



**RULES & REGULATIONS PERTAINING TO THE ADMINISTRATION OF A BICYCLE  
SHARE PERMIT PROGRAM BY PUBLIC WORKS**

**Effective Date: October 2, 2017**

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## **I. DEFINITIONS**

1. Bicycle sharing is an innovative transportation program, ideal for short distance point-to-point trips providing users the ability to pick up a bicycle from one location and leave it at another within a system's service area.
2. Bicycle sharing systems provide users unencumbered access to bicycles within a defined system area. Bicycles can be remotely accessed via a smart phone application or other credentials and do not need to be attended by the operator.
3. Bicycle sharing operators must provide easy access to bicycle stations and/or bicycles for the broadest group of the population. This access includes solutions for those individuals who do not bank or have smart phone resources. Operators must make their system accessible and affordable to the broadest group of the population.

## **II. AUTHORITY**

1. The Director of Public Works has the authority to promulgate departmental rules and regulations as defined in Aurora Municipal Code Section 2-147.

## **III. INTENT**

1. A goal of Aurora City Council (3.2) is to reduce travel time and reduce congestion and provide expanded multi-modal mobility choices. According to the Pedestrian and Bicycle Information Center bicycle sharing is an innovative transportation program, ideal for short distance point-to-point trips providing users the ability to pick up a bicycle from one location and return to another within a system's service area. A robust bicycle sharing permit program has the likelihood of expanding multi-modal mobility choices around bus, light rail, and commuter rail stations and in high demand areas such as Anschutz Medical and Innovation Campus, Northwest Aurora, Metro Center, and other locations in the City of Aurora.

#### IV. RESPONSIBILITY OF PERMITTEE

##### 1. SAFETY

1. All bicycles used in systems issued a permit under this permit program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, permitted systems shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210.
2. Any electric bicycles used in systems issued a permit under this permit program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles. This means that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City reserves the right to terminate any permit issued under this program if the battery or motor on an electric bicycle is determined by the City to be unsafe for public use.
3. All bicycles shall meet the Colorado Revised Statues (C.R.S.) requirements for lights during hours of darkness, described in C.R.S. 42-4-221. This includes a front light that emits white light and a rear red reflector visible to low headlight beams on vehicles from 600 feet.
4. All bicycle share operators permitted under this permit program shall provide a mechanism for customers to notify the company that there is a safety or maintenance issue with the bicycle.
5. All permitted systems shall have visible language that notifies the user that:
  - a. Helmet use is encouraged while riding a bicycle.
  - b. Bicyclists shall yield to pedestrians on sidewalks.
  - c. When riding on-street, follow the rules of the road, as one would in a motor vehicle.

6. Permitted bicycle share operators agree that the City of Aurora is not responsible for educating users regarding bicycle laws. Neither is the City responsible for educating users on how to ride or operate a bicycle. Permitted operators agree to educate users regarding laws applicable to riding and operating a bicycle in the City of Aurora, Adams County, Arapahoe County, and Douglas County and to instruct users to comply with applicable laws.
7. Each bicycle should be equipped with a lock, key, and/or smart technology equipment in order to track ridership data, owned and provided by the bicycle share operator.

## 2. SERVICE AREA

1. A robust bicycle sharing permit program has the likelihood of expanding multi-modal mobility choices around bus, light rail, and commuter rail stations and in high demand areas such as Anschutz Medical and Innovation Campus, Northwest Aurora, Metro Center, and other locations in the City of Aurora.
2. Permitted bike share operators must submit, as part of an application to the City, a proposed service area that meets the goals and intent of this regulation.
3. At a minimum, a bike share operator service area must include the following areas (see Exhibit A for a detailed map):
  - a. **Northwest Aurora** - (bounded by Interstate 225 to the east, 6<sup>th</sup> Avenue to the south, Yosemite Street to the west, and 26<sup>th</sup> Avenue and 30<sup>th</sup> Avenue to the north).
  - b. **Station Areas** – two (2) mile radius around the following stations:
    - a. Dayton Station
    - b. Nine Mile Station
    - c. Iliff Station
    - d. Florida Station
    - e. Metro Center Station

- f. 2<sup>nd</sup> & Abilene Station
- g. 13<sup>th</sup> Avenue Station
- h. Colfax Station
- i. Fitzsimons Station
- j. Peoria Station
- k. 40<sup>th</sup> & Airport Station

- 4. Bike share operators, through the application process, may propose a phasing plan to serve these areas in the first year of operation.

