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Jo Ann Hardesty Commissioner Chris Warner Director

TRN-15.01 – New Mobility – Shared Electric Scooters

Administrative Rule Adopted by Portland Bureau of Transportation Pursuant to ORS 221.495 and Portland City Code 3.12.010.

Under the authority of ORS 801.590 and PCC 3.12.010, I am adopting this Administrative Rule TRN-15.01 (“this Rule”), which supersedes and replaces the prior TRN-15.01 amended on ~~December 28, 2021~~ April 30, 2021 to establish the Bureau’s Shared Electric Scooter policy, regulations, and permit requirements. Because there is an urgent need to ensure the public Right-of- Way (ROW) continues to be managed in a manner that upholds public safety, I will implement this Rule upon its adoption.

1. Purpose

This Rule regulates Shared Electric Scooters (“Shared Scooters”), defined below, in Portland, Oregon. The operation of a Shared Scooter is a privilege, not a right. For a company to offer Shared Scooters for commercial purposes in Portland, the company owning or offering Shared Scooters must obtain a permit. Companies must certify to the City of Portland that all Shared Scooters have met all applicable certifications and operating requirements. A failure to comply with the applicable City Code provisions, this Rule, and all permit conditions is subject to an assessment of civil penalties, and suspension or revocation of the company’s permit by the Director of the Bureau of Transportation (“PBOT”) or designee. Penalties will be applied as prescribed in Fee Schedule Appendix while a company is in violation of City Code and this Rule. PBOT is conducting a pilot for the regulation of Shared Scooters beginning on April 26, 2019 and ending ~~December 31, 2021~~ June 30, 2022 (“the Pilot Period”). The Pilot Period will help the City determine whether Shared Scooters can support the City’s policy goals. The City only intends to provide permits to companies for the Pilot Period. The City intends for the successful Proposer(s) of the permanent program to deploy a new system by July 2022. The City expects its existing Shared Scooter permittees to operate continuously during the transition period from the pilot program to the future system. When the future system is ready to launch with the successful Proposer(s), PBOT will revoke the pilot program permits, terminate its pilot program, and existing pilot Shared Scooter permittees will be expected to cease their operations and remove their vehicles from the public right-of-way in a timely manner or face financial penalties and possible impoundment. If a permanent permitting program is implemented, this Rule will be updated accordingly.

- A.** For the duration of the Pilot Period, the Director of PBOT may issue multiple, independent permits at an initial Allotment of 250 to 1,250 Shared Scooters per Permittee. The Director may make changes to the number of permitted Shared Scooters through the term of the Pilot Period. Any increases or decreases to a Permittee’s Allotment will be at the sole discretion of the Director. Throughout the Pilot Period, Permittees will be expected to report on and mitigate impacts as described in this Rule. PBOT may update this Rule at any time.

- B.** Policy Goals. Shared Scooters should contribute to Portland Bureau of Transportation goals, including:

1. Increase the share of trips made using active and low-carbon transportation modes;
 2. Prevent fatalities and serious injuries;
 3. Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities;
 4. Provide equitable transportation services; and
 5. Reduce air pollution, including climate pollution.
- C. Pilot Objectives. This pilot has the following objectives:
1. Increase mode shift from automobiles, including single-occupancy vehicle and private for-hire;
 2. Reduce barriers and increase access to Shared Scooters by people with low incomes, people of color, and people with disabilities;
 3. Increase Permittees’ employment of people with low incomes and people of color;
 4. Support safe riding and safe walking conditions, including reducing scooter sidewalk riding and improper parking; and
 5. Quantify Permittees’ scooter life cycle climate impacts, including scooter acquisition, replacement, and disposal; and attempt to reduce permittee operational vehicle miles traveled from deployment, rebalancing, and charging methods.
- D. The provisions of this Rule complement, but do not replace, any provisions in Portland City Code. In case of a conflict, the City Code will prevail over this Rule.
- E. The provisions of this Rule complement, but do not replace, any provisions in Oregon Revised Statutes (ORS). In case of a conflict, ORS will prevail over this Rule.
- F. Shared Scooter fees, surcharges and penalties will be placed in a New Mobility Account to be used by PBOT for administration and enforcement; evaluation; safe travel infrastructure; dedicated parking; and expanded and affordable access.

2. Authority

These rules are authorized by, and implement, in relevant part, the following City Charter and Code provisions, as may be amended from time to time:

- A. City Charter section 2-105(a), which gives the City the “power and authority”:

1. To exercise within the City and City-owned property, all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said areas, and to make and enforce within said areas all necessary or appropriate ... local, police, ... and safety laws and regulations...
 2. To secure the protection of persons and property and to provide for the ... safety and good order of the City...
 23. To regulate and control for any and every purpose the use of streets, highways, alleys, sidewalks, public thoroughfares, and public places within the City ... and to regulate the use of streets, roads, highways and public places for transportation or use of every description, and for installation of any kind.
 26. To control and limit traffic and classes thereof, and vehicles and classes thereof on the streets, avenues and elsewhere...
 25. To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions, and to make the cost of removal a lien upon any property from which such obstruction originated or to which such obstruction was attached, to be placed upon the lien docket and collected as the Council may direct.
- B.** City Code section 3.12.010: “The Bureau of Transportation shall be charged with the responsibility for the ... operation ... of the transportation system ... The Director of Transportation shall have authority to issue Administrative Rules and regulations in addition to those specified in the Charter and this Code, as are appropriate to provide for the adequate functioning of the Bureau and to carry out the responsibilities under this Section.”
- C.** City Code section 16.10.100: “As the City’s elected body, the City Council is the road authority for all public streets, except state highways, as designated by State Law. The City Council may delegate specific road authority to the City Traffic Engineer, City Engineer or Emergency Incident Commander as the Council deems appropriate.”
- D.** City Code section 16.10.200, which authorizes the City Traffic Engineer to:
- A.** Implement ordinances, resolutions and directions of the City Council and orders of the Commissioner-In-Charge of the Bureau of Transportation by installing, removing, and altering traffic control devices.
 - B.** Establish, remove, or alter traffic controls ...

