



## **Dockless Bike Share Code of Practice**

### **For Operators in Edinburgh**

**8 November 2017**

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# 1. Introduction

- 1.1. Transport for Edinburgh (TfE) has a key role in shaping what life is like in Edinburgh through an integrated transport network, realising the TfE Vision:

“To provide world class, integrated, environmentally-friendly and socially inclusive transport which plays a central role in the future prosperity of Edinburgh and the Lothians.”

The City of Edinburgh Council (CEC) has set a target for 15% of all journeys to work and 10 % of all journeys, to be by bike by 2020. To help achieve this, CEC is investing some 10% of the transport budget, more than £1M per annum, in cycling. Most of this is being invested in improved cycling infrastructure. This infrastructure investment together with cycle to work schemes, Scottish Enterprise support to purchase bikes for businesses, Bike and Go, Sustrans Projects and public health campaigns is achieving an increase in cycling. There is, however, more to do to achieve the targets. This must be achieved against a backdrop of the City wishing to retain its World Heritage Site Status and an imperative to maintain the City as an attractive, safe and enjoyable place.

- 1.2. **The potential to get more people cycling is huge, and dockless bikes could complement Edinburgh’s existing public transport network, making cycling more accessible.**
- 1.3. Alongside this, streets must be made more accessible for those who prefer to walk, especially children and older and disabled Edinburgh residents and visitors. Safety remains our primary objective and it is our duty to protect the rights of the public to use and enjoy the Capital’s highways and footways. **Dockless bike share schemes must work for everyone without impacting, or causing a danger to, other road users.**
- 1.4. This Code of Practice (this Code) has been developed in collaboration with a range of Stakeholders including CEC Teams, Sustrans, Transport Scotland, Bikeplus, Cycling Groups and our partners in The Edinburgh Universities<sup>1</sup>. It outlines the requirements and recommendations that Dockless Bike Share Operators are expected to follow, as part of delivering safe and effective schemes in Edinburgh.
- 1.5. **This Code will be reviewed and updated regularly, so it continues to reflect best practice and the interests of Edinburgh Residents and Visitors.**
- 1.6. The Code complements the existing legal and regulatory framework, which Operators must observe and comply with at all times. Failure to follow this Code may be taken

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<sup>1</sup> The University of Edinburgh, Heriot-Watt University, Napier University, Queen Margaret University and Edinburgh College.

into account should CEC as The Local Roads Authority take enforcement action (see Section 7 of this Code) or begin legal proceedings against any Operator.

- 1.7. Copies of this Code are publicly available, in accordance with the Local Government (Access to Information) Act 1985.

## **2. Aim and Scope**

- 2.1. The aim of this Code is to ensure well-designed, dockless bike share schemes, that complement Edinburgh's public transport network and support the TfE and CEC strategies.
- 2.2. This Code applies to all Operators and sets out the operational and safety standards that Operators are expected to adhere to.

## **3. Definitions**

- 3.1. For the purpose of this document, the following definitions apply:

### **Edinburgh**

- 3.2. Edinburgh means the City of Edinburgh Local Authority area.

### **Danger**

- 3.3. Danger means risk of bodily harm or injury or damage to property.

### **Geographic Controls or Geo-fencing**

- 3.4. Geographic Controls or Geo-fencing means the use of Global Positioning Systems (GPS) or Radio Frequency Identification Device (RFID) technology to create a virtual geographic fence. When a device moves into (or out of) the space defined by the fence, triggers are sent and the user will receive, for example, a text or push notification. The technology allows Operators to specify where a bike can be safely parked, or create an exclusion zone that prevents the bike from being manually locked.

### **Local Roads Authority**

- 3.5. Local Roads Authority means the body responsible for the administration of Public Roads in Edinburgh, currently CEC. Public Roads in Edinburgh are defined at: <https://www.edinburgh.gov.uk/directory/120/list-of-public-roads-in-Edinburgh>.

Local Roads Authority responsibilities are defined in The Roads (Scotland) Act 1984.

## **Nuisance**

3.6. Nuisance means an act, omission, situation, or practice that materially affects the reasonable comfort and convenience of the public.

## **Obstruction**

3.7. Obstruction means a situation arising from the deposit of a bike or bikes (whether by reason of its or their position, their number, or otherwise) so as to adversely affect the free use of a highway (including a footway or a carriageway), or to adversely affect the free use of any other public or private land, which is not specifically assigned for the purposes of dockless bikes.

