. Innovative solutions such as company-specific charging hubs would help achieve both JUMP’s and the Department’s goal of encouraging proper parking and reducing clutter. Solutions such as charging hubs also support fleet availability, while</p> | <p>The District welcomes innovation among dockless vehicle operators. However, this comment changes the definition of dockless. DDOT has no objection to operators installing infrastructure on private property with the agreement of the property owner. Permitted operators may also install infrastructure that does not provide exclusive or preferential access to particular companies (such as parking racks) on public right-of-way with the appropriate permitting and approvals.</p> |

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| | | <p>limiting motor vehicle miles traveled (VMT) by operation teams for rebalancing, vehicle charging, and battery swapping. We recommend amending the defined terms as follows:</p> <p>I.C. Dockless Electric Scooter: means a motorized standing scooter with tandem wheels that is available to the public for rental through a rental system that does not include require the installation of docking stations in the public right-of-way. A dockless electric scooter shall be considered a personal mobility device, as defined in D.C. Official Code § 50-2201.02(13).</p> | |
| Nicholas Valentino | 1.E | <p>We recommend amending this language to allow dockless vehicle operators the flexibility to offer company-specific solutions, such as charging hubs, subject to the Department’s approval. Innovative solutions such as company-specific charging hubs would help achieve both JUMP’s and the Department’s goal of encouraging proper parking and reducing clutter. Solutions such as charging hubs also support fleet availability, while limiting motor vehicle miles traveled (VMT) by operation teams for rebalancing, vehicle charging, and battery swapping. We recommend amending the defined terms as follows:</p> <p>I.E. Hub: Hub is a preferred parking location where the Permit Holder must offer user incentives for parking locations. If a Permit Holder offers hubs, at least one hub must be available in each of the 8 Wards of the District. A hub may be geofenced. A hub may include physical parking infrastructure, signage, or striping. If infrastructure is installed by the Permit</p> | <p>The District welcomes innovation among dockless vehicle operators. However, this comment changes the definition of dockless. DDOT has no objection to operators installing infrastructure on private property with the agreement of the property owner. Permitted operators may also install infrastructure that does not provide exclusive or preferential access to particular companies (such as parking racks)on public right-of-way with the appropriate permitting and approvals.</p> |

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| | | Holder, the parking must be company agnostic and the infrastructure must be permitted by DDOT. | |
| Nicholas Valentino | 1.F | We strongly recommend the Department remove the following language in 1.F: "May be requested by the District with end user incentives or disincentives." The context behind and the extent to which potential user incentive or disincentive requests by the Department is unclear. As written, this language appears to place inappropriate open-ended restrictions and requirements on how we price our services and how we engage with our users. | The District defines requests around geofences in Article II, A.21. Given the reasons above, DDOT was persuaded by this point. |
| Nicholas Valentino | A.12 | The language and intent of 2.A.12 is unclear. We understand the Department's interest in ensuring that only permitted operators serve the District. To achieve this goal, we recommend amending 2.A.12 to state: "Permit holder's shall have a stand-alone application shall where only have the permitted operators' holders vehicles are available to view location and to rent. If vehicles are available to rent through an additional application, permit holder shall ensure that rentals occurring through this app shall inform the rider of all rules and regulations associated with operating a PMD in the District. Any app which has vehicles available for rent must have the insurance coverage required by the T&Cs." | Thank you for your comment. DDOT has clarified this language in the updated T&Cs document. |
| Nicholas Valentino | A.20 | We are concerned that the language in 2.A.20 is vague and could impose significant operational burden. We propose the Department provide a potential calendar of planned events at the start of the permit term or alternatively provide at | DDOT tries to offer as much lead time as possible regarding special events and weather. However, some major special events occur with limited notice or ability to predict. During such events, DDOT may require permit holders to deploy additional operational resources to safely maintain the |

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| | | <p>least 14 days advance notice of rebalancing needs during special events. It is in our shared interest to provide excellent service to District residents and visitors alike at all times, including during large events.</p> | <p>public right-of-way. Operators who are not capable of deploying adequate resources under such circumstances may be required to suspend service to ensure that their vehicles do not create obstructions or safety hazards.</p> |
| Nicholas Valentino | A.21 | <p>We also strongly recommend the Department amend the language in 2.A.21 as proposed below. The current language could be read to give operators only 24 hours to complete implementation of the geofence, without advance notification, which would be a significant burden. Additionally, requiring a sudden shift of speed from 10mph to lower than 6mph raises significant safety concerns and could cause user injury. Finally, we again oppose the mandating of any financial incentives/disincentives to change user behavior, as this inappropriately infringes on how we price our services and engage with our users.</p> <p>Permit holder shall respond to DDOT's requests to administer geofences, which may include alterations to the permitted service area, within 24 hours including but not limited to: a. Highlight and inform user about a specific area; b. Up to 200 350 characters of text; and/or c. Speed reduction to 0mph, 3mph, and 6mph; d. financially disincentivize to end user; and/or e. financially incentivize user behavior to end user. DDOT shall provide Permit holder's with 30 days advance notice for all geofence requests.</p> | <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice.</p> <p>DDOT tries to offer as much lead time as possible regarding special events and weather. However, some major special events occur with limited notice or ability to predict. During such events, DDOT may require permit holders to deploy additional operational resources to safely maintain the public right-of-way. Operators who are not capable of deploying adequate resources under such circumstances</p> |

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| | | | may be required to suspend service to ensure that their vehicles do not create obstructions or safety hazards. |
| Nicholas Valentino | A.22 | Furthermore, we have significant concerns with the apparent lack of confidential treatment of all proposed required reports, but particularly the proposed battery and safety reporting provisions at 2.A.22.i and 2.A.23. We strongly recommend the Department incorporate a clear rule indicating that these submissions shall be exempt from public disclosure pursuant to D.C. Code § 2-534(a)(1)-(2). We also note that scooters and bikes are consumer products subject to the U.S. Consumer Product Safety Commission’s (CPSC) jurisdiction. We respectfully recommend that the Department defer to the CPSC as the overseer of consumer product hardware safety issues. | Information given to DDOT may be subject to The District of Columbia Freedom of Information Act, D.C. Code § 2-531-540 and may be redacted if determined to be proprietary per D.C. Code § 2–534, <i>Exemptions from disclosure</i> . |
| Nicholas Valentino | A.8 | We recommend the Department remove language in 2.A.8 that would potentially restrict a dockless vehicle’s weight. This language could cause significant industry uncertainty because, as written, it appears to restrict both scooters and e-bikes to an arbitrary maximum weight, unless otherwise approved by the Department. The requirement that scooters comply with 18 DCMR 1201 and UL 2272, and that e-bikes meet Federal standards is sufficient to ensure safety in conjunction with the Department’s stated inspection requirement. We encourage the Department to remain flexible about future safety innovations in the design of dockless vehicles that may cause a change in device | Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space. |

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| | | weight and not unreasonably withhold approval of new device models. | |
| Nicholas Valentino | D.2 | We recommend the Department amend 2.D.2 to include the following language: "Permit holder's required service area shall include the entirety of the District of Columbia but exclude federal, private, and National Park Service land, unless otherwise permitted by Federal law or private agreement." | Thank you for your comment. DDOT has clarified this language in the updated T&Cs document. DDOT has no objection to operators working with other entities to alter service agreements with private property or federal land holders. |
| Nicholas Valentino | D.3 | We recommend that the Department remove 2.D.3 in its entirety, as limiting the number of vehicles in the Central Business District is contrary to the District's stated equity goals and it would unnecessarily restrict many resident's mobility within the District. JUMP appreciates the need for the Department to avoid oversaturation of any given area, but this restriction may inadvertently counter natural use patterns and increase operational burden. Alternatively, we propose the Department monitor the Central Business District to better understand usage patterns and whether any imbalance is created due to rides into and out of the area. | DDOT has analyzed the current number of vehicles in the Central Business District to determine the maximum number of vehicles. If operators are not able to meet operational concerns around limiting the number of vehicles in the Central Business District, the Permit Holder should only deploy the number of vehicles that can be successfully managed until the permit holder has appropriate staff capacity to rebalance fleets. Operators are welcome to use alternative modes of transport to move vehicles. |
| Nicholas Valentino | D.5 | We also recommend that the Department amend the language in 2.D.5 to clarify whether operators are required to maintain a balance of at least 400 vehicles in the prescribed Equity Emphasis Area locations between 5:00am and 7:00am. Given the possibility of permit revocation for failure to comply with this express provision, we strongly recommend that the Department also include language detailing how they intend to monitor compliance, what the compliance investigation | Thank you for your comment. DDOT has clarified this language in the updated T&Cs document. |

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| | | will consist of, and what due process operators will be afforded in the event of any dispute. | |
| Nicholas Valentino | E.5 | <p>We recommend the Department amend its requirement in 2.E.5 that dockless vehicle operators “maintain a multilingual website with languages identified in the District of Columbia Language Access Act of 2004,” and instead “encourage” operators to do so. This is a change from the current pilot Terms and Conditions which creates a significant operational burden. It is not reasonable to require all website content to be available in all of these languages, especially given they may change over time.</p> <p>JUMP has already built out a robust customer support department that is available in numerous languages via phone support, and our customer support team is trained to handle all on-going issues and daily complaints 24 hours a day.</p> <p>Furthermore, the Uber app is available in numerous languages to any customer whose language settings are set to one of these options on their phone. Users can find phone and electronic messaging contact information for our customer support team in the mobile app, on our website, and on the vehicle itself. Our customer support team responds to all inquiries received by phone or electronic messaging, as well as social media messages from Twitter and Facebook followers.</p> | Thank you for your comment. DDOT has accepted this comment and returned to the 2019 T&C. |
| Nicholas Valentino | G.4 | Additionally, the proposed 2020 requirements include concerning language at 2.G.4 requiring the use of temporary GPS trackers for research purposes. We would like to work with the | Thank you for your comment. DDOT agrees to include this suggestion. |

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| | | Department on how to meet their research goals, including by working with a researcher as indicated in 2.G.7, while protecting the privacy of users through an appropriate third-party data sharing agreement and allowing users an opportunity to consent. | |
| Nicholas Valentino | G.4 | Additionally, the proposed 2020 requirements include concerning language at 2.G.4 requiring the use of temporary GPS trackers for research purposes. We would like to work with the Department on how to meet their research goals, including by working with a researcher as indicated in 2.G.7, while protecting the privacy of users through an appropriate third-party data sharing agreement and allowing users an opportunity to consent. | Thank you for your comment. DDOT agrees to include this suggestion. |
| Nicholas Valentino | G.5 | Operators need more than 5 business days to provide monthly reports to the Department at the end of each month. We recommend that 2.G.5 be amended to give operators 10 business days to compile the requested data, because some aspects of the report will require more time to process. | Thank you for your comment. The T&Cs will be modified to allow 10 days to compile data. |
| Nicholas Valentino | G.6 | We recommend the Department amend and clarify 2.G.6 as follows: "During the permit period, DDOT may require the permit holder to conduct a member issue an annual survey to its users. Survey questions shall will be submitted to created by DDOT for review prior to initiating the survey, and Permit holders may disclose to their users that the survey is issued on behalf of DDOT. Survey results shall be shared with DDOT." | DOT will revise the terms and conditions to clarify that the survey questions will be developed by DDOT. Depending on survey design, DDOT may request the survey be hosted by the Permit Holder. |

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| Nicholas Valentino | H | <p>We are also concerned with the Department’s proposed requirement in 2.H that operators provide D.C. Metropolitan Police Department with “any available data pertaining to the recent locations of dockless vehicles and customer information pertaining to recent rentals...” This proposed data request is overbroad and unnecessary. JUMP already cooperates with local law enforcement agencies in accordance with our internal processes. Our Law Enforcement Relations Team (LERT) is available to work directly with parties that reach out through LERT.uber.com.</p> | Thank you for your comment. |
| Nicholas Valentino | J | <p>It is our position that the current indemnity provision creates an unfavorable policy environment and does not appropriately allocate risk between the District and operators. The indemnity provision requires permittees to take on liability outside of their control (specifically, but not limited to, the District’s construction and maintenance of its own infrastructure such as roadways and bike lanes). We strongly urge you to consider our proposed equitable revisions to the indemnity provision.</p> <p>The currently proposed language misallocates risk of District negligence to operators, which have no control over the District’s roadways and no means of mitigating against the risks associated with poorly constructed or maintained infrastructure. This indemnification provision is contrary to public policy and inconsistent with what most cities have deemed to be appropriate for a dockless vehicle program. It also</p> | <p>Thank you for your comment. DDOT declines including this suggestion.</p> |

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| | | <p>disincentivizes the District to properly manage and minimize liability that would be solely within its control (i.e., properly maintaining its infrastructure and ensuring safe conditions for all users throughout the city, including in the priority areas that will be served through this pilot program, to prevent injuries or crashes). It is unreasonable for the District to force permittees to take on the financial (and other) risk, real or potential, created by the District's own negligence or misconduct.</p> <p>We believe there are alternative ways to draft an agreement that would strongly protect the District while appropriately allocating risk between the parties. We strongly urge the District to revise the indemnity language as follows:</p> <p>J. Indemnification.</p> <p>1. Permit holder shall defend, indemnify and hold harmless the District, its officers, directors, employees, agents, servants, successors, assigns and subsidiaries (collectively "the Indemnified Parties"), from and against any and all losses and liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, costs and expenses incidental thereto (including cost of defense and reasonable attorney's fees), which any of the Indemnified Parties may hereafter incur, be responsible for, or pay as a result of any and all legal liabilities associated with the use of the public right-of-way by Permit holder's vehicles, provided resulting from Permit holder's negligent business conduct</p> | |

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| | | <p>or negligent operations, or any violation of any laws by the Permit holder, except that Permit holder shall not be so obligated in the event that the claim or occurrence at issue arose out of the gross negligence or willful misconduct of the Indemnified Parties or any one of them.</p> <p>2. Permit holder also agrees to hold harmless the District and its officers and employees Indemnified Parties for any loss or damage to persons or property, arising out of or in any way related to Permit holder's use of the public space, public right-of- way, or public structure, except that Permit holder shall not be so obligated in the event that the claim or occurrence at issue arose out of the negligence or willful misconduct of the Indemnified Parties or any one of them.</p> | |
| Nicholas Valentino | repeat | <p>Furthermore, we have significant concerns with the apparent lack of confidential treatment of all proposed required reports, but particularly the proposed battery and safety reporting provisions at 2.A.22.i and 2.A.23. We strongly recommend the Department incorporate a clear rule indicating that these submissions shall be exempt from public disclosure pursuant to D.C. Code § 2-534(a)(1)-(2). We also note that scooters and bikes are consumer products subject to the U.S. Consumer Product Safety Commission's (CPSC) jurisdiction. We respectfully recommend that the Department defer to the CPSC as the overseer of consumer product hardware safety issues.</p> | <p>Information given to DDOT may be subject to The District of Columbia Freedom of Information Act, D.C. Code § 2-531-540 and may be redacted if determined to be proprietary per D.C. Code § 2-534, <i>Exemptions from disclosure</i>.</p> |
| Nicholas Zaiac | D.3 | <p>Capping the number of vehicles in the CBD at 1000 vehicles at all times runs contrary to the city's goal of managing congestion and limiting</p> | <p>DDOT has analyzed the current number of vehicles in the Central Business District to determine the maximum number of vehicles. If operators are not able to</p> |

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| | | <p>safety-degrading conflict between travelers. A more flexible option would cap the number of vehicles in proportion to the number of vehicle parking spaces in the CBD, such that any increase in downtown car parking was accompanied by an increase in non-car vehicle availability. Research remains to be done on whether scooter trips complement or substitute for car trips. Should they be complements, this would allow the number of scooters to grow with new demand from downtown workers. Should they be substitutes, any increase in the stock of parking would coincide with an increase in scooter availability to partially counteract negative spillover effects from new car trips the spaces facilitate.</p> | <p>meet operational concerns around limiting the number of vehicles in the Central Business District, the Permit Holder should only deploy the number of vehicles that can be successfully managed until the permit holder has appropriate staff capacity to rebalance fleets. Operators are welcome to use alternative modes of transport to move vehicles.</p> |
| NPS | A.6 | <p>toll free telephone number and web address should be shared broadly for reporting incorrectly park vehicles</p> | <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |
| patrick settle | General | <p>While I am a strong supporter to public transportation, especially the human powered kind, it pains me to need to make this comment. It is clear to anyone walking around DC, that dockless bikes and scooters are not only a public nuisance, but in some cases public safety risk. Without a common parking area, or "dock" for these devices, they are being left scattered across sidewalks all across the city. In some cases completely blocking the sidewalk making it difficult or down right trecherous to get past. And this is speaking from the view point of an able bodied DC resident. I fear for any of my fellow DC</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding,</p> |

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| | | <p>residents who have to rely on mobility aids, such as wheel chairs, canes, walkers, or crutches; or those who are sight impaired.</p> <p>And it is clear that there is no way for the organizations who are making money on this (nor any incentive to), who basically litter the District with these devices, can keep track of where each of these devices are and move them out of the way, cleaning up their and their user's messes. Stiff penalties need to be put into place for the organizations that are responsible for the devices left blocking pedestrian walkways, and designated parking areas or docks need to be established.</p> | <p>underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |
| Pete Gould | General | See letter. | <p>The Terms and Conditions in effect during 2019 allow for an unlimited number of qualified operators in each category. DDOT's restriction on the number of operators in the 2020 permit will maintain the program at a more manageable size. Reducing the number of operators while increasing the number of vehicles that each permit holder may operate is also expected to improve users' experience by increasing the chances that vehicles within each company's network will be available within walking distance.</p> |
| Peter Richman | A.3 | <p>Throttling scooter speeds to 10mph makes it extremely difficult for scooters to share space with bicycles. This creates a dangerous situation for: (i) the bicyclist, who is forced out of their bike lane (if there is one) into an oncoming bike lane or the street, (ii) the scooter rider who is constantly "boxed in" by a stream of passing bicyclists, and (iii) car drivers, bus drivers, and</p> | <p>District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law.</p> |

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| | | <p>others on the street who are impacted by a dysfunctional bicycle lane.</p> <p>The result of speed throttling is that scooter riders leave the bicycle lane and ride on the sidewalk, which is dangerous (and bothersome) for pedestrians.</p> <p>I strongly encourage all DDOT officials involved in these Terms and Conditions to ride a scooter at 10mph in a bicycle lane during commuting hours. Scooters should be permitted to operate up to 18mph, consistent with an average top city bicycle speeds. This is both a matter of public safety and effective transportation policy.</p> | |
| Rachel Patterson | General | <p>I am concerned about limiting the number of operators for dockless scooters to 4. The Bolt scooters for instance are designed differently than the others and are more comfortable to ride, but may be excluded as they are not one of the most prevalent. I am also concerned about the ability to ride a scooter to or from Virginia, where other operators are allowed. This may cause riders to leave scooters on the bridges over the Potomac as they cannot bring other branded scooters into the District.</p> | <p>The Terms and Conditions in effect during 2019 allow for an unlimited number of qualified operators in each category. DDOT's restriction on the number of operators in the 2020 permit will maintain the program at a more manageable size. Reducing the number of operators while increasing the number of vehicles that each permit holder may operate is also expected to improve users' experience by increasing the chances that vehicles within each company's network will be available within walking distance.</p> <p>DDOT does not have regulatory authority over which scooter operators are permitted to operate in Virginia.</p> |
| Richard Ezike | A.19 | <p>Please change "encouraged" to "shall." If a user request a helmet in order to become a customer, the company should provide that. Safety has to become a priority when riding a bike or scooter, and companies should bear a large responsibility for that.</p> | <p>District law does not require those over 16 years of age to wear a helmet when riding a bicycle or personal mobility device. All operators in the 2019 permit period required riders to be at least 18 years of age. Article II, A.18 will encourage the operator to provide</p> |

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| | | | a free helmet to customers upon request within 20 business days of the request. |
| Richard Ezike | A.4 | I believe 20 mph is too high of a speed limit, especially in the District where people are actively riding the scooters on sidewalks. This speed limit could be enforced if the District banned sidewalk riding on scooters, but it does not. I suggest dropping the speed limit to 12 mph. | District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law. |
| Rob Corbett | General | Please consider requiring companies to provide a fob that must remain within one foot of the bike/scooter in order for it to operate. This would cut-down on the number of stolen bikes or scooters that are being used without authorization. | DDOT does not regulate how operators allow for their vehicles to be unlocked beyond requiring that vehicles be available to unlock without a smartphone. Given the reasons above, DDOT was not persuaded by this point. |
| Robb Dooling | General | Please institute a cap of 600 on private automobiles operating in downtown DC or ban private automobiles from DC entirely. DDOT is engaging in deprivation of transportation options for the poor, climate change denial, and automobile supremacy after car drivers killed 36 people in DC in 2018 while scooter and bike riders caused zero deaths. | Thank you for your comment. |
| Robert Gardner | 1.E | The current definition of a parking “Hub” mixes a definition with specific regulatory requirements for utilization, location, and payment for Hubs and rider incentives for proper parking. The proposed Hub structure is also very complex and creates perverse incentives that would lead to few, if any, Hubs being built and rider incentive money being wasted. Therefore, we recommend that the City: | The District welcomes innovation among dockless vehicle operators. DDOT has no objection to operators installing infrastructure on private property with the agreement of the property owner. Permitted operators may also install infrastructure that does not provide exclusive or preferential access to particular companies (such as parking racks) on public right-of-way with the appropriate permitting and approvals. |

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| | | <ul style="list-style-type: none"> - Separate the regulatory provisions (payment, location, and utilization) from the definition of “Hub” - Restructure the Hubs to encourage--rather than discourage--creation and utilization - Move rider incentives to a performance-based avenue for vendors to earn fleet expansions by instituting effective programs to increase parking compliance. <p>In many cities in high and medium density areas, there are recommended parking locations, created by individual providers or by the municipality. If a parking location is paid for and constructed by one vendor, it should not be available to all vendors. The proposed pricing structure creates a free-rider problem which will lead to few, if any, parking hubs being created. Either one vendor will pay for a parking location and all others will use it for free, which disincentivizes the vendor from creating more Hubs, or no vendors will create parking hubs because they can be used by competitors. Therefore, either the City should create Hubs for all to use (perhaps funded by the scooter fees) or vendors should be able to use the Hubs they create and pay for exclusively.</p> <p>The City’s requirements that vendors provide user incentives for all Hubs and place Hubs in all Wards create similarly perverse outcomes. Vendors are likely to create fewer Hubs--even in places where it would be valuable to have them--and ridership in Equity Emphasis Areas will be reduced. Rather, we recommend that the City</p> | <p>Dockless options provide first and last mile solutions for those using transit. Some hubs may be located in residential neighborhoods where many trips start.</p> |

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| | | <p>follow Portland’s model and provide performance-based fleet expansion opportunities for vendors that create effective programs to promote proper riding and parking.</p> <p>For example, Hubs may be very valuable to the City and riders in high-density locations and, because of the high traffic, require no incentive for riders to use the Hub. As currently drafted, to build a Hub in that desirable location, a vendor would be required to pay users to take an action they would have taken regardless and to build Hubs in every Ward even if they were not needed. As a result, it is probably not economically viable to build a Hub at the beneficial location. Moreover, those incentive dollars would be wasted--people would have parked there regardless of the incentive--reducing the money available to apply to more effective parking initiatives.</p> <p>Likewise, data shows that when parking locations are more than 100 meters apart, riders are less likely to use scooters. Therefore, creating Hubs in areas with low scooter usage will actually reduce the likelihood that scooters will be used, rather than increase it. In addition, if there is low scooter use in particular Wards, it is less likely that there will be overcrowding or tidiness issues that a Hub would be designed to address.</p> | |
| Robert Gardner | A.10 | We are happy to provide DDOT with access to a specific number of rider logins to facilitate administration, but we are concerned that the way the provision is currently worded raises multiple privacy, property, and civil rights | DDOT requires account log-ins to move vehicles located in the public right-of-way and to use during speed tests which is not equivalent to accessing to the Permit Holder’s operations application. DDOT will revise Article II, A.13 to |

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| | | <p>concerns. It appears to be requesting that the vendors provide unspecified DDOT employees with unlimited access to the companies' operations application so that DDOT can take unilateral, direct action without prior communication with the companies or allowing for an opportunity to cure.</p> | <p>require 10 user accounts and name specific authorized DDOT users.</p> |
| Robert Gardner | A.16 | <p>Access to the camera function is required so that riders can scan QR codes and provide photos of proper parking at the end of the ride.</p> | <p>DDOT does not restrict access to the camera. Article II, A.16 requires that operators not require access to contacts, photos, or other files.</p> |
| Robert Gardner | A.21 | <p>We are concerned that this provision gives DDOT unlimited authority to impose costs and make business decisions for private entities. Although, we are excited to work with the City to brainstorm creative ways to encourage ridership, safe riding practices, and proper parking habits, the methods of which to do that in the form of financial incentives/disincentives should remain within the discretion of the operator and any requirement for such an incentive can be considered an additional fee outside the enforcement, labor, and administrative costs to the City.</p> | <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice.</p> <p>DDOT tries to offer as much lead time as possible regarding special events and weather. However, some major special events occur with limited notice or ability to predict. During</p> |

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| | | | <p>such events, DDOT may require permit holders to deploy additional operational resources to safely maintain the public right-of-way. Operators who are not capable of deploying adequate resources under such circumstances may be required to suspend service to ensure that their vehicles do not create obstructions or safety hazards.</p> |
| Robert Gardner | A.21 | <p>Decisions that dramatically change rider experience and impact business, like reducing speeds to 0, 3, or 6 MPH or changing the permitted service area, should be supported with evidence, written rationale, and an opportunity for appeal. Absent an emergency justifying these changes, 24 hours is an unreasonable time period for informing riders and implementation, and recommend 15 business days is an adequate time frame to address these issues, and clearly communicate proposed solutions with the agency.</p> | <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice.</p> <p>DDOT will offer the alternative to not offer service during special events if the Permit Holder is unable to geofence or staff appropriately.</p> |
| Robert Gardner | A.23 | <p>Lime is only able to report on those incidents if we receive notice of them and the incident is reported from the rider, another involved party, their agent, or an official channel like a first</p> | <p>DDOT agrees that incidents can only be reported by an operator if the operator is aware of them. DDOT expects all operators to continue to comply with this requirement.</p> |

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| | | <p>responder. For example, reporting on a photo or posting on Twitter outside of our customer service handle (@_Limeaid) would not be possible for Lime to report.</p> | |
| Robert Gardner | A.3 | <p>In most cities around the world, Lime-S scooters travel at 15mph. To address areas of concern, like high congestion areas or areas where riders are most likely to use the sidewalks, we create limited slowdown zones which reduce speed in designated areas.</p> <p>Lime recognizes that there is a perception that scooters travel at an “unsafe” speed but there is no evidence that this is correct and the speed limit chosen by DDOT is dramatically lower than other vehicles traveling in the roadway, which can motivate unsafe behaviors by other vehicles like tailgating or swerving into another lane to pass the rider.</p> <p>As DDOT is aware, the speed limit for cars is 25 MPH and electric assist bicycles are permitted up to 20MPH. Research from San Jose State University and the Mineta Transportation Institute puts scooter speed in the context of other modes of transportation. Standard bicyclists on the street travel at an average of 11.8MPH, with a maximum speed of 14.5mph. Similarly, motorized scooters on the street travel at an average of 11.1MPH. (Kevin Fang, Asha Weinstein Agrawal, and Ashley Hooper (2019). How and Where Should I Ride This Thing? “Rules Of The Road” for Personal Transportation Devices. Mineta Transportation Institute Research Report.</p> | <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.</p> |

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| | | <p>https://transweb.sjsu.edu/research/1713-Rules-Personal-Transportation-Devices)</p> | |
| Robert Gardner | A.8 | <p>Lime applauds DDOT in its incorporation of hardware specifications in its terms and conditions. We would encourage DDOT to expand its hardware specifications to other aspects of shared scooters -- like a speedometer. We would suggest adding a hardware requirement that all scooters possess a mechanical and electronic braking system in addition to a speedometer. Mechanical brakes serve as a measure to stop a scooter at maximum speed. Electric brakes should serve as a supplementary braking mechanism. There are a number of scooter models within the District that rely solely on an electronic brake. When an electronic brake is engaged a signal is sent to the scooter, which then terminates the power supply to the scooter's motor. The motor meets resistance and gradually slows down. An electronic brake alone is not sufficient to have a scooter come to a full stop. Additionally, a speedometer allows the rider to know exactly how fast they are going so as to meet any speed related rules or regulations. The district should consider adding these requirements to its terms and conditions.</p> | <p>Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space.</p> |
| Robert Gardner | A.8 | <p>We recommend that DDOT change the 50 lb. weight limitation to 70lbs. The majority of pedal-assist electric bicycles weigh more than 50lbs (https://www.bicycling.com/bikes-gear/a22132137/best-electric-bikes/) as do cargo bikes (https://www.bicycling.com/bikes-</p> | <p>Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law</p> |

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| | | gear/a25054215/best-cargo-bikes/). Mopeds weigh from 220-500 lbs. | or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space. |
| Robert Gardner | A.9 | This section could use additional clarity, particularly “Permit holder shall test effectiveness of user information strategies and educational campaigns and report to DDOT most effective methodology.” Different messaging will be more or less effective at different times and with different groups. Companies may measure effectiveness in different ways, making it difficult for the Department to evaluate performance or causing the public or media to draw inaccurate conclusions. | Thank you for your comment. DDOT will communicate standards around measuring effectiveness to operators. |
| Robert Gardner | B | Performance Based Fleet Expansion- Lime suggests that DDOT increases the interval in which operators are eligible for fleet expansion from a semi-annual to a quarterly basis. As a participant in the City’s pilot program, Lime has benefitted from understanding the City’s stance on Lime’s performance on a regular cadence. DDOT’s quarterly grading of Lime’s performance enabled us to recalibrate and ascertain the areas in which we were strong versus areas that needed improvement and do so quickly and responsively -- improving each quarter. Operators benefit from constant feedback. Similar to any entity that is judged on a performance-based metric, the more feedback, the better. We encourage the City to use its report card system. We believe a report card system is the best way to grade operator behavior | DDOT will determine the total fleet increase (if any) allowed to each permit holder. DDOT will not be performing quarterly fleet increases. Based on DDOT’s experience in managing the permit program during the 2019 calendar year, the three-month period during the winter does not provide enough time or usable data to properly assess performance. The fleet increases will be determine based on Article II, B. |

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| | | <p>transparently. However, we would like to know the criteria at the outset and for the criteria to be static during the entire permit term. We request that DDOT outline all performance based increase criteria explicitly in B(1) and for those factors to be reflected in the report. We have seen successful report card programs in Portland and Baltimore.</p> <p>DDOT can propose a report that outlines the standard requirements, if operators meet those metrics operators receive a minimum fleet increase. If operators exceed the standard requirements, operators will be eligible for a fleet increase above the minimum. For example, if the City requires that operators must deploy at least 20 scooters in each ward, if Operator #1 deploys the standard 20 scooters, Operator #2 who deploys above this standard requirement would be eligible for a greater fleet increase.</p> | |
| Robert Gardner | B.2 | <p>We also recommend that requests for fleet changes be evaluated on a quarterly--rather than semi-annual--basis. A quarterly cadence would allow the City and vendors to respond to changes in the industry, Washingtonians' demand for scooters, and vendor performance on a more timely basis. In the Washington area, Baltimore and Arlington both have a quarterly cadence.</p> | <p>DDOT will determine the total fleet increase (if any) allowed to each permit holder. DDOT will not be performing quarterly fleet increases. Based on DDOT's experience in managing the permit program during the 2019 calendar year, the three-month period during the winter does not provide enough time or usable data to properly assess performance. The fleet increases will be determine based on Article II, B.</p> |
| Robert Gardner | C.2 | <p>We may have communication channels that are not effective or not designed for parking messaging or that Lime chooses not to utilize for that purpose. We recommend that DDOT consider a performance-based metric--effective</p> | <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |

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| | | communication to riders about parking--rather than requiring "all communication channels" to be used for such messaging. | |
| Robert Gardner | C.4 | Lime provides 24/7 customer service via phone, email, text, website, and on Twitter. We request that this be notification through "Customer Service channels," as opposed to "communication platforms" as that may include applications that are not designed or monitored for customer service issues (e.g. Instagram, Facebook). | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |
| Robert Gardner | D.3 | To realize the emissions and traffic reduction benefits from scooters and meet the high demand of Washingtonians in the Central Business District, riders need to be able to rely on scooters as a means of transportation when and where they need them. Therefore, we recommend that vendors be allowed to place 1500 scooters in the Central Business District. | DDOT has analyzed the current number of vehicles in the Central Business District to determine the maximum number of vehicles. If operators are not able to meet operational concerns around limiting the number of vehicles in the Central Business District, the Permit Holder should only deploy the number of vehicles that can be successfully managed until the permit holder has appropriate staff capacity to rebalance fleets. Operators are welcome to use alternative modes of transport to move vehicles. |
| Robert Gardner | G | We request additional information about the data being requested every 90 seconds. In addition, many organizations like the New America Foundation and EFF have raised serious concerns about the privacy and civil liberties involved in realtime monitoring of individual trips through mechanisms like MDS Agency. MDS Agency, a two-way API designed to enable cities to rollout "active management" of mobility services. As envisioned by LADOT in their Strategic Implementation Plan, the Agency API requires a real-time push to the city of the | <p>The District is committed to the responsible management and protection of personal information and has established a comprehensive data policy for the District government, as defined in Mayor's Order 2017-115 (available at https://octo.dc.gov/page/district-columbia-data-policy).</p> <p>DDOT recognizes the privacy risk inherent in geospatial trip data and has classified the dockless trip data as level 3, confidential. The District is engaged in and supports conversations around data standards and privacy.</p> <p>The Mobility Data Specification is now being managed by the Open Mobility Foundation. DDOT is a member of the</p> |

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| | | <p>precise location of bikes and scooters every five seconds while riders are actively on a trip. It also requires operators to receive and ingest data and commands from DDOT and dynamically adjust operations in response to those commands. (See https://ladot.io/wp-content/uploads/2018/12/LADOT_SIP_06122018.pdf).</p> <p>Access to MDS Agency data amounts to an unprecedented level of oversight and control that DDOT would have over private companies and individual citizens, and presents significant surveillance risks. Further, it exposes the City to increased risks should data breaches occur.</p> <p>In April, New America’s Open Technology Institute (OTI) and the Electronic Frontier Foundation (EFF) submitted a letter to the Los Angeles Department of Transportation (LADOT) and the Los Angeles City Council objecting to the expansion of MDS to include granular, real-time trip data without adequate data privacy protections.</p> <p>https://newamericadotorg.s3.amazonaws.com/documents/EFF_OTI_Letter_re_LADOT_MDS_Privacy_Concerns_April_3_2019.pdf</p> <p>As with any potentially personally identifiable information (“PII”), DDOT should determine whether MDS agency is the least intrusive means of obtaining the information sought by the Department. We have worked with other cities to achieve their mobility analysis goals without risks to privacy.</p> | <p>Open Mobility Foundation and is actively participating in discussion around the development of this standard. We support the development of a standard that meets privacy concerns while also addressing legitimate agency planning and operations needs. Further information on the data standards will be published with the updated T&Cs but at this time, DDOT will be using MDS Provider and not MDS Agency.</p> <p>The District is working to get similar data across all modes on District streets, when possible.</p> |