- G. Designate streets where certain classes of vehicles may not move on or over except for local access
- N. Install temporary traffic control devices when traffic conditions constitute a danger to the public.
- E. City Code section 16.70.610:
 - A. It is unlawful for any person or owner to drive, move, or to cause or permit to be driven or moved on any street in the City any vehicle or combination of vehicles that: ... (6) Violates any ... provisions of this Title.
 - B. Operation of any vehicle or combination of vehicles in violation of the provisions of this Chapter is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed pursuant to ORS [Chapter] 818.
- F. City Code section 16.10.030: “Officers and reserve officers of the Portland Police Bureau are authorized to direct, redirect, limit or restrict . . . vehicular traffic on any public right of way.”
- G. City Code section 16.10.500: “The Transportation Director and/or City Council may establish fees and charges ...”
- H. City Code section 17.24.005 A: “The City has jurisdiction and exercises regulatory management over all public right-of-way within the City, as provided under City Charter, ordinances, and Oregon law.”
- I. City Code section 17.24.005 E: “The City retains the right and privilege to immediately require any person to remove, move or otherwise adjust its facilities located within the public rights-of-way whenever, in the determination of the Director of the Bureau of Transportation, the public need requires it. If the person ordered to remove, move, or adjust the facility does not do so as directed by the Director of the Bureau of Transportation the City may remove, move or otherwise adjust such facilities with its own forces or contract forces and the full cost of such removal, movement or adjustment shall be the responsibility of the person responsible for the facility.”
- J. City Code section 17.44.010 A: “It is unlawful for any person to obstruct or cause to be obstructed any roadway, curb or sidewalk by leaving or placing, any object, material or article which may prevent free passage over any part of such street or sidewalk area ...”
- K. Portland City Code section 16.10.660 authorizes the Director of Transportation to instruct the Private for-Hire transportation program to carry out a Shared Scooter pilot program. Under this section, the “Private For-Hire Transportation Regulatory Program Specialists, Regulatory Program Administrators, and Regulatory Program Managers are under the administration and control of the Bureau of Transportation as established in Section

3.12.010”

- A. Shared Scooters rely on the passenger’s payment to another person for the use of that person’s motorized vehicle. This activity implicates PCC 16.10.660(A), which reads as follows: “The duties of the position of Regulatory Program Specialist, Regulatory Program Administrator[,] and Regulatory Program Manager include but are not limited to performing as transportation enforcement officers in the enforcement of Private For-Hire Transportation and . . . other related work under the direction of the Director of the Portland Bureau of Transportation.” Accordingly, these funding and usage similarities place the Shared Scooter pilot program within the jurisdiction of the Private for-Hire Transportation program.

- B. Under PCC 16.10.660(B)(1), the city’s transportation officers are authorized to carry out and enforce this rule, as follows: “Persons appointed as Private For-Hire Transportation Regulatory Program Specialists, Regulatory Program Administrators[,] and Regulatory Program Managers will be transportation enforcement officers of the City. As transportation enforcement officers, the Regulatory Program Specialists, Regulatory Program Administrators and Regulatory Program Managers shall be authorized to enforce compliance with regulations under their jurisdiction. ”

3. Definitions

- A. “Activation of Rental” means the moment in which the User starts paying for the use of the Shared Scooter.

- B. “ADA Ramp” means a combined ramp and landing to accomplish a change in level at a curb in order to provide access to pedestrians using wheelchairs.

- C. “Application Programming Interface (API)” means a set of functions and procedures allowing the creation of applications that access the features or data of an operating system, application, or other service.

- D. “Applicant” means an entity that formally applies for the Shared Scooter permit but has yet to obtain a permit.

- E. “Ceiling” means the upper limit of a quantifiable level of performance or condition, as a value for a measure.

- F. “Charger” means a person employed or contracted by a Permittee to provide services to charge, deploy, rebalance, or provide other services to Shared Scooters or Shared Scooter batteries.

- G.** “Crosswalk” means any Crosswalk, either “marked” or “unmarked.” A “marked crosswalk,” as defined in ORS 801.220, is any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway. An “unmarked crosswalk” is the imagined extension of a sidewalk or shoulder across a street at an intersection. An unmarked crosswalk exists at all intersections unless specifically marked otherwise.
- H.** “Curb Zone” means the area between the Furnishings Zone and the adjacent roadway, as defined by the Portland Pedestrian Design Guide.
- I.** “Dedicated Parking” means an area marked and designated by PBOT for Shared Scooters to be parked.
- J.** “Extreme Weather” or “Inclement Weather” means severe or unseasonal weather that may put users at risk. Conditions may include but are not limited to snow events or icy conditions.
- K.** “Frontage Zone” means the area between the Through Pedestrian Zone and the property line, as defined by the Portland Pedestrian Design Guide.
- L.** “Furnishings Zone” means a linear portion of the sidewalk corridor adjacent to the curb that contains elements such as street trees, signal poles, streetlights, bicycle racks or other street furniture, as defined by the Portland Pedestrian Design Guide. This area does not include the Curb Zone.
- M.** “Geofence” means a virtual geographic boundary, defined by GPS or RFID technology, that enables software to trigger a response when a mobile device enters or leaves a particular area.
- N.** “Life Cycle Analysis” means an assessment of environmental impacts associated with all the stages of a product's life from raw material extraction through materials processing, manufacture, distribution, use, repair and maintenance, and disposal or recycling.
- O.** “Low Income” means an individual who is eligible for the TriMet Low-Income Fare, Oregon Trail Card, SNAP: EBT (Electronic Benefits Transfer) Card, Temporary Assistance for Needy Families, Free & Reduced Price Lunch, HUD Housing Choice Voucher, or LIHEAP (Home Energy Assistance), or qualifies for other social services based on income.
- P.** “Measure” means an expression based on a Metric, used to establish Targets and Ceilings and to assess progress towards achieving the established Target or compliance under the Ceiling.
- Q.** “Metric” means a quantifiable indicator of a Permittee’s performance or a vehicle’s condition.

