



PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185

Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner **Leah Treat** 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 221.495 and PCC 3.12.010, I am adopting this Administrative Rule TRN-15.01 (“this Rule”) 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 per violation and per day a company is in violation of City Code and this Rule.

PBOT is planning a 120-day pilot for the regulation of Shared Scooters beginning in the summer of 2018 (“the Pilot Period”). The Pilot Period will help the City determine whether Shared Scooters can support the City’s policy goals. While this Rule may remain in effect beyond the end of the Pilot Period, the City only intends to provide permits to companies for the Pilot Period. 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 for a maximum of 2,500 total Shared Scooters. The Director will determine the number of overall permitted Shared Scooters and permitted Shared Scooters per Permittee throughout the Pilot Period. 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:
 - 1.** Reducing private motor vehicle use and congestion.
 - 2.** Preventing fatalities and injuries on the transportation system.
 - 3.** Expanding access for underserved communities.
 - 4.** Reducing air pollution, including climate pollution.
- C.** 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.
- D.** 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; 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”:
 - 5.** 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...
 - 6.** 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...

- 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.
 - O.** Whenever specifically provided in the Title, the City Traffic Engineer may assess civil penalties for violations of the provisions of Title 16. The City Traffic Engineer shall adopt rules, procedures, and forms to be used in assessing such civil penalties ...
- 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.** City Code section 17.100.050: “Any person who violates any provision of this title [17] shall be subject to a civil penalty as specified in the adopted Transportation Fee Schedule. In the event that any provision of this Title is violated by a firm or corporation, the officer or officers or person or persons responsible for the violation shall be subject to the penalty herein provided.”

3. Definitions

- A.** “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.
- B.** “Applicant” means an entity that formally applies for the Shared Scooter permit but has yet to obtain a permit.
- C.** “Co-located Shared Scooter” means two or more Shared Scooters parked adjacent to one another.
- D.** “Crosswalk” means any Crosswalks either “marked” or “unmarked”. A

“marked crosswalk” 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.

- E.** “Furnishings Zone” means a linear portion of the sidewalk corridor, adjacent to the curb that contains elements such as street trees, signal poles, street lights, bicycle racks or other street furniture. This area does not include the width of the curb zone that can be as wide as 6 inches.
- F.** “Oregon Revised Statute” (ORS) means codified laws of the State of Oregon.
- G.** “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.
- H.** “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.
- I.** “Shared Electric Scooter (Shared Scooter)” means a vehicle that:

 - 1.** Is designed to be operated on the ground with a wheel diameter no greater than 16 inches;
 - 2.** Has handlebars and a foot support or seat for the User;
 - 3.** Can be propelled by an electric motor or human propulsion; and
 - 4.** Is made available for rental or public shared use in the public Right-of-Way by an Applicant or Permittee.
- J.** “Sidewalk Corridor” means a passageway typically located within the public Right-of-Way between the curb or roadway edge and the property line. The Sidewalk Corridor contains four distinct zones: The Curb Zone, the Furnishings Zone, the Through Pedestrian Zone, and the Frontage Zone.
- K.** "Street" means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and

sidewalks.

- L.** “Through Pedestrian Zone” means the area intended for pedestrian travel as defined by the Portland Pedestrian Design Guide.
- M.** “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.
- N.** “User” means the person who is in actual physical control of a Shared Scooter.

4. General Permit Requirements

- A.** 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 “ROW work, closure or obstruction without a permit” violation subject to the penalties provided in Section 11, Enforcement Penalty Schedule. Penalties will be applied per violation, per illegal Shared Scooter, and per day the unpermitted company is in violation of City Code and this Rule.
- B.** 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.** All applicable fees have been paid to PBOT;
 - 4.** The Applicant has obtained and maintains liability insurance pursuant to Section 5 of this Rule;
 - 5.** The Applicant has submitted, and PBOT has approved, a maintenance, operations, cleaning, disposal, and repair plan;
 - 6.** 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 helmet requirements and prohibitions on traveling

on sidewalks and parking or leaving Shared Scooters in a manner that impedes pedestrian or vehicular traffic;

7. The Applicant has submitted, and PBOT has approved, a privacy policy that safeguards Users' information, including personal, financial, and travel information;
8. The Applicant has submitted, and PBOT has approved, a User equity plan that includes discounted pricing and increasing adoption among low-income and historically underserved Portlanders;
9. The Applicant has submitted, and PBOT has approved, an economic opportunity plan for hiring individuals and/or creating economic opportunities for people from historically underserved communities;
10. 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;
11. 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;
12. The Applicant has submitted a complaint history report by city, including the number of complaints, the nature of the complaints, and the time it took to remedy the complaints;
13. The Applicant has demonstrated that the system it uses to calculate fares and process payments is Payment Card Industry (PCI) compliant and can electronically calculate fares, process payments, and produce receipts;
14. The Applicant agrees to participate in the evaluation of the Pilot Period, including but not limited to distributing an online City survey to Shared Scooter Users;
15. The Applicant has submitted a copy of a City of Portland Business License Certificate of Compliance;
16. The Applicant has submitted a copy of a Secretary of State Registration;
17. The Applicant has submitted contact information of its local agent of

service who can be available all hours;

18. The Applicant has submitted a description and photo or rendering of the unique branding that each Shared Scooter will display;
 19. The Applicant has submitted a launch schedule and service rates;
 20. 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
 21. 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.