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| | | <p>In addition, DDOT should develop publicly available privacy principles to create transparency with District residents and tourists about how this sensitive data will be collected, used, minimized, secured, and shared by the City. Oakland and Minneapolis have created these types of policies. (See https://www.documentcloud.org/documents/6158513-DataSharing-Anticipated-Impact-Report-DRAFT-5-31.html)</p> <p>Finally, Lime believes that if MDS provider data is collected, it should include all transportation providers, especially where a vendor's related entities have additional impacts on the District's roads. We believe understanding the impacts of movement of all transportation modes is vital to the City's transportation planning. We have seen a trend of other cities accounting data for other shared transportation services such as docked bikeshare and ride hailing.</p> | |
| Robert Gardner | H | <p>Lime and DDOT share the same common goal of protecting user privacy and data. Lime is committed in being responsive to public safety agencies, we have created our "Lime Guidelines for Law Enforcement Authority," which outlines the clear process for law enforcement to request information for their investigations. Respectfully, we believe that a request for user information and confidential data should be accompanied by a subpoena. We instead suggest that DDOT require each operator have a law enforcement response protocol and portal.</p> | Thank you for your comment. |

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| Robert Gardner | J.2 | <p>We are in agreement with the indemnification provision, we would like the provision to read consistently, and the City to edit the provision to the following:</p> <p>Permit holder also agrees to hold harmless the District and its officers and employees for any loss or damage to persons or property, arising out of or in any way related to Permit holder's use of the public space, public right-of-way, or public structure. Permit holder shall not be so obligated in the event that the claim or occurrence at issue arose out of the gross negligence or willful misconduct of the Indemnified Parties or any one of them.</p> | Thank you for your comment. |
| Robert Gardner | M | <p>The City awards licenses and permits for other activities, such as construction projects, restaurant openings, and other transportation services. All other forms of licenses and permits administered by the City have some mechanism for to be heard if a City department chooses to suspend or revoke a permit. Currently, there isn't a mechanism for operators to appeal DDOT decisions, whether it pertains to suspension of a permit or the denial of a fleet expansion. We would just encourage parity to the same processes offered to other City permit and license holders.</p> | Information regarding permit revocation is located in section M of the Terms and Conditions. Further information on permit revocation is located on the issued public right-of-way occupancy permit. |
| Robert Mandle | A.3 | <p>10 MPH is much too slow if we expect scooter riders to ride in the street or in bicycle infrastructure with cyclists that travel closer to 15 MPH. I suggest a 12 MPH speed limit.</p> | District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law. |

| Name | T&C | Comment | DDOT Response |
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| Ryan | A.3 | The 10mph regulator limit is too low if you are trying to encourage users to properly ride in bike lanes/shared traffic. It is also an unnecessary way of extending the length of rides artificially, which then serves to inflate the cost per ride (thus making it less affordable and appealing as a transit option). You should at least allow 15mph to make traveling with traffic more reasonable & comfortable, and help decrease the artificial inflation of costs. | District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law. |
| Sachin Desai | | I think the speed cap for the scooters should be slower. My wife child and I are residents of Chinatown. Walking to a coffee shop one dat near the convention center a scooter almost ran into my kid. 10 mph is too fast. People walk at 3-4 mph. A double of that, 8 mph, would better protect lives, lessen any impacts, and offer more reaction time. Thank you for accepting my comment. | District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law. |
| Samantha Townsley | Moped | While I'm in favor of other people’s ability to rent scooters, bikes, and mopeds, these vehicles are being parked on our street without any RPP stickers and they are taking up whole parking spaces for a tiny vehicle. They are nearly always parked poorly and take up more space than they should. The revel scooters are the ones that I see parked on the street the most often. There were two on Shepherd street that took up two whole parking spots when they could have fit somewhere else and allowed two full-sized vehicles to use the spaces. These vehicles should be parked in a designated area that doesn't impede the parking of residents who pay for the | The Revel mopeds (motor-driven cycles) are not part of the dockless bicycle and scooter program. This comment has been forwarded to the appropriate program administrator. |

| Name | T&C | Comment | DDOT Response |
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| | | <p>parking permits and live on these streets. We are the ones that need these parking spaces on a daily basis to ferry ourselves to work or to the grocery store, etc. When spaces are limited already, having a rental moped take up a full parking space is a nuisance to the residents. I hope that a solution can be found where the business to rent these vehicles still thrives and does not impede local residents' ability to park who rely on these parking spaces daily.</p> | |
| Samantha Townsley | Moped | <p>While I'm in favor of other people's ability to rent scooters, bikes, and mopeds, these vehicles are being parked on our street without any RPP stickers and they are taking up whole parking spaces for a tiny vehicle. They are nearly always parked poorly and take up more space than they should. The revel scooters are the ones that I see parked on the street the most often. There were two on Shepherd street that took up two whole parking spots when they could have fit somewhere else and allowed two full-sized vehicles to use the spaces. These vehicles should be parked in a designated area that doesn't impede the parking of residents who pay for the parking permits and live on these streets. We are the ones that need these parking spaces on a daily basis to ferry ourselves to work or to the grocery store, etc. When spaces are limited already, having a rental moped take up a full parking space is a nuisance to the residents. I hope that a solution can be found where the business to rent these vehicles still thrives and</p> | <p>The Revel mopeds (motor-driven cycles) are not part of the dockless bicycle and scooter program. This comment has been forwarded to the appropriate program administrator.</p> |

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| Scott Brown | A.12 | <p>does not impede local residents' ability to park who rely on these parking spaces daily.</p> <p>I live in Ward 1 in Park View, and I love using dockless scooters. They're an affordable alternative to Lyft/Uber, and get me places that aren't close to Metro stations without having to wait for a bus that comes at sometimes unpredictable times. That said, the many apps are a bit overwhelming, and it would be great to consolidate. I'd even love to see an app that consolidates scooter searching between the different companies into one app so I don't need to open 7 different apps to find one. I also really love the idea of increasing the number of scooters in equity emphasis areas. That's extremely important.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>The District allows operators to use aggregators to increase access for all residents and visitors to the District. The Permit Holder is responsible for the communication of all required information to the rider.</p> |
| Skip Transport, Inc. | General | <p>Skip applauds DDOT for extending the public comment period for the 2020 proposed Terms and Conditions for the Shared Dockless Vehicle Program in order to allow more time for additional community input. However, there is concern that this comment period extension will also delay the awarding of the 2020 Shared Dockless Vehicle permits. This, in turn, will have the unfortunate and adverse effect of harming</p> | <p>Thank you for your comment. Beyond encouraging operators to hire DC residents and have business operations within the District, DDOT does not have control over internal company hiring and firing practices. In order to ensure smooth program continuation DDOT will grant operating permits to begin January 1, 2020.</p> |

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| | | <p>employees of the companies who do not receive a 2020 permit. Based on Skip's estimate, DDOT will now be awarding permits for the 2020 program around December 15th, 2019. This timeline does not give operators who do not receive permits the time necessary to notify a significant number of employees of pending layoffs before the end of the current permit period on December 31, 2019. It will also force layoffs during the holiday season for employees that live in and around the District.</p> <p>To avoid potential layoffs during the holiday season, Skip humbly suggests that DDOT consider a 60-90 day extension of the current 2019 Shared Dockless Vehicle Program permit. This will allow any company that does not receive a permit for 2020 adequate time to notify employees of pending layoffs, which is a standard courtesy notice. This 60-90 day period will also give micromobility workers and their families time to adjust to the prospective loss of employment and the opportunity to seek and obtain other jobs.</p> | |
| Sophia Barnes | A.3 | <p>A second comment from me: if DDOT and DC residents would like fewer scooter riders on sidewalks, I believe the speed cap should be removed or raised. It's difficult to keep a safe pace with bike and car traffic on the streets with the 10mph cap. I believe this cap is appropriate for scooters that are allowed to switch to sidewalks when the rider thinks it's safer.</p> | <p>District law (§ 50-2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law.</p> |
| Sophia Barnes | General (reduction of | <p>Hello DDOT, I am writing in general support of the dockless scooters. I think they are a great way to get around and fill gaps between public transit</p> | <p>Thank you for your comment.</p> |

| Name | T&C | Comment | DDOT Response |
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| | operator s) | <p>— plus they are a great option for people with minor mobility struggles.</p> <p>I appreciate living in a city that embraces future modes of transit, particularly ones that help us avoid cars. I have been able to avoid buying a vehicle because of this program.</p> <p>I read there is consideration for limiting the number of scooter companies. While I understand concerns for the user experience, I think fair competition between operators keeps prices low and customer service at a better level. That said, as a daily scooter user, I find that Bird and Skip have excellent machines with better-than-average breaks.</p> | <p>The Terms and Conditions in effect during 2019 allow for an unlimited number of qualified operators in each category. DDOT’s restriction on the number of operators in the 2020 permit will maintain the program at a more manageable size. Reducing the number of operators while increasing the number of vehicles that each permit holder may operate is also expected to improve users’ experience by increasing the chances that vehicles within each company’s network will be available within walking distance.</p> |
| Sophia King & Mari Tikoyan; Georgetown University Master of Science Candidates (HAPI 2020) | A.18 | <p>We are writing to support the proposal to provide helmets on request as part of the Shared Dockless Vehicle Program-2020, as helmets reduce the incidence and severity of head injury. A study released in August of 2019 by the Department of Neurological Surgery, George Washington University School of Medicine and Health Sciences reviewed medical records to investigate and characterize the types of dockless scooter related injuries that required neurosurgical consultation over a period of 15 months in Washington, DC. It is important to note that some of these injuries were life-threatening. While many dockless scooter related accidents in the District required treatment in the ER or trauma ICU, 14 patients required neurosurgery secondary to skull and vertebral fractures, as well as central cord syndrome—one of whom died soon after hospital admission (Schlaff et al, 203).</p> | <p>District law does not require those over 16 years of age to wear a helmet when riding a bicycle or personal mobility device. All operators in the 2019 permit period required riders to be at least 18 years of age. Article II, A.18 will encourage the operator to provide a free helmet to customers upon request within 20 business days of the request.</p> |

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| | | <p>Although this study is specific to DC, studies from other institutions in cities across the globe provide relevant evidence regarding the potential benefit of helmet use in dockless vehicles. It is estimated that less than 5% of electric scooter riders wear helmets (Schlaff et al, 202), making it difficult to access a benefit in such users. Despite this limited research regarding helmet use on shared dockless vehicles (likely due to the recent arrival of such devices to metropolitan areas), we can extrapolate the protective effect of helmets in studies specific to bicycles. Systematic reviews from the Cochrane Collection database provide evidence of a protective effect of bicycle helmet legislation on the incidence of head injury among cyclists (Ivers, 190). While providing helmets to users upon request may be beneficial in reducing head and facial injury, we believe that this protective benefit should be mandated for all dockless scooter users regardless of special requests. Ultimately, helmets should be provided for all dockless vehicles. It is important that public health is upheld throughout the District of Columbia for all users, rather than for a specific subset of individuals. Given the evidence above, dockless scooter related trauma would certainly decrease in the event helmets were provided with personal mobility devices.</p> <p>Relevant Sources: Ivers, R. "Systematic reviews of bicycle helmet research." Injury Prevention, vol. 13, no. 3, Jan. 2007, pp. 190–190.</p> | |

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| | | Schlaff, Cody D., et al. "Early experience with electric scooter injuries requiring neurosurgical evaluation in District of Columbia: A case series." World Neurosurgery, vol. 132, Aug. 2019, pp. 202–207. | |
| Stefania Slabyj | A.3 | I object to all dockless scooters, and bicycles, as they are most times left randomly. I particularly dislike scooters given how they are ridden. If we are to have scooters, I would reduce the allowed speed to 5 MPH. | <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Stephanie Damassa | A.1 | Would love to see more dockless bikes and scooters in the city, lowering the price for all - a ride from Petworth to Shaw, for instance, is more than \$7 on a scooter making it unaffordable for many. Many of the nuisance complaints could be solved by DDOT prioritizing protected bike lanes - please move aggressively on these! | DDOT permits the use of the public right-of-way for private operators to offer enhanced transportation options to the residents and visitors of the District. DDOT does not control the pricing of the dockless vehicles. Low-income customer plans (LICP) are available to residents at 200% or less of the federal poverty line. Further information on the LICP and how to sign up for them is located on DDOT’s dockless webpage and through the operators directly. |
| Stephanie Hamlett | General | Dockless vehicles, particularly scooters, are hazardous and a constant eye sore in our city. It is | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located |

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| | | <p>unfortunate that the desire to have them and the revenue they generate out weigh public safety and the beauty of the city. Walking downtown to work every morning is a mixed maneuver- avoiding getting hit by scooters on the sidewalk or watching as busses and cars barely missed hitting one darting recklessly through traffic. They are left everywhere- calling them Dockless is a misnomer really as most times several are lined on the sidewalk in a row- where a docking station should be, but isn't. It's spoiled privileged behavior to leave your toys wherever you want and that is what this city looks like a playground for spoiled privileged brats who are used to others cleaning up them. The DC government should not allow this to continue in this over indulgent parent fashion and certainly shouldn't increase the number of scooters until they have established more disinclined ridership rules, and enforce them consistently- imposing fines to both rider and scooter companies. Expecting the riders to exhibit disciplined behavior is a waste of time why should they when they are allowed to do whatever they want without consequence why expect that to change? It won't. Don't increase the number, establish stricter policies for riders and companies and enforce them.</p> | <p>in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies. There are a number of rules in place that can be enforced through denial of fleet increases, permit suspension or revocation.</p> |
| Steven Reichert | General | <p>I have been monitoring the arrival of scooters in DC, and I have sent DDOT hundreds of pictures showing violations of both DDOT policies and the Americans with Disabilities Act. The "2020 Terms and Conditions" which are proposed by DDOT will not change the trajectory of these violations.</p> | <p>The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators</p> |

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| | | <p>Scooters rental companies and riders routinely violate DDOT policies because there is no immediate enforcement mechanism. DDOT’s “Performance-Based Fleet Expansion” method of enforcing regulations is ineffective. Despite the hundreds of violations I have shown to DDOT, as well as common-knowledge that violations are occurring routinely, DDOT has continued to allow increases in the fleet sizes for rental companies. This is no incentive for improvement.</p> <p>Routine violations which I have documented to DDOT include:</p> <ul style="list-style-type: none"> —Scooters blocking access on sidewalks for pedestrians and people with disabilities —Scooters lying flat on sidewalks becoming tripping hazards —Scooters being driven on sidewalks in the downtown business district —Children under 16 driving scooters —People riding “double” on scooters, often a parent and child together —Scooters in the metro system, lying on platforms and inside trains —Scooters on private property, Federal property, and the metro system where no operating permit exists —Scooters abandoned in parks and public spaces <p>The “2020 Terms and Conditions” must include a strong mechanism to stop the violations of DDOT’s policies. Enforcement must include:</p> <ul style="list-style-type: none"> —Police and DDOT officials must be empowered to issue fines to scooter rental companies for violations | <p>and members of the public around developing effective policies. There are a number of rules in place that can be enforced through denial of fleet increases, permit suspension or revocation.</p> |

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| | | <p>—Scooters lying in the path of travel of pedestrians must be removed and impounded</p> <p>—Police must stop and issue citations to riders who violate the law</p> <p>Sidewalks are for human beings, not motorized vehicles. Safety and accessibility for pedestrians and people with disabilities always comes first. Scooters should not be staged on sidewalks, driven on sidewalks, or stored on sidewalks after a rental has completed. Scooters belong in corrals and racks along the edge of the street.</p> <p>The Americans with Disabilities Act is clear in its mandate that the path of travel in the public right of way should be clear of obstructions. Motor vehicles which include scooters should not be driven on sidewalks. Curb ramps should be clear. Sidewalks should be clear of tripping hazards. Entrances to buildings should not be blocked.</p> <p>I encourage DDOT transportation planners to consult closely with the ADA and ensure that the “2020 Terms and Conditions” conforms to the law.</p> <p>Finally, the “2020 Terms and Conditions” must include a definition of liability for accidents. There are many scenarios where accidents occur, and DDOT must specify which party is at fault. For instance, if a child is riding a scooter and hits a pedestrian, is the rental company liable, or the child’ parents? If a pedestrian trips on a scooter lying in the sidewalk where no rider is present, is the rental company liable for injuries?</p> <p>About me:</p> | |

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| | | <p>I provide therapy and fitness services for people with disabilities and the elderly. About a third of my clients have Parkinson's disease. I have seen firsthand how scooters have impacted people's lives. I have seen clients with injuries resulting from tripping and falling on scooters lying in the sidewalks. People have been hit by scooters, and many often say they are terrified to walk on our sidewalks.</p> <p>Steven Reichert Dupont Circle stevenreichert.com steven@stevenreichert.com 202-232-1773</p> | |
| Submission by the U.S. Capitol Police, Lene K. Van Mercer | D.2 | <p>The 2020 Terms and Conditions Agreement includes in Section D.2 the following text: "Permit holder's required service area shall include the entirety of the District of Columbia but exclude federal, private, and National Parks Service land." Please insert "to include U.S. Capitol Grounds," after "federal,".</p> | <p>Dockless scooters and bikes are permitted to operate within the District's public right-of-way , subject to regulations and the Terms and Conditions document for the permit. Dockless operators and their users are responsible for ensuring that vehicles are parked in the "furniture zone" of the sidewalk adjacent to the curb or in another approved location, such as an in-street parking corral. DDOT accepts requests to install in-street parking corrals through dockless.mobility@dc.gov. As long as a dockless vehicle does not create an obstruction for pedestrians, a safety hazard, or a danger to street trees, DDOT does not prohibit parking dockless vehicles on the sidewalk. However, the Terms and Conditions document requires dockless operators to remove vehicles that have not been moved within 5 business days.</p> |
| Submission by the U.S. Capitol Police, Lene Van Mercer | General | <p>Please also insert "24. Permit holder understands that the Permit holder's Dockless Electric Scooters are prohibited from entering U.S. Capitol Grounds. Permit holder will install</p> | <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol</p> |

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| | | Geofence information via the Permit holder's app to ensure that the Permit holder's Dockless Electric Scooters do not enter U.S. Capitol Grounds" at the end of Article II Section A. | Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Specific geofences will not be addressed in the Terms and Conditions document and will be addressed with operators after permits are issued. |
| Todd Kimmelman | C | Operators should be fined for users who park dockless scooters improperly in rights-of-way. | The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies. There are a number of rules in place that can be enforced through denial of fleet increases, permit suspension or revocation. |
| Tom Buehler | A.19 | Skip echoes Councilmember Mary Cheh's proposed bill to restrict scooter operations in the late-night hours. Most scooter fatalities occur between the hours of 10pm-6am making operation during those hours potentially dangerous for the public. Because Skip believes in safety over profit, we currently do not make scooters available for rent between the hours of 9pm and 6am. This allows us to serve a majority of commuters, while not sacrificing rider safety. Skip respectfully requests that this policy be reevaluated, while still ensuring commuters' needs are met. | DDOT recommends 24/7/365 service (weather conditions permitting) as a practice to ensure that dockless vehicles are a reliable service. The District's Capital Bikeshare system has successfully operated under such conditions for more than nine years. The Terms and Conditions document encourages, but does not require, this practice. |
| Tom Buehler | A.8 | Skip respectfully suggests that DDOT consider vehicle approval on a case by case basis. As the stresses of fleet use on dockless scooters have become more properly understood, Skip has | Dockless shared vehicles operate differently than private vehicles within the public right-of-way and may have more restrictions placed on vehicle design and operating requirements. Through the permit Terms and Conditions, |

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| | | found it necessary to develop a scooter with more robust components and features. These design enhancements, which we believe will vastly improve rider safety and the long-term sustainability of the shared scooter, have also increased the weight of the final design to be over 50lbs. Skip looks forward to exploring this more thoroughly during this process with DDOT, including a detailed plan for how employees can safely handle the scooters. | DDOT may establish hardware requirements and limitations on dockless vehicles above and beyond those in District law or regulations. DDOT establishes such requirements in order to reduce or eliminate negative impacts on public space and other users of public space. |
| Tom Buehler | D.6 | Skip fully agrees with the intent of Article II, Section A(21) and Article II, Section D(6). Skip believes in equitable transportation access and has never imposed an additional fee for a rider ending a ride within any permitted service area. However, to remove potential incompatibility between these two articles, Skip requests the last sentence of Article II, Section D(6) be amended to read: "This provision shall also not be construed to prohibit user incentives for parking in preferred "hubs," as long as at least one such hub is available in each ward of the District, or to prohibit user incentives in geofenced areas as requested by DDOT." | Thank you for your comment. DDOT declines including this suggestion. |
| Tom Buehler | D.7 | Will DDOT consider this item of the terms and conditions met if a permit holder were to maintain a staffed operations center within the District of Columbia for the sole purpose of rebalancing, while maintaining a vehicle maintenance center in the greater DMV area? Successfully and safely operating a vehicle maintenance center for 2,500 scooters requires a | Thank you for your comment. DDOT has clarified the language around this T&Cs. |

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| | | larger industrial space than is readily available in the District of Columbia. Skip is worried that requiring all vehicle maintenance to take place within the District will result in a decrease in safety standards. | |
| Tom Schnoor | A.3 | The 10 miles per hour cap should be lifted. 10 miles per hour is too slow to keep up with traffic in bike lanes and incentivizes people to ride scooters on the sidewalk, where 10 miles per hour is far too fast. It also makes rides far more expensive than they should be since it takes longer to reach a destination. | District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law. |
| Tovah Calderon | General | Between scooters and bicycles, the sidewalks are becoming increasingly dangerous for pedestrians. As someone who already has been injured, I beg you to consider prohibiting or at least seriously restricting scooters on sidewalks. Thank you. | DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. |
| Transportation & Public Space Committee, ANC 6A | A.7 | <ul style="list-style-type: none"> Unique IDs should be large enough to be seen at a distance - and appear in photographs documenting problems. Ideally, these could be affixed at both the front and rear of devices. While easy enough to do on a bicycle, it might not be practical on scooters. If not, probably best to affix to the front as they could be placed high enough to be more plainly visible | Unique ID’s for dockless shared vehicles are required in Article II, A.7. The size and location of the ID is not dictated in the Terms and Conditions by DDOT. |
| Transportation & Public Space Committee, ANC 6A | A.9 | Currently, DDOT’s posted rules establish a minimum age and bar double-riding. However, there is no reference to this in the T&C. The T&C | DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies |

| Name | T&C | Comment | DDOT Response |
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| | | should be amended to remain consistent with DDOT's regulations. | for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. |
| Transportation & Public Space Committee, ANC 6A | C | There should be a requirement that those deploying (delivering) devices - not just users of the devices - receive education regarding where they can and cannot be placed. | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. |
| Transportation & Public Space Committee, ANC 6A | C.4 | <ul style="list-style-type: none"> T & C should require that a consistent and convenient means of reporting problems should be made available to the public. This should include accepting cell phone photos. DDOT should have a right to view these images - and should establish a means of compliance checks. Persons initiating a complaint should be | DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space. |

| Name | T&C | Comment | DDOT Response |
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| | | entitled to some sort of response, even if it is just an automated acknowledgment of receipt. | |
| Tyler Ashworth | General (labor) | I want to speak in favor of Bird being one of the selected 4 vendors for scooter share in DC in 2020. As a resident having ridden multiple vendors, I can say that Bird has an appropriate pricing model, durable equipment, a quality app interface, and equitable distribution of vehicles throughout the city. Of all of the other vendors present in the city, I rarely see Bird scooters misplaced or knocked over on sidewalks or other rights of way. In addition what is unique to Bird's business model and beneficial to DC is that they allow for individuals to register as contractors to charge the scooters. This is a low barrier to entry contractor position that will help employ local residents across all wards and provide additional income that can be invested by those contractors right back into DC. | Thank you for your comment. |
| Vanessa Moore | A.1 | I am unsure why there is a need to increase the number of dockless scooters in the city. I see plenty of available scooters all around town every day. What I already see too much of is careless and reckless riding of them. They go from the sidewalks to the streets weaving in and out of pedestrians with no care. The downtown area (Farragut North/West) have sidewalks filled with people and then someone with a scooter comes barreling down the sidewalk. And the police do ABSOLUTELY NOTHING to enforce the rules for scooters or bikers for that fact. When these scooters are left in the middle of the sidewalk it causes issues for those with blindness, | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. |

| Name | T&C | Comment | DDOT Response |
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| | | <p>wheelchairs and strollers. I have had a scooter fall on my leg many times when I have tried to move it out of the way. The rules about where to ride them need to be part of the app when they pick up the scooter. A rider should have to approve a pop up that says they cannot ride them on the sidewalks where applicable, they need to make a full stop at stop signs and where to properly leave the scooter when they are finished. That makes the rider liable for any injury they may cause and probably would prevent the scooter company from being liable when the rider does not operate it properly.</p> | <p>DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |
| Vann-Di Galloway | General | <p>Dockless scooters and bikes are a hazard to blind pedestrians and an inconvenience to most pedestrians. They are an eyesore when left in residential neighborhoods.</p> | <p>Thank you for your comment.</p> |
| Vicki Linton | General (sidewalk riding) | <p>I am concerned about the city allowing an increase in numbers of scooters before it has adequately addressed the problem of scooters being ridden on sidewalks.</p> <p>I have twice recently had to jump out of the way of a scooter at night on the sidewalk on upper 14th St. It is hard for the person riding the scooter to see people at night. I am older and I fear for my safety from scooters being ridden on sidewalks especially in the dark.</p> <p>I oppose increasing the numbers of scooters in the city until the problem of scooters on sidewalks is adequately addressed. I feel that the</p> | <p>DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.</p> |

| Name | T&C | Comment | DDOT Response |
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| | | <p>companies that own the scooters should be held responsible for making sure that they are not used on sidewalks.</p> | <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |
| Victoria Prieto | General | <p>Please listen a little bit more closely to the public sentiment on this issue. Read all comments posted on today's (10/7) Washington Post article https://www.washingtonpost.com/transportation/2019/10/07/dc-wants-add-lot-more-scooters/#comments-wrapper The comments are overwhelmingly negative. –I was almost run over right in front of the Russian Embassy by three scooters playing races on a downhill sidewalk, all young boys (ages 12-14 yr olds). They were not wearing helmets and crossed Wisconsin Ave. when cars were coming in both directions. Such scene is everywhere. Scooters shouldn't be parked on sidewalks, driven on sidewalks, or abandoned on sidewalks after riders are done with them. They are hazards to the safety of those on foot, on wheelchairs, the blind, and many others. When do we say enough is enough? The city would be opening itself to lawsuits from injured pedestrians.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the</p> |

| Name | T&C | Comment | DDOT Response |
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| | | | sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. |
| Virginia Johnson | A.1 | I am writing to oppose more scooters clogging the sidewalks of DC. If they want to go in the street, fine. But some enforcement mechanism would need to be invented to accompany any law that prohibits them on the sidewalk. It's been out of hand for a year now, and people are almost getting run over on a daily basis. | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> |
| Will | General | The scooters are convenient. We need more in DC | Thank you for your comment. |

| Name | T&C | Comment | DDOT Response |
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| Will Simon | | <p>The minimum number of vehicles to be deployed should be lowered from 500 to 300. According to NACTO's recent 2018 study on micromobility trips; the larger fleets of eScooters were utilized less than fleets with more deployed vehicles. Lowering this requirement will force companies to optimize their fleets for utilization and reduce public right of way congestion.</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |
| WMATA | A.21 | <p>Parking dockless scooters at or near Metrorail stations requires special consideration due to ADA requirements and Metro operational concerns. While much of this may be captured by DDOT's overall expectations and users' intuitive sense of responsible behavior, the experience with dockless scooters so far has shown that some issues ought to be highlighted. We therefore request that DDOT, under the geofencing terms of Article II, Section A, Subsection 21, require that dockless vehicle operators:</p> <ul style="list-style-type: none"> (a) geofence areas within approximately 25 feet of any Metrorail station entrance (b) when a user submits an app request to end a dockless vehicle trip within said areas, the | <p>DDOT requires two types of geofences: long-term geofences to define areas where permanent restrictions are in place (e.g., parking or riding on the U.S. Capitol Grounds) and short-term geofences to define areas where temporary restrictions are in place (e.g., special events). Article II, A.21 serves to define the types of geofences that DDOT may require. This paragraph establishes a range of options that DDOT may require to ensure outcomes tailored to the needs of specific situations. For example, some situations may require no riding in a limited area, while other situations would require a lower speed. Each Permit Holder must ensure that the action of slowing down is done safely within their own software, hardware, and system. DDOT will not impose geofence requirements that force sudden changes in speed. DDOT may require compliance with a geofence request with 24 hours' notice</p> |

| Name | T&C | Comment | DDOT Response |
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| | | <p>app shall display a notification screen listing the following special information about parking at a Metro station:</p> <ol style="list-style-type: none"> 1. Do not park scooters inside Metro stations 2. Do not block station entrances, elevators, or escalators 3. Park at least 10 feet away from walls, railings and ledges. Blind people use these edges to navigate their way to the entrance. 4. On Metro property, park only in designated areas [display of this message could be limited to stations with WMATA-owned station plazas, such as Brookland and Fort Totten] Operators should be strongly encouraged to impose financial disincentives on users who park in violation of these explicit expectations. | <p>in emergency situations. In the course of planning for most special events, DDOT will generally provide at least three (3) business days' notice.</p> <p>DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.</p> <p>Specific instances of geofences will be communicated with operators outside of the T&Cs.</p> |
| WMATA | A.23 | Consider inserting "or other police department having jurisdiction within the District" or similar language to ensure that contact with Metro Transit Police is reported in the same way as contact with MPD. | Thank you for your comment. DDOT agrees to include this suggestion. |
| WMATA | C.1 | Please expand the list of transit facilities in part (d) to include Metrorail stations. | Thank you for your comment. |
| WMATA | General | Upon request, DDOT will furnish WMATA with direct local contact information for permitted scooter companies. | DDOT will work with WMATA to develop reporting mechanisms for individual vehicles and connect WMATA to companies regarding issues on private property. |
| WMATA | General | The Overview of Programmatic Changes states that "the number of scooter operators will be limited to four (4)." However, the actual Terms & Conditions do not specify any limit on operators. In addition, while there are details on the process | In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for |

| Name | T&C | Comment | DDOT Response |
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| | | <p>and criteria for “Performance Based Fleet Expansion” in Article II Section B, there do not appear to be similar terms regarding the initial permitting process. DDOT should have similar criteria for selecting the four operators at the outset. In addition, DDOT should to reserve the right to order a reduction in the permitted fleet to penalize scooter operators who fail to uphold their responsibilities under the Terms.</p> | <p>Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> <p>Information about scoring for the 2020 permit will be included in the application materials.</p> |
| WMATA | J | <p>Please add language to reinforce the right of property owners (including WMATA) to relocate or impound scooters parked on private property without owner permission. A property owner undertaking such actions shall not be held liable for any damage to the device that may be incurred in the process of removal/impoundment. Further the property owner should be indemnified by the permit holder for any injuries caused by the movement of the improperly parked or abandoned device. Similar requirements are found in the City of Fairfax’s requirements, which state “Any SMD [Shared Mobility Device] parked on private, federal, or military property is subject to the requirements of that property owner and may be towed at any time at Operator’s expense.”)</p> | <p>Thank you for your comment. DDOT declines including this suggestion.</p> |

| Name | T&C | Comment | DDOT Response |
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| | A.1 | <p>10,000 scooters is better than the current ridiculously low cap, but probably still too low - how about letting the market decide the number?</p> <p>As an aside, how are we supposed to know what T&C number our point addresses?</p> | <p>In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.</p> |
| | A.3 | <p>Increase speed to 15mph. Dangerous to be slow in bike lane.</p> | <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law.</p> |
| | A.3 | <p>Increase to 15. It's dangerous to be slow in bike lane. 15 is a manageable speed.</p> | <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law.</p> |
| | A.3 | <p>The 10 mph operating speed is too slow to allow safe, reliable travel on public roadways. Slower scooters attempting to cross an intersection with a trailing car attempting a turn often aggravates the driver and makes the driver operate the vehicle in an unsafe matter and in close proximity</p> | <p>District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT's regulatory authority to change without Council action to change the law.</p> |

| Name | T&C | Comment | DDOT Response |
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| | | <p>to the scooter. A 15 mph limit would allow enough speed to safely clear intersections without increasing traffic and hazards to the public. Private owners of such vehicles have no such restrictions in place as to speed.</p> <p>Inconsistent speeds among a group of scooters also causes unsafe operating conditions for both scooter operators and vehicle drivers attempting to predict the movement of others in traffic.</p> | |
| | C.4 | <p>There should be a consolidated mechanism, say within 311, for reporting and triage of dumped/broken bikes or scooters with a 72-hour obligation for the provider to pickup and remove the vehicle.</p> | <p>DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.</p> |



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 724-7098 • anc2e@dc.gov

October 10, 2019

Mr. Jeff Marootian
Director
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
jeff.marootian@dc.gov

RE: District Department of Transportation's Dockless Bike and Scooter Share 2020 Terms and Conditions (T&C)

Dear Director Marootian,

On October 2, 2019 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by eight commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (8-0-0) with regard to the above-referenced matter:

ANC 2E remains interested in improving accessibility of our community through a variety of innovative transportation methods, noting that our community is not accessible via Metrorail. As such, generally speaking, the ANC is highly supportive of efforts to improve access to dockless vehicles. Nonetheless, as the number of dockless vehicles have expanded both citywide and in our community, and we expect this expansion to continue based on the shared Terms and Conditions, we have noted serious issues with regards to public safety. As a side note, we recognize that roadway and sidewalk conditions vary from community to community across the District and our comments herein are based primarily on topics of concern within ANC 2E.

1. ANC 2E notes that, as a framework for these comments, the sidewalks in the ANC are generally narrower than in other parts of the city and, particularly along M Street and Wisconsin Avenue NW, with significant foot counts, leaving barely enough room for pedestrians. Additionally, many, if not most, of our sidewalks are brick – i.e. not a unitary surface – which makes for a particularly treacherous ride on wobbly vehicles. The ANC previously resolved that we do not support the use of motorized scooters, bicycles, or mopeds on our sidewalks and we continue to support this resolution. Relative to these Terms and Conditions, the ANC

COMMISSIONERS:

Kishan Putta, District 1 Joe Gibbons, District 2 Rick Murphy, District 3
Anna Landre, District 4 Lisa Palmer, District 5 Gwendolyn Lohse, District 6
Elizabeth Miller, District 7 Matias Burdman, District 8

requests that this limitation be included in the document in question in those areas which detail where scooters are not permitted.

