

CODE OF BALTIMORE REGULATIONS ANNOTATED

EDITOR'S NOTE:

The attached regulations have been submitted to the Director of the Department of Legislative Reference for COBRA codification in accordance with § 4-401, Title 4 {*Administrative Procedure Act – Regulations*} of the General Provisions Article of the Baltimore City Code. The attached regulations have not been reviewed by the Department of Legislative Reference for adherence to COBRA formatting and are subject to non-substantive formatting changes.

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Title 14 DEPARTMENT OF TRANSPORTATION

Subtitle 01 *{RESERVED}*

Subtitle 02 DOCKLESS VEHICLES FOR HIRE

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Subtitle 02 DOCKLESS VEHICLES FOR HIRE

CHAPTER 01 GENERAL PROVISIONS

Authority: Baltimore City Code Article 31, § 38-3

14.02.01.01. Adoption, Applicability, and Scope of Regulations.

A. Adoption.

The Baltimore City Department of Transportation (“DOT”) adopts these rules and regulations under City Code Article 31, Subtitle 38 {“Dockless Vehicles”}.

B. Applicability.

These rules and regulations are in addition to all applicable laws found in the City Code Article 31, other applicable sections of the City Code, and the Annotated Code of Maryland.

C. Scope of Regulations.

- (1) A Dockless Vehicle for Hire must meet the standards of operations provided in this Regulation to be permitted to operate in Baltimore.
- (2) DOT will issue up to three Dockless Vehicles permits annually and based on a competitive application process.
- (3) DOT will reserve two permits for providers that commit to maintain a daily fleet of
 - (a) two or more vehicle types, or
 - (b) one vehicle type and an adaptive vehicle program.
- (4) A permit is valid for one year and a permit holder is eligible for annual renewal if the Permit Holder:
 - (a) receives approval from the DOT Director, which may be based on compliance and community ratings gathered during this permit year;
 - (b) signs a renewal agreement that includes any updated Rules and Regulations; and
 - (c) pays all annual fees.
- (5) If a Dockless Vehicle for Hire provider is awarded a permit under these regulations and fails to meet one or more of the expressed standards contained in these regulations, DOT shall:
 - (a) review the performance of the provider under the permit issued; and
 - (b) assess the violation for any potential penalty.

14.02.01.02. Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Adaptive Dockless Vehicle” means a Dockless Vehicle that is accessible to people with various physical disabilities, including motorized or non-motorized:
 - (a) recumbent bicycles;
 - (b) tricycles; and
 - (c) hand cycles.
- (2) “Block Face” means one side of a street between two intersections of other streets, excluding alleyways.
- (3) “Deployment” means where the Dockless Vehicles are placed when they are made available for rent by the Permit Holder.
- (4) “Deployment Zone” means a geographic area designated by DOT for tracking the deployment of Dockless Vehicles.
- (5) “Director” means the Director of the Department of Transportation.
- (6) “Dockless Corral” means geographic locations designated by DOT where Dockless Vehicles may be parked.
- (7) “Equity Zone” means geographic locations designated by DOT where Dockless Vehicles must be deployed to provide equitable access.
- (8) “Fleet” means all of the Dockless Vehicles in Baltimore City, regardless of whether they are available for rent and will be measured as the average number of vehicles during a 24-hour period.
- (9) “Permit Holder” means a provider of a Dockless Vehicle for Hire permitted to operate on public right-of-way by DOT.
- (10) “Speed Governor” means a device that ensures the motor of a Dockless Vehicle is incapable of propelling the vehicle at a rate of speed in excess of the mandated speed limit on level ground.
- (11) “Vehicle Make or Model” means a vehicle of the same type, but with different features or appearance -- for example, the Segway Ninebot Max is a different “vehicle make” than the Unagi Model One although they are both e-Scooter vehicle types.
- (12) “Vehicle Type” means all vehicles that meet a certain vehicle code -- for example, a Bicycle is a vehicle type and an e-Scooter is a different vehicle type.