- R.** “New Mobility” as it pertains to this rule means emergent innovations/technologies that are designed to improve transportation networks. These include, but are not limited to, fractional-use services, journey-planning apps and multimodal fare-payment technologies.
- S.** “Operable” means a Shared Scooter can be successfully rented, and all physical and electronic systems are able to be used safely.
- T.** “Oregon Revised Statute (ORS)” means codified laws of the State of Oregon.
- U.** “Pattern Areas” means the five distinct areas in Portland as defined by the 2035 Comprehensive Plan. Each Pattern Area has unique physical, social, cultural, and environmental qualities that differentiate them and create their sense of place. The five Pattern Areas are: Rivers, Central City, Inner Neighborhoods, Western Neighborhoods, Eastern Neighborhoods.
- V.** “Pedestrian Plaza” means pedestrian areas designated by the City of Portland as described in City Code Section 17.43.
- W.** “Permittee” means the sole proprietorship, partnership, association, corporation, or governmental or nonprofit agency that is the named holder of a permit issued pursuant to this Rule.
- X.** “Pilot Period” means the length of time between the start of the pilot and the end of the pilot pursuant to this Administrative Rule.
- Y.** “Right-of-Way (ROW)” means property subject to public use for existing or future streets, curbs, planting strips, or sidewalks. Property subject to a Right-of-Way may be through an express, implied, or prescriptive easement granted to or controlled by the city or other public entity or may be owned by the city or other public entity in fee-simple or other freehold interest. The Portland Bureau of Transportation, as stewards of the Right-of-Way, administers and regulates use of the public Right-of-Way on behalf of the City.
- Z.** “Shared Electric Scooter (Shared Scooter)” means a vehicle that:
1. Has handlebars and a floorboard that is designed to be stood upon when riding, or may have a seat;
 2. Can be propelled by an electric motor or human propulsion; and
 3. Employs a digital application or platform to make the vehicle available for commercial use.
- AA.** “Sidewalk Corridor” means a passageway typically located within the public Right-of- Way between the curb or roadway edge and the property line, intended for use by pedestrians. The Sidewalk Corridor contains four distinct zones: the Curb Zone, the

Furnishings Zone, the Through Pedestrian Zone, and the Frontage Zone, as defined by the Portland Pedestrian Design Guide.

- BB.** "Street" means all the area dedicated to public use for public street purposes and includes, but is not limited to, roadways, parkways, alleys, and sidewalks.
- CC.** "Standard Equipment" means devices and items affixed to a device per specified Permittee's design.
- DD.** "Target" means a quantifiable level of performance or condition, as a value for a measure, to be achieved within a time period.
- EE.** "Threshold" means the level of performance based on a variable that determines its inclusion in the measure.
- FF.** "Through Pedestrian Zone" means the area intended for pedestrian travel as defined by the Portland Pedestrian Design Guide.
- GG.** "Transit Platform" means any Portland Streetcar platform or TriMet bus stop, bus layover zone or light rail station platform. This definition applies (but is not limited to) transit facilities located on public or private streets, in transit centers and on the Transit Mall.
- HH.** "User" means the person who has rented a Shared Scooter and is in physical control of the device.
- II.** "Week" is defined as any seven-day period.

4. Metric Terminology

- A.** The following definitions of terms are provided to indicate terminology that may be used to calculate metrics and determine compliance. All applicable Measures, Thresholds, Ceilings, and Targets of the metric terms in this Section that are not defined in the Operator's permit are located at <https://github.com/CityofPortland/mobility-data-specification>.
- B.** PBOT reserves the right to change how it defines and measures data terms in order to adapt to evolving industry best practices. Any changes that PBOT makes to definitions and measures of data terms will be communicated to permittees with at least 30 days' notice. All changes to metric terminology will be documented at <https://github.com/CityofPortland/mobility-data-specification>.
- C.** Terms:
 - 1.** "Shared Scooters in the Right-of-Way" refers to Shared Scooters that may be in the right-of-way and may be measured against defined Measures, Thresholds, Ceilings, and Targets.

2. “Allotment” refers to the ceiling of Shared Scooters in the Right-of-Way that an operator is permitted to have.
3. “Deployment” refers to a set of Shared Scooters in the Right-of-Way that are measured by time and place against a target.
4. “Trip” refers to a digital record of a user riding a Shared Scooter in the Right-of-Way reported by an operator that meets defined criteria.
5. “Available” refers to a digital record of the status of a Shared Scooter reported by an operator that meets defined criteria.
6. “Utilization” refers to a measured ratio of trips and available Shared Scooters.

5. General Permit Requirements

- D.** A Shared Scooter may not be offered for commercial use within the City of Portland without a valid City of Portland permit. Failure to comply with this Subsection is a Class A violation subject to the penalties provided in Section 12, Enforcement Penalty Schedule. Penalties will be applied as defined in the Fee Schedule Appendix.
- E.** The Director of PBOT will not issue a permit for the operation of a Shared Scooter unless:
1. The Applicant submits to the Bureau Director a completed permit application obtained from PBOT and satisfies all the conditions of this Rule and the permit;
 2. The Applicant has submitted, and PBOT has approved, a data-sharing agreement between the City and the Applicant;
 3. The Applicant has made available, and PBOT has tested and approved an Operable Shared Scooter;
 4. All applicable fees have been paid to PBOT;
 5. The Applicant has obtained and maintains insurance pursuant to Section 6 of this Rule;
 6. The Applicant has submitted, and PBOT has approved, a maintenance, operations, cleaning, repair, and disposal repair plan;
 7. The Applicant has submitted, and PBOT has approved, a Life Cycle Analysis (LCA) consistent with ISO 14040/14044 Standards all scooter model(s) proposed to be used in Portland.