2. Article II lays out the responsibilities of permit holders. It is noted that should the District Department of Transportation (DDOT) deem that a permit holder has engaged in "good performance," DDOT may allow the permit holder to increase its total number of scooters available to consumers to up to 5,000 scooters. ANC 2E would like to see more clarification as to what "good performance" means. Once again, while we support innovation in transportation solutions, we remain concerned about where the scooters are used and stored. Currently, scooters are stored in appropriate parking spaces as well as discarded in the C&O Canal, inside National Park Service property, blocking entrances to residential and commercial buildings and private driveways on our narrow sidewalks, and across sidewalks, making passage for pedestrians difficult and for wheelchair users, others with disabilities, and those pushing a stroller almost impossible.
3. We have serious concerns about doubling the number of scooters parked in our neighborhood should "good performance" not be specifically qualified, with metrics related to, but not limited to, parking of such vehicles. Furthermore, ANC 2E requests that rebalancing occur not only amongst all eight wards but also within individual wards themselves.
4. Article II, A9 mandates that permit holders shall inform users of applicable District laws and regulations. ANC 2E requests that these Terms and Conditions more specifically explain how such information is shared with consumers to ensure that consumers fully understand how scooters can and cannot be used. To date, we frequently see scooters being used contrary to DC laws and would like to better understand if usage of scooters in illegal manners is the responsibility of the permit holders or the consumers.
5. Also in Article II, A9, ANC 2E recommends that the first sentence be amended to include "permitted service area."
6. ANC 2E requests that reporting by permit holders be shared with ANCs citywide, including, but not limited to, details about crimes committed and crashes and fatalities involving permit holders' dockless vehicles, and that such information be segmented by ANC.
7. ANC 2E recommends adding to Article II, B1 "responsiveness to geofencing requirements".
8. Generally speaking, ANC 2E would like to see a full description of repercussions for not abiding by the parking requirements set forth in Article II, Section C. The ANC has general concerns about enforcement and believes that making clear how repercussions are structured is important moving forward. Furthermore,

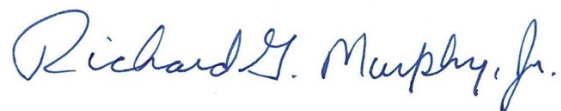
significant repercussions related to the distribution of dockless vehicles are specified in Article II, Section D but no such specificity is provided in Article II, Section C.

9. Regarding Section G, ANC 2E requests that noted reports, surveys, etc. be made available to the ANC at the ANCs request.
10. Finally, ANC 2E notes that standards for enforcement are not included in these Terms and Conditions. We do appreciate that this document may not in fact be the appropriate place to include enforcement mechanisms but the ANC remains concerned that there is no clear method for enforcement – i.e. who has the ability to ticket consumers who use or store scooters contrary to the rules specified in the terms and conditions, are codes established already for such ticketing processes, etc.

ANC 2E notes that it has already issued two other resolutions related to dockless vehicles and we attach them to this resolution for reference. Finally, the ANC was frustrated by the short notice afforded to ANCs to respond to these Terms and Conditions, noting that ANCs city-wide received the draft Terms and Conditions on Monday, September 30 and ANC 2E's public meeting was scheduled for Wednesday, October 2, effectively allowing ANC 2E with only three days to respond. This is not ample time to properly review, consider, and solicit public feedback on these Terms and Conditions. We look forward to a response on both this resolution and those previously issued by ANC 2E dated September of 2019 and June of 2019 and will appreciate the opportunity to provide continued feedback on this exciting opportunity.

Commissioners Lisa Palmer (2E05@anc.dc.gov) and Rick Murphy (2E03@anc.dc.gov) are the Commission's representatives in this matter.

Respectfully submitted,



Rick Murphy
Chair, ANC 2E

Attachment A

**ANC 2E Resolution Adopted on June 4,
2018 Regarding the Proposal to Ban the
Riding of Bikes and Scooters on Ward 2
Sidewalks Outside of the Central
Business District**



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

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June 14, 2018

Councilmember Jack Evans
Councilmember, Ward 2
Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 106
Washington, DC 20004
jevans@dccouncil.us

RE: Proposal to Ban the Riding of Bikes and Scooters on Ward 2 Sidewalks Outside of the Central Business District

Dear Councilmember Evans,

On June 4, 2018 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

ANC 2E supports the banning of the riding of motorized vehicles, including electric scooters, electric bikes, and electric-assist bikes, on public walkways in ANC 2E.

Commissioner Joe Gibbons (2E02@anc.dc.gov) is the Commission's representative in this matter.

Respectfully submitted,

Joe Gibbons
Chair, ANC 2E

COMMISSIONERS:

Ed Solomon, District 1 Joe Gibbons, District 2 Rick Murphy, District 3
Mara Goldman, District 4 Lisa Palmer, District 5 Jim Wilcox, District 6
Monica Roaché, District 7 Zac Schroepfer, District 8

Attachment B

**ANC 2E Resolution Adopted on June 3,
2019 Regarding a Request for the
District Department of Transportation's
Director to Attend an Upcoming ANC
Meeting to Discuss Specific Issues**



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale
3265 S Street, NW • Washington, DC 20007
(202) 724-7098 • anc2e@dc.gov

June 28, 2019

Mr. Jeff Marootian
Director
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
jeff.marootian@dc.gov

RE: Requesting that the District Department of Transportation's Director Attends an Upcoming ANC Meeting to Discuss Specific Issues

Dear Director Marootian,

On June 3, 2019 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

ANC 2E frequently collaborates with the District Department of Transportation (DDOT) to support the city's goal to grow sustainable, efficient, and safe urban transportation options. A key component of tying these goals together is the Mayor's Vision Zero initiative. In relation to these goals, the ANC has pursued actions such as shepherding in the addition of bike lanes and Capital Bikeshare stations in Georgetown and asking for solutions to high-crash intersections.

It has been over two years since DDOT began its pilot demonstration for dockless vehicles. One high level interim report on the program status was issued in December of 2018. In May of 2019 permits for over a 1,000 new dockless vehicles were announced, bringing the total in DC to nearly 6,000. Dockless bikes and scooters can be seen on every street in Georgetown.

Given this growth of dockless vehicles, ANC 2E Commissioners are receiving a large volume of constituent inquiries regarding the dockless pilot demonstration. Currently the ANC does not have access to information to respond to many of these inquiries or to prioritize constituent input. The ANC requests that DDOT Director Jeff Marootian and his appropriate colleagues attend an upcoming ANC 2E public meeting to speak to DDOT's strategic vision for micromobility with respect to how the Georgetown

COMMISSIONERS:

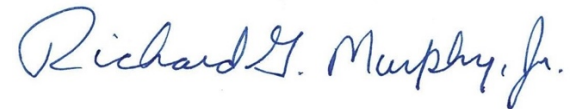
Kishan Putta, District 1 Joe Gibbons, District 2 Rick Murphy, District 3
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Elizabeth Miller, District 7 Matias Burdman, District 8

community can manage the influx of dockless vehicles. If possible, the ANC asks Director Marootian to address the following constituent inquiries regarding the status of the ongoing pilot demonstration and long-term strategic plans: (Please separate by motorized scooters, electric-assist bikes, and manual bikes)

- Revenue generated to date from the entire pilot demonstration program
 - Total revenue collected by DC-permitted operators from riders and the portion of that revenue shared with DC
 - Total monetary penalties collected by DC due to operator and rider fines
- Key enforcement issues
 - Issues DC has had with operators abiding by DDOT's pilot demonstration guidelines
 - Issues operators and DDOT have had with riders
 - 311 reports
- Number and type of vehicles left within ANC 2E boundaries for more than three hours during the hours from 8:00 am to 8:00 pm
 - Engagement of residents to use 311 to report inappropriately placed dockless vehicles
- Community engagement by city-approved operators
 - Interaction with ANCs
 - Regular issuance of neighborhood-specific data
 - Community service work or other contributions
- Aligning with the Mayor's Vision Zero initiative with regards to safety, including:
 - Use of helmets on motorized scooter riders
 - Americans with Disabilities Act (ADA) compliance on narrow historic sidewalks that are already, in many cases, not ADA compliant. The ANC understands, per the December of 2018 interim report, that DDOT conducted visual inspections that showed only three percent of dockless vehicles are blocking pedestrian access, however the ANC would like to know the specifics for Georgetown. ANC 2E notes that the ANC issued a resolution in 2018 stating that the ANC did not believe that the use of motorized dockless vehicles on the neighborhood's sidewalks was safe and increased issues with ADA compliance.
 - Number and location of accidents in Georgetown (The ANC has seen the high-level accident data issued by DDOT but would like data specific to ANC 2E)
- Where does DDOT believe that motorized vehicles will be most safely used? Bike lanes, car lanes, sidewalks — and recommendations that operators make to users regarding these options?
- How to align the impact to Georgetown residents of DDOT's dockless vehicle pilot demonstration with DDOT's on-street car sharing program.

Commissioners Rick Murphy (2E03@anc.dc.gov) and Gwendolyn Lohse (2E06@anc.dc.gov) are the Commission's representatives in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." in a cursive script.

Rick Murphy
Chair, ANC 2E

Attachment C

**ANC 2E Resolution Adopted on
September 3, 2019 Regarding the Use of
Mopeds on Neighborhood Sidewalks**



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

3265 S Street, NW • Washington, DC 20007

(202) 724-7098 • anc2e@dc.gov

September 11, 2019

Mr. Jeff Marootian
Director
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
jeff.marootian@dc.gov

RE: Use of Mopeds on Neighborhood Sidewalks

Dear Director Marootian,

On September 3, 2019 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

ANC 2E frequently collaborates with the District Department of Transportation (DDOT) to support the city's goal to grow sustainable, efficient, and safe urban transportation options. A key component of tying these goals together is the Mayor's Vision Zero initiative. In relation to these goals, the ANC has pursued actions such as shepherding in the addition of bike lanes and Capital Bikeshare stations in Georgetown and asking for solutions to high-crash intersections.

It has been over two years since DDOT began its pilot demonstration for dockless vehicles. One high level interim report on the program status was issued in December of 2018. In May of 2019, permits for over 1,000 new dockless vehicles were announced, bringing the total in DC to nearly 6,000. In August of 2019, 2,400 motorized mopeds were added to the dockless fleet, bringing the total to 8,400. Dockless bikes, mopeds, and scooters can be seen on every street in Georgetown.

Given this growth of dockless vehicles, ANC 2E commissioners are receiving a large volume of constituent inquiries regarding the dockless pilot demonstration. Currently the ANC does not have access to information to respond to many of these inquiries or to prioritize constituent input. In June of 2019, the ANC requested that DDOT Director Jeff Marootian and his appropriate colleagues attend an upcoming ANC public meeting to speak to DDOT's strategic vision for micromobility with respect to how the Georgetown

COMMISSIONERS:

Kishan Putta, District 1 Joe Gibbons, District 2 Rick Murphy, District 3
Anna Landre, District 4 Lisa Palmer, District 5 Gwendolyn Lohse, District 6
Elizabeth Miller, District 7 Matias Burdman, District 8

community can manage the influx of dockless vehicles. As of September 3rd, the ANC has not yet heard back from DDOT and thus the ANC is resubmitting its request, which has been slightly amended to note the addition of 2,400 mopeds.

If possible, ANC 2E asks Director Marootian to address the following constituent inquiries regarding the status of the ongoing pilot demonstration and long-term strategic plans: (Please separate by motorized scooters, electric-assist bikes, mopeds, and manual bikes)

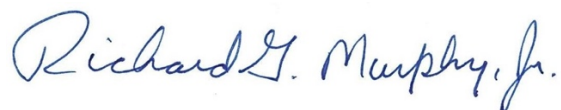
- Revenue generated to date from the entire pilot demonstration program
 - Total revenue collected by DC-permitted operators from riders and the portion of that revenue shared with DC
 - Total monetary penalties collected by DC due to operator and rider fines
- Key enforcement issues
 - Issues DC has had with operators abiding by DDOT's pilot demonstration guidelines
 - Issues operators and DDOT have had with riders
 - 311 reports
- Number and type of vehicles left within ANC 2E boundaries for more than three hours during the hours from 8:00 am to 8:00 pm
 - Engagement of residents to use 311 to report inappropriately placed dockless vehicles
- Community engagement by city-approved operators
 - Interaction with ANCs
 - Regular issuance of neighborhood-specific data
 - Community service work or other contributions
- Aligning with the Mayor's Vision Zero initiative with regards to safety, including:
 - Use of helmets on motorized scooter riders
 - Americans with Disabilities Act (ADA) compliance on narrow historic sidewalks that are already, in many cases, not ADA compliant. The ANC understands, per the December of 2018 interim report, that DDOT conducted visual inspections that showed only three percent of dockless vehicles are blocking pedestrian access, however the ANC would like to know the specifics for Georgetown. ANC 2E notes that the ANC issued a resolution in 2018 stating that the ANC did not believe that the use of motorized dockless vehicles on the neighborhood's sidewalks was safe and increased issues with ADA compliance.
 - Number and location of accidents in Georgetown (The ANC has seen the high-level accident data issued by DDOT but would like data specific to ANC 2E)

- Where does DDOT believe that motorized vehicles will be most safely used? Bike lanes, car lanes, sidewalks — and recommendations that operators make to users regarding these options?
- How to align the impact to Georgetown residents of DDOT's dockless vehicle pilot demonstration with DDOT's on-street car sharing program.

ANC 2E supports alternative transportation options. The ANC asks DDOT that the ANC and its constituents be included in the testing and evolution of their use within the ANC's neighborhood.

Commissioners Gwendolyn Lohse (2E06@anc.dc.gov) and Rick Murphy (2E03@anc.dc.gov) are the Commission's representatives in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." in a cursive script.

Rick Murphy
Chair, ANC 2E

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

November 6, 2019

Commissioner Rick Murphy
Chairperson
Advisory Neighborhood Commission 2E
3625 S Street NW
Washington, DC 20007
Via Email: 2E03@anc.dc.gov

RE: Resolution on Shared Dockless Vehicle program Terms and Conditions

Dear Commissioner Murphy and ANC 2E,

Thank you for your October 10, 2019 comment on the Shared Dockless Vehicle program Terms and Conditions in the form of this resolution.

In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles. Please find below the responses to the resolution's requests:

1. ANC2E states that DDOT should communicate to prevent the use of scooters on sidewalks.

Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians. ANC2 E is not within the Central Business District. It is legal to ride up on the sidewalk in the ANC.

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Department of Transportation



d. Planning and Sustainability Division

Given the reasons above, DDOT was not persuaded by this point.

2. ANC2E enquired about fleet increases for good performance.

DDOT will determine the total fleet increase (if any) allowed to each permit holder. Based on DDOT's experience in managing the permit program during the 2019 calendar year, the three-month period during the winter does not provide enough time or usable data to properly assess performance. The fleet increases will be determine based on Article II, B.

Given the reasons above, DDOT was not persuaded by this point.

3. ANC2E is concerned about the size of the fleet increase available. ANC2E would like to request rebalancing within Ward 2.

DDOT will determine the total fleet increase (if any) allowed to each permit holder. Only if DDOT determines that there is a need for fleet increase, will any operators be permitted to apply for the fleet increase.

DDOT does not require rebalancing from operators outside of misparked vehicles and those vehicles left longer than 5 days. DDOT is unsure what ANC2E is requesting. DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.

Given the reasons above, DDOT was persuaded by this point.

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Department of Transportation



d. Planning and Sustainability Division

4. ANC2E would like for the Terms and Conditions to describe information that Permit Holders should communicate in Article II, A.9.

DDOT is not prescriptive in the Terms and Conditions. Requesting that the Permit Holders test new approaches allows for greater flexibility and learning over the permit year. DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.

Given the reasons above, DDOT was not persuaded by this point.

5. Article II, A9, ANC 2E recommends that the first sentence be amended to include "permitted service area."

DDOT does not understand the requested edit. The permitted service area is the entirety of the District of Columbia excluding federal land and private property. Dockless scooters and bikes are permitted to operate within the District's public right-of-way, subject to regulations and the Terms and Conditions document for the permit.

Given the reasons above, DDOT was not persuaded by this point.

6. Request that ANCs receive information about crimes, crashes, and fatalities sorted by ANC.

Many reports contain personally identifiable information. Given the nature of these reports, these are available through the The District of Columbia Freedom of Information Act, D.C. Code § 2-531-540 and may be redacted if determined to be proprietary per D.C. Code § 2-534, Exemptions from disclosure.

Given the reasons above, DDOT was not persuaded by this point.

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Department of Transportation



d. Planning and Sustainability Division

7. ANC2E recommends adding responsiveness to geofences as rating criteria for fleet increases.

DDOT has listed the criteria for fleet increases in Article II, B. Non-responsiveness on geofence requirements that are essential to safe operations in the District may lead to permit suspension or revocation.

Given the reasons above, DDOT was not persuaded by this point.

8. ANC2E would like to see a full description of repercussions for Article II, Section C and D.

The Terms and Conditions can be enforced through denial of fleet increases, permit suspension or revocation.

Given the reasons above, DDOT was not persuaded by this point.

9. ANC2E would like access to all reports or surveys generated by the dockless program.

Many reports contain personally identifiable information. Given the nature of these reports, these are available through the The District of Columbia Freedom of Information Act, D.C. Code § 2-531-540 and may be redacted. Otherwise survey results may be published in a publicly digestible format.

Given the reasons above, DDOT was not persuaded by this point.

10. ANC2E recommends adding penalties for not meeting parking criteria.

DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.

Given the reasons above, DDOT was persuaded by this point.

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies.

Thank you for your comments and your commitment to public service. The District Department of Transportation remains committed to making our streets safer for all roadway users and will continue working with ANC 2E towards this goal.

Kind regards,

A handwritten signature in black ink that reads 'Sharada Strasmore'.

Sharada Strasmore
Shared Micromobility Planner
District Department of Transportation

cc: Commissioner Lisa Palmer, Single Member District 2E05
Sherri Kimbel, Director of Constituent Services, Councilmember Evans
Nyasha Smith, Secretary of the Council
Amr Kotb, Ward 2 Liaison, Mayor's Office of Community Relations and Services
Brant Miller, Community Engagement Specialist, DDOT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3B
GLOVER PARK AND CATHEDRAL HEIGHTS



October 10, 2019

Mr. Jeff Marootian
Director, District Department of Transportation
55 M Street SE
Washington, DC 20003

Dear Director Marootian:

We have received the invitation from your Department for comments on the Terms and Conditions for Dockless Bikes and Scooters for 2020. We appreciate your decision to extend the public comment period for at least a few more days to October 10 so additional individuals and ANCs have the opportunity to submit their views and recommendations. We would like to submit a few comments and also request that DDOT provide for a longer public comment period so issues and options related to the dockless bike and scooter programs for calendar year 2020 can be more fully considered.

Like many other ANCs, we have found few District programs have generated more response -- positive and negative -- than the dockless bike and scooter programs. Our constituents have urged that the programs should be adjusted to strike a better balance between mobility, access, and safety for riders and others who use the streets, bike lanes, and sidewalks.

We believe it would be useful for DDOT to organize a much more robust public engagement process on the subject of the dockless bike and scooter programs, now that people in the District have had a year or so to use these vehicles and see and interact with them on our roadways and footways. The DC Council and many other groups are discussing possible changes in the way dockless bikes and scooters are operated, maintained, and regulated under District law. This is an ideal time to pause and take an in-depth look at how the bike and scooter programs are evolving, how riders are using the vehicles, how the programs affect and are perceived by others, how liability and insurance regulation can be equitable with coverage for other types of vehicles, and how different jurisdictions have dealt with similar challenges.

We urge that the entire dockless bike and scooter program be reviewed in greater depth and refined to accommodate what we have learned as well as the experience developed in other jurisdictions with new laws and regulations covering these forms of transportation. DDOT should work in close coordination with the Council, ANCs, residents, operators, and interest groups involved in these issues to ensure that the most effective and up-to-date laws, regulations, and Terms and Conditions that apply to the dockless bike and scooter programs.

P.O. BOX 32312, WASHINGTON, D.C. 20007

WEBSITE: WWW.ANC3B.ORG

EMAIL: ANC3BMAIL@GMAIL.COM

3B01
N. GLOVER PARK-CATHEDRAL HEIGHTS
ANN L. MLADINOV

3B02
E. GLOVER PARK
JACKIE BLUMENTHAL

3B03
W. GLOVER PARK
MELISSA LANE.

3B04
CATHEDRAL HEIGHTS
MARY C. YOUNG

3B05
S. GLOVER PARK
BRIAN TURMAIL

We are attaching a list of problems with the programs and possible solutions, echoing concerns of our colleagues in ANC3D, including several serious operational and legal matters:

- Pedestrian safety on sidewalks shared with these vehicles is not being protected.
- Helmets are recommended but rarely used by dockless bike and scooter riders.
- Dockless bikes and scooters often are parked blocking sidewalks and public rights of way.
- Riders of dockless bikes and scooters do not always follow traffic laws and traffic signals.
- Data are not available to permit full evaluation of dockless bike and scooter programs.
- Rebalancing processes create safety hazards, especially in rush hour.
- Current liability and personal injury insurance does not cover either the riders or others who may be injured or harmed by operation of dockless bikes and scooters.

We hope the suggestions will be helpful to DDOT in formulating its policies and balancing interests in service to users of dockless bikes and scooters with the safety and well-being of pedestrians and other residents and visitors in the District. Thank you for your consideration.

Sincerely,



Brian Turmail
Chairman

Enclosure: Problems and Possible Solutions for Operation of Dockless Bikes and Scooters

cc. Ward 3 Councilmember Mary Cheh
Rich Harrington, Mayor's Liaison to ANC3B

This letter was approved by the Commission by a vote of 5-0 at a duly noticed regular public meeting on October 10, 2019, at which a quorum was present. (Three of the five members constitute a quorum.) With that vote, the Commission also designated the Chairman or his designee to represent ANC3B on this matter.

Problems and Possible Solutions for Operation of Dockless Bikes and Scooters

1. PEDESTRIAN SAFETY on sidewalks shared with these vehicles is not being protected.

The city has adopted the goals of “Vision Zero“ aiming to see **zero** fatalities and serious injuries to travelers in the District’s transportation system by the year 2024, including pedestrians, bicyclists and others on the roads and sidewalks. But it does not appear that safety for riders or others is effectively protected or prioritized in the Terms and Conditions. Would the provisions be written as they are if the key consideration were concern for crashes or collisions between bikes/scooters and pedestrians, or bikes and scooters with each other?

Many people who walk in our ANC area have encountered scooters and bikes using the same sidewalks, approaching pedestrians from the rear and startling them. Sometimes the scooters and bikes cause people to jump out of the way to avoid being struck by those vehicles or to protect other family members and pets. Some riders, especially on scooters, are not experienced with using that type of transportation and are not in full control of the vehicle. Generally scooter riders do not give pedestrian a warning of their approach. Even where there is a bike lane, the most common place for scooters to ride along busy streets is the sidewalk. In the downtown area where bikes and scooters are prohibited from using sidewalks, many riders still choose to do so, creating multiple hazards for pedestrians. And when the scooters are moving at 10 miles per hour on a sidewalk, that means that the scooters are going significantly faster than anyone walking, which increases the risk of collisions and chances for injury to pedestrians and riders. A collision can cause a serious fall that could result in a head injury or broken bones including hip injuries for the pedestrian and perhaps equally serious injuries for the rider, which can prove fatal. in some cases. (Older individuals often do not recover from a broken hip.)

Proposed Solutions:

(1) All dockless vehicles should be required to have a mechanical warning device, such as a bell, to allow riders to warn pedestrians that they are approaching from behind. While currently non-dockless bicycle riders are allowed to use voice warnings as an alternative to a bell, the increasing number of vehicles on sidewalks as a result of the dockless program warrants a change of this policy for dockless vehicles in DDOT’s Terms and Conditions. In addition, we recommend that the Council and DDOT should give serious consideration to changing this rule for non-dockless bicycles as well.

(2) The allowable speed of scooters and bikes on sidewalks should be set lower than 10 mph.

(3) Operators should be required to encourage their riders to give warnings to pedestrians when approaching pedestrians and to slow down when any pedestrians are present.

(4) Riders should be instructed to use bike lanes where they are available rather than riding on the sidewalk.

(5) Metropolitan police and park police should be encouraged to enforce the prohibition against riding on the sidewalks in the downtown area. Fines should be levied. If fines are not paid by the riders after a specified period, the applicant should pay the fines by applying the charge to the credit card of the rider involved in the infraction.

2. HELMETS ARE RECOMMENDED BUT RARELY USED by dockless bike and scooter riders.

Helmets are not available to users of dockless bikes and scooters at the point where they start a ride, and no direct financial incentive is provided for riders to use helmets or any financial disincentive for not using helmets. Riders can supply their own helmet. DDOT’s Terms and Conditions require that upon request an operator must provide a free helmet to a customer, to be delivered within 14 days of the request but this seems like a long lead time if a customer wants to use a bike or scooter.

Proposed Solutions:

(1) The use of helmets by riders should be encouraged and incentivized by the operators.

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(2) Could the 14-day delivery period for free helmets to be delivered be reduced? It would be useful to hear from operators on how many people have requested a helmet and how this has worked. Could helmets provided on the spot for a fee? There are lightweight foldable helmets that could be attached to a slot in the scooter or provided through hubs or kiosks at popular stops, electric charging stations, etc. Several companies offer foldable helmets, including Vingloo <https://vingloo.com/product/foldable-bike-helmet-3-2/> and Closca <https://www.wired.com/story/closca-collapsible-helmet/>

3. PARKED DOCKLESS BIKES AND SCOOTERS often block sidewalks and public rights of way.

Dockless vehicles, particularly scooters, are frequently left in the middle of a sidewalk. In spite of DDOT Terms and Conditions requiring that parked vehicles leave at least 5 feet of clear space on a sidewalk, sometimes dockless bikes and scooters are not even pulled to the side but are resting across much of the width of the footway where people are trying to walk. Vehicles left in the sidewalk are bothersome and dangerous for pedestrians as well as other bike or scooter riders. Persons in wheelchairs or using other assistive devices are especially likely to be inconvenienced. People with visual difficulties also can face a high risk of tripping or falling over bikes or scooters left in the middle of a sidewalk. Persons who illegally park an automobile pay a fine. The same rule makes sense for riders who park a dockless vehicle in a location that is dangerous or impedes safe use of the sidewalk or street by others.

Proposed Solutions:

(1) Operators should be required to educate their users to park dockless vehicles to the side of the sidewalk, out of the way of pedestrians.

(2) If operators have to move or remove a vehicle that has been illegally parked, the operators should impose a fine against the credit card used by the rider who last used the vehicle.

4. RIDERS DO NOT ALWAYS FOLLOW TRAFFIC LAWS AND TRAFFIC SIGNALS.

Proposed Solutions:

(1) Riders should be informed by the operators that they are required to obey all traffic laws and signals, or they will be liable for fines and costs injury or harm to other people and vehicles.

(2) Police and others with enforcement authority should enforce the rules governing bike and scooter riders, issue citations and levy fines against violators.

5. DATA ARE NOT AVAILABLE to allow full evaluation of dockless bike and scooter programs.

Operators have not been asked or encouraged to submit data crucial to evaluate the dockless bike and scooter programs. Both DDOT and the public need to be able to assess the program as well as the effectiveness of DDOT's Terms and Conditions affecting deployment of these vehicles. An ongoing evaluation based on fuller data would allow DDOT to make adjustments in the implementation of the dockless bike and scooter programs as well as develop more effective requirements for the 2021 program.

Proposed Solutions:

(1) Require operators to collect and submit information on a periodic basis to DDOT regarding:

- How many helmets are requested
- How many incidents of accidents, injuries and their nature are reported
- How many complaints are received regarding improperly parked vehicles and where
- How many riders are cited for riding on sidewalks in the area where this is not allowed.

(2) Publish these data as well as other related data on a publicly available website so that citizens can participate in the evaluation of the success of this program along with DDOT.

ANC3B 10/10/19

6. REBALANCING PROCESSES CREATE SAFETY HAZARDS especially in rush hour.

Operators send out trucks to pick up and relocate dockless bike and scooters, which can mean large vehicles double parking or otherwise parking illegally, blocking traffic, creating delays, obstructing sight lines for other motorists, pedestrians, and others using bikes or scooters, causing serious hazards for everyone in that part of the transportation system.

Because rush hours are a time of high demand for bikes and scooters, in different places than the vehicles are needed at other times of day, many operators appear to carry out rebalancing of their vehicles during rush hours. That usually means a truck stops on the street, blocking a vitally needed lane during the heaviest traffic of the day. In addition, the vehicles used for rebalancing often stop at corners to load or unload scooters or bikes, thereby forcing other vehicles trying to turn at the corner to make the turn from the second lane rather than the curb lane. That can be dangerous maneuver, especially for pedestrians crossing at the same time. City law and policy should not allow operating practices of the dockless bike and scooter companies to impede use of other means of transportation around the city or cause additional risks of serious safety problems in the transportation system, counter to the Vision Zero goals.

Proposed Solutions:

- (1) DDOT should make clear that operators' rebalancing operations are covered by laws and regulations on illegal parking and will not be allowed to park illegally, especially on main arteries during rush hours.
- (2) The police and parking enforcement teams should enforce the laws and regulations when rebalancing vehicles are violating parking rules, issue citations and levy fines, or there will be pressure to prohibit rebalancing of vehicles during rush hour entirely.

7. CURRENT LIABILITY AND PERSONAL INJURY INSURANCE DOES NOT COVER either the riders or others who may be injured or harmed by operation of dockless bikes and scooters.

By painful experience, riders and policymakers have discovered that no insurance policies are in place to cover effectively the injuries to riders of dockless vehicles and/or others who are hit or caused to trip or fall by those vehicles, unless the riders hold that type of insurance. Injuries to riders of dockless bikes and scooters are most often covered by the riders' own health insurance, if the riders are insured, unless the insurance policy specifically excludes use of this type of device. Most U.S. residents rely on their auto insurance to cover injuries to others hurt in the operation of those vehicles, whether owned or rented; but auto insurance in most jurisdictions does NOT provide coverage if an individual hits someone or otherwise causes injury or damage while s/he is using a rented dockless bike or scooter. The operators also do not hold insurance to cover that type of injury or damage, and are not required to do so. Insurance regulation is a matter left to states and the District has authority to require additional insurance to cover riders of dockless bikes and scooters as well as anyone they injure while operating the vehicles. Other jurisdictions have begun to formulate policies to require operators to carry insurance to ensure that people injured in falls or collisions with dockless vehicles are covered, as they would be in traffic incidents involving other automobiles under current insurance regulations. This would seem the equitable approach.

Proposed Solutions:

- (1) Each operator should be required to display prominently on each vehicle the information that: riders are using the vehicles at their own risk; anyone that riders injure while using the dockless bikes or scooters is generally not covered by the individual rider's automobile insurance; and the operator does or does not carry insurance to cover injuries or death to riders or others hurt by scooters.
- (2) The District should impose a requirement that all providers of dockless bikes and scooters must hold insurance adequate to cover injuries or death to riders or to anyone else hurt by a dockless bike or scooter, provided that at the time of the collision, incident or injury, the dockless vehicle was rented legally and the rider is not found to be violating any laws or regulations governing use of the vehicle.

ANC3B 10/10/19

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

November 6, 2019

Commissioner Brian Turmail
P.O. Box 32312
Washington, DC 20007
Via Email: ANC3Bmail@gmail.com

RE: Resolution on Shared Dockless Vehicle program Terms and Conditions

Dear Commissioner Turmail and ANC 3B,

Thank you for your October 10, 2019 comment on the Shared Dockless Vehicle program Terms and Conditions in the form of this resolution.

DDOT has been working in close coordination with DC Council and other interested stakeholder groups including WABA and DC Commission on Persons with Disabilities. As part of our engagement with these and other communities, DDOT has listened to the concerns of these specific demographics. In addition, DDOT Director Jeff Marootian testified before Council on the Electric Mobility Device Amendment Act of 2019. I am enclosing this testimony for your consideration.

The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. Sections of this document were revised based on the concerns we heard during the revision process. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies.

In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and

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Department of Transportation



d. Planning and Sustainability Division

improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.

1. Safety of Pedestrians on sidewalks shared with these vehicles

DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.

District law ([§ 50–2201.04a. Operation of personal mobility devices](#)) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.

Given the reasons above, DDOT was not persuaded by this point.

2. Helmets are recommended for users but appear to be rarely used

District law does not require those over 16 years of age to wear a helmet when riding a bicycle or personal mobility device. All operators in the 2019 permit period required riders to be at least 18 years of age. Article II, A.18 will encourage the operator to provide a free helmet to customers upon request within 20 business days of the request.

Given the reasons above, DDOT was not persuaded by this point.

3. Dockless bicycles and scooters are often left right in the middle of the sidewalk

DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding and proper parking. DDOT has

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d. Planning and Sustainability Division

produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.

Given the reasons above, DDOT was not persuaded by this point.

4. Riders do not always follow traffic laws and traffic signals.

Just like drivers and pedestrians, not all road users obey traffic laws. DDOT would like for scooter operators to be able to effectively communicate all rules and regulations of the District of Columbia. E-scooters do not require a drivers license to be able to ride them. Requiring licenses would be problematic to equity concerns and could exclude the most vulnerable riders who do not have licenses.

Given the reasons above, DDOT was not persuaded by this point.

5. Data do not allow for evaluation of the program.

DDOT requests data from operators that includes accidents and parking complaints as well as other data. Further insights into these types of data, will not offer increased information on the evaluation of the program. How many people order helmets will not equate to more people wearing helmets.

Given the reasons above, DDOT was not persuaded by this point.

6. Rebalancing processes create safety hazards

DDOT was unaware of specific instances of rush hour charging by operators. If the ANC can point to specific instances or vendors DDOT would be pleased to make operators aware that this is not acceptable. Please send record of these operators to dockless.mobility@dc.gov.

Given the reasons above, DDOT was persuaded by this point.

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7. Insurance provisions appear inadequate.

DDOT has required operators to have insurance to protect against accidents. For further information regarding the insurance policy, please view Article II, Section I. Private operators of bicycles and PMDs are not required to have liability insurance in the District. If this is an issue that the ANC finds to be essential, DDOT would prefer that insurance requirements be legislated through Council.

Given the reasons above, DDOT may address this in the 2021 Terms and Conditions.

Thank you for your comments and your commitment to public service. The District Department of Transportation remains committed to making our streets safer for all roadway users and will continue working with ANC 3B towards this goal.