## **Operator**

3.8. Operator means any operator running or planning to run, a dockless bike share scheme on Public Roads, or which may affect any premises or assets of TfE or CEC.

## **Public Road**

3.9. Public Road means any carriageway or other road maintainable at public expense.

# **4. General Requirements**

4.1. Any Operator wishing to run a dockless bike share scheme within Edinburgh should be an accredited Living Wage Employer. The Operator must also:

- Comply with all applicable laws, codes of practice and standards.
- Take out and maintain appropriate insurances, for itself and users of the scheme, as well as appropriate public liability insurance.
- Be Bikeplus accredited.

# **5. Engagement**

**Prior to launching a dockless bike share scheme, Operators must engage with TfE and through TfE with the Local Roads Authority.**

5.1. Engagement with the Local Roads Authority includes (without limitation):

- Agreeing a detailed operations plan specifying how the scheme will comply with all of the requirements contained in this Code, in particular the provision and

application of:

- Strict Geographic Controls.
  - Parking infrastructure and controls.
  - Rebalancing of cycles.
- Agreeing detailed plans outlining where and when the Operator plans to introduce a scheme, the number of cycles and the extent to which the Operator expects the volume of bikes to grow and be managed.
  - Providing evidence that the Operator has engaged with the Local Roads Authority likely to be affected by the scheme.
  - The Operator must also agree to any additional terms required by the Local Roads Authority and TfE to supplement this Code.
- 5.2. As well as adhering to this Code, it is recommended that Operators establish an appropriate form of agreement with TfE. It must be noted, however, that any such agreement is without prejudice to the requirement for Operators to comply with all applicable laws, including those governing interference with free passage on Public Roads.
- 5.3. Dockless bike share schemes should be introduced on a trial basis. Parameters should be set with TfE specifying, as a minimum, the number of bikes to be deployed, when the trial will take place, how long it will last and reporting on the performance and impact of the trial scheme.
- 5.4. Operators must agree to cease operations and remove all bicycles, if instructed to do so by the Local Roads Authority.
- 5.5. Operators should also consider the benefits of wider engagement, at proposal stage and during operation, with the public, private landowners, and other stakeholders likely to be impacted by the scheme. This should include (without limitation):
- Communicating the general nature of the scheme including approval to operate.
  - Explaining the scope, for instance the number of bicycles involved and the geographical area in which they may be used.
  - Providing reassurance and addressing any concerns that the public and local stakeholders may have. Particular consideration should be given to vulnerable road users such as, pedestrians, disabled people including those who are visually or hearing impaired.

## 6. Safety and Maintenance

**The safety of Edinburgh Residents and Visitors is a primary concern and increases in the number of people cycling must be achieved safely, minimising Danger to the public. Without limitation, Operators must meet the standards set out below.**

6.1. Operators must achieve and maintain ISO 4210:2014 standards for bicycles in the UK and it is always their responsibility to ensure this. They must have robust maintenance and servicing regimes in place so bicycles continue to meet applicable laws and standards. As a minimum, bicycles should be given a full service annually, with formal checks and repairs taking place regularly throughout the year.

It is, at the time of publication, TfE and legal requirement to:

- Provide, where bikes have hand operated brakes, for hand-operated brakes arranged left-hand rear and right-hand front.
- Provide front and back lights on the bike so it can operate safely in low light conditions – BS EN ISO 4210:1-9 The Pedal Bicycles (Safety) Regulations 2010 and Road Vehicle Lighting Regulations 1989.
- Provide a rear red reflector and amber/yellow reflectors on the front and rear of each pedal.
- Provide a bell in line with the Pedal Bicycles (Safety) Regulations 2010.
- Provide new bikes.
- Make sure all bicycles have an individually identifiable asset number.

This is not an exhaustive list of all legal requirements. It is the Operators' responsibility to make sure they comply with all applicable laws and standards for bicycles in the UK.

6.2. Operators must also comply with all applicable health and safety legislation. This includes (without limitation) setting out how they will report the number of staff and customers killed or seriously injured (if any) while working for, or using, the scheme.

