

ADMINISTRATIVE ORDER NO. 58-22-02-F
of the
City Manager of the City of Eugene

ESTABLISHING SHARED MICROMOBILITY SERVICE LICENSE
ADMINISTRATIVE RULE R-3.570.

The City Manager of the City of Eugene finds that:

A. Sections 3.015 and 3.572 of the Eugene Code 1971 (“EC”) authorize the City Manager to adopt administrative rules pursuant to EC 2.019 to implement the provisions of EC 3.570, 3.572 and 3.574.

B. In Ordinance No. 20634, the City Council granted the City Manager authority to establish a pilot program by issuing no more than three shared micromobility device licenses during the first year of the shared micromobility licensure program, after which time additional licenses may be granted consistent with Chapter 3 of the Eugene Code, 1971, and the administrative rules and fees adopted pursuant thereto.

C. On February 24, 2022, I issued Administrative Order No. 58-22-02 ordering that notice be given of the opportunity to submit written comments on a proposal to establish Micromobility Service License Administrative Rule R-3.570 including a one year Shared-Use Electric Scooter Pilot Program to evaluate whether a more permanent program is compatible with City goals. These goals are reinforced by its Climate Action Plan 2.0 (Action T.23), Eugene 2035 Transportation System Plan, and the Vision Zero Action Plan, and include:

- (1) Providing and encouraging a safe, convenient, and economic transportation system;
- (2) Increasing transportation choices and reducing reliance on automobiles;
- (3) Increasing the number of active transportation trips that occur;
- (4) Climate recovery through the reduction of fossil fuel consumption;
- (5) A fair and equitable transportation system that addresses the needs of all travelers; and
- (6) The health and safety of all transportation users in the City of Eugene.

D. Notice of the proposed amendments to the Rule was given by making copies of the Notice available to any person who had requested such notice and by publication of the Notice in the Register Guard newspaper on February 26, 27, 28, March 1, and 2, 2022, providing interested persons an opportunity to submit comments on the proposed amendments until the end of the day on March 14, 2022. The written comments received during the public comment period are addressed in the City Manager's Findings in Consideration of Written Submissions attached as Exhibit B to this Order.

On the basis of these findings, I order that Micromobility Service License Administrative Rule R-3.570 set forth below is established as of the effective date of this Order.

**SHARED MICROMOBILITY SERVICES LICENSES
ADMINISTRATIVE RULE R-3.570**

R-3.570-A Shared Micromobility Service – Definitions.

The definitions at EC 3.005 under the headings “General” and “Shared Micromobility Devices” apply to the words and phrases used in these administrative rules. In addition, the following words and phrases mean:

- (1) **ADA**. Americans with Disabilities Act.
- (2) **Application Programming Interface (API)**. A set of protocols, routines, functions and/or commands used to develop software or facilitate interaction between distinct systems.
- (3) **Crosswalk**. Any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway or, where such markings are not present, the imagined extension of a sidewalk or shoulder across a street at an intersection. A crosswalk exists at all intersections unless specifically marked otherwise.
- (4) **Curb**. The extreme edge of the roadway.
- (5) **Curb Ramp**. A short slope built into the curb of a sidewalk to ease passage from the sidewalk to the street and vice versa. Also known as a curb cut.
- (6) **Deploy / Deployment**. The act of making shared micromobility devices available for utilization by users.
- (7) **Designated No-Parking Zone**. Areas where the parking of shared micromobility devices is restricted through the use of geofencing.
- (8) **Designated No-Riding Zone**. Areas where the riding of shared micromobility devices is restricted through the use of geofencing.
- (9) **Designated Parking Locations**. Areas indicating where the parking of shared micromobility devices is required through methods that may include geofencing, physical parking infrastructure, or striping.
- (10) **Designated Slow-Riding Zone**. Areas restricted to a maximum speed of 12 MPH or less through the use of geofencing for shared micromobility devices.

- (11) **Electric Scooter.** A micromobility device that has a floorboard, dual brakes, front and rear lights and handlebars and that may, or may not, have a seat.
- (12) **General Bikeshare Feed Specification (GBFS).** An open data standard for shared micromobility devices that creates real-time, read-only data in a uniform format that is publicly available online. Specifications are available at <https://gbfs.mobilitydata.org/specification>.
- (13) **Geofence.** A virtual geographic boundary established using GPS or RFID technology, that enables software to trigger a response when a shared micromobility device enters or leaves a particular area.
- (14) **Historically Marginalized Communities.** Disadvantaged or traditionally underserved populations, including people who are BIPOC, LGBTQIA+, refugees, immigrants, elderly, experiencing disability(ies), or low-income.
- (15) **Low-Income Person.** An individual who is eligible for the Oregon Trail Card, SNAP: EBT (Electronic Benefits Transfer) Card, Temporary Assistance for Needy Families, Free & Reduced Price Lunch, HUD Housing Choice Voucher, or LIHEAP (Home Energy Assistance), or qualifies for other social services based on income.
- (16) **Mobility Data Specification (MDS).** An open data standard for shared micromobility devices that both shared micromobility device licensees and the City can use to gather data. Specifications are available at <https://github.com/openmobilityfoundation/mobility-data-specification/>
- (17) **Operations Service Area.** The geographic area in which shared micromobility devices operate, as agreed upon between the City and the licensee.
- (18) **Right-of-Way.** Any public alley, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.
- (19) **Shared Micromobility Service.** A person or business that offers, in exchange for compensation, shared micromobility devices.
- (20) **Shared-Use Paths.** Public pathways that are wider than a standard sidewalk, that are separate from the roadway network, that serve both transportation and recreational purposes and accommodate a variety of simultaneous active uses, including but not limited to walking, biking, running, skating, and riding a scooter.
- (21) **Sidewalk.** That paved portion of the street that is intended primarily for people walking and that is located within a street right-of-way between the curb line or the lateral line of a roadway and the property line of the adjacent property.
- (22) **Stage / Staging.** The orderly presentation by a licensee of parked shared micromobility devices.

