



PART 1 – GENERAL PROVISIONS

Section 1-1. Purpose and Authority

Chapter 11.92 of the San José Municipal Code (“Code”) sets forth the requirements and procedures for the permit issued for the operation of Shared Micro-Mobility Device Systems in the City of San José (“City”). These regulations implement the provisions of Chapter 11.92 and are issued by the Director of Transportation (“Director”) under the authorization granted pursuant to Section 11.92.110 of the Code. These regulations are not intended to be exhaustive and may be amended at any time by the Director.

These regulations shall be referred to as the “Shared Micro-Mobility Permit Administrative Regulations” or the “Administrative Regulations.”

Section 1-2. Definitions and Construction

The definitions set forth in Chapter 11.92, and herein, shall govern the application and interpretation of these regulations. Any reference to federal, state or local statutes and ordinances includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute, ordinance or regulatory provision.

PART 2 – PERMIT PROCEDURES AND OPERATING REQUIREMENTS

Section 2-1. Permit Issuance

1. The term of the Permit will begin on October 1st of the permit application year and will end on September 30th of the following year (“Permit Term”), unless the Director specifies otherwise.

2. Only one Operator will be issued a permit. However, the Director retains the authority to permit additional Operators for subsequent Permit Terms. The Director will determine the requirements the Operator must meet to be selected in a competitive process, and the deadline for submitting applications to participate in that process.
3. Each year, applicants or existing Operators must submit a permit application, or if applicable, a request for a one-year permit extension. If an Operator has completed the first year of the permit term and is in good standing with the City, they may apply for a one-year permit extension. However, the City retains the authority to deny a permit extension to any Operator. After two years of operation under the Permit, Operators must reapply through the competitive selection process. Additionally, permits are subject to revocation by the Director if the Operator fails to meet the requirements outlined in the Code, the Permit, or the Administrative Regulations.
4. Programs, systems, devices, or operations that conflict with existing contracts, agreements, or other obligations of the City of San José will not be issued a permit.
5. Shared electric-assist bicycle programs will not be issued a permit under these regulations.
6. The Operator must ensure that all permit fees—including initial deployment fleet and deposit—are paid before the Permit Term commences. The Permit will not be issued until all permit fees for the initial deployment of devices has been received by the Department of Transportation (DOT).

Section 2-2. Shared Micro-Mobility Device Requirements

1. **Device Identification** – Each Shared Micro-Mobility Device must have a unique identifying number printed on it, along with the company’s name, customer service telephone number, and website address.
2. **Vehicle Code Standards** – Each Shared Micro-Mobility Device must conform to the equipment, lighting, and safety standards as defined under applicable sections of the California Vehicle Code, including but not limited to the provisions in Section 21223 for electric Devices.
3. **Display of Applicable Laws** – Each Operator must display state and local laws applicable to the use of Micro-Mobility Devices in the public right-of-way.

4. **Data Compliance** – Each Shared Micro-Mobility Device must comply with the Data Sharing section of these regulations.
5. **Speed Limit** – The Operator must ensure that all electric Devices deployed can be limited to a maximum speed in areas of the City’s public right-of-way determined by the Director. In the City of San José, electric Devices must be capped at a maximum speed limit of fifteen miles-per-hour.

