

Strengthening the short-distance-mobility together

Memorandum of Understanding

between

Deutscher Städtetag, Deutscher Städte- und Gemeindebund

and providers of electric kick scooter rental systems

Preface

The Ordinance on Small Electric Vehicles (eKFV) was published in the Federal Law Gazette Part I, p. 756 ff. and entered into force on 15 June 2019. This makes it possible to participate in public road traffic with electric kick scooters that meet the technical requirements of the eKFV. At the same time, providers of rental systems can become active on the market with such vehicles after receiving an insurance sticker and type approval.

The German cities and municipalities welcome such an offer with electric kick scooters, which, especially in connection with local public transport, represent a further alternative to the car and can form an innovative building block for the traffic turnaround in the municipalities. For the municipalities, the aim is to ensure road safety for all road users at all times. To this end, the use of public areas must be regulated. In addition, the transition to other means of transport must be designed efficiently. It must also be ensured that public areas, such as listed areas, are not blocked by parked or left behind electric kick scooters and that the cityscape is not impaired. These goals support the providers and align their actions accordingly.

The municipalities develop - if possible, in cooperation with the providers of the rental systems for electric kick scooters (hereinafter referred to as the providers) - solutions on site in order to successfully integrate the electric kick scooters into municipal transport and thus strengthen local mobility. The providers commit themselves to comply with the specifications and requirements of these solutions.

The electric kick scooters will also put additional strain on the cycle path infrastructure in cities and municipalities. Together, the cities, municipalities and the providers appeal to politicians at federal and state level to support the maintenance and expansion of the cycle path infrastructure in the long term. This requires a joint cycle path offensive by the federal, state and local governments.

With this Memorandum of Understanding, the parties advocate the successful integration of electric kick scooters into municipal transport and see a need for action and coordination in the following fields of cooperation. The undersigned parties call for all future providers to join this agreement.

Joint fields of cooperation

(1) Determination of demand and business area

In order to avoid unnecessary use of public space, overcapacities that are incompatible with traffic and an excessive impairment of the cityscape, a site-specific determination of demand is necessary, from which the necessary number of electric kick scooters results. The providers will approach the city authorities before they start their business activities in the urban area.¹ For example, caps for inner city areas or minimum limits, valid at the time of deployment, are conceivable for certain districts after individual negotiations with the cities.

(2) Parking and parking sites and no driving zones

The providers ensure that the electric kick scooters are not placed in a disordered manner on sidewalks, in pedestrian zones, in public squares or in front of monuments, etc. When setting up, it must be ensured that no other road and pavement users are obstructed and that persons with reduced mobility in particular do not experience any restrictions. Particular attention must be paid to the unimpeded passage of traffic lights, pedestrian crossings and bus, tram and underground entrances (handrails, elevators).

The providers must regularly communicate the correct parking of the vehicles by the customers (e.g. by requesting confirmation via app, necessary submission of a photo).

In addition, to organize electric kick scooters in cities and municipalities, designated areas or rental stations can be set up at transportation hubs or car parks, for example, which facilitate the transfer to public transport and at the same time enable providers to find the electric kick scooters more easily so that they can be recharged and maintained overnight.

By using technology such as geofencing, certain areas, such as listed areas or places where road safety is particularly at risk, can be kept clear of vehicles by not ending the scooter rental process. Such exclusion areas are defined by the municipalities. The providers comply with these stipulations and support the enforcement of parking and driving bans by suitable organisational and permissible technical measures.

By means of incentives such as pricing or bonus systems, users can be instructed on how to park the electric kick scooters in an environmentally appropriate manner. For example, the termination of rental processes at preferred parking locations can be rewarded.

Repeated violations of usage and parking regulations the providers will sanction if necessary by blocking the right of use. The providers shall ensure that parked electric kick scooters which obstruct others or endanger, can be removed quickly. For this purpose, the providers set up a complaint management.

¹ The federal states currently have different legal opinions with regard to a special use subject to authorisation for the holding of electric kick scooters.

(3) Public transport integration

Already in the planning phase of new rental systems, it should be ensured that electric kick scooters are distributed as evenly as possible in the operating area of the city and municipality. In order to integrate the electric kick scooters into the mobility chain, to adapt them to public transport stops and thus to strengthen local mobility, the providers will approach the municipalities and the public transport companies.

