

The City of West Hollywood

Dockless E-Bike Pilot Program: Call For Applications

Response to Questions

September 11, 2019

1. Section (C)(5) notes that “devices should be locked to a bike rack or locked-to themselves.” This implies that a self-locking or digital locking mechanism as compared to a lock-to mechanism (such as a cable lock), would meet the lock-to requirement. Please confirm whether this is correct.
 - The goal of this requirement is to ensure that the devices remain upright when parked. The lock-to feature is one way to accomplish this goal; however the City acknowledges that this goal is to ensure that the devices remain upright when parked. The lock-to feature is one way to accomplish this goal; however the City acknowledges that this goal may be met through alternative measures. If the applicant’s devices are not designed with a lock-to feature, the applicant should provide a summary of alternative design features that contribute to the device’s ability to maintain an upright position while parked.
2. Can you provide a description of the measures and methods the City plans to employ when performing an audit as contemplated by Section F(1)(c) of the permit application?
 - The audit will serve as an inspection of the devices’ equipment and safety standards listed in Section B (Equipment and Safety).
3. How many devices does the City plan to include in an “audit sample”?
 - The audit sample will include approximately 30% of the total fleet deployed in the City.
4. Over what period of time does the City plan to conduct audits?
 - Audits will be conducted over the course of one day. The operator will be notified in advance of the timing of the audit.
5. Please confirm the number of operators to which the City anticipates issuing permits.
 - One operator will be selected initially for participation in the pilot program.
6. What is the total number of corrals the City plans to create initially? What is the City’s plan for adding corrals?
 - The City has identified approximately 40 locations for parking corrals at the onset of the pilot program. The City will continue to iterate on the locations and add new locations. New locations will be determined based on user behavior collected through ride data.

7. Would the City be open to a per-ride fee in lieu of the 3% of revenue fee? We expect the revenue generated for the City to be comparable, and that the administration of a per-ride fee would be easier for the City to manage.
 - If an applicant would like to request changes to the fee structure, please indicate that request for a deviation or modification of the language in the application response. Such requests will be assessed in the context of the full application packet, and does not imply a loss in points.
8. The CFA indicates that there is a maximum fleet allowance of 300 with dynamic cap. Are there details around the dynamic criteria?
 - Section D(1)(a) states: “The operator may add devices to its fleet upon request to and approval by the City when the operator can demonstrate with device and utilization data that average ridership exceeds three (3) rides per day per device. (i) Utilization is calculated by dividing the sum or total daily rides within the jurisdiction over a one-week period by the total devices available daily during the same timeframe.
9. Per Section B(2), “No operator may deploy a device in the City that has the same identification number as another device the operator has contemporaneously deployed in the County of Los Angeles.” Please clarify what is meant by contemporaneously deployed. This requirement would restrict the free flow of vehicles in the Greater Los Angeles Area to and from the City. Some operators have successfully addressed this issue in other communities that neighbor the City of Los Angeles, including Santa Monica, by monitoring the number of vehicles present in that neighboring City via API to ensure that the number of vehicles doesn’t exceed the fleet cap. Would the City be open to this approach?
 - This goal of this requirement is to have a mechanism to identify the devices and link potential operational or parking issues with said device. To clarify, this language is stating that the identification number should not be a duplicate of a device that is currently permitted anywhere in LA County. Devices are expected and encouraged to travel across municipal boundaries.
10. On page 5 and 6 of the application, the requirements state, “The City encourages operators to make their bicycles available for free in the event of an earthquake or other significant emergency if ordered by the City Manager or City Council.” We have concerns about rider safety as this measure runs counter to our established best practices in emergency response, which includes removing vehicles from the road in the event of an emergency. We ask you to consider striking this requirement and are happy to work with you to jointly develop shared tactics in emergency situations.
 - If an applicant would like to request changes to the emergency unlocking requirement, please indicate that request for a deviation or modification of the language in the

application response. Such requests will be assessed in the context of the full application packet, and does not imply a loss in points.

11. With regards to Rider Education Signage, would the City consider changing its requirements conform to LA and Santa Monica standards for signage on devices? This would reduce rider confusion and increase safety when they operate vehicles in neighboring jurisdictions.
 - Section B(8) Information Affixed to Devices is not in conflict with the standards required in neighboring jurisdictions. The City anticipates that the devices deployed in adjacent cities will be ridden through and parked in West Hollywood. Applicants should expect to maintain the same signage standards specified in LA and Santa Monica.
12. On page 8 the requirements state, “the operator shall develop and implement a parking and fleet management plan that describes how the operator will: Detect and re-park improperly parked devices within 2 hours of notification from the City”, but the requirement is listed as 4 hours in other areas of the application. Would the City clarify if re-parking is required within 2 hours or 4 hours of notification?
 - The City has revised the time-frame of response time from 2 hours to 4 hours. The above section is an error and should read “...Detect and re-park improperly parked devices within 4 hours of notification from the City.”
13. On page 10, the requirements state, “The City may change the operator’s maximum fleet size at the City’s discretion.” Does this “maximum fleet size” reference the maximum number that we deploy or the maximum number of vehicles in a city at a given time? We can commit to not deploying more vehicles than the maximum fleet size every day, but given that there are changes throughout the day with the inflow and outflow of vehicles to West Hollywood, it will be difficult to comply if this is referencing maximum number of vehicles at a given time.
 - The maximum fleet size is limited to 300 devices with a dynamic cap. Compliance with this cap will be monitored in the morning, at the time of the staging of the devices.
14. How will the City work with providers to refine the locations of drop-zones and parking hubs?
 - The City will continue to iterate on the locations and add additional locations. New locations will be determined based on user behavior collected through ride data, shared by the operator.
15. With regards to ADA-prohibited Obstruction Hazards, we wanted to note that other cities in the region require 4 feet of clearance. We prefer consistent requirements to improve the overall experience for riders across regions and limit operational complexity. Would it be possible to change the requirement to a 4 feet standard?
 - The Citywide policy regarding ADA minimum-widths maintains a 4 foot standard, however this program aims to minimize impacts for people with mobility impairments

and therefore has high standard for ADA minimum-widths. If an applicant would like to request changes to the ADA-Prohibited Obstruction Hazards, please indicate that request for a deviation or modification of the language in the application response. Such requests will be assessed in the context of the full application packet, and does not imply a loss in points.

16. With regards to customer service, we have found that turnaround times are faster when written customer service issues are entered through a web form as opposed to through an email address. In order to more efficiently addressing customer questions, can we provide a link to a web form to report customer service issues instead of an email address?

- Yes.

17. In reference to the requirement of real-time collection of consumer information via the Mobility Data Specification (MDS): On August 1st, 2019, the California Legislative Council issued a formal opinion clarifying that the MDS standard runs contrary to the California Electronic Communications Privacy Act (CalECPA). The opinion is attached to this letter for your review. Please clarify how the City's MDS requirement reconciles with the Legislative Council's conclusion.

- The City requires the operator to comply with the data sharing terms of the Mobility Data Specification. If an applicant would like to request changes to the Data Sharing requirement, please indicate that request for a deviation or modification of the language in the application response. Such requests will be assessed in the context of the full application packet, and does not imply a loss in points.

18. Do the Permit Requirements represent a complete list of rules that operators will be asked to comply with during the term of the permit? If not, could the City please explain its process for providing adequate notice and opportunity for operator comment regarding any proposed changes to the Permit Requirements?

- The Permit Requirements are a complete list. If the City determines that additional requirements are needed, the City will provide the operator with a minimum of thirty days to comply with the added requirements.

19. With regards to the Indemnification and Insurance Requirements, we cannot comply with the CGL insurance requirement of "no annual aggregate". As you may know, it is an industry standard for CGL insurance policies to include an annual aggregate. Thus, the City's CGL requirement is highly unusual in the market and poses a significant risk for operators. Would the City consider modifying this coverage requirement to include a per occurrence limit of \$5 million and an aggregate limit of \$5 million?

- If the City's Indemnification and Insurance requirements are no longer the industry standard, please provide suggestions to be considered. If an applicant would like to

request changes to the Indemnification and Insurance language, please indicate that request for a deviation or modification of the language in the application response. Such requests will be assessed in the context of the full application packet, and does not imply a loss in points.

20. Who will be reviewing applications?

- The selection panel consists of an internal team of staff.

21. The Commercial General Liability provision requires "with limits of no less than \$5,000,000 per occurrence and no annual aggregate." Is this just sample language that will later change? Per insurance providers, no insurance carrier will grant a COI with "no annual aggregate."

- If the City's Indemnification and Insurance requirements are no longer the industry standard, please provide suggestions to be considered. If an applicant would like to request changes to the Indemnification and Insurance language, please indicate that request for a deviation or modification of the language in the application response. Such requests will be assessed in the context of the full application packet, and does not imply a loss in points.

22. Is there a sample bond form applicants must complete? Or must we create our own bond language?

- There is not sample bond form applicants need to complete at this time. The Performance Bond will be managed by the City.