

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1202

An ordinance amending Title 12 of the Metropolitan Code of Laws to regulate ~~dockless bicycle and scooter~~ operators of systems of shared urban mobility devices, such a bicycles and scooters, and to establish a permitting system for same.

WHEREAS, the Metropolitan Government 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,

WHEREAS, the Metropolitan Government has the authority under state law and the Metropolitan Charter to regulate commerce and commercial equipment that use the public rights-of-way; and,

WHEREAS, the Metropolitan Government has the authority under state law and the Metropolitan Charter to regulate the operation of vehicles on the public right-of-way, including streets, roads, bike lanes, sidewalks, and other thoroughfares; and,

WHEREAS, the Metropolitan Government endeavors to provide for the safety of all persons and equipment in the rights-of-way; and,

WHEREAS, it is necessary to ensure that ~~dockless systems of shared urban mobility devices (SUMDs),~~ such as bicycles and scooters, are operated in a manner that is safe for all riders, pedestrians, and drivers; and,

WHEREAS, it is necessary to incorporate ~~dockless bicycles and scooters~~ SUMDs into Nashville's transportation infrastructure; and,

WHEREAS, it is necessary to ensure that ~~dockless bicycles and scooters~~ SUMDs are parked in a manner that does not clutter the public right of way or obstruct access for pedestrians, cars, bicycles, transit, or other modes of transportation; and,

WHEREAS, it is the desire of the Metropolitan Council to encourage and provide for new transportation options for Nashville residents and visitors; and,

WHEREAS, ~~dockless bicycle and scooter~~ SUMD sharing programs can provide alternative transportation to relieve traffic congestion and provide "last mile" access to public transit; and,

WHEREAS, it is the desire of the Metropolitan Council to encourage and foster innovative transportation options in Nashville to ease the city's increasing traffic congestion; and,

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

WHEREAS, it is the desire of the Metropolitan Council for there to be equitable access to ~~dockless bicycles and scooters~~ SUMDs, and for them to be available in neighborhoods and communities that are underserved by mobility and transportation options; and,

WHEREAS, ~~dockless bicycles and scooters~~ SUMDs can serve as an alternative to automobiles, reduce pollution and carbon emissions, and improve air quality; and,

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 12 of the Metropolitan Code of Laws be amended to add a new chapter, "Chapter 12.62 – ~~Dockless Bicycles and Scooters~~ Shared Urban Mobility Devices" as follows:

Chapter 12.62 – ~~Dockless Bicycles and Scooters~~ Shared Urban Mobility Devices

Section 12.62.010 – Definitions

The following words and phrases shall have the meanings set forth below, unless the context clearly requires otherwise:

“Business District” means an area of at least one full block of retail shops or offices fronting a sidewalk that has steady pedestrian traffic.

~~“Dockless bicycle and/or scooter share Shared Urban Mobility Device (SUMD) system” or “System” means a system which provides bicycles, electric bicycles or electric scooters urban mobility devices for short-term rentals for point-to-point trips and which may be locked and unlocked without the requirement of a bicycle rack or other docking station. Such a System can be a Lock-to-SUMD System or a dockless SUMD system.~~

~~“Lock-to bicycle and/or scooter share Shared Urban Mobility Device (SUMD) system” means a system which provides bicycles, electric bicycles or electric scooters SUMDs for short-term rentals for point-to-point trips which must be locked or secured to a stationary object. A SUMD that is not lock-to would be dockless.~~

~~“Operator” means a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a dockless bicycle and/or scooter share system or a lock-to bicycle and/or scooter share SUMD system, whether for profit or not for profit.~~

“Powered” means electric or motorized; in the case of a UMD, it also means any other technology that allows the UMD to be self-propelled.

“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.

~~“User” means a person who rents and uses a bicycle, electric bicycle or electric scooter UMD from an operator.~~

Section 12.62.020 – Application for Permit

- A. A Pilot Program is hereby created to allow for operators which desire to operate a ~~dockless bicycle and/or scooter share~~ SUMD system or business within the limits of the Metropolitan Government of Nashville and Davidson County. No person shall operate a SUMD System without first obtaining a certificate of public necessity and convenience to do so as provided in this Chapter. Any operator interested in applying for a ~~permit~~ certificate of public necessity and convenience shall submit an application to ~~Metro~~ the Metropolitan Transportation Licensing Commission (MTLC).
- B. The application must include these items:
 1. A completed Certificate of Public Convenience and Necessity Application, in a form approved by the MTLC, which includes a the following information and is accompanied by a payment of the \$500 application fee and the following:
 - a. Images and description of ~~bicycle~~ SUMDs and mobile application;
 - b. Size of fleet at launch, including any planned fleet expansions during the pilot period;
 - c. Service area at launch, including any planned expansions during the pilot period;
 - d. Plan for educating users on proper ~~bicycle and/or scooter~~ SUMD operation and parking;
 - e. Plan for providing an equitable ~~bicycle and/or scooter share~~ SUMD service; and
 - f. Plan for complying with this ordinance and its requirements.
 2. Certificate of Insurance, pursuant to Sec. 12.62.030.D.
- C. ~~If the MTLC staff determines that the application meets all the requirements, operators will need to~~ above, the applicant/operator shall submit the items below prior to issuance of the permit.

