

# Rental Micromobility Code of Practice

Version 2.0



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## Introduction

Auckland Council / Auckland Transport recognise the importance of providing genuine travel choices for Aucklanders to help reduce the need to travel by private motor vehicle. Rental micromobility schemes can make active and micromobility-modes more accessible and complement Tāmaki Makaurau / Auckland's cycling activity and existing public transport network. Auckland Council / Auckland Transport may grant a licence for a rental micromobility scheme to operate from public spaces under our respective bylaws:

- Auckland Council's Te Ture ā-Rohe Tauhokohoko, Whakahaerenga me te Tango Kiriata Tūmatanui 2022 / Public Trading, Events and Filming Bylaw 2022 (Council's bylaw); and
- Auckland Transport's Activities in the Road Corridor Bylaw 2022 (AT's bylaw), (together the bylaws).

Compliance with the Rental Micromobility Code of Practice (the code of practice) is a licence condition. The code of practice outlines the requirements that a rental micromobility operator (the operator) must adhere to in order to maintain a licence to operate under the bylaws.

The council encourages operators to introduce initiatives to increase safety outcomes and reduce any nuisance.

Compliance with the licence conditions, including code of practice requirements, will be monitored by the council for the duration of the licence. Issues with non-compliance may result in enforcement action taken in accordance with the council's graduated enforcement model. If there is non-compliance by the operator with the conditions of their licence, the council may issue a written warning to the operator, enforce a breach of the bylaw, or review the operator's licence under clause 18 of Council's bylaw and/or clause 43 of AT's bylaw.

Auckland Council reserves the right to review and update the code of practice at any time so that it continues to reflect best practice and the interests of Tāmaki Makaurau/Auckland.

For the purpose of this document, 'the council' refers to all Auckland Council Organisations including Auckland Transport, and any person or organisation delegated by Auckland Council to act on its behalf. The term 'bike' refers to manual bikes and electric bikes (e-bikes).

Micromobility is defined under Council's bylaw as small, lightweight devices personally driven by users. The types of micromobility device continue to evolve. Current examples include bicycles, e-bikes, electric scooters, electric skateboards, and electric pedal assisted (pedelec) bicycles.

# 1 Engagement with Auckland Council

This section outlines the information operators must provide to the council to demonstrate that they are able to adhere to this code of practice.

Table of operational information required	
Insurance	a. The operator must provide evidence that they hold public liability insurance of at least NZ\$2,000,000.
Termination	b. The operator must provide a plan for how its operation will be terminated (including the collection of all its equipment) if it no longer chooses to operate or if its licence to operate is suspended or revoked.

Table of safety/nuisance information required	
Safety and risk management plan	<p>c. The operator must confirm they have and provide a copy of a safety and risk management plan, which includes but is not limited to:</p> <p>i. <b>Ensuring that all electronic hardware, software, and firmware is fit for purpose and checked against appropriate standards.</b></p> <p>In the absence of specific standards for micromobility, operators are required to</p> <ul style="list-style-type: none"> <li>• identify and use standards or sections of a standard from other industries which can be adopted and / or modified to ensure that they have assessed and mitigated the safety risk to people using micromobility devices.</li> </ul> <p>And/or</p> <ul style="list-style-type: none"> <li>• have a demonstrated risk management process: operators must demonstrate how they have assessed and mitigated the safety risk to people using micromobility devices.</li> </ul> <p>ii. <b>Details relating to the proactive identification, investigation and mitigation of potential faults.</b></p> <p><b>For e-scooters</b>, this includes but is not limited to when the following conditions are present:</p> <ul style="list-style-type: none"> <li>• If the e-scooter angle is less than 30° (down event) and</li> <li>• the speed reduces to zero after the down event and</li> <li>• no brakes were applied immediately prior to the down event, e.g., within 2 seconds prior to the down event.</li> </ul>