- (23) **User / Rider.** A person who has rented a shared micromobility device and is in physical control of the device.

R-3.570-B Shared Micromobility Service -- Application for Conditional Approval of License to Operate Shared Micromobility Service.

From time to time, the City will publish on its web site notice of the opportunity to submit an application to operate a shared micromobility service within the City of Eugene. Applications will be accepted for a period of time specified in the notice and licenses will be granted as set out in these administrative rules. An applicant for a license to operate a shared micromobility service must first obtain a conditional approval, as described in this section, before seeking final approval pursuant to section R-3.570-C.

- (1) An application for conditional approval must submit the nonrefundable application fee, a completed application on a form issued by the City Engineer and all of the following.
- a. A signed certification from the City Engineer or the City Engineer's designee indicating that:
 - 1. For each type or model of micromobility device that the applicant proposes to deploy in its fleet, the applicant has provided a typical device for the City's examination and testing;
 - 2. The device(s) examined and tested are capable of the functions necessary to meet the minimum requirements of this Rule; and
 - 3. The applicant has successfully demonstrated that the geofencing the applicant proposes to use is operable and capable of the functions necessary to meet the minimum requirements of this Rule.
 - b. Proof that a 24-hour customer service phone number and access to translation services have been established and a statement that the phone number and translation service will remain available to users at all times of the shared micromobility service's operation;
 - c. A "Life Cycle Analysis (LCA)" for the micromobility devices the applicant seeks to deploy, including, at a minimum:
 - 1. A cradle-to-grave impact study that reasonably describes the impacts associated with the production, use, and disposal of the fleet of micromobility devices that the applicant seeks to deploy;
 - 2. Explicitly stated assumptions, delimitations (definitions set as the boundaries of study, e.g. objectives, research questions, variables,

theoretical objectives, and populations chosen as targets to study), and limitations (potential weaknesses in study given limited funding, choice of research design, statistical model constraints, or other factors);

3. The measurement of life cycle greenhouse gas emissions reasonably expected from the proposed deployment;
 4. Detailed information on the vehicle's estimated useful life, including a description of the operator's methodologies for reliably testing the durability of a vehicle as well and individual parts that are subject to intense wear through the use of the device.
- d. An end-of-life plan for all the material components of shared micromobility devices planned to be deployed by the applicant, including the applicant's approach to:
1. The recycling, reuse, or sustainable disposal of metal, rubber, batteries, and electronic waste;
 2. Compliance with ORS 459.A and the Oregon Electronics Recycling Law; and
 3. Compliance with the international standards established by the International Organization for Standardization (ISO), the Occupational Health and Safety Assessment Series (OSHAS), and Responsible Recycling (R2).
- e. An "Operations and Maintenance Plan" that demonstrates adequate knowledge and capacity for fleet maintenance, cleaning, sanitizing, charging, distribution, and rebalancing including:
1. The applicant's approach to maintenance, cleaning, and repair of shared micromobility devices. This shall include safety check protocols, minimum standards for repair and cleaning, including COVID-19- specific cleaning measures, how the applicant's staff shall be trained to execute the applicant's approach, and the frequency of each service.
 2. The applicant's approach to charging, distribution, and rebalancing. This shall include information about charging locations and power sources, how the need for recharging shall be identified, and how the applicant's staff shall be trained to execute the applicant's approach.
 3. The applicant's approach for special events, emergencies, and other non-standard operations. This shall include information on incident procedures and response.

- f. A plan for reporting energy or fuel consumed and operational vehicle miles traveled (VMT), including but not limited to the deployment, rebalancing, charging and maintenance of shared micromobility devices including:
 - 1. How the applicant will document and report to the City vehicle miles traveled by staff in relation to deployment, rebalancing, charging, and maintenance for shared micromobility devices. Reporting shall include number and length of trips generated, and amount of fuel consumed, in relation to these activities.
 - 2. How the applicant will document and report to the City energy consumed in relation to charging shared micromobility devices. If using electric vehicles (including electric bikes), reporting shall include energy consumed for deployment, rebalancing, and maintenance purposes.

- g. A “Community Engagement and Equity Plan” that demonstrates the applicant will provide an appropriate level of customer service response to the needs and concerns of both users and non-users in a manner that is culturally sensitive and includes ways for making the proposed service more accessible to historically marginalized communities. The plan should:
 - 1. Provide the public with comprehensive, well-communicated information;
 - 2. Ensure that community concerns are regularly heard and considered;
 - 3. Incorporate community feedback and priorities to the maximum extent possible through partner-ready programs; and
 - 4. Fulfill the Safe Riding and Proper Parking Program and Equity Program requirements as described in R-3.570-D(6).

- h. A privacy policy that safeguards users’ information, including personal, financial, and travel information. The policy shall:
 - 1. State that the applicant will safeguard and not disclose to any third party, unless required or approved by the City of Eugene, a user’s name, address, financial information, travel origin, travel destination, or travel route;
 - 2. Provide users the opportunity to explicitly assent to any privacy policy. Users must have the ability to decline sharing any data not required to process and complete the transaction; and
 - 3. Include a provision stating that the user assents to the licensee providing user’s shared micromobility device location data with the City and City-designated third-parties.

