

AMENDMENT NO. A

TO

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1202

Madam President –

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

I. By amending the first recital clause by deleting it in its entirety and substituting the following in lieu thereof:

WHEREAS, the Metropolitan Government of Nashville and Davidson County has a fundamental responsibility to ensure safe passage on public rights-of-way, to protect public health, safety and welfare, and govern commerce in the public right-of-way; and,

II. By amending the eleventh recital clause by deleting it in its entirety and substituting the following in lieu thereof:

WHEREAS, it is the desire of the ~~Metropolitan~~ Council for the Metropolitan Government of Nashville and Davidson County to partner with private entities to make new and innovative transportation options widely available to Nashville residents and visitors; and,

III. By amending Section 1 by deleting from Section 12.62.010 the definitions for “Business District” and for “Urban Mobility Device (UMD)” and substituting respectively therefore the following:

“Business District”, as defined in Tenn. Code Ann. §55-8-101(9), means an area of at least one full block of retail shops or offices fronting a sidewalk that has steady pedestrian traffic the territory contiguous to and including a highway when, within any six hundred feet (600’) along the highway, there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, or office buildings, railroad stations and public buildings that occupy at least three hundred feet (300’) of frontage on one (1) side or three hundred feet (300’) collectively on both sides of the highway.

“Urban Mobility Device (UMD)” means bicycles, tricycles, scooters, hoverboards, skateboards, pedal cars, ~~segways~~, and other similar devices, whether they are powered or nonpowered. A UMD does not include devices used as assistive mobility devices by persons with disabilities.

III. By amending Section 1 by deleting Subsections 12.62.020.B.1.d through e, and substituting therefore the following:

- d. A written plan for educating users on proper SUMD operation and parking;
- e. A written plan for providing ~~an equitable SUMD service~~ equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options, as described in section 12.62.090 of this chapter; and
- f. A written plan for complying with this ordinance and its requirements.

IV. By amending Section 1 by deleting Subsections 12.62.020.F through G, and substituting therefore the following:

- F. ~~Permitted operators~~ are not entitled to and have no automatic right to renewal of their permit, and operators must comply with any and all ordinances, regulations or policies that are duly and lawfully adopted by the Metropolitan Government after a permit is approved.
- G. Any operator determined to have operated without a proper permit within the limits geographic boundaries of the Metropolitan Government of Nashville and Davidson County after June 15, 2018 shall be prohibited from obtaining a permit for one (1) year from the effective date of this ordinance.

V. By amending Section 1 by deleting Subsections 12.62.030.A through D, and substituting therefore the following:

Section 12.62.030 – Safety Regulations

- A. To be eligible for a permit, the following standards must be met:
 - 1. All bicycles used by operators issued a permit under this chapter shall meet the standards set forth in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Regulations for Bicycles and ISO 43.150 – Cycles, subsection 4210. All bicycles shall meet the requirements for lights during hours of darkness described in Tennessee Code Annotated § 55-8-177. This includes a front light that emits white light and a rear red reflector.
 - 2. All electric bicycles used by operators issued a permit under this chapter shall meet the standards set forth for bicycles, including a front light that emits white light and a rear red reflector, and shall meet the National Highway Traffic Safety Administration definition of low-speed electric bicycle. Each electric bicycle must have fully operable pedals, two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. An electric bicycle must meet the standards set forth in Tennessee Code Annotated Title 55, Chapter 8, Part 3. If ~~the Metropolitan Government~~ it is determineds that any battery or motor on an electric bicycle is unsafe for public use, ~~it—the Metropolitan Government~~ reserves the right to terminate the permit issued under this pilot program.
 - 3. All electric scooters used by operators issued a permit under this chapter shall meet the standards set forth for electric bicycles, including a front light that emits white light and a rear red reflector, except an electric scooter need not have fully operable pedals nor wheels of twenty inches (20") or more in diameter. An electric scooter shall have a foot board for the user to stand upon and no seat. Each scooter shall have a top motor-powered speed of less than ~~20~~ 15 miles per hour when operated by a rider weighing 170 pounds. If ~~the Metropolitan Government~~ it is determineds that any battery or motor on an electric scooter is unsafe for public use, ~~it—the Metropolitan Government~~ reserves the right to terminate the permit issued under this pilot program.
 - 4. The MTLC is authorized to adopt safety standards to address other types of UMD's, including but not limited to (non-electric) types of powered UMD's, if it chooses to allow them.
- B. All operators permitted pursuant to this program shall provide a mechanism for users to notify the operator of any safety or maintenance issues with the SUMDs.
- C. All operators shall affix to any SUMD visible language that notifies the user:
 - 1. A SUMD shall not be operated upon a sidewalk within a business district.