	<p>iii. <b>Maintenance processes</b>, which includes defect identification, rectification, and prevention, as well as detailing whether maintenance will be carried out weekly or within a timeframe according to manufacturer's specifications.</p> <p>iv. <b>Operational management plan</b> that considers the use of micromobility devices on roads, footpaths and bicycle lanes and has mitigation measures in place to minimise any risk to users, pedestrians, vulnerable persons, and other road users</p> <p>v. <b>Investigation processes</b>: Operators shall demonstrate how they will use their adopted standards and/or risk management process as part of accident investigations to understand potential contributing factors and to show the steps to mitigate.</p> <p>d. If the operator has previously operated or is operating in other jurisdictions, information on prior performance in these areas must be provided.</p>
Product requirements	<p>e. The operator must provide specifications of the micromobility devices to be deployed from date of licence issued. This includes but is not limited to:</p> <p>A detailed diagram of the micromobility device equipment</p> <ul style="list-style-type: none"> <li>• Brand</li> <li>• Model</li> <li>• Used or new</li> </ul> <p>f. The operator must confirm that:</p> <p>i. The micromobility device equipment complies with legal standards and requirements, including battery requirements.</p> <p>ii. The micromobility device equipment is of sufficiently high quality to withstand constant public use and exposure to the Auckland elements.</p> <p>iii. The micromobility device equipment includes smart technology with active global positioning system (GPS) and wireless connectivity.</p> <p>iv. The micromobility device equipment contains integrated location technology and on-board wireless diagnostics to identify software and mechanical failure and enable preventative maintenance.</p> <p>v. Any micromobility device reported or believed to be inoperable will be remotely locked, until the device is removed and repaired.</p> <p>vi. Every micromobility device will be equipped with a unique identification number that is:</p> <ul style="list-style-type: none"> <li>○ A minimum 100pt font size or appropriate font size to be viewable at 5m distance.</li> <li>○ High contrast</li> <li>○ Prominently displayed at all times.</li> </ul>

	<p><b>For e-scooters:</b></p> <ul style="list-style-type: none"> <li>• Located on both the rear wheel guard and stem.</li> </ul> <p><b>For bikes:</b></p> <ul style="list-style-type: none"> <li>• Located in two places on the bike equipment e.g., rear wheel guard and frame.</li> </ul> <p><b>For any other devices:</b></p> <ul style="list-style-type: none"> <li>• To be agreed between the council and operator</li> </ul> <p>vii. Every micromobility device will prominently display an 0800 number for public use with a minimum 30pt font size.</p> <p><b>For bikes:</b></p> <p>viii. Every bike will have a red or yellow rear reflector that is visible from 200 metres when light shines on it.</p> <p>ix. Every bike will have good brakes on the front and back wheels.</p> <p>x. When cycling at night, or when visibility is poor, every bike will have the following:</p> <ul style="list-style-type: none"> <li>○ One or more steady or flashing rear-facing red lights that can be seen at night from 200 metres.</li> <li>○ One or two white or yellow headlights that can be seen at night from 200 metres. Only one of these headlights may flash.</li> <li>○ Pedal reflectors on the forward and rearward facing surfaces of each pedal.</li> </ul> <p>xi. The operator must provide a detailed plan on how they will ensure each bike is always supplied with a helmet that meets current safety standards as required by New Zealand law. Note: all helmets must meet Standard AS/NZS 2063</p>
User reporting of accident and incidents	<p>g. The operator must confirm and provide evidence that in-app reporting features will be available on the home page of the app or within one to three clicks from the home page, to allow reporting of issues including, but not limited to: an accident, incident, damage, or malfunction.</p>
Deployment and rebalancing	<p>h. The operator must advise:</p> <ul style="list-style-type: none"> <li>• The number of micromobility devices they intend to deploy per tier.</li> <li>• The suburbs within each tier in which they intend to deploy.</li> <li>• How micromobility devices will be charged (where relevant) and deployed.</li> </ul> <p>i. The operator must provide a plan for re-balancing micromobility devices around the city to:</p> <ul style="list-style-type: none"> <li>• Prevent and resolve bunching.</li> <li>• Comply with section 3(j).</li> </ul>

Adverse or severe weather or other emergencies	j. The operator must advise how they will manage operations in the case of adverse or severe weather or other emergencies.
Influencing user behaviour	<p>k. The operator must provide and implement a plan to influence user behaviour in the areas of riding and parking.</p> <p>l. Operators must commit to work with Auckland Council, Auckland Transport, and other relevant parties as required in the development and provision of safety and nuisance reduction initiatives.</p> <p>m. Operators must confirm that Auckland Council / Auckland Transport parklets will be made visible within their app.</p>

## 2 Ongoing operational requirements

Table of operational requirements	
Legislative requirements	a. The operator must be aware of and comply with all Acts, Regulations, Bylaws, Policies and Ordinances applicable to their operation. This includes the Health and Safety at Work Act 2015 and all transport related Acts and Regulations that determine the requirements and use of micromobility devices in New Zealand.
Contact details	b. The operator must provide contact details, including a phone number, for a suitable local staff member who can liaise with the council during licensing hours to address operational issues.
Compliance meetings	c. An appropriate operator representative must meet with the council as and when required to discuss compliance and any other matters.
Termination	d. If the operator is no longer willing or able to operate in Auckland, written notice must be provided to the council at least 30 days before ceasing operations. This does not apply in the event of a licence suspension or revocation.

### 3 Ongoing safety enhancement and nuisance reduction requirements

The operator must have rigorous methods in place to protect the safety of users and ensure that their operation does not cause a hazard or nuisance to other users of public spaces, including vulnerable persons.

