Shared Active Transportation Vehicle
Right-Of-Way Use License
Terms and Conditions

Definitions

Shared active transportation vehicle (SATV): A commercially-rented coaster, scooter, bike, or any other mobile vehicle, excluding motor vehicles, with a self-containing locking mechanism that does not require locking to a bicycle rack, docking system or other structure.

Operator: The Operator is the entity requesting and issued the right-of-way use license for SATVs.

User: Operator's customer who is legally responsible for the rental and proper use of the SATV.

Staged: Placement of the SATV by the Operator at a location in the community.

Parking surface: Concrete, asphalt, bricks or pavers. A parking surface does not include a parking space utilized by motor vehicles or any area of the street between face of curb and face of curb unless otherwise designated.

Residential street: A street with a lawful speed limit of 25 mph or less.

Section 1 – Safety

Requirement 1.1: Any Operator issued a license for SATVs in Tempe shall meet all standards outlined in the Code of Federal Regulations under Title 16, Chapter II, Subchapter C, Part 1512. Additionally, the Operator shall meet the operation and safety standards outlined in Chapters 7 and 29 of the Tempe City Code and Title 28, Chapter 3 of the Arizona Revised Statutes.

Requirement 1.2: Operator shall have commercial general liability insurance, or the equivalent, and additional coverages that include the terms contained in the attached *Right-of-Way Use Shared Active Transportation Vehicle License Insurance Requirements* document.

Requirement 1.3: Operator shall agree to indemnify and hold harmless the City of Tempe for all operations within

the City and require all Users to likewise agree to indemnify and hold harmless the City of Tempe. These indemnification requirements shall be limited by City's gross negligence or willful misconduct as established by a court of competent jurisdiction.

Requirement 1.4: Operator agrees to educate Users regarding laws applicable to operating a shared active transportation vehicle in Tempe and to comply with all applicable federal, state and local laws including those outlined in Tempe City Code Chapter 7, Article V.

Requirement 1.5: Operator shall include language in its terms and use agreement that educates Users on the laws applicable to operating a shared active transportation vehicle in Tempe.

Requirement 1.6: Operator shall include language in its terms and use agreement to require all Users to park shared active transportation vehicles as outlined in Section 2 – Parking and Staging.

Requirement 1.7: Operator is required to maintain the SATVs in good and functioning condition as specified in the Code of Federal Regulations under Title 16, Chapter II, Subchapter C, Part 1512 and ISO 43.150. Failure to do so may result in termination of the license.

Section 2 – Parking and Staging

Requirement 2.1: Operator shall stage all SATVs upright on a parking surface and facing the same direction. No more than ten SATVs, regardless of SATV operator, shall be staged in a grouping. Groups of ten SATVs should be separated by a distance of at least 150 feet. Users shall park SATVs upright on a parking surface.

Requirement 2.2: In the downtown area, roughly bounded by Rural Rd, Apache Blvd, Mill Ave, University Dr, Farmer Ave, Loop 202, and Center Pkwy (per Appendix A), Operators shall only stage SATVs in marked corrals. No more than ten SATVs total shall be staged in any corral and no single Operator shall ever stage more than four SATVs per corral. The Operators shall geo-fence the downtown area in a manner that incentivizes Users to park SATVs in the designated corrals.

Requirement 2.3: Operator shall stage, and Users shall park, SATVs so as not to block or impede pedestrian and wheelchair traffic in compliance with the Americans with Disabilities Act (ADA). A clear width of 48 inches on a walking surface must be accessible at all times.

Requirement 2.4: Operator may stage up to three SATVs adjacent to or at a bus stop. Operator shall not stage SATVs directly under the shade canopies of transit shelter structures and must not stage so as to impede the minimum 96-inch clear width required for boarding accessible devices on transit vehicles at bus stops.

Requirement 2.5: Operator shall not stage SATVs in front of single-family residential properties on residential streets.

Requirement 2.6: Operator shall inform Users how to properly park a SATV by using effective strategies outlined in the Operation Parking and Education Plan, Section 6, approved by the City.

Requirement 2.7: This license is only valid for operations within the City of Tempe right-of-way.

Requirement 2.8: Operator shall provide the City with a name, direct telephone number and email address of the local staff member responsible for staging SATVs. Operator shall notify the City immediately of any changes to the direct contact information.