- a. If a permittee offers a new scooter model to Portland, the permittee must submit a new LCA within six months of first operation of the new Shared Scooter model in Portland.
 - b. PBOT will review LCAs for completeness and consistency with ISO 14040/14044 Standards. PBOT may require changes to the maintenance, operations, repair, or disposal plan based on the LCA results;
- 10. The Applicant has submitted, and PBOT has approved, a plan for reporting energy consumed and operational vehicle miles traveled (VMT), including but not limited to scooter deployment, rebalancing, and charging;
- 11. The Applicant has submitted, and PBOT has approved, a communication and outreach plan for the purpose of informing its customers of applicable legal requirements governing Shared Scooters, including applicable helmet requirements, prohibitions on traveling on sidewalks and in Portland parks, and prohibitions on parking or leaving Shared Scooters in a manner that impedes pedestrian or vehicular traffic;
- 12. The Applicant has submitted, and PBOT has approved, a privacy policy that safeguards Users' information, including personal, financial, and travel information;
- 13. The Applicant has submitted, and PBOT has approved, a User equity plan that includes at a minimum discounted pricing for people on low incomes, non-smartphone access options, and multiple languages for printed materials. The Applicant should detail any additional efforts to reduce barriers and increase access to Shared Scooters for historically underserved communities, including people with low incomes, people of color, and people with disabilities;
- 14. The Applicant has submitted, and PBOT has approved, an economic opportunity plan for hiring and contracting with individuals from historically underserved communities including people with low-incomes, people of color, and people with disabilities. Applicants should provide details of existing partnerships with workforce development agencies in Portland;
- 15. The Applicant has submitted a safety history report from all other cities in which the Applicant provides or has provided Shared Scooter services. The report must include information on crashes, injuries, and scooter placement or rider conduct that reduces safety or impedes access for people with disabilities using the Right-of-Way;
- 16. The Applicant has submitted a data breach history report including the date, location, and type of data accessed during the time the Applicant has offered Shared Scooters;

17. The Applicant has submitted a copy of their current User Agreement;
18. The Applicant has submitted, and PBOT has approved, a User enforcement plan, which includes at a minimum how the company will deliver notifications, warnings, fines, and suspend Users' accounts; how each penalty relates to actions taken by Users; and how each penalty relates to the number of documented instances of User behavior;
19. The Applicant has conducted, and PBOT has deemed successful, a test of the APIs and established geofences with PBOT staff;
20. The Applicant will submit a copy of their Payment Card Industry Data Security Standards (PCI-DSS) Certificate of Attestation (Compliance), in effect at the time of application;
21. The Applicant has submitted a copy of a City of Portland Business License Certificate of Compliance;
22. The Applicant has submitted a copy of a Secretary of State Registration;
23. The Applicant has submitted contact information and title of its local agent of service who can be available at all hours;
24. The Applicant has submitted a list of standard Shared Scooter equipment and the expected lifespan of equipment, including but not limited to:
 - a. Handlebars
 - b. Deck
 - c. Wheels
 - d. Brakes
 - e. Motor
 - f. Battery;
27. The Applicant has submitted a description and photo or rendering of the unique branding that each Shared Scooter will display;
28. The Applicant has submitted a launch schedule and service rates, including discounted rates;

- 29. The Applicant has demonstrated that a 24-hour customer service number is available for customers and that the service has the ability for translation services; and
- 30. The Applicant has complied with all pre-issuance requirements of its permit.
- C. The application will be denied if there is a material misstatement or omission in the application or any associated documents.
- D. If an Applicant deploys Shared Scooters in the City of Portland without a valid permit, the Applicant will be denied a permit for the duration of the Pilot Period.
- E. The Applicant's ability to satisfy the criteria for a permit does not create an automatic right to a permit.
- F. The Applicant's application will be considered a document of public record and may be released as required by law.
- G. If disclosure is required by law, the City will provide Permittees notice prior to any disclosure so that they may take appropriate legal action.

6. Insurance Requirements

- A. An Applicant and Permittee shall secure and maintain a primary commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million in the aggregate for covered claims arising out of, but not limited to, bodily injury and property damage in the course of the Permittee's operations under its permit.
- B. Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.
- C. Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- D. Continuous and Uninterrupted Coverage. The Permittee shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if the insurance company later backdates it, is subject to a civil penalty and will be considered a Class A violation.
- E. Additional Insured and Notification of Policy Changes. The Permittee shall provide certificates of insurance and endorsement forms naming the City of Portland and its officers, agents, and employees as additional insured entities and the Permittee shall give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage.

- F.** Indemnification. The Permittee shall agree to indemnify, defend, and hold the City of Portland and its elected officials, officers, employees, and agents harmless from and against all claims, arising from, in whole or in part, the Permittee’s operations under its permit, including but not limited to claims against the City for negligent design, maintenance, or management of the right of way in connection with Permittee’s operations under its permit.
- G.** Technology Errors and Omissions; Cyber Liability. Permittees shall maintain liability insurance covering acts, errors, or omissions, including negligent acts, arising out of the performance or failure to perform professional services related to the Products and Services under the permit. The Permittee shall maintain insurance that shall cover any and all claims and losses with respect to data, network risks, and infringement of Intellectual Property Rights. Such insurance shall include limits of coverage of not less than \$2,000,000.00 (two million U.S. dollars) written on a per-occurrence basis. If coverage is written on claims-made basis, coverage shall remain in effect for not less than three years following the date of termination or expiration of the permit. Evidence of coverage must be sent to the City for three years following termination or expiration of the permit.
- H.** Performance Guarantee/Surety Bond. Permittees must provide a fully executed performance guarantee/surety bond of \$10,000.00 to protect public property, including City resources, and to ensure Permittees deliver according to the terms and conditions of this permit, including requirements for permittees that cease operations. Permittees must provide proof of performance guarantee/surety bond to the City.
- I.** Prior to performance of any work under a permit awarded by the City, Permittee shall comply with the workers’ compensation law, ORS Chapter 656, as it may be amended, and if workers’ compensation insurance is required by ORS Chapter 656, Permittee shall maintain coverage for all subject workers as defined by ORS Chapter 656 and shall maintain a current, valid certificate of workers’ compensation insurance on file with PBOT for the entire period during which they remain permitted.
- J.** Permittees agree that the City of Portland is not responsible for educating Users regarding helmet requirements and other applicable laws. Neither is the City responsible for educating Users on how or where to ride or operate a Shared Scooter. Permittees agree to educate Users regarding laws applicable to riding and operating a Shared Scooter in the City of Portland and to instruct Users to wear helmets and otherwise comply with applicable laws.
- K.** Unless otherwise specified, a failure to comply with any provision of this Section is a Class B violation subject to the penalties provided in Section 12, Enforcement Penalty Schedule, and may subject the permit to suspension or revocation. Penalties will be applied per violation and per day the Permittee is in violation of City Code and this Rule.