2. Whenever operating a SUMD upon a sidewalk, the user shall yield to any pedestrian and shall give ~~an audible signal~~ a signal audible to such pedestrian before overtaking and passing ~~such pedestrian~~ him or her.
 3. Helmet use is encouraged while riding.
 4. When riding on a street, users must follow the rules of the road as one would in a motor vehicle.
 5. All operators must provide a 24-hour customer service phone number for users and the general public to report safety concerns, complaints or ask questions.
 6. Each SUMD must be labeled with a unique identifier.
- D. All permitted operators shall have a minimum of one million dollars (\$1,000,000) in automobile insurance and two million dollars (\$2,000,000) per occurrence in commercial general liability insurance. The Certificate Holder's Insurance shall be primary for any liability arising out of its User's use of that Certificate Holder's SUMD.

VI. By amending Section 1 by deleting Subsection 12.62.040.C, and substituting therefore the following:

- C. Any SUMD parked in any one location for more than two (2) consecutive days without moving may be removed by the department of public works and taken to a facility designated by the department for storage at the expense of the operator. ~~The Metropolitan Government~~ department of public works shall invoice the operator.

VII. By amending Section 1 by deleting Subsections 12.62.040.L through M, and substituting therefore the following:

- L. An operator shall not allow an SUMD that meets the definition of a motorized vehicle to be operated by any person who does not have a valid driver's license.
- M. In addition to penalties assessed for any separate violation of Tennessee law or Metropolitan Code of Laws, ~~Any~~ violation of this ordinance by a user in the operation or parking of a SUMD shall be a fine of twenty-five dollars (\$25) ~~.-The fine shall to be~~ assessed on the SUMD and paid by the owner of the SUMD.

VIII. By amending Section 1 by deleting Subsections 12.62.050.D, and substituting therefore the following:

- D. All permitted operators shall provide the ~~Metropolitan Government~~ Transportation Licensing Commission (MTLC) with contact information, such as name, phone number, and email, of a Nashville-based manager or operations staff available 24 hours a day, 7 days a week. The Nashville-based manager or operations staff shall be capable of re-balancing or relocating SUMDs and be able to respond to requests, emergencies, and other issues at any time.

IX. By amending Section 1 by deleting Subsections 12.62.050.K through M, and substituting therefore the following:

- K. ~~The Metropolitan Government~~ MTLC and the Metropolitan Nashville Police Department shall establish, and all permitted operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special or large events.
- L. Permitted operators shall respond to reports of incorrectly parked SUMDs, requests for rebalancing, or requests for relocation of SUMDs, and must take corrective action within forty-eight (48) hours of notification.
- M. The MTLC and the Metropolitan Traffic and Parking Commission, and ~~its~~ their respective staffs, ~~has~~ have the power and are authorized to do all acts and things necessary or convenient to implement this ordinance, compel compliance with this

ordinance, to promote and protect public safety, and to ensure the right of way is not impeded.