6.3. Operators must have operational processes in place to enable customers and members of the public to easily report unsafe or damaged bicycles (see Section 8 (Customer experience and education)). It is the responsibility of the Operator to make sure these bicycles are no longer available for hire, and are recovered within the following service response times:

- **Where a bicycle is considered to be causing a Danger or Obstruction** the bicycle should be removed within two hours, or within the Local Roads Authority's emergency response time, whichever is the quickest. If bicycles are causing an immediate danger, the Local Roads Authority may remove them without prior notice. The Operator will be liable for all associated costs.
  - **Where a bicycle is reported to be causing a Nuisance**, the Operator will address the Nuisance to resolve the issue within a maximum response time of 24 hours from the time of notification.
- 6.4. Operators must make sure the bicycles are cleaned frequently and within suitable timeframes as agreed with the relevant Highway Authorities. This will include, but is not limited to, removing offensive graffiti and biohazardous material proactively or when directed by the Local Roads Authority.
- 6.5. TfE encourages Operators to achieve the Fleet Operator Recognition Scheme (FORS) bronze accreditation to demonstrate their business is being run safely, efficiently and in an environmentally sound manner. FORS aims to ensure:
- **Safer Operations** – Operators meet accreditation standards and report, investigate and analyse incidents.
  - **Safer Drivers** – approved training is available to drivers to increase their awareness of vulnerable road users' safety.
  - **Safer Vehicles** – those over 3.5 tonnes are fitted with specified safety equipment.
- 6.6. The minimum age recommended for a registered user of any scheme will be 18. If accompanied by an adult, users must be at least 14-years-old. This will be explained both in the user terms and conditions and on the bicycle.
- 6.7. Persons over the age of 14, but under the age of 18, not accompanied by an adult, must have the written permission of a parent or guardian to register to use the system and the written permission of the nominated payer to make payment for the hire of the bike. This will also be explained both in the user terms and conditions and on the bicycle.

## 7. Operations

**Dockless bike share schemes must be operated so as not to cause disruption. The parking or use of shared dockless bikes (individually or collectively) must not cause Nuisance or Obstruction, and must not restrict or affect the use or enjoyment of property on Public Roads, the premises of the Local Roads Authority, or private land.** The Roads (Scotland) Act 1984 provide powers to remove unlawfully deposited bicycles. The Local Roads Authority may consider giving a warning to, recovering expenses in removing unlawfully deposited bikes

from, taking enforcement action against, or prosecuting, the Operator, where this is required. Operators will be treated as responsible for the use (including the deposit) of any bike they own or manage.

- 7.1. Where an Obstruction occurs, the bike or bikes involved must be moved to a compliant parking space within the timescales set out in Section 6.3. Failure by the Operator to comply may result in removal, a formal warning or prosecution.
- 7.2. Where bikes have been removed either by a Highway Authority or emergency services, the Operator will be liable to pay all associated reasonable costs.
- 7.3. Any specific infrastructure requirements that are considered necessary to support the proposed scheme, for instance demarcation, additional parking areas and bike stands, will be agreed with the Local Roads Authority and the operator through TfE will be responsible for obtaining all necessary consents.
- 7.4. Operators must liaise through TfE, with the relevant CEC Teams and wider organisations such as Network Rail and Scotrail/Abellio, to establish guidelines for where bikes can and cannot be parked. This will include general parking rules and details of specific areas where parking is prohibited at all or certain times.
- 7.5. Operators must ensure that an Obstruction does not arise because of the deposit of bikes, and that bikes are not deposited in predesignated no-go areas, such as around fire escapes (e.g. through Geo-fencing).
- 7.6. Operators must also be able to monitor and report the location of all their bikes in real time. It is recommended that they can identify any bikes that have fallen over, and so pose a safety risk, and therefore are liable to be removed.
- 7.7. **Operators must have the capability to manage the removal and redistribution of bicycles including when required by the Local Roads Authority or Police Scotland and (without limitation):**
  - When clustering of bikes occurs, for example around transport interchanges during peak times and at large stadia and other important venues.
  - If there has been a major incident and the emergency services have requested the immediate removal of all bikes.
  - When cycle journeys have ended out-with Edinburgh.
  - In preparation for planned events as instructed by the Local Roads Authority or Emergency Services.
  - If requested, to cease all operations.

Service level agreements addressing these situations must be agreed with the Local Roads Authority.