Kind regards,

Sharada Strasmore
Shared Micromobility Planner
District Department of Transportation

Enclosure: Director Marootian testimony Electric Mobility Device Amendment Act of 2019

cc: Mary Cheh, Ward 3 Councilmember
Nicholas Mendelsohn, Constituent Services Deputy Director, Councilmember Cheh
Rich Harrington, Ward 3 Liaison, Mayor's Office of Community Relations and Services
Nyasha Smith, Secretary of the Council
Donise Jackson, Community Engagement Specialist, DDOT

GOVERNMENT OF THE DISTRICT OF COLUMBIA

District Department of Transportation



Public Roundtable on
The Future of Micromobility in the District, and

Public Hearing on

[Bill 23-359](#), The Electric Mobility Devices Amendment Act of 2019

Testimony of
Jeff Marootian

Director
District Department of Transportation

Before the
Committee on Transportation and the Environment
Council of the District of Columbia

Monday, November 4, 2019
11:00 a.m.
Hearing Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon, Chairperson Cheh, Members of the Committee, and staff. My name is Jeff Marootian, Director of the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser on The Future of Micromobility in the District, and [Bill 23-359](#), The Electric Mobility Devices Amendment Act of 2019 which establishes new definitions for electric mobility devices and requires DDOT to create rules governing these devices. We welcome this hearing and other opportunities to receive input from the Council and members of the public on DDOT's dockless bike and scooter program and, more broadly, the future of micro-mobility in the District.

Introduction

I would like to first offer some brief remarks regarding the future of micro-mobility in the District.

The transportation sector has seen rapid transformation over the last decade with no signs of slowing down. This has fundamentally changed the role of DDOT, as we work to both welcome this innovation and to ensure that it meets our goals to reduce single occupant vehicles, increase transit mode share, and ensure that public transit remains the backbone of our transportation system. Even though in most markets today micro-mobility is defined as shared scooters and bikes, we are only



scratching the surface with possible vehicle configurations, sizes, and capabilities. We expect to see a variety of new designs emerging that will change our understanding of what is considered micro-mobility. We view micro-mobility initiatives as a tool to address the District’s travel needs. Our approach has been to pilot multiple emerging mobility solutions, such as dockless vehicles, as a means to better understand their value and what is required to integrate them into our transportation system. To this end, and as a part of our goal to reduce reliance on single occupant vehicle rides in the city, DDOT has piloted several initiatives that have come to be successful mobility programs such as carsharing in 2001 and docked bike share in 2010. DDOT was an early innovator in this field starting with the SmartBike pilot in 2010 and following up with the launch of our Capital Bikeshare system in 2012, which has become one of the most successful bicycle transit systems in the country. The District has also been an early adopter of dockless bikes and scooters and established a pilot program to manage these new mobility options in the fall of 2017.

Current State of Mobility in the District

Active transportation is increasing in popularity in the District and this is good for our residents. With the expansion of Capital Bikeshare (currently at 300 stations in the District and 560 in the region) and the increasing availability of shared



dockless vehicles, residents, visitors, and tourists are moving more efficiently throughout the city. People have new mobility options to access places of work and recreation, visit friends and family, and enjoy the city without contributing to automobile traffic or air pollution. And DDOT has been making adjustments to improve the program since the start of the pilot. Most recently, and in response to resident concerns regarding parking, the agency is installing in-street corrals to encourage parking in convenient and designated areas.

Based on the data we have analyzed for FY19, nearly 5.3 million trips took place on shared dockless vehicles (including conventional bikes, electric bikes and scooters). The average trip length was about 1.3 miles, and dockless vehicles have demonstrated that they can compete as an alternative to the use of automobiles for short trips. The District is still analyzing data from recent months, but the City of Baltimore performed a survey of dockless vehicle riders from December 2018 through January 2019 indicating that 30 percent of riders drive less because of their use of dockless vehicles. These data demonstrate that shared dockless vehicles have become a meaningful transportation option for many District residents, commuters, and visitors.

In response to this growing demand, at the start of 2019 DDOT increased the maximum number of vehicles in each operator's fleet to 600, with an opportunity



for operators to increase their fleet sizes based on compliance with the terms and conditions of the permit and good performance. The agency has performed two quarterly assessments for each of the operators which have resulted in varying fleet increases among all operators. Today, the current number of permitted dockless vehicles in the District stands at 6,210 among 8 operators and 9 permits. (One company has two permits – one for e-bikes and one for scooters.)

In August 2019 we launched a new pilot to understand the potential demand for motor-driven cycles, commonly known as mopeds, in the District, and to understand whether this vehicle type could also be successfully integrated into our evolving practice of permitting shared vehicles in the public space. Motor-Driven Cycles are considered a motor vehicle, and therefore a driver's license is required to ride the vehicle. In addition, users must wear a helmet and cannot ride on the sidewalk, in bike lanes, or on trails. Since the launch of the pilot the District has seen 46,000 rides with an average trip distance of 2.6 miles. The current pilot permit for the single company that has successfully applied is valid until the end of the calendar year. We will evaluate initial data and determine next steps before the end of the pilot.



Data Sharing, Safety & Equity

In planning for any kind of new mobility pilot the agency considers fundamental transportation values such as safety and equity. We also strive to develop data driven policies that maintain, improve, and expand the District's transportation options. Through working with private providers, analyzing the available data, and receiving public feedback, we have refined the way we approach new mobility initiatives. For example, DDOT receives real-time data every day to monitor compliance with the fleet caps we have established, as well as equitable distribution across all eight wards. In addition, we are using the monthly trip data reports provided by each company to inform where to install in-street corrals to meet the increased demand for safe parking in locations that minimize conflicts with pedestrians. The agency is installing 40 in-street corrals before the end of this year with the goal of having 100 in-street corrals by the end of March 2020. These preferred deployment and parking corrals will help reduce the number of improperly parked shared dockless vehicles before spring ridership increases during the 2020 permit year.

We have learned that preparing for the future of transportation in the District requires us to remain agile as emerging technologies become available. We remain focused on what these services can add to the District and how they can be



optimized to benefit our residents regardless of where they live. And, of course, encouraging public debate through the legislative process is part of planning for and responding to the rapid changes in this field.

I would like to now discuss [B23-359](#), The Electric Mobility Devices Amendment Act of 2019.

The Electric Mobility Devices Amendment Act of 2019

The District Department of Transportation understands the intent of the Electric Mobility Devices Amendment Act of 2019 and welcomes a discussion on to best establish rules for the rapidly changing landscape of micro-mobility options in the District of Columbia. Shared dockless vehicles are now ubiquitous in over 100 major U.S. cities, and Washington, DC has been at the forefront of both private and government innovation as we test these new options for urban mobility.

I want to thank Councilmember Cheh for the initiative you have taken in raising important questions about how these vehicles should be defined and regulated. DDOT shares the Council’s goals in enabling the safe and well-regulated expansion of micro-mobility within the city.

The bill as proposed does three things that deserve careful consideration. First, it establishes a new definition for a category of devices—electric mobility devices—



that are a large part of what we have been discussing in this hearing. Second, the bill clarifies DDOT’s authority to permit the operation of shared fleets of these devices in public space, and sets some limitations and requirements for that permit program. And third, it sets, and in some cases changes, equipment requirements for such devices and the rules of the road that users of these devices must obey—whether the devices are part of a fleet permitted in public space or owned and operated by private individuals.

Definition of Electric Mobility Device

We appreciate the opportunity to discuss with Council, the public, and the industry how to best define these new device types in a rapidly evolving field. In the case of electric scooters, DDOT has been relying on a somewhat outdated definition of a “personal mobility device” (PMD) established by Council in 2006. While this definition has sufficed for the time being, it deserves revisiting, along with some of the legal requirements attached to the definition. The old PMD definition did not anticipate the variety of device types that have proliferated, and we do not want to repeat that mistake. Scooters are only the latest iteration of micro-mobility and we believe an effective definition will need to account for expected innovation in this field, like electric hoverboards and one-wheeled devices. A recent study from San Jose State University performed a nation-wide review of relevant state laws and



recommended some useful parameters for a definition. Building on that academic research, DDOT recommends a definition sufficiently broad and flexible enough to account for technological innovation. For discussion purposes, we suggest that such devices within the category should be:

- a) Designed to transport only one person in a standing *or seated* position, where the rider is not enclosed (this would exclude adaptive vehicles for persons with disabilities),
- b) Operated and propelled using human, electric, or motor power,
- c) No greater than 24 inches wide and 42 inches long, and
- d) No greater than 50 pounds in weight.

DDOT is open to discussing whether the new term “electric mobility device” is appropriate or the current term “personal mobility device” should be redefined and repurposed to fit our changing needs. At this time, I also want to note what may be an oversight in the bill as drafted. Because the provisions of the legislation that establish the parameters of the permit program only relate to electric mobility devices, by definition all other types of vehicles are excluded from the permit program. While all the operators currently operating within DDOT’s dockless program are e-bikes or e-scooters, and therefore would meet the EMD definition,



it's important to remember that our dockless permit program started primarily with companies offering conventional human-powered bicycles. Although companies have changed their offerings due to a variety of factors, it is possible that dockless bikes will return in some fashion. We believe it is important to harmonize whatever rules we establish for the permit program and avoid unintentionally excluding relevant vehicle types by linking the permit program to only the EMD definition.

Rules for the Permit Program

If the scope of DDOT's permitting authority in this area is properly configured, the authority granted to the agency could be a welcome addition to the law. DDOT currently regulates the dockless vehicle program under our authority to permit activity within the public right-of-way as outlined in Title 24 of the District of Columbia Municipal Regulations. Again, while our existing regulatory authority has proven adequate in the early stages of this program, this is another example where the underlying law may not have fully anticipated the environment we are currently working in, and updates to the law could enhance and clarify our authority to regulate in this area in the public interest.

We caution, however, that many of the minutely detailed requirements established for the permit program under the current draft of the legislation are at a level of



specificity that we do not often see in legislation. Being overly prescriptive in the legislation runs the risk of constraining the agency’s flexibility to assess and adapt both our regulations and the terms and conditions of the agreements that we issue to permit holders. Since launching the first pilot program in 2017, DDOT has invited public comment and engaged interested stakeholders in making changes to both sets of rules. We have endeavored to be open, transparent, and inclusive—and above all, adaptable and receptive to new information and changing conditions. In this rapidly evolving ecosystem, we question whether it is truly in the public interest—or in the Council’s—for the District to set into stone such detailed operational parameters as the hours of operation and fleet sizes the companies must adhere to, or what information companies should or should not display on their vehicles. Over the last two years DDOT has developed the staff capacity and expertise to adequately regulate these program parameters, and we have developed the agility necessary to make changes when needed. If changes are needed in the future, will Council be able to respond with the same agility? We respectfully recommend that Council focus on clarifying our agency’s authority to regulate in this space, and ensuring that we retain the administrative flexibility to effectively do so.

With respect to the overall size of the program, the District has ambitious goals to be a more sustainable and resilient city. Key to these goals is the reduction of



greenhouse gases. Increased access to public transit, active transportation, and other alternatives to automobile travel helps us achieve these goals. In addition, legislatively capping the number of shared dockless vehicles will make it significantly harder for DDOT to manage the shared dockless vehicle program and make data-driven adjustments to the size of the program. In the early pilot program and the in the first year of our official program, DDOT has taken a cautious approach to fleet size management. Having tested and refined our approach, and having carefully analyzed the data we have seen how well-utilized these vehicles have been. As such, we believe the program should grow and meet the rising and unmet demand for sustainable mobility-on-demand. The structure of our 2020 Shared Dockless Vehicle program application, to be released in its final form in the coming days, will accommodate an increased total fleet size while maintaining our ability to responsibly manage the program.

Rules of the Road

The rules that riders of electric mobility devices—especially e-scooters—should be subject to has been a topic of intense public debate ever since their introduction to the District. Sidewalk riding and proper parking behavior have certainly been the issues most frequently raised. The proposed legislation is an opportunity to make



some needed changes to these rules, and to update and clarify the District government's enforcement authority.

However, some rules proposed in the bill as drafted may create new problems. Notably, DDOT recommends that there be a single speed limit for these devices, rather than attempting to set distinct speed limits for sidewalk and roadway operation. Despite suggestions from the industry that sidewalk detection technology is "coming soon," DDOT is not confident in the accuracy of GPS or other technology to ascertain whether a scooter is on the sidewalk or the street. Being able to know your speed limit would require a speedometer, and looking down to monitor speed may create additional distractions for riders, which could itself be a safety risk. DDOT is unaware of any jurisdiction that has successfully established a split speed limit. Our permit terms and conditions give guidance to safe sidewalk riding outside of the CBD.

Finally, we suggest that further work will be needed to separate the provisions of the legislation that should apply to all electric mobility devices (whether owned by individuals or shared in publicly permitted fleets) and the rules that should apply solely to the permit program. As an example, the bill appears to prohibit parking any electric mobility device on private or federal property. Not only would this rule be unnecessary if applied to individually owned devices, if applied to fleets it



may interfere with discussions, not within the District's jurisdiction, that companies may have with those property owners.

I appreciate the opportunity to testify before you today and look forward to continuing this conversation as we prepare for the Future of Mobility in the District. I am available for any questions you may have.





October 8, 2019

Mr. Jeff Marootian
Director, District Department of Transportation
55 M Street SE
Washington, DC 20003

Dear Director Marootian,

Your Department has asked for comments on the Terms and Conditions for Dockless Bikes and Scooters for 2020. Thank you for extending the public comment period so that ANCs across the city can comment. At its meeting on October 2, 2019, ANC3D voted to provide these comments to your Department.

Few District programs have generated more positive and negative reactions than the Dockless Bike and Scooter program. Now that citizens have had an opportunity not only to use these vehicles but also to interact with them on our streets and sidewalks, it is appropriate to stop and consider adjustments to the program. These changes should strike an appropriate balance between accessibility/mobility and the safety of both riders and third parties.

We have comments not only on the Terms and Conditions but also the associated program requirements for these vehicles because the entire program should be reviewed and updated as the city extends the program to 2020:

First, we want to emphasize that ANC3D believes that DDOT has an obligation to consult with experts in traffic and safety to advise the Department about the proper operation of this program. The recommendations in this letter are being made by Commissioners who are laypersons with regard to the proper solution to these problems we have identified, and it is apparent to us from the current draft Terms and Conditions that experts in safety, especially pedestrian safety, have not been engaged by DDOT in a review of this program.

Secondly, the following identification of problems and proposed solutions are based on observations of the Commissioners and residents who have communicated their concern so ANC3D. These recommendations should be reviewed with the respect that reports from the field deserve since they come from people who directly experience this program and its faults in their travels around the District in ways that DDOT employees may not.

1. Problem: Safety of Pedestrians on sidewalks shared with these vehicles

The Mayor has adopted Vision Zero, but in the Terms and Conditions do not reflect much of a concern for bike/scooter/pedestrian collisions on our sidewalks. During the past year, pedestrians have become acquainted with the problem that scooters and bikes approach them from the rear and suddenly startle them while walking on the city's sidewalks. Some of these riders, especially of scooters, are new to the vehicle and do not demonstrate full control of the vehicle. Reportedly, riders seldom give the pedestrian a warning of their approach. In addition, riders often ride on the sidewalk even where a bike path is provided and they also ride on the sidewalk in the downtown area where this is forbidden. Finally, operating at 10 miles per hour on a sidewalk creates a significant differential between the speed of a pedestrian and the speed of the vehicle, making the seriousness of an impact very significant. All these situations pose a

serious safety problem because a collision can cause a serious fall that could result in a head or hip injury for the pedestrian and perhaps equally serious fall for the rider, both of which can prove fatal in some cases. (Note: older individuals often do not recover from a broken hip)

Proposed Solutions:

- (1) DDOT should engage experts who can advise the best way for dockless vehicles operating on the sidewalk to warn pedestrians of their presence. In the meantime, all dockless vehicles should be required to have an audible mechanical warning device, such as a bell, and a flasher to allow riders to warn pedestrians that they are approaching from behind. While currently non-dockless bicycle riders can use voice warnings in the alternative, the increase of vehicles on sidewalks warrants a change of this policy for dockless vehicles. In addition, serious consideration should be given by the Council and/or Department of changing this rule for non-dockless bicycles as well for the same reason.
- (2) Reduce the allowable speed on sidewalks.
- (3) Applicants should be required to encourage their riders to give warnings to pedestrians, preferably with a mechanical device such as a bell, when approaching pedestrians who may not see them or otherwise need a warning, and to slow down when any pedestrians are present.
- (4) Riders should be instructed to use bike lanes where they are provided rather than riding on the sidewalk.
- (5) Metropolitan police and park police should be encouraged to enforce the no-riding-on-the-sidewalk rule in the downtown area and other violations (e.g. two people on one scooter). To the extent that the rules are not clear enough to enable police enforcement, the District should correct this situation. Fines should be levied, and if left unpaid, should be paid by the applicants by a deduction on the credit card of the rider.
- (6) DDOT should require applicants to demonstrate that the riders understand the rules and the dangers of not following them. It currently appears that riders are “informed” of the rules, but with no assurance that the information is absorbed and understood. Empirical evidence shows that in fact riders are not following the rules. Even a mandatory on-line test of riders would be somewhat of an improvement.
- (7) Currently, the Terms and Conditions take a very laissez faire approach to requiring riders to follow rules, encouraging the applicant instead to “test effectiveness of user information strategies and educational campaigns and report to DDOT most effective methodology.” In other matters of public space, DDOT takes a much more regulatory approach, spelling out requirements and granting exceptions only where a good case can be made to the Public Space Committee. DDOT should develop a public report on what other cities have done to deal with these safety issues. DC should learn from what others are doing when faced with these same problems and thereafter adopt a more regulatory approach.

2. Problem: Helmets are recommended for users but appear to be rarely used

In these Terms and Conditions applicants are required to provide helmets upon request within 14 days. However, there is no incentive provided for riders to use these helmets.

Proposed Solutions:

- (1) The use of helmets should be required to be incentivized by the applicant companies.

(2) The 14-day delivery period for helmets should be reduced to no more than 7 days. In fact, 4 days would be more acceptable from a safety point of view.

3. Problem: Vehicles are often parked right in the middle of the sidewalk

For whatever reason, riders often appear to believe that the best place to park the vehicle is right in the middle of the sidewalk rather than off to the side. This makes these vehicles especially bothersome and sometimes dangerous for pedestrians who are trying to use the sidewalks as well. Persons in wheelchairs are likely to be especially inconvenienced. Persons who illegally park an automobile pay a fine. The same rule makes sense for riders who inappropriately park a dockless vehicle.

Proposed Solutions:

(1) Applicants should be required to educate their users to park these vehicles to the side of the sidewalk out of the way of pedestrians as well as not on private property.

(2) If applicants move or remove a vehicle that has been inappropriately parked, the applicants should impose a fine on the rider who inappropriately parked the vehicle, using the credit card provided by the rider.

4. Problem: Riders do not always obey traffic laws: Some scooter riders have adopted the bad habits of some bicycle riders of disobeying traffic signals and laws.

Proposed Solution:

(1) Riders should be strongly admonished by the applicants to obey all traffic laws and signals.

(2) Riders should be required to demonstrate, through adequate identification, not just the possession of a credit card, that they are at least 18 years of age and have a driver's license as assurance that they have experience riding in the street and obeying traffic laws. The current terms and conditions do not set any age limitation or require any driving ability.

5. Problem: Insurance provisions appear inadequate: DDOT's Terms and Conditions require the applicant to maintain a general liability insurance policy of \$1 million. However, this provision does not prevent the applicant from requiring its riders sign a release of liability so that the applicant is free of liability to the rider or anyone the riders injures. For example, Skip Transport, a current provider, has such a provision.¹ Of special concern are any persons injured by the rider. These persons do not sign any release of liability and yet if injured may have to assume all of their medical costs. Because many people in the city do not have any health insurance or have a policy with a high deductible or high co-pay level, these persons could be pushed into bankruptcy by simply being a pedestrian who is hit by one of these dockless vehicles.

Proposed Solution:

(1) Require applicants to provide insurance of at least \$1,000,000 to cover the medical bills of riders and third parties who are injured in accidents involving their scooters and bicycles, regardless of fault and without requiring riders to agree to a release of liability.

¹ https://skipscooters.com/wp-content/uploads/2019/03/SKIP-TERMS-OF-SERVICE_09-07-2018.html

(2) The applicants should be required to post a multi-million dollar bond to protect District residents should the company go out of business while facing liability to riders and 3rd parties because of their operations.

6. Problem: Riders are often inexperienced and yet can avail themselves of the District's current rules applicable to experienced bicycle riders: Current DC laws allow bicycle riders to ride between lanes and pass cars on the right—rules that arguably are acceptable for experienced bicyclists, but that are dangerous when practiced by potentially inexperienced riders of these dockless bicycles and scooters. In addition, scooters are less visible to drivers when present at the right side of an automobile and can more easily be hit when the automobile is making a right hand turn at a corner.

Proposed Solution:

(1) Review the current regulations with regard to bicycles and make the most dangerous of them inapplicable to dockless scooters.

7. Problem: Applicants are not encouraged to submit data crucial to a full evaluation of this program. Both DDOT and the public need to be able to evaluate the effectiveness of DDOT's proscriptions on the deployment of these vehicles. An on-going evaluation effort would allow DDOT to make mid-course corrections in the implementation of the program as well as to develop more effective requirements for the 2021 program.

Proposed Solution:

(1) Require applicants to collect and submit information on a periodic basis to DDOT important to evaluating the program, including

- How many helmets are requested
- How many incidents of accidents, injuries and their nature are reported
- How many complaints are received regarding improperly parked vehicles.
- How many riders are cited for riding on sidewalks in the area where this is not allowed.

(2) Publish these data as well as other related data on a publicly available website so that citizens can participate in the evaluation of the success of this program along with DDOT.

8. Problem: Rebalancing of vehicles during rush hour

Applicants appear to carry out rebalancing/re-charging of their vehicles during the rush hour, blocking a vitally needed lane during the part of the day when the traffic is heaviest. In addition, the rebalancing vehicles often stop at corners to carry out this rebalancing, thereby forcing other traffic to turn at the corner from the 2nd lane, which can be a dangerous maneuver, especially for pedestrians crossing at that time. In short, the operation of this increased mobility program should not reduce the mobility of other means of transportation around the city or cause safety problems.

Proposed Solution:

DDOT should prohibit illegal parking by applicants on main arteries during rush hour or prohibit rebalancing of vehicles during rush hour entirely.

Finally, while we appreciate the opportunity to comment on this portion of the dockless vehicle program, we believe it would be useful for DDOT to organize a much more robust public engagement program about the entire micromobility program. Now that DDOT and the public

have had considerable experience with the program, we believe it is time to pause and take an in-depth look at how the program is evolving, how it is being received, what other cities are doing when faced with similar challenges, and then, and only then, re-structure the program going forward.

We hope that these recommendations from those of us who interact with these new mobility vehicles on a daily basis are helpful to the Department in striking a new and proper balance between service to the users and more transportation options on the one hand and the safety and welfare of pedestrians and other third parties on the other.

We expect the Department to accord these recommendations "great weight". According to DC Statute (§1-309.10(d)(3)(A-C), this means that in its final decision the Department must contain an "explicit reference to each of the Commission's issues and concerns". In addition, it must "articulate its decision in writing" together with the "reasons why the Commission does or does not offer persuasive advice under the circumstances", and include "specific findings and conclusions with respect to each issue and concern". The law also requires the Department to provide a copy of such decision to the Commission and to the respective ward Councilmember. We believe that your Department has not always followed this statutory directive, and we ask that you do so going forward.

Sincerely yours,


Chuck Elkins, Chair

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

November 6, 2019

Commissioner Chuck Elkins

Advisory Neighborhood Commission 3D

PO Box 40846 Palisades Station

Washington, DC 20016

Via Email: 3D@anc.dc.gov

RE: Resolution on Shared Dockless Vehicle program Terms and Conditions

Dear Commissioner Elkins and ANC 3D,

Thank you for your October 8, 2019 comment on the Shared Dockless Vehicle program Terms and Conditions in the form of this resolution.

In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.

1. Problem: Safety of Pedestrians on sidewalks shared with these vehicles

DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.

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District law (§ 50–2201.04a. Operation of personal mobility devices) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.

Given the reasons above, DDOT was not persuaded by this point.

2. Helmets are recommended for users but appear to be rarely used

District law does not require those over 16 years of age to wear a helmet when riding a bicycle or personal mobility device. All operators in the 2019 permit period required riders to be at least 18 years of age. Article II, A.18 will encourage the operator to provide a free helmet to customers upon request within 20 business days of the request.

Given the reasons above, DDOT was not persuaded by this point.

3. Vehicles are often parked in the middle of the sidewalk

DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding and proper parking. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders. DDOT is working on developing systems to integrate with 311 for the 2020 permit year. This would allow DDOT to hold operators more responsible for Service Level Agreements associated with vehicles in public space.

Given the reasons above, DDOT was not persuaded by this point.

4. Riders do not always obey traffic laws

Just like drivers and pedestrians, not all road users obey traffic laws. DDOT would like for scooter operators to be able to effectively communicate all rules and regulations of the District of Columbia. E-scooters do not require a drivers license to be able to ride them. Requiring one to prove age would exclude the most vulnerable riders who do not have licenses.

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Given the reasons above, DDOT was not persuaded by this point.

5. Insurance provisions appear inadequate for third-parties.

DDOT has required operators to have insurance to protect against accidents. For further information regarding the insurance policy, please view Article II, Section I. Private operators of bicycles and PMDs are not required to have liability insurance in the District. If this is an issue that the ANC finds to be essential, DDOT would prefer that insurance requirements be legislated through Council.

Given the reasons above, DDOT may address this in the 2021 Terms and Conditions.

6. Riders are often inexperienced and yet can avail themselves of the District's current rules applicable to experienced bicycle riders

DDOT is glad to see that the ANC is aware that there are more vulnerable road users. Managing everything that is happening in the roadway is difficult and all drivers and riders need to be respectful and aware— roads are shared spaces for everyone. Rules cannot be set differently for those who are experienced and inexperienced—the equitable distribution of public space cannot be divided amongst experience levels.

Given the reasons above, DDOT was not persuaded by this point.

7. Applicants are not encouraged to submit data crucial to a full evaluation of this program.

DDOT requests data from operators that includes accidents and parking complaints as well as other data. Further insights into these types of data, will not offer increased information on the evaluation of the program. How many people order helmets will not equate to more people wearing helmets.

Given the reasons above, DDOT was not persuaded by this point.

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

8. Rebalancing of Vehicles during Rush hour.

DDOT was unaware of specific instances of rush hour charging by operators. If the ANC can point to specific instances or vendors DDOT would be pleased to make operators aware that this is not acceptable. Please send record of these operators to dockless.mobility@dc.gov.

Given the reasons above, DDOT was persuaded by this point.

The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies.

Thank you for your comments and your commitment to public service. The District Department of Transportation remains committed to making our streets safer for all roadway users and will continue working with ANC 3D towards this goal.

Kind regards,

A handwritten signature in blue ink that reads 'Sharada Strasmore'.

Sharada Strasmore
Shared Micromobility Planner
District Department of Transportation

cc: Mary Cheh, Ward 3 Councilmember
Nicholas Mendelsohn, Constituent Services Deputy Director, Councilmember Cheh
Nyasha Smith, Secretary of the Council
Jessica Green, Ward 3 Liaison, Mayor's Office of Community Relations and Services
Donise Jackson, Community Engagement Specialist, DDOT



Southwest / Navy Yard / Buzzard Point Advisory Neighborhood Commission 6D

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: 6d@anc.dc.gov
Website: www.anc6d.org

October 28, 2019

Jeff Marootian
Director, District Department of Transportation
55 M Street SE
Washington, DC 20003

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SMD 7 *Edward Daniels*

Dear Director Marootian,

At a regularly scheduled and properly noticed public meeting on October 21, 2019, with a quorum present, a quorum being four Commissioners, Advisory Neighborhood Commission (ANC) 6D voted 6-0-0 to send District Department of Transportation (DDOT) the following comments on the Terms and Conditions for Dockless Bikes and Scooters for 2020.

We have also added some additional concerns with the associated program requirements. What we are citing comes from observations of the Commission as well as our residents.

1. Safety of Pedestrians on sidewalks shared with these vehicles

The Terms and Conditions do not reflect much of a concern for bike/scooter/pedestrian collisions on our sidewalks. Pedestrians are approached from the rear, without warning, and are suddenly startled while walking on the city's sidewalks. Some of these riders, especially on scooters, are new to the vehicle and do not demonstrate full control when riding. Complaints from pedestrians, and our residents, say that riders seldom warn

them of their approach. In addition, riders often ride on the sidewalk even where a bike path is provided. Finally, operating at 10 miles per hour on a sidewalk creates a significant differential between the speed of a pedestrian and the speed of the vehicle, making the seriousness of an impact very significant. All these situations pose a serious safety problem because a collision can cause a serious fall that could result in a head or hip injury for the pedestrian and perhaps equally serious fall for the rider, both of which can prove fatal in some cases.

2. Helmets are recommended for users but appear to be rarely used

In the Terms and Conditions, there is no incentive for riders to wear them. It is not clear what strategy DDOT is taking to ensure that riders stay safe?

3. Dockless bicycles and scooters are often left right in the middle of the sidewalk

Dockless riders often believe that the best place to park the vehicle is right in the middle of the sidewalk rather than off to the side. This makes these vehicles dangerous for pedestrians who are trying to maneuver around them, and as well as residents who are physically challenged and require the use of walkers or wheelchairs. Illegally parked cars are ticketed; dockless vehicles should be as well.

4. Current DC law allows bicyclists and dockless riders to ride in car lanes.

Current DC laws allow bicycle riders to ride between lanes and pass cars on the right—rules that arguably are acceptable for experienced bicyclists, but that are dangerous when practiced by potentially inexperienced riders of dockless bicycles and scooters. In addition, scooters are less visible to drivers when present at the right side of an automobile and can more easily be hit when the automobile is making a right-hand turn at a corner.

5. Insurance provisions appear inadequate

While the Terms and Conditions require the Applicant to maintain a general liability insurance policy of \$1 million, the provision does not prevent the Applicant from having its riders sign a release of liability, such as Skip Transport¹, so that they are free of liability to the rider or anyone the riders injures.

We hope that our comments, which come from the residents of the District of Columbia, strike a balance between service to the users and the safety and welfare of pedestrians. **ANC 6D asks that our concerns be included in DDOT’s decision regarding the Terms and Conditions and are given great weight under District Law.**

Sincerely,



Chair, ANC 6D
Southwest, Navy Yard, & Buzzard Point

¹ https://skipscooters.com/wp-content/uploads/2019/03/SKIP-TERMS-OF-SERVICE_09-07-2018.html

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

November 6, 2019

Commissioner Gail Fast
1101 Fourth Street, SW
Suite W130
Washington, DC 20024
Via Email: 6d@anc.dc.gov

RE: Resolution on Shared Dockless Vehicle program Terms and Conditions

Dear Commissioner Fast and ANC 6D,

Thank you for your October 28, 2019 comment on the Shared Dockless Vehicle program Terms and Conditions in the form of this resolution.

In the District, we are encouraging sustainable multi-modal transportation. The 2019 fleet has been primarily located in the downtown area. Increasing the fleet size and reducing the number of operators will offer greater transportation network benefits. The Institute for Transportation & Development Policy estimates that the right ratio of vehicles to people is 10 to 30 per 1,000 residents. The higher end of this range would be more than 20,000 vehicles. Dockless vehicles now provide an important part of the District's transportation options and with even more vehicles could be more reliable. DDOT has been and will continue to iterate on the program to offer refinements such as improvements in sidewalk riding, underage riding, double riding, and improper parking. DDOT is installing bike parking infrastructure with room for other micromobility vehicles across the District to help with concerns around the location of vehicles.

1. Safety of Pedestrians on sidewalks shared with these vehicles

DDOT values the safety of the most vulnerable users of public space. The District is creating more safe spaces for dockless users to ride across the city, which will reduce the number of pedestrian-riders conflicts on sidewalks in the Central Business District. Operators are required to inform users that it is illegal to ride scooters or bicycles on the sidewalk inside the Central Business District. Outside the Central Business District, sidewalk riding is legal and riders should yield to pedestrians.

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

District law ([§ 50–2201.04a. Operation of personal mobility devices](#)) states that vehicles categorized as PMDs are subject to a 10 mph speed limit. This is outside DDOT’s regulatory authority to change without Council action to change the law.

Given the reasons above, DDOT was not persuaded by this point.

2. Helmets are recommended for users but appear to be rarely used

District law does not require those over 16 years of age to wear a helmet when riding a bicycle or personal mobility device. All operators in the 2019 permit period required riders to be at least 18 years of age. Article II, A.18 will encourage the operator to provide a free helmet to customers upon request within 20 business days of the request.

Given the reasons above, DDOT was not persuaded by this point.

3. Dockless bicycles and scooters are parked in the middle of the sidewalk

DDOT requires operators to inform users of all applicable District laws and regulations (A.9). For the new permit application, DDOT has reinforced this requirement by asking operators to report their most effective strategies for educating users on safe riding and proper parking. DDOT has produced PSAs to educate riders and will produce more public education materials in 2020. Pavement markings with scooter stencils to caution against sidewalk riding in the Central Business District (CBD) have been installed and will continue to be put in place throughout 2020. In addition, DDOT has worked with goDCgo to put together materials to educate riders.

Given the reasons above, DDOT was not persuaded by this point.

4. Current DC law allows bicyclists and dockless riders to ride in car lanes.

DDOT is glad to see that the ANC is aware that there are more vulnerable road users. Managing everything that is happening in the roadway is difficult and all drivers and riders need to be respectful and aware— roads are shared spaces for everyone. Rules cannot be set differently for those who are experienced and inexperienced—the equitable distribution of public space cannot be divided amongst experience levels.

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

Given the reasons above, DDOT was not persuaded by this point.

5. Insurance provisions appear inadequate

DDOT has required operators to have insurance to protect against accidents. For further information regarding the insurance policy, please view Article II, Section I. Private operators of bicycles and PMDs are not required to have liability insurance in the District. If this is an issue that the ANC finds to be essential, DDOT would prefer that insurance requirements be legislated through Council.

Given the reasons above, DDOT may address this in the 2021 Terms and Conditions.

The Terms and Conditions document, which you commented upon, governs DDOT's relationship with dockless operators and offers a framework which dockless operators agree to abide by. This document, which is revised annually, is the result of the ongoing process for continuous improvement and engagement with operators and members of the public around developing effective policies.

Thank you for your comments and your commitment to public service. The District Department of Transportation remains committed to making our streets safer for all roadway users and will continue working with ANC 6D towards this goal.

Kind regards,

Sharada Strasmore
Shared Micromobility Planner
District Department of Transportation

CC: Councilmember Charles Allen
Jeanne Mattison, Constituent Services Coordinator, Councilmember Allen
Nyasha Smith, Secretary of the Council
Tyler Williams, Ward 6 Liaison, Mayor's Office of Community Relations and Services
Mikaela Ferrill, Ward 6 Liaison, Mayor's Office of Community Relations and Services
Andrew DeFrank, Community Engagement Specialist, DDOT

Proposed Submission to DDOT:

Thank you for the opportunity to provide comments on the proposed 2020 Terms & Conditions for the District's dockless vehicle program. Shared micromobility offers convenient ways of accessing transit services that are beyond walking distance, helping Metro serve more customers for more trips. At the same time, improper parking and use of dockless vehicles (predominately scooters) can create undesirable – or dangerous – conditions for Metro customers and employees. We are particularly concerned about situations that impede access or create a hazard for people with disabilities. WMATA has recently experienced a sharp increase in customers using and parking dockless scooters inside its facilities, on rail platforms and mezzanines, and even riding them inside Metrorail stations. Customers with disabilities, particularly the blind and low vision, may not see scooters blocking entrances to Metro stations and bus stops or along its platforms. For blind and low-vision customers, safe navigation may include using walls, railings, and other edges and can be impeded when these areas are not kept clear. Unfortunately, scooter users, perhaps with the good intention of avoiding the main walking path, often park in these very areas.