7. Data Requirements

- A. Permittees must provide the City or a City-identified third-party researcher or contractor access to data in accordance with the requirements specified in the City’s mobility data specification published at <https://github.com/CityofPortland/mobility-data-specification>.
- B. Permittees must maintain publicly available APIs in accordance with the requirements specified in the City’s mobility data specification published at <https://github.com/CityofPortland/mobility-dataspecification/tree/dev/provider#realtime-data>.
- C. The Permittee shall notify the City and all required Users of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.
- D. If the City receives a request for any confidential information pursuant to a Public Record request pursuant to ORS Chapter 192, or any other applicable law or is sued in order to obtain the disclosure of such information, the City shall promptly notify Permittee upon receipt of such request or lawsuit so as to afford Permittee the opportunity to take steps to prevent disclosure. In the event the City is ordered by a court of competent jurisdiction that a portion or all of the confidential information is not required to be kept confidential or does not constitute trade secrets or confidential information exempt from disclosure, or disclosure is otherwise required by law, the City shall provide Permittee prompt notice before complying with the court order or law, so that Permittee may take appropriate actions, including seeking an injunction, appeal and stay of the court order or otherwise challenge the law. Further details may be enumerated in the data sharing agreement.
- E. The Permittee agrees that the PBOT may use a third-party researcher or contractor to evaluate the Shared Scooter Pilot. Permittee shall share all data with the third-party researcher or contractor necessary for purposes of the evaluating the goals, objectives, and requirements in this permit.
- F. The Permittee agrees to participate in the evaluation of the Pilot Period, including but not limited to distributing City surveys to Shared Scooter Users, employees, and contractors hired to deploy, re-charge or swap batteries, or repair Shared Scooters;
- G. If disclosure of any data collected by the City is required by law, the City will provide Permittees notice prior to any disclosure of such data so that they may take appropriate legal action.
- H. Upon request, the Permittees shall provide data identified by the Director to verify compliance with requirements pursuant to this Rule.
- I. A failure to comply with any provision of this Section is a Class B violation subject to the penalties provided in Section 12, Enforcement Penalty Schedule, and may subject the permit to suspension or revocation. Penalties will be applied per violation and per day the Permittee is in violation of City Code and this Rule.

8. Safety Requirements

- A. A Permittee must provide a certification to the City that each of the Permittee's Shared Scooters has met all conditions of the City's certification requirements, the Oregon Vehicle Code, and any United States Department of Transportation safety requirements. Shared Scooters not meeting all such conditions will not be allowed to operate.
- B. Scooters deployed must be Operable.
- C. The maximum motor-assisted speed of all Shared Scooters must be limited by their Permittees to 15 mph.
- D. All Permittees shall provide a mechanism for Users and non-Users/the public to notify the Permittee of Shared Scooter safety and customer service issues.
 - 1. At a minimum, the Permittee shall provide a:
 - a. 24-hour customer service number with the capability for translation services; and
 - b. An online report form to report parking issues, maintenance issues, and other issues.
 - 2. The online form must include, at minimum, the following fields:
 - a. First Name
 - b. Last Name
 - c. Email or phone number (required field)
 - d. Address, intersection, or coordinates (required field)
 - e. Scooter ID (required field)
 - f. Permit ID (optional field)
 - g. Issue type (required field)
 - 1. At a minimum, response options must include: parking, maintenance, other
 - h. Report description
 - i. Form submission timestamp (required field)

- E.** All permitted Shared Scooters shall have visible language that provides the following information:
1. A notice to the User that helmets must be worn while riding a Shared Scooter;
 2. A notice to the User that Shared Scooter Users are prohibited from riding on the sidewalk;
 3. A unique identification number;
 4. The name of the Permittee;
 5. The Permittee's customer service information in a font size that meets or exceeds ADA standards;
 6. A notice to the User that Shared Scooter Users are prohibited from riding and parking in Portland parks; and
 7. A notice to the User that Shared Scooters must be parked close to the curb, so as not impede pedestrian or vehicle travel. Alternatively, if the Shared Scooter uses a locking mechanism, then Shared Scooters may also be parked at a bike rack in the ROW.
- F.** Additional safety requirements may be outlined in the permit.
- G.** A failure to comply with any provision of this Section shall be a Class C violation subject to the penalties provided in Section 12, Enforcement Penalty Schedule, and may subject the permit to suspension or revocation. Penalties will be applied per violation and per day the Permittee is in violation of City Code and this Rule.

