



## Scooter Sharing License Enforcement Procedures

Updated June 2022

If a scooter sharing license holder (licensee) is in violation of the Municipal Code or the Rules governing the license, the following measures of relief are provided:

### **Response Time:**

Licensees are required to remedy any issues with their devices which violate the Municipal Code or Rules governing the license within 2 hours of being notified of the issue, 24 hours a day, 7 days a week.

### **Contacting Licensees:**

Each scooter must have the licensee's name and 24-hour phone number in braille and raised lettering (in a contrasting color). Contact information for each licensee will be listed on the City's scooter sharing webpage. If an issue arises when a rider is present on site with the scooter, licensee staff may offer to help the rider and, if the rider accepts the offer, resolve the issue.

### **311 Reports:**

A reporting code has been created in Chicago's 311 system to track scooter-related parking complaints and service requests. If a complaint is reported, 311 will track by vendor. When a complaint is initiated through 311, licensees will be responsible for remedying each parking issue and closing out the requests in 311 within 2 hours. If a licensee investigates and determines that the scooter belongs to another company, the original identified licensee will be required to create a new service request in 311 for the correct company. If a requester calls back after two hours, the operator will ask if the issue has been resolved. If no, the operator may send the CSR to the Department of Streets & Sanitation (DSS) to retrieve the scooter as described in the Right to Remove Scooters section below.

### **City Departments and Sister Agencies:**

City departments and sister agencies are directed to notify 311 and/or the City Incident Center to report a parking infraction. When notified, 311 and/or the City Incident Center will create a customer service request (CSR). If immediate removal of the device from the public right of way is required, 311 will notify DSS to address. DSS will close-out the CSR when the request is complete.

### **Scooters in Bodies of Water:**

Vendors must comply with Section 11-4-1410 of the Municipal Code of Chicago, which prohibits throwing or causing to be thrown any material in Lake Michigan within three miles of the corporate limits of the City or in any other waters within the corporate limits. If a vendor's scooter is thrown, discharged, disposed or deposited in the City's waters in violation of Section 11-4-1410 of the Code, in addition to any applicable penalty, the vendor shall, if practically possible, retrieve such scooter from the City's waters within 24 hours of knowledge of the incident. In addition to notification through 311 and other means, the vendors must also monitor GPS feeds to proactively identify scooters that may have been discarded in City's waters. If the vendor does not retrieve such scooter from the City's waters within the specified 2-hour time limit, the City, in its sole discretion, may retrieve such scooter from the City's waters, and the vendor shall, in addition to being subject to other applicable penalties, reimburse the City's reasonable retrieval cost.

## **Right to Remove Scooters:**

The City has the right to remove scooters that are parked inappropriately or not operated according to the Municipal Code and/or the scooter program Rules and Regulations. Vendors must reimburse the City's cost to remove scooters (\$100 per scooter). The following procedure applies when a scooter is removed:

- The Department of Streets & Sanitation (DSS) removes the scooter and relocates it to the Department of Assets, Information and Services (AIS) site at 1869 W Pershing Road.
- AIS contacts the City's internal enforcement team with details of the removal with an invoice, and a member of the City's internal enforcement team emails the licensee and provides notice of the removal along with the invoice.
- AIS logs unique identifier number(s) or other identifiers onto a log-in sheet and notes date of arrival; AIS notifies Department of Finance of date of arrival.
- Scooters must be picked up within 5 business days of the notification or the City will consider the scooters abandoned and place them on its auction list. For every day over 5 days the scooter will incur storage charges of \$10 per day until the unit is claimed or disposed of. The scooter operator will be liable for all storage fees.
- Licensee takes invoice to one of the [Department of Finance's Payment Centers](#) to pay the \$100 per scooter removal fee and any applicable daily storage charges.
- Once the licensee has paid the invoice, the Department of Finance will send a payment receipt to the City team via email as proof of payment.
- Licensee representative comes to the site to retrieve removed scooters and must present paid receipt, Legal ID and proof that they are an Authorized Representative of the licensee.
- Prior to departure from the site, AIS verifies that the correct scooter is being released; licensee is directed to sign form/log that denotes which equipment is being removed.