Metro is working to review and strengthen our policies and practices to deter undesirable scooter activity at Metro facilities. WMATA is revising our own Policies to address these issues, but it is our hope that DDOT, as the permitting agency, will consider Metro's needs as it refines the program as a whole.

Comment 1:

Article II, Section A, Subsection 21:

Permit holder shall respond to DDOT's requests to administer geofences, which may include alterations to the permitted service area, within 24 hours including but not limited to:

- a. Highlight and inform user about a specific area;*
- b. Up to 350 characters of text;*
- c. Speed reduction to 0mph, 3mph, and 6mph;*
- d. financially disincentivize to end user; and/or*
- e. financially incentivize user behavior to end user*

Parking dockless scooters at or near Metrorail stations requires special consideration due to ADA requirements and Metro operational concerns. While much of this may be captured by DDOT's overall expectations and users' intuitive sense of responsible behavior, the experience with dockless scooters so far has shown that some issues ought to be highlighted. We therefore request that DDOT, under the geofencing terms of Article II, Section A, Subsection 21, require that dockless vehicle operators:

- (a) geofence areas within approximately 25 feet of any Metrorail station entrance
- (b) when a user submits an app request to end a dockless vehicle trip within said areas, the app shall display a notification screen listing the following special information about parking at a Metro station:
 1. Do not park scooters inside Metro stations
 2. Do not block station entrances, elevators, or escalators

3. Park at least 10 feet away from walls, railings and ledges. Blind people use these edges to navigate their way to the entrance.
4. On Metro property, park only in designated areas [display of this message could be limited to stations with WMATA-owned station plazas, such as Brookland and Fort Totten]

Operators should be strongly encouraged to impose financial disincentives on users who park in violation of these explicit expectations.

Comment 2:

Article II, Section A, Subsection 23:

Permit Holder shall report to DDOT within 24 hours, any issue which could affect public safety, including but not limited to reports of criminal activity involving Dockless Vehicles, reports on any crash with a fatality or hospitalized injury involving Permit Holder's Dockless Vehicles, any contact with the D.C. Metropolitan Police Department, any contact with the Fire and EMS Department, or defects in any equipment including but not limited to fires, tampering, damaged/leaking batteries, electrical issues, and charging issues. DDOT will provide a method for electronic reporting.

Consider inserting "or other police department having jurisdiction within the District" or similar language to ensure that contact with Metro Transit Police is reported in the same way as contact with MPD.

Comment 3:

Article II, Section C, Subsection 1:

Dockless vehicles must be parked:

- a. Within the furniture zone of the sidewalk where one exists, and must maintain a pedestrian travel space to a width of at least five (5) feet.
- b. To maintain unimpeded access to entrances to private property or driveways.
- c. To maintain unimpeded access to Capital Bikeshare stations.
- d. To maintain unimpeded access to Metrobus, Circulator, and DC Streetcar stops and shelters.
- e. To maintain vehicular travel area for any vehicle.
- f. To ensure the vehicle remains upright.
- g. Outside of any protected tree planting or landscaped area.
- h. Otherwise in accordance with 18 DCMR 1209.3.

Please expand the list of transit facilities in part (d) to include Metrorail stations.

Comment 4:

The Overview of Programmatic Changes states that "the number of scooter operators will be limited to four (4)." However, the actual Terms & Conditions do not specify any limit on operators. In addition, while there are details on the process and criteria for "Performance Based Fleet Expansion" in Article II

Section B, there do not appear to be similar terms regarding the initial permitting process. DDOT should have similar criteria for selecting the four operators at the outset. In addition, DDOT should to reserve the right to order a reduction in the permitted fleet to penalize scooter operators who fail to uphold their responsibilities under the Terms.

Comment 5:

Please add language to reinforce the right of property owners (including WMATA) to relocate or impound scooters parked on private property without owner permission. A property owner undertaking such actions shall not be held liable for any damage to the device that may be incurred in the process of removal/impoundment. Further the property owner should be indemnified by the permit holder for any injuries caused by the movement of the improperly parked or abandoned device. Similar requirements are found in the City of Fairfax's requirements, which state "Any SMD [Shared Mobility Device] parked on private, federal, or military property is subject to the requirements of that property owner and may be towed at any time at Operator's expense.")

Comment 6:

Upon request, DDOT will furnish WMATA with direct local contact information for permitted scooter companies.

IN REPLY REFER TO:
NCPC FILE No. 7918

October 30, 2019

Ms. Sharada Strasmore
District of Columbia Department of Transportation
55 M Street, SE
Suite 400
Washington, DC 20003

Re: District of Columbia Department of Transportation Dockless Vehicle Sharing Program

Dear Ms. Strasmore:

Thank you for soliciting comments on the District Department of Transportation's (DDOT) 2020 Terms and Conditions (T&C) for the District of Columbia's Shared Dockless Vehicle Program.

The federal government has a significant interest in transportation within the National Capital Region. Dockless vehicle (e.g. bicycles and scooters) sharing presents an excellent opportunity to improve mobility while reducing costs and other adverse impacts. The National Capital Planning Commission (NCPC) and other federal agencies are committed to supporting multi-modal access.

Along with this opportunity, we recognize that dockless vehicle sharing presents challenging questions and issues for public space governance. We very much appreciate the efforts of you and your colleagues to coordinate with us on this topic, particularly in multiple meetings that NCPC has hosted with federal stakeholders. We have found your agency's iterative oversight process very helpful.

Nonetheless, concerns with dockless vehicle sharing remain. The proposed 2020 T&C is promising, but it is unclear if the proposed terms and conditions are rigorous enough.

Vendors continue to stage vehicles in improper areas. Such actions tends to encourage similarly problematic behavior by end users. Perhaps most critically, we continue to experience parked dockless vehicles that block pedestrian and vehicle rights-of-way, posing basic public safety concerns.

We appreciate that the T&C envisions "corrals" and related infrastructure to better manage vehicles in high demand areas. To ensure that any such infrastructure is optimized and doesn't have significant adverse impacts on public spaces, we would appreciate further information and/or consultation with federal agencies, as appropriate.

Ms. Sharada Strasmore
Page Two

The proposed terms should reduce lingering issues that federal agencies have been experiencing with the current program. Nonetheless, we note the proposed T&C permits a quintupling of the number of vehicles compared to the current deployment.

To ensure that the dockless vehicle program in the District of Columbia is successful, we encourage DDOT to continue coordinating with federal agencies and increase oversight and guidance of dockless vehicle vendors and users. This will minimize disruptions at publicly-owned properties, avoid impoundment, and reduce costs: while improving the mobility, recreational opportunities, and access to federal property and other visitor destinations.

Similarly, we encourage DDOT to continue coordinating with adjacent jurisdictions as they develop dockless vehicle sharing programs to maximize mobility and access across the National Capital Region.

Thank you for the opportunity to provide comments on DDOT's Shared Dockless Vehicle Program. We look forward to continuing our discussions. If you have any questions, please contact Kael Anderson at 202-482-7273.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Sherman", with a long horizontal line extending to the right.

Michael Sherman



**2019 – 2020
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October 29, 2019

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District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

Re: Dockless Bike and Scooter Share 2020

The Dupont Circle Citizens Association (DCCA) strongly objects to the DC Department of Transportation’s (DDOT) proposal in the document “Dockless Bike and Scooter Share 2020” to increase the number of permitted dockless e-scooters (legally defined as personal mobility devices, PMDs) from the current 6,210 to 10,000 in 2020. This represents more than a 60% increase in the number of e-scooters in DC in a single year, with the potential to again increase the numbers even more on a semi-annual basis.

DCCA is generally in favor of increasing transportation options in the city and the goals of the goDCgo initiative to encourage the use of sustainable transportation and decrease traffic congestion. Given our observations and the concerns raised by DCCA members since the introduction of e-scooters in the past year, however, we think that major increases in the number of e-scooters at this time will negatively impact the quality of life in our area and present serious safety concerns for pedestrians, e-scooter riders, and bicyclists.

DDOT’s document “Dockless Bike and Scooter Share 2020” does include some Terms and Conditions for e-scooter operators that may mitigate some of the current problems with e-scooters, but DCCA is concerned that it does not adequately address serious problems that residents of Dupont Circle have observed with the existing 6,200 e-scooters currently allowed:

- **E-scooters are frequently ridden on the sidewalks, endangering pedestrians:** E-scooters are frequently ridden on the sidewalk and pose serious safety hazards for pedestrians. E-scooters often move too fast and unpredictably on the sidewalks for pedestrians, especially children, people with hearing or mobility impairments, dog walkers, and senior citizens, to avoid them. E-scooter riders cannot safely share the road with cars because, with their lower profile and rear light at road level, e-scooters are not nearly as visible as bicycles. E-scooter riders could potentially use protected bike lanes as an alternative to sidewalks or roadways, but the current protected bike lane infrastructure is inadequate for this purpose. Approximately 40% of DCCA’s boundary area is within the Central

Business District, where e-scooters and bicycles are not allowed on the sidewalk, but where sidewalk e-scooter riding is nevertheless common. The law banning sidewalk e-scooter riding and imposing a paltry \$25 fine in these areas is not being enforced. The other 60% of DCCA's boundary area is a very dense residential and commercial area, often with narrow sidewalks, where riding e-scooters on the sidewalks is legal but results in numerous instances of conflict with pedestrians.

- **E-scooters litter the sidewalks, endangering pedestrians:** Although e-scooters are supposed to be parked upright, out of the way of pedestrians, they are often in the pedestrian right of way, where they pose a safety hazard. E-scooter users frequently park the vehicles in the middle of the sidewalk. Even when parked appropriately, they often get knocked over into the right of way. DDOT has marked a few areas as micromobility corrals in our area, and we understand that there are plans for additional micromobility corrals. However, the increase in the number of scooters is not being coordinated with the additional corrals. And where they exist, the corrals do not appear to be used (e.g., the corral at 20th and Q Streets NW). During a recent windy morning, one of us observed small fleets of four or five e-scooters neatly deployed along 15th St. NW. Within an hour, about a third of these had been either blown or knocked over (including into the roadway) within an hour. E-scooters are required to have kickstands, but apparently, they are not required to have triad or dual kickstands, which means they are easily knocked over.
- **Other E-Scooter Hazards:**
 - The proposed Terms and Conditions in the document "Dockless Bike and Scooter Share 2020" stipulate that e-scooters should be equipped with speed governors that ensure they will not travel faster than 10 miles per hour. Operating e-scooters at 10 mph on the sidewalks poses risks to pedestrians. In bike lanes, operating e-scooters at 10 mph may result in conflicts with bicycles, which travel at an average of 12 miles per hour; because of the perception that 10 mph is too low for bike lanes and especially for roadways, e-scooters riders may opt to ride on the sidewalk. Paris has asked electric scooter companies to limit their speeds to 12 mph across the city and to just 5 mph in areas with high pedestrian traffic. A bill being considered by the DC Council, the "Electric Mobility Device Amendment Act of 2019," would increase the e-scooter speed limit to 15 mph on the street or bike lane and to 6 mph on the sidewalk.
 - The proposed Terms and Conditions stipulate that e-scooters should have lights on the front and back, but they do not stipulate that the front light should be at the level of the handlebar. This should be required.

NEW RULES SHOULD WAIT UNTIL THE DC COUNCIL HAS CONSIDERED THE “ELECTRIC MOBILITY DEVICES AMENDMENT ACT OF 2019.” DCCA agrees with some, but not all the provisions in the “Electric Mobility Device Amendment Act of 2019” proposed by Councilmember Mary Cheh in June 2019. Mainly, however, we think that it would be good policy to have the DC Council discuss this bill to have the pros and cons of e-scooters in the District considered in a democratic process before DDOT proceeds with the proposed drastic increase in the number of e-scooters. We also would like to see the collection of data regarding crashes and injuries involving e-scooters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Engelmann', with a long horizontal flourish extending to the right.

Glenn Engelmann
President, DCCA
president@dupont-circle.org

Cc: Jeff Marootian, Director



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October 2, 2019

COP 191228

Jeff Marootian
Director
District of Columbia Department of Transportation
55 M Street, SE, Suite 400,
Washington, DC 20003

Dear Mr. Marootian,

We understand that the District of Columbia Department of Transportation (DDOT) has released the 2020 Terms and Conditions for the Shared Dockless Vehicle Program for public comment and that the comment period will be open until Monday, October 7, 2019. As federal stakeholders, we would like to suggest limited edits to the 2020 Terms and Conditions in order to make clear to scooter vendor permit holders that dockless scooters are prohibited on Capitol Grounds.

In May of 2019, the Chief of the United States Capitol Police sent letters to permit holders advising, among other things, that the Traffic Regulations for the United States Capitol Grounds (CTR) prohibit the use of scooters or any similar device on Capitol Grounds. CTR §16.2.60. Further, dockless scooters also come under the definition of "low-speed vehicles" under CTR §15.1.20. Per CTR §15.6.10, it is prohibited to park low-speed vehicles upon a sidewalk, against a building or any other fixture or improved area on Capitol Grounds. Such vehicles may be removed and impounded for any violation of the CTR. CTR §1.8.20. Scooter vendors were also advised that 40 U.S.C. Section 5104(c) prohibits unauthorized commercial activity on Capitol Grounds.

Unfortunately dockless scooters continue to be routinely and randomly left on sidewalks, roadways, and park areas throughout Capitol Grounds. This is a public safety concern impacting vehicular and pedestrian traffic on Capitol Grounds.


We understand that scooter vendors have been successful in establishing a geofencing system around the Washington Nationals Baseball Park, such that, the scooters will shut down prior to entering the sidewalks adjacent to National Park. We also understand that the DDOT has provided scooter vendors with Geographic Information Systems information that they could use to establish an effective geofencing for Capitol Grounds.

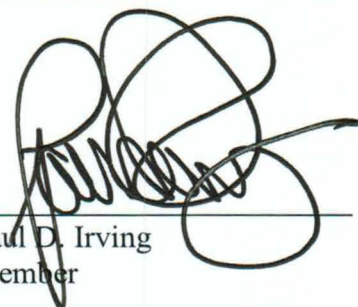
Therefore, with the safety and security of the Capitol Grounds of foremost concern, we suggest the following edits to the 2020 Terms and Conditions for the Shared Dockless Vehicle Program:


The 2020 Terms and Conditions Agreement includes in Section D.2. the following text: "Permit holder's required service area shall include the entirety of the District of Columbia but exclude federal, private, and National Park Service land." Please insert "to include U.S. Capitol Grounds," after "federal,".

Please also insert "24. Permit holder understands that the Permit holder's Dockless Electric Scooters are prohibited from entering U.S. Capitol Grounds. Permit holder will install Geofence information via the Permit holder's app to ensure that the Permit holder's Dockless Electric Scooters do not enter U.S. Capitol Grounds." at the end of Article II Section A.

Respectfully,


Michael C. Stenger
Chairman


Paul D. Irving
Member


Thomas J. Carroll III
Member


Chief Steven A. Sund
Ex-Officio Member

Strasmore, Sharada (DDOT)

From: Pete Gould <pete@sharedmobilitystrategies.com>
Sent: Wednesday, October 30, 2019 3:23 PM
To: Dockless Mobility
Cc: Stout, Amanda (DDOT)
Subject: Comments on Dockless Bike and Scooter Share 2020

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October 30, 2019

Mr. Jeff Marootian, Director
District Department of Transportation (DDOT)
55 M Street SE, Suite 400
Washington, DC 20003

Dear Director Marootian,

We thank you for the opportunity to provide public comments, and applaud DDOT's efforts to expand micromobility in the District as a sustainable transport solution by increasing the total number of allowable devices while maintaining sensible safety regulations. However, we would like to suggest a few ways in which the proposed Terms of Service can be amended to maximize the benefits to all residents in All 8 Wards.

We are pleased to see that the Department has always shown a reasonable willingness to pilot innovative services and then expand the programs as the facts on the ground merit. This approach has served the District well and helped foster responsible deployment and business practices by new entrants that may otherwise have not provided the necessary coverage or equity. However, the Terms and Conditions proposed signal a significant change in the Department's approach and we hope the Department will take public input such as ours into serious consideration before they are finalized.

We urge you to reconsider the proposal to convert the entire Dockless Bike and Scooter Share Program into an exclusive bidding process with only four operators.

The decision to transition from a regulated competitive framework to a purely "exclusionary bidding" framework, as proposed, would reduce competition, eliminate jobs, and primarily serve the interests of early incumbents in this young industry rather than those of the District's residents and the Department's long-term objectives of welcoming innovation and serving all residents in All 8 Wards.

Capping the Number of Operators is Unnecessary and Hurts Competition

It is sometimes easy to forget that the dockless electric scooter sharing industry has only existed for a little more than two years. More than any of the new disruptive mobility models, scooters have been a fast-growth and

exciting space that has attracted new and innovative companies on a near monthly basis. According to Micromobility Industries, there are now 19 shared scooter operators in the US, and there are surely many more to come. These new entrants may have superior scooter technologies, better app experiences for consumers, or best practices in safety, sustainability, or equity to bring to the District. Picking winners at this point in a 2 year old industry, and after only one pilot program, would artificially close the door to new entrants.

Each new service model in the micromobility sector has been driven by the launch of a new product model by a new entrant into the market, not by the incumbent providers. For instance, Capital Bikeshare led the way with docked bikeshare, but it was the entrance of new companies that introduced dockless bikeshare. Then Jump introduced the dockless e-assist bikes, which were quickly adopted by both CaBi and the previous traditional dockless companies. Bird then entered the scene with the launch of dockless e-scooters and many existing and new providers followed suit. Now Revel has led the introduction of shared mopeds in the DIstrict. Given this history, it is highly likely that the next great innovation in micromobility will be launched by a company that we have never heard of to date. Closing the dockless program to new entrants threatens to close the District to the next innovation in mobility.

Imagine how different the world would look today if other spaces had locked in their early entrants as *de facto* winners - your choices for internet browsers would be Netscape and Internet Explorer, not Chrome or Safari. The top search engines would likely be Yahoo and Infoseek - there would be no "Googling". We believe new entrants should have the right to compete in the District and show the Department that they are worthy of expanded fleet size through their actions and not simply through an application.

Limited Operators Will Cost District Residents Jobs

Eliminating many operators in favor of a select few will also cost District residents current and potential jobs. While each of the four selected operators will require slightly more team members as their fleet size increases, the added economies of scale that come from larger operations will mean fewer jobs per scooter. This may be great news for the selected mobility providers, it is not for District residents who could be employed by competitor companies.

Individual Fleet Size Caps Should Be Driven by Data and Company Behavior

We support the proposed increase in per-operator fleet sizes, and believe that this privilege should be used as a reward for responsible operations and fleet increases should be awarded once an operator demonstrates high utilization of their existing fleet to warrant more devices.

We understand the administrative burdens that you face overseeing many scooter operators, and we believe that this challenge can best be addressed in the fairest and most effective method by taking swift action against non-compliant operators and underutilized fleets, including punitive reductions in fleet sizes followed by suspending permits for months or a year.

Use Mobility Data Specifications (MDS) for Oversight and Enforcement of More Operators

We completely understand and appreciate the challenges that the Department has faced in keeping track of many operators in the bikeshare and shared scooters programs. However, the Terms proposed require all permittees to submit fully to the Mobility Data Specifications (MDS) that allow centralized, real-time oversight for concerns such as geographic equity and equity emphasis area service as well as enforcement against illegally parked or abandoned scooters. This critical data architecture was designed precisely to address the concerns the Department raises as the basis for limiting the number of operators.

We strongly urge the Department to match innovation in industry with innovation in regulatory oversight by letting MDS-driven software platforms fix the problem of too many companies in the District instead of an artificial cap on the number of operators permitted in the District.

In closing, we applaud your leadership and the Department's thoughtful, forward-leaning approach to the rapidly changing mobility and technology sectors over the last several years. We hope that you will consider the ramifications of this one issue when finalizing the Terms and Conditions for the Dockless Bike and Scooter Share 2020 Program.

Sincerely,

Pete Gould
Founding Partner
Shared Mobility Strategies, LLC
www.SharedMobilityStrategies.com

Lyft, Inc.’s Comments on the District Department of Transportation’s Proposed Dockless Bike and Scooter Share 2020 Terms and Conditions

Lyft, Inc. (“Lyft”) welcomes the opportunity to submit comments on the Dockless Bike and Scooter Share Terms and Conditions (the “Proposed Agreement”) proposed by the District Department of Transportation (“DDOT”) for 2020. Lyft stands ready to work with DDOT, and supports all efforts to propose rules that promote public safety and furthers dockless shared mobility in the District. To ensure the continued success of this program, Lyft respectfully requests consideration of Lyft’s proposed changes to the Proposed Agreement.

I. Comments and Proposed Changes¹

A. Article II.A.21

Subsection 21 of Article II.A. includes a provision that would permit DDOT to require speed reductions within specific geofences. Later this month, the Society of Automotive Engineers will publish material that seeks to standardize terms, definitions and classifications of micromobility devices. This publication will define low-speed electric devices as vehicles with top speeds between 8 mph and 20 mph, as this is a bike lane appropriate top speed that homogenizes to pedal-bike pace. Accordingly, Lyft proposes that DDOT strike the language that would require speed reduction below 8 mph while the devices are in use.

B. Article II.B.1

Subsection 1 of Article II.B includes “total number of trips per month” as a factor DDOT will use when assessing fleet increases. While DDOT notes that the domains “may be adjusted as fleet size fluctuates,” an assessment that incorporates “total number of trips per month” as a metric does not appear as appropriately tailored as the other metrics outlined in Subsection 1. As DDOT notes, fluctuation in fleet size is a possibility, and can occur due to a variety of factors including but not limited to weather, seasonality, and geofence restrictions. Accordingly, Lyft proposes that DDOT strike “total number of trips per month” as a metric.

C. Article II.G

Subsection G of Article II includes a provision that would permit DDOT to “to install temporary GPS trackers on a random sample of dockless sharing vehicles for research purposes.” Lyft has serious concerns about the significant risks to personal privacy and

¹ In addition to the comments and proposed changes discussed here, Lyft’s in-line edits to the Proposed Agreement are reflected in the attached Exhibit A in red font. Underlined materials in Lyft’s changes represent proposed additions; [bracketed] materials represent proposed deletions.

industry competition that could result due to the installation of such GPS trackers. Lyft is committed to protecting the data of our community -- we invest heavily in teams, technology, and policies to keep sensitive information secure. Indeed, Lyft's concern stems, in part, from the risk of data being breached or manipulated. Importantly, the utility of this request is not clear to Lyft since the Proposed Agreement already requires Permit Holders to provide DDOT with the same data that would arguably result from installation of the temporary GPS trackers. As such, Lyft proposes that DDOT strike this provision.

D. Data Requirements

Lyft understands the importance of sharing data with our city partners that could help inform, understand, enforce, and plan for the future of micromobility in the community. Lyft understands the District's need to receive data from operators as DDOT makes edits to the existing regulations for the 2020 program. However, the Proposed Agreement contains data specifications that would be a departure from the District's previous requirements, and Lyft would ask DDOT to take into account the following concerns, given the risks this new approach presents to consumer privacy.

1. MDS Provider API

The Mobility Data Specification Provider API is a standard first developed by the Los Angeles Department of Transportation and is now managed by the Open Mobility Foundation. The MDS Provider API includes sensitive trip and rider location data, including precise GPS, timestamp, and route information for individual trips — data that can be used to easily re-identify riders (even when anonymized). Indeed, NACTO's Guidelines for Regulating Shared Micromobility notes, "trip data can become personally identifiable information, especially when combined with other data sources, and should be treated as such in policy and practice."²

The MDS has received significant concern from the legal and privacy communities. For example:

- In an open letter sent to LADOT, the Center for Democracy and Technology ("CDT") outlines many privacy and data security concerns with the MDS and also recommends clarifying the legitimate needs for data collection and minimizing the data collected in order to meet those needs.³

² NACTO, "Guidelines for Regulating Shared Micromobility," September 2019,

https://nacto.org/wp-content/uploads/2019/09/NACTO_Shared_Micromobility_Guidelines_Web.pdf

³ CDT, Comments to LADOT on Privacy & Security Concerns for Data Sharing for Dockless Mobility, November 29, 2018,

<https://cdt.org/insight/comments-to-ladot-on-privacy-security-concerns-for-data-sharing-for-dockless-mobility/>

- The Electronic Frontier Foundation (“EFF”) recently sent a letter to the California Legislature expressing their concerns about how cities across the state are requiring this standard in dockless mobility permits.
- On August 1st, 2019, the California Legislative Council issued a formal opinion clarifying that the MDS standard runs contrary to the California Electronic Communications Privacy Act (CalECPA). While CalECPA only applies to California cities, it should raise significant flags that MDS runs afoul of the nation’s most progressive privacy law.

While Lyft supports the vision of a global data sharing standard that contributes to city planning and micromobility program enforcement, the lack of consumer privacy protections in the MDS at present create significant cause for concern. Lyft encourages DDOT to engage directly with the legal and privacy communities, and speak with experts in this field who can communicate these issues in detail, including the EFF and CDT.

Indeed, before requiring personal and sensitive consumer data like this, we would like to work closely with DDOT to understand how the current data being shared is not meeting the city’s planning or enforcement needs. We would welcome the opportunity to work through this with the DDOT team and discuss solutions.

2. MDS Agency API

The Proposed Agreement states that DDOT is evaluating whether or not it will begin to require MDS Agency, a two-way API designed to enable cities to rollout “active management” of mobility services. As envisioned by LADOT in their Strategic Implementation Plan, the Agency-API requires a real time push to the city of the precise location of bikes and scooters every 5 seconds while riders are actively on a trip. It also requires operators to receive and ingest data and commands from DDOT, and dynamically adjust operations in response to those commands. This amounts to an unprecedented level of oversight and control that DDOT would have over private companies and individual citizens, and presents significant surveillance risks.

Given these concerns, we respectfully ask that DDOT suspend any requirements that would necessitate implementation of the Agency-API until a transparent and public discourse can take place that includes stakeholder engagement from both DC residents and leading U.S. privacy organizations.

3. Publicly Available Privacy Framework

Before requiring operators to share sensitive trip data, the District should develop, adopt and implement privacy principles. As noted in NACTO’s Guidelines for Regulating Shared Micromobility, “[w]ith the rise of shared micromobility and app-enabled ride-hail services, cities

and operators must grapple with important questions about data privacy. To address this, city transportation departments are coordinating with their legal departments to develop or update protocols for how to handle, store and protect data. In particular, ensuring that geospatial trip data is treated as personally identifiable information (PII) is an essential part of best practice data management.” Failing to do so places the privacy of your residents at risk.

Prior to ingesting sensitive mobility data, DDOT should develop publicly available privacy principles to create transparency with District residents and tourists about how this sensitive data will be collected, used, minimized, secured, and shared by the city.⁴ Indeed, the forthcoming Society of Automotive Engineers Mobility Data Collaborative will kick off a joint public-private initiative to rigorously assess the privacy risks associated with MDS and engage experts in the field to develop a privacy-centric, world-class framework for location data sharing—one that can unlock the insights cities seek from multiple transportation modes and grow to accommodate other sectors and new technologies as they emerge. Lyft would welcome DDOT’s participation in this Collaborative.

II. Conclusion

Lyft appreciates DDOT’s consideration of these comments. We look forward to continuing to work together to craft a fair and practical regulatory framework that advances safe, convenient, sustainable, and affordable transportation options in the District.

Sincerely,

Temilola Sobowale

Temilola Sobowale
Senior Counsel, Regulatory Compliance

⁴ See, e.g., Oakland Dept. of Transportation, <https://www.documentcloud.org/documents/6158513-DataSharing-Anticipated-Impact-Report-DRAFT-5-31.html>

EXHIBIT A

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION WASHINGTON, D.C.
TERMS AND CONDITIONS FOR THE PUBLIC
RIGHT-OF-WAY OCCUPANCY PERMIT FOR

[PH
NAME]

This Public Right-of-Way Occupancy Permit (“Permit”) is being granted to [PH NAME] (“PH NAME” or “Permit holder”).

RECITALS

WHEREAS, the purpose of this Permit is to allow the Permit holder to park vehicles in the public right-of-way as part of a publicly accessible dockless vehicle sharing program in the District; and

WHEREAS, the Government of the District of Columbia (“the District”) has authority over the public right-of-way; and

WHEREAS, the D.C. Code authorizes the Mayor, or his agent, designee, or representative to impose such conditions on the issuance of said Permit as the Mayor may require under title VI of the Budget Support Act of 1997, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.01 et seq.); and

WHEREAS, that authority has been delegated to the District Department of Transportation (“DDOT”), pursuant to the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 et seq.); and

WHEREAS, the District is willing to authorize the use of public right-of-way on a non-exclusive basis for the rental of publicly accessible dockless vehicles, so as not to interfere with pedestrian, vehicular or bicycle traffic and only under the terms and restrictions imposed in this Permit in accordance with the provisions of 24 DCMR 3310, as amended; and

WHEREAS, the District has prepared the Permit terms and conditions as set out below; and

WHEREAS, these terms and conditions are subject to change according to any final rulemaking promulgated by the District that becomes effective during the term of the Public Right of Way Occupancy Permit issued to the permit holder; and

NOW, THEREFORE, based upon the above recitals, Permit holder hereby agrees to the terms and conditions of this occupancy permit as follows:

1

Article I. Definitions

For the purposes of this Agreement, the following terms, phrases, words, and their derivations, shall have the meaning given below, unless more specifically defined within a specific article or paragraph of this Agreement. When not inconsistent with the context, words used in the present tense include the future and past tense, and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

A. Publicly Accessible Dockless Vehicle Sharing Program: means a program to rent bicycles, motorized bicycles, or electric scooters for short-term one-way trips without the installation of any infrastructure within the District other than the deployment of vehicles.

B. Dockless Sharing Vehicle: means a dockless bicycle or dockless electric scooter that is available to rent in the public right-of-way through a rental system that does not include the installation of docking stations in the public right-of-way. The term “dockless sharing vehicle” does not include a motor vehicle, motorcycle, low-speed vehicle, or a motor-driven cycle, as defined in 18 DCMR 9901, or an all-terrain vehicle as defined in D.C. Official Code § 50-2201.02(2).

C. Dockless Electric Scooter: means a motorized standing scooter with tandem wheels that is available to the public for rental through a rental system that does not include the installation of docking stations in the public right-of-way. A dockless electric scooter shall be considered a personal mobility device, as defined in D.C. Official Code § 50-2201.02(13).

D. Adaptive Dockless Sharing Vehicle: means a shared-mobility vehicle that is available to rent in public space, that is not a motorcycle, low-speed vehicle or a motor-driven cycle as defined in 18 DCMR 9901, or an all-terrain vehicle as defined in D.C. Official Code § 50-2201.02(2), that is accessible to people with various physical disabilities. Examples include recumbent bicycles, tricycles, and hand cycles, any of which may be motorized.

E. Hub: Hub is a preferred parking location where the Permit Holder must offer user incentives for parking locations. If a Permit Holder offers hubs, at least one hub must be available in each of the 8 Wards of the District. A hub may be geofenced. A hub may include physical parking infrastructure, signage, or striping. If infrastructure is installed by the Permit Holder, the parking must be company agnostic and the infrastructure must be permitted by DDOT.

F. Geofence: Map marking available via an app to dockless sharing vehicle users. May be requested by the District with end user incentives or disincentives.

2

G. Dockless Vehicle Parking Area: means the following areas where dockless vehicles may be parked, provided that a minimum 5-foot clear zone for pedestrians is maintained at all times:

1. On a public sidewalk;
2. In the public right-of-way between the sidewalk and the curb; and
3. At a bike rack, if the bike rack is located in the public right-of-way but somewhere other than a public sidewalk, or the public right-of-way between the sidewalk and the curb.

H. Speed Governor: means a device that ensures the motor of a dockless sharing vehicle is incapable of propelling the vehicle at a rate of speed in excess of the mandated speed limit on level ground.

I. Equity Emphasis Area: means a geographic area identified by the National Capital Region Transportation Planning Board that have significant concentrations of low-income and or minority populations, according to U.S.

Census tract-level data. Equity Emphasis Areas as of June 2018 are defined in the map located at: <https://www.mwcog.org/assets/1/6/Region.pdf>.

Article II. Responsibilities of Permit holder

A. Fleet

1. Permit holder may operate electric scooters, the total of which may not be less than **500** dockless vehicles. When the permit holder begins operations, no more than 2,500 scooters, may be operated by the permit holder. Requests by the permit holder to operate more than **2,500** vehicles will be evaluated semi-annually by DDOT, and may be granted at DDOT's discretion for good performance during the period prior to the evaluation.
2. Adaptive dockless sharing vehicles shall not be counted in the maximum number of vehicles allowed, provided that the permit holder shall submit specifications for any adaptive dockless sharing vehicles, and the total number to be deployed, to DDOT for approval.
3. Permit holder shall certify that all dockless electric scooters deployed are equipped with a speed governor that ensures the vehicle will not travel in excess of 10 miles per hour on level ground.
4. Permit holder shall ensure each dockless vehicle is in working order, safe, well- maintained, and clean.
5. Permit holder shall affix its logo to each dockless vehicle in the District so that it is clearly visible and shall not allow other logos or advertisements to appear on any dockless vehicle.
6. Permit holder shall provide a toll-free telephone number, website address, and a means of effective communication for persons with disabilities (physical, vision, hearing, and speech) on each dockless vehicle identifying the Permit Holder and stating how to report an incorrectly parked dockless vehicle.
7. Permit holder shall display a unique identification number on each vehicle deployed.

8. Permit holder understands that dockless electric scooters meet the definition of a “personal mobility device” as defined in D.C. Official Code § 50- 2201.02(13). Dockless electric scooters shall be operated in compliance with the requirements for personal mobility devices described in 18 DCMR 1201. DDOT shall require that all vehicle models be inspected and approved by DDOT prior to deployment. DDOT reserves the right to deny vehicles as part of a shared dockless fleet, included but not limited to vehicles weighing over 50 pounds. Permit holder shall certify that all scooters deployed meet the ANSI/CAN/UL Standard for Electrical Systems for Personal E-Mobility Devices (UL Standard 2272), in addition to any applicable Federal or District of Columbia safety laws or regulations.

9. Permit holder shall inform users of all applicable District laws and regulations, including, but not limited to, those regarding speed limits, parking, age restrictions, and sidewalk riding. Permit holder shall test effectiveness of user information strategies and educational campaigns and report to DDOT most effective methodology.