- 7.8. The Operator must ensure the safe and lawful loading and unloading of bicycles by properly trained individuals, with suitable training records kept and available for inspection. Obstruction must be avoided.
- 7.9. Operators' staff must be properly trained as to where bikes may and may not be deployed with suitable training records kept and available for inspection.
- 7.10. Operators must provide the Local Roads Authority with a telephone number and details of a named person or persons who can be contacted directly and immediately, at any time of day, on any day, and who will have the authority and resources available to them in order to rectify any foreseeable problems, or take any other appropriate action.

## **8. Customer Experience and Education**

- 8.1. Operators must offer 24-hour communication channels. This includes a telephone number that is clearly advertised on the Operator's website, mobile apps and bicycles.

Customer enquiries made during business hours should go direct to the Operator. An after-hours phone menu should be available for queries outside business hours, where not direct to the Operator.

- 8.2. The Operator must make sure the terms and conditions of use for their scheme/s are easily available to customers, via the Operator's website and mobile apps. The Operator must:
  - Require all customers to accept its scheme terms and conditions. These terms and conditions must include clear guidelines on where the scheme operates and where bicycles can and cannot be parked.
  - Highlight important components of its terms and conditions including parking restrictions, incentives for good behaviour and penalties for non-compliance.
  - Provide general advice on its mobile app as part of the sign-up process that promotes safe and lawful bicycle use in Edinburgh. This should include, but is not limited to, guidance on:
    - staying back from heavy goods vehicles.
    - not cycling on pavements.

- staying away from parked cars.
  - stopping at red lights.
  - staying central on narrow roads.
  - Cycling in the vicinity of tram tracks.
  - hand signals for safe turning.
- Provide a ‘frequently asked question’ page on their website and mobile app.
- 8.3. All Operators’ deposit and payments policy must be in accordance with the Payment Card Industry Data Security Standard. The Operator’s deposit and payment policy should be transparent, reasonable and clearly communicated to the customer, when they sign up to the scheme and when they hire a bike.
- 8.4. Operators must have a complaint handling procedure. It must be well publicised and clearly communicated on the Operator’s website and mobile app. It must also:
- Include contact details, and the process, for making a complaint.
  - State the timeframes in which the Operator will endeavour to resolve the complaint, including when they are likely to notify the complainant about its progress or resolution.
  - Be accessible so that disabled customers can lodge and progress a complaint.

## 9. Data Requirements

The CEC commitment to increasing safe cycling in Edinburgh requires TfE and CEC to understand patterns of cycle demand and use. Dockless bike sharing provides an opportunity to do this more accurately, which will better inform the cycling strategy for Edinburgh.

- 9.1. Operators must share anonymised data with TfE to help enhance the cycling strategy and network.
- 9.2. Operators must also share data with the police and other law enforcement agencies if bicycles are suspected of being used for illegal or antisocial purposes.
- 9.3. In accordance with data protection legislation, all personal data must be processed lawfully. Operators must make sure appropriate security measures are taken against unauthorised access to, or alteration, disclosure, accidental loss or destruction of,

personal data.

## 10. The Environment

TfE aims to reduce the impact of its transport operations on the environment. Edinburgh is participating in the development of a low emission zone and has a clean air strategy.

- 10.1. When redistributing bikes, Operators should consider the environmental impact of any vehicles used. Compliance with the FORS bronze accreditation will contribute to this.
- 10.2. It is recommended that Operators comply with ISO 14001:2015 to minimise negative impacts on the environment. In addition, for redistribution - vehicles used for the redistribution of bicycles should meet Euro 6 Emission Standard 459/2012/EC.
- 10.3. Recognising that bicycles have a limited useful life, Operators must share their policy for reusing and recycling their assets with TfE.

## 11. Accessibility Requirements

CEC continues to improve the Capital's urban realm, decluttering streets and making public spaces more pleasant and easier for disabled people to use.

- 11.1. Operators should recognise CEC and TfE equality and inclusion policies and must be committed to improving transport in Edinburgh by making it more accessible, safe and reliable. Operators should find solutions to social barriers and be as socially inclusive as possible, this may include solutions for non-smart phone/mobile users.

## 12. Future Considerations

TfE remains open to innovative new services that could help achieve the goals for cycling, provided they are safe and effectively managed. The introduction of any dockless bike sharing will be closely monitored as appropriate governance and regulatory controls are explored to make sure it works for everyone in the City. TfE will work with Operators to:

- 12.1 Flex the number of available cycles in The City commensurate with emerging demand.
- 12.2 Consider how best to continue to develop any scheme, including integration with, and support for, the local economy.