- i. A “User Enforcement Plan” that details how the company will incentivize good user behavior and penalize user infractions, including:
 1. The applicant’s approach to implementing rider accountability measures, including potential penalties;
 2. The applicant’s approach to monitoring compliance with applicable laws and regulations, such as those prohibiting riding on the sidewalk or proper parking, including what technology innovations shall be used;
 3. The applicant’s investigation and resolution process for complaints about improper, unsafe, or illegal riding and/or parking behavior; and
 4. Any additional modifications, notification systems, infrastructure, etc. not otherwise required above that further ensures user compliance when operating shared micromobility devices.

- j. Either:
 1. Documentation showing that the applicant’s local operations would be managed by the same entity that manages the local operation of the City’s bikeshare service; or
 2. An “Employment Plan” that includes a commitment by the applicant to:
 - (a) Manage local operations by use of only company-hired (W-2) employees;
 - (b) Ensure that, at all times, at that least 60 percent of the applicant’s employees handling local operations live within 10 miles of the Eugene city limits; and
 - (c) Partner with local community-based organizations to develop workforce training and skills development programs.

- k. A map showing the applicant’s proposed operations service area;
 - l. A map depicting locations at which the applicant proposes staging its micromobility devices and the number of devices proposed for each location, including on the University of Oregon campus;

- m. A proposed schedule for launch of operations after receiving final approval of license;

- n. A list of proposed service rates, including discounted rates for low income users; and

- o. An adaptive micromobility device plan that includes either:
 - 1. The percentage of the applicant's fleet of micromobility devices that will include a seated option and the percentage of the applicant's fleet of micromobility devices to be staged in Tier 1, Tier 2, and Tier 3 zone locations, as shown on Exhibit A to these Administrative Rules (map of Eugene Micromobility Zones); or
- 2. The applicant's approach to on-call adaptive micromobility device options, including types of devices planned to be offered, means of device delivery and pickup, rental rates and durations, and staff training.(2) The City Engineer's decision to approve or deny an application for conditional approval will be based upon:
 - a. Demonstration that all application requirements of R-3.570-B(1) have been met.
 - b. The extent to which the proposed equipment:
 - 1. Exceeds the minimum requirements of R-3.570-D(1);
 - 2. Fits a wide range of the adult population while best ensuring stability and balance;
 - 3. Has a robust theft and tamper resistant design, such as non-exposed brake cables;
 - 4. Can be easily serviced and repaired; and
 - 5. Demonstrates strong GPS recognition rate for geofencing.
 - c. The extent to which the applicant's software provides:
 - 1. Simple and efficient rider access to customer support; and
 - 2. A detailed and reliable operator platform that:
 - (a) Informs the operator of vehicles across multiple statuses for the purpose of optimizing daily workflows; and
 - (b) Tracks technicians' touches (e.g., inspections, drops, pickups, etc.).

R-3.570-C Shared Micromobility Service -- Final Approval of License to Operate Shared Micromobility Service.

Applicants that receive a conditional approval of a license under R-3.570-C must receive a final approval under this section before launching operation.

- (1) To receive final approval for a license to operate a shared micromobility service, the applicant must provide the following within 30 days of receiving the City's notice of conditional license approval:
 - a. A signed operations agreement between the City and the applicant, including:
 1. The boundaries of the area to be served by the applicant's shared micromobility service (service area);
 2. The boundaries of the Tier 1, Tier 2 and Tier 3 areas within that service area (see map of Eugene Micromobility Zones at Exhibit A to these Administrative Rules);
 3. The staging locations within that service area showing that a percentage of the applicant's fleet of micromobility devices will be staged in Tier 1, Tier 2, and Tier 3 locations;
 4. A statement that either:
 - (a) A percentage of the applicant's fleet of micromobility devices will at all times include a seated option; or
 - (b) The applicant will provide an on-call adaptive micromobility device option.
 5. A signed data-sharing agreement between the City and the applicant; and
 6. An indemnification stating that, to the extent legally possible, the applicant and the City shall indemnify and hold the other, its officers, agents and employees, harmless from and against any and all claims, actions, liabilities, costs, including attorney fees and other costs of defense, arising out of or in any way related to any act or failure to act by each other and each other's employees, agents, officers and contractors.
 - b. Proof that the applicant has obtained insurance that meets or exceeds the following requirements:
 1. Commercial General Liability Insurance. The Licensee shall secure and maintain a broad form commercial general liability insurance policy with coverage of not less than \$2,000,000 combined single limit per occurrence,

with aggregate of \$3,000,000, for bodily injury, personal injury or property damage. Such policy shall contain a contractual liability endorsement to cover the applicant's indemnification obligations under these provisions. The policy shall also contain an endorsement naming City as an additional insured, in a form satisfactory to City, and expressly providing that the interest of City shall not be affected by the applicant's breach of policy provisions.