10. Permit holder must ensure dockless electric scooters can be located and unlocked using a smartphone application, or by manually entering a customer’s account number. Dockless electric scooters must also offer a cash payment option within the District, and the ability to be located and unlocked without a smartphone.

11. Permit holder must provide DDOT with access to its smart phone application used to rent trips, that allows DDOT employees to unlock any improperly parked dockless sharing vehicles for the purpose of moving such vehicles to the nearest available proper parking location.

12. Permit holder shall have a stand-alone application where only the permit holders vehicles are available to view location and to rent. If vehicles are available to rent through an additional application, permit holder shall ensure that rentals occurring through this app shall inform the rider of all rules and regulations associated with operating a PMD in the District. Any app which has vehicles available for rent must have the insurance coverage required by the T&Cs.

13. Permit holder must provide DDOT with at least five account logins for which rentals will be free of charge, for testing purposes only.

14. All dockless sharing vehicles must be equipped with on-board GPS technology that does not obtain spatial information by relying on a customer's smart phone.

15. GPS data shall be transmitted from all dockless sharing vehicles at a minimum of every 90 seconds to ensure accurate location data is conveyed.

16. Permit holders shall not require customers to grant locations services from their phones, and shall not require access to contacts, photos, or other files.

17. Permit holder shall not require customers to share data with a third party.

18. Permit holder must provide a free helmet to customers upon request within 14 business days of the request.

19. Permit holders are encouraged to make dockless vehicles available for rental purposes 24 hours per day, seven days per week, 365 days per year unless otherwise requested by DDOT.

20. Permit holder shall cooperate with DDOT requests to suspend or alter service and remove vehicles from public space during extreme weather events or special events. DDOT may require staffing during special events included but not limited to at least one rebalancing staffer during special events.

21. Permit holder shall respond to DDOT's requests to administer geofences, which may include alterations to the permitted service area, within [24] 72 hours including but not limited to: a. Highlight and inform user about a specific area; b. Up to 350 characters of text; [c. Speed reduction to 0mph, 3mph, and 6mph; d] c. financially disincentivize to end user; and/or d[e]. financially incentivize user behavior to end user

22. Within thirty (30) days of receipt of a Permit, permit holder shall file an operational plan with DDOT. Operational plans shall include, at a minimum: a. Hours and days of operation, and any limitations thereon; b. Communication methods for educating users about safe operations and proper parking; c. Procedures for ensuring that the vehicle fleet is safe for use and well-maintained; Procedures for responding to extreme weather events and special events; d. Procedures regarding the establishment of geofences; e. Procedures for responding to complaints; f. Procedures for ensuring availability of dockless vehicles in each Ward including initial deployment plans and proposed fluctuations in fleet size; g.

Procedures and plans for global battery safety practices included but not limited to charging, transporting, storage, and disposal. This should include timelines for disposal and contracts in place for disposal; h. Permit Holder's strategies for preventing battery tampering and procedures for detecting and responding to battery tampering; and i. Procedures for identifying at risk vehicles and Permit Holder's response procedure. This should include information about the battery management systems including where the information is stored and level of information about battery health the operator is receiving.

23. Permit Holder shall report to DDOT within 24 hours, any issue which could affect public safety, including but not limited to reports of criminal activity involving Dockless Vehicles, reports on any crash with a fatality or hospitalized injury involving Permit Holder's Dockless Vehicles, any contact [Permit Holder has](#) with the D.C. Metropolitan Police Department, any contact [Permit Holder has](#) with the Fire and EMS Department, or defects in any equipment including but not limited to fires, tampering, damaged/leaking batteries, electrical issues, and charging issues. DDOT will provide a method for electronic reporting.

B. Performance-Based Fleet Expansion

1. Permit holder may be allowed to increase the size of its fleet of dockless sharing vehicles on semi-annual basis if reporting to DDOT demonstrates the permit holder demonstrates improved performance and the total available, if any, fleet increase will be determined by DDOT. Permit holder will be assessed in the following domains, which may be adjusted as fleet size fluctuates:

- [a. Total number of trips per month]
- b. Trips per vehicle per day
- c. Average miles per trip
- d. Miles per vehicle per day
- e. Trips originating and terminating in Equity Emphasis Areas
- f. Response time to violations
- g. Responsiveness to DDOT's requests
- h. Equity programs
- i. Safe operations
- j. Effectiveness of user education
- k. Number of parking violations
- l. Number of safety violations

- m. Data provision violations
- n. Vehicle idle time
- o. Adaptive Vehicle Operations
- p. Installation of bicycle parking infrastructure
- q. Incentivizing users to park vehicles at corrals or DDOT-specified locations

2. Permit holder may request fleet expansion on a semi-annual basis. DDOT will evaluate performance and may authorize fleet expansion up to one- hundred percent (100%) based on the permit holder's starting fleet size, and at DDOT's discretion. DDOT reserves the right to deny the request for fleet expansion based on performance prior permit period.

C. Parking

1. Dockless vehicles must be parked:

- a. Within the furniture zone of the sidewalk where one exists, and must maintain a pedestrian travel space to a width of at least five (5) feet.
- b. To maintain unimpeded access to entrances to private property or driveways.
- c. To maintain unimpeded access to Capital Bikeshare stations.
- d. To maintain unimpeded access to Metrobus, Circulator, and DC Streetcar stops and shelters.
- e. To maintain vehicular travel area for any vehicle.
- f. To ensure the vehicle remains upright.
- g. Outside of any protected tree planting or landscaped area.
- h. Otherwise in accordance with 18 DCMR 1209.3.

2. Permit holder will use all of its communication platforms to educate users on proper dockless vehicle parking, and will incentivize proper parking.

3. Permit holder will remove improperly parked dockless vehicles in accordance with local law and without prior notice from the District of Columbia.

4. When a dockless vehicle is incorrectly parked (i.e., violates any term of paragraph 1 of this section), Permit holder shall move that dockless vehicle within two (2) hours of notification,

including notifications through its communication platforms.

5. If a dockless vehicle has not moved from the same location for five (5) consecutive days, permit holder will relocate the vehicle to another block face.

6. Permit holder shall not allow parking of dockless vehicles or trips to terminate on property that is not public space within the jurisdiction of the District of Columbia, without the consent of the property owner.

D. Distribution of Dockless Vehicles

1. Permit holder shall make dockless vehicles available to all in the District and maintain dockless vehicles in each Ward.

2. Permit holder's required service area shall include the entirety of the District of Columbia but exclude federal, private, and National Park Service land.

3. Permit holder shall not **deploy more than** [exceed the maximum of] 1,000 vehicles [located] in the Central Business District at **any** [all] time[s]. Permit holder shall maintain this balance.

4. The dockless vehicle operating company shall balance its fleet of dockless sharing vehicles by having deployed at least twenty (20) vehicles in each ward between 5:00am to 6:00 a.m. each day;

5. Permit holder shall deploy at least **10% of** [400] dockless sharing vehicles in prescribed Equity Emphasis Area locations between 5:00 am -7:00 am.

Permit holder must deploy 25% of the required deployment by 6:00 am. Failure to meet equity deployment may result in permit revocation.

6. Permit holder shall not charge customers at a more expensive rate for rental of dockless vehicles, or impose an additional fee, regardless of the trip origin and destination within the District of Columbia, provided the trip's origin and destination are within the permitted service area. This provision shall not be construed to prohibit user incentives for active rebalancing of dockless vehicles. This provision shall also not be construed to prohibit user incentives for parking in preferred "hubs," as long as at least one such hub is available in each Ward of the District.

7. Permit holder shall maintain staffed operations located within the District of Columbia for the purpose of dockless vehicle maintenance and rebalancing.

8. Permit holder shall immediately serve the entire Required Service Area upon the first day of permitted operations and for the entirety of the time period for which this permit is valid. Failure to launch within 30 days of permit start will result in immediate permit

revocation.

E. Payment Options

1. Permit holder agrees to offer cash and non-smartphone payment options located within the District.
2. Permit holder will offer a low-income customer plan that waives any applicable vehicle deposit and offers an affordable cash payment option and unlimited trips under 30 minutes to any customer with an income level at or below 200% of the federal poverty guidelines, subject to annual renewal.
3. Permit holder agrees to conduct a marketing campaign at its own cost in Equity Emphasis Areas to promote the use of dockless sharing vehicles and to inform users of available low-income customer plan particularly among low-income residents.
4. Permit holder must comply with Payment Card Industry Data Security Standards.
5. Permit holder will maintain a multilingual website with languages identified in the District of Columbia Language Access Act of 2004.

F. Permit Fees and Performance Bond

1. Permit holder agrees to pay the following fee structure for the issuance of a revocable Public Right-of-Way Occupancy Permit, which reflect the costs of permitting, vehicle registration, public space occupancy, education and enforcement, program evaluation, and program administration:

- (1) An application fee of fifty dollars (\$50) per permit;
- (2) A technology fee of twenty-five dollars (\$25) per permit;
- (3) A fee of two hundred and fifty dollars (\$250) for the initial permit to operate in the public right-of-way occupancy permit;
- (4) A fee of one hundred dollars (\$100) for each annual renewal of the permit to operate in the public right-of-way;
- (5) According to the month during which the dockless sharing vehicle will enter into operation in the District, a per vehicle fee of:

| | |
|----------|-----------------|
| Month of | Per Vehicle Fee |
|----------|-----------------|

| | |
|--------------------|------|
| First Operation | |
| Jan | \$60 |
| Feb | \$55 |
| Mar | \$50 |
| Apr | \$45 |
| May | \$40 |
| Jun | \$35 |
| Jul | \$30 |
| Aug | \$25 |
| Sep | \$20 |
| Oct | \$15 |
| Nov | \$10 |
| Dec | \$5 |

(6) A ten thousand dollar (\$10,000) refundable bond or other security acceptable to the Director, to be retained by the Department in the event the permit holder fails to remove from the public right-of-way vehicles that are unsafe, unpermitted, or abandoned, or if the District of Columbia must remove, relocate, impound, or store dockless vehicles due to improper parking, safety hazards, or any other violation of these regulations or the terms and conditions of these terms and conditions.

2. DDOT may make deductions from the balance of the permit holder's deposit(s) to recover all costs due. DDOT shall provide written notice to permit holder prior to making a deduction stating the reasons for and the amount of the deduction and advising the permit holder that any objection must be submitted, in writing, no later than seven (7) days after the date of the written notice. Any decision adverse to the permit holder shall be in writing and shall set forth the reasons for denying the objection and shall be sent to the permit holder three (3) days before a deduction is made.

3. If permit holder's permit is revoked, any fees paid for the current or past months of

operations will not be refunded by the District Department of Transportation.

G. Application, Data & Reporting

1. Permit holder shall follow all data standards as listed by the District. DDOT will provide the Permit Holder with a 30 day notice of any updates to data standards.
2. A smart phone-based application used to rent dockless vehicles does not qualify as a publicly accessible application program interface.
3. If the operator operates more than one type of vehicle, they must provide a separate GBFS version 1.0 API as well as the private API per vehicle type. Providers must inform DDOT to which vehicle type each API corresponds.
- [4. Permit holder shall allow DDOT to install temporary GPS trackers on a random sample of dockless sharing vehicles for research purposes.]
5. Permit holder shall provide monthly reports within 5 business days of the end of the month.
6. During the permit period, DDOT may require the permit holder to distribute [conduct] a link to a member survey created and hosted by DDOT. [Survey questions shall be submitted to DDOT for review prior to initiating the survey. Survey results shall be shared with DDOT.]
7. Permit holder agrees that DDOT may use a third-party researcher to evaluate the Dockless Vehicle Sharing program. The third-party researcher shall be bound by the same confidentiality standards as DDOT, and DDOT will provide permit holders with an understanding of the items the third-party researcher will evaluate, and the access provided to the third-party researcher.
8. Permit holder agrees to complete a DDOT questionnaire that describes the basic technological requirements of the permit holder's operating model, including but not limited to the specification of geolocation technology used, where geolocation hardware is located on the vehicle, and whether or not a customer's smartphone geolocation capability is necessary to locate the permit holder's vehicles.

H. Criminal Investigation

In the event a permit holder's dockless vehicles are involved in criminal activity, following receipt of valid legal process, the permit holder will respond appropriately to requests from [provide] the D.C. Metropolitan Police Department [with any available data pertaining to the recent locations of dockless vehicles and customer information pertaining to recent rentals of dockless vehicles].

I. Insurance

1. At all times during the term of this Permit and any use of the public right-of-way by Permit holder pursuant to this Permit, Permit holder shall maintain the insurance coverage set forth below:

a. Commercial General Liability Insurance coverage of One Million

Dollars (\$1,000,000) per occurrence with the District as an additional insured;

b. Workers' Compensation Insurance coverage for all employees involved in operations pertaining to this Permit including Employer's Liability Insurance coverage of at least One Hundred Thousand Dollars (\$100,000) per occurrence. Permit holder agrees to comply at all times with the provisions of the Workers' Compensation laws of the District; and

c. Insurance policies shall be written with responsible companies licensed by the District of Columbia Department of Consumer & Regulatory Affairs.

J. Indemnification.

1. Permit holder shall defend, indemnify and hold harmless the District, its officers, directors, employees, agents, servants, successors, assigns and subsidiaries (collectively "the Indemnified Parties"), from and against any and all losses and liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, costs and expenses incidental thereto (including cost of defense and attorney's fees), which any of the Indemnified Parties may hereafter incur, be responsible for, or pay as a result of any and all legal liabilities associated with Permit holder's negligence, willful misconduct or violation of applicable laws, rules or regulations or this Permit [the use of the public right-of-way by Permit holder's vehicles], provided that Permit holder shall not be so obligated in the event that the claim or occurrence at issue arose out of the [gross] negligence or willful misconduct of the Indemnified Parties or any one of them.

2. Permit holder also agrees to hold harmless the District and its officers and employees for any loss or damage to persons or property, arising out of or in any way related to Permit holder's negligence, willful misconduct or violation of applicable laws, rules or regulations of this Permit [Permit holder's use of the public space, public right-of-way, or public structure], provided that Permit holder shall not be so obligated in the event that the claim or occurrence at issue arose out of the negligence or willful misconduct of the Indemnified Parties or any one of them.

K. Advertising.

1. Permit holder shall not advertise or publish DDOT or the District of Columbia government's

participation in or endorsement of the program in Permit holder's marketing or promotional materials without DDOT's prior written consent.

2. Permit holder shall not utilize its vehicles for the sale or display of third party advertising.

L. Anti-competitive behavior

1. Permit holder agrees not to engage in anti-competitive behavior with other dockless sharing vehicle operators, including falsifying data and sabotaging vehicles.

2. Permit holder must be in good standing with the North American Bikeshare Association.

M. Revocation of Permit

1. DDOT may revoke the permit holder's permit[, permit for failure to comply with any of these Terms and Conditions] following any material breach of these Terms and Conditions not cured within 30 days of receipt of notice from DDOT.

2. In the event DDOT revokes the permit holder's permit, permit holder shall remove its vehicles from public space within 15 (fifteen) business days. DDOT may impound vehicles that are not removed from public space, and may auction off vehicles to the highest bidder or donate vehicles free-of-charge to minors as part of a recreation, safety, or responsibility program if permit holder does not reclaim vehicles within 30 days following receipt of notice from DDOT. Vehicles that are not in working order may be disposed of as solid waste.

3. DDOT, in its sole discretion and without prior notice, may remove dockless sharing vehicles from the right-of-way if an emergency arises. In such instances, DDOT will attempt to notify the permitted operator as soon as reasonably practicable thereafter.

Article III. Key Officials and Contact Persons

All notices, requests, modifications, and other communications that are required to be in writing shall be personally delivered or mailed via first class mail or emailed to the addresses below:

A. For DDOT B. For Permit holder KEY OFFICIAL: KEY OFFICIAL Jeffrey Marootian, Director 55 M Street, SE Washington DC 20003 202-671-2740 (office) 202-671-0617 (fax) jeff.marootian@dc.gov

CONTACT PERSON CONTACT PERSON

Permit holder may change the persons, addresses, and numbers for receipt of notices, requests,

modifications and other communications by written notice to DDOT at the last noticed address.

Article IV. Effective Date, Term of Permit, and Modification

A. The Permit shall be effective on January 1, 2019, and shall remain in effect until December 31, 2019.

B. Any modification of this Permit shall be valid only if approved by DDOT in writing.

Article V. Required and Standard Clauses

A. Monitoring and Records. Permit holder will be subject to scheduled and unscheduled monitoring reviews to ensure compliance with all applicable requirements. DDOT shall maintain records of all actions taken pursuant to the Permit and these Terms and Conditions, and shall make records available to Permit holder for inspection, if requested.

B. Assignment. No transfer or assignment of the Permit, or of any part thereof or interest therein, directly or indirectly, voluntarily or involuntarily, shall be made unless such transfer or assignment is first approved in writing by DDOT.

C. Confidential Information. DDOT and Permit holder will use, restrict, safeguard and dispose of all information related to the Permit and these Terms and Conditions, in accordance with all relevant federal and local statutes, regulations, policies. [Information received by either DDOT or Permit holder in the performance of responsibilities associated with the Permit and these Terms and Conditions shall remain the property of DDOT.]

Article VI. Affirmations

A. Authority. Permit holder has the power to enter into this Permit and the undersigned has full power, authority and legal right to enter into this Permit and to undertake the implementation of the Permit contemplated herein.

B. Tax Certificate. Permit holder certifies that it has paid all of its taxes and is in

good standing with the Office of Tax and Revenue as of the date of this Agreement and has a Clean Hands Certificate from the Office of Tax and Revenue dated this year.

C. Good Standing. Permit holder certifies that it is in good standing with the Department of Consumer and Regulatory Affairs and has a Certificate of Good Standing from the Department of Consumer and Regulatory Affairs dated this year.

Article VII. Termination

Notwithstanding the provisions in Article III and the Revocation clause of the Permit, DDOT may terminate the Permit and these Terms and Conditions in whole or in part by giving reasonable advance written notice to Permit holder.

[The rest of this page is left intentionally blank. Signatures are listed on the next page.]

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the date specified below. By signing below, [PH NAME] agrees to be bound by these Terms and Conditions.

[PH NAME]

By: _ Date: [NAME] Authorized Representative – [PH NAME]

By: _ Date: [NAME] Authorized Representative – [PH NAME]

October 7, 2019

District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

To Whom It May Concern:

Thank you for the opportunity to submit comments in response to the City's draft Terms and Conditions for the 2020 Shared Dockless Vehicle Program. Social Bicycles, LLC d/b/a JUMP ("JUMP") looks forward to working with the City as it finalizes the process for this program. We write to address seven aspects of the proposed requirements: (1) privacy standards; (2) indemnity; (3) geofencing and financial incentives/disincentives; (4) reporting requirements and confidentiality; (5) equity goals; (6) accounting for charging stations; and (7) technical corrections and operational improvements.

(1) Privacy Standards

As part of current and future operations in the District, we are committed to providing the Department with data reporting that could help inform, understand, enforce, and plan for the future of micromobility in the community. We value the importance of this data, and share the belief that it is critical for the District to continue to receive data from operators as the Department re-evaluates micromobility requirements for the future. However, the proposed 2020 requirements contain new data specifications that are a departure from how the District has previously regulated the collection of micromobility data, and thus deserves attention and consideration, given the risks this new approach presents to your citizens' and our customers' privacy.

(a) Concerns with Requiring MDS Provider API

The Mobility Data Specification ("MDS") Provider API is a standard first developed by the Los Angeles Department of Transportation ("LADOT"), and is now managed by the Open Mobility Foundation. The MDS Provider API includes sensitive trip and rider location data, including precise GPS, timestamp, and route information for individual trips — data that can be used to easily re-identify riders (even when anonymized). In NACTO's [Guidelines for Regulating Shared Micromobility](#) (Sept. 2019) they note, "[T]rip data can become personally identifiable information, especially when combined with other data sources, and should be treated as such in policy and practice."

The MDS has received significant concern from the legal and privacy communities. For example:

- In an [open letter](#) sent to LADOT, the Center for Democracy and Technology (“CDT”) outlined many of their privacy and data security concerns with the MDS and also recommends clarifying the legitimate needs for data collection and minimizing the data collected in order to meet those needs.
- The Electronic Frontier Foundation (“EFF”) recently sent a letter to the California Legislature expressing their concerns about how cities across the state are requiring this standard in dockless mobility permits. (Attached).
- On August 1, 2019, the California Legislative Council issued a formal opinion clarifying that the MDS standard runs contrary to the California Electronic Communications Privacy Act (CalECPA). While CalECPA only applies to California cities, it should raise significant flags that MDS runs afoul of the nation’s most progressive privacy law. (Attached).

To be clear, JUMP supports the vision of a global data sharing standard that contributes to city planning and micromobility program enforcement. But the lack of consumer privacy protections in the MDS at present create significant cause for concern. We encourage you to engage directly with the legal and privacy communities, and speak with experts in this field who can communicate these issues in detail, including the EFF and CDT.

Before requiring the sharing of this kind of personal and sensitive consumer data, we would like to work closely with the District to understand how the current data being shared is not meeting the city’s planning or enforcement needs. We would welcome the opportunity to work through this with your team and come up with a solution moving forward.

(b) Concerns with MDS Agency API, “Active Management” and Tracking

The proposed 2020 requirements state that the District may begin to require MDS Agency, a two-way API designed to enable cities to rollout “active management” of mobility services. As envisioned by LADOT in their [Strategic Implementation Plan](#), the Agency-API requires a real time push to the city of the precise location of bikes and scooters every 5 seconds while riders are actively on a trip. It also requires operators to receive and ingest data and commands from the District and dynamically adjust operations in response to those commands. This amounts to an unprecedented level of oversight and control that the District would have over private companies and individual citizens, and presents significant surveillance risks.

Given these concerns, we respectfully ask that the District reject any requirement to implement the Agency-API until a transparent and public discourse can take place, including stakeholder engagement from both District residents and leading U.S. privacy organizations.

Additionally, the proposed 2020 requirements include concerning language at 2.G.4 requiring the use of temporary GPS trackers for research purposes. We would like to work with the Department on how to meet their research goals, including by working with a researcher as indicated in 2.G.7, while protecting the privacy of users through an appropriate third-party data sharing agreement and allowing users an opportunity to consent.

(c) Publicly Available Privacy Framework

Before requiring operators to share sensitive trip data, the District should develop, adopt and implement privacy principles. NACTO's [Guidelines for Regulating Shared Micromobility](#) (Sept. 2019) note, "[w]ith the rise of shared micromobility and app-enabled ride-hail services, cities and operators must grapple with important questions about data privacy. To address this, city transportation departments are coordinating with their legal departments to develop or update protocols for how to handle, store and protect data. In particular, ensuring that geospatial trip data is treated as personally identifiable information (PII) is an essential part of best practice data management." Failing to do so places the privacy of your residents at risk.

Prior to ingesting sensitive mobility data, the District should develop publicly available privacy principles to create transparency with District residents and tourists about how this sensitive data will be collected, used, minimized, secured, and shared by the city. Here are examples of city policies for your reference: [Oakland](#) and Minneapolis (attached).

(d) Reducing Privacy Risks by Working Together To Meet The City's Needs

In 2019, [Managing Mobility Data](#) was published as a joint product of the National Association of City Transportation Officials and the International Municipal Lawyers Association, setting out principles and best practices for city agencies and private sector partners to share, protect, and manage data to meet transportation planning and regulatory goals in a secure and appropriate manner. A central message of the document is that cities have the responsibility to be purposeful with the data they collect. They note that cities should, "Be clear about what questions they are trying to answer and use those questions as a basis for data requests. Cities can reduce the likelihood of obtaining sensitive information by limiting what they collect to data that has a defined purpose. This, in turn, may limit liability for the protection, storage, and security of that data and reduce data management burdens." It is not immediately clear what planning and enforcement needs require the collection of real-time on-trip data.

(2) Indemnity

It is our position that the current indemnity provision creates an unfavorable policy environment and does not appropriately allocate risk between the District and operators. The indemnity provision requires permittees to take on liability outside of their control (specifically, but not limited to, the District's construction and maintenance of its own infrastructure such as roadways and bike lanes). We strongly urge you to consider our proposed equitable revisions to the indemnity provision.

The currently proposed language misallocates risk of District negligence to operators, which have no control over the District's roadways and no means of mitigating against the risks associated with poorly constructed or maintained infrastructure. This indemnification provision is contrary to public policy and inconsistent with what most cities have deemed to be appropriate for a dockless vehicle program. It also disincentivizes the District to properly manage and minimize liability that would be solely within its control (i.e., properly maintaining its infrastructure and ensuring safe conditions for all users throughout the city, including in the priority areas that will be served through this pilot program, to prevent injuries or crashes). It is unreasonable for the District to force permittees to take on the financial (and other) risk, real or potential, created by the District's own negligence or misconduct.

We believe there are alternative ways to draft an agreement that would strongly protect the District while appropriately allocating risk between the parties. We strongly urge the District to revise the indemnity language as follows:

J. Indemnification.

1. Permit holder shall defend, indemnify and hold harmless the District, its officers, directors, employees, agents, servants, successors, assigns and subsidiaries (collectively "the Indemnified Parties"), from and against any and all losses and liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, costs and expenses incidental thereto (including ~~cost of defense and~~ reasonable attorney's fees), ~~which any of the Indemnified Parties may hereafter incur, be responsible for, or pay as a result of any and all legal liabilities associated with the use of the public right-of-way by Permit holder's vehicles, provided~~ resulting from Permit holder's negligent business conduct or negligent operations, or any violation of any laws by the Permit holder, except that Permit holder shall not be so obligated in the event that the claim or occurrence at issue arose out of the ~~gross~~ negligence or willful misconduct of the Indemnified Parties or any one of them.

2. Permit holder also agrees to hold harmless the ~~District and its officers and employees~~ Indemnified Parties for any loss or damage to persons or property, arising out of or in any way related to Permit holder's use of the public space,

public right-of- way, or public structure, except that Permit holder shall not be so obligated in the event that the claim or occurrence at issue arose out of the negligence or willful misconduct of the Indemnified Parties or any one of them.

(3) Geofencing and Financial Incentives/Disincentives

We strongly recommend the Department remove the following language in 1.F: “May be requested by the District with end user incentives or disincentives.” The context behind and the extent to which potential user incentive or disincentive requests by the Department is unclear. As written, this language appears to place inappropriate open-ended restrictions and requirements on how we price our services and how we engage with our users.

We also strongly recommend the Department amend the language in 2.A.21 as proposed below. The current language could be read to give operators only 24 hours to complete implementation of the geofence, without advance notification, which would be a significant burden. Additionally, requiring a sudden shift of speed from 10mph to lower than 6mph raises significant safety concerns and could cause user injury. Finally, we again oppose the mandating of any financial incentives/disincentives to change user behavior, as this inappropriately infringes on how we price our services and engage with our users.

Permit holder shall respond to DDOT’s requests to administer geofences, which may include alterations to the permitted service area, within 24 hours including but not limited to: a. Highlight and inform user about a specific area; b. Up to 200 ~~350~~ characters of text; and/or c. Speed reduction to ~~0mph, 3mph, and 6mph~~; ~~d. financially disincentivize to end user; and/or e. financially incentivize user behavior to end user.~~ DDOT shall provide Permit holder’s with 30 days advance notice for all geofence requests.

(4) Reporting Requirements and Confidentiality

Operators need more than 5 business days to provide monthly reports to the Department at the end of each month. We recommend that 2.G.5 be amended to give operators 10 business days to compile the requested data, because some aspects of the report will require more time to process.

We are also concerned with the Department’s proposed requirement in 2.H that operators provide D.C. Metropolitan Police Department with “any available data pertaining to the recent locations of dockless vehicles and customer information pertaining to recent rentals...” This proposed data request is overbroad and unnecessary. JUMP already cooperates with local law enforcement agencies in accordance with our internal processes. Our Law Enforcement Relations Team (LERT) is available to work directly with parties that reach out through LERT.uber.com.

Furthermore, we have significant concerns with the apparent lack of confidential treatment of all proposed required reports, but particularly the proposed battery and safety reporting provisions at 2.A.22.i and 2.A.23. We strongly recommend the Department incorporate a clear rule indicating that these submissions shall be exempt from public disclosure pursuant to D.C. Code § 2-534(a)(1)-(2). We also note that scooters and bikes are consumer products subject to the U.S. Consumer Product Safety Commission's (CPSC) jurisdiction. We respectfully recommend that the Department defer to the CPSC as the overseer of consumer product hardware safety issues.

(5) Equity Goals

(a) Rebalancing

We recommend that the Department remove 2.D.3 in its entirety, as limiting the number of vehicles in the Central Business District is contrary to the District's stated equity goals and it would unnecessarily restrict many residents' mobility within the District. JUMP appreciates the need for the Department to avoid oversaturation of any given area, but this restriction may inadvertently counter natural use patterns and increase operational burden. Alternatively, we propose the Department monitor the Central Business District to better understand usage patterns and whether any imbalance is created due to rides into and out of the area.

We also recommend that the Department amend the language in 2.D.5 to clarify whether operators are required to maintain a balance of at least 400 vehicles in the prescribed Equity Emphasis Area locations between 5:00am and 7:00am. Given the possibility of permit revocation for failure to comply with this express provision, we strongly recommend that the Department also include language detailing how they intend to monitor compliance, what the compliance investigation will consist of, and what due process operators will be afforded in the event of any dispute.

(b) Multilingual Customer Support

We recommend the Department amend its requirement in 2.E.5 that dockless vehicle operators "maintain a multilingual website with languages identified in the District of Columbia Language Access Act of 2004," and instead "encourage" operators to do so. This is a change from the current pilot Terms and Conditions which creates a significant operational burden. It is not reasonable to require all website content to be available in all of these languages, especially given they may change over time. JUMP has already built out a robust customer support department that is available in numerous languages via phone support, and our customer support team is trained to handle all on-going issues and daily complaints 24 hours a day. Furthermore, the Uber app is available in numerous languages to any customer whose

language settings are set to one of these options on their phone. Users can find phone and electronic messaging contact information for our customer support team in the mobile app, on our website, and on the vehicle itself. Our customer support team responds to all inquiries received by phone or electronic messaging, as well as social media messages from Twitter and Facebook followers.

(6) Accounting for Charging Stations

We recommend amending this language to allow dockless vehicle operators the flexibility to offer company-specific solutions, such as charging hubs, subject to the Department's approval. Innovative solutions such as company-specific charging hubs would help achieve both JUMP's and the Department's goal of encouraging proper parking and reducing clutter. Solutions such as charging hubs also support fleet availability, while limiting motor vehicle miles traveled (VMT) by operation teams for rebalancing, vehicle charging, and battery swapping. We recommend amending the defined terms as follows:

I.A. Publicly Accessible Dockless Vehicle Sharing Program: means a program to rent bicycles, motorized bicycles, or electric scooters for short-term one- way trips without the required installation of any infrastructure within the District other than the deployment of vehicles.

I.B. Dockless Sharing Vehicle: means a dockless bicycle or dockless electric scooter that is available to rent in the public right-of-way through a rental system that does not ~~include~~ require the installation of docking stations in the public right-of-way. The term "dockless sharing vehicle" does not include a motor vehicle, motorcycle, low-speed vehicle, or a motor-driven cycle, as defined in 18 DCMR 9901, or an all-terrain vehicle as defined in D.C. Official Code § 50-2201.02(2).

I.C. Dockless Electric Scooter: means a motorized standing scooter with tandem wheels that is available to the public for rental through a rental system that does not ~~include~~ require the installation of docking stations in the public right-of-way. A dockless electric scooter shall be considered a personal mobility device, as defined in D.C. Official Code § 50-2201.02(13).

I.E. Hub: Hub is a preferred parking location where the Permit Holder must offer user incentives for parking locations. If a Permit Holder offers hubs, at least one hub must be available in each of the 8 Wards of the District. A hub may be geofenced. A hub may include physical parking infrastructure, signage, or striping. If infrastructure is installed by the Permit Holder, ~~the parking must be company-agnostic and~~ the infrastructure must be permitted by DDOT.

(7) Technical Corrections and Operational Improvements

Lastly, we recommend the following technical corrections and revisions to the permit that would clarify the applicable requirements:

Vehicle Weight

- We recommend the Department remove language in 2.A.8 that would potentially restrict a dockless vehicle's weight. This language could cause significant industry uncertainty because, as written, it appears to restrict both scooters and e-bikes to an arbitrary maximum weight, unless otherwise approved by the Department. The requirement that scooters comply with 18 DCMR 1201 and UL 2272, and that e-bikes meet Federal standards is sufficient to ensure safety in conjunction with the Department's proposed inspection requirement. We encourage the Department to remain flexible about future safety innovations in the design of dockless vehicles that may cause a change in device weight and not unreasonably withhold approval of new device models.

Service and Service Area

- The language and intent of 2.A.12 is unclear. We understand the Department's interest in ensuring that only permitted operators serve the District. To achieve this goal, we recommend amending 2.A.12 to state: "Permit holder's ~~shall have a stand-alone~~ application shall ~~where only~~ have the permitted operators' holders vehicles are available to view location and to rent. ~~If vehicles are available to rent through an additional application, permit holder shall ensure that rentals occurring through this app shall inform the rider of all rules and regulations associated with operating a PMD in the District. Any app which has vehicles available for rent must have the insurance coverage required by the T&Cs.~~"
- We recommend the Department amend 2.D.2 to include the following language: "Permit holder's required service area shall include the entirety of the District of Columbia but exclude federal, private, and National Park Service land, unless otherwise permitted by Federal law or private agreement."

Special Events

- We are concerned that the language in 2.A.20 is vague and could impose significant operational burden. We propose the Department provide a potential calendar of planned events at the start of the permit term or alternatively provide at least 14 days advance notice of rebalancing needs during special events. It is in our shared interest to provide excellent service to District residents and visitors alike at all times, including during large events.

Member Survey

- We recommend the Department amend and clarify 2.G.6 as follows: “During the permit period, DDOT may require the permit holder to ~~conduct a member issue an annual survey to its users.~~ Survey questions shall will be submitted to created by DDOT for review prior to initiating the survey, and Permit holders may disclose to their users that the survey is issued on behalf of DDOT. Survey results shall be shared with DDOT.”

* * *

Thank you for considering our comments. We look forward to working with the District to bring e-bikes and scooters to residents and visitors alike.

Sincerely,

Justine Casselle
Counsel, New Mobility
Uber Technologies, Inc.
On behalf of Social Bicycles LLC



August 23, 2019

The Honorable Toni Atkins
Senate President Pro Tempore
State Capitol Building
Room 205
Sacramento, CA 95814

The Honorable Anthony Rendon
Speaker of House
Capitol Office, Room 219
Sacramento, CA 94249

Re: Legislation is Needed to Set Clear Limits on Local Authorities' Access to Individual Trip Data

Dear Mr. Rendon and Ms. Atkins:

I write on behalf of the Electronic Frontier Foundation (EFF) to highlight the need for legislation protecting *individual trip data*—data pertaining to individual trips or rides taken via transportation network companies (TNCs), shared mobility devices (such as scooters, electronic bicycles, or on-demand shared vehicles), or other new forms of transportation. EFF is a San Francisco-based non-profit organization that works to protect privacy and civil liberties in the digital age. EFF represents approximately 40,000 active donors and members, including thousands of supporters in California.