### 3. PARKING

- 1. Docking Bicycle Share Systems - for bicycle share stations that require the installation and maintenance of objects in the ROW, an annual permit is required for every location in addition to an annual permit for the program. The City of Aurora Parking and Mobility division will provide guidance on locating bicycle share stations, as well as the required additional permits.
- 2. Free Float Bicycle Share Systems - for free-floating bicycle share systems, bicycles shall be parked in the landscape/furniture zone of the sidewalk, or at any bicycle rack. Bicycle share operators shall inform customers on how to park a bicycle properly.
- 3. Restrictions to eligible bicycle parking zones on sidewalks include:
  - a. Bicycles shall not be parked at the corners of sidewalks.
  - b. Bicycles shall not be parked against trees or within landscape planting beds.
  - c. Bicycles shall not be parked on blocks where the landscape/furniture zone is less than 3 feet wide, or where there is no landscape/furniture zone.
  - d. On blocks without sidewalks, bicycles may be parked if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.

- e. The City reserves the right to determine certain block faces where free-floating bicycle share parking is prohibited.
- f. Bicycles shall not be parked in the landscape/furniture zone adjacent to or within:
  - a. Parklets or streateries;
  - b. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except as existing bicycle racks;
  - c. Loading zones;
  - d. ADA Handicap parking zones;
  - e. Street furniture that requires pedestrian access (i.e.. benches, parking pay stations, bus shelters, transit information signs, etc.);
  - f. Curb ramps;
  - g. Entryways; and
  - h. Driveways
  - i. Landscape planting beds or other landscape materials
- g. This permit is only valid for operations within the City of Aurora ROW. Additional zones may be established; for example, locations within parks, publicly-accessible plazas, on-street parking spaces, off-street parking lots/garages, or campuses. However, permission to do so shall require coordination with the appropriate department, agency, or property owner; and shall be communicated to the customer through signage approved by the respective entity and/or through the mobile and web application.
- h. The City of Aurora retains the right to create geo-fenced stations within certain areas where bicycles shall be parked.
- i. Any free-floating ~~bicycle-bicycle~~ that is parked in one location for more than seven (7) consecutive days without moving must be evaluated and/or moved by the bicycle share system provider. If the bicycle remains in one location after 7 days, it may be removed by the City of Aurora and taken to a City

facility for storage at the expense of the bicycle share operator. The City of Aurora shall invoice the violating operator (see operations section for more information).

j. All permitted operators shall provide on every bicycle contact information for bicycle relocation requests.

k. Bicycles shall be upright when parked.

l. Any bicycle that is parked incorrectly shall be re-parked in a correct manner or shall be removed by the operator based on these times:

a. 6am-6pm Mon-Fri (holidays excluded) – within 2 hours of receiving notice.

b. All other times – within 10 hours of receiving notice.

m. Bicycles can only be parked on hard surfaces within the landscape/furniture zone (i.e. concrete, asphalt).

#### 4. OPERATIONS

1. All permitted bicycle share operators under the permit program shall have a 24-hour customer service phone number for customers to report safety concerns, complaints, or ask questions.

2. All permitted bicycle share operators under the permit program shall provide the City of Aurora with a direct contact for bicycle share operator staff that are capable of rebalancing bicycles. In addition, operators will provide a rebalancing management plan to the City of Aurora.

3. In the event City Staff identifies or receives a nuisance complaint, all permitted bicycle share operators under the permit program shall relocate or rebalance bicycles based on these times:

a. 6am-6pm Mon-Fri (holidays excluded) – within 2 hours of receiving notice.

b. All other times – within 10 hours of receiving notice.