Section 2-3. Program Size, Area, and Distribution

1. **Required Number of Shared Micro-Mobility Devices** – The Director may set the minimum total number of Shared Micro-Mobility Devices required to be permitted for public use. The minimum total number of Shared Micro-Mobility Devices for an Operator’s Permit is 1,000 devices.
2. **Maximum Number of Operators** – A permit may be issued to one (1) Operator during the permit term, which shall begin on October 1st of each year and end on September 30th of the following year unless otherwise specified by the Director. The Director will utilize a competitive selection process to grant a permit to the Operator that best meets or exceeds the City’s requirements and or operational standards. The maximum number of permits may only be amended at the end of the permit term.
3. **Increase in Number of Devices** – The Operator will be permitted to operate 1,000 Devices or more. After the permit period has started, the Operator must apply to the City for any fleet expansion (additional Devices beyond the permitted fleet of 1,000 or more) and must pay the corresponding prorated annual fees for those additional Devices. The City will consider granting additional Device permits to the Operator if they demonstrate an average monthly ridership that meets a Minimum Utilization Rate (MUR) of one and a half (1.5) rides per day per Device. However, in making that determination, the DOT will consider other factors, including the Operator’s performance, the total number of devices deployed in the City, seasonal and environmental conditions, efforts to increase service in equity priority areas, public events, and public safety concerns.
4. **Minimum Number of Devices** – In the event that the Operator is unable to operate the required 1,000 devices during the Permit Term, the Operator may temporarily operate below the 1,000 device minimum requirement but may not operate a minimum weekly average below 500 Shared Micro-Mobility Devices. The Operator must promptly notify the City if the number of devices falls below 750 devices in operation. For purposes of this provision, devices in operation must be in the right of way and available for public

use. The Director retains the authority to adjust the minimum number of Shared Micro-Mobility Devices which may be temporarily operated during the Permit Term.

5. **Program Area** – At any time, the Director may amend the regulations to establish program areas or boundaries where the number of Shared Micro-Mobility Devices is restricted or where designated parking areas are established.
6. **Re-Balancing Requirements** – Shared Micro-Mobility Devices must be re-parked/re-distributed regularly to ensure daily compliance with the regulations.
7. **Obstructions** – Shared Micro-Mobility Devices in the public right-of-way that are found to create right-of-way obstructions or public nuisances are subject to removal per San José Municipal Code section 13.24.
8. **Restricted Areas** – Director may establish special operating zones that exclude the Operator without specific capabilities.
9. **Equity Priority Communities** – To address equity needs, 15% of the Operator’s devices must be deployed in “Equity Priority Communities” as defined by the Metropolitan Transportation Commission ([Map](#)), not including Equity Priority Communities within the downtown area (As defined by US Census tracts: 5008, 5016.02, 5009.02, 5009.01 and 5010).
10. **Downtown Area Restrictions** - Operators should aim to deploy no more than 40% of Permitted Devices within the Downtown area at any time to prevent an over-concentration of Devices and to encourage availability in communities outside downtown with fewer mobility options (As defined by US Census tracts: 5008, 5016.02, 5009.02, 5009.01 and 5010).

Section 2-4. Operating Regulations

1. Shared Micro-Mobility Device Parking

- a. Shared Micro-Mobility Devices parked in the public right-of-way shall be parked upright without leaning on any object in the furnishing zone of a sidewalk, as defined in the San José Complete Streets Design Standards and Guidelines, in a way that complies with the Americans with Disability Act clearance standards and does not impede upon pedestrian traffic flow.

- b. Shared Micro-Mobility Devices shall not be parked in a manner that prevents access to a fire hydrant or other emergency facility, or to any under- or above-ground utility.
- c. Shared Micro-Mobility Devices shall not be parked in a manner than blocks curb ramps, public or private pathways, public or private driveways, public or private entryways and exits, handicapped parking zones, loading zones, or bus boarding zones.
- d. Shared Micro-Mobility Devices shall not be parked in a manner that restricts access, ingress, or egress to public transit, including bus stops and light rail platforms, or prevents the reasonable use of bicycle racks, news racks, parking meters or public restrooms.
- e. When a sidewalk lacks a furniture zone, Shared Micro-Mobility Devices shall be parked in a way that complies with the Americans with Disability Act clearance standards and does not impede upon pedestrian traffic flow, or violate any paragraph in this section.
- f. No Shared Micro-Mobility Device may lie on its side, whether placed on its side or fallen over.
- g. The Operator and/or their agents/contractors may not park Shared Micro-Mobility Devices in the landscaped areas of park strips or in parking garages owned by the City of San José.
- h. Operator must respond to and address requests from the City or from the public to re-park or remove Shared Micro-Mobility Devices that are parked in violation of the regulations within three hours of the request. If not remedied within this time frame, the City may issue a citation, subject to fines and fees.
- i. The Director may establish designated parking zones to manage parking and distribution of Shared Micro-Mobility Devices.
- j. The Operator shall not park Shared Micro-Mobility Devices within the area of any Community Special Event permitted under Chapter 13.14 of the San José Municipal Code.
- k. Shared Micromobility Devices shall only be available to customers hourly or in smaller intervals, at rates that vary by duration of usage or by duration of usage and distance and are clearly communicated to the customer prior to unlocking