## **BACP and CDOT Enforcement Measures:**

BACP and CDOT have the authority to issue citations based on violations of the Municipal Code and applicable Rules. Licensees will be required to attest that the data submitted through MDS are accurate and complete, and if the data show violations, BACP and CDOT can issue citations on that basis. The City will track MDS data through its contracted data dashboard (Populus). Licensees will have access to view their data on the City's contracted data dashboard. CDOT will generally issue MDS-tracked violations on a monthly basis. Additionally, BACP's enforcement team will conduct periodic missions to check compliance with applicable Rules. The City team will use discretion to decide whether a violation should result in citations being issued. Enforcement will include (but is not limited to) tracking the following:

### **Equity Priority Area Fleet Distribution:**

Fleet sizes in the Equity Priority Area and Sub-Areas shall be measured by the daily average number of "available" devices as reported by MDS, during hours of operation (5:00 AM to Midnight CST).

#### *Equity Priority Area*

Licensees shall meet or exceed Equity Priority Area fleet distribution minimums 90% of days in a calendar month. A licensee shall be in violation of these rules for each day past 10% of days in a calendar month they fail to reach the standards provided in this Rule. Each day shall constitute a separate and distinct offense.

Examples: A licensee that fails to meet the distribution minimums 5 days in September would be in violation 2 total days. Failure to meet the minimum 10 days in September would count as 7 violations.

**Equity Priority Sub-Areas**

Licensees shall achieve Equity Priority Sub-Area fleet distribution minimums 90% of days in a calendar month in each Equity Priority Sub-Area. A licensee shall be in violation of these rules for each sub-area, for each day past 10% of days in a calendar month they fail to reach the standards provided in this Rule. Each day in each Equity Priority Sub-Area shall constitute a separate and distinct offense.

Example: The table below details the number of days a hypothetical licensee does and does not meet minimum distribution requirements for each sub-area in the month of September and the corresponding number of total violations:

<b>Equity Priority Sub-Area</b>	<b>Days Requirement Met</b>	<b>Days Requirement Not Met</b>	<b>Violations</b>
Sub-Area A	30	0	0
Sub-Area B	20	10	7
Sub-Area C	22	8	5
Sub-Area D	30	0	0
Sub-Area E	11	19	16
Sub-Area F	29	1	0
Sub-Area G	24	6	3
Sub-Area H	25	5	2
Sub-Area I	30	0	0
Sub-Area J	26	4	1
<b>All Sub-Areas</b>	-	-	<b>34</b>

**Core Area Geographies and Central Business District Fleet Distribution:**

Fleet maximum cap percentages in the Core Area Geographies and the Central Business District shall be measured using the total number of both “available” and “non\_operational” devices, as reported by MDS, as the numerator and all “available” devices, as reported by MDS, citywide as the denominator for each licensee. Measurements will be calculated daily based on an average over operating hours. Compliance may also be tracked through periodic enforcement missions.

**Maximum Total Devices:**

Citywide fleet maximums shall be measured using the total number of “available” devices, as reported by MDS. A licensee shall be in violation for each day in which their “available” fleet count exceeds the allowed citywide maximum.

**Minimum Accessible Devices:**

The City will be tracking the minimum percent of deployed fleet share made up of devices to serve residents with diverse physical needs (and that, at minimum, provide a seated option). All licensees’ fleets shall consist of at least five percent (5%) seated scooters. The City of Chicago is aware that currently [MDS does not support a vehicle type](#) that allows for the ability to distinguish between seated and standing e-scooters. We are therefore requiring that all operators insert a (currently) non-compliant vehicle type to allow for the City to track the number of seated scooters independent of standing scooters. We expect that each provider will use the [configuration seen today in GBFS](#) in their MDS feeds by inserting the vehicle type 'scooter\_seated' for all applicable vehicles.

### **Renting Hours of Operation:**

Device activity, including trip start times, shall be tracked using MDS feeds. Compliance may also be assessed through periodic enforcement missions. A licensee shall be in violation for each day in which at least one device is found to have been rented (i.e., trip started) outside the hours of operation of 5:00 AM to Midnight CST each day.

### **Rental Service Area Boundaries and Geofence Zones:**

Geofenced zones and service area boundaries will be tracked using MDS feeds tested on the ground through periodic enforcement missions. Devices outside service area boundaries and within geofenced zones will be tracked using MDS data. The City also reserves the right to track compliance through other verifiable means in addition to enforcement missions and MDS data. A licensee shall be in violation for each instance in which a device is not brought to a stop within less than one standard block (660 feet), of a service area or geofence boundary.

