

Memorandum of Understanding: Extract of Roles and Responsibilities

1. Roles and Responsibilities

1.1. The parties agree to the timeframes set out in Schedule 1 “Collection and relocation of Unused, Faulty or Damaged bikes” and the corresponding course of action.

1.2. Roles and Responsibilities of the Operator

1.3. The Operator agrees to the following roles and responsibilities :

1.3.1. Point of Contact

1.3.1.1. Ensure that all share-bikes are easily identifiable at all times.

1.3.1.2. Designate a central point of contact at management level for the purpose of communication directly with the Councils.

1.3.1.3. Establish a system for the receipt of notifications from the public and Council (including a 24 hour number service) of broken, damaged or otherwise unusable share-bikes and of abandoned share bikes or of share-bikes that have been placed in inappropriate locations.

1.3.2. Monitoring and Maintenance

1.3.2.1. Monitor bike locations across the day and week to avoid and address breaches of the deployment and parking guidelines outlined in this MOU.

1.3.2.2. Provide adequate resources to receive and action complaints from the public and the Councils, in accordance with Schedule 1.

1.3.2.3. After notice from a Council, a customer, or a member of the public any inoperable share-bike, or share-bike which is not safe to operate shall be immediately disabled from Revenue Service and shall be suitably repaired before the bicycle is returned to Revenue Service.

1.3.2.4. Bicycles must not contain any third party advertising.

1.3.3. Bicycle densities

1.3.3.1. Bicycle densities must not exceed six bicycles per 200 metres except for around railway stations outside the Hoddle Grid. Appropriate bike density will vary by location; and may consider the number of share bikes from other operators within the vicinity of the location.

1.3.4. Deployment Guidelines

1.3.4.1. The Operator shall deploy bicycles in a manner consistent with the user parking guidelines including, but not limited to, not obstructing footpaths, grassed areas, outdoor café areas, bicycle parking rails or leaning against trees.

1.3.4.2. The Operator shall not deploy bicycles at inappropriate bike densities.

1.3.5. Parking Guidelines

1.3.5.1. Effectively encourage appropriate rider behaviour by educating customers using means such as, but not limited to, instructions

(including pictures) in the Operator's App, website and/or Facebook page.

- 1.3.5.2. Share bicycles must not obstruct safe, accessible and equitable access for people walking or travelling along the street.
- 1.3.5.3. Share bicycles must park near, but not within 1.5 metres of established bike parking where possible.
- 1.3.5.4. Share bicycles must not prevent access to fixed bicycle parking rails.
- 1.3.5.5. Share bicycles must not be parked on footpaths that are too narrow or busy where they could pose a safety hazard.
- 1.3.5.6. Share bicycles must not be placed on any ground surface indicators, steps and ramps that provide warnings and directional assistance to people with vision impairment, or on traffic islands.
- 1.3.5.7. *Share bicycles should not be parked by leaning, this includes against trees, buildings, poles, street furniture or any structure unless in a designated area.* Share bicycles must be parked upright.
- 1.3.5.8. Share bicycles must park at least 1.5m away from the building line to allow free passage of pedestrians (this is important as people with a visual and/or physical impairment may use the building line for navigation).
- 1.3.5.9. Share bicycles must park away from the road kerb to allow pedestrians free access to and from the road and to parked motor vehicles.
- 1.3.5.10. *Share bicycles shall not be parked on landscaped areas.*
- 1.3.5.11. Councils may designate certain areas where bicycles cannot be parked, in these locations the operator must implement a geofence to enforce the parking restriction.

1.3.6. User behaviour

- 1.3.6.1. The Operator shall ensure users know that legal penalties may be incurred for not wearing helmets, riding on footpaths, reckless riding or riding through red lights.

SCHEDULE 1 - Collection and relocation of Unused, Faulty or Damaged bikes

Tipped-over, faulty, damaged, abandoned or inappropriately parked bikes

If member of the public or the relevant Council notifies the operator about tipped-over, damaged, faulty, abandoned or inappropriately parked bikes the following timeframes apply. If any of the timeframes listed below are exceeded, the bicycles are subject to being impounded by the Council.

Incident	Timeframe	Action
Dangerously placed	2 hours	Where a bicycle is causing an unreasonable hazard (i.e. parked across a road, carriageway, etc.) the operator will relocate the bike within 2 hours. A council or relevant authority may remove and impound the bicycle at any time.
Bike reported as faulty / damaged / unsafe	0 - 24-hours	Operator will immediately deactivate the bicycle from Revenue Service. Operator will check bicycle for safety / damage / faults and will remove the bike from the public realm until it is suitably repaired.
Inappropriate bike density	0 - 24-hours	Where excessive numbers of bicycles are present the Operator will reduce the number of bicycles at a single location by relocating the excessive bicycles.
Bike tipped-over	0 - 24-hours	Operator will upright bicycle, within 24-hours of being notified.
Inappropriately placed	0 - 48-hours	Where a bicycle is parked in an inappropriate location, but where it is not causing an unreasonable hazard, the operator will relocate the bike within 48-hours.

Unused bikes

Both share bike operators and local municipalities have an active interest in ensuring share-bikes do not remain in one location for extended periods of time. Bikes which are not being used, do not provide revenue to the operator; whilst also occupying finite street-space and contributing to clutter. The following time-frames outline appropriate measures to ensure bicycle are being used and are not left in one-location for an unacceptable length of time.

Timeframe	Action
0-7 days	No action. It is expected that occasionally bikes may not be used for a period of 7 days.
7-10 days	The operator must take active steps to ensure the bike is moved. This can include retrieving the bike and relocating it; or offering customer incentives to relocate the bike; however the bicycle must be relocated. It is unacceptable for the operator to check the bike for faults, and leave it in the same location.
11-14 days	If the bike has not been moved at the end of 11 days, Council may instruct the operator to relocate the bike. This is only expected to occur in circumstances where the operator is unable to locate the bike via normal processes (i.e. if the GPS coordinates are inaccurate or the bicycle is not in plain sight).
15+ days	The bike is retrieved and impounded by the local council – a fee of \$50 is payable for the release of the bike.
14 days after impoundment	The bike is recycled by the local council. The fee to release the bike remains outstanding and a fee equal to the cost of recycling is levied against the operator.

Timelines and process for Council removal of bicycles and associated fees.

If the issues outlined above have not been addressed at the end of the stated timeframe, the bike may be retrieved and impounded by the local council. The Council will notify the Operator that it has impounded a bicycle including details of the numbers of bicycles and the dates they were impounded. A fee of \$50 is payable for the release of each bicycle.

The bicycle is subject to disposal by the local council 14 days after impoundment. The fee to release the bicycle remains outstanding and a fee equal to the cost of recycling is levied against the operator.