14.02.01.03. Standards for Vehicles.

- A. A vehicle make or model of Dockless Vehicle intended to operate on public right-of-way must be approved by the Director prior to its deployment on public right-of-way.
- B. If a Permit Holder wishes to deploy a new vehicle model or vehicle type, the Permit Holder shall:
 - (1) submit to DOT at least 2 weeks prior to intended deployment:
 - (a) specifications;
 - (b) safety certificates;
 - (c) deployment plan; and
 - (d) any changes to operations or maintenance plans; and
 - (2) may not deploy the new vehicles until receiving written approval.
- C. Timeline for Compliance with Vehicle Standards.
 - (1) If a Permit Holder's previously approved vehicles no longer meet vehicle standards due to changes in laws or regulations, DOT will notify the Permit Holder.
 - (2) In this notification, DOT will advise on a timeline of compliance that will be no less than 60 days and no more than 6 months, to be calculated based on the upgrade required.
- D. Permit Holder shall certify that all vehicles deployed meet:
 - (1) all applicable Federal, State, and Baltimore City laws and regulations pertaining to vehicle code;
 - (2) the CPSC Safety Standards: ISO 43.150 for Pedal Bicycles; and
 - (3) the CPSC Public Law 107-319 for all E-Scooters and E-Bicycles.
- E. Required Features of a Dockless Vehicle.

Dockless Vehicles must:

 - (1) weigh no more than 100 pounds;
 - (2) be equipped with an operational kickstand or other structural feature so that the vehicle can be stably parked upright without needing to lean on any structure or object;
 - (3) be equipped with built-in front and back lights that:
 - (a) illuminate while the Dockless Vehicle is in use; and
 - (b) are both visible from a distance of at least 500 feet away under normal atmospheric conditions at night;
 - (4) be equipped with a bell or noise emitting device;
 - (5) have tires with a diameter of at least 9 inches;

(6) have tactile identification which:

(a) meets State requirements; and

(b) is located on the stem near the handlebars, if handlebars are present; and

(7) have legible decals listing:

(a) the name of the Permit Holder, which must be displayed in at least 16-point font;

(b) a toll-free telephone number, e-mail address, and website address, all of which shall be displayed in at least 16-point font, that may be used to report an incorrectly parked Dockless Vehicle or a Dockless Vehicle in need of repair; and

(c) a unique identification number, which shall be displayed in:

(i) at least 48-point font; or

(ii) font that is at least 1 inch in height.

F. Speedometer and Speed Governor Requirements.

(1) E-Scooters must have a speedometer that is always legible.

(2) E-scooters must be equipped with a Speed Governor capable of throttling speeds to specific speed limits in geographical areas designated in the MD Policy API.

G. Bicycle and E-Bicycles must have a locking device that can be used to lock to a Bicycle rack and to lock to itself.

H. Dockless Vehicles and apps associated with them may not provide false information to DOT or the public, such as:

(1) inaccurate speedometer readings; and

(2) alarms that announce that a Vehicle can notify the police.

I. Vehicle Inspections.

(1) DOT reserves the right to perform regular vehicle inspections to ensure that:

(a) rentable Dockless Vehicles; or

(b) any other equipment deployed on public right-of-way are functioning safely and properly equipped.

(2) Inspection details shall be shared with the Permit Holder prior to any inspections.

J. The Permit Holder warrants that all Dockless Vehicles it deploys in the City shall:

(1) be designed, constructed, and maintained to be free of any defects in materials or workmanship and;

(2) always be safe for members of the public to use in the ordinary course of usage.

K. Remote Shutdown of Dockless Vehicles.

- (1) Permit Holder shall remotely shut down any vehicle reported to have any safety issues so that it cannot be operated by a user until the vehicle can be repaired.
- (2) Vehicles shall be remotely shut down after the first report of an issue by a mobile application user.
- (3) If a reported safety issue is due to an equipment issue which could potentially be present in additional Dockless Vehicles, Permit Holder shall remove their entire fleet of vehicles from the right-of-way within 24 hours until:
 - (a) further investigation is completed; and
 - (b) relaunch is approved by the City.

L. Permit Holder shall submit a detailed vehicle maintenance plan to DOT upon application for a Dockless Vehicle permit and shall notify DOT of any changes to these plans. Maintenance plans shall include:

- (1) procedures for ensuring that the vehicle fleet is safe for use and well-maintained;
- (2) the frequency with which Dockless Vehicles are inspected;
- (3) mechanic training methods; and
- (4) long term monitoring methods and the life expectancy for each component of the vehicle, including batteries.

14.02.01.04. Standards for Fleet Size.

A. Minimum and Maximum Fleet Sizes.

- (1) For each permitted vehicle type, the Permit Holder may initially operate a fleet consisting of at least 75 Dockless Vehicles and no more than 1000 Dockless Vehicles.
- (2) If a Permit Holder holds a permit for multiple vehicle types, the total fleet maximum may include any combination of their permitted vehicles types so long as there is a minimum of 150 vehicles of each type permitted.
- (3) Adaptive Dockless Vehicles:
 - (a) must be officially approved by the Director; and
 - (b) will not be included in the count for the maximum number of vehicles allowed.
- (4) Any permanent fleet increases granted to a Permit Holder during the previous permit cycle shall remain in effect.