2. Automobile Liability Insurance. Should the Licensee employ automobiles to execute any of its services or provisions, Licensee shall maintain an automobile liability insurance policy with coverage of not less than \$2,000,000 combined single limit per occurrence for bodily injury, personal injury or property damage. The coverage shall include both hired and non-owned auto liability. The policy shall also contain an endorsement naming City as an additional insured, in a form satisfactory to City, and expressly providing that the interest of City shall not be affected by Licensee's breach of policy provisions.
3. Cyber Liability Insurance. Licensee shall maintain a cyber liability insurance policy reflecting limits of not less than \$2,000,000 for claims for data breach, or technical errors or omissions arising from the Work. The policy may be written on a "claims made" form. Licensee shall maintain the cyber liability insurance coverage for at least one year after the completion of the work. The policy shall contain an endorsement entitling the City not less than 60 days prior written notice of any material change, nonrenewal or cancellation of such policy.
4. Workers' Compensation Insurance. Licensee shall comply with the Oregon Workers' Compensation law by qualifying as a carrier-insured employer or as a self-insured employer and shall strictly comply with all other applicable provisions of such law. Licensee shall provide City with such further assurances as City may require from time to time that Licensee is in compliance with these Workers' Compensation coverage requirements and the Workers' Compensation law. Licensee is a subject employer that will comply with ORS 656.017.
5. Proof of insurance as required by this section may be demonstrated through one or more policies of insurance, primary or excess.
 - c. A signed operations agreement between the University of Oregon and the applicant authorizing the applicant's shared micromobility service to operate on the University campus.
 - d. The per-vehicle operation fee.
 - e. The license fee.

- (2) If the additional material required by this section R-3.570-C is not submitted within 30 days of the date requested pursuant to (1), and no written extension of conditional approval has been granted by the City, application for approval of a license to operate a shared micromobility service will be deemed withdrawn consistent with EC 3.020. Upon the applicant's request submitted before the expiration of the 30 days, the City Engineer or the City Engineer's designee may grant a written extension of a conditional approval based on a determination that the applicant is diligently addressing the requirements of subsection (1).

R-3.570-D Shared Micromobility Service – Licensee Operating Standards and Requirements

(1) Equipment

- a. Each shared micromobility device shall include the following design elements at a minimum:
1. A bell, or similar audible device, loud enough for people with auditory impairments to hear;
 2. A front white light bright enough to be seen from a distance of 300 feet;
 3. A rear red light bright enough to be seen from a distance of 500 feet;
 4. Braking components that are not easily subject to vandalism;
 5. On-board GPS technology that can provide real-time location information;
 6. Controls to limit speed to a maximum of 15 MPH; and
 7. Security hardware to deter theft and vandalism.
- b. The body of each micromobility device shall include visible language, in a font size that meets ADA standards, that includes (at least):
1. A unique identification number;
 2. The licensee's customer service contact information;
 3. Oregon state law helmet requirements for micromobility devices;
 4. Oregon state law restrictions on riding micromobility devices on sidewalks;

5. A notice that shared micromobility devices must be parked in a designated parking location, a public bike rack or close to the curb in a location that does not impede pedestrian or vehicle travel.
- c. Licensees are encouraged to incorporate into each shared micromobility device technology that can self-diagnose and report maintenance issues.
- d. Geofencing shall ensure that:
 1. Shared micromobility devices may not exceed a speed of 15 MPH on City Right-of-Way.
 2. Shared micromobility devices may not exceed a speed of 12 MPH on shared-use paths and in designated slow zones. Some Designated Slow Zones may require governing the maximum allowable speed to less than 12 MPH.
 3. During a user's first ride on a licensee's shared micromobility device, the device's speed is limited a maximum speed of 10 MPH for the duration of the rider's first ride. If the user has ridden a shared micromobility device belonging to the licensee in another U.S. city, this does not apply.

(2) Maintenance

- a. Licensee shall keep all shared micromobility devices clean, in good repair, equipped as required in (1) and in a safe working order with no missing or malfunctioning components.
- b. Licensees shall keep a record of each notification that a shared micromobility device is not in safe working condition, whether the notification is received from an on-board self-diagnosing and reporting tool, a call to the customer service phone line, an online message or an in-person report.
- c. Immediately upon notification that a shared micromobility device is not in safe working condition, licensee shall disable that device.
- d. Licensee shall repair or remove any shared micromobility device that is not in safe working order within 24 hours of notification.
- e. Licensee shall inspect its shared micromobility devices weekly for wear and tear and immediately replace any worn or damaged components.

(3) Deployment, Distribution, Staging and Programs

- a. Licensee shall provide mechanisms for users and non-users (the public) to notify licensee of safety, parking, maintenance and other customer service issues relating

to licensee's shared micromobility devices. At a minimum, these mechanisms shall include:

1. A 24-hour customer service number with the capability for translation services; and
 2. An online report form accessible through licensee's mobile and web applications.
- b. Licensee shall not increase or decrease the number or type of micromobility devices in operation without first getting approval from the City.
 - c. Licensee shall launch operations within 30 days of the City's final approval on, and only on, a date that has approved by the City.
 - d. Licensee shall operate a minimum of 100 shared micromobility devices.
 - e. Licensee shall make available a minimum of either 100 micromobility devices or 25% of its total fleet, whichever is larger, each day.
 - f. Licensee shall make its fleet of shared micromobility devices available 24 hours a day, 7 days a week, unless otherwise directed by the City.
 - g. Licensee shall stage shared micromobility devices in an upright position, as applicable (e.g. scooters).
 - h. Licensee shall not permit the operation of its shared micromobility devices outside of the City's right-of-way and easements, shared-use paths, and the University of Oregon campus.
 - i. Licensee shall not stage shared micromobility devices in a manner that violates ADA accessibility requirements or impedes ADA access, including the blocking of curb ramps, crosswalks or crosswalk activation buttons.
 - j. Licensee shall not obstruct travel on the sidewalk, in vehicular travel lanes, or bicycle travel lanes when repairing, removing, or rebalancing shared micromobility devices.