Requirement 2.9: Operator shall stage all SATVs every 24 hours, which shall include removing all SATVs from single-family residential and private property.

Requirement 2.10: Any non-staged SATV parked in a location which causes a safety hazard, causes a nuisance for a business owner or resident, or is parked in a single location beyond the 24-hour restaging requirement, will be relocated by City staff and Operator will be charged a relocation fee.

The relocation process is as follows:

1. City of Tempe receives notification of improperly staged or parked SATV.
2. City of Tempe provides notice to the Operator that relocation of the SATV will occur if no action taken by Operator within two hours.
3. City of Tempe creates a work order for relocation and documents with photo evidence supporting relocation.
4. City of Tempe informs Operator of relocation site, as determined by the Program Administrator, and generates an invoice with a charge for each relocated SATV labeled "Enforcement Fee – Relocation."
5. Invoice is sent directly to Operator. Payment is due to the City within 30 calendar days of receipt of invoice.

Requirement 2.11: SATVs may be staged in City parks excluding areas that impede the use of or access to park amenities or facilities.

Requirement 2.12: The Operator shall notify the City within 30 calendar days of entering into an agreement with private property owners for staging or parking.

Section 3 – Operations

Requirement 3.1: Operator shall have a 24-hour customer service phone number for Users and the public to report safety concerns, mechanical problems, complaints, SATV removal requests or ask questions, and imprint the customer service phone number prominently on the exterior of each SATV.

Requirement 3.2: At least 20 percent of the Operator's SATV fleet must be staged south of Broadway Road in Tempe.

Requirement 3.3: Every SATV shall have a serial number that is visible to the User on the SATV.

Requirement 3.4: All SATVs shall be equipped with an on-board GPS device capable of providing real-time location data in accordance with the specifications described in Section 4 and may be subject to an audit by the City.

Requirement 3.5: If the City incurs any costs for repair or maintenance of damaged public property caused by the User, Operator or Operator's representatives, the Operator shall reimburse the City for such costs within 30 calendar days upon receiving written notice of the costs.

Requirement 3.6: The City and/or Operator reserves the right to terminate this license at any time. Upon termination, the Operator's entire fleet of SATVs shall be removed from City right-of-way. Decommissioning shall be completed within 30 calendar days unless the City agrees to a different time period.

Requirement 3.7: The Program Administrator (or designee) may make changes to the terms and conditions of the license at any time. The Operator will be notified in writing and must comply with such changes within 30 calendar days.

Requirement 3.8: Any SATV rendered inoperable or unsafe shall not be put into service. Any SATV deemed inoperable or unsafe shall be removed from the right-of-way within two hours and shall be repaired before returning to revenue service.

Requirement 3.9: Operator shall be solely responsible for all maintenance of the SATV.

Requirement 3.10: Operator shall not have paid or non-profit advertising on the SATVs.

Requirement 3.11: Subcontracting, subleasing, sublicensing or any type of assignment of the rights granted in this license is strictly prohibited. Any subcontracting, subleasing, sublicensing or any type of assignment of the rights granted in this license shall be by operation of law, null and void and shall immediately terminate this license without prior notice to the Operator.

Requirement 3.12: Operator shall have the capability to Geo-Fence "no SATV parking" areas at the request of the City within 24 hours.

Section 4 – Data Sharing

Requirement 4.1: Operator shall provide the City with real-time information for the entire SATV fleet including type and quantity of SATVs through a documented application program interface (API) and on-board GPS devices on all SATVs (e.g., not customer phones). Operator must provide a URL for both a "Production" API as well as a "Staging" API with demonstration data. The Operator is directly responsible for providing the API key to the City and shall not refer the City to another subsidiary or parent company representative for API access. The API's URL shall be submitted at time of license application.

Data Sharing API's must be compatible with the Los Angeles Department of Transportation (LADOT) Mobility Data Specification (MDS), which is detailed at https://github.com/CityOfLosAngeles/mobility-data-specification. Any MDS compatible API must expose data where:

- The trip starts in the City of Tempe, or
- The trip ends in the City of Tempe, or
- GPS telemetry data shows the trip passing through the City of Tempe, or
- A crow-flies path between trip start and trip end intersects the City of Tempe, and
- Must also provide a link to Operator's open General Bicycles Share Feed Specification (GBFS) feed.