B. Timelines for Reaching Minimum Fleet Size.

- (1) Providers of Dockless Vehicles for hire permitted in the previous year shall reach the minimum fleet size per vehicle type within 20 days of being awarded a permit.
- (2) New Permit Holders or Permit Holders introducing a new vehicle type shall reach the minimum fleet size within 60 days of being awarded a permit.

C. Fleet Increases.

- (1) Requests to operate more vehicles than the limits established in section A. of this regulation will be evaluated quarterly by DOT.
- (2) Requests to operate more vehicles than the limits established in section A. of this regulation may be granted at DOT's discretion for good performance during the period prior to the evaluation and projections for the subsequent quarter.
- (3) Each quarter, Permit Holder may propose a fleet increase of up to 250 vehicles.
- (4) DOT will evaluate Permit Holder proposals quarterly.
- (5) DOT retains the right to
 - (a) set an overall fleet cap; and
 - (b) revoke fleet increases.

14.02.01.05. Standards for Deployment.

- A. Permit Holder shall ensure that all Dockless Vehicles are deployed in compliance with City Code Article 31, § 38-19 {"Unlawful Parking"}.
- B. Permit Holder shall enable Dockless Vehicle access within the city limits of Baltimore City and not designate any public right-of-way as an un-serviced area.
- C. Equitable Distribution Requirements.
 - (1) Deployment Districts.
 - (a) On each day of service, Permit Holder shall deploy no less than 5% and no more than 25% of their fleet to each of the deployment districts defined in DOT's MDS Policy API.
 - (b) DOT will evaluate daily compliance based on at least one hour of compliance between 5:00 a.m. and 9:00 a.m.
 - (c) Permit Holder shall redistribute Dockless Vehicles during the day if more than 35% of their fleet are in any one deployment district, except as may be permitted by DOT to accommodate a special event.
 - (d) Within three hours of notification that DOT has found, through the MDS AP feed, an overconcentration of Dockless Vehicles, Permit Holder shall redistribute Dockless Vehicles.
 - (2) Equity Zones.
 - (a) Permit Holder shall deploy a minimum of three Dockless Vehicles to each Equity Zone, as defined in DOT's MDS Policy API.
 - (b) If the provider operates two or more types of Dockless Vehicles, the Permit Holder shall deploy a minimum of four Dockless Vehicles to each Equity Zone.
 - (c) DOT will evaluate daily compliance based on at least one hour of compliance between 5:00 a.m. and 9:00 a.m.
- D. Permit Holder may not deploy:
 - (1) outside of a parking corral on any Block Face that contains an official parking corral designated by DOT, assuming there is room for additional vehicles;
 - (2) more than ten Dockless Vehicles per block face per Permit Holder, except as may be permitted by DOT to accommodate a special event;
 - (3) on a Block Face which contains the front entrance to a K-8 school;
 - (4) in any tree pit or otherwise landscaped area;
 - (5) in front of a property with an approved non-deployment request starting 48 hours after the request is reported to the permit holder; or
 - (6) in other locations DOT tells the Permit Holder that the Permit Holder may not deploy, starting 48 hours after notification.

- E. Non-Deployment Requests.
 - (1) Property owners or managers may submit a non-deployment request in writing for the area adjacent to their property.
 - (2) Any requests approved by DOT shall only prohibit deployment to the location and may not prohibit parking by users.
- F. For severe weather or emergencies, if DOT provides at least 24-hour prior notice, DOT may:
 - (1) suspend deployment requirements;
 - (2) require the removal of:
 - (a) the entire fleet; or
 - (b) large parts of the fleet in defined geographic locations.
- G. Before snow emergency events, DOT may require the removal of all Dockless Vehicles from evacuation routes.
- H. Before expected flooding, DOT may require the removal of all Dockless Vehicles from low laying areas.
- I. For large festivals or events, DOT may suspend requirements such as concentration limits.
- J. Temporary Exemptions from Deployment Regulations.
 - (1) Permit Holder may submit applications for a temporary exemption from the deployment requirements in this Regulation.
 - (2) Applications will be reviewed within 24 hours for immediate safety concerns and within five business days for other exemption requests.
 - (3) The application for a temporary exemption shall include a plan for communicating operational changes to affected users and the general public.
- K. Upon application for a Dockless Vehicle permit, Permit Holder shall submit a detailed operations plan including:
 - (1) hours and days of operation, and any relevant limitations;
 - (2) procedures for responding to extreme weather events and special events;
 - (3) procedures for responding to complaints; and
 - (4) procedures for ensuring availability of Dockless Vehicles in each deployment zone and for avoiding overconcentration (35% of fleet) in any one deployment zone.
- L. The Permit Holder shall notify DOT of any changes to the detailed operations plan cited in section K. of this regulation.