Local and regional planning agencies in jurisdictions across the United States are increasingly demanding access to data about new mobility services and devices in order to better plan for the future and ensure that city streets work for everyone. EFF agrees that planning agencies should be able to collect some data in order to ensure that new transportation devices are deployed safely, efficiently, equitably, and sustainably. But planning agencies should not need to collect sensitive, personally identifiable information about riders in order to do so.

Individual trip data is sensitive location data that pertains to movements of real individuals, and it should be off-limits for city or regional planning purposes. Instead, local authorities can and should be using aggregated and deidentified trip data to achieve their planning goals without sacrificing the privacy of Californians.

Unfortunately, not all local authorities have shown a willingness to balance their planning goals with the privacy interests of their residents, even when doing so violates the California Constitution and the California Electronic Communications Privacy Act (CalECPA). Clear limits from the Legislature are needed to protect the privacy of

Californians and rein in efforts by local authorities to obtain access to sensitive individual trip data.

I. Individual Trip Information is Sensitive Data that Pertains to the Movements of Real Individuals.

Individual trip data typically includes time-stamped start and end points as well as granular route information. This data can be deeply revealing. As the United States Supreme Court recognized in *Carpenter v. United States*, time-stamped location data “provides an intimate window into a person’s life, revealing not only his particular movements, but through them his ‘familial, political, professional, religious, and sexual associations.’”¹ As the Court explained, “location records hold for many Americans the privacies of life.”² For example, time-stamped geolocation data can reveal trips to Planned Parenthood, specific places of prayer, and gay-friendly neighborhoods or bars. Patterns in the data can reveal social relationships, and potentially even extramarital affairs, as well as personal habits, such as when people typically leave for work, go to the gym, or run errands, how often they go out on evenings and weekends, and where they like to go.

Even with names stripped out, location information is notoriously easy to re-identify,³ particularly for habitual trips. This is especially true when location information is aggregated over time. As one 2013 study on human mobility data concluded, “human mobility traces are highly unique.”⁴ Researchers found that only “four spatio-temporal points [were] enough to uniquely identify 95% of the [1.5 million] individuals” in the study.⁵

In another example, when a data scientist released a database of every cab ride taken in New York City in 2013—containing records on 173 million trips, including pickup and drop-off locations and times, as well as putatively anonymized hack license numbers and medallion numbers and other metadata—one researcher was able to de-anonymize the

¹ *Carpenter v. United States*, 138 S. Ct. 2206, 2217 (2018) (quoting *United States v. Jones*, 132 S.Ct. 945, 955 (2012) (Sotomayor, J., concurring)).

² *Id.* at 2217 (2018) (internal quotations and citations omitted).

³ See CDT, Comments to LADOT on Privacy & Security Concerns for Data Sharing for Dockless Mobility (Nov. 29, 2018), <https://cdt.org/insight/comments-to-ladot-on-privacy-security-concerns-for-data-sharing-for-dockless-mobility/>.

⁴ See Yves-Alexandre de Montjoye et al., Unique in the Crowd: The privacy bounds of human mobility, *Scientific Reports* 3, Article Number 1376 (Mar. 23, 2013), available at <http://www.nature.com/articles/srep01376>.

⁵ See *id.* The study relied on 15 months of human mobility data for 1.5 million individuals, where the location of each individual had been specified hourly.

entire set (thus re-identifying the hack license numbers and medallion numbers for each trip) with relative ease.⁶ Another researcher then used the data—in combination with other readily available data tying particular individuals to particular locations—to identify individual riders, where they went, and their personal habits or routines.⁷

As the California Legislature determined last year in enacting the California Consumer Privacy Act (CCPA), any information that can be reasonably linked, *directly or indirectly*, with a particular consumer should be considered “personal information.”⁸ The Legislature explicitly listed geolocation information as one such category of information.⁹

Given the sensitive nature of individual trip data, this data should be off-limits for city or regional planning purposes. Local authorities and planning agencies should be required to use aggregated and deidentified trip data—such as data relating to groups of trips taken within an hour between census blocks. Aggregated and deidentified data can provide important insights into how Californians are using TNCs and shared mobility devices for their transportation needs. Limiting local authorities to such data strikes the appropriate balance between protecting individual privacy and ensures that local authorities have the information they need to regulate our public streets so that they work for all Californians.

Importantly, limiting local authorities to aggregated and deidentified *trip data* will not restrict access to data regarding individual mobility devices when those devices are not “on trip,” and thus not tied to the movements of any particular individual. A limitation on the use of individual trip data, for example, will not get in the way of cities’ efforts to monitor and enforce equitable distribution requirements for scooters or electronic bikes.

⁶ The researchers were able to re-identify the hack license number and medallion numbers, because New York had used an insufficient hashing algorithm to anonymize the data. Vijay Pandurangan, On Taxis and Rainbows, Lessons from NYC’s improperly anonymized taxi logs, Medium (June 21, 2014), <https://tech.vijayp.ca/of-taxis-and-rainbows-f6bc289679a1>.

⁷ Anthony Tockar, Riding with the Stars: Passenger Privacy in the NYC Taxicab Dataset (Sep. 15, 2014), <https://research.neustar.biz/2014/09/15/riding-with-the-stars-passenger-privacy-in-the-nyc-taxicab-dataset/>; see also J.K. Trotter, Public NYC Taxicab Database Lets You See How Celebrities Tip, *Gawker* (Oct. 24, 2014), <https://gawker.com/the-public-nyc-taxicab-database-that-accidentally-track-1646724546>.

⁸ See Cal. Civ. Code § 1798.140(o)(1) (“‘Personal information’ means information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer or household. Personal information includes, but is not limited to, the following: . . . (G) Geolocation data.”) (effective Jan. 1, 2020).

⁹ *Id.*

II. Efforts to Collect Data First—and Think About What to Do With it Later—Violate the Letter and Spirit of the California Constitution.

When it comes to the data privacy, the biggest mistake local jurisdictions could make would be to collect data first and think about what to do with it later—after consumers’ privacy has been put at risk. That, however, is what is currently happening in jurisdictions across the United States, including in California.

In California, these efforts violate the right to privacy afforded by Article I, Section 1 of the California Constitution, which explicitly lists privacy as an inalienable right of all people.¹⁰ As the California Supreme Court has recognized, “[i]nformational privacy is the core value furthered by” the explicit inclusion of the right to privacy in the state constitution.¹¹ The Court has further explained that “the moving force” behind California’s constitutional right to privacy was concern over “the accelerating encroachment on personal freedom and security caused by increased surveillance and data collection activity in contemporary society[.]”¹² Inclusion of the right to privacy recognizes that “[t]he proliferation of government . . . records over which we have no control limits our ability to control our personal lives.”¹³ And pursuant to the right to privacy, any incursion into individual privacy “must be justified by a compelling interest.”¹⁴

The right of privacy not only “prevents government and business interests from collecting and stockpiling unnecessary information about us[.]” but also “*from misusing information gathered for one purpose in order to serve other purposes[.]*”¹⁵ Indeed, such

¹⁰ Cal. Const., art. I, § 1 (“All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, *and privacy.*”) (emphasis added); *see also* Civ. Code § 1798.1 (“The Legislature declares that the right to privacy is a personal and fundamental right protected by Section 1 of Article I of the Constitution of California and by the United States Constitution and that all individuals have a right of privacy in information pertaining to them.”).

¹¹ *Hill v. National Collegiate Athletic Assn.*, 7 Cal. 4th 1, 35 (1994); *see also Los Angeles Gay & Lesbian Ctr. v. Superior Court*, 194 Cal. App. 4th 288, 307 (2011) (citation and internal quotations omitted) (“[T]he privacy right protects the individual’s reasonable expectation of privacy against a serious invasion.”).

¹² *White v. Davis*, 13 Cal. 3d 757, 774 (1975).

¹³ *Id.* at 775.

¹⁴ *White*, 13 Cal. 3d at 775.

¹⁵ *Hill*, 7 Cal. 4th at 17 (citation omitted, emphasis added).

“improper use of information properly obtained for a specific purpose, for example, the use of it for another purpose or the disclosure of it to some third party[]” is among the “principal ‘mischiefs’” targeted by the right.¹⁶

Legislation limiting local authorities to aggregated and deidentified trip data will help ensure compliance with the letter and spirit of Article I, Section 1 of the California Constitution.

III. Efforts to Require Individual Trip Data as a Condition of Receiving a Permit to Operate Shared Mobility Devices Violate CalECPA.

Multiple California cities are also currently operating programs related to shared mobility devices that are in blatant violation of CalECPA. These programs require that providers of shared mobility devices, as a condition of receiving a permit to operate, turn over data relating to individual trips.

CalECPA, however, provides that “a *government entity* shall not . . . [c]ompel the production of or access to *electronic device information* from any person or entity other than the authorized possessor of the device” except in specific circumstances—such as when the government entity has a warrant or a wiretap order or, in cases where the information is not sought in connection with a criminal offense, a subpoena issued pursuant to existing state law, so long as access to the information via a subpoena is not otherwise prohibited by law.¹⁷

First, as is clear from the plain language of the statute, this provision is *not limited to law enforcement*. On its face, it applies to any government entity, defined to include any “department or agency of the state or a political subdivision thereof[.]”¹⁸

Second, this provision of CalECPA covers both (a) electronic bikes and scooters—which are “electronic devices,” *i.e.*, “device[s] that store[], generate[], or transmit[] information in electronic form”¹⁹—and (b) the geolocation information they generate—which

¹⁶ *White*, 13 Cal. 3d at 775.

¹⁷ Cal. Pen. Code § 1546.1(a), (b) (emphasis added).

¹⁸ Cal. Pen. Code § 1546(i).

¹⁹ Cal. Pen. Code § 1546(f).

constitutes both “electronic device information”²⁰ or “electronic information”²¹ under the statute. CalECPA thus applies when any government agency—including a city transportation planning agency—attempts to obtain raw, individual trip data about a shared bike or scooter from anyone other than the rider (*i.e.*, the authorized possessor).²²

On August 1, 2019, the California Legislative Counsel issued an opinion letter confirming the CalECPA applies to geolocation data pertaining to shared mobility devices. (Attached hereto as Attachment A). The letter—issued in response to an inquiry from Assemblywoman Jacqui Irwin regarding whether CalECPA restricts a city or county department from requiring a business that rents shared mobility devices to the public to provide access to real-time location data as a condition of obtaining an operating permit—makes four key findings:

- First, both cities and counties constitute political subdivisions of the state for purposes of CalECPA and are thus “government entities” covered by statute.²³
- Second, “information regarding the current and prior locations of a dockless shared mobility device” is electronic device information.²⁴
- Third, dockless mobility providers are persons or entities other than the authorized possessors of the devices (*i.e.*, the riders who temporarily rent the devices).²⁵
- Fourth, requiring access to geolocation information as a condition of receiving a permit constitutes compelling the production of or access to electronic device information, consistent with the California Legislature’s intent in enacting

²⁰ “‘Electronic device information’ means any information stored on or generated through the operation of an electronic device, including the current and prior locations of the device.” Cal. Pen. Code § 1546(g).

²¹ “‘Electronic information’ means electronic communication information or electronic device information.” Cal. Pen. Code § 1546(h).

²² “‘Authorized possessor’ means the possessor of an electronic device when that person is the owner of the device or *has been authorized to possess the device by the owner of the device.*” Cal. Pen. Code § 1546(b) (emphasis added).

²³ See Attachment A, pp. 2–3.

²⁴ See Attachment A, p. 5.

²⁵ See Attachment A, p. 5.

CalECPA of strengthening and expanding existing Fourth Amendment protections and creating a “clear, uniform warrant rule.”²⁶

Legislation limiting local authorities to aggregated and deidentified trip data for city and regional planning purposes will help avoid further conflicts with not only CalECPA, but also the U.S. Supreme Court’s recent holding in *Carpenter v. United States*, which requires a warrant before the government can gain access to historical location data. *See Carpenter*, 138 S. Ct. at 2221 (“the Government must generally obtain a warrant supported by probable cause before acquiring” location records).

— — —

Local authorities should have the right to regulate the use of TNCs and shared mobility devices. However, those efforts should not undermine California riders’ right to privacy. EFF supports legislative efforts that strike the right balance between the need to protect individual privacy and the need for local authorities to obtain the data they need for planning purposes—by limiting local authorities to aggregated and deidentified trip data.

Respectfully Submitted,



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CC: Honorable Members of the California Legislature; Governor’s Office of California

²⁶ *See* Attachment A, pp. 6–7.

Attachment A



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Honorable Jacqui Irwin
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CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT - #1916004

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Dear Ms. Irwin:

California's Electronic Communications Privacy Act (Pen. Code, § 1546 et seq.)¹ (hereafter CalECPA) generally restricts government access to electronic information without a warrant or wiretap order, with certain exceptions. In some circumstances, the CalECPA allows a government entity to take specified actions involving electronic information if it obtains specific consent to do so. You have asked whether the CalECPA restricts a department of a city or county from requiring a business that rents dockless bikes, scooters, or other shared mobility devices to the public (hereafter dockless mobility provider) to provide the department with real-time location data from its dockless shared mobility devices (hereafter real-time data-sharing requirement) as a condition of granting a permit to operate in the department's jurisdiction. You have also asked whether, in order to constitute specific consent for purposes of the CalECPA, it is necessary for an individual to provide consent directly to a government entity seeking that individual's data.

Background: CalECPA

The CalECPA restricts government access to electronic information by prohibiting a government entity from (1) "Compel[ing] the production of or access to electronic communication information from a service provider," (2) "Compel[ing] the production of or access to electronic device information from any person or entity other than the authorized possessor of the device," or (3) "Access[ing] electronic device information by means of physical interaction or electronic communication with the electronic device" without a warrant or wiretap order, with certain exceptions. (§ 1546.1, subd. (a).)

As relevant to the issues presented, and as an exception to the third prohibition enumerated above, the CalECPA allows a government entity to access electronic device

¹ All further section references are to the Penal Code unless otherwise provided.

information by means of physical interaction or electronic communication with the device with the specific consent, as defined, of the authorized possessor of the device. (§ 1546.1, subd. (c)(4).) However, this authorization does not extend to actions to compel electronic information from a service provider or person or entity other than an authorized possessor. (See § 1546.1, subd. (b).)

1. Does the CalECPA restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit to operate in the department’s jurisdiction?

1.1 Analysis

1.1.1 Whether a department of a city or county is a government entity for the purposes of the CalECPA

As an initial matter, we must determine whether a department of a city or county is a government entity for the purposes of the CalECPA. “Government entity” is defined for these purposes as “a department or agency of the state or a political subdivision thereof, or an individual acting for or on behalf the state or a political subdivision thereof.” (§ 1546, subd. (i).)

Counties are political subdivisions of the state under both state and federal law. (*County of Inyo v. City of Los Angeles* (1978) 78 Cal.App.3d 82, 90; *U.S. v. Nez Perce County, Idaho* (9th Cir. 1938) 95 F.2d 238.) Accordingly, a department of a county is a department of a political subdivision of the state and therefore a government entity for the purposes of the CalECPA.

Cities are political subdivisions of the state under federal law (*City of Ontario, Cal. v. Quon* (2010) 560 U.S. 746, 750; *City of Trenton v. State of New Jersey* (1923) 262 U.S. 182, 185-186), but have generally not been considered political subdivisions of the state under state law (*Blum v. City and County of San Francisco* (1962) 200 Cal.App.2d 639, 643). Accordingly, the phrase “the state or a political subdivision thereof,” as used in the CalECPA, is reasonably susceptible to two interpretations, one of which includes a city, and the other of which does not.

To resolve this ambiguity, we turn to the legislative history of the CalECPA. (See *People v. Cornett* (2012) 53 Cal.4th 1261, 1265.) Here, two aspects of the legislative history of the CalECPA suggest that its definition of “government entity” was informed by federal law, not state law.

The first aspect is the CalECPA’s relationship to the federal Electronic Communications Privacy Act of 1986 (Pub.L. No. 99-508, 100 Stat. 1848) (hereafter federal ECPA or federal act). That federal act, like the CalECPA,² was passed to protect the privacy interests of private citizens against government intrusion. (See *Suzlon Energy Ltd. v. Microsoft*

² See Assem. Com. on Privacy & Consumer Protection, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended June 2, 2015, pp. 5-6.

Corp. (9th Cir. 2011) 671 F.3d 726, 730.) The CalECPA's name indicates that the Legislature considered the federal act when adopting the state act,³ and various definitions used in the CalECPA appear to be derived from the federal ECPA. (Compare § 1546, subd. (c), with 18 U.S.C. § 2510(12); compare § 1546, subd. (e) with 18 U.S.C. § 2510(15).) Accordingly, we think that a court would view the federal ECPA's definition of "governmental entity" as helpful to an understanding of the subsequent CalECPA definition of the term "government entity." (See *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 260.) That federal act defines "governmental entity" as "a department or agency of the United States or any State or political subdivision thereof." (18 U.S.C. § 2711(4).) Cities are included in this federal definition as "political subdivisions" of the state under federal law. (See *City of Trenton v. State of New Jersey*, *supra*, 262 U.S. at pp. 185-186). In our view, therefore, a court would construe the CalECPA's definition of "government entity" consistently with that federal definition to also include cities and city departments.

The second aspect is the legislative motivation behind the CalECPA. Committee analyses of Senate Bill No. 178 of the 2015-2016 Regular Session (Stats. 2015, ch. 651) (hereafter SB 178), the bill that enacted the CalECPA, indicate that the CalECPA was motivated by a perception that both federal and state protections against government access to electronic information, including those provided by the federal ECPA, were inadequate.⁴ A broader interpretation of the government entities subject to the CalECPA would provide greater protection against government access to electronic information and therefore comport more closely with the legislative motivation for the CalECPA than a narrow interpretation of the term.

Consequently, although a reasonable argument may be made to the contrary, it is our view that a department of a city is a government entity for the purposes of the CalECPA.

³ Committee analyses of the bill that enacted the CalECPA also discuss the federal ECPA as constituting part of the legal background for the CalECPA. (See Sen. Com. on Appropriations, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended Apr. 22, 2015, p. 2; Assem. Com. on Privacy & Consumer Protection, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended June 2, 2015, p. 6; see also Assem. Com. on Public Safety, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended July 7, 2015, p. 10.)

⁴ See, e.g., Assem. Com. on Privacy & Consumer Protection, Analysis of SB 178, as amended June 2, 2015, p. 6 ("Unfortunately, technology continued to advance rapidly since the [federal ECPA's] inception nearly 30 years ago and amendments to the Act have not always kept pace. [¶] The author contends that the federal statute 'has not been meaningfully updated to account for modern technology,' ... [¶] [and] also cites a variety of situations where California law already explicitly requires a warrant for many kinds of information [¶] As a result, the author and supporters believe that existing law is insufficient to protect all forms of electronic communications and their meta-data ...").

1.1.2 The CalECPA’s prohibition on compelling the production of or access to electronic communication information from a service provider

The CalECPA’s first general prohibition restricts a government entity from “Compel[ling] the production of or access to electronic communication information from a *service provider*.” (§ 1546.1, subd. (a)(1); emphasis added.) Thus, unless a dockless mobility provider is a service provider, this prohibition would not restrict a department of a city or county from imposing a real-time data-sharing requirement on that dockless mobility provider.

In this regard, “service provider” is defined for the purposes of the CalECPA as “a person or entity offering an electronic communication service.” (§ 1546, subd. (j).) “Electronic communication service,” in turn, is defined as “a service that provides to its subscribers or users the ability to send or receive electronic communications, including any service that acts as an intermediary in the transmission of electronic communications, or stores electronic communication information.” (§ 1546, subd. (e).)

It is our understanding that, unlike internet service providers or providers of email or bulletin board systems, dockless mobility providers do not offer to provide users with the ability to send or receive electronic communications or act as intermediaries in the transmission of electronic communications.⁵ Similarly, dockless mobility providers do not offer to store electronic communication information for others. Accordingly, it is our view that a dockless mobility provider is not “a person or entity offering an electronic communication service.” (§ 1546, subd. (j).)

Consequently, we conclude that a dockless mobility provider is not a service provider within the meaning of the CalECPA and that the CalECPA’s first general prohibition would therefore not restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit.

1.1.3 The CalECPA’s prohibition on compelling the production of or access to electronic device information from any person or entity other than the authorized possessor of the device

The CalECPA’s second general prohibition restricts a government entity from “Compel[ling] the production of or access to *electronic device information* from any person or entity other than the *authorized possessor* of the device.” (§ 1546.1, subd. (a)(2); emphasis

⁵ See *In re Google Inc. Cookie Placement Consumer Privacy Litigation* (3d Cir. 2015) 806 F.3d 125, 146 (observing that the phrase “‘any service which provides to users thereof the ability to send or receive wire or electronic communications’ most naturally describes network service providers”); *Facebook, Inc. v. Superior Court* (2018) 4 Cal.5th 1245, 1268; *U.S. v. Warshak* (6th Cir. 2010) 631 F.3d 266, 286 (describing internet service providers as the “intermediar[ies] that make[] email communication possible”).

added.) Thus, in order for this prohibition to restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider, all three of the following elements must apply: (1) real-time location data from dockless shared mobility devices must be electronic device information, (2) a dockless mobility provider must be a person or entity other than the authorized possessor of the device, and (3) the imposition of a permitting requirement must constitute “compel[ling] the production of or access to” that information.

With regard to the first element, “electronic device information” is defined as “any information stored on or generated through the operation of an electronic device, *including the current and prior locations of the device.*” (§ 1546, subd. (g); emphasis added.) “Electronic device,” in turn, is defined as “a device that stores, generates, or transmits information in electronic form,” excluding the magnetic strip on a state driver’s license or identification card. (§ 1546, subd. (f).) It is our understanding that all dockless shared mobility devices, as part of their dockless functionality, necessarily store and transmit location data and other information in electronic form.⁶ Consequently, it is our view that the first element described above would be satisfied because a dockless shared mobility device is an “electronic device” and information regarding the current and prior locations of a dockless shared mobility device is therefore electronic device information for the purposes of the CalECPA.

With regard to the second element, “authorized possessor” is defined as “the possessor of an electronic device when that person is the owner of the device or has been authorized to possess the device by the owner of the device.” (§ 1546, subd. (b).) Thus, a person is an authorized possessor of an electronic device if that person owns and possesses the device or possesses the device under authorization from the device’s owner to do so. Although a dockless mobility provider presumably owns the dockless shared mobility devices that it offers for rent, it also authorizes each user to possess a device for the duration of the user’s rental and therefore does not possess the device during the period of that rental. Thus, it is our view that the second element described above is satisfied because, to the extent that a real-time data-sharing requirement would require the sharing of real-time location data from a dockless shared mobility device while that device is being rented, that requirement would require obtaining data from a person or entity other than the authorized possessor of the device.

⁶ See Thomson Reuters, Practical Law Gov. Practice Note No. W-017-6569, Dockless Mobility Regulation (2018) (“Dockless bikes or scooters allow riders to rent a bicycle or scooter by using an app that will let the user know where an available bike is located. After finding the nearest bike, users scan a code on their phone, then the bike unlocks and is available for use”); Baumgaertner, *Bike-Sharing Is Flourishing in Washington. Can the City Handle It?*, N.Y. Times (Oct. 1, 2017), available at <<https://www.nytimes.com/2017/10/01/us/politics/washington-bike-share.html>> (as of July 16, 2019) (describing dockless shared bikes as GPS-tracked and electronically locked).

With regard to the third element, unlike the terms “electronic device information” and “authorized possessor,” the term “compel” is not statutorily defined for the purposes of the CalECPA. Further, although a court may refer to dictionary definitions of a term in order to discern its meaning (*Smith v. Selma Community Hospital* (2010) 188 Cal.App.4th 1, 30, as mod. on denial of reh. Sept. 27, 2010), the dictionary definition of “compel” as “to drive or urge forcefully or irresistibly” or “to cause to do or occur by overwhelming pressure” (Webster’s Online Dict., definition of “compel,” at <<https://www.merriam-webster.com/dictionary/compel>> [as of July 18, 2019]) does not clearly include or exclude permitting requirements. Accordingly, we turn to the legislative history of the CalECPA for guidance. (See *People v. Cornett*, *supra*, 53 Cal.4th at p. 1265.)

Here, that legislative history indicates that the CalECPA was intended to codify and expand privacy protections under Fourth Amendment jurisprudence and existing state and federal statutes. (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of SB 178, as amended Sept. 4, 2015, pp. 3-4.) The Legislature passed that act in the wake of two major United States Supreme Court cases on search and seizure rights under the Fourth Amendment to the United States Constitution, *U.S. v. Jones* (2012) 565 U.S. 400 and *Riley v. United States* (2014) 573 U.S. 373, and intended that the act strengthen existing privacy protections by creating a “clear, uniform warrant rule for California law enforcement access to electronic information.” (Assem. Com. on Privacy & Consumer Protection, Analysis of SB 178, as amended June 2, 2015, p. 7.)

In order to be consistent with this legislative intent to codify and expand privacy protections under Fourth Amendment case law and to impose a “uniform warrant rule,” the scope of government actions encompassed by the term “compel” for the purposes of the CalECPA must be at least as broad as the range of government actions that are restricted under the Fourth Amendment. The CalECPA imposes conditions on warrants for electronic information that are more stringent than those required by the Fourth Amendment.⁷ Thus, a narrow construction of the term “compel” that would subject some government attempts to procure electronic information to the more stringent CalECPA warrant requirements but subject other attempts to existing Fourth Amendment requirements would be inconsistent with the Legislature’s intent that the CalECPA impose a “clear, uniform warrant rule.”

A construction of the term “compel” that is narrower than the range of government actions that are restricted under the Fourth Amendment would also be inconsistent with the Legislature’s intent to codify and expand Fourth Amendment case law.

⁷ Compare § 1546.1, subd. (d)(2) (a warrant for electronic information must require that all unrelated information obtained through the execution of the warrant shall be sealed and not be subject to further review, use, or disclosure except pursuant to a court order or to comply with discovery) with *U.S. v. Adjani* (9th Cir. 2006) 452 F.3d 1140, 1151 (“There is no rule ... that evidence turned up while officers are rightfully searching a location under a properly issued warrant must be excluded simply because the evidence found may support charges for a related crime (or against a suspect) not expressly contemplated in the warrant”).

Under Fourth Amendment case law, a government entity may not, absent consent, exigent circumstances, or certain other limited circumstances, conduct an administrative search of a business’s private facilities or records for regulatory purposes without a warrant or administrative subpoena. (*City of Los Angeles v. Patel* (2015) 576 U.S. ___ [135 S.Ct. 2443, 2452-2453] (hereafter *Patel*).) In *Patel*, the United States Supreme Court held that a provision of the Los Angeles Municipal Code that required a hotel to give its guest registry to the police for inspection without any warrant, administrative subpoena, or the opportunity for precompliance review, and imposed criminal penalties for noncompliance was facially unconstitutional under the Fourth Amendment. (*Id.* at p. 2456.) In *De La Cruz v. Quackenbush* (2000) 80 Cal.App.4th 775 (hereafter *De La Cruz*), a California Court of Appeal similarly struck down a warrantless regulatory inspection scheme for insurance brokers and held that the Insurance Commissioner exceeded his authority in revoking a broker’s brokerage license for refusing to surrender documents in response to an insurance department investigator’s warrantless and subpoena-less demand for those documents.

We find no relevant distinction between a permitting system that imposes a real-time data-sharing requirement and the municipal ordinance invalidated in *Patel* or the regulatory inspection scheme struck down in *De La Cruz*. The department, like the police officers in *Patel* and the investigator in *De La Cruz*, would be requiring the production of protected information without a warrant, administrative subpoena, or opportunity for precompliance review, and the regulated person or entity would suffer consequences as a result of the failure to produce the required information. Accordingly, it is our view that the imposition of such a permitting requirement would constitute the “[c]ompel[ling of] the production of or access to” electronic device information under the CalECPA.

Consequently, we conclude that the CalECPA’s second general prohibition restricts a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit.

1.1.4 The CalECPA’s prohibition on accessing electronic device information by means of physical interaction or electronic communication with the electronic device

The CalECPA’s third general prohibition restricts a government entity from “Access[ing] electronic device information by means of physical interaction or electronic communication with the electronic device.” (§ 1546.1, subd. (a)(3).) Unlike the first two general prohibitions, which restrict a government entity from procuring electronic information from third parties (§ 1546.1, subd. (a)(1) & (2)), this prohibition restricts a government entity from procuring that information from an electronic device itself. Thus, the text and context of the third general prohibition suggest that the prohibition was intended to address situations where a government entity is able to procure electronic data without the consent or assistance of a third party.

This interpretation of that prohibition is consistent with the legislative history of the CalECPA. Committee analyses of SB 178 provide that the CalECPA was enacted, in part, to address privacy concerns raised by United States Supreme Court cases in which law enforcement procured electronic information directly from electronic devices by scrolling

through contacts on a cell phone or installing and collecting data from a GPS tracking device, or other instances in which a government agency acquires electronic information without a physical intrusion, such as when it wirelessly extracts data from cellphones and other cellular data devices by using a separate device capable of mimicking a wireless carrier cell tower. (Assem. Com. on Public Safety, Analysis of SB 178, as amended July 7, 2015, pp. 8-9, discussing *Riley v. United States* (2014) 573 U.S. 373 & *U.S. v. Jones* (2012) 565 U.S. 400.) All of these scenarios involve instances in which a government entity has the practical capability of procuring electronic data without the consent or assistance of another person or entity and therefore would not be practically precluded from obtaining that data by either of the CalECPA's first two general prohibitions.

Accordingly, it is our view that the CalECPA's third general prohibition restricts a government entity from itself directly procuring electronic device information from an electronic device and does not extend to situations in which a government entity seeks to procure that information, or a means to procure that information, from a third party. Because the imposition of a real-time data-sharing requirement on a dockless mobility provider would involve the procurement of electronic information, or a means to procure that information, from a third party and not the dockless shared mobility devices themselves, it is our view that the CalECPA's third general prohibition would not restrict a government entity from imposing that requirement.

Thus, we conclude that the CalECPA's third general prohibition does not restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider prohibition. However, as discussed above, because the CalECPA restricts a government entity from "Compel[ing] the production of or access to electronic device information from any person or entity other than the authorized possessor of the device" (§ 1546.1, subd. (a)(2)), that act would restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit.

1.2 Conclusion regarding Question No. 1

It is our opinion that the CalECPA restricts a department of a city or county from requiring a business that rents dockless bikes, scooters, or other shared mobility devices to the public to provide the department with real-time location data from its dockless shared mobility devices as a condition of granting a permit to operate in the department's jurisdiction.

2. In order to constitute "specific consent" for purposes of the CalECPA, is it necessary for an individual or entity to provide consent directly to the government entity seeking that individual's data?

2.1 Analysis

As discussed above, the CalECPA prohibits a government entity from "Access[ing] electronic device information by means of physical interaction or electronic communication with the electronic device" without a warrant or wiretap order, with certain

exceptions. (§ 1546.1, subd. (a)(3).) As an exception to that prohibition, the CalECPA allows a government entity to access electronic device information under those circumstances with the specific consent of the authorized possessor of the device (§ 1546.1, subd. (c)(4)) or, when the device has been reported as lost or stolen, with the specific consent of the owner of the device (*id.*, subd. (c)(5)). In addition, a government entity must destroy information voluntarily provided by a service provider within 90 days unless an exception applies, including that the government entity “obtains the specific consent of the sender or recipient of the electronic communications about which information was disclosed.” (*Id.*, subd. (g)(1).) The definition of “specific consent” for these purposes is set forth in section 1546, subdivision (k), which reads:

“‘Specific consent’ means *consent provided directly to the government entity seeking information*, including, but not limited to, when the government entity is the addressee or intended recipient or a member of the intended audience of an electronic communication. Specific consent does not require that the originator of the communication have actual knowledge that an addressee, intended recipient, or member of the specific audience is a government entity.” (Emphasis added.)

When statutory language is clear and unambiguous, courts will not speculate that the Legislature meant something other than what it said. (*Martin Brothers Construction, Inc. v. Thompson Pacific Const., Inc.* (2009) 179 Cal.App.4th 1401, 1411.) Here, section 1546, subdivision (k) explicitly provides that “specific consent,” for the purposes of the CalECPA, means “consent provided directly to the government entity seeking information.” Accordingly, we conclude that an individual must provide consent directly to the government entity seeking that individual’s data in order to constitute “specific consent” within the meaning of the CalECPA.

2.2 Conclusion regarding Question No. 2

It is our opinion that, in order to constitute “specific consent” for purposes of the CalECPA, it is necessary for an individual or entity to provide consent directly to the government entity seeking that individual’s data.

Very truly yours,

Diane F. Boyer-Vine
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CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT - #1916004

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Dear Ms. Irwin:

California's Electronic Communications Privacy Act (Pen. Code, § 1546 et seq.)¹ (hereafter CalECPA) generally restricts government access to electronic information without a warrant or wiretap order, with certain exceptions. In some circumstances, the CalECPA allows a government entity to take specified actions involving electronic information if it obtains specific consent to do so. You have asked whether the CalECPA restricts a department of a city or county from requiring a business that rents dockless bikes, scooters, or other shared mobility devices to the public (hereafter dockless mobility provider) to provide the department with real-time location data from its dockless shared mobility devices (hereafter real-time data-sharing requirement) as a condition of granting a permit to operate in the department's jurisdiction. You have also asked whether, in order to constitute specific consent for purposes of the CalECPA, it is necessary for an individual to provide consent directly to a government entity seeking that individual's data.

Background: CalECPA

The CalECPA restricts government access to electronic information by prohibiting a government entity from (1) "Compel[ing] the production of or access to electronic communication information from a service provider," (2) "Compel[ing] the production of or access to electronic device information from any person or entity other than the authorized possessor of the device," or (3) "Access[ing] electronic device information by means of physical interaction or electronic communication with the electronic device" without a warrant or wiretap order, with certain exceptions. (§ 1546.1, subd. (a).)

As relevant to the issues presented, and as an exception to the third prohibition enumerated above, the CalECPA allows a government entity to access electronic device

¹ All further section references are to the Penal Code unless otherwise provided.

information by means of physical interaction or electronic communication with the device with the specific consent, as defined, of the authorized possessor of the device. (§ 1546.1, subd. (c)(4).) However, this authorization does not extend to actions to compel electronic information from a service provider or person or entity other than an authorized possessor. (See § 1546.1, subd. (b).)

1. Does the CalECPA restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit to operate in the department’s jurisdiction?

1.1 Analysis

1.1.1 Whether a department of a city or county is a government entity for the purposes of the CalECPA

As an initial matter, we must determine whether a department of a city or county is a government entity for the purposes of the CalECPA. “Government entity” is defined for these purposes as “a department or agency of the state or a political subdivision thereof, or an individual acting for or on behalf the state or a political subdivision thereof.” (§ 1546, subd. (i).)