Table of safety enhancement and nuisance reduction requirements	
Investigations	<p><b>Accident</b> = unplanned or uncontrolled event that results in injury or death, or loss/damage of property.</p> <p>The operator must commence an investigation immediately for <b>all reported accidents</b>.</p> <p><b>Incident</b> = any occurrence, other than an accident, that is associated with the operation of a micromobility device and affects, or could affect, the safety of the user or any other person.</p> <ol style="list-style-type: none"> <li>a. The operator must undertake investigations using the processes and methods outlined in their safety and risk management plan.</li> <li>b. The council may in its discretion require a further investigation and/or independent review of an incident or other safety related issue.</li> <li>c. If the council commissions an independent review, the operator will be liable for all direct and associated costs. The operator must cooperate with the investigation, including providing information as requested in a timely manner.</li> </ol>
Safety and risk management plan	<ol style="list-style-type: none"> <li>d. Within three months of licence issue or an alternative timeframe agreed to by council, the operator's safety and risk management plan must be audited<sup>1</sup> by an appropriately qualified, third party, and the results of the audit must be provided to the council within one month of the audit being conducted.</li> </ol> <p>The plan must be audited at least once per licence period.</p>

<sup>1</sup> Audit is a systematic and, wherever possible, independent examination to determine whether activities and related results conform to planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve the organization's policy and objectives. (AS/NZS 4804:2001)



Product requirements	<p>e. <b>For e-scooters:</b></p> <p>i. The operator must provide Auckland Council with assurance that the e-scooter equipment complies with the Gazette Notice: E–Scooters (Declaration Not to be Motor Vehicles) Notice 2018.</p> <p><b>For e-bikes:</b></p> <p>ii. For e-bike licences the operator must provide Auckland Council with assurance that the bike equipment complies with the Gazette Notice: Power-assisted Cycles (Declaration Not to be Motor Vehicles) Notice 2013.</p> <p>f. Any changes to product specifications outlined in an operator’s licence application will require approval from the council prior to the introduction of the new product specifications in Auckland.</p>
Deactivation	<p>g. All micromobility devices must be deactivated outside of licensed hours.</p>
Deployment and rebalancing	<p>h. The council may impose a curfew in certain locations, to mitigate issues such as drink riding, noise, and other types of nuisance. This will require all micromobility devices to be remotely locked or removed from identified locations before a specified time.</p> <p>i. Operators must demonstrate any measures they are able to implement if their devices are being affected by anti-social behaviour</p> <p>j. The operator must only deploy micromobility devices in public locations approved by the council. Private deployment locations may be arranged independently.</p> <p>k. For each deployment location that is not pre-approved, the operator must submit a request to the council, which the council may consider and approve. Any request for a deployment location must be submitted as per the Micromobility Deployment and Parking Requirements</p> <p>l. Where a parklet is available, nearby deployment locations may be disestablished following notice to the operator.</p> <p>m. Where a deployment location becomes unsuitable or non-compliant (for example: due to construction) the operator will immediately cease use of said location and advise the council.</p> <p>n. No more than six micromobility devices from an operator may be deployed or rebalanced in any one location, unless by previous agreement with the council.</p>
Non-compliant parking	<p>o. To reduce nuisance, obstructions and hazards to pedestrians or vehicles, the operator must ensure that the deployed fleet (including micromobility devices deployed by the operator and micromobility devices parked by riders) achieves a minimum of 92 per cent parking compliance according to the requirements of:</p> <ul style="list-style-type: none"> <li>• The Trading and Events in Public Places Guidelines 2015.</li> </ul>