14.02.01.06. Standards for Parking and Operation.

A. Orderly Parking.

(1) Permit Holder shall instruct users:

(a) to park Dockless Vehicles in compliance with City Code Article 31, § 38-19 {"Unlawful Parking"}; and

(b) to operate Dockless Vehicles in compliance with City Code Article 31, § 38-18 {"Unlawful Operation"}.

(2) Permit Holder shall require end of trip pictures from riders that show where and how the vehicle was parked.

(3) Permit Holder shall use the end of trip pictures

(a) when a parking violation is reported by DOT,

(b) to disable rider accounts when three or more end of trip pictures show

(i) unlawful parking or

(ii) do not show the parking of the vehicle.

(4) Permit Holder shall display all applicable parking and operating laws within the mobile application, specifically within 4 clicks from the home screen of the mobile application.

(5) Permit Holder shall display parking corrals installed by DOT in the mobile application each quarter within ten business days of notification of installation.

B. No Parking Zones.

(1) DOT retains the right to establish No Parking Zones on the public right-of-way.

(2) Permit Holder shall enact No Parking Zones that prohibit a user from ending a trip within 72 hours of notification by DOT.

(3) No Parking Zones shall be listed in DOT's MDS Policy API.

C. If a Dockless Vehicle has been parked at the same location and not ridden for five consecutive days, Permit Holder shall:

(1) perform a mechanical check of the Dockless Vehicle;

(2) relocate the Dockless Vehicle to another Block Face; or

(3) perform a mechanical check of the Dockless Vehicles and relocate the Dockless vehicle to another Block Face.

D. To deploy Dockless Vehicles in areas other than the public right-of-way, such as parks, plazas, parking lots, private property, or transit stations, the Permit Holder must:

(1) obtain the right to deploy the Dockless Vehicle in the areas from the:

- (a) appropriate City department;
 - (b) private property owner; or
 - (c) public agency; and
- (2) communicate this right to users via:
- (a) signage approved by the respective entity;
 - (b) a mobile or web application; or
 - (c) both signage approved by the respective entity and a mobile or web application.
- E. Permit Holder shall apply speed geo-fencing to all Dockless Vehicles with Speed Governors to establish a City-wide speed limit of 15 mph with the following exceptions:
- (1) reduced speed zones as defined in DOT's MDS Policy API where speeds are limited to eight mph in certain locations; and
 - (2) no ride zones as defined in DOT's MDS Policy API where Dockless Vehicles slow to walking speeds of three mph or less.
- F. Unless Permit holder submits a request to and receives approval from DOT, Permit Holder may not designate any public right-of-way in Baltimore City limits:
- (1) a No-Parking zone;
 - (2) a Reduced-Speed zone;
 - (3) a No-Ride zone. no ride zones as defined in DOT's MDS Policy API where Dockless Vehicles slow to walking speeds of three mph or less.

14.02.01.07. Standards for Seizure.

A. Response Time Requirements and Testing.

- (1) When notified that a Dockless Vehicle that is incorrectly parked, including notifications via Permit Holder communication platforms, the Permit Holder shall reposition or remove the incorrectly parked Dockless Vehicle within:
 - (a) 3 hours of notification by DOT; and
 - (b) 6 hours of notification by the public.
- (2) DOT reserves the right to perform routine parking complaint response time checks, during which DOT may report illegally parked vehicles officially on behalf of DOT or anonymously as a member of the public.

B. DOT may seize, tow, and impound vehicles when:

- (1) the Permit Holder has not complied with requests for repositioning Dockless Vehicles within the allotted time frame, or
- (2) Dockless Vehicles are in locations which the Permit Holder cannot access, such as underwater in the Inner Harbor waterway.

C. Seizure, Towing, and Impoundment Procedures.

- (1) When Dockless Vehicles are seized, Permit Holder shall be notified in accordance with City Code Article 31, § 38-24 {"Seizure"}.
- (2) At the time of impoundment, DOT will:
 - (a) take pictures of the illegally parked Dockless Vehicle while in violation;
 - (b) record the unique identification number; and
 - (c) record a property number assigned by the Towing Division.

