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From the Nashville Business Journal:

<https://www.bizjournals.com/nashville/news/2018/05/30/metro-takes-electric-scooter-company-to-court.html>

# Metro takes electric scooter company to court

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Metro isn't backing down from its scooter fight.

On Friday, city attorneys filed a complaint to legally force Southern California-based transportation startup Bird to remove its electric scooters from all Metro sidewalks and public spaces, such as parks and greenways. The request for an injunction comes days after Bird continued its local operations, despite Metro sending the company a cease-and-desist letter shortly after its Nashville launch.

As part of its request, Metro is seeking a \$50 per day fine for each violation, which, if each scooter is counted as a separate violation, could cost Bird \$5,000 per day. Bird launched in Nashville with 100 of its dockless scooters.



NATHAN MORGAN | NASHVILLE BUSINESS JOURNAL

Bird scooters outside the 222 SoBro office building.

To be sure, the fine could be much higher. The Tennessean reports Bird now operates 250 scooters in Nashville, which means the company's fine could be as much as \$12,500 per day if Metro's injunction is approved. A representative with Bird declined to confirm the company's current number of scooters, citing competitive reasons.

In the compliant, Metro attorney Theresa Costonis writes: "Many Bird scooter users have been observed violating other Metro Code provisions in the way they are using the scooters (e.g., by riding them on the sidewalk and by not wearing helmets). Upon information and belief, Bird is not giving their users a sufficient amount of information, training or equipment to enable them to use the scooters safely and in compliance with the law, and this has contributed to users being injured and harmed."

A judge is set to hear Metro's compliant on June 13. To read Metro's full compliant, [click here](#).

In response to the city's compliant, Bird Spokesman Kenneth Baer said more than 7,000 people have used the service since its launch, which he said demonstrates a "clear demand" for the service.

He said in a statement: "We are aligned with many members of the City Council who want to work with the mayor to develop a comprehensive framework for this new, effective transportation option. ... We have proposed a set of interim ground rules specific to rights of way that will allow dockless, e-scooter companies to operate for the next 90 days until the City Council finishes its work. We look forward to working with the Council and the rest of the Metro government to find a solution that keeps this popular, convenient and environmentally friendly transportation option available to the people of Nashville."

According to Bird, those guidelines include holding Bird responsible for removing or relocating incorrectly parked scooters within two hours of notice; giving the city permission, at Bird's expense, to remove incorrectly parked scooters not relocated within two hours; and adding Metro to Bird's general liability and automotive liability insurance policy for up to \$1 million per scooter.

In its original cease and desist letter, Metro asked Bird to halt its local operations until the city could establish regulatory restrictions. A preliminary version of those restrictions is slated to debut later this week, with Councilman Jeremy Elrod set to

file an ordinance in time for next week's Metro Council meeting.

Nashville is not alone in pushing back against the fast-growing startup, which raised \$100 million in March to fund its expansion into 50 new markets.

For instance, Bird reappeared in downtown Austin last week after city officials created new regulations that require it and its competitors to register with the city and pay a fee for each vehicle they have in use, according to NBJ sister paper, the Austin Business Journal. Bird now has a permit for up to 500 of its electric scooters — the maximum amount under Austin's new rule.

**Meg Garner**

Reporter

Nashville Business Journal