It is also recommended to involve the local public utilities, for example to find out whether and where electric kick scooters can be set up where charging is possible.

(4) Provision and evaluation of data

Selected and non-personalized data such as the number of vehicles operated, the rental rate and the distances travelled should be regularly made available to the municipality. This can be used specifically to adapt the transport infrastructure to the needs of the electric kick scooters, serves for evaluation by the municipalities with regard to transport planning objectives and will be part of a trustful local cooperation. The signing parties aspire to a common reporting format.

(5) Privacy Policy

The providers and their service providers commit themselves to the highest standards in data protection (e.g. General Data Protection Regulation) and data security. Data transmitted to the municipalities must also be treated by the municipalities with special regard to data protection and data security. Publications and dissemination of the data must be coordinated with the providers.

(6) Redistribution, maintenance, response times and disposal

There will be a regular redistribution of vehicles to meet the requirements of (2). To this end, concrete agreements and deadlines should be reached with the cities and municipalities. The providers commit to remove incorrectly parked or unsafe vehicles upon notification within a period set by the city or municipality.

The maintenance and regular safety routines of the vehicles are carried out by the providers or qualified professional partners. The operating model must meet the high safety requirements of the providers and cities.

With regard to defective electric kick scooters, providers should demonstrate routines and procedures for the direct collection or, where appropriate, disposal of such vehicles. The costs for the collection and disposal of defective electric kick scooters are to be borne by the providers. This also includes the costs incurred by cities and municipalities for these activities. The providers should also undertake to take back all vehicles or bear the costs in the event that their business area withdraws from the municipality.

(7) Communication between providers and municipalities

The providers and the municipalities should nominate a contact person with appropriate accessibility.

The providers inform the municipalities about the start date of operation, the planned fleet sizes and later about significant changes in the planning.

(8) Complaint management, citizen communication, road safety and accident prevention

The providers set up a hotline during the operating hours of the rental systems, via which third parties can also inform about incorrectly parked and defective electric kick scooters.

The users of the rental systems are to be informed about the relevant road traffic regulations (in particular permissible traffic areas, the prohibition of driving under the influence of alcohol and the prohibition of taking persons with them), the usage rules of the providers and agreements made with the local authorities by means of active consent about the app before the first use and throughout the app. Additional campaigns and measures are desirable.

In particular, the use of cycle paths prescribed by road traffic law must also be observed independently of the sign 237 (cycle path), the validity of the sign 254 (prohibition of cycle traffic) for electric kick scooters and the required clearance for electric kick scooters in the case of entry bans for motor vehicles or on footpaths.

It is particularly necessary to integrate the safe use of electric kick scooters into local road safety work, for example to communicate the advantages of wearing a helmet. This can be done in cooperation with the police, schools, local road safety networks and accident commissions. The providers agree to participate in this.

The additional symbol 1022-10 (cyclist free) does not authorise the use of electric kick scooters. It is therefore suggested that the municipalities check whether electric kick scooters are allowed to use paths marked by the additional sign 1022-10 (cyclist free). may also be granted. These routes are then combined with the additional symbol "Small electric vehicles free" marked.

It should be included in the communication that for driving under alcohol influence the strict legal limits of driving motor vehicles and the transport of additional persons is prohibited. The providers refer to the necessary minimum age in accordance with their rules of use.

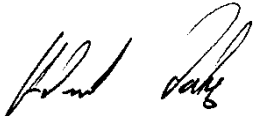
The municipalities agree with the providers with regard to the communication of the rules. Communication and clarification measures will be particularly important in the start phase.

Legal nature of this Memorandum of Understanding

This memorandum summarises the parties' current vision of the way forward. This Memorandum does not oblige the parties to enter into contracts. In implementing this Memorandum, the parties shall act at their own risk and expense. Neither party may require the other to pay or reimburse any expenses on this basis. Nothing in this Memorandum shall exclude either party from cooperating with any other party having the same or similar objectives. The cities and municipalities are at liberty to enter into agreements and regulations going beyond this.

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