D. Permit Holder shall be charged the following fees from the refundable performance bond:

- (1) If up to five Scooters are seized at the same time, the Permit Holder will be charged \$220.00.
- (2) If more than five Scooters are seized at the same time, the Permit Holder will be charged \$44.00 per Scooter beyond the fifth Scooter.
- (3) If up to three Bicycles or E-Bicycles are seized at the same time, the Permit Holder will be charged \$220.00.
- (4) If more than three Bicycles or E-Bicycles are seized at the same time, the Permit Holder will be charged \$73.33 per Bicycle beyond the third Bicycle or E-Bicycle.
- (5) After the first 48 hours, the Permit Holder will be charged \$15.00 per 24-hour time period from the initial storage date and time for each group of one-five Scooters or one-three Bicycles or E-Bicycles.

E. Permit Holder shall retrieve impounded Dockless Vehicles from:

DOT Towing Division
6700 Pulaski Hwy
Baltimore, Maryland, 21237

During the following hours:

Monday-Friday 8:30 am- 5:00 pm
Saturday 9:00 am – 4:30 pm
Closed Sundays and Holidays

F. Permit Holder shall notify the Towing Division of the representative who shall retrieve the impounded vehicles by calling 410-396-9958 or 410-545-3417.

14.02.01.08. Standards for User Education and Engagement.

- A. Permit Holder shall provide appropriate user education in-app to explain how to properly operate and park a Dockless Vehicle to all customers and potential customers by:
- (1) developing an in-app quiz for new users that:
 - (a) contains a minimum of five questions approved by DOT pertaining to parking, operations or general safety;
 - (b) must be completed with an 80% score by new users before their third rental of a Dockless Vehicle; and
 - (2) displaying a banner on the home screen first presented in the app that highlights a law or safety tip determined by DOT for up to one week of each month.
- B. Permit Holder shall provide appropriate user education in-person to explain proper riding and parking to all customers and potential customers by:
- (1) hosting or actively participating in a minimum of one community event per deployment zone annually to display safety information;
 - (2) attending a minimum of two community events in each quarter, except for the Winter quarter (December – February); and
 - (3) attending a minimum of four public meetings per DOT invitation.
- C. If notified by DOT, Permit Holder shall maintain staff at special events with over 5,000 people in attendance to encourage proper parking and operations by:
- (1) designating an individual as a staff contact for event organizers and security;
 - (2) providing up to two staffers for events expecting 5,000-9,999 people in attendance for:
 - (a) up to one hour before the event;
 - (b) the duration of the event; and
 - (c) up to one hour after the conclusion of the event; and
 - (3) providing up to three staffers for events expecting over 10,000 people in attendance for:
 - (a) up to one hour before the event;
 - (b) the duration of the event;
 - (c) and up to one hour after the conclusion of the event.

14.02.01.09. Standards for Equitable Dockless Vehicle Access.

A. Cash Payment Plans.

- (1) Permit Holder shall offer the option to rent Dockless Vehicles through cash payments.
- (2) The process and the locations where these options can be accessed shall be clearly listed on the Permit Holder's website and mobile application.
- (3) Permit Holder shall offer at least one cash payment option location in each Deployment Zone.

B. Non-Smartphone Plans.

- (1) Permit Holder shall offer the option to rent Dockless Vehicles without the use of a smartphone.
- (2) The process to rent vehicles without a smartphone shall be clearly listed on the Permit Holder's website and mobile application.

C. Low-Income Plans.

- (1) The Permit Holder shall offer a low-income customer plan to any individual with an income level at or below 200% of the federal poverty guidelines.
- (2) Low-income users may be:
 - (a) preapproved by referral agencies; or
 - (b) show proof of receiving local, state, or federal assistance.
- (3) The low-income customer plan shall either:
 - (a) waive any unlock fees; and
 - (b) offer a minimum 50% discount off rental fees for any type of ride or pass; or
 - (c) offer unlimited free rides under 30 minutes.
- (4) Permit Holder shall notify DOT of any changes to verification methods or low-income customer plans.
- (5) The process to sign up for the low-income plan shall be clearly listed on the Permit Holder's website and mobile application.

D. Permit Holder shall provide a step-by-step instruction document for DOT to post on the DOT website summarizing the process to sign up for the cash payment, non-smartphone, and low-income plans.

E. Permit Holder shall inform all users of the availability of cash payment, non-smartphone, and low-income customer plans during first-time sign up and via email at least twice annually.

F. Pricing and pricing changes shall be uniform across the city except for pricing variations used to:

- (1) incentivize proper operations; or
- (2) increase ridership among underserved or low-income populations.

G. Pricing for customers may not be based on:

- (1) race;
- (2) color;
- (3) religion or creed;
- (4) national origin or ancestry;
- (5) sex;
- (6) gender identity;
- (7) sexual orientation;
- (8) age;
- (9) physical or mental disability;
- (10) veteran status;
- (11) genetic information; or
- (12) citizenship.