1. Program Administrative Fee, pursuant to Sec. 12.62.070.A.;
 2. Performance Bond, pursuant to Sec. 12.62.050.D.; and
 3. Five (5) account logins to allow Metropolitan Government staff to login to the operator's system as if they were a User, for oversight.
- D. The number of permitted operators shall not be limited by the Metropolitan Government.
- E. During this pilot program, a permit certificate of public necessity and convenience shall be issued for one (1) year and may be renewed by the MTLC only after re-application.
- F. 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 within the limits of the Metropolitan Government of Nashville and Davidson County after June 15, 2018 ~~and before obtaining the appropriate permit mandated by this ordinance~~ shall be prohibited from obtaining a permit for one year from the effective date of this ordinance.
- H. The MTLC is authorized to promulgate regulations to interpret and administer this chapter.

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 and shall meet the National Highway Traffic Safety Administration definition of low-speed electric bicycle. Each electric bicycle must have fully operable pedals, 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 determines that any battery or motor on an electric bicycle is unsafe for public use, it 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, except an electric scooter need not have fully operable pedals. 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 miles per hour when operated by a rider weighing 170 pounds. If the Metropolitan Government determines that any battery or motor on a scooter is unsafe for public use, it 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 ~~bicycle, electric bicycle or electric scooter~~ SUMDs.
- C. All operators shall affix to any ~~bicycle, electric bicycle or electric scooter~~ SUMD visible language that notifies the user ~~that~~:
1. A ~~bicycle, electric bicycle or electric scooter~~ SUMD shall not be operated upon a sidewalk within a business district.
 2. Whenever operating a ~~bicycle, electric bicycle or electric scooter~~ SUMD upon a sidewalk, the user shall yield to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
 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. 24-hour customer service phone number for users and the general public to report safety

- concerns, complaints or ask questions.
6. ~~Bicycle or scooter~~ SUMD 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) in commercial general liability insurance.
- E. Prior to a ~~permit~~ certificate of public convenience and necessity being issued, all ~~permittees~~ certificate holders shall sign and record with ~~Metro~~ the MTLC an indemnification agreement (in a form approved by the Metropolitan Department of Law) in which the ~~permittee~~ certificate holder agrees to indemnify and hold harmless the Metropolitan Government of Nashville and Davidson County. The certificate holder shall further include in its agreements with its users a term that its users must agree to as prerequisite to the use of the SUMD: that the user fully releases and waives all liability of the Metropolitan Government for any injury or harm the user experiences arising from the user's use of the certificate holder's SUMD.
- F. Permitted operators shall agree that the Metropolitan Government is not responsible for educating users on how to ride or operate a ~~bicycle, electric bicycle or electric scooter~~ SUMDs.
- G. Permitted operators shall inform and regularly educate all users regarding all laws and regulations applicable to riding, operating and parking a ~~bicycle or scooter~~ SUMD and instruct users to comply with these laws and regulations.
- H. All ~~bicycles and scooters~~ SUMDs shall include on-board GPS to ensure an operator's ability to locate and retrieve them as needed.
- I. Operators shall ensure that on a regular basis all ~~bikes~~ SUMDs are inspected, maintained, and replaced as necessary.
- J. All certificate holders are required to submit monthly reports to the MTLC certifying under oath their compliance with all of the requirements of this ordinance. The MTLC staff, at their discretion, shall have the right to inspect all SUMDs and records of the operator in order to verify the accuracy of such certifications. Any false certifications shall result in the revocation of the certificate holder's certificate of public convenience and necessity, after notice and a hearing regarding same before the MTLC.