the device. The Operator must include definitive details regarding their pricing structure in the Shared Micromobility permit application. The Operator shall update the DOT, in writing via email, each time there is a change to pricing or memberships, for any device types.

- l. The Operator shall collaborate with the City to design and distribute an annual survey to all its users. The Operator will provide all data to the City upon completion of the survey, while protecting all personally identifiable information.
- m. If violations are not corrected within three hours, citations will be issued, and fines assessed based on citation count. Citations will be tallied and reviewed monthly with the City. Fine tiers may change with at least 30 days' notice to the Operator.

2. Infrastructure Requirements

- a. The Operator shall be responsible for the cost and maintenance of any infrastructure required for operation of any Shared Micro-Mobility Device System. The Operator shall obtain all required permits prior to installing any infrastructure.
- b. The regulations set forth here apply to the public rights-of-way in the City. For locations outside the City right-of-way, the Operator must obtain permission from the appropriate property owner.

3. Customer Service

- a. The Operator shall maintain a staffed operations center within the nine-county San Francisco Bay Area.
- b. The Operator shall be able to receive and respond to complaints in multiple languages, including but not limited to, English, Spanish, Vietnamese and Mandarin. At minimum, the Operator shall maintain a 24-hour customer service telephone number for customers and members of the public to report safety concerns, complaints, or to ask questions. The customer service number shall be clearly displayed on all Shared Mobility Devices.
- c. Within three hours of the request, the Operator shall respond to and address requests to re-park or remove Shared Micro-Mobility Devices that are parked in violation of the regulations.

4. Maintenance

- a. The Operator must ensure that all Shared Micro-Mobility Devices in their fleet are in good working order, are clean, and are safe to operate for a wide range of users.
- b. The Operator must promptly remove Shared Micro-Mobility Devices that are not properly operating.
- c. The Operator must maintain a record of all maintenance performed for each Shared Micro-Mobility Device.

5. Education and Community Engagement

- a. The Operator shall educate its users on state and local laws pertaining to the use of Shared Micro-Mobility Devices.
- b. The Operator shall post applicable state laws and City ordinances on each Shared Micro-Mobility Device in a clear and concise manner and indicate requirements regarding sidewalk riding, age, drivers' license, speed, and other applicable laws.
- c. The Operator shall include on its website and mobile app a "Code of Conduct" that, at a minimum, encourages and promotes the safe and responsible conduct of Shared Micro-Mobility Device users.
- d. During the first seven days of an Operator's deployment(s), representatives from the company must be on-hand in the deployment area to answer questions and distribute information regarding safety and proper use of Shared Micro-Mobility Devices at outreach events that they organize. Outreach events will occur once quarterly after the first quarter of the permit; in the event of a permit extension these events will happen once per quarter. These activities must be coordinated with City staff. The Operator shall submit to the City an outreach and education plan focused on safety and accessibility.