H. Customer Service Phone Lines.

- (1) Permit Holder shall maintain a live, multilingual 24-hour customer service phone line.
- (2) If callers are required to leave a voicemail, permit holder shall respond with a call back within two hours.
- (3) Translation or call back within four hours shall be provided in:
 - (a) Spanish;
 - (b) French;
 - (c) Mandarin Chinese; and
 - (d) Korean.

I. Permit Holder shall make the software application used for vehicle rental and all websites accessible to visually impaired individuals as consistent with the latest WCAG standards (detailed online at <https://www.w3.org/TR/WCAG21/>) within 120 days of receiving a permit.

14.02.01.10. Standards for Advertising.

- A. Any marketing campaigns conducted by the Permit Holder shall include an effort to reach underserved or low-income populations.
- B. Permit Holder may not use the name or logo of DOT or other Baltimore City departments or agencies to imply sponsorship or support of the Permit Holder's company without prior written permission.
- C. Permit Holder may not use its Dockless Vehicles, mobile applications, kiosks, or any other equipment for the sale or display of third-party advertising.

14.02.01.11. Standards for Data and Reporting.

- A. All Dockless Vehicles must be equipped with on-board GPS technology that does not rely on a customer's mobile device to obtain spatial information.
- B. Publicly Accessible Application Program Interface (API).
 - (1) Permit Holder shall provide a publicly accessible API.
 - (2) This API shall be in a gbfs.json file format.
 - (3) There are no "stations" in the parlance of GBFS and therefore both station_status.json and station_information.json should return an empty list.
 - (4) FreE-Bicycle-status.json is required.
 - (5) The field "vehicle_type" shall be added to the public API to describe the vehicle type, which may be:
 - (a) "Bicycle,";
 - (b) "E-Bicycle";
 - (c) "Scooter"; or
 - (d) another type of specified permitted vehicle.
 - (6) The operator shall provide access to at least 50 requests per hour.
 - (7) The location of the API on the internet shall be provided to DOT so that DOT may post this location on the DOT website.
 - (8) The public API need not be available without authentication; however, Permit Holder shall tell DOT shall how to request authentication.
 - (9) By requesting access, any member of the public, including commercial entities, must be able to gain access to the data provided by the API.
 - (10) A smart phone-based application used to rent Dockless Vehicles does not qualify as a publicly accessible application program interface.
- C. Mobility Data Specification (MDS) API.
 - (1) Permit Holder shall provide an MDS API to DOT with all trips starting, ending, or passing through Baltimore City.
 - (2) The MDS API shall follow the specifications:
 - (a) MDS 1.0 or newer as set by the Open Mobility Foundation (OMF); and
 - (b) posted at: <https://github.com/openmobilityfoundation/mobility-data-specification>.

- (3) Permit Holder shall provide the MDS Provider API endpoints, including:
 - (a) trips;
 - (b) status changes;
 - (c) vehicles; and
 - (d) realtime data.
- (4) Permit Holder shall change vehicle status to 'Unknown' if a vehicle is suspected to be vandalized or missing for five or more days.
- (5) GPS data for vehicles on-trip shall be transmitted from all dockless vehicles at a minimum frequency of every 30 seconds to ensure accurate location data is conveyed.
- (6) Permit Holder shall maintain or develop connections to ingest all MDS Policy API endpoints provided by DOT.
- (7) DOT reserves the right to require additional or updated endpoints published by OMF.
- (8) Permit Holder shall update or add endpoints within:
 - (a) 60 days of notification from DOT for required published endpoints; and
 - (b) 90 days for beta endpoints.
- (9) Permit Holder shall share accurate and up-to-date data through the API within 24 hours.
- (10) DOT shall share the API with a third-party aggregator for the sole purpose of secure data storage and analysis.
- (11) DOT, at its discretion, may share the API with other third parties that form an MOU with DOT for the purpose of data analysis directly related to the permit that shall:
 - (a) include provisions governing the public release of data by a third-party recipient; and
 - (b) be made available for Permit Holders to review prior to being finalized.

D. Permit Holder shall report any of the following to DOT within 24 hours:

- (1) requests to not deploy vehicles at a location by the adjacent property owner, so that DOT can verify such requests;
- (2) any vehicle that a Permit Holder has evidence to believe is in a body of water or other location where the Permit Holder cannot retrieve the vehicle; and
- (3) any issues that could affect public safety, including:
 - (a) reports of criminal activity involving Dockless Vehicles;
 - (b) reports on any crashes involving Permit Holder's Dockless Vehicles;
 - (c) any contact with the Baltimore Police Department;

(d) any contact with the Baltimore Fire Department; and

(e) defects in any equipment.