5. Insurance Requirements

- A. An Applicant 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.

- 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.
- 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.** 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 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.
- I.** A failure to comply with any provision of this Section is a "Violation of permit conditions, City Code, or Administrative Rule" subject to the penalties provided in Section 11, 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.

6. Data Requirements

- A.** Permittees must provide the City access to anonymized, real-time Shared Scooter data and other data in a format and frequency approved by the City as defined in an approved data-sharing agreement. Required data may include, but are not limited to, the following for all individual trips that start, end, or pass through Portland:

1. Unique identification number of each vehicle in operation;
 2. Unique transaction identification number that corresponds with the User's receipt;
 3. Number, date, time, and duration of any trips;
 4. Trip origin latitude and longitude;
 5. Trip destination latitude and longitude;
 6. Trip route;
 7. Trip maximum and average speeds;
 8. Number of scooters deployed each day at each location with individual Shared Scooter identification;
 9. Safety history of reported collisions, including time, location, known details, injuries, or citations;
 10. Complaint history, including the number and nature of complaints and the time it took to remedy the complaints;
 11. Payment method;
 12. User demographic data; and
 13. User survey data from City surveys.
- B.** 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.
- C.** The data collected by the City will be, except as otherwise required by law or aggregated, kept confidential by the City, used only within the.
- D.** If disclosure of such data 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.
- E.** Upon request, the Permittees shall provide data identified by the Director to verify compliance with requirements pursuant to this Rule.
- F.** A failure to comply with any provision of this Section is a "Violation of

permit conditions, City Code, or Administrative Rule” subject to the penalties provided in Section 11, 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. 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.** The maximum speed of all Shared Scooters must be limited by their Permittees to 15 mph.
- C.** All Permittees shall provide a mechanism for customers to notify the company that there is a safety or maintenance issue with a Shared Scooter.
- D.** 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 in the City of Portland;
 - 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; and
 - 5.** The Permittee’s customer service information.
- E.** Additional safety requirements may be outlined in the permit.
- F.** A failure to comply with any provision of this Section shall be a “Violation of permit conditions, City Code, or Administrative Rule” subject to the penalties provided in Section 11, 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. Operating Requirements

- A.** Deployment and Fleet Minimum. A Permittee must:

1. Deploy Shared Scooters within two-weeks of permit issuance;
 2. Make available a minimum of 100 Shared Scooters and a maximum of 200 Shared Scooters at the time of deployment;
 3. Deploy all allotted Shared Scooters within three-weeks of permit issuance;
 4. Deploy a minimum of 100 Shared Scooters or 20% of the Permittee's fleet (whichever is less) each day in the historically underserved Eastern Neighborhoods as defined by the City of Portland's 2035 Comprehensive Plan; and
 5. Sustain 95% of the Permittee's fleet throughout the Pilot Period.
 6. Failure to comply with Subsections A.1., A.2., and A.3. of this Section may result in the Director reducing or increasing the number of permitted Shared Scooters allowed to operate in the city.
- B.** A Permittee must rebalance the portion of its fleet of Shared Scooters deployed in the Central City every day adjacent to existing bicycle facilities consistent with the Bureau's Central City Bicycle Map, provided upon request by the Bureau.
- C.** Permit stickers with unique identification number will be distributed to each Permittee. PBOT may change the method of distributing stickers at any point in the Pilot Period. Permittees are responsible for:
1. Affixing stickers on each Shared Scooter in operation;
 2. Destroying permit stickers of decommissioned Shared Scooters; and
 3. Affixing new stickers to Shared Scooters added to the permitted fleet
- D.** Shared Scooters within the Right-of-Way. Shared Scooters may be parked within the Right-of-Way as allowed by this Rule.
- E.** Limitations on Shared Scooter Parking.
1. Shared Scooters must be parked in the Sidewalk Corridor and fully contained in the Furnishings Zone.
 2. Shared Scooters may not be fastened in any way to street furniture, public art, bicycle racks, light, signal, utility pole 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.** Within a traffic island, median or traffic circle;
 - b.** Within five feet of any Crosswalk;
 - c.** Within five feet of a bicycle rack;
 - d.** Within five feet of a fire hydrant;
 - e.** Within five feet of a drinking fountain;
 - f.** Within five feet of any public art;
 - g.** Within five feet of any driveway, alley, or curb cut;
 - h.** Within five feet of any portion of an ADA Ramp;
 - i.** Within five feet of a marked disabled parking space;
 - j.** Within five feet of a marked loading or taxi zone
 - k.** Within a Transit Platform unless allowed by Portland Streetcar or TriMet;
 - l.** Within 30 feet of a bus stop, as measured from the bus stop sign counter to traffic flow;
 - m.** Within the corner of two intersecting sidewalk corridors, as determined by the adjacent property lines extended;
 - n.** Where the unobstructed Through Pedestrian Zone is less than 6 feet;
 - o.** Where the Shared Scooter may cause damage to any landscaping, including but not limited to lawn, flowers, shrubs or trees;