9. Operating Requirements

- A.** Deployment. A Permittee must:
1. Coordinate with the City regarding their fleet launch schedule;
 2. Make available a maximum of 50% of Allotted Shared Scooters for the first week of deployment;
 3. Each day by 8:00:00 a.m. at PBOT-approved locations, make available in the Eastern Neighborhoods, as defined by the City of Portland's 2035 Comprehensive Plan, a minimum of 15% of the Permittee's scooters that are available in the City of Portland at 8:00:00 a.m.;
 4. Carry out continuous and uninterrupted operations in Portland and make a minimum number of 50 scooters Available each day. The minimum number of

scooters required to be made Available each day may be amended by the Director at any time. Permittee shall notify PBOT 72 hours in advance of any changes to its operations, including but not limited to plans to not make scooters Available. Permittees that cease operations in Portland have 72 hours to remove all Shared Scooters from the Right-of-Way;

5. Coordinate with the City during times of Inclement Weather, Emergencies, and during Disaster Declarations. In such times, the Director may change these Operating Requirements, require changes to permittees' operation plans, and/or require Shared Scooters to be removed from the streets if safe operation is deemed not feasible;
 6. Stop placing scooters or allowing contractors to place Shared Scooters in front of any address or coordinates provided by PBOT, within 48 hours of notice. PBOT may use criteria including, but not limited to, a Permittee's repeated violation of Subsection 9.D. of this Rule;
 7. Follow all applicable vehicle parking laws and regulations. Permittee's employees and contractors shall only stage vehicles at locations in accordance with applicable parking laws and regulations;
 8. Pull in: Permittee's employees and contractors shall pull support and rebalancing vehicles all the way up to, and parallel with, the curb for scooter loading and unloading, and shall not load or unload scooters in a vehicle or bicycle lane, or in a manner that impedes travel in these lanes; and
 9. Comply with all applicable laws: Permittee's employees and contractors shall comply with all applicable state and local laws. If PBOT in its sole discretion determines that a Permittee's scooter distribution or collection activities are being performed in an unsafe manner or in violation of applicable parking and traffic laws, this determination shall be grounds for permit revocation.
 10. Failure to comply with Subsections 9.A.1., 9.A.2., 9.A.3., 9.A.4., 9.A.5., 9.A.6., 9.A.7., 9.A.8, or 9.A.9. may result in the Director reducing the number of permitted Shared Scooters allowed to operate in the city, and penalties as described in Section 12. These Subsections are considered Class C violations.
- B.** Identification of Shared Scooters. Permit stickers with unique identification numbers will be distributed to each Permittee. PBOT may change the method of distributing stickers at any point in the Pilot Period. Permittees may not intentionally destroy or damage a City-issued decal unless outlined in this Subsection. Permittees are responsible for:
1. The cost to PBOT of printing permit stickers (see Subsection 11.B.);
 2. Affixing permit stickers on each Shared Scooter in operation in Portland, including but not limited to Shared Scooters operating in other jurisdictions;

3. Destroying permit stickers of Shared Scooters no longer in operation in Portland;
 4. Affixing stickers on the front of the steering column, facing forward, clearly visible to observers or in another location approved by PBOT; and
 5. Replacing stickers when damaged and illegible.
- C. Shared Scooters within the Right-of-Way. This permit is only valid for operations within Portland’s Right-of-Way. Shared Scooters may be parked within the Right-of-Way as allowed by this Rule. Permittees must obtain permission for use of property outside PBOT jurisdiction from property owner or agents thereof.
- D. Limitations on Shared Scooter Parking.
1. Shared Scooters must be parked:
 - a. In the Sidewalk Corridor, fully contained in the Furnishings Zone; or
 - b. Within a City-designated Scooter Parking Area; or
 - c. If the Shared Scooter includes a lock-to mechanism, it may be fastened to a bicycle rack in the Right-of-Way, with the shared scooter oriented parallel to the rack.
 2. Shared Scooters cannot be fastened in any way to street furniture; public art; light, signal, or utility poles; or street trees.
 3. Shared Scooters parked within the Right-of-Way shall be located in groupings with a combined length of no greater than 10 feet, immediately abutting one another. At least 20 feet must be left clear of Shared Scooters between groupings of Shared Scooters along the same block face.
 4. Shared Scooters cannot be parked:
 - a. On sidewalks where the Furnishings Zone is less than three feet wide, or where there is no Furnishings Zone;
 - b. Within a traffic island, median or traffic circle;
 - c. On any bridge, bridge ramp, or bridge approach;
 - d. Within five feet of any Crosswalk;
 - e. Within five feet of a bicycle rack, unless the Shared Scooter includes a lock-to mechanism that requires fastening to a bicycle rack;

- f.** Within five feet of a fire hydrant;
- g.** Within five feet of a drinking fountain;
- h.** Within five feet of any public art;
- i.** Within five feet of any driveway, alley, or curb cut;
- j.** Within five feet of any portion of an ADA Ramp;
- k.** Within five feet of a marked disabled parking space;
- l.** Within five feet of a marked loading or taxi zone;
- m.** Within a Transit Platform unless allowed by Portland Streetcar or TriMet;
- n.** Within 30 feet of a bus stop or TriMet Lift stop, as measured from the bus stop sign counter to traffic flow;
- o.** Within the corner of two intersecting sidewalk corridors, as determined by the adjacent property lines extended;
- p.** Where the unobstructed Through Pedestrian Zone is less than 6 feet;
- q.** Where the Shared Scooter may cause damage to any landscaping, including but not limited to lawn, flowers, shrubs or trees;
- r.** Where the Shared Scooter may cause damage to or interfere with the use of pipes, vault areas, telephone or electrical cables/wires or other utility facilities;
- s.** On any grating, manhole cover or access lid;
- t.** Where the Shared Scooter obstructs access to parked vehicles;
- u.** Where the Shared Scooter obscures any fixed regulatory or informational sign;
- v.** Within any PBOT designated “No Parking Zone”;
- w.** Within City parks, unless otherwise posted; or
- x.** Within Pedestrian Plazas.

5. Failure to comply with any provision of Subsection D of this administrative rule will be considered a Class E violation subject to penalties provided in Section 12 of this Rule, Enforcement Penalty Schedule. Penalties will be applied per occurrence.