The API shall include the following information in real time for every SATV operated in the City:

1. Staging polygon locations
2. User's trip origin and destination point locations
3. User's route of travel
4. SATV serial number
5. Type of SATV

Requirement 4.2: Operator shall provide the City with historic information that also meets the content and location requirements of Requirement 4.1.

Requirement 4.3: Real-time SATV location data shall be provided via a publicly accessible API in General Bicycles Share Feed Specification (GBFS) format, which is detailed at https://github.com/NABSA/gbfs. Required files include:

- gbfs.json
- system_information.json
- Free_bicycle_status.json

Requirement 4.4: Operator will provide the following SATV availability:

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

Requirement 4.5: In order to accurately convey SATV locations, use patterns, and other information, all SATVs must ping at a minimum every 90 seconds while in use.

Requirement 4.6: By the 15th day of each month, Operator will provide the City with a report regarding the previous month that specifies by SATV type:

- Maximum number of SATVs in service during any 24-hour period within the month.
- Total number of SATVs out of service (damaged) during the month.
- Aggregated system usage – total unique users, total miles ridden, total number of rentals and average rental duration – during the month, in an Excel format.
- Comprehensive report of SATV distribution and travel routes and GPS-based natural movement in heat map jpg formats.
- Comprehensive report of customer comments/complaints in Word format.
- Comprehensive report of safety incidents including location and cause of incident in an Excel spreadsheet format.
- Comprehensive report of SATV staging activities during any 24-hour period within the month, in Word format.

Section 5 – Fees

Requirement 5.1: Operator shall pay an annual fee to cover application review, license issuance and monitoring, and data analysis and planning. The license becomes effective upon written approval of the Program Administrator (or designee).

Requirement 5.2: Operator shall pay a vehicle relocation fee for SATV relocation activities as described in Requirement 2.10.

Requirement 5.3: Operator shall pay a right-of-way use fee per SATV per day based on the maximum number of SATVs in the City of Tempe during any 24-hour period for that month. Invoicing will be generated monthly and will be based on data obtained from the Operator's monthly report as described in Requirement 4.5 or on daily spot counts conducted by the City, whichever amount is higher.

SATV fees can be found in the Tempe City Code: Appendix A – Schedule of Fees and Charges (Encroachments, Abandonments, and Other Activities in the Public Right-Of-Way – Category 4, Item 9).

Section 6 – Application

Operators shall submit an annual application for the license to the City. Applications must include the items below:

a. Completed annual right-of-way use license application for SATVs. By signing the application, the Operator agrees to terms and conditions set forth in the license and accompanying documents.
b. Proof of right-of-way use SATV license requirements insurance.
c. Signed release of liability, assumption of risk and indemnification agreement SATV document for the Operator.

d. Proof that the release of liability, assumption of risk and indemnification agreement for the SATV of the User is included in the Operator's use agreement.

e. Images and description of SATVs.

f. An SATV Operation and Parking Education Plan indicating actions the Operator will undertake to educate Users on the proper locations to ride, safe riding recommendations, how to properly park the SATV, encouraging good parking and usage, and deterring poor parking and usage.

    i.   Operation and Parking Education Plan must include a staging map indicating the anticipated service area and times of operation. Any changes to staging areas and staging times must be provided with a 30-day notice to the Program Administrator (or designee).

    ii. Operator is required to provide in-app instructions about proper parking of the SATV and are required to affix a sign or message screen on the SATV indicating the legal areas for parking.

    iii. Operator is required to communicate any incentives and/or disincentives for illegally parked SATVs.

    iv. The Operation and Parking Education Plan must be approved by the Program Administrator (or designee) before license is issued.

g. Payment for application, license issuance and monitoring, data analysis and planning fee. Operator will be invoiced a relocation fee for each SATV relocated by City staff and a right-of-way use fee per SATV per day at the end of each month for the maximum number of SATVs staged in the City of Tempe the previous month. Checks should be made payable to City of Tempe. *Checks will only be cashed if a license is issued.*

Appendix A

Downtown Geofence Area

500 ft.

225 ft.

165 ft.

330 ft.

300 ft.

230 ft

330 ft.

200 ft

235 ft

Version 4; Effective 09/24/2024   Yellow Boundary = Geo-fence Area   Green Circle= Designated Corral