



## City of Fairfax, Virginia

Public Works Department/Admin & Engineering Division

10455 Armstrong Street • Room 200 • Fairfax, VA 22030-3630

P 703.385.7810 • F 703.591.5727 • [www.fairfaxva.gov](http://www.fairfaxva.gov)

## **MICROMOBILITY BUSINESS PERMIT APPLICATION**

### **Purpose**

This is an application for a permit to allow a company to operate a fleet of Shared Micromobility Devices (“SMD”, also known as “dockless” bikeshare and/or scooter-share) in the City of Fairfax, VA, pursuant to the City of Fairfax Code of Ordinances. The purpose of this Permit and the associated regulations is to ensure that micromobility businesses operate safely and effectively, provide sustainable transportation options, support access to economic activity in the City and support other City goals outlined in the Multimodal Transportation Plan, and avoid negative impacts to pedestrians, vehicles, and other users in public rights-of-way.

Applicants must review the requirements carefully and provide a complete permit application. The permit application and relevant supporting materials should be emailed to [Transportation@fairfaxva.gov](mailto:Transportation@fairfaxva.gov).

### **General Information**

#### **1. Fleet Size**

The City has set a cap of 400 scooters which may be permitted to operate in the City. Each applicant may apply to operate any number of scooters up to this cap.

#### **2. Fees**

Each applicant is required to provide:

- Application fee: \$150

Applicants that are notified of approval must provide:

- Permit fee: \$7,500
- Per-device fee: \$75
- If approved, accessible/adaptive devices will not be subject to the per-device fee

Payments may be made by check or online:

- Deliver or mail a check payable to the City of Fairfax with a copy of your permit/application to:  
City of Fairfax  
Public Works Administration  
10455 Armstrong Street Ste 200  
Fairfax, VA 22030
- Pay online at <https://pay.paygov.us/EndUser/PaymentAgency.aspx?ttid=14278>
  - For Purpose of Payment, provide your company name and “Micromobility Permit”
  - Email your confirmation number to [mayte.valdez@fairfaxva.gov](mailto:mayte.valdez@fairfaxva.gov)
  - Note: there is a 2.5% convenience fee for online payments

**3. Permit Term**

August 1, 2024 – June 30, 2025

**4. Application Schedule**

- The deadline for permit applications (including the \$150 application fee) is June 28, 2024
- Applicants will be notified of their application results by July 15, 2024
- Payment of the permit fee and per-device fee must be made within five business days of being notified of an approved application

**5. Application Scoring**

Applicants are required to follow the program requirements described in the City Code and in this permit application.

Applications will be scored from 1 to 5 on the criteria listed below. Operations plans will be scored based on submitted application materials. Past performance will be scored based on data from the applicant's MDS data feed and monthly data reports from the previous year. If an applicant did not operate in the City in the past year, data from a comparable jurisdiction may be submitted for consideration along with a reference from a representative from that jurisdiction who can verify the data.

- a) Operations plans
  - i. Parking enforcement and education – 15%
  - ii. User safety education – 10%
  - iii. Deployment and rebalancing – 10%
  - iv. Device safety and maintenance – 10%
  - v. Equity programs – 5%
- b) Past performance
  - i. Device idle time – 15%
  - ii. Deployed non-operational vehicles – 15%
  - iii. Device utilization rate – 10%
  - iv. Monthly data reports – 5%
  - v. Communication and outreach – 5%

The City is looking to approve up to three two operators, but may approve more or fewer depending on a staff analysis of the final scoring results.

Applicants will be permitted to operate a number of devices based on their final application score. An applicant's permitted devices may be reduced in the event that good faith effort to utilize the requested cap is not shown.

All devices included in an approved application must undergo an in-person demonstration with City staff prior to permit issuance and deployment. Device models that have been previously approved for use in the City are not subject to this requirement. Please schedule demonstrations with [Chloe.Ritter@fairfaxva.gov](mailto:Chloe.Ritter@fairfaxva.gov).