6. Low Income Discount

- a. The Operator shall maintain a one-year low-income program, subject to annual renewal, that waives scooter deposit fees and a) offers at minimum 50% off of rental discount, or (b) unlimited trips under 30 minutes, for customers with incomes at or below 200% of the federal poverty guidelines. The program shall

be promoted through in-app notifications, in-person events, and a San José–specific website, with a target of one active low-income member per ten permitted devices or meaningful quarterly membership growth. Information should be provided in multiple languages, including but not limited to, English, Spanish, Vietnamese and Mandarin. Eligibility may be verified through enrollment in approved public assistance programs, Medi-Cal enrollment, or self-attestation via recent pay stubs or tax returns with household size meeting PG&E CARE criteria.

- b. The Operator shall submit quarterly reports to the San José DOT detailing low-income program enrollment, number of discounted rides, and other relevant data.

7. Accessibility

- a. The Operator should explicitly state in their guidelines that AB-60s are an allowable license form of state identification.
 - i. AB 60 driver’s licenses (DL) are for individuals who are unable to provide proof of legal presence in the United States (U.S.), but who meet California DMV requirements and are able to provide proof of identity and California residency.
- b. The Operator must provide an alternative means of payment that does not require a credit card, smart phone (e.g., Venmo, CashApp, PayPal) and a no-cost cash-based (e.g., Pay Near Me, prepaid cards,) method that is easily accessible in San José.

8. Reporting and Data Sharing

- a. Within 30 days of permit issuance, each Operator must have an Application Program Interface (API) or other automated mechanism that allows their services to be integrated into third-party mobility applications so that users can see data about and procure services through third-party Mobility-as-a-Service applications identified by the City.
- b. Data for all Shared Micro-Mobility Device types must be provided to the City, and partners in the General Bike Feed Specification (GBFS) and Mobility Data Specification (MDS) formats, or some other format as specified by the City on its website, each through an API. The City maintains links to the full specification of these required data formats on the City’s Shared Micro-Mobility Program webpage.

- c. GBFS must be made available to the public through the Operator's website.
- d. The MDS feed must be available to City's specified partners. These feeds must be consumable by third-party software. To ensure the protection of personal privacy and personally identifiable information, third party software providers that process the Operator's MDS data for the City shall abide by the Data Protection Principles of the Shared Micro-Mobility Permit Program.
- e. The Operator MDS data shall be held confidentially between the City and the Operator to the extent that is permitted by law. However, summaries, program utilization data, and trend data may be made public.
- f. Data must be provided for all Devices permitted and shall be made available to the City for the duration of the permit.
- g. The Operator shall comply with all state and federal laws related to personally identifiable information (PII) including but not limited to California Civil Code Section 1798 et seq.
- h. Non-GBFS data consumed through the API by City specified third-party software providers shall not be publicly available without consent from the Operator.
- i. The Operator must provide to the DOT accurate quarterly summaries describing the following:
 - i. Incidents by type (complaints, requests for improperly parked Shared Micro-Mobility Devices, and collisions). Type of collision must be detailed to include location, number or parties, severity, and response to collision;
 - ii. Number of inquiries by type and method by which the Operator received such inquiries;
 - iii. Response time, including time of request and time of resolution;
 - iv. A maintenance log, including date and type of maintenance performed;
 - v. Number and type of education and outreach activities performed, and updated information about low-income membership;
 - vi. Recovery efforts for e-Devices placed in trees, bodies of water, and other inappropriate locations; and
 - vii. Updated end-of-life cycle plans.
- j. The Operator shall survey users every six months to inquire about mode shift and relevant information to support future program planning. Survey questions will be provided by the City to ensure consistency with other survey efforts.

Survey results must be provided to the city within two months of the survey's initial administration.

- k. The Operator shall become a participating member of the Open Mobility Foundation within thirty days of permit issuance if they are not currently a member.

9. **Realtime Data Requirements and Compliance with Mobility Data Specification (MDS)**

- a. The Operator shall abide by the Mobility Data Specification (MDS) as published online at <https://github.com/openmobilityfoundation/mobility-data-specification> to ensure a consistent and safe transfer of Device data.
- b. The Operator shall provide endpoints in the **Provider and Agency APIs** to allow the City to oversee permit regulations and shall implement the latest MDS API developments and necessary updates.