### **Response to Reported Issues:**

Licenses are required to remedy any issues with their devices which violate the Municipal Code or Rules governing the license within 2 hours of being notified of the issue during the hours of operation. Any issues reported outside of the hours of operation must be remedied by 7:00 AM the same day.

Compliance will be measured by tracking the date and time an issue was reported to a licensee through 311 and the date and time the issue was successfully closed out. Compliance will also be measured through periodic enforcement missions. The City also reserves the right to track compliance through other verifiable means in addition to enforcement missions and the 311 system.

Compliance will be reviewed on a monthly basis. A violation will be issued for each occurrence over the first 10% of occurrences in a month that a licensee fails to remedy an issue within 2 hours after the licensee is notified of such issue.

### **Device Approvals, Standards and Requirements:**

Compliance with all device approval processes and device standards and requirements will be assessed through periodic enforcement missions. This assessment shall include advertising standards. The City also reserves the right to track compliance through verifiable means in addition to enforcement missions. Each individual device deployed on the public right-of-way that does not meet standards and requirements shall be considered a separate violation. Each day each device is deployed shall constitute a separate violation.

### **Vendor Contact Information on Devices:**

Compliance with required vendor contact information will be assessed through periodic enforcement missions. The City also reserves the right to track compliance through verifiable means in addition to enforcement missions. A licensee shall be violation for each device, for each day in which a device deployed on the public right-of-way does not meet contact information requirements.

### **Cash Payment and Low-Tech Access:**

Compliance of cash payment and non-smartphone access will be assessed through periodic enforcement missions. The City also reserves the right to track compliance through verifiable means in addition to enforcement missions. A licensee shall be violation for each day in which they fail to offer a cash payment access option and for each day in which they fail to offer rental access that does not require a smartphone. A Licensee shall also be in violation for each day they fail to provide clear and easily accessible instructions on renting a device using cash and/or without a smartphone.

**Parking Requirements:**

Compliance with device parking requirements will be assessed through periodic enforcement missions, as well as through MDS feeds. The City also reserves the right to track compliance through verifiable means in addition to enforcement missions, including but not limited to review of parking photos from each licensee. A licensee shall be violation for each device, for each day that does not meet parking requirements.

**Privacy and Opt-in Requirements:**

Compliance with privacy and opt-in requirements will be assessed by testing licensees' apps. A licensee shall be violation for each day in which privacy and opt-in requirements are not met.

**Fee Calculation and Collection:**

Compliance with rider fee calculation and collection rules will be assessed through periodic enforcement missions. A licensee shall be violation for each instance in which fee calculation and collection rules are not met.

**Pricing Disclosure:**

Compliance with pricing disclosure will be assessed through regular monitoring and periodic enforcement missions. Licensees who do not provide sufficient notice to the City at least two weeks prior to changing any pricing shall be in violation, for each day and each instance in which a change is made without notice.

**Safety Regulations and Messaging:**

Compliance with user-facing safety messaging requirements will be assessed by testing licensee's apps and webpages. A licensee shall be violation for each instance in which safety regulation and messaging rules are not met.

**Licensee Reporting Obligations:**

Licensees are responsible for maintaining accurate MDS and GBFS data feeds. The City may rely on its own analysis of the data feeds as well as the analysis of applicable City vendors (Populus). Licensees must also submit complete and accurate reporting as outlined in the rules. Compliance will be assessed by regularly monitoring data feeds and by inspecting all other reporting for completeness and timeliness. A licensee shall be violation for each day in which data feed requirements are not met and not remedied in a timely fashion. A licensee shall be in violation for each instance in which a specific required report is not submitted on time and/or is submitted incomplete or inaccurate.

**Education and Outreach:**

Licensees are responsible for submitting complete and accurate reporting on education and outreach as outlined in the rules. Compliance will be assessed by inspecting reporting for completeness, accuracy and adherence to rules. A licensee shall be in violation for each month in which they fail to meet a specific education and outreach requirement, including for each event conducted below the required number.

**Commitment to Transparency and Safety:**

The City will make available a version of its data dashboard (Populus) to license holders who will be able to track data as the City sees it and therefore assess any ongoing noncompliance. For compliance tracked through enforcement missions or other means, particularly compliance issues related to safety, the City will make every reasonable effort to notify license holders of noncompliance issues as soon as possible, although official notices of violation may be issued only on a periodic basis (e.g., monthly).