X. By amending Section 1 by deleting Section 12.62.060 in its entirety and substituting therefore the following:

Section 12.62.060 – Data Sharing

A. Permitted operators shall provide the Metropolitan Government and its departments Information Technology Services Department (“Metro ITS”) with real-time information on their entire Nashville fleet within Nashville and Davidson County through a documented application program interface (API). ~~The permitted operator is directly responsible for providing an API key and REST specifications to Metro ITS. The data available must at least include the following information in real time for every SUMD parked in the Metropolitan Government operational area: The permitted operator is directly responsible for obtaining an API key from the Metropolitan Government to which the operator will publish the data described below. The data to be published to the API will include the following information in real time for every SUMD parked in the Nashville operational area:~~

- a. Point location
- b. Bicycle or scooter SUMD identification number
- c. Type of SUMD (standard or powered)
- d. Fuel level (if powered)

| <u>Field Name</u> | <u>Format</u> | <u>Description</u> |
|---------------------------------------|-----------------------|---|
| <u>GPS Latitude</u> | <u>Decimal (12,9)</u> | <u>Point location X</u> |
| <u>GPS Longitude</u> | <u>Decimal (12,9)</u> | <u>Point location Y</u> |
| <u>SUMD ID number</u> | <u>Varchar (25)</u> | <u>SUMD Type + Unique identifier for every SUMD, determined by company</u> |
| <u>Type of SUMD</u> | <u>Varchar (25)</u> | <u>“Standard” or “Powered”</u> |
| <u>Fuel/charge level</u> | <u>Decimal (5,4)</u> | <u>Ratio of charge level to full charge (50.1234%)</u> |
| <u>SUMD Group</u> | <u>Varchar (25)</u> | <u>Name of the SUMD group (“bicycle”, “tricycle”, “scooter”, “hover board”, “skateboard”, “pedal car” or “other”)</u> |
| <u>Current rental rate per minute</u> | <u>Decimal (5,2)</u> | |

- B. The Metropolitan Government is permitted to display real-time data provided via the API described in 12.62.060.A.
- C. The Metropolitan Government is able to publish real-time SUMD availability data to the public.
- D. All permitted operators shall provide the following anonymized data for each trip record to inform and support safe and effective management of the SUMD system, and for transportation

planning efforts. The permitted operator is directly responsible for providing an API key and specifications to Metro ITS based on the following: Data will be submitted to the Metropolitan Government via an API to be distributed by the Metropolitan Government.

| Field Name | Format | Description |
|--------------------|--------------------------------|---|
| Company Name | {company name} | n/a |
| Type of SUMD | "Standard" or "Powered" | 3 letter company acronym + consecutive trip # |
| Trip record number | Xxx#, xxx#+1, xxx#+2, ... | n/a |
| SUMD ID number | xxx1, xxx2 | Unique identifier for every SUMD, determined by company |
| Trip duration | HH:MM:SS | n/a |
| Trip distance | Feet | n/a |
| Start date | MM, DD, YYYY | n/a |
| End date | HH:MM:SS (00:00:00 – 23:59:59) | n/a |
| Start location | Census block | n/a |
| End location | Census block | n/a |
| Trip Route | GPS coordinates | GPS coordinates for entire trip duration and distance |

| <u>Field Name</u> | <u>Format</u> | <u>Description</u> |
|---------------------------|--------------------------|---|
| <u>Company Name</u> | <u>Varchar (25)</u> | <u>Company Name</u> |
| <u>Type of SUMD</u> | <u>Varchar (25)</u> | <u>"Standard" or "Powered"</u> |
| <u>SUMD Group</u> | <u>Varchar (25)</u> | <u>Name of the SUMD group</u> |
| <u>Trip record number</u> | <u>Varchar (25)</u> | <u>3 letter company acronym + consecutive trip #, Xxx#, xxx#+1, xxx#+2, ...</u> |
| <u>SUMD ID number</u> | <u>Varchar (25)</u> | <u>SUMD Type + Unique identifier for every SUMD, determined by company</u> |
| <u>Trip duration</u> | <u>Decimal (9,3)</u> | <u>Minutes</u> |
| <u>Trip distance</u> | <u>Decimal (5,4)</u> | <u>Feet</u> |
| <u>Start date</u> | <u>Date (YYYY-MM-DD)</u> | <u>n/a</u> |
| <u>Start time</u> | <u>Time (HH:MM:SS)</u> | <u>n/a</u> |
| <u>End date</u> | <u>Date (YYYY-MM-DD)</u> | <u>n/a</u> |
| <u>End time</u> | <u>Time (HH:MM:SS)</u> | <u>n/a</u> |