4. Any inoperable bicycle, or any bicycle that is not safe to operate shall be removed from the ROW within 24 hours of notice by any means to the operator by any individual or entity, and shall be repaired before returning the bicycle into revenue service.
5. All permitted operators shall have a minimum bicycle fleet of 250 bicycles if using standard (non-electric) bicycles; operators shall meet this fleet size within four weeks of initial launch date.
6. Every bicycle shall have a unique identifier that is visible to the user on the bicycle.
7. If the City of Aurora incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the City costs, the permitted operator shall reimburse City of Aurora for such costs within thirty days.
8. The City of Aurora reserves the right to terminate permits at any time and require that the entire fleet of bicycles be removed from Aurora streets. Such notice of termination shall be delivered to the permit holder by certified mail. The decommissioning shall be completed within thirty (30) days unless a different time period is determined by the City of Aurora.
  - a. Upon receiving notice of permit termination, the permit holder has the right to appeal the decision to the Director of Public Works. A request for appeal must be provided in writing to the Director of Public Works no less than seven (7) days after receiving the termination letter via certified mail.
  - b. Any permit holder not satisfied with the Director's decision may request a final appeal hearing with a hearing officer, as assigned by the City of Aurora. Such hearing shall be set before the end of the thirty (30) day decommissioning period set by the City in the original notice provided via certified mail. The decision made by the hearing officer shall be final.

## 5. REPORTING

1. Permitted bicycle share operators will report data to the Parking & Mobility Manger, in Public Works, for reporting and analysis purposes.
2. Permitted bicycle share operators are required to report, on a monthly basis, information regarding their fleet and membership. This report would not require providers to solicit comments from riders or members of the system. The goal of these reports is to better understand how the entire bicycle share system is being utilized and to better inform future policy changes. Operators will work with the City to provide the following information on their company's operations in Aurora:
  - a. Number of bicycles in system
  - b. Origin and destination data
  - c. Usage (total trips, per timeframe, per location, per bicycle)
  - d. Total number of members
  - e. Member survey and general demographics
3. All permitted operators shall distribute an annual customer survey. Results of these surveys shall be provided to the City of Aurora.
4. All permitted operators shall keep a record of maintenance activities, including but not limited to bicycle identification number and maintenance performed. These records shall be sent to City of Aurora monthly.
5. All permitted operators shall keep a record of reported collisions. These records will be sent to the City of Aurora monthly.
6. All permitted operators shall report the aggregated breakdown of customers by gender and age monthly. Gender will be reported by male, female, and other. Age will be reported into these age groups: under 5, 5-17, 18-24, 25-34, 35-44, 45-54, 55-64, 56 and over.

7. All permitted operators agree to the City of Aurora using a third-party researcher for evaluation of the bicycle share permit program. Data will be shared with the third-party researcher only for the purposes of evaluation and/or enforcement of the requirements in this permit.

*Note: if a public disclosure request is submitted that could result in the City of Aurora sharing data required by this permit, the City of Aurora will notify all vendors prior to sharing data.*

## VIII. INSURANCE & INDEMNIFICATION

1. The permit holder will be required to procure and maintain, at their own expense and without cost to the City of Aurora, the following types of insurance. The policy limits are to be considered minimum amounts:
  - a. Insurance and Indemnities: The permit holder shall maintain a Commercial Property Insurance Policy on the premises during the term of this agreement. The cost the required insurance shall be paid by the permit holder. Prior to commencement of this agreement, the permit holder and its subcontractors shall provide a certificate of insurance evidencing the following coverages:

(a) Commercial General Liability Insurance. During the term of this agreement, the permit holder and its subcontractors shall provide general liability coverage against claims arising out of bodily injury, death, damage to or destruction of the property of others, including loss of use thereof, and including products and completed operations in an amount not less than ~~One Two~~ Million Dollars (~~\$21,000,000.00~~) per occurrence and ~~Four Two~~ Million Dollars (~~\$42,000,000.00~~) general aggregate.