E. Permit Holder shall provide DOT with a monthly report following DOT's reporting template and in excel or csv format within ten business days from the end of the month that includes:

- (1) reports on any Dockless Vehicles lost due to theft or vandalism;
- (2) aggregated repair information on Permit Holder's Dockless Vehicles by model of vehicle and by type of repair;
- (3) any reports of illegal parking or rebalancing requests from the public;
- (4) all customer complaints received via app, email, or phone call with response time noted;
- (5) reports on any City meeting attended, community events attended or marketing efforts;
- (6) the number of active users during the past month;
- (7) the number of rides by low-income pass, cash, and non-smart phone users within the past month;
- (8) the number of low-income, cash, and non-smart phone users, disaggregated by the type of plan and user home zip code;
- (9) the number or trips taken by users of the low-income pass; and
- (10) any updates to maintenance or operational plans.

F. Within 10 days of notification by DOT, the Permit Holder shall:

- (1) include a clickable link to a yearly DOT survey in the mobile application; and
- (2) send the survey link to all active users via e-mail.

G. Software Issues and Hacking Events.

- (1) Permit Holder shall notify DOT of any changes to data portals, including responses to notifications from DOT about:
 - (a) software glitches;
 - (b) issues with "hacking"; or
 - (c) data portals.
- (2) Permit Holder shall acknowledge notifications within 24 hours and include a plan for fixing the problem.
- (3) Permit Holder shall update DOT on progress fixing software glitches every 48 hours while the problem persists.
- (4) Permit Holder shall permanently fix any issues within 60 days.

H. Permit Holder will protect user privacy by:

- (1) complying with Payment Card Industry Data Security Standards for any Electronic payments;
- (2) notifying users of any mobile device features that the mobile application accesses; and
- (3) not releasing any personal user data to entities unrelated to operations or that intend to use the data in commercial sales to third parties.

I. Permit Holder may request that customers “opt in” to provide location services or access to files on a user’s phone for improved functionality if failure or refusal to grant location services does not result in a customer being unable to use the Permit Holder’s Dockless Vehicles.

J. Permit Holder shall provide DOT an account for its mobile application so that DOT employees can unlock and rent Dockless Vehicles without being charged a fee for the purposes of:

- (1) education;
- (2) routine vehicle inspections; or
- (3) vehicle repositioning.

14.02.01.12. Standards for Fees.

- A. For all payments Permit Holder shall follow all rules and regulations adopted by the Department of Finance.
- B. Permitting Fee.
 - (1) Permit Holder shall pay a permitting fee for the issuance of a revocable Public Right-of-Way Occupancy Permit within 30 days of being awarded the permit.
 - (2) The fee shall reflect the costs of:
 - (a) permitting;
 - (b) program administration;
 - (c) associated infrastructure;
 - (d) education and enforcement, and
 - (e) program evaluation.
 - (3) The fee shall be approved by the Board of Estimates and disclosed to permit applicants before the application deadline.
 - (4) If Permit Holder's permit is revoked, DOT will not refund any permitting fees paid for the current permit cycle or past months of operations.
- C. Security Bond.
 - (1) Permit Holder shall provide to DOT security for performance in the amount of \$10,000.
 - (2) The security may be in the form of a performance bond, a refundable bond, or any other security acceptable to the City, which may be drawn from if:
 - (a) the Permit Holder fails to remove from the public right-of-way vehicles that are unsafe, unpermitted, or abandoned;
 - (b) DOT must remove, relocate, impound, or store Dockless Vehicles due to improper parking, safety hazards, or any other violation of these regulations; or
 - (c) the Permit Holder's Dockless Vehicles cause damage to public property.
 - (3) DOT may draw from the balance of the Permit Holder's refundable bond deposit(s) to recover all costs due.
 - (4) DOT shall provide written notice to Permit Holder before making a deduction stating:
 - (a) the reasons for the deduction;
 - (b) the amount of the deduction;
 - (c) that any objection the Permit Holder has must be submitted, in writing, no later than 7 days after the date of the written notice.

(5) Any decision averse to the Permit Holder shall:

(a) be in writing;

(b) provide the reasons for denying the objection; and

(c) be sent to the Permit Holder three days before a deduction is made.

D. Permit Holder shall:

(1) remit per-rental tax twice annually with a list of all transactions; and

(2) send a digital copy of all payments and transactions to DOT.