Section 12.62.040 – Parking and Use of ~~Bicycles and Scooters~~ Shared Urban Mobility Devices

- A. Operators shall inform users on how and where to properly use and park a ~~bicycle, electric bicycle or electric scooter~~ SUMD.
- B. Permits issued pursuant to this chapter are valid only for operations within the public right-of-way within the jurisdiction of Metro. Additional zones may be established for other locations upon coordination with the appropriate department, agency, and/or property owner.
- C. ~~Any bicycle, electric bicycle or electric scooter~~ 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 shall invoice the violating operator.
- D. Any ~~bicycle, electric bicycle, or electric scooter~~ SUMD shall be upright when parked.
- E. ~~Bicycles and scooters~~ SUMDs shall not be parked in such a manner as to impede the right of way or impede access to the right of way, consistent with the following:
1. SUMDs shall be parked in the frontage zone as defined in the Major and Collector Street Plan (MCSP), or furnishing zone as defined by the adopted standards of the Metropolitan Government, or at a bicycle rack owned or operated by the Metropolitan Government. Operators shall inform customers on how to park SUMDs properly, following the requirements for parking of bicycles outlined in section 12.60.140.
 2. Restrictions to eligible SUMD parking zones on sidewalks:
 - a) SUMDs shall not be parked on blocks where the frontage/furnishing zone is less than 3 feet wide, or where there is no frontage/furnishing zone.
 - b) On blocks without sidewalks, SUMDs may be parked if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.
 - c) Metro, through its Traffic and Parking Commission, reserves the right to determine certain block faces where free-floating SUMD parking is prohibited. Geo-fenced areas may be used to designate where SUMD parking is or is not allowed.
 - d) SUMDs shall not be parked in the frontage/furnishing zone adjacent to or within:
 - i. Parklets;

- ii. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - iii. B-Cycle stations;
 - iv. Loading zones;
 - v. Disabled parking zone;
 - vi. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - vii. Curb ramps;
 - viii. Entryways; and
 - ix. Driveways.
- F. All permitted operators shall provide contact information for relocation requests on each ~~bicycle, electric bicycle, or electric scooter~~ SUMD.
- G. ~~A bicycle, electric bicycle or electric scooter~~ SUMD shall not be operated upon a sidewalk within a business district. The Traffic and Parking Commission may also determine specific areas as business districts.
- H. Whenever operating a ~~bicycle, electric bicycle or electric scooter~~ SUMD upon a sidewalk, the user shall yield to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- I. All permitted operators shall comply with any restrictions developed by the Metropolitan Government regarding where ~~bicycles and scooters~~ SUMDs can be deployed, placed, parked, and operated.
- J. Only one person shall be on a ~~bicycle or scooter~~ SUMD, unless the ~~bicycle~~ it is equipped with seating for additional users.
- K. ~~A bicycle or scooter~~ An operator shall only not allow a powered SUMD to be operated by a person who is less than eighteen (18) years or older.
- 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 driver's license.
- M. Any violation of this ordinance by a user in the operation or parking of a ~~bicycle or scooter~~ SUMD shall be a fine of twenty-five dollars (\$25) ~~that is.~~ The fine shall be assessed on the bicycle or scooter SUMD and paid by the owner of the SUMD.
- N. All Metropolitan Government departments and entities are encouraged but not required to find innovative ways to accommodate and incorporate the use and parking of ~~bicycles, electric bicycles or scooters~~ SUMDs.

Section 12.62.050 – Operations of ~~Dockless Bicycle and/or Scooter Share Operator~~ Shared Urban Mobility Device Systems

- A. All permitted operators shall have a staffed operations center within the boundaries of the Metropolitan Government of Nashville and Davidson County.
- B. All permitted operators shall have a 24-hour customer service phone number for users and ~~others~~ the general public to report safety concerns, complaints or ask questions. The phone number shall be visible on all of the operator's ~~bicycles, scooters~~ SUMD, signage and other equipment.
- C. All permitted operators shall create and maintain a Nashville-specific website and/or social media platform that includes information on Metropolitan Government regulation of ~~dockless bicycles and scooters~~ SUMDs and other relevant and appropriate information regarding their operation. The site shall also explain the terms of service, including user instructions, privacy policies, and all fees, costs, penalties, and unexpected charges.
- ~~D. All permitted operators shall provide Metro with a direct contact number of staff capable of rebalancing or relocating bicycles or scooters.~~
- D. All permitted operators shall provide the Metropolitan Government 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 ~~bicycles or scooters~~ SUMDs and is be able to respond to Metro requests, emergencies, and other issues at any time.
- E. All permitted operators shall have a performance bond of eighty dollars (\$80) per ~~bicycle or scooter~~ SUMD, with a cap of one hundred thousand dollars (\$100,000). The form of the bond shall be approved by ~~Metro~~ the Metropolitan Department of Law. These funds shall be

accessible to the Metropolitan Government for future public property repair and maintenance costs that may be incurred related to SUMD use, removing, and storing ~~bicycles/scooters~~ SUMDs improperly parked, or if a company is not present to remove ~~bicycles or scooters~~ SUMDs if its permit certificate of public convenience and necessity is terminated. If a permitted operator increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional ~~bicycles or scooters~~ SUMDs.