- p. 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;
- q. On any grating, manhole cover or access lid;
- r. Where the Shared Scooter obstructs access to parked vehicles;
- s. Where the Shared Scooter obscures any fixed regulatory or informational sign.

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 address each request from the City to move the Shared Scooter within the time frame identified in this Subsection. If not addressed within the time frame identified in this Subsection, obstructions will be considered a “Violation of permit conditions, City Code, or Administrative Rule,” and penalties will be assessed each iteration of time after the first time allotted has passed.
2. If a City employee observes a Shared Scooter obstructing the public Right-of-Way and deems it a hazard or obstruction that needs immediate attention, the City employee may move the Shared Scooter and the Permittee may be assessed penalties provided in Section 11 of this Rule, called a “Corrective Action Penalty – Removal Charge” and/or “Corrective Action Penalty – Administration Charge,” for each occurrence.
3. Permittees must respond to non-emergency consumer complaints within 48-hours from the point the complaint is logged with the Permittee.

Obstructed Facility or Area	Time
Emergency: Dedicated transit lanes or tracks	20 minutes
Emergency: Travel and bicycle lanes	20 minutes
Emergency: Pedestrian thruways	30 minutes
Emergency: Other obstruction - immediate removal	30 minutes
Non-emergency: Private property	60 minutes
Non-emergency: Rebalancing off-hours	60 minutes
Non-emergency: Other obstructions and nuisances	60 minutes

G. Identification of Shared Scooters. Permittees must affix City issued decals to

the post of each Shared Scooter in service. Permittees may not intentionally destroy or damage a City issued decal without the City's written authorization.

- H.** Permittees shall submit to compliance audits and enforcement actions upon request by the Director or any authorized City personnel or law enforcement officers.
- I.** Permittees must disclose to the User that anonymized data listed in Subsection 6.A. will be shared with the City of Portland. Disclosure may be further enumerated in the data sharing agreement.
- J.** User Education Requirements. Permittees must educate Users on the safe operation of a Shared Scooter. 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, a Permittee must direct Users to:
 - 1.** Comply with all applicable laws and requirements listed in 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; and
 - c.** Helmet 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.
- K.** Permittees shall use best efforts to ensure that Users comply with all applicable laws. Consistent failure by the Users of a Permittee to comply with applicable laws may be grounds for permit suspension or revocation. At a minimum, each Permittee shall provide to its Users a summary of state and local laws governing the use of motorized scooters, including but not limited to informing the Users of applicable requirements for licensing, helmets, travel on highways, parking, and use of sidewalks as specified by the Director of Transportation. Permittees are required to incorporate interactive safety messaging, such as frequent messaging on the User application, about sidewalk-riding prohibitions.

- L.** 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.
- M.** Unless otherwise provided, a failure to comply with any provision of this Section is a “Violation of permit conditions, City Code, or Administrative Rule” subject to the penalties provided in Section 11, 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. 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 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

10. Consistent 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.

10. Permit Fees and Per-Trip Surcharges

A. The Applicant must pay an application fee of \$250.00.

B. The Permittee must pay a Pilot Period Permit Fee of \$5,000.00.

C. The Permittee must pay a Per-Trip Surcharge of \$0.25 for each booked trip.

D. The Director shall provide Per-Trip Surcharge invoices to Permittees monthly. Invoices will be based on trip data provided by the Permittee and verified by PBOT. 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.

E. Shared Scooter Fees, surcharges and penalties will be placed in a New Mobility Account and shall be used by PBOT for administration; enforcement; evaluation; safe travel infrastructure; and expanded and affordable access.

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

11. Enforcement Penalty Schedule

A. Portland Policy Document TRN-3.450 Transportation Fee Schedule, Exhibit G referred to as the Enforcement Penalty Schedule, outlines the penalties that will be assessed for violating TRN 15.01.

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.

12. 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 11, 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.