14.02.01.13. Standards for Insurance.

A. Required Insurance.

(1) The Permit Holder shall procure and maintain during the life of this agreement:

- (a) worker's compensation coverage as required by the State, as well as any similar coverage required for this work by applicable federal law or the laws of other states;
- (b) commercial general liability insurance for claims arising out of bodily injury or death and property damage, that includes contractual liability insurance, worth at least:
 - (i) \$1,000,000, generally; and
 - (ii) for policies with aggregate limits, \$3,000,000.
- (c) business automobile liability worth at least \$1,000,000.00 per occurrence for all claims arising out of bodily injury or death and property damage that applies to any owned, non-owned, leased, or hired automobiles used in the performance of this Agreement.

B. The City, its elected/appointed officials, employees, and agents shall be covered by endorsement as additional insured on the Permit Holder's commercial general liability and commercial automobile liability policies, in regard to liability arising out of activities performed by or on behalf of the Permit Holder in connection with this Agreement.

C. To the extent of the Permit Holder's negligence, the Permit Holder's insurance coverage shall be primary insurance regarding the City, its elected and appointed employees and agents.

D. Any insurance or self-insurance maintained by the City with its elected appointed officials, employees and agents may not contribute with the Permit Holder's insurance or benefit it in any way.

E. The Permit Holder shall indemnify, defend, and hold harmless the City, its elected and appointed officials, departments, agencies, employees, agents, and all other representatives together with all officers, directors, employees, agents and representatives of any of them (after this collectively referred to as the "Indemnified Parties") from and against any claims, demands, suits, causes of action, expenses or other liability of any kind or nature, whether in contract or tort, and by whomsoever brought, including without limitation reasonable attorney fees, fees for outside consultants, contractors and experts, and court costs, threatened or brought against any of the Indemnified Parties arising out of or relating to, or alleged to arise out of or relate to, any direct or indirect act or omission of the Permit Holder and its officers, directors, employees, agents, subcontractors, suppliers and other representatives for whom it is responsible by Contract or by law except to the extent actually caused by the negligence and/or intentional wrongdoing of one or more of the Indemnified Parties hereunder. The Permit Holder's obligations under this provision may not be limited or defined in manner whatsoever by the amount of insurance required by this Agreement. The rights of the Indemnified Parties under this provision may not be diminished, waived, discharged or released, in whole or in part, by the exercise of any other remedy allowed by law or other provisions of this Agreement. The requirements of this indemnification provision shall survive the termination of this Agreement.

F. The City agrees to provide notice to Permit Holder before resolution or settlement of claims for which it will seek indemnification.

G. The Permit Holder, for itself, its' officers, directors, employees, agents and all other representatives of the Permit Holder hereby releases, waives, holds harmless and forever discharges the City, and its elected and appointed officials, departments, agencies, employees, agents, design professionals, project inspectors, separate contractors and consultants, and all other representatives together with all officers, directors, employees, agents and representatives of any of them (after this collectively referred to as the "Released Parties") from and against any actions, causes of action, damages, liability, obligations, rights, torts, wrongs and claims, including but not limited to claims of death and personal injury, regardless by whosoever brought, in any way related, directly or indirectly, to the Permit Holder's deployment, operation and maintenance of any Dockless Vehicles in the City, except to the extent actually caused by the sole negligence and/or intentional wrongdoing of the City. Permit Holder covenants not to make or bring any such claims against the City or the Released Parties, and hereby releases and forever discharges the City and the Released Parties from any liability under such claims.

14.02.01.14. Standards for Permit Revocation.

- A. Whenever the Director, or Director's designee, has grounds to believe that City Code Article 31, § 38-13 {"Permit Revocation"} has been violated by a Permit Holder, DOT shall hold a hearing to determine whether sufficient facts exist to revoke the permit of the Permit Holder.
- B. The hearing shall be held at a time and place designated by DOT.
- C. DOT shall provide the Permit Holder with:
 - (1) notice of the hearing at least ten business days before the scheduled date; and
 - (2) an opportunity to be heard.
- D. Permit Holder may waive the right to appeal in-person and instead submit an appeal in writing submitted before the scheduled date to the following address:
 - DOT Transit Bureau
 - 417 E. Fayette Street
 - Baltimore, Maryland 21202
- E. Following the hearing required by this Regulation, DOT shall record in writing its findings of fact.
- F. The Director may revoke the permit if:
 - (1) DOT finds that sufficient grounds exist to revoke a permit; and
 - (2) DOT provides at least five days' written notice in advance of the revocation.

Administrative History:

- R&R establish and effective August 1, 2019
- R&R revised and effective July 1, 2021
- R&R revised to be effective July 1, 2022

Effective Date: