

# E-scooter Shared Services Code of Practice

**April 2019**

# 1. Introduction

This Code of Practice outlines the requirements that dockless e-scooter share operators (operators) applying for a licence to operate must adhere to. It outlines the requirements and recommendations that operators are expected to follow as part of delivering safe and effective e-scooter share schemes in Auckland.

If there is non-compliance by the operator which is not remedied to a satisfactory degree, Auckland Council will revoke the licence.

This Code of Practice will be reviewed and updated as required in the future so that it continues to reflect best practice and the interests of the Auckland community. The conditions will be subject to change throughout this transition.

It is important to note that Auckland Council needs to remain agile in its approach to issuing approvals due to big shifts in consumer behaviour as well as e-scooter share usage, and how each of these varies with seasonal weather for example. Auckland Council therefore reserves the right to issue approvals to operators using a phased approach to avoid saturating the streets with too many shared services devices, such as bikes or e-scooters.

For the purpose of this Code of Practice, Auckland Council refers to Auckland Council and its Council controlled organisations including Auckland Transport, and any person or organisation delegated by Auckland Council to act on its behalf.

## **2. Aim and scope**

Auckland Council recognises the importance of providing genuine travel choices for Aucklanders to help reduce the need to travel by private motor vehicle. The potential to get more people using active modes is substantial. Dockless bikes and e-scooters can make active and micro-modes more accessible and complement Auckland's cycle network and existing public transport network.

Safety remains our primary objective and it is our duty to protect the rights of the public to use and enjoy Auckland's roads and walkways. Dockless e-scooter share schemes must work for everyone without impacting or causing a danger or nuisance to other road users.

This Code of Practice applies to all operators and sets out the operational and safety standards that operators must adhere to in order to be issued with and maintain an approval to operate in Auckland under the Trading and Events in Public Places Bylaw 2015.

### 3. Engagement with Auckland Council

Prior to launching a scheme, operators must contact Auckland Council with a plan demonstrating how a proposed scheme will adhere to this Code of Practice.

Operators must also confirm the existence of documented systems to operate safely and in accordance with their obligations under the Health and Safety at Work Act. Operators will be required to confirm, and where appropriate, provide the following, prior to being granted a licence.

1. Safety and Risk Management Plan – documented identification, assessment and control of risk to employees and others impacted by the business, including visitors, customers and the public, including those sharing the road reserve with e-scooter users. This should include risk assessments, risk register, risk review, risk mitigation plan. AC/AT require an annual evaluation of this via an external safety audit by a qualified health and safety professional.
2. Incident reporting and investigation – arrangements to ensure incidents are identified, reported and investigated in a timely manner and appropriate corrective actions are put in place and are monitored and evaluated.
3. Reporting – comprehensive monthly reporting of safety performance data to Auckland Council and Auckland Transport.
4. Reporting of product issues and safety performance data as necessary, to regulators including NZTA, Ministry of Transport and MBIE, to ensure regulatory requirements are met.
5. Operators must provide a detailed plan on how scooter maintenance checks of both hardware (including for metal fatigue) and software/firmware are undertaken and logged.
6. Provide comprehensive defects reporting and rectification and preventative maintenance program reporting to ensure equipment is fit-for-purpose and safe for employees, customers and the public.
7. Operating data showing a strong safety record across current operations in other jurisdictions.
8. Existence of documented systems to operate safely and in accordance with their obligations under the Health and Safety at Work Act, including fully documented risk management, incident reporting and investigation, incident response, defect reporting and maintenance procedures.
9. The number of scooters operators wish to deploy and in which areas.
10. The exact locations the scooters will be dropped off each morning.
11. A detailed plan on how e-scooters will be re-balanced around the city to avoid bunching, being left out of zone or in low use or nuisance areas.
12. A detailed plan on how e-scooters will be charged and redistributed around the city (including an outline of any key drop-off locations).
13. A detailed plan on how its operation will be terminated (including the collection of all its e-scooters and e-scooter chargers) if it no longer chooses to operate or if it no longer meets

the code and has its licence to operate revoked or suspended. This could include placing a bond with a third party to pay for the collection of e-scooters or chargers.

Operators must provide Auckland Council with the contact details of references that can provide information regarding the operator's previous performance.