- F. Permitted operators shall respond to requests for rebalancing, relocation, reports of incorrectly parked ~~bicycles and/or scooters~~ SUMDs, or reports of unsafe/inoperable ~~bicycles or scooters~~ SUMDs by relocating, re-parking, or removing ~~the bicycles and/or scooters~~ SUMDs, as appropriate, within 24 2 hours or less of notification between 6am and 10pm on weekdays, not including holidays, and within 10 hours of notification all other times. Any inoperable or unsafe ~~bicycle or scooter~~ SUMD shall be removed within 2 hours of notification, and it must be repaired before placed back onto the right-of-way or into revenue service. The MTLC may designate specific areas with different time requirements.
- G. Every ~~bicycle and scooter~~ SUMD shall have a unique identifier, such as a unit number, that is visible to the user on the bicycle SUMD.
- H. If the Metropolitan Government or any ~~Metro~~ department or office agency thereof incurs any costs as a result of addressing or abating any a permittee operator's violation of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the costs, the permitted operator shall reimburse the Metropolitan Government for such costs within thirty (30) days.
- E. After notice and a hearing, the Metro-MTLC may take disciplinary action, including revocation, suspension or probation, against any appropriate steps or assess any penalties or sanctions to compel operators certificate holder who fails to comply with this ordinance, any other Metro ordinance, provision of the Metropolitan Code or any other applicable law. This shall include cancellation of an operator's permit as authorized in 12.62.050.K. MTLC staff is authorized to take any temporary action until a hearing is held.
- I. Metro reserves the right to terminate permits. Upon revocation or surrender of a certificate of public necessity and convenience, decommissioning shall be completed within thirty (30) days unless a different time period is determined by Metro MTLC or its staff.
- J. The Metropolitan Government shall establish, and all permitted operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special events.
- ~~K. Permitted operators shall respond to requests for rebalancing, reports of incorrectly parked bicycles and/or scooters, or reports of Metro can require relocation or rebalance of vehicles on regular basis, and companies must do so within 48 hours or less of notification.~~
- 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. ~~Metro~~ The MTLC and its staff has the power and is 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.
- N. MTLC or its staff may limit the hours of operation of SUMDs or the streets within the metropolitan area in which they can operate. Any deviation from the approved hours or locations of operation must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations.

Section 12.62.060 – Data Sharing

- ~~A. Permitted operators will report data to Metro for reporting and analysis purposes.~~
- ~~B. Permitted operators are required to report information regarding their Nashville fleet. Operators will work with Metro to provide the following information on their company's operations within Metro:~~
 - A. Permitted operators shall provide the Metropolitan Government and its departments with real-time information on the entire Nashville fleet through a documented application program interface (API). 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:

1. Point location;
 2. Location, duration and distance of trips;
 2. Bicycle or scooter SUMD identification number;
 3. Type of bicycle or scooter SUMD (standard or powered);
 4. Demographics of the user of bicycles/scooters;
 4. Fuel level (if electric powered);
- 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. Data will be submitted to the Metropolitan Government via an API to be distributed by the Metropolitan Government.

| Field Name | Format | Description |
|---------------------------|--------------------------------|---|
| <u>Company Name</u> | [company name] | n/a |
| <u>Type of SUMD</u> | "Standard" or "Powered" | 3-letter company acronym + consecutive trip # |
| <u>Trip record number</u> | xxx0001, xxx002, xxx0003, ... | n/a |
| <u>SUMD ID number</u> | xxx1, xxx2, ... | Unique identifier for every SUMD, determined by company |
| <u>Trip duration</u> | MM:SS | n/a |
| <u>Trip distance</u> | Feet | n/a |
| <u>Start date</u> | MM, DD, YYYY | n/a |
| <u>Start time</u> | HH:MM:SS (00:00:00 – 23:59:59) | n/a |
| <u>End date</u> | MM, DD, YYYY | n/a |
| <u>End time</u> | HH:MM:SS (00:00:00 – 23:59:59) | n/a |
| <u>Start location</u> | Census block | n/a |
| <u>End location</u> | Census block | n/a |
| <u>Trip Route</u> | GPS Coordinates | GPS coordinates for entire trip duration and distance |

- E. All permitted operators will provide the following SUMD availability data for oversight of parking compliance and SUMD distribution by minutes. Data may be submitted to the Metropolitan Government Open Data Portal.