(4) Shared Micromobility Device Staging and Parking

- a. Licensee shall allow micromobility devices to be staged or parked in designated parking locations established by the City or the University of Oregon that are within the licensee's service area.
- b. Licensee shall use geofencing when appropriate, in-app messaging, and user agreements to ensure that its shared micromobility devices are parked:

1. As close to the curb as is practicable;
 2. Within designated parking locations, when one is present within 500 feet of the end of trip;
 3. At a public bike rack; or
 4. At physical infrastructure installed by a licensee for the purpose of parking shared micromobility devices (a “hub”).
- c. Licensee shall use geofencing when appropriate, in-app messaging, and user agreements to ensure that shared micromobility devices are not parked:
1. Within a traffic island, median or traffic circle;
 2. On any bridge, bridge ramp, or bridge approach;
 3. Within five (5) feet of any fire hydrant;
 4. Within five (5) feet of any crosswalk;
 5. Within five (5) feet of any driveway, alley, or curb cut;
 6. Within five (5) feet of any portion of a curb ramp;
 7. Within five (5) feet of a marked disabled parking space;
 8. Within five (5) feet of a marked loading zone;
 9. Where the parking may cause damage to any landscaping, including but not limited to flowers, shrubs or trees;
 10. Where the parking obscures any fixed regulatory or informational signage;
 11. Within 200 feet from the Willamette River or Amazon Creek, except where otherwise directed by the City.
- d. Licensee shall not stage shared micromobility devices in any way that conflicts with the parking restrictions cited in R-3.570-D(4)b. or c.
- e. Licensee shall correct improperly parked shared micromobility devices, including devices which are not parked in an upright fashion, within two (2) hours of receiving a City notification or of received notification from anyone through the licensee’s customer service number, web application, or mobile application.

(5) Geofencing and Speed Governing

- a. Licensee must employ and maintain geofencing that ensures its shared micromobility devices do not violate these rules.
- b. Geofencing must:
 - 1. Be displayed on the licensee’s mobile and web applications;
 - 2. Notify users when they are attempting to end a trip in a designated no-parking zone and prevent users from ending a trip in a designated no-parking zone;
 - 3. Direct users to designated parking locations when they are within 500 feet of one;
 - 4. Notify users when they are approaching a designated no-riding zone and prevent users from riding in a designated no-riding zone;
 - 5. Incrementally slow shared micromobility device’s speeds to 12 MPH or less when approaching designated slow-zones and notify users when they are riding in a designated slow-zone.

(6) Programming

- a. Safe Riding and Proper Parking Program.
 - 1. Licensee shall utilize a program of incentives and disincentives to address, at least, the following:
 - (a) Users must obey Oregon state laws regarding helmet use when riding a micromobility device;
 - (b) Users may not ride a micromobility device on sidewalk;
 - (c) Users may not ride a micromobility device when they are intoxicated; and
 - (d) Users must park a micromobility device in an upright fashion upon trip completion and in location that is consistent with these Rules.
 - 2. At the time of user registration and at the beginning of each rental period, licensee shall educate the user on the safe operation of the shared micromobility devices offered by the licensee, with City-approved language.

3. Licensee shall distribute user education materials provided by the City at any time as directed by the City.
 4. At the time of user registration and at the beginning of each rental period, licensee shall direct users to comply with all applicable laws and requirements listed in Eugene Code 5.160, and Oregon Revised Statutes 814.510, 814.512, 814.514, 814.518, 814.520, 814.524, 814.526, 814.528, 814.530, 814.532, and 814.534, including but not limited to:
 - (a) Age requirements;
 - (b) Prohibition of sidewalk riding;
 - (c) Helmet requirements; and
 - (d) Parking requirements.
 5. Licensee is encouraged to use new and innovative methods to communicate laws related to riding micromobility devices, proper parking practices and safe riding techniques. At a minimum, Licensee shall use:
 - (a) Visible language on the body of the micromobility device; and
 - (b) Interactive safety messaging, such as quizzes and tutorials, on the user application, about the above requirements to be delivered before a user unlocks a licensee's shared micromobility device for the user's first ride and, at a minimum, once per ten rentals.
 6. Licensee is encouraged to develop and implement a Rider Education Program (REP) to teach users how to safely and conscientiously use shared micromobility devices. The REP should include both in-person and virtual trainings that are open to users and non-users/the public alike.
 7. Licensee shall collaborate with the City to develop and execute an education and etiquette campaign about the do's and don'ts of safe and legal micromobility device use.
 8. Licensee shall distribute notifications, warnings, and fines to users' accounts for repeated occurrences of non-compliant behavior.
 9. Licensee shall suspend a user when the user has incurred three documented violations of this administrative rule occurring within a 365-day period.
- b. Equity Program. Licensee shall utilize a program to provide a shared micromobility service that is affordable and accessible to the entire Eugene community, including

low income persons and those in historically marginalized communities. This program shall include, at least, the following:

1. Translation services for all print and digital communications in multiple languages. At a minimum, print and digital communications shall be provided in English and Spanish;
2. Means for people without smartphones or internet service to be able to access and use shared micromobility devices;
3. Means for people without a credit card or bank account to be able to access and use shared micromobility devices;
4. A reduced service rate plan for low-income persons and a system for user sign up and payment that enables easy use; and
5. Deployment and maintenance of a percentage of licensee's fleet within Tier 1 zone locations as shown on Exhibit A to these Administrative Rules (map of Eugene Micromobility Zones).
6. A commitment to community engagement, including collaboration with the City and participation in outreach, education, and other programming designed to:
 - (a) Improve knowledge of and access to mobility and recreation options in the City of Eugene;
 - (b) Reach a wide audience, including historically marginalized communities; and
 - (c) Build trust and confidence with the community.