**MICROMOBILITY BUSINESS APPLICANT INFORMATION**

Company Name:	
Local General Manager Name:	
Local General Manager Phone:	
Local General Manager Email:	
Customer Service Phone:	
Customer Service Email:	
Local Customer Service email or contact form:	
Mailing Address:	
Website:	
Proposed Fleet Size by Mode:	
Proposed Accessible Vehicle Fleet Size & Mode: <i>(if applicable)</i>	
Jurisdiction reference contact information <i>(if providing data from a comparable market)</i>	
By signing this permit, the applicant verifies that s/he has read and understood all of the permit requirements, that all information is true and complete, and that s/he has the authority to and is signing for and binding their company to the provisions of this permit.	
Applicant Signature	
Applicant Print Name	
Date	

OFFICE USE ONLY	
Application received date:	Permit approved/rejected date:
Permit number:	Fleet size (if approved):
Authorized by:	

## **PERMIT APPLICATION SUBMISSION REQUIREMENTS**

The applicant must include in their application package:

1. Operations Plan (max 5 pages, not including appendices)
  - ☐ Parking education and enforcement methods, including technological solutions to identify and prevent improper parking; methods used to identify, educate, and if necessary penalize users who park improperly; and methods used to educate users about parking rules.
  - ☐ Safety education methods, such as in-app messages and quizzes; in-person events; and any technological solutions to identify, limit, and/or correct improper rider behavior. Methods and materials should promote both safety of the rider and of other road users.
  - ☐ Deployment and rebalancing methods, including priority or preferred deployment locations; removal of inoperable vehicles; and relocation of idle vehicles.
  - ☐ UL Listings on devices and components including batteries.
  - ☐ Device safety and maintenance methods, including maintenance and inspection schedules; battery management, including storage, charging, transporting, and recycling; device lifespan and disposal and recycling methods (other than batteries); and device safety certifications.
  - ☐ Pricing structure and equity programs, including standard pricing; any discount or equity programs and criteria for enrollment; any cash or non-smartphone rental options; any accessible/adaptive devices; and methods for promoting equity programs.
  - ☐ Map and description of service area, including approved or anticipated permits in adjacent areas or agreements with private properties
2. Copy of terms and conditions and any other user agreements
3. Non-refundable permit application fee payable to the City of Fairfax
4. Signed Micromobility Permit Application

If the City approves the Applicant's permit application:

5. Payment of permit fee and per device fee for the number of approved devices.
6. Evidence of the required business license, insurance, and surety bond pursuant to City Code section 14-436.

## **PROGRAM REQUIREMENTS TO OPERATE IN THE CITY OF FAIRFAX**

The following are requirements of the City of Fairfax's Dockless Shared Micromobility Program. Applicants must comply with these rules as well as those outlined in the City Code to begin and remain in operation in the City.

### **Section I: General Responsibilities**

#### **1. Safety & Education**

- a. Pursuant to City Code section 14-438(a), upon registration device users shall be required to review the permit holder's safety and etiquette rules and regulations, rider requirements, and any state or city laws applicable to the operation of these micromobility devices.
- b. The permit holder shall conduct outreach and education activities for the community. At least two (2) in-person events shall be held in the City. Alternative formats may be proposed if a public emergency restricts in-person events.
- c. The permit holder shall be solely responsible for providing information to its customers on proper use and parking throughout the duration of the permit. Information shall be included in the mobile app and on the website.
- d. In-app messaging shall include, but is not limited to:
  - i. City and state regulations applicable to operating its devices in the City, including (but not limited to) "follow all traffic laws".
  - ii. Safe riding practices, including (but not limited to) "wear a helmet" and "one person per device".
  - iii. Proper parking techniques.
  - iv. When a new user creates an account and when a trip is started and ended, display areas where devices are allowed to be ridden, and where riding is prohibited (if applicable).
  - v. When a new user creates an account and when a trip is started and ended, display areas where parking is preferred (corrals or other), and where parking is prohibited.
  - vi. Display the location of the City's corrals and encourage parking.
- e. A list of educational activities that have been conducted shall be provided with each monthly report, including screenshots or other example materials (if applicable).

