ORDINANCE

AMENDING THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE, TITLE 9 (LICENSING AND REGULATION OF TRADES AND OCCUPATIONS) SO AS TO ADD CHAPTER 24 (SHARED MOBILITY DEVICES), RELATIVE TO REGULATING OPERATORS OF SHARED MOBILITY DEVICES AND TO ESTABLISH PERMITTING FOR SAME.

BE IT ORDAINED by the Metropolitan Council of the City of Baton Rouge and the Parish of East Baton Rouge that:

Section 1. Title 9 (Licensing and Regulation of Trades and Occupations) of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended to add Chapter 24 (Shared Mobility Devices), as follows:

 “Section 9:1300. - Purpose.

(a) Permit and regulate shared mobility devices in the city-parish.

 Section \_9:1301. - Definitions.

 For the purpose of this chapter, the following words shall have the meanings indicated:

 *Corral* means a parking facility that can accommodate a group of Shared Mobility Devices and are typically installed on-street in lieu of a single vehicle parking space.

 *Customer* or *User* means the individual who rents or uses a Shared Mobility Device provided by an operator.

 *Department* means the department of transportation and drainage for the City of Baton Rouge/Parish of East Baton Rouge.

 *Electric bicycle*, also known as electric-assist or e-bike, means a bicycle equipped with a battery and an electric motor that is activated by pedaling and deactivates when not in use.

 *Electric low-speed scooter* means a vehicle consisting of a footboard mounted to two (2) wheels, steered using a long handle, does not include a seat, is equipped with a battery, and propelled by an electric motor.

 *Operator* means any entity that owns, operates, redistributes, or rebalances bicycles or scooters, and services a shared mobility devices program.

 *Permit application* means the application required by the city-parish in order to participate in the shared mobility devices mobility program.

 *Rebalancing* means the process by which bicycles are redistributed to ensure bicycle or scooter availability throughout a service area and to prevent excessive buildup of bicycles or scooters at locations throughout the city.

 *Service area* means the geographical area within the city-parish where the shared mobility devices program is intended to offer services for its users/customers as defined by the permit application. The provisions of this ordinance shall apply to service areas within the City of Baton Rouge and unincorporated areas of East Baton Rouge Parish.

 *Shared mobility devices* means pedal bicycles, electric bicycles, electric scooters, electric mopeds, and other shared mobility devices. Shared mobility devices are available for short-term rentals for point to point trips where, by design of the operator, the devices are intended to remain in the public right of way, even when not being rented by a customer. This ordinance does not apply to electric bicycles previously authorized for operation prior to the enactment of this ordinance. Any attempts to deploy additional forms of shared mobility devices not explicitly authorized in such agreements, such as electric low-speed scooters, shall be subject to the terms of this ordinance.

 Section 9:1302. - Shared mobility devices permitting.

(a) It shall be unlawful for an operator to provide or operate shared mobility devices within the service area without first obtaining a permit from the department of transportation and drainage.

(b) No more than two (2) shared mobility device operators will be permitted to operate within the service area at any time.

(c) The department of transportation and drainage shall solicit applications from shared mobility device operators in a manner that is consistent with current city-parish regulations, ordinances, or procedures. An operator shall apply to participate by submitting to the department of transportation and drainage an application to provide shared mobility devices in the city limits and/or unincorporated areas of the parish.

(d) Each application shall be submitted to the department of transportation and drainage and include a rationale and analysis to justify the proposed fleet size, as well as future increases to the vendor’s fleet size. Authorization of additional shared mobility devices is at the sole discretion of the director of the department of transportation and drainage, who reserves the right to cap the total number of shared mobility devices permitted to operate within the designated service area.

(e) Program permits shall be subject to the approval of the director of the department of transportation and drainage.

(f) The issuance of permits will be based upon the submission and internal review of an application process overseen by the department of transportation and drainage. Applications will be considered by the department of transportation and drainage based on an analysis of a vendor’s qualifications and factors such as a vendor’s performance history, financial strength, and technology and fleet ratings, among other criteria the director of transportation and drainage may establish and shall publish as part of the application and permitting process. The director of transportation and drainage shall award permits to no more than two (2) shared mobility device operators, subject to city-parish regulations, ordinances, or procedures.

(g) Permits will be effective for a period of three (3) years from the date of issuance. The department of transportation and drainage shall evaluate an operator’s performance annually and reserves the right to revoke or suspend a permit at any time based on an operator’s performance.