As part of the engagement process, operators will work together with Auckland Council to determine an appropriate scheme size that is fit for purpose for Auckland.

Operators must seek Auckland Council approval of any promotion/media mentioning Auckland Council and its Council controlled organisations and Council activities.

Operators must provide Auckland Council with a detailed social media and communication plan.

Operators must provide details of their customer service / customer engagement systems and process.

Provide detail on technology capability, hardware and software that will ensure a greater degree of safety for users and pedestrian traffic.

The council reserves the right to enforce a minimum and a maximum number of scooters per operator and also per geographic area of operation (Tiers).

The safety of scooter users, pedestrians and other users of the transport network are of paramount importance. Auckland Council expects that operators will provide a thorough risk assessment of the mixing of e-scooters with pedestrians & other road users, and how they will mitigate those risks.

The council reserves the right to adjust/amend these conditions as it deems appropriate after consultation with licensed operators.

## 4. Conditions of operation

### 4.1 Safety

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Operators must comply with relevant New Zealand health and safety regulations and hold public liability insurance of at least NZ\$1,000,000. The operators must be able to show ongoing proof of their public liability insurance.

E-scooter equipment must be of sufficiently high quality to withstand constant public use and exposure to the Auckland elements, while meeting rider safety and comfort standards. The e-scooters should include smart technology with active global positioning system (GPS) and wireless connectivity to enable maintenance and proactive re-balancing.

Operators must have a system in place to ensure e-scooter equipment complies with legal standards and requirements. At a minimum, e-scooters should be given a full service every week. All mechanical services and repairs must be logged and reported as described in the reporting section.

Operators must have integrated location technology and on-board wireless diagnostics, to identify mechanical failure, and proactively intervene through preventive maintenance.

### 4.2 Operations

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The operator shall be aware of and comply with all Acts, Regulations, Bylaws, Policies and Ordinances applicable to the operation. This includes all transport related Acts and Regulations that determine the requirements and use of e-scooters in New Zealand.

The operator must ensure that their users understand where they are allowed to operate the e-scooter according to above. Users must ride safely and carefully and be considerate of all other road users and not ride at speeds that put themselves, or other users at risk.

The operation of dockless e-scooter share schemes in Auckland must not cause disruption or nuisance. Operators must ensure e-scooter share schemes do not compromise the maintenance of orderly streets or have a negative impact on other street users, including vision-impaired people or those with disabilities. Scooters must not be parked or allowed to remain on or in inappropriate locations such as:

- on footpaths that are narrow;
- where they could pose a safety hazard; or
- where they could interfere with pedestrian access generally or access to amenities.
- No more than 6 scooters from each licensee may be deployed each morning in any one location and when re-balancing.

Operators must come to an agreement with Auckland Council on where e-scooters can and cannot be parked. This information must be conveyed clearly to the customer.

Damaged e-scooters, e-scooters parked in a non-compliant manner or place need to be removed by the operators within three hours of being advised by Auckland Council and Auckland Transport. If not, operators will pay any removal costs incurred by Council. The cost to get the e-scooter back from the Council after removal is \$371 per item at time of writing. This cost may alter over time.

Any scooter that is parked outside a licensed area, for 48 hours, must be moved by the operator to a licenced location or it may be removed by Auckland Council at the expense of the operator.

Operators must have systems in place that incentivise good riding and parking behaviour and penalise non-compliance by users. This may include incentivising riders to park in parking areas provided for shared scooters and bikes by Auckland Council.

Any specific infrastructure improvements required for successful operations would need to be considered and approved by Auckland Council and Auckland Transport.

Operators must include in their plan how they have capability to manage the redistribution of scooters due to bunching, in advance of major events or at the request of Auckland Council.

Operators must provide Auckland Council with up to date and relevant contact details for the operational point of contact who will resolve any issues that arise.

Auckland Council encourage operators to introduce slow-speed zones via geofencing. This would automatically reduce the scooters' speed in high pedestrian areas, during wet weather or during times after dark. This is to improve the safety of users and pedestrians.

Auckland Council supports the development of a code of conduct by e-scooter licensees, to which e-scooter operators will adhere.

### 4.3 Customer Experience and Education

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Operators must provide 24-hour communication channels for users, including a clearly advertised telephone number provided on their website, apps and scooters, and must also have a complaint handling process. Operators must have a clear plan in place to be able to respond to queries and complaints to minimise escalation to Auckland Council.