E. Geofencing and Speed Governing

1. Permittees must employ and maintain geofencing in areas specified by PBOT. PBOT may update geofencing requirements at any time. Geofencing must:
 - a. Be displayed on the permittee’s mobile and web application;
 - b. Prevent users from ending a trip in a no-parking zone;
 - c. Notify users that they are attempting to end a trip in a no-parking zone; and
 - d. Notify users if they have entered a no-ride zone with PBOT-approved language.
3. Permittees must coordinate with PBOT to test the efficacy and safety of governing speeds to less than 15 mph in areas specified by PBOT.
4. The City reserves the right to determine where Shared Scooter parking is prohibited or create geofenced Dedicated Parking areas where Shared Scooters shall be parked. The City also reserves the right to require companies to geofence and symbolize these areas in their apps. The City will make this information available to all Permittees.
5. The City reserves the right to determine where the speed of Shared Scooters will be governed to lower speed limits. The City will make this information available to all Permittees.

F. Complaints and Obstructions

1. Shared Scooters must not obstruct the public Right-of-Way. Should a Shared Scooter obstruct the public Right-of-Way, the Permittee must:
 - a. Address each request from the City, its vendors, or the public to move the Shared Scooter within the time frame identified in this Subsection. If not addressed within the time frame identified in this Subsection, the City or its vendors may move, collect, or impound the Shared Scooter and obstructions will be considered a Class C violation and penalties may be assessed each iteration of time after the first time allotted has passed.

Obstructed Facility or Area	Time
Emergency: Dedicated transit lanes or tracks	60 minutes
Emergency: Travel and bicycle lanes	60 minutes
Emergency: Pedestrian thruways	60 minutes
Emergency: Other obstruction – immediate removal as deemed necessary by PBOT	60 minutes
Emergency: Inoperable Shared Scooter	60 minutes
Non-emergency: Private property	24 hours
Non-emergency: Other obstructions and nuisances	24 hours

- a** If a City employee or the City’s vendor observes a Shared Scooter obstructing the public Right-of-Way and deems it a hazard or obstruction that needs immediate attention, the City employee or vendor may move, collect, or impound the Shared Scooter. The Permittee may be assessed penalties provided in Section 12 of this Rule for each occurrence and may not be allowed to retrieve collected or impounded Shared Scooters from the City or its vendor until the penalties in Section 12 have been paid.

- 2** Permittees must respond to non-emergency consumer complaints within 48 hours from the point the complaint is logged with the Permittee.

G. Permittees shall submit to compliance audits and enforcement actions upon request by the Director or any authorized City personnel, law enforcement officers, or a PBOT-designated third party operating at the direction of City personnel under the standards established by this Administrative Rule.

H. Permittees must disclose to the User that anonymized data listed in Subsection 7.A. will be shared with the City of Portland. Disclosure may be further enumerated in the data sharing agreement.

I. User education requirements. Permittees must educate Users on the safe operation of a Shared Scooter, with PBOT-approved language. Additional User education may be required through the Pilot Period, at the discretion of the Director. At a minimum, at the time of User registration, and Activation of Rental, a Permittee must direct Users to:

- 1.** Comply with all applicable laws and requirements listed in Portland City Code 20.12.170; and ORS 814.510, 814.512, 814.514, 814.516, 814.518 814.520, 814.522, 814.524, 814.526, 814.528, 814.530, 814.532, 814.534, and 814.536, including but not limited to:

- a.** Age requirements;

- b. Prohibition on sidewalk riding;
 - c. Prohibition on riding within Portland parks, including the Waterfront Park Trail, Eastbank Esplanade, and the Springwater Corridor;
 - d. Helmet requirements; and
 - e. Parking requirements.
- 2. Maintain focus and the ability to control the Shared Scooter at all times.
- 3. Only operate and park the Shared Scooter in areas where Shared Scooter use is permissible.
- J. Permittees shall incorporate interactive safety messaging, such as quizzes, on the User application, about the above requirements at a minimum of once per five rentals.
- K. Permittees shall use best efforts to ensure that Users comply with all applicable laws. At a minimum, Permittees must distribute notifications, warnings, and fines and suspend Users' accounts for repeated occurrences of non-compliant behavior.
- L. Permittees shall suspend Users who incur three documented violations of this administrative rule occurring at any time within the pilot period.
- M. All service rates, including discounted rates, shall be established by the Permittee, reported to the Director, and made available in a clear and transparent way to the User, at a minimum listed on the Permittee's website, in the app, and on printed material made available to PBOT upon request.
- N. Receipts. Permittees shall provide their Users either a paper or digital receipt with a unique transaction identifier. A receipt must be provided at the termination of the ride that clearly indicates the fare paid, time of ride, Permittee's customer service support contact information, and PBOT's Shared Scooter report phone number.
- O. Unless otherwise provided, a failure to comply with any provision of this Section is a Class D Violation subject to the penalties provided in Section 12, Enforcement Penalty Schedule, and may subject the permit to suspension or revocation. Penalties will be applied per violation and per day the Permittee is in violation of City Code and this Rule.

10. Permit Revocation or Suspension

- A. The Director of PBOT may revoke or suspend a permit, effective immediately, at the reasonable discretion of the Director for reasons including, but not limited to, the following:

1. A failure to comply with this Rule;
 2. A failure to comply with the permit;
 3. A determination that the operation of Shared Scooters by the Permittee poses a risk to public safety;
 4. A determination that the operation of Shared Scooters by the Permittee conflicts with the Bureau's obligation to manage the Right-of-Way responsibly;
 5. A transfer of the permit to another party without prior written approval by the Director;
 6. A material misstatement or omission in the permit application or any other associated document;
 7. The Permittee sells or shares confidential and individual User data;
 8. The Permittee does not pay required fees, surcharges or penalties;
 9. The Permittee fails to make scooters Available or otherwise fails to carry out continuous and uninterrupted operations for 48 hours or more;
 10. The Permittee blocks or alters the presentation of any information or denies access to its company application by any City employee authorized to enforce the provisions of the associated permit and this Rule, or for the purpose of thwarting or interfering with any City employee's enforcement or oversight of the associated permit or this Rule; and
 11. Repeated failure by the Users associated with a specific Permittee to comply with applicable laws.
- B.** The Director may allow the temporary continuation of a permit that is otherwise subject to revocation or suspension if, in the determination of the City, the public welfare would not suffer thereby.