	<p>And</p> <ul style="list-style-type: none"> <li>• Micromobility Deployment and Parking Requirements</li> </ul> <p>p. The operator must require users to provide a photo of the parked micromobility devices on the completion of their journey. The operator must conduct an audit of a minimum of 20 per cent of user parking photos.<sup>2</sup></p> <p>q. The operator must resolve any report of a damaged micromobility device or a micromobility device parked in a non-compliant manner within the following timeframes:</p> <ul style="list-style-type: none"> <li>i. Tier 1: 90 minutes</li> <li>ii. Tier 2 or 3: two hours</li> </ul> <p>of notification by the public or the council. Resolved means that the device is no longer parked or left in a non-complaint manner.</p> <p>r. The operator must resolve a report of a micromobility device out of zone or in a waterway within 24 hours (if reasonably practicable) of notification by the public or the council.</p> <p>s. The operator must resolve any instance of non-compliant micromobility device deployment within 30 minutes of notification by the public or the council.</p> <p>t. The operator must resolve any instance (self-reported, by the public or the council) of a toppled micromobility device within 90 minutes.</p> <p>u. If Auckland Council or Auckland Transport designated staff identify any micromobility device located in such a manner as to pose any imminent danger or nuisance, they will take the required action to resolve the matter.</p> <p>v. The Council may implement designated parking zones where parking is restricted to pre-determined locations. If designated parking zones are imposed, then Operators will be required to implement these restrictions within an agreed timeframe.</p> <ul style="list-style-type: none"> <li>i. Once implemented, Operators must ensure a minimum of 95 per cent parking compliance is achieved in a designated parking zone.</li> </ul>
Communication channels	w. The operator must provide communication channels for users and non-users during operating hours, including a New Zealand telephone number that is clearly advertised on their website, app, and micromobility device equipment.
Influencing user behaviour	x. Terms and conditions of use must be agreed by users when they use the micromobility device equipment. These terms must provide the user with New Zealand regulations
Monitoring and compliance costs	y. The council will recover from the operator any costs incurred, on an hourly rate for any activity associated with monitoring and compliance activities including but not limited to: meetings held with operators, data management and review, monitoring compliance, and resolving or abating any non-compliance including instances of imminent nuisance or danger.

<sup>2</sup> A total of 20 per cent of photos audited of total trips per month. Any irrelevant photos should not be included in the percentage/number of photos reviewed. Examples of irrelevant photos include but are not limited to: blurry photos, photos not displaying the device, etc.

## 4 Ongoing information requirements

### 4.1 Reporting requirements

Frequency	Information required
Immediately	<p>a. The operator must notify the council immediately if they become aware of an accident<sup>3</sup> or any results of incident investigations that indicate potential systemic hardware, software, or firmware issues.</p> <p>b. Information must be reported to the council as follows:</p> <ul style="list-style-type: none"> <li>• An initial investigation report will be provided to the council within 48 hours.</li> <li>• A final investigation report will be provided to the council within seven days, or an alternative timeframe agreed with the council. This report must follow the processes outlined within their safety and risk management plan.</li> </ul> <p>c. The operator must immediately report to the council any actual or potential systemic hardware, software, or firmware issues in any jurisdiction, including New Zealand, where the operator is present</p>
Weekly	<p>d. The operator must provide the following information in a format specified by the council on a weekly basis:</p> <ul style="list-style-type: none"> <li>• Consolidated reporting of incidents/accidents, investigations, and corrective actions in Auckland.</li> <li>• Consolidated reporting of incidents/accidents, investigations, and corrective actions in other locations within New Zealand.</li> <li>• Reporting of maintenance programme and any issues arising, including the number of micromobility devices that have not been subject to a full maintenance inspection during the period.</li> </ul>
Monthly	<p>The operator must provide the following information in a format specified by the council on a monthly basis:</p> <p>e. An audit report of customer parking compliance, including:</p> <ul style="list-style-type: none"> <li>• total number of customer parking photos reviewed</li> <li>• percentage and total number of parking photos that were found to be non-compliant</li> <li>• what action was taken for any non-compliant parking</li> </ul> <p>f. Reporting of safety initiatives undertaken.</p> <p>g. Reporting of parking and related complaints and response time logs in line with section 3(q-t).</p> <p>h. Reporting of the number of any unaccounted-for devices, for reasons including but not limited to: theft, submersion in water, etc.</p>
On request	<p>i. Identification and recording of potential incidents as per section 1(c).</p>

<sup>3</sup> Accident – all accident reports should include a reference to the severity of the accident in line with the definitions provided by Ministry of Transport in their [Glossary and References](#).

## 4.2 Data requirements

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

The council will utilize the Mobility Data Specification (MDS) Provider Application Program Interface (API) for data sharing, as outlined at <https://github.com/openmobilityfoundation/mobility-data-specification/tree/dev/provider>.

At a minimum, all required fields in the Provider API must be populated as well as a publicly accessible General Bikeshare Feed Specification (GBFS) API. The operator should update the MDS status endpoint at least every 10 minutes during operation. Implementation of changes to the required fields, as formalized through the [MDS GitHub Repository](#), will be required within 30 business days of being provided formal notice by the council.

Data management services may be provided by a third-party software company. As such, access to MDS must be provided to the third-party as specified by Council upon request. Council may also use a third-party vendor to conduct an audit on the MDS API of the operator to ensure compliance with the specification as a condition of launch of service.

Waka Kotahi/NZ Transport Authority and New Zealand Ministry of Transport may have access to the same third-party software platform to view operator metrics and visualizations for the Auckland service area.

The council reserves the right to display aggregated data from the operators on our websites as well as those of designated 3rd parties. We will not display any personally identifiable information (PII) and will aggregate across operators to limit commercially sensitive information.