| | | |
|------------------------|-----------------------|---|
| <u>Start Latitude</u> | <u>Decimal (12,9)</u> | <u>Point location X</u> |
| <u>Start Longitude</u> | <u>Decimal (12,9)</u> | <u>Point location Y</u> |
| <u>End Latitude</u> | <u>Decimal (12,9)</u> | <u>Point location X</u> |
| <u>End Longitude</u> | <u>Decimal (12,9)</u> | <u>Point location Y</u> |
| <u>Trip Route</u> | <u>Varchar (256)</u> | <u>Sequential GPS coordinates for entire trip duration at a minimum collection frequency of one per 30 seconds.</u> |

- E. The Metropolitan Government is able to publish the anonymized trip record data to the public.
- F. For oversight of parking compliance and SUMD distribution by minute, all permitted operators will provide Metro ITS with the following SUMD availability data for oversight of parking compliance and SUMD distribution by minutes: real-time information on the availability and identity of all parked vehicles through a documented REST application program interface (API). The permitted operator is directly responsible for obtaining an API key from Metro ITS to which they will publish the data described below, updated at a frequency of every five minutes. Data may shall be submitted to the Metro Open Data Portal, where it will be made available to the public.

| Field Name | Format | Description |
|-------------------------|--------------------------------|--|
| GPS Coordinate | X,Y | n/a |
| Availability duration | Minutes | n/a |
| Availability start date | MM, DD, YYYY | n/a |
| Availability start time | HH:MM:SS (00:00:00 – 23:59:59) | n/a |
| Company website | URL | Link to website with customer service capability |
| Company phone | 615-xxx-xxxx | Local customer service number |

| Field Name | Format | Description |
|--------------------------------|--------------------------|---|
| <u>GPS Latitude</u> | <u>Decimal (12,9)</u> | <u>Point location X</u> |
| <u>GPS Longitude</u> | <u>Decimal (12,9)</u> | <u>Point location Y</u> |
| <u>Availability duration</u> | <u>Time (HH:MM:SS)</u> | <u>Minutes</u> |
| <u>Availability start date</u> | <u>Date (YYYY-MM-DD)</u> | <u>n/a</u> |
| <u>Availability start time</u> | <u>Time (HH:MM:SS)</u> | <u>n/a</u> |
| <u>Company website</u> | <u>Varchar (128)</u> | <u>Link to website with customer service capability</u> |
| <u>Company phone</u> | <u>Decimal (10,0)</u> | <u>Local customer service number</u> |

| | | |
|-----------------------|----------------------|--|
| <u>Real Time Fare</u> | <u>Decimal (5,2)</u> | <u>Real-time fare per unit distance</u> |
| <u>SUMD Type</u> | <u>Varchar (25)</u> | <u>"Standard" or "Powered"</u> |
| <u>SUMD Group</u> | <u>Varchar (25)</u> | <u>Name of the SUMD group - "bicycle", "tricycle", "scooter", "hoverboard", "skateboard", "pedal car" or "other"</u> |
| <u>SUMD ID</u> | <u>Varchar (25)</u> | <u>SUMD Type + Unique identifier for every SUMD, determined by company</u> |