11. Permit Fees and Surcharges

- A.** The Applicant must pay an Application Fee of \$500.00.
- B.** The Permittee must pay a Pilot Permit Fee of ~~\$4080~~ per permitted scooter. Permit Fees will be prorated per quarter if PBOT ends the permit before March 31, 2022. If a Permittee's Allotment increases during the Pilot Period, the Permittee must pay \$20 per quarter for the increased Allotment. The Permittee must also pay the cost of printing permit and vehicle identification stickers. PBOT may allow Permittee to print vehicle identification stickers so long as Permittees follow City guidelines.

- C.** Permittees shall add a \$0.25 Street Use Surcharge to the User’s total fare of each started trip, as established by the Director and pursuant to this Section and in accordance with the following:
1. The Street Use Surcharge rate added to the total fare of each completed trip charged to users by the Permittee shall be clearly identified as the “CITY OF PORTLAND SURCHARGE” on receipts provided to passengers pursuant to Subsection 9.N. of this administrative rule.
 2. The Street Use Surcharge rate must be waived for Users who receive a Permittee’s low-income fare.
- D.** The Permittee must pay a Right-of-Way Use Surcharge per Available Shared Scooter per day. The fee amount will be differentiated by the Pattern Area in which the Shared Scooter is Available:
1. If a Shared Scooter is at any point Available in the Central City, the Right-of-Way Fee will be \$0.20 per scooter per day.
 2. If a Shared Scooter is not Available in the Central City but is at any point Available in the Inner Neighborhoods, Western Neighborhoods or Rivers Pattern Areas, the Right-of-Way Fee will be \$0.10 per scooter per day.
 3. If a Shared Scooter is only Available in Eastern Neighborhoods Pattern Area, the Right-of-Way Fee will be \$0.05 per scooter per day.
- E.** The Director shall provide Street Use Surcharge and Right-of-Way Use Surcharge invoices to Permittees monthly. Invoices will be based on trip data provided by the Permittee and verified by PBOT or a PBOT-designated third party. The invoice payments are due within 30 days of the invoice date. Payments will be considered delinquent if not received within 30 days of invoice date. The Director may suspend or revoke a permit if surcharges are not paid in full.
- F.** Shared Scooter Fees, surcharges and penalties will be placed in a New Mobility Account and are intended for but not limited to the following purposes:
1. Application Fee: Permit development and application review;
 2. Pilot Permit Fee: Administration, enforcement, and evaluation; and
 3. Street Use Surcharge and Right of Way Use Surcharge: Safe travel infrastructure, dedicated parking, and expanding equitable access.
 4. Any interest earned on Shared Scooter fees, surcharges and penalties shall be sequestered to the New Mobility Account.

- G. Fees and surcharges are subject to change by the Director at any time.

12. Enforcement Penalty and Incentives Schedule

- A. Enforcement Penalty Schedule. In addition to the rules and compliance measures outlined elsewhere, PBOT may take additional actions, including but not limited to:
 - 1. If data shared with City is found to be factually incorrect, or is not made accessible to the City, the Permittee may be issued a warning. The Permittee will be given one business day to resolve the issue and come into compliance.
 - 2. If the Permittee is found to be incorrectly deploying Shared Scooters according to the deployment rules outlined in the permit, the City may issue a warning. The Permittee will have one week to come into compliance.
 - 3. If the Permittee is found to be making Available for rent more than their Allotment as outlined in the permit, the City may issue a warning. The Permittee will have one week to come into compliance.
 - 4. If a Shared Scooter is found to be Available but is found to be not Operable, as defined by this Rule, Permittee will have one hour to remove the vehicle from availability. If the vehicle is found to be Available after the allotted time, the Permittee will be issued a penalty for every hour the device is Available for rent until the damage is repaired.
- B. Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If the payment is not made or the required conditions are not met, the penalty may result in a permit suspension, which will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and all required conditions are met.
- C. Unless a specific civil penalty amount is prescribed by any Section of this chapter, penalties for specific code and administrative violations are found in the Civil Penalty Table in Section 16.40.930. Any violation of a Code Section that is not found in the Civil Penalty Table and which is not specifically prescribed by a Code Section, but which places an obligation or requirement on a user or company, will result in an unclassified penalty described in the Civil Penalty Table.
- D. The following table outlines the penalties that will be assessed for a violation of the specific Code Sections or Subsections listed:

Violation	Penalty		
Class A	\$500 (1st violation)	\$1,000 (2nd violation)	\$1,500 (all subsequent violations)
Class B	\$300		
Class C	\$100		
Class D	\$50		
Class E	\$25		
Unclassified Penalty	\$100		

- E. Incentives Schedule. Changes to a Permittee’s Allotment may be granted after review periods during the pilot and will be further enumerated in the Permit Application. Changes to a Permittee’s Allotment may be based on performance metrics including but not limited to meeting the goals and objectives of the Pilot. Any Permittee who received a warning or penalty during the review period may not be eligible for an increase in Allotment. Changes to a Permittee’s Allotment is at the sole discretion of the Director.

13. Administrative Review and Appeals

- A. The Director may review a decision by PBOT to deny a permit application or terminate an existing permit following the receipt of a request for reconsideration. Applicants or Permittees may be subject to the “Administrative Review” penalty provided in Section 12, Enforcement Penalty Schedule.
- B. Civil Penalties Appeals. Any entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Portland City Code Chapters 3 and 22.