#### **2. Parking**

- a. Pursuant to City Code section 14-438(c)(1), the permit holder shall ensure that SMDs are parked in accordance with the requirements in the City Code and permit requirements and in compliance with all state and local laws.
- b. Pursuant to City Code section 14-438(c) (2), the permit holder shall work to ensure that devices are parked in a manner that does not impede pedestrian access; does not obstruct access to fire hydrants and valves, street furniture, crosswalks, driveways or private property; does not damage

landscaping, street trees or other aesthetic features; and does not interfere with traffic or bus stop operations or other permitted users of city rights of way.

- c. Pursuant to City Code section 14-438(c)(3), devices are not permitted to park in one location in the public right-of-way longer than three consecutive days without moving, except in corrals.
- d. Pursuant to City Code section 14-438(c)(4), permit holders shall correct improperly parked devices within three (3) hours of reporting by the city or others.
- e. Pursuant to City Code section 14-438(c)(6), failure to adhere to the city's parking requirements may result in the City removing the device and storing it in a City facility, with the permit holder responsible for all costs associated with removal and storage of the devices, in addition to any applicable fines or fees, or other penalties as appropriate under the law. The City may consider the permit holder's devices abandoned and dispose of them if the permit holder fails to retrieve the device within seven days upon being notified of the removal and storage. Notwithstanding, the city's ability to remove improperly parked devices, such removal shall not waive any other legal remedies available to the city, including but not limited to the city manager's or designee's authority to suspend or revoke a permit for any violation of the City Code.
- f. Permit holders shall require photo verification of proper parking at the end of each trip.
- g. The permit holder shall track users who park devices incorrectly and share educational information with these users.
- h. The permit holder shall remove broken or inoperable devices from the app and from the city's right of way within twenty-four hours of detection or notification.
- i. The permit holder shall notify users that any devices parked on private, federal, or military property are subject to the requirements of that property owner. Devices on private, federal, or military property may be towed at any time at the permit holder's expense.

### **3. Devices**

- a. The permit holder must promptly notify the City of any recalls associated with devices or device components.
- b. Device batteries are required to be UL Listed.

### **4. Deployments, Service Area, and Geofencing**

- a. Pursuant to City Code section 14-438(c)(5), devices shall be deployed in an approved corral if one exists at a staging location, assuming space is available.
- b. Pursuant to City Code section 14-438(c)(5), devices shall be rebalanced at least once per week.
- c. The permit holder shall regularly monitor the deployment and dispersion of its SMDs to maintain service throughout City.
- d. If "no parking" areas are established by the City, the permit holder shall geofence these areas and prevent rides from starting or ending there within five days of being notified.
- e. The permit holder is encouraged to share information with the City about permits or plans to operate in neighboring jurisdictions (George Mason University and Fairfax County).
- f. The permit holder is encouraged to notify the City if and when private property owners enter into an agreement with the company to create corrals on their property.

- g. The permit holder is encouraged to notify the City if and when private property owners request “no parking” geofencing on their property and to allow the City to confirm the proposed boundaries before implementing.

## **5. Customer Support**

- a. The permit holder shall promptly respond directly to City residents and all users reporting problems, issues and/or requesting information regarding services.
- b. The permit holder shall provide a direct method of communication with the local operations team, such as an email address or online form, for residents or other non-users to report issues and receive a prompt response without requiring registration on the permit holder’s app. The permit holder shall work with the city to advertise this communication method and educate the public on how to report issues.

## **6. Fleet Size Changes**

- a. Pursuant to City Code section 14-434, the permit holder is responsible for maintaining its fleet size deployed within the City at or below the permitted fleet size.
- b. The permit holder may request an increase of up to 25 additional devices no more than once per quarter. Approval of such requests will be reviewed with consideration of the following:
  - i. Demonstration that the permit holder is in compliance with all requirements in the City Code and regulations;
  - ii. Consideration of the factors listed in the permit application criteria;
  - iii. Demonstration that permitted devices are being consistently used an average of three trips per vehicle per day in the previous quarter; and
  - iv. Consideration of the city-wide cap on the number of devices.
  - v. If additional devices are approved, the permit holder shall pay a pro-rated per device fee upon notification of approval.

## **7. Management and Communication**

- a. As part of the permit application, the permit holder shall provide to the City a local General Manager who shall serve as a point of contact (POC). The POC shall have responsibility for, and control over, the services provided under this permit. If the permit holder changes their local POC, they must immediately notify the City of such change.
- b. Upon approval of the permit, the permit holder shall schedule an in-person meeting with the city’s POC to establish initial familiarity with the service area and to provide a demonstration of the approved device. This requirement may be waived if a permit holder and the device have been previously approved.
- c. The permit holder’s POC and other representatives as appropriate shall schedule a monthly meeting with the City’s POC to share information and discuss any issues.



- d. Pursuant to City Code section 14-438(e), the permit holder shall respond as soon as possible, but no later than three days, regarding issues or questions raised by the City.
- e. Pursuant to City Code section 14-438(d), upon the request of the City due to emergency, severe weather, construction, parade, public gathering, or other situation affecting the normal operation of the right-of-way including sidewalks and trails, the permit holder shall collect and secure all of, or a portion of, its owned or controlled devices to a location outside of the public right-of-way or to a location that does not otherwise impede City's access and response to the situation for the duration of the situation.
- f. In the case of a critical issue or emergency situation designated by the City POC, the City has the right to take appropriate actions to respond to an emergency if the situation poses an imminent risk to public health and safety or property damage.

## **8. Miscellaneous**

- a. The City reserves the right to require the permit holder to send a City survey or questions to its users who have used devices within the City.
- b. The City of Fairfax Police Department reserves the right to request and receive information from the permit holder regarding any concerns or problems reported by users or community members directly to the company.
- c. The permit holder shall develop equity programs including a cash-based payment option and low-income discount program, and shall work with the City to advertise such programs. The permit holder shall also report the number of equity program members and number of trips made by these members.
- d. The permit holder shall provide the City with up to three complimentary accounts with \$100 each in ride credit for official City use for testing and relocation purposes.
- e. The permit holder shall notify the City of any changes in its fare structure prior to changes taking effect.
- f. Should the City adopt a system of fines for non-compliance with the City Code and/or this permit, the permit holder shall abide by the terms of the system. The City shall provide adequate notice of the fine system and hold a pilot period where accrued fines will initially be tracked but not assessed prior to a full rollout.

## **Section II: Data Requirements**

### **1. Monthly Data Reporting**

- a. Pursuant to City Code section 14-440, without prejudice to permit holder's rights to and interest in its commercially privileged and sensitive information, the permit holder shall provide to the City POC the following data in a Monthly Report by the 15th of each month for the previous month's activity:
  - i. Total active customers who reside in the City

- ii. Raw trip data for all trips starting or ending in the City during the month, including trip start and end locations and times, trip distance, and trip duration
  - iii. Maximum daily devices in service in the City
  - iv. Crashes and Injuries – giving time, date, precise location, number of parties impacted, and cause (if known)
  - v. Complaints received – giving the reason with date and location, if available/appropriate. At minimum this includes reports of incorrectly parked devices, speeding, and complaints about unsafe riding.
  - vi. Other feedback received – by date, time, and precise location, if applicable
  - vii. Number and type of educational messages sent to users
  - viii. Number of improper parking notices sent to users
- b. The permit holder shall use a city-provided template for monthly report data and shall submit the report by email.
  - c. If the permit collects de-identified demographic data from their customers, including age cohort, gender, and general trip purpose, such data shall be provided in aggregate to the City, upon request.

## 2. Data Feed Requirements

### Mobility Data Specification

- a. The permit holder shall provide the city with accurate and authenticated data on its entire permitted fleet through documented APIs built to the Mobility Data Specification (MDS), latest version, as documented at <https://github.com/openmobilityfoundation/mobility-data-specification>.
- b. Data must be shared with the City for all devices within the city, including devices that are not presently available for rent. The permit holder will retain data and keep it accessible for at least two years after it is generated.
- c. The permit holder shall share required data with a third-party data aggregator upon request by the City.

### General Bikeshare Feed Specification

- d. The permit holder shall provide a publicly accessible application program interface (API) that conforms to the General Bikeshare Feed Specification (GBFS) as documented at <https://github.com/NABSA/gbfs/>, clearly posted on the company's website, that shows, at minimum, the current location of any SMDs available for rental. Data contained in the API shall be offered to the public, third party application developers, and the City under a non-revocable license that allows the API data to be used, modified, and shared without restriction beyond attribution.
- e. The permit holder shall make the GBFS API available to the public on the open internet without requiring authentication.
- f. The permit holder shall inform the City of the URL for the gbfs.json endpoint prior to deploying devices. The permit holder shall notify the city at least 30 days prior to changing the URL.

Upon release of a new version of GBFS, the permit holder must update their API to the new version within 90 days.

- g. The permit holder shall register their system with the North American Bikeshare & Scootershare Association GBFS systems catalog:

<https://github.com/nabsa/gbfs/blob/master/systems.csv>

- h. The GBFS API must contain all files required under the GBFS specification:

File Name	Description
gbfs.json	Auto-discovery file that links to all of the other files published by the system.
system_information.json	Details including system permit holder, system location, year implemented, URLs, contact info, and time zone.
vehicle_types.json	Describes the types of vehicles that system permit holder has available for rent. REQUIRED of systems that include information about vehicle types in the free_bike_status file. If this file is not included, then all vehicles in the feed are assumed to be bicycles.
station_information.json	List of all stations, their capacities and locations. REQUIRED of systems utilizing docks.
station_status.json	Number of available vehicles and docks at each station and station availability. REQUIRED of systems utilizing docks.
free_bike_status.json	Describes all vehicles that are not currently in active rental. REQUIRED for dockless (free-floating) vehicles.

- i. The GBFS API also includes optional files shown in the table below. The permit holder shall also share these files with the City.

File Name	Description
geofencing_zones.json	Geofencing zones and their associated rules and
attributes	
gbfs_versions.json	Lists all feed endpoints published according to versions of the GBFS documentation
system_hours.json	Hours of operation for the system
system_calendar.json	Dates of operation for the system
system_regions.json	Regions the system is broken up into
system_pricing_plans.json	System pricing scheme

- j. Upon request by the City, the permit holder shall allow the City to share GBFS, aggregated MDS, and other aggregated data available to the City with other jurisdictions or public entities including George Mason University. Additionally, upon approval from other jurisdictions or public entities, Operator shall share or allow the other jurisdiction or public entity to share similar data with the City. If required a data sharing agreement can be established.

- k. The City may change these data feed requirements at any time. Upon notification to the permit holder of changes to any such requirements, the permit holder must put the new requirements into effect within ninety (90) days.