(b) Excess or Umbrella Liability. Permit holder and its subcontractors shall maintain an Excess or Umbrella Liability on an occurrence basis in excess of the underlying insurance described in (a), which has coverages as broad as the underlying policies, with a limit of Two Million Dollars (\$2,000,000).

(c) Workers' Compensation or Employers' Liability Insurance. The permit holder and its subcontractors shall provide proof of workers'

compensation coverage with limits as required by the laws of the State of Colorado. Additionally, the permit holder and its subcontractors shall provide proof of Employers' Liability Insurance with limits as follows:

\$500,000 bodily injury each accident

\$500,000 bodily injury each disease

\$500,000 bodily injury disease aggregate.

(d) Permitter as Additional Insured. All insurance policies required by this agreement, except workers' compensation, shall name the City, its officers, employees and agents as an additional insureds by endorsement and said coverage shall contain a waiver of subrogation. Permit holder and its subcontractors shall provide a copy of an endorsement providing this coverage.

(e) Limits of Insurance. The total limits of general and excess liability insurance set forth above may be provided to the City using a combination of primary and excess liability insurance.

(f) Certificates of Insurance. Upon the execution of this Agreement, the permit holder shall provide certificates of insurance to the City of Aurora demonstrating that at the minimum coverages required herein are in effect. Permit holder agrees that the required coverages will not be reduced, canceled, non-renewed or materially changed without Thirty (30) days prior written notice to the City. All certificates of insurance must be kept in force throughout the duration of the services. If any of permit holder's or any of its subcontractor's coverage is renewed at any time prior to the expiration of this Agreement, the permit holder shall be responsible for obtaining updated insurance certificates for itself and such subcontractors from the respective insurance carriers and forwarding the replacement certificates to the City within ten (10) days of the expiration date of any previously delivered certificate.

The minimum A.M. Best rating of each primary insurer shall be A- X and the minimum A.M. Best rating of each excess insurer shall be A- VIII. The

Licensee shall provide copies of insurance policies to the City Risk Manager upon request.

Any of the minimum limits of insurance set out herein may be raised or lowered at the sole discretion of the Risk Manager for the City of Aurora in response to the particular circumstances giving rise to the Agreement. The permit holder's policy will be primary and non-contributory with respect to any and all self-insurance or insurance policies purchased by the additional insured.

In the event that the permit holder involves professional or consulting services, in addition to the aforementioned insurance requirements, the Owner shall also be protected by a Professional Liability Insurance policy. The following policy limit is considered a minimum amount.

Professional Liability Insurance policy with a minimum of \$1,000,000 per claim. This policy shall provide coverage to protect the Owner against liability incurred as a result of the professional services performed under this contract.”

## **IX. FEES**

1. The following annual permit fee schedule shall be applied to approved bicycle share permit holders based on the size of the operator's fleet. A business license, separate from this permit, shall be required as well in order to operate within the City of Aurora.
  - a. Less than 500 bicycles \$2,500
  - b. 501 to 1,000 bicycles \$5,000
  - c. 1,0001 to 2,000 bicycles \$7,500
  - d. Over 2,000 bicycles \$10,000
  
2. The following annual permit fee schedule shall be applied to approved bicycle share permit holders based on number of docking stations. A business license, separate from this permit, shall be required as well in order to operate within the City of Aurora.
  - a. Per Docking Station \$500

## **X. APPLICATION**

1. Organizations interested in applying for a permit shall submit an application to the City of Aurora. The application must include these items:
  - a. Organization name and local, primary contact information
  - b. Insurance & Indemnification documentation
  - c. Images and description of bicycles and mobile application
  - d. Size of fleet, including any planned fleet expansion over the year
  - e. Service area, including any planned area expansion over the year
  - f. Education and outreach plan for proper bicycle parking and riding
  - g. Plan to provide an equitable bicycle share service to service area