Counties are political subdivisions of the state under both state and federal law. (*County of Inyo v. City of Los Angeles* (1978) 78 Cal.App.3d 82, 90; *U.S. v. Nez Perce County, Idaho* (9th Cir. 1938) 95 F.2d 238.) Accordingly, a department of a county is a department of a political subdivision of the state and therefore a government entity for the purposes of the CalECPA.

Cities are political subdivisions of the state under federal law (*City of Ontario, Cal. v. Quon* (2010) 560 U.S. 746, 750; *City of Trenton v. State of New Jersey* (1923) 262 U.S. 182, 185-186), but have generally not been considered political subdivisions of the state under state law (*Blum v. City and County of San Francisco* (1962) 200 Cal.App.2d 639, 643). Accordingly, the phrase “the state or a political subdivision thereof,” as used in the CalECPA, is reasonably susceptible to two interpretations, one of which includes a city, and the other of which does not.

To resolve this ambiguity, we turn to the legislative history of the CalECPA. (See *People v. Cornett* (2012) 53 Cal.4th 1261, 1265.) Here, two aspects of the legislative history of the CalECPA suggest that its definition of “government entity” was informed by federal law, not state law.

The first aspect is the CalECPA’s relationship to the federal Electronic Communications Privacy Act of 1986 (Pub.L. No. 99-508, 100 Stat. 1848) (hereafter federal ECPA or federal act). That federal act, like the CalECPA,² was passed to protect the privacy interests of private citizens against government intrusion. (See *Suzlon Energy Ltd. v. Microsoft*

² See Assem. Com. on Privacy & Consumer Protection, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended June 2, 2015, pp. 5-6.

Corp. (9th Cir. 2011) 671 F.3d 726, 730.) The CalECPA's name indicates that the Legislature considered the federal act when adopting the state act,³ and various definitions used in the CalECPA appear to be derived from the federal ECPA. (Compare § 1546, subd. (c), with 18 U.S.C. § 2510(12); compare § 1546, subd. (e) with 18 U.S.C. § 2510(15).) Accordingly, we think that a court would view the federal ECPA's definition of "governmental entity" as helpful to an understanding of the subsequent CalECPA definition of the term "government entity." (See *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 260.) That federal act defines "governmental entity" as "a department or agency of the United States or any State or political subdivision thereof." (18 U.S.C. § 2711(4).) Cities are included in this federal definition as "political subdivisions" of the state under federal law. (See *City of Trenton v. State of New Jersey*, *supra*, 262 U.S. at pp. 185-186). In our view, therefore, a court would construe the CalECPA's definition of "government entity" consistently with that federal definition to also include cities and city departments.

The second aspect is the legislative motivation behind the CalECPA. Committee analyses of Senate Bill No. 178 of the 2015-2016 Regular Session (Stats. 2015, ch. 651) (hereafter SB 178), the bill that enacted the CalECPA, indicate that the CalECPA was motivated by a perception that both federal and state protections against government access to electronic information, including those provided by the federal ECPA, were inadequate.⁴ A broader interpretation of the government entities subject to the CalECPA would provide greater protection against government access to electronic information and therefore comport more closely with the legislative motivation for the CalECPA than a narrow interpretation of the term.

Consequently, although a reasonable argument may be made to the contrary, it is our view that a department of a city is a government entity for the purposes of the CalECPA.

³ Committee analyses of the bill that enacted the CalECPA also discuss the federal ECPA as constituting part of the legal background for the CalECPA. (See Sen. Com. on Appropriations, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended Apr. 22, 2015, p. 2; Assem. Com. on Privacy & Consumer Protection, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended June 2, 2015, p. 6; see also Assem. Com. on Public Safety, Analysis of Sen. Bill No. 178 (2015-2016 Reg. Sess.) as amended July 7, 2015, p. 10.)

⁴ See, e.g., Assem. Com. on Privacy & Consumer Protection, Analysis of SB 178, as amended June 2, 2015, p. 6 ("Unfortunately, technology continued to advance rapidly since the [federal ECPA's] inception nearly 30 years ago and amendments to the Act have not always kept pace. [¶] The author contends that the federal statute 'has not been meaningfully updated to account for modern technology,' ... [¶] [and] also cites a variety of situations where California law already explicitly requires a warrant for many kinds of information [¶] As a result, the author and supporters believe that existing law is insufficient to protect all forms of electronic communications and their meta-data ...").

1.1.2 The CalECPA’s prohibition on compelling the production of or access to electronic communication information from a service provider

The CalECPA’s first general prohibition restricts a government entity from “Compel[ling] the production of or access to electronic communication information from a *service provider*.” (§ 1546.1, subd. (a)(1); emphasis added.) Thus, unless a dockless mobility provider is a service provider, this prohibition would not restrict a department of a city or county from imposing a real-time data-sharing requirement on that dockless mobility provider.

In this regard, “service provider” is defined for the purposes of the CalECPA as “a person or entity offering an electronic communication service.” (§ 1546, subd. (j).) “Electronic communication service,” in turn, is defined as “a service that provides to its subscribers or users the ability to send or receive electronic communications, including any service that acts as an intermediary in the transmission of electronic communications, or stores electronic communication information.” (§ 1546, subd. (e).)

It is our understanding that, unlike internet service providers or providers of email or bulletin board systems, dockless mobility providers do not offer to provide users with the ability to send or receive electronic communications or act as intermediaries in the transmission of electronic communications.⁵ Similarly, dockless mobility providers do not offer to store electronic communication information for others. Accordingly, it is our view that a dockless mobility provider is not “a person or entity offering an electronic communication service.” (§ 1546, subd. (j).)

Consequently, we conclude that a dockless mobility provider is not a service provider within the meaning of the CalECPA and that the CalECPA’s first general prohibition would therefore not restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit.

1.1.3 The CalECPA’s prohibition on compelling the production of or access to electronic device information from any person or entity other than the authorized possessor of the device

The CalECPA’s second general prohibition restricts a government entity from “Compel[ling] the production of or access to *electronic device information* from any person or entity other than the *authorized possessor* of the device.” (§ 1546.1, subd. (a)(2); emphasis

⁵ See *In re Google Inc. Cookie Placement Consumer Privacy Litigation* (3d Cir. 2015) 806 F.3d 125, 146 (observing that the phrase “‘any service which provides to users thereof the ability to send or receive wire or electronic communications’ most naturally describes network service providers”); *Facebook, Inc. v. Superior Court* (2018) 4 Cal.5th 1245, 1268; *U.S. v. Warshak* (6th Cir. 2010) 631 F.3d 266, 286 (describing internet service providers as the “intermediar[ies] that make[] email communication possible”).

added.) Thus, in order for this prohibition to restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider, all three of the following elements must apply: (1) real-time location data from dockless shared mobility devices must be electronic device information, (2) a dockless mobility provider must be a person or entity other than the authorized possessor of the device, and (3) the imposition of a permitting requirement must constitute “compel[ling] the production of or access to” that information.

With regard to the first element, “electronic device information” is defined as “any information stored on or generated through the operation of an electronic device, *including the current and prior locations of the device.*” (§ 1546, subd. (g); emphasis added.) “Electronic device,” in turn, is defined as “a device that stores, generates, or transmits information in electronic form,” excluding the magnetic strip on a state driver’s license or identification card. (§ 1546, subd. (f).) It is our understanding that all dockless shared mobility devices, as part of their dockless functionality, necessarily store and transmit location data and other information in electronic form.⁶ Consequently, it is our view that the first element described above would be satisfied because a dockless shared mobility device is an “electronic device” and information regarding the current and prior locations of a dockless shared mobility device is therefore electronic device information for the purposes of the CalECPA.

With regard to the second element, “authorized possessor” is defined as “the possessor of an electronic device when that person is the owner of the device or has been authorized to possess the device by the owner of the device.” (§ 1546, subd. (b).) Thus, a person is an authorized possessor of an electronic device if that person owns and possesses the device or possesses the device under authorization from the device’s owner to do so. Although a dockless mobility provider presumably owns the dockless shared mobility devices that it offers for rent, it also authorizes each user to possess a device for the duration of the user’s rental and therefore does not possess the device during the period of that rental. Thus, it is our view that the second element described above is satisfied because, to the extent that a real-time data-sharing requirement would require the sharing of real-time location data from a dockless shared mobility device while that device is being rented, that requirement would require obtaining data from a person or entity other than the authorized possessor of the device.

⁶ See Thomson Reuters, Practical Law Gov. Practice Note No. W-017-6569, Dockless Mobility Regulation (2018) (“Dockless bikes or scooters allow riders to rent a bicycle or scooter by using an app that will let the user know where an available bike is located. After finding the nearest bike, users scan a code on their phone, then the bike unlocks and is available for use”); Baumgaertner, *Bike-Sharing Is Flourishing in Washington. Can the City Handle It?*, N.Y. Times (Oct. 1, 2017), available at <<https://www.nytimes.com/2017/10/01/us/politics/washington-bike-share.html>> (as of July 16, 2019) (describing dockless shared bikes as GPS-tracked and electronically locked).

With regard to the third element, unlike the terms “electronic device information” and “authorized possessor,” the term “compel” is not statutorily defined for the purposes of the CalECPA. Further, although a court may refer to dictionary definitions of a term in order to discern its meaning (*Smith v. Selma Community Hospital* (2010) 188 Cal.App.4th 1, 30, as mod. on denial of reh. Sept. 27, 2010), the dictionary definition of “compel” as “to drive or urge forcefully or irresistibly” or “to cause to do or occur by overwhelming pressure” (Webster’s Online Dict., definition of “compel,” at <<https://www.merriam-webster.com/dictionary/compel>> [as of July 18, 2019]) does not clearly include or exclude permitting requirements. Accordingly, we turn to the legislative history of the CalECPA for guidance. (See *People v. Cornett*, *supra*, 53 Cal.4th at p. 1265.)

Here, that legislative history indicates that the CalECPA was intended to codify and expand privacy protections under Fourth Amendment jurisprudence and existing state and federal statutes. (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of SB 178, as amended Sept. 4, 2015, pp. 3-4.) The Legislature passed that act in the wake of two major United States Supreme Court cases on search and seizure rights under the Fourth Amendment to the United States Constitution, *U.S. v. Jones* (2012) 565 U.S. 400 and *Riley v. United States* (2014) 573 U.S. 373, and intended that the act strengthen existing privacy protections by creating a “clear, uniform warrant rule for California law enforcement access to electronic information.” (Assem. Com. on Privacy & Consumer Protection, Analysis of SB 178, as amended June 2, 2015, p. 7.)

In order to be consistent with this legislative intent to codify and expand privacy protections under Fourth Amendment case law and to impose a “uniform warrant rule,” the scope of government actions encompassed by the term “compel” for the purposes of the CalECPA must be at least as broad as the range of government actions that are restricted under the Fourth Amendment. The CalECPA imposes conditions on warrants for electronic information that are more stringent than those required by the Fourth Amendment.⁷ Thus, a narrow construction of the term “compel” that would subject some government attempts to procure electronic information to the more stringent CalECPA warrant requirements but subject other attempts to existing Fourth Amendment requirements would be inconsistent with the Legislature’s intent that the CalECPA impose a “clear, uniform warrant rule.”

A construction of the term “compel” that is narrower than the range of government actions that are restricted under the Fourth Amendment would also be inconsistent with the Legislature’s intent to codify and expand Fourth Amendment case law.

⁷ Compare § 1546.1, subd. (d)(2) (a warrant for electronic information must require that all unrelated information obtained through the execution of the warrant shall be sealed and not be subject to further review, use, or disclosure except pursuant to a court order or to comply with discovery) with *U.S. v. Adjani* (9th Cir. 2006) 452 F.3d 1140, 1151 (“There is no rule ... that evidence turned up while officers are rightfully searching a location under a properly issued warrant must be excluded simply because the evidence found may support charges for a related crime (or against a suspect) not expressly contemplated in the warrant”).

Under Fourth Amendment case law, a government entity may not, absent consent, exigent circumstances, or certain other limited circumstances, conduct an administrative search of a business’s private facilities or records for regulatory purposes without a warrant or administrative subpoena. (*City of Los Angeles v. Patel* (2015) 576 U.S. ___ [135 S.Ct. 2443, 2452-2453] (hereafter *Patel*).) In *Patel*, the United States Supreme Court held that a provision of the Los Angeles Municipal Code that required a hotel to give its guest registry to the police for inspection without any warrant, administrative subpoena, or the opportunity for precompliance review, and imposed criminal penalties for noncompliance was facially unconstitutional under the Fourth Amendment. (*Id.* at p. 2456.) In *De La Cruz v. Quackenbush* (2000) 80 Cal.App.4th 775 (hereafter *De La Cruz*), a California Court of Appeal similarly struck down a warrantless regulatory inspection scheme for insurance brokers and held that the Insurance Commissioner exceeded his authority in revoking a broker’s brokerage license for refusing to surrender documents in response to an insurance department investigator’s warrantless and subpoena-less demand for those documents.

We find no relevant distinction between a permitting system that imposes a real-time data-sharing requirement and the municipal ordinance invalidated in *Patel* or the regulatory inspection scheme struck down in *De La Cruz*. The department, like the police officers in *Patel* and the investigator in *De La Cruz*, would be requiring the production of protected information without a warrant, administrative subpoena, or opportunity for precompliance review, and the regulated person or entity would suffer consequences as a result of the failure to produce the required information. Accordingly, it is our view that the imposition of such a permitting requirement would constitute the “[c]ompel[ling of] the production of or access to” electronic device information under the CalECPA.

Consequently, we conclude that the CalECPA’s second general prohibition restricts a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit.

1.1.4 The CalECPA’s prohibition on accessing electronic device information by means of physical interaction or electronic communication with the electronic device

The CalECPA’s third general prohibition restricts a government entity from “Access[ing] electronic device information by means of physical interaction or electronic communication with the electronic device.” (§ 1546.1, subd. (a)(3).) Unlike the first two general prohibitions, which restrict a government entity from procuring electronic information from third parties (§ 1546.1, subd. (a)(1) & (2)), this prohibition restricts a government entity from procuring that information from an electronic device itself. Thus, the text and context of the third general prohibition suggest that the prohibition was intended to address situations where a government entity is able to procure electronic data without the consent or assistance of a third party.

This interpretation of that prohibition is consistent with the legislative history of the CalECPA. Committee analyses of SB 178 provide that the CalECPA was enacted, in part, to address privacy concerns raised by United States Supreme Court cases in which law enforcement procured electronic information directly from electronic devices by scrolling

through contacts on a cell phone or installing and collecting data from a GPS tracking device, or other instances in which a government agency acquires electronic information without a physical intrusion, such as when it wirelessly extracts data from cellphones and other cellular data devices by using a separate device capable of mimicking a wireless carrier cell tower. (Assem. Com. on Public Safety, Analysis of SB 178, as amended July 7, 2015, pp. 8-9, discussing *Riley v. United States* (2014) 573 U.S. 373 & *U.S. v. Jones* (2012) 565 U.S. 400.) All of these scenarios involve instances in which a government entity has the practical capability of procuring electronic data without the consent or assistance of another person or entity and therefore would not be practically precluded from obtaining that data by either of the CalECPA's first two general prohibitions.

Accordingly, it is our view that the CalECPA's third general prohibition restricts a government entity from itself directly procuring electronic device information from an electronic device and does not extend to situations in which a government entity seeks to procure that information, or a means to procure that information, from a third party. Because the imposition of a real-time data-sharing requirement on a dockless mobility provider would involve the procurement of electronic information, or a means to procure that information, from a third party and not the dockless shared mobility devices themselves, it is our view that the CalECPA's third general prohibition would not restrict a government entity from imposing that requirement.

Thus, we conclude that the CalECPA's third general prohibition does not restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider prohibition. However, as discussed above, because the CalECPA restricts a government entity from "Compel[ing] the production of or access to electronic device information from any person or entity other than the authorized possessor of the device" (§ 1546.1, subd. (a)(2)), that act would restrict a department of a city or county from imposing a real-time data-sharing requirement on a dockless mobility provider as a condition of granting a permit.

1.2 Conclusion regarding Question No. 1

It is our opinion that the CalECPA restricts a department of a city or county from requiring a business that rents dockless bikes, scooters, or other shared mobility devices to the public to provide the department with real-time location data from its dockless shared mobility devices as a condition of granting a permit to operate in the department's jurisdiction.

2. In order to constitute "specific consent" for purposes of the CalECPA, is it necessary for an individual or entity to provide consent directly to the government entity seeking that individual's data?

2.1 Analysis

As discussed above, the CalECPA prohibits a government entity from "Access[ing] electronic device information by means of physical interaction or electronic communication with the electronic device" without a warrant or wiretap order, with certain

exceptions. (§ 1546.1, subd. (a)(3).) As an exception to that prohibition, the CalECPA allows a government entity to access electronic device information under those circumstances with the specific consent of the authorized possessor of the device (§ 1546.1, subd. (c)(4)) or, when the device has been reported as lost or stolen, with the specific consent of the owner of the device (*id.*, subd. (c)(5)). In addition, a government entity must destroy information voluntarily provided by a service provider within 90 days unless an exception applies, including that the government entity “obtains the specific consent of the sender or recipient of the electronic communications about which information was disclosed.” (*Id.*, subd. (g)(1).) The definition of “specific consent” for these purposes is set forth in section 1546, subdivision (k), which reads:

“‘Specific consent’ means *consent provided directly to the government entity seeking information*, including, but not limited to, when the government entity is the addressee or intended recipient or a member of the intended audience of an electronic communication. Specific consent does not require that the originator of the communication have actual knowledge that an addressee, intended recipient, or member of the specific audience is a government entity.” (Emphasis added.)

When statutory language is clear and unambiguous, courts will not speculate that the Legislature meant something other than what it said. (*Martin Brothers Construction, Inc. v. Thompson Pacific Const., Inc.* (2009) 179 Cal.App.4th 1401, 1411.) Here, section 1546, subdivision (k) explicitly provides that “specific consent,” for the purposes of the CalECPA, means “consent provided directly to the government entity seeking information.” Accordingly, we conclude that an individual must provide consent directly to the government entity seeking that individual’s data in order to constitute “specific consent” within the meaning of the CalECPA.

2.2 Conclusion regarding Question No. 2

It is our opinion that, in order to constitute “specific consent” for purposes of the CalECPA, it is necessary for an individual or entity to provide consent directly to the government entity seeking that individual’s data.

Very truly yours,

Diane F. Boyer-Vine
Legislative Counsel



By
Mariko M. Kotani
Deputy Legislative Counsel

MMK:kam

Mobility Data Methodology and Analysis

Overview

In July of 2018, the City launched a motorized foot scooter pilot program that ran through November 30, with 400 e- scooters available for shared use throughout Minneapolis. The City required participating providers to sign a license agreement which established standard data sharing and privacy requirements. The intention in requiring and using this data is outlined in the following goals:

- Maintain individuals' privacy by collecting data responsibly and thoughtfully, and anonymizing and aggregating data
- Provide transparency by publishing aggregated and anonymized data and visualizations to the City's Open Data portal for public interaction
- Determine compliance with applicable regulations as stated in license agreement
- Analyze and report on aggregated trip information; e.g. number of rides, total miles/minutes ridden, average miles/minutes per ride, breakdown by day/week/month/total pilot duration, available motorized foot scooters by day/week/month
- Analyze and report on usage through aggregated origin, destination, and route heat maps
- Inform future policy decisions such as fleet size, distribution requirements, and/or infrastructure planning by looking for trends and patterns from the pilot

Informing our work through data allows us to take an informed and proactive approach to shared mobility, and ensures that we are able to shape those services to fit our desired outcomes in providing safe, equitable, and sustainable mobility options that work for all Minneapolitans.

Looking to the future, Minneapolis hopes to build a suite of dashboards spanning all shared modes operating in the City. This will allow for efficient oversight of existing pilots and programs, better management and pricing of curbside use, as well as better planning for future modes. We also aim to be involved in defining the applicable national data standards and specifications expected from providers to ensure we have enough data to define the vision and successful metrics for shared mobility within the City, but are requiring it in a way that protects individual privacy.

Data Privacy/Sharing in License Agreements

Minneapolis has taken steps to establish clear expectations and regulations for data privacy in license agreements that are required to operate shared mobility systems in City right-of-way. This includes transparency from providers regarding their terms of use, privacy, and data sharing policies, and ensuring users' ability to opt-in to these policies as well as any potential third-party data sharing or access to location-based data. We also include provisions which ensure that personally identifiable information (PII) is not

collected by or shared with the City, and that data security practices safeguard any PII collected by providers.

Regarding data sharing, we have ensured that expectations and regulations are clearly established in the license agreement, and that the City is being transparent about its intentions for use of data. The license agreements state what data the City requires from providers, how data is intended to be collected (via MDS or similar API), and a statement of purpose for how data is intended to be used. Also included is language which establishes what data may become publicly available, as well as a requirement of providers to make a publicly accessible API available.

Methodology, Assumptions, and Limitations

At the time the pilot began, a data specification called the General Bikeshare Feed Specification (GBFS) API¹ existed for sharing bikeshare information and providers used this initially for the City's data requirements for compliance. Midway through the pilot, our providers proposed giving the City access to an API endpoint based on the Mobility Data Specification (MDS) API² to share additional data with us as required by the license agreement. We leveraged both the GBFS API and the Provider API³ specification to create a method for pulling data in from multiple vendors using our existing enterprise methods and tenets for data collection, storage, usage, and analysis.

We used the specifications for data provided through the MDS API, which defines both provider and agency endpoints for trips. For our analysis, we used the Provider endpoint and did not make use of the Agency endpoint. MDS also specified the existing GBFS API endpoints should be implemented for real-time availability information, so we consumed data from the GBFS *free_bike_status.json*⁴ endpoint. **Appendices A** and **B** list an excerpt of fields provided by both MDS and GBFS, along with if and how the City is using these fields.

Although MDS specifies that no PII is to be sent to any agency, GPS data can be identifiable even when there is no PII provided. As a result, before consuming any trip data, we looked the stated goals of the pilot program and at previous efforts in Minneapolis to anonymize data, researched best practices and methods other agencies had employed both in and out of the state, and consulted with our City Clerk's Office to determine how to consume and store data to meet our goals and provide transparency. The Minnesota Data Practices Act informed our approach to protecting individuals' privacy while enabling us to gain the data needed to support the City's goals and provide transparency. Our intention was to store as little data as possible to be able to meet the goals above, so we analyzed the fields available in both the MDS and GBFS APIs and determined those that would be relevant.

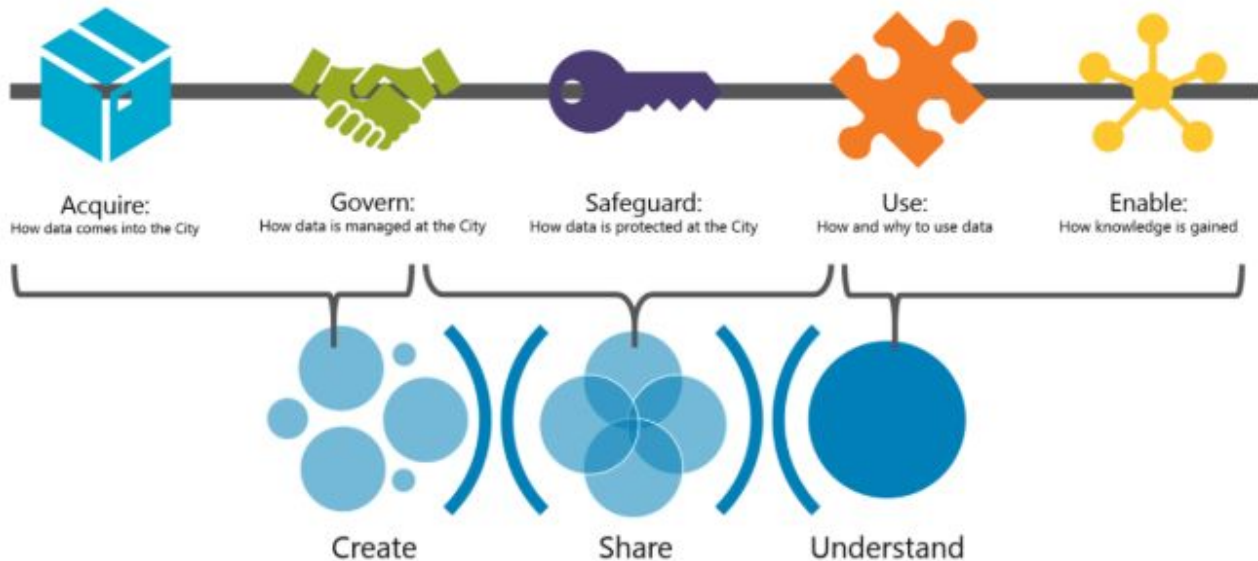
Our immediate need was for compliance and monitoring of motorized foot scooters within the City, so we began by consuming data from the GBFS feed to create a solution for showing availability of motorized foot scooters in the City on a 15 minute polling basis. We later pulled historical MDS trip data to enable aggregate route reporting. We anonymized all data as it was consumed so that no raw data was stored.

Platform

We used a Python frontend and Microsoft SQL Server backend for consuming and storing data. We secured the servers so that only authorized users had access to the data and could not make use of it where there was no business need. We also restricted who had access to the API tokens used for each API. We used several

spatial and analytical libraries in Python while consuming data to process and anonymize data in memory so that only processed data was stored. For analysis and visualization, we used R, Python, and Tableau.

We employed methods throughout the lifecycle of this project to ensure it was architected so it can be re-used for both future permitted motorized foot scooters and future expansions of the shared mobility program at the City. The image following shows the general principles we followed, which correlate to our data strategy for enabling consistent, reliable, trustworthy data in the City.



¹ See <https://github.com/NABSA/gbfs/blob/master/gbfs.md>

² Developed by LADOT. See <https://github.com/CityOfLosAngeles/mobility-data-specification>

³ See <https://github.com/CityOfLosAngeles/mobility-data-specification/tree/0.2.x/provider>

⁴ See https://github.com/NABSA/gbfs/blob/master/gbfs.md#free_bike_statusjson for specifications.

Privacy and Processing Methods

We employed the following methodology to anonymize data:

- All API data was processed in memory using Python, meaning no raw data was stored. Once processed, the anonymized data was stored in a secure database that only authorized users had access to.
- The trip IDs sent from MDS, while already hashed into a unique value intended for anonymization, were discarded. We generated a new unique City trip ID to make the trip harder to link back to the original source data, and stored that value instead.
- If a trip's route had no points or boundaries (e.g. the ride never went anywhere), it was discarded.

- Trip starting, ending, and route polling times were rounded to the nearest half hour at the quarter hours; e.g. if a trip started at 12:04pm, ended at 12:23pm, and a poll time was taken at 12:13pm, those times would be rounded to 12:00pm, 12:30pm, and 12:00pm respectively.
- Using the City’s spatial assets for street segments, actual trip start and end points were discarded. Instead, they were binned to the closest of three points on the nearest street centerline: the street segment’s start, middle, and end point (Figure 1):

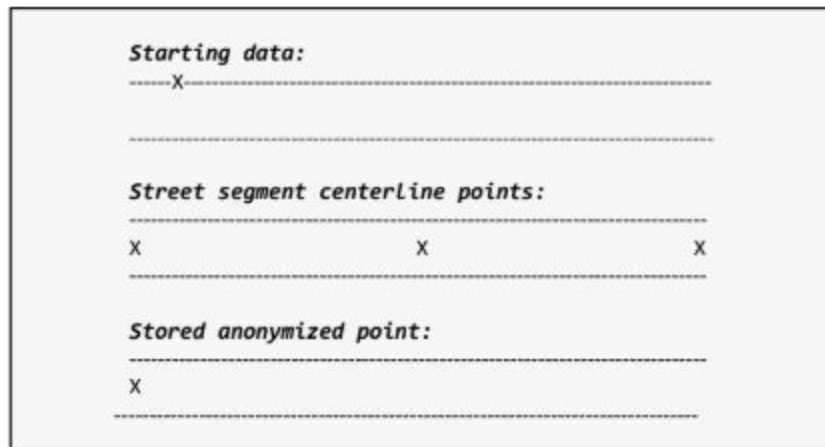


Figure 1: Centerline Anonymization Binning Methodology

This centerline anonymization follows existing methods used around the City to anonymize to the closest street segment’s centroid. Because which end of the street the point was on was important for analysis, we binned data to one of the three centerline points above rather than only to the centroid as has been done in other applications. We also performed spatial comparisons on all route points to find the closest street segment centerline or off- street bike path.

- Any points not located in the Minneapolis bounding box were removed.
- Trip points were pruned to a single point for the trip per street segment center point or bike path and time bin, for both storage and privacy considerations.

Assumptions and Limitations

While MDS and GBFS specified implementation and required fields, the permitted mobility providers interpreted the requirements differently in some cases. For example, pagination was implemented differently between providers, which meant we needed to write our code differently to accommodate. Another example was availability data; GBFS is defined as a real-time specification, so it was implemented in real-time only and did not provide historic querying. This meant we were unable to find historic availability numbers before we began polling. We did not poll route data in real time as it was used only for historic analysis and future planning.

Providers also varied in what they defined as the City’s bounds, which meant we needed to remove trips that were outside of Minneapolis. Route data provided also appeared to be suspect in that the distances and durations given in some instances were well outside of expected values (e.g. some trips had a duration of over 7 hours, negative distance, or a distance of over 1 million miles). We removed these examples for our analysis.

Route data appeared to have inconsistent distributions of route points to distance and duration over time and strange clustering around the 6-7 hour duration range. In addition, providers were not consistent in providing every point per route and when truncating used very different methods, even though the API specified all route points should be sent. We therefore ran into challenges with normalizing and pruning the data.

Because the MDS and GBFS APIs are quickly developing standards, this caused some challenges as we consumed data from the APIs. When providers implemented new functionality, it sometimes broke a portion of our code. Fortunately, this limitation is also a strength of MDS, as it means that as new bugs or features are implemented, providers are quick to deploy code changes. This means that future scooter or mobility programs using the APIs will provide more functionality, and will solve some of the challenges we encountered during our analysis.

Planned Changes to the Methodology

In mid-March 2019, another pilot program was approved through March of 2020 for motorized foot scooters. It is the City's intention to continue to collect only anonymized data required to support the goals listed above, and to continue to refine our methodology based on best practices. This could include using other open source tools as they are developed and validated. Moving forward, we plan to collect all data retroactively on a monthly basis, except for availability information, which is required for compliance and monitoring.

Appendix A: MDS Provider Trip & Route

MDS defines that trip information must be sent as part of the API. The definition of a trip is as follows⁵. The table below has been annotated to include data being used by Minneapolis, and any processing being done on the field to ensure privacy. Fields not used are denoted in the Used by Minneapolis column.

Trips

A trip represents a journey taken by a *mobility as a service* customer with a geo-tagged start and stop point. The trip object has the following structure.

| Field | Type | Required /Optional | Comments | Used by Minneapolis | Processing Completed Before Storing |
|--------------------------|---------------------------|--------------------|---|---------------------|--|
| provider_id | UUID | Required | A UUID for the Provider, unique within MDS | No | |
| provider_name | String | Required | The public-facing name of the Provider | Yes | |
| device_id | UUID | Required | A unique device ID in UUID format | Yes | |
| vehicle_id | String | Required | The Vehicle Identification Number visible on the vehicle itself | No | |
| vehicle_type | Enum | Required | See vehicle types table | Yes | |
| propulsion_type | Enum[] | Required | Array of propulsion types; allows multiple values | No | |
| trip_id | UUID | Required | A unique ID for each trip | Yes | Original trip id is discarded and a unique one is created. |
| trip_duration | Integer | Required | Time, in Seconds | Yes | |
| trip_distance | Integer | Required | Trip Distance, in Meters | Yes | We store this distance, and recalculate it after removing points not in Minneapolis, pruning trip points, and assigning to a centerline bin. This is due to data quality issues in the API. |
| route | GeoJSON FeatureCollection | Required | See Routes detail below | Yes | Multiple steps: 1. If the route went nowhere, discard it. 2. Find the closest street centerline or bike path to the point. 3. Anonymize the points of the trip to the closest centerline bin. 4. Prune route points to a single point per centerline or bike path bin. 5. Anonymize the route timestamp by rounding to the nearest half hour at the quarter hour. 6. Remove points not in Minneapolis. |
| accuracy | Integer | Required | The approximate level of accuracy, in meters, of Points within route | No | |
| start_time | timestamp | Required | | Yes | Start time is rounded to the nearest half hour at the quarter hour. |
| end_time | timestamp | Required | | Yes | End time is rounded to the nearest half hour at the quarter hour. |
| parking_verification_url | String | Optional | A URL to a photo (or other evidence) of proper vehicle parking | No | |
| standard_cost | Integer | Optional | The cost, in cents, that it would cost to perform that trip in the standard operation of the System | No | |
| actual_cost | Integer | Optional | The actual cost, in cents, paid by the customer of the <i>mobility as a service</i> provider | No | |

Routes

To represent a route, MDS provider APIs must create a GeoJSON FeatureCollection, which includes every observed point in the route. Routes must include at least 2 points: the start point and end point. Additionally, routes must include all possible GPS samples collected by a provider.

A sample route object is displayed in *Figure 2* to the right.

```

"route": {
  "type": "FeatureCollection",
  "features": [
    {
      "type": "Feature",
      "properties": {
        "timestamp": 1529968782.421409
      },
      "geometry": {
        "type": "Point",
        "coordinates": [
          -118.46710503101347,
          33.9909333514159
        ]
      }
    },
    {
      "type": "Feature",
      "properties": {
        "timestamp": 1531007628.3774529
      },
      "geometry": {
        "type": "Point",
        "coordinates": [
          -118.464851975441,
          33.990366257735
        ]
      }
    }
  ]
}

```

Figure 2: Sample Route Object

Specification

⁵ See <https://github.com/CityOfLosAngeles/mobility-data-specification/tree/0.2.x/provider#trips> for full specification details.

Appendix B: GBFS Free Bike Status Specification

The definition of the GBFS endpoint for free bike status is as follows⁶. Fields not used are denoted in the Used by Minneapolis column.

free_bike_status.json

Describes bikes that are not at a station and are not currently in the middle of an active ride.

| <i>Field Name</i> | <i>Defines</i> | <i>Used by Minneapolis</i> |
|-------------------|---|----------------------------|
| bikes | Array that contains one object per bike that is currently docked/stopped outside of the system as defined below | Yes |
| - bike_id | Unique identifier of a bike | Yes |
| - lat | Latitude of the bike. The field value must be a valid WGS 84 latitude in decimal degrees format. | Yes |
| - lon | Longitude of the bike. The field value must be a valid WGS 84 longitude in decimal degrees format. | Yes |
| - is_reserved | 1/0 value - is the bike currently reserved for someone else | No |
| - is_disabled | 1/0 value - is the bike currently disabled (broken) | No |

⁶ See https://github.com/NABSA/gbfs/blob/master/gbfs.md#free_bike_statusjson for full specification details.