(h) The city-parish may enter into cooperative endeavor agreements with other municipalities, public or private associations, corporations, or individuals that enable shared mobility devices to be operated and the purpose and benefits of granted permits extended to the entity’s authorized area.

 Section 9:1303. - Shared mobility devices requirements.

 (a) Regulation of shared mobility devices.

 (1) All shared mobility devices operating through a valid shared mobility device permit shall be equipped with turn signals, side view mirrors and a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front, and with a brake and tail light on the rear that shall be visible from all distances from fifty (50) feet to five hundred (500) feet to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle.

 (2) All shared mobility devices operating through a valid shared mobility device permit shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including but not limited to a customer service phone number, website, and mobile application.

 (3) All shared mobility devices operating through a valid shared mobility device permit shall include an easily accessible, legible, and permanently affixed serial number, as well as the name of the operator, clearly displayed and visible to the user of the device.

 (4) All shared mobility devices operating through a valid shared mobility device permit shall be equipped with GPS, cell phone, or a comparable technology for the purpose of tracking the location and operations of the device.

 (5) All shared mobility devices operating through a valid shared mobility device permit must include a kickstand or other apparatus capable of keeping the shared mobility devices upright when not in use.

(b) Parking and right-of-way.

 (1) Shared mobility devices may not be operated on public sidewalks or crosswalks, nor shall they:

(i) Adversely affect public streets or sidewalks;

 (ii) Inhibit pedestrian movement;

(iii)Inhibit the ingress and egress of vehicles parked on- or off-street;

 iv) Create conditions that are a threat to public safety and security;

 (2) Shared mobility devices shall be parked in a way that maintains unimpeded access to docking stations or corrals.

 (3) The regulation of parking of shared mobility devices shall be governed by Sections 11:216 in this Code of Ordinances.

 (4) Shared mobility devices shall always be parked upright.

 (5) Shared mobility devices shall not be fastened in any way to street furniture, public art, light poles, signal pole, utility poles or street trees.

 (6) The city-parish may create designated parking zones (i.e., a corral) in certain areas where shared mobility devices shall be parked. Operators participating in the program are responsible for the construction, maintenance, and upkeep of any such corrals or related infrastructure based on the design specifications and other components of their shared mobility devices.

(c) Maintenance, operations, and fleet size.

 (1) Operators shall comply with all applicable ordinances in Title 11 – Traffic Code.

 (2) Operators shall provide infrastructure and a plan that includes public educational materials for how users can utilize the service without a smartphone.

 (3) Operators participating in the program must rebalance shared mobility devices daily based on use within each service area as defined by the permit application.

 (4) Shared mobility devices that are inoperable/damaged or do not comply with other subsections of this code of ordinances must be removed within two (2) hours upon receipt of a user complaint or known inoperable or damaged device status between the hours of 7:00 a.m. and 7:00 p.m., seven (7) days per week and within four (4) hours upon receipt of the complaint on federally declared holidays. An inoperable or damaged shared mobility device is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, brake lights, turn signals, etc.) or is missing components (i.e., fenders, grips, chain guards, etc.) as applicable to that device. An operator whose shared mobility device is inoperable or damaged or that has non-functioning features, and is relocated or stored by the city-parish is subject to the fees set forth in section 9:1305 of this ordinance.

 (5) The city-parish, without notice, reserves the right to remove shared mobility devices from the right-of-way. In such instances, the city-parish will attempt to notify the operator as soon as is reasonably practicable thereafter, with the operator subject to the fees set forth in section 9:1305 of this ordinance.

 (6) Shared mobility device operators must detail and implement a plan to relocate their shared mobility devices to a safe, indoor facility within twenty-four (24) hours of a declared weather event (snowstorm, ice storm, tropical storm or hurricane watch or warning). The plan must detail the amount of time it will take to remove all shared mobility devices from circulation once a storm watch or warning has been established.

 (7) The shared mobility device operator’s mobile application and website must inform users of how to safely and legally use the shared mobility device, including any and all applicable rights and duties of users riding in streets.

 (8) The shared mobility device operator must inform users of applicable helmet laws.

(d) Service and maintenance.

 (1) Shared mobility device operators must service their shared mobility devices in service areas as identified by their operating permit.

(e) Data sharing.