10. **Permit Revocation or Suspension**

- a. The Director may revoke or suspend a permit, effective immediately, at his/her sole discretion for reasons including, but not limited to, the following:
 - i. A failure to comply with the San José Municipal Code;
 - ii. A failure to comply with the Administrative Regulations which the permit is incumbent upon;
 - iii. A determination that the operation of Shared Micro Mobility Devices by the Operator conflicts with the San José DOT's obligation to manage the Right-of-Way responsibly;
 - iv. A determination that the operation of Shared Micromobility Devices by the Operator poses a risk to public safety;
 - v. A transfer of the permit to another party without prior written approval by the Director;
 - vi. A material misstatement or omission in the permit application or any other associated document;
 - vii. The Operator sells or shares confidential user data;
 - viii. The Operator does not pay required fees, surcharges or penalties;
 - ix. The Operator blocks or alters the presentation of any information or denies access to its company application by any City employee authorized to enforce the provisions of the associated permit and this Rule, or for the purpose of thwarting or interfering with any City employee's enforcement or oversight of the associated permit or this Rule; and
 - x. Consistent failure by the Operator to compel or influence its users to comply with applicable laws.

- xi. The Director may allow for the temporary continuation of a permit that is otherwise subject to revocation or suspension if, in the determination of the Director, the public welfare would not suffer thereby.

11. Administrative Review and Appeals

- a. Any decision by the San José DOT to suspend or revoke a permit may be reviewed by the Director, or his or her designee, upon timely submission of a request for reconsideration. Any request for reconsideration shall be submitted in writing to the Director within 60 days of the effective date of the suspension or revocation.

12. Permit Revocation or Suspension

- a. If any Administrative Regulation or condition of the Shared Micro Mobility Permit Program or the application of any term, condition, or provision thereof to a particular situation, shall be finally found to be void, invalid, illegal, or unenforceable by a court all other provisions shall remain in force and effect to the extent allowed by such ruling and all other permit terms and conditions or the application thereof to other situations shall remain in full force and effect.

13. Indemnification Requirements

- a. As a condition of this Permit, the Operator agrees to defend, indemnify, and hold harmless the City, its officers, elected or appointed officials, employees, agents, and volunteers from and against any and all claims, damages, losses, expenses, fines, penalties, judgments, demands, and defense costs (including, without limitation, actual, direct, out-of-pocket costs and expenses, and amounts paid in compromise, settlement, or judgment, and reasonable legal fees arising from any claim or litigation of every kind or nature or liability of any kind or nature including civil, criminal, administrative or investigative) arising out of, in connection with, or which are in any way related to, the City's issuance of or decision to approve the Permit, the process used by the City in making decisions, the Operator's (including its officers, managers, employees, the Operator, agents, and volunteers) business conduct and operations, any violation of any laws by the Operator (including its officers, managers, employees, the Operator, agents, and volunteers) or its users, or any bodily injury including death or damage to property arising out of or in connection with any use, misuse, placement or misplacement, including but not limited to placement or misplacement resulting in alleged violations of the Americans with Disabilities Act (ADA), of the Operator's device, property or equipment by any person,

except such loss or damage which was caused by the sole willful misconduct of the City. The Operator will conduct all defenses at the Operator's sole cost and expense, and City shall reasonably approve selection of the counsel to represent City as proposed by the Operator. This indemnification obligation shall apply to all claims and liability regardless of whether any insurance of the Operator, its affiliates or other parties are applicable thereto. The policy limits of any insurance of the Operator, its affiliates or other parties are not a limitation upon the obligation of the Operator, including without limitation, the amount of indemnification to be provided by the Operator. The provisions of this indemnification obligation shall survive the termination of the Permit.