- G. Permitted operators and their customers shall consent to the sharing of operator data by the Metropolitan Government with the ~~Transit Hub Transportation Data Collaborative (TH-TDC)~~ Metro Transportation Data Collaborative (MTDC). Permitted operators shall include in terms of use that customers also consent that trip data will be shared with the Metropolitan Government and become public record. (All data will be anonymized).
- H. All permitted operators shall consent to distribute to all users a customer survey, provided by the ~~Metropolitan Government~~ MTLC, under circumstances agreed to by the Metropolitan Government and the company regarding customer service and program evaluation.
- I. All permitted operators under this pilot permit program shall keep a record of maintenance activities, including but not limited to SUMD identification number, maintenance performed, and SUMDs retrieved due to unauthorized parking. These records shall be sent to the ~~Metropolitan Government~~ MTLC weekly.
- J. All permitted operators agree to participate with any evaluation of the program.
- K. All permitted operators will first clean data before providing or reporting data to Metro. Data processing and cleaning shall include:
 1. Removal of staff servicing and test trips
 2. Removal of trips below one minute
 3. Trip lengths are capped at 24 hours
- L. Permitted operators shall provide all data so that individual users cannot be identified.
- M. Should the Metropolitan Government adopt a standard or standards for SUMD data collection, each permitted operator shall achieve compliance with such standard(s) within ninety (90) days of receipt of notification of updated interface availability from the Metropolitan Government, submitted to the operator address on record.

XI. By amending Section 1 by deleting Section 12.62.080.B, and substituting therefore the following:

- B. Each type or category of SUMD in a permitted operator's fleet shall be limited in number to 400 during the first two months of the pilot, 800 beginning at the third month of the pilot, and 1,200 beginning at the fifth month of the pilot. After the sixth month and approval by the MTLC, permitted operators can expand beyond 1,200, assuming they fulfill the other requirements contained in this chapter and in the permit.

XII. By amending Section 1 by deleting Section 12.62.080.D through E, and substituting therefore the following:

- D. Each expansion or increase in fleet size shall require a determination by the MTLC or its staff that:
1. the permitted operator has fulfilled the requirements of this chapter; ~~and~~
 2. the number of violations associated with the SUMDs of that operator is below a threshold to be established by the MTLC; ~~and~~
 3. the type or category of SUMD in the permitted operator's current fleet to be increased is meeting or exceeding the average utilization threshold.
- E. The MTLC shall determine the average utilization threshold for SUMDs for each type of vehicle after gathering information and consulting with appropriate entities. The average utilization shall only be determined after notice and a hearing of the MTLC. Until the MTLC determines the average utilization threshold, the threshold for SUMDs shall be as follows:
1. For scooters the average trip per scooter during the prior month shall exceed 3 trips per day;
 2. For electric bicycles, the average trip per bicycle during the prior month shall exceed 2 trips per day;
 3. For bicycles, the average trip per bicycle during the prior month shall exceed 1 trip per day;

XIII. By amending Section 1 by deleting Section 12.62.110 and substituting therefore the following:

Section 12.62.110 ~~100~~ – Study by Metropolitan Government

- A. The MTLC shall conduct a study no later than July 1, ~~2020~~ 2019 to:
1. Determine if revenue generated by fees covers the cost of permitting, administration, compliance and enforcement;
 2. Determine the impact of SUMDs; and
 3. Recommend changes to this ordinance or other Metropolitan Government ordinances, policies or practices.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County, Tennessee, requiring it.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. B

TO

SECOND SUBSTITUTE ORDINANCE BL2018-1202

Madam President:

I move to amend Second Substitute Ordinance No. BL2018-1202 as follows:

1. By amending Section 1 by deleting Section 12.62.080, subsection B, and substituting in lieu thereof the following language:

- B. Each type of category of SUMD in a permitted operator's fleet shall be limited in number to 500 for each category of shared vehicle during the first month, 750 during the second month, and 1,000 beginning in the third month of the pilot. After the third month, permitted operators may apply to the MTLC to expand beyond the cap for each type of SUMD, if they fulfill the other requirements contained in this chapter.

INTRODUCED BY:

Jeremy Elrod

Freddie O'Connell
Members of Council

AMENDMENT NO. C
TO
ORDINANCE NO. BL2018-1202

Madam President:

I hereby move to amend Ordinance No. BL2018-1202 as follows:

By amending Section 1 to add the following language to proposed Section 12.62.030 as a new Subsection K:

K. Operators shall be capable of remotely disabling the use of a SUMD should it be reported or found to have a safety, maintenance or other hazardous condition.

INTRODUCED BY:

Freddie O'Connell
Member of Council