

MEETING MINUTES
OF THE
TRAFFIC AND PARKING COMMISSION
July 30, 2018

SPECIAL CALLED MEETING BL2018-1202

Note: The monthly meetings of the Traffic and Parking Commission are documented via video and are available through Metro ITS Department (<http://www.nashville.gov/Information-Technology-Services.aspx>) and Metro Nashville's YouTube Channel (<https://www.youtube.com/MetroNashville>). However, this special called meeting was not videotaped by Metro ITS Department, therefore the minutes are transcribed from notes taken during the meeting.

The special called meeting of the Traffic and Parking Commission was held at 3:00 p.m., on Monday, July 30th, 2018 in the Lentz Health Department, Centennial Room C. The following were present unless noted otherwise:

Commission Members

John Green, Chairman
Betsy Williams
Saralee Woods
Nora Kern

Mike Gilliland, MNPD
Marvin Neal
Karen Robbins
CM Larry Hagar
Feller Brown

Staff Members

Chip Knauf, Traffic Engineer
Diane Marshall, Parking Administrator

Benny Word, Traffic Calming-absent
Teresa Costonis, Legal Advisor

Korby Bowden, Engineer Tech Senior

Mary Peoples, Administrative
Assistant

Chairman John Green called the meeting of July 30, 2018 to order at 3:00 p.m.

CALL TO ORDER

Chairman John Green mentioned ordinance No. BL2006-1050 regarding the appeals process of the Traffic and Parking Commission.

"If you are not satisfied with a decision made by the Traffic & Parking Commission, you may appeal the decision by filing for a writ of certiorari with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Commission's decision. We advise that you seek your own independent legal advice to ensure that your appeal is filed in a timely manner and that all procedural requirements have been met."

APPROVAL OF AGENDA

Commissioner Woods moved for **approval** of the Agenda, seconded by Commissioner Kern, and **approved with no opposition**.

NEW BUSINESS

BL2018-1202 - An ordinance amending Title 12 of the Metropolitan Code of Laws to regulate operators of systems of shared urban mobility devices, such as bicycles and scooters, and to establish a permitting system for same. Bill sponsor Council Member Elrod

Council Member Elrod gave an overview of the amended ordinance. He stated that this bill would give more options for travel and help alleviate traffic. He also stated that many different departments of Metropolitan Nashville Government are involved in this process. CM Elrod outlined the terms of operation and fees associated with passing the ordinance and this is a one year pilot program. There is an indemnity clause to cover liabilities so that Metro will be covered in case of accidents and performance bonds will help to recover towing scooters that are left in right of way. He also stated that fees collected for violations will go to the general fund. After the year is up, a study would be done to assess the feasibility of allowing the SUMD companies to continue to operate.

Terry Costonis, Metro Legal, stated that amendments to the substitute ordinances can be submitted up until the day before the next council meeting. She stated that under the Metro Charter the Traffic and Parking Commission can make recommendations to the Metro Council and the vote to recommend can be done subject to suggested amendments.

The commissioners voiced their concerns, including pedestrian safety, liabilities and lawsuits, lack of supportive infrastructure, and driver regulations. Commissioner Kern gave a different view and stated that in comparison to other cities, we would have much more extensive legislation and that we would be offering transportation options. In addition, she suggested that we look at other cities where the SUMD companies operate for parking solutions.

Sam Reed, Bird Scooter representative, gave an overview of the company and its objectives. He stated that the primary reason for the company operation is to reduce traffic congestion. The average ride is 2 miles or less and previously while operating for 30 days in Nashville there was approximately 70,000 rides taken. Mr. Reed also explained the safety precautions the company takes to educate riders and provide helmets.

Commissioner Woods stated that she had concerns about pedestrian and traffic safety. A motion was made by Commissioner Woods and seconded by Feller Brown to vote against the approval of BL2018-1202. The commissioners voted, 2 for and 5 against. The motion did not pass. Commissioners Woods and Brown voted in favor of the motion to not recommend the substitute bill.

Commissioner Kern disagreed with the previous motion because the legislation is more extensive than other cities, we have benefited from extreme use and this offers transportation options. Commissioner Kern stated that the commission should consider approval based on the benefits.

Chip Knauf, Metro Public Works, reiterated that the purpose of the Traffic and Parking Commission is to regulate the traffic and parking issues relative to SUMD operations in the Metro Nashville area. Officer Gilliland commented that the amendment needs to have language which will allow for enforcement. He suggested that language include only drivers 18 and over with a valid driver's license should be allowed to drive the scooters, contact information should be provided, hours of operation and stipulations and be monitored the same as carriages, cabs etc. through the Transportation Licensing Commission. A motion was made by Commissioner Kern and seconded by CM Hagar to approve BL2018-1202, the commissioners voted, 5 for and 2 against. Commissioners Woods and Brown voted against the motion. Motion passed with the following revisions:

- 1) Modify Section 12.62.040.12 to read: "An operator shall not allow an SUMD that meets the definition of a motorized vehicle to be operated by any person who does not have a **valid** driver's license."
- 2) Modify Section 12.62.040.13 to read: "Any violation of this ordinance by a user in the operation or parking of a SUMD shall be a fine of twenty-five dollars (\$25). The fine shall be assessed on the SUMD and paid by the owner of the SUMD. **This fine shall be in addition to any other fines or penalties imposed for violation of state law or other provision of Metro code.**"
- 3) Modify Section 12.62.050.13 to read: "The **MTLC and its staff and the Metro Traffic and Parking Commission have** the power and are authorized to do all acts and things necessary or convenient to implement this ordinance, compel compliance with this ordinance, to promote and protect public safety, and to ensure the right of way is not impeded."
- 4) Modify Section 12.62.040.11 to read The **MTLC and the Metropolitan Nashville Police Department** shall establish, and all permitted operators shall comply with, procedures and protocol in the event of extreme weather, emergencies, and special or large events.

Traffic and Parking Commission Resolution No. 18-07 authorized by Chapter 9 of the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee as amended

BE IT RESOLVED by the Traffic and Parking Commission of the Metropolitan Government of Nashville and Davidson County, Tennessee as follows:

SECTION I: That Chapter 12 of said Metropolitan Code, said Chapter being entitled 'Vehicles and Traffic' is amended as follows:

SECTION II. BE IT FURTHER RESOLVED that this Resolution be published in a daily newspaper in Metropolitan Nashville/Davidson County, Tennessee, and that a certified copy be filed with the Chief of Police of the Metropolitan Police Department, and that a certified copy be filed with the Metropolitan clerk, and that said Resolution take effect five (5) days thereafter.

APPROVED: July 30th, 2018

EFFECTIVE: July 30th, 2018

The above-mentioned Resolution items were previously approved under the Consent Agenda.

ADJOURNMENT

There being no further business, Officer Gilliland moved to ***adjourn***, seconded by Commissioner Williams and ***approved by voice vote with no opposition***. The meeting adjourned at 4:42 p.m.

Approved on the **30th** day of **July** 2018.

Assistant Director
Department of Public Works

Chairperson
Traffic and Parking Commission