### **Section III: Legal Requirements**

1. **Insurance:** Pursuant to City Code section 14-436, the permit holder shall maintain insurance throughout the permit term. Before deploying any devices associated with the permit, the permit holder must provide to the City Point of Contact a Certificate of Insurance indicating that the permit holder has in force at a minimum the coverage below. All required insurance coverage must be acquired from insurers that are authorized to do business in the Commonwealth of Virginia, with a rating of “A-“ or better and a financial size of “Class VII” or better in the latest edition of the A.M. Best Co. Guides.
  - a. Workers Compensation - Virginia statutory workers compensation (W/C) coverage, including Virginia benefits and employer’s liability with limits of \$100,000/100,000/500,000.
  - b. Commercial General Liability - \$3,000,000 per occurrence, with \$5,000,000 annual aggregate covering all premises and operations and including personal injury, completed operations, contractual liability, independent contractor, and products liability. The general aggregate limit must apply to the permit. Evidence of contractual liability coverage must be typed on the certificate.
  - c. Business Automobile Liability - \$1,000,000 combined single-limit (owned, non-owned and hired).
  - d. Additional Insured – The City and its officers, elected and appointed officials, employees and agents must be named as additional insureds on all policies except workers compensation and automotive and professional liability; and endorsement issued by the insurance company must be provided.
  - e. Cancellation - If there is a material change or reduction in or cancellation of any of the above coverages during the permit term, the permit holder must notify the City Point of Contact immediately and must, with no lapse in coverage, obtain replacement coverage that is consistent with the terms of this permit. Not having the required insurance throughout the permit term is grounds for termination of this permit.
  - f. Claims-Made Coverage - Any “claims made” policy must remain in force, or the permit holder must obtain a 3-year extended reporting endorsement, until the applicable statute of limitations for any claims has expired.
  - g. Contract Identification - All insurance certificates must state this permit’s number and/or title.
  - h. Refer to City Code section 14-436 for general insurance requirements.

2. **Surety Bond:** Pursuant to City Code section 14-436, the permit holder shall maintain a surety bond of \$25 per approved device, which the city may use to pay costs related to removing and storing devices that are abandoned or do not comply with these permit requirements.
3. **Indemnification:** The permit holder covenants for itself, its employees and its subcontractors to save, defend, hold harmless and indemnify The City and all of its elected and appointed officials, officers, current and former employees, agents, departments, agencies, boards and commissions (collectively the “City Indemnitees”) from and against any and all claims made by third parties for any and all losses, damages, injuries, fines, penalties, costs (including court costs and attorneys’ fees), charges, liability, demands or exposure resulting from, arising out of or in any way connected with the permit holder’s acts or omissions, including the acts or omissions of its employees and/or subcontractors, in performance or nonperformance of the permit. This duty to save, defend, hold harmless and indemnify shall survive the termination of this permit. If the permit holder fails or refuses to fulfill its obligations contained in this section, the permit holder must reimburse the City for any and all resulting payments and expenses, including reasonable attorneys’ fees. The permit holder must pay such expenses upon demand by the City.
4. **FOIA:** The permit holder acknowledges that documents submitted to the City by permit holder — both during the term of this permit and/or as part of any proposal, quote, or presentation made by the permit holder to the City—constitute public records that may be subject to public disclosure and/or production under the Virginia Freedom of Information Act (VFOIA). Any information contained in any document or record, which the permit holder considers confidential or of a proprietary nature must be noted at the time of submission. If the City receives a public disclosure request, whether informally or formally, from any person or entity, for such information or documents, the City agrees to immediately notify the permit holder. The City also agrees to work with the permit holder to determine whether any information and/or documents may be protected from disclosure or production under VFOIA; and will act reasonably in this regard. Nothing contained in the permit shall affect the City’s rights and obligations with respect to disclosure or production of records in accordance with VFOIA or other applicable law.
5. **Property Rights:** The permit holder expressly acknowledges that the Micromobility Business Permit does not constitute any conveyance, title, or interest in real property, in whole or in part.
6. **Penalties and Fines:** The permit holder shall be financially responsible for any/all penalties, fines, and other costs to City as a result of illegally parked devices, including but not limited to, parking tickets or other enforcement actions against the permit holder.
7. **Advertising:** The permit holder shall not advertise or publish City’s participation in or endorsement of the permit holder on its devices or promotional material without the written consent of City. The permit holder shall not utilize its devices for the sale or display of third-party advertising.