(7) Insurance

- a. The Licensee shall maintain continuous, uninterrupted insurance coverage as described in R-3.570-C(1)e. for the duration of the license. Any lapse in insurance coverage, even if the insurance company later backdates it, is subject to a civil penalty.
- b. The insurance limits required to maintain the license as described in R-3.570-C(1)e. are subject to statutory changes to maximum limits of liability imposed on municipalities of the State of Oregon during the license's term.

(8) Exceptions

Special events, inclement weather, emergencies, disaster declarations and other unusual circumstances may result in a determination that one or more of these rules will not be enforced by the City. Notice of such a determination will be communicated by the City to licensees as far in advance as possible. Further, in such circumstances, it may be necessary to require licensees to suspend operations and/or to remove micromobility devices from the operations service area until safe operation is deemed feasible.

R-3.570-E Service Rates

Licensee shall make all service rates, which must include discounted rates for low income users, available in a clear and transparent way for user review. At a minimum, rates shall be listed on the licensee's website, in the user application and on printed materials made available to the City upon request.

R-3.570-F Data Sharing and Reporting

(1) Data Sharing Requirements

- a. Licensee must provide the City, and/or City-identified third-party researchers and/or contractors, access to data in accordance with industry standards in the following formats:
 1. General Bikeshare Feed Specification (GBFS); and
 2. Mobility Data Specification (MDS).
- b. Licensee must maintain a publicly available application programming interface (API) in accordance with industry standards for GBFS.
- c. Licensee must maintain an API that can be accessed by the City and/or City-identified third-party researchers or contractors, in accordance with industry standards for MDS.
- d. Licensee shall update their APIs and GBFS/MDS standards within 90 days if requested by the City.
- e. Licensee shall disclose to each user the types of data it collects from users and shared micromobility devices, the types of data licensee reports to third parties, and how data is used by the licensee.
- f. Licensee must disclose to users that anonymized user data will be shared with the City of Eugene and any City-identified third-party researcher or contractor.

- g. Licensee shall not share confidential and individual user data with any company or organization except the City of Eugene and any City-identified third-party researcher or contractor.
- h. Licensee shall not sell confidential and individual user data to any third parties.
- i. Licensee shall submit to compliance audits and enforcement actions upon request by any City-authorized personnel, law enforcement officers, or any City-identified third-party researcher or contractor operating at the direction of City personnel under the standards established by this Administrative Rule.
- j. The City, and any City-identified third-party researcher or contractor, may use and analyze the data they receive for compliance and monitoring purposes, and to create and publish derivative products and reports. Aggregate data submitted to the City may be subject to public disclosure.
- k. Licensee shall notify the City and all required users of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

2. Reporting Requirements

Licensee shall provide monthly accurate reports to the City, and/or City-identified third-party researchers and/or contractors, containing the preceding month's:

- a. User-involved collision and injury reports;
- b. Complaints received by users and non-users/the Public;
- c. Customer service responses;
- d. Maintenance logs;
- e. Historical ride-trip data;
- f. Education and outreach efforts;
- g. Low-income service rate plan usage;
- h. Penalties issued to users; and
- i. Vehicle miles traveled, number of trips generated, and energy or fuel consumed for the deployment, rebalancing, charging, and maintenance of shared micromobility devices.

R-3.750-G Enforcement

Licensee's failure to comply with the requirements of this Rule is subject to the enforcement provisions in EC Chapter 3, pertaining to business licenses, generally. This includes the imposition of civil penalties and license revocation.

R-3.750-H Expiration, Renewal, Modification and Termination of License to Operate Shared Micromobility Service

- (1) License Term and Expiration.** A license issued pursuant to these Rules shall be valid for a period of one year from the date the final license approval is issued by the City and shall expire on that date unless the licensee has applied for a license renewal as required by this Rule.
- (2) License Renewal.** An application for renewal of a license shall be submitted to the City at least 60 days prior to the license expiration date and shall be accompanied by the required fee and all documents required for final approval of license to operate a shared micromobility service described in R-3.570-C. A license modification does not result in, and cannot be used for, extension of the term of a license.
- (3) License Modification to Increase Fleet.** At any time during the term of an approved license, licensee may submit a written request to the City to increase the number of shared micromobility devices operating in licensee's fleet, subject to licensee's payment of the per-vehicle operation fee for any additional vehicles. Approval or denial of a licensee's request to increase fleet size shall be based on the following:

 - a. Licensee's record of adherence to the terms of these rules;
 - b. Record of safe use of shared micromobility devices by licensee's users;
 - c. Safe deployment of shared micromobility devices by licensee;
 - d. Utilization rates of shared micromobility devices;
 - e. Licensee's low-income service rate plan enrollment rates;
 - f. Community engagement efforts by licensee;
 - g. Licensee's efforts toward providing equitable service; and
 - h. Whether the licensee has received a warning or a penalty from the City within the three-month period prior to the increase.

(4) Termination of Services.

A licensee shall provide the City with written notice at least 21 days in advance of ceasing to operate its shared micromobility service. The licensee must collect and remove all of its shared micromobility devices and associated equipment within 24 hours of ceasing operation.

R-3.750-I Shared Micromobility Service Pilot Program

During the first year of the City’s shared micromobility service licensure program, the City will issue only one shared micromobility service license and electric scooters are the only type of micromobility device that may be approved and deployed.

Dated and effective this 19th day of April, 2022.