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

- F. 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). 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).
- G. All permitted operators shall consent to distribute to all users a customer survey, provided by the Metropolitan Government, under circumstances agreed to by the Metropolitan Government and the company regarding customer service and program evaluation.
- H. 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 weekly.

- I. All permitted operators agree to participate with any evaluation of the program.
- J. 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
- K. Permitted operators shall provide all data so that individual users can not be identified.

Section 12.62.070 – Fees

- A. Applicants shall pay a program administrative fee of thirty-five dollars (\$35) per bicycle, electric bicycle or scooter to department of public works SUMD to the MTLC for the administrative time costs during pilot permit program. Operators will be required to pay this administrative fee for any additional bicycle or scooter SUMD expansions. This fee must be renewed annually, and may change at any time by resolution of the metropolitan council. The MTLC may make recommendations to the metropolitan council about the amount of the fee at any time for any reason.
- ~~B. One dollar (\$1) of each program administrative fee and one percent (1%) of all other fee revenue shall be earmarked to creating and improving bike lanes, dividers, curbside parking stalls, and other biking and bike parking infrastructure to accommodate increased use of this infrastructure.~~
- B. If any stations or other structures are proposed, each site shall require additional review deposits and permitting, including obtaining a separate encroachment permit.

Section 12.62.080 – Number of bicycles and/or scooters Shared Urban Mobility Devices allowed

- ~~A. Permitted operators' fleets are limited to 400 bicycles or scooters during the first three months of the pilot, 800 bicycles or scooters beginning at the third month of the pilot, and 1,500 bicycles or scooters beginning at the sixth month of the pilot. After the sixth month, permitted operators can expand beyond 1,500, assuming they fulfill the other requirements contained in this chapter and in the permit.~~
- A. Permitted operators' fleets shall be limited in number with separate limitations for each type or category of SUMD, such as bicycles, powered bicycles, and powered scooters. The MTLC may establish other categories of SUMDs.
- B. Each type or category of SUMD 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.
- ~~C. Metro shall determine an average utilization threshold for dockless bicycles, electric bicycle and electric scooters for each type of dockless vehicle after gathering information and consulting with appropriate entities.~~
- D. Metro At any time the MTLC or its staff shall allow permitted operators to increase their fleet size on a monthly basis beyond these the above limitations if the permitted operators' provided data demonstrates their fleet is being used above the average utilization threshold.
- E. Each expansion or increase in fleet size shall require a determination by the MTLC or its staff that the permitted operator has fulfilled the requirements of this chapter and the number of violations associated with the SUMDs of that operator is below a threshold to be established by the MTLC.
- F. Metro The MTLC shall determine the average utilization threshold for ~~dockless bicycles, electric bicycle and electric scooters~~ SUMDs for each type of vehicle after gathering information and consulting with appropriate entities. 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;
- G. The MTLC may require permitted operators to reduce their fleet size on a monthly basis if permitted operators' provided data demonstrates their fleet is being used below the average utilization threshold. Reduction of a permitted user's fleet size according to this section shall only be implemented after notice and a hearing before the MTLC. The MTLC may adopt criteria for reducing fleet size.
 - H. ~~Permitted operators~~ A permitted operator shall notify Metro the MTLC if they plan it plans to change their its fleet size, within the parameters permitted above, two weeks before deployment. This notice shall include the additional program administrative fee for the expanded fleet and documentation of their its updated performance bond.
 - I. All permitted operators shall have systems with service areas that do not exceed 340 of each type of bicycles or scooters SUMDs per square mile. The MTLC shall designate the location of the square mile locations in relation to service areas.
 - J. Any permitted vendors operating systems with more than 1,000 bicycles/scooters SUMDs must include Nashville Promise Zones in 20% or more of their service area.

Section 12.62.090 – Equitable access

- A. Permitted operators shall have a plan to provide equitable access in neighborhoods and to communities and users that are underserved by mobility and transportation options.
- B. Permitted operators are encouraged to:
 1. Provide pricing options that address the needs of low-income residents;
 2. Provide discount programs to low income individuals;
 3. Develop options that do not require a smartphones;
 4. Provide cash-payment options; and
 5. Provide adaptive ~~bicycles and scooters~~ SUMDs that enable operation by people with disabilities.

Section 12.62.110 – Study by Metro

- A. ~~Metro~~ The MTLC shall conduct a study no later than January 1/July 1, 2020 to:
 1. Determine if revenue generated by fees covers the cost of permitting, administration, compliance and enforcement;
 2. Determine the impact of ~~dockless bicycles and scooter~~ 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