

ORDINANCE NO. BL2018-___

An ordinance amending Title 12 of the Metropolitan Code of Laws to regulate dockless bicycle and scooter operators and to establish a permitting system.

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" as follows:

Chapter 12.62 – Dockless Bicycles and Scooters

Section 12.62.010 – Definitions

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

"Dockless bicycle and/or scooter share system" or "System" means a system which provides bicycles, electric bicycles or electric scooters 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.

"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, whether for profit or not for profit.

"User" means a person who rents and uses a bicycle, electric bicycle or electric scooter 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 system or business within the limits of the Metropolitan Government of Nashville and Davidson County. Any operator interested in applying for a permit shall submit an application to Metro.
- B. The application must include these items:
 1. Certificate of Public Convenience and Necessity Application which includes a \$500 application fee and the following:
 - a. Images and description of bicycle 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 parking; and
 - e. Plan for providing an equitable bicycle share service.
 2. Certificate of Insurance, pursuant to Sec. 12.62.030.D.
- C. If the application meets all the requirements, operators will need to submit the items below prior to issuance of the permit.
 1. Program Administrative Fee, pursuant to Sec. 12.62.060.A.;
 2. Performance Bond, pursuant to Sec. 12.62.050.D.; and
 3. Five (5) account logins for Metro oversight.

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 §§ 55-8-301 through 55-8-307. If the Metropolitan Government determines that any battery or motor on an electric bicycle is unsafe for public use, Metro 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.
- 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.
 - C. All operators shall affix to any bicycle, electric bicycle or electric scooter visible language that notifies the user that:
 1. A user shall yield to any pedestrian when operating upon sidewalks.
 2. Helmet use is encouraged while riding.
 3. When riding on a street, users must follow the rules of the road as one would in a motor vehicle.
 - 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 being issued, all permittees shall sign and record with Metro an indemnification agreement in which the permittee agrees to indemnify and hold harmless the Metropolitan Government of Nashville and Davidson County.
 - F. Permitted operators agree that Metro is not responsible for educating users on how to ride or operate a bicycle, electric bicycle or electric scooter. Permitted operators agree to educate users regarding laws applicable to riding and operating a bicycle or scooter and instruct users to comply with these laws.

Section 12.62.040 – Parking and Use of Bicycles and Scooters

- A. Operators shall inform users on how and where to properly use and park a bicycle, electric bicycle or electric scooter.
- 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 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. Metro shall invoice the violating operator.
- D. Any bicycle, electric bicycle, or electric scooter shall be upright when parked.
- E. All permitted operators shall provide contact information for relocation requests on each bicycle, electric bicycle, or electric scooter.

Section 12.62.050 – Operations of Dockless Bicycle and/or Scooter Share Operators

- 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 to report safety concerns, complaints or ask questions.
- C. 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 have a performance bond of eighty dollars (\$80) per bicycle or scooter, with a cap of twenty-thousand dollars (\$20,000). The form of the bond shall be approved by Metro. These funds shall be accessible to Metro for future public property repair and maintenance costs that may be incurred, removing, and storing bicycles/scooters improperly parked, or if a company is not present to remove bicycles or scooters if its permit 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.
- E. Any inoperable or unsafe bicycle or scooter shall be removed from the right-of-way within 24 hours of notice by any means to the operator by any individual or entity. Any inoperable or unsafe bicycle or scooter shall be repaired before placed back onto the right-of-way or into revenue service.
- F. All permitted operators shall have systems with service areas that do not exceed 340 bicycles per square mile.
- G. Every bicycle and scooter shall have a unique identifier, such as a unit number, that is visible to the user on the bicycle.
- H. If Metro or any Metro department or office 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 Metro for such costs within thirty days.
- I. All applicants shall include the fleet size in their application. Permitted operators shall notify Metro if they plan to change their fleet size two weeks before deployment. This notice shall include the additional program administrative fee for the expanded fleet and documentation of their updated performance bond.
- J. Metro reserves the right to terminate permits. Decommissioning shall be completed within thirty (30) days unless a different time period is determined by Metro.
- K. Permitted operators' fleets are limited to 250 bicycles or scooters during the first three months of the pilot, 500 bicycles or scooters beginning at the third month of the pilot, and 1,000 bicycles or scooters beginning at the sixth month of the pilot. After the sixth month, permitted operators can expand beyond 1,000, assuming they fulfill the other requirements contained in this chapter and in the permit.
- L. Any permitted vendors operating systems with more than 1,000 bicycles/scooters must include Nashville Promise Zones in 20% or more of their service area.

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:
 1. Point location;
 2. Bicycle or scooter identification number;
 3. Type of bicycle or scooter;
 4. Fuel level (if electric).

Section 12.62.070 – Fees

- A. Applicants shall pay a program administrative fee of forty dollars (\$40) per bicycle, electric bicycle or scooter to department of public works for the administrative time during pilot permit program. Operators will be required to pay this administrative fee for any additional bicycle or scooter

expansions. This fee must be renewed annually, and may change at any time by resolution of the metropolitan council.

- 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 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