Sarah Medary
City Manager

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KM

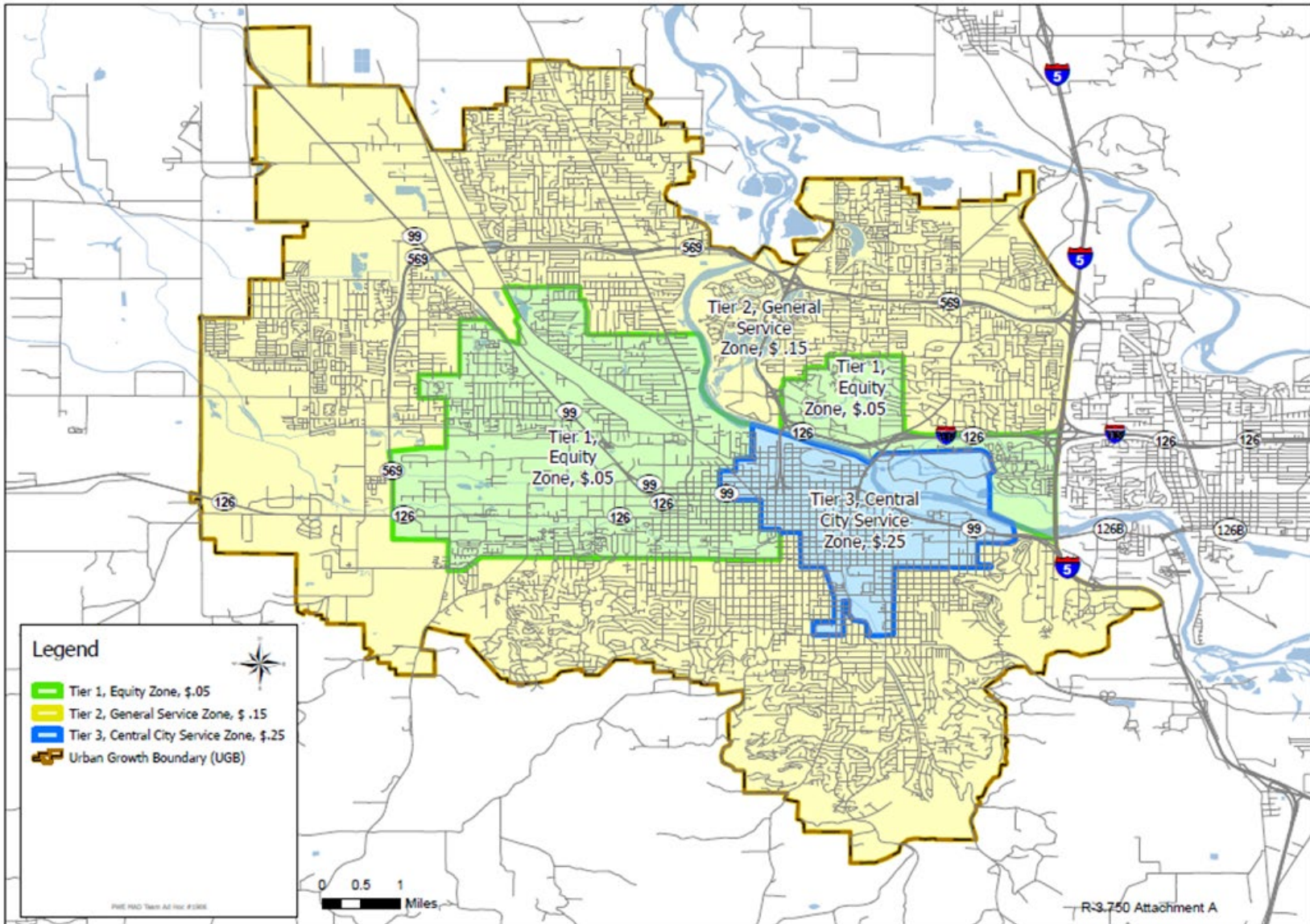
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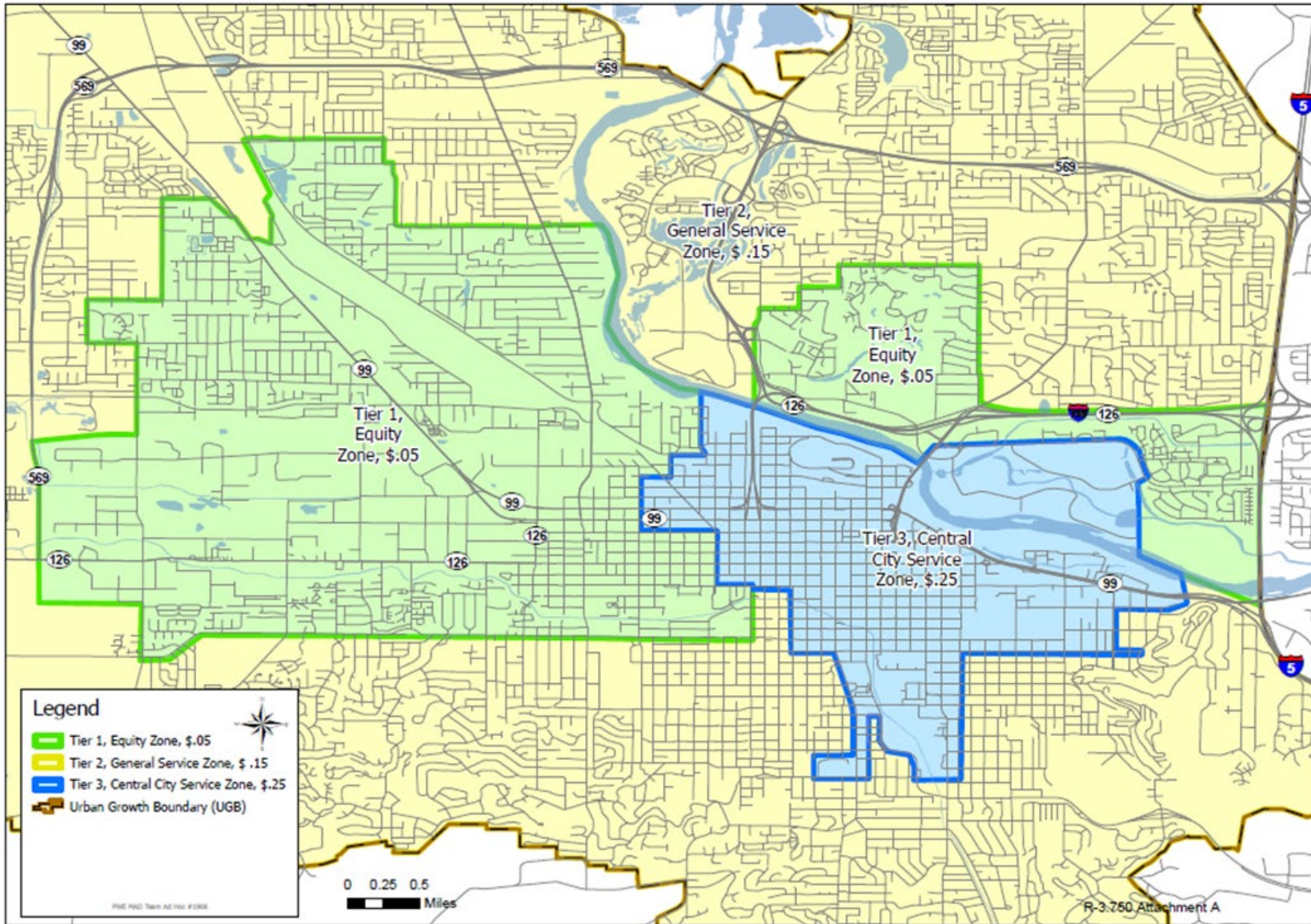
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Eugene Micromobility Zones - Full City