Operators will run ambassador programmes to provide their users with information that includes but is not limited to, good user behaviour, safety advice and incident reporting education, and to inform them when they are not adhering to terms and conditions of use. They will also have a process for managing non-compliance of their terms and conditions by users.

Terms and conditions of use must be agreed by users when they use the e-scooter equipment and these terms must promote safe and legal riding or scooting, and good parking behaviour. The operator must provide the user with New Zealand regulations but can also advise their own additional safety recommendations.

## 5. Reporting

Operators shall provide Auckland Council with real-time information on the entire fleet through a documented application program interface (API) from day one. The data required is detailed in the following section. The council will use this data to check compliance such as the number of scooters deployed.

Operators will also be required to submit the following reports:

- weekly reporting of incidents, investigations and corrective actions in Auckland.
- weekly consolidated reporting of incidents, investigations and corrective actions in other NZ markets where the licensee operates.
- immediate reporting of actual or potential systemic hardware and software issues in other jurisdictions where the operator is present
- monthly reporting of safety initiatives undertaken in all NZ markets where the licensee operates; including system and process changes, user education and engagement activities, communication and messaging including in-app messaging.
- complaints and response times logs
- monthly reporting of maintenance program and any issues arising, including the number of e-scooters which have not been subject to a full maintenance inspection during the period
- monthly update of a comprehensive safety risk registers and any new issues or change in status of existing issues.
- Operators must provide quarterly reports of their analysis of reported incidents and safety performance data and identification of how this is informing improved safety performance.

## 6. Investigations

Immediate reporting of any incident affecting the safety of employees, customers and the public. An investigation should be commenced immediately, an initial report provided to council within 48 hours, unless impracticable to do so in the time frame, and within seven days the results of that investigation should be reported to the Council.

If the incident is notified by a third party, including but not exclusive to the media; the investigation should be commenced immediately the operator becomes aware, and an initial report provided to council within 48 hours, unless impracticable to do so in the time frame, and within seven days the results of that investigation should be reported to the Council.

Should council require with just cause an in-depth investigation of safety related systemic hardware or software faults or incidents related to the operator's operations, related costs will be the responsibility of the operator. If council considers an independent review is required and commissions such a review, all associated costs will be recovered from the operator.

## **7. Compliance with this code of practice**

If there is non-compliance by the operator with this code of practice which Auckland Council determines is not remedied to a satisfactory degree Auckland Council may revoke or suspend the licence.

Council will redistribute the number of e-scooters allowed per operator based on the performance of the operator against the conditions under this code.

## 8. Data sharing requirements

All personal information must be collected, processed and stored in accordance with the requirements of the New Zealand Privacy Act 1993.

It is a requirement that anonymised data collected by the operator is shared with Auckland Council to assist with transport planning and reporting, including ongoing network planning, management of the dockless e-scooter share scheme and cycle facility improvements. The clauses below set out what data is required.

The following table outlines the usage data to be shared with Auckland Council for each trip record, unless agreed otherwise in writing with Auckland Council. The usage data is to be provided in an agreed format, preferably in Mobility Data Specification (MDS) format. This is to be sent to or available for Auckland Council to access whenever requested or to an agreed reporting schedule.

Field	Comments
provider_id	A UUID for the Provider, unique within MDS
provider_name	The public-facing name of the Provider
device_id	A unique device ID in UUID format
vehicle_id	The Vehicle Identification Number visible on the vehicle itself
vehicle_type	
propulsion_type	
trip_id	A unique ID for each trip
trip_duration	Time, in Seconds
trip_distance	Trip Distance, in Meters

Route	
Accuracy	The approximate level of accuracy, in meters, of Points within route
start_time	
end_time	

For further information on MDS please refer to: <https://github.com/CityOfLosAngeles/mobility-data-specification>.

Operators shall provide Auckland Council with real-time information on the entire fleet through a documented application program interface (API) from day one. The data to be published to the Auckland Council API will include the following information in real time for every parked scooter:

- Scooter identification number
- GPS Co-ordinate
- Availability start date
- Availability start time
- Date of last service
- Time to next service
- Service status

Auckland Council reserves the right to display information about e-scooter share operators on their websites.