 (1) All permitted operators shall provide the city-parish with the following data on a monthly basis in a comma-separated values or comparable format:

i. Number of shared mobility devices in circulation;

 ii. Number of daily, weekly, and monthly riders;

iii. Total number of miles traveled by users (daily, monthly, quarterly, annually) broken down by type of shared mobility device;

iv. Average time each shared mobility device spends available (not in use);

 v. Number of rides per user per day;

 vi. Number of rides per type of shared mobility device per day;

vii. Duration of rides per rider per day as well as rides per type of shared mobility device per day;

viii.Average duration of ride per day of the week;

 ix. Summary of shared mobility device distribution and GPS-based natural movement, provided in heat map or equivalent format;

 x. Summary of fleet numbers lost to theft/vandalism;

 xi. Summary of customer comments/complaints, resolution to, and time it took to resolve each complain.

 xii. Summary of repairs per shared mobility device per month;

 (2) All permitted operators shall provide real-time or semi-real-time location data of the shared mobility devices via a publicly accessible API in Mobility Data Specification (MDS) format. The city-parish reserves the right to post this information through a publicly available data portal in a manner that is consistent with the city-parish’s open data policy and considers sensitive or protected information.

 (3) Upon request, the permitted operators shall provide any other data identified by the Director of Information Services as necessary; however, the confidentiality of proprietary or trade secret information shall be maintained in compliance with the provisions of La R.S. 44:3.2.

 Section 9:1304. - Liability and insurance.

 (a) There shall be no liability on the city-parish or upon any of its officers, agents or employees of the city-parish for any damage sustained by the permit holder from any cause whatsoever.

 (b) Prior to the issuance of a permit, the applicant shall furnish the director of the department of transportation and drainage with a signed statement that the permit holder shall hold harmless the city-parish, and the officers, agents and employees of same and shall defend and indemnify the city-parish, and the officers, agents and employees of same for any claims, including claims brought through or under the applicant by way of subrogation, for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.

 (c) Each permit holder shall, at his/her own expense, maintain in full force and effect an insurance policy or policies underwritten by a carrier rated by Best's as A or better and they must be licensed to do business in the state. Such insurance coverage shall afford liability coverage for any and all claims against the permit holder, the adjacent property owner and the city-parish, and the employees or agents of the city-parish, arising out of or in any way connected or associated with the shared mobility devices, including but not limited to premises, products, personal injuries, and injury to property with limits of no less than one million dollars ($1,000,000.00) for any one (1) occurrence and if a general aggregate limit is used, it shall not be less than twice the occurrence limit applying to bodily injuries, personal injuries and property damage or a combination of such injuries. Such policy or policies shall name the city-parish as additional insured. A copy of the permit holder’s certificate of insurance shall be on file with the department of transportation and drainage and maintained current at all times. Such policy or policies shall provide thirty (30) days' notice to the director of the department of development if the policy or policies should be canceled or materially changed. If the required insurance coverage is cancelled, the permit shall be immediately suspended as of the date of such cancellation.

 (d) The operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter.

 Section 9:1305. – Fees and penalties.

 (a) The following fees shall apply to operators:

 (i) Initial Permit Fee $500

 (ii) Annual Permit Renewal Fee $100

 (iii)Annual Fee $175 per shared mobility device

 (iv) Performance Bond $80 per shared mobility device/$10,000 maximum

 (v) Shared Mobility Device Relocation Fee $150

 (vi) Shared Mobility Device Storage Fee $50 per day

(vii)Street Use Surcharge $0.25 added to the user’s total fare of each completed trip

 (b) All funds the city-parish collects through these permits, penalties, and fees, as well as the Street Use Discharge fee, will be dedicated to an account specifically focused on projects that involve accommodating or furthering the safe and equitable use of shared mobility devices.

 (c) An operator is subject, at the discretion of the director of the department of transportation and drainage, to a fleet size reduction or total permit revocation should the following occur:

 (i) If violations of the regulations set forth in this ordinance are not addressed in a timely manner or;

 (ii) Five (5) unaddressed violations of the regulations set forth by this ordinance occur within a 90-day period or;

(iii)Submission of inaccurate data required by section 9:1303 of this ordinance.

 (d) In the event of a permit revocation, the director of the department of transportation and drainage shall provide written notice of the revocation, informing the operator of the permit revocation.

 Section 9:1306. - Appeal from revocation.

1. Operators who have been subject to a permit revocation may appeal the revocation of such permit pursuant to Section 9:166 of the Code of Ordinances.”

Section 2. This ordinance shall be effective 60 days following adoption by the Metropolitan Council.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.