Eugene Micromobility Zones - Detail



FINDINGS
of the City Manager of the City of Eugene
in Consideration of Written Submissions Regarding
ADMINISTRATIVE ORDER NO. 58-22-02

SHARED MICROMOBILITY SERVICE LICENSE
ADMINISTRATIVE RULE R-3.570.

With regard to written submissions, the City Manager of the City of Eugene finds:

1. One comment requested that the City add a section to the “Life Cycle Analysis” provisions in Section R-3.570-B (1) of the rule, to require detailed information on the vehicle’s estimated useful life, including a description of the operator’s methodologies for reliably testing the durability of a vehicle as well as individual parts that are subject to intense wear through the use of the device. In response the City added the additional recommended provision.
2. One comment requested that the City add a section to the end-of-life plan provisions in Section R-3.570-B (1) of the rule, to require a recycling plan that describes an operator’s standard procedures for recycling all material components including the metal, batteries, e-waste, and rubber parts from its vehicles, with an emphasis on the recycling of lithium-ion battery cells, circuit boards, and other e-waste and a requirement that end-of-life battery recycling comply with national and international recycling that ensure environmental and public health in the recycling of e-waste. In response the City has revised R-3.570-B (1) as proposed by the commenter.
3. One comment provided information that suggested some revision to the privacy policy text at R-3.570-B (1). Spin's Privacy Policy is global and isn't tailored specifically to Eugene. The City is not making any changes based on this comment but will work with applicants to approve appropriate disclosures.
4. One comment requested that the City strike the provision in Section R-3.570-B (1) of the rule that requires operators to employ only company-hired (W-2) employees. The City is not making any changes based on this comment.
5. One comment requested that the City revise the text found in Section R-3.570-B (1) of the rule pertaining to an adaptive micromobility plan to require an on-call adaptive micromobility device option instead of requiring a percentage of the fleet of micromobility devices be seated. In response the City has revised R-3.570-B (1) to reflect an either/or scenario – *either* a percentage of the operator’s micromobility devices be seated *or* the operator provide an on-call adaptive micromobility device option.
6. One comment requested that the City revise the text found in Section R-3.570-C (1) of the rule to reflect the above suggested change to R-3.570-B (1) regarding adaptive micromobility device provision requirements. In response the City has revised R-3.570-C (1) as proposed by the commenter.
7. One comment requested that the City add a section to the insurance provisions in R-3.570-C (1) of the rule to provide greater coverage than the proposed limits through excess/umbrella policies and allow for some variability across operator policies. The City made responsive changes to the rule based on this comment.

8. One comment requested that the automobile liability insurance requirement in Section R-3.570-C (1) be lowered from \$2,000,000 to \$1,000,000. The City is not making any changes based on this comment.

9. A pair of comments requested that the equipment requirements provision in Section R-3.570-D (1) for front and rear lights be revised to better align with the visibility distances required by ORS 815.283. In response, the City has revised R-3.570-D (1) as proposed by the commenter.

10. One comment requested that the City revise the data sharing requirements in Section R-3.570-F (1) to allow 90 days for the operator to update its data sharing standards instead of 30 days. This timeframe is better in alignment with industry standards. In response, the City has revised R-3.570-F (1) as proposed by the commenter.