

install, operate, and/or maintain an encroachment in, on, over, or under any street, road, alley, sidewalk or other public way except when approved by the Metropolitan Council by ordinance; and

WHEREAS, in order to promote public health, safety, and welfare, it is in the best interests of Nashville's residents and visitors that Chapters 6.04 and 13.08 of the Metropolitan Code be amended to allow for a Kiosk Program in the public rights-of-way, and that the Metropolitan Planning and Metropolitan Purchasing Agent be authorized to issue a request for proposals seeking proposals from providers of interactive touchscreen wayfinding kiosks for operation of a Kiosk Program.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Section 6.04.030 of the Metropolitan Code is hereby amended by designating the existing provisions as subsection A. and by adding the following new subsection B.:

"B. The provisions of Section 6.04.020 shall not apply to signs or advertisements that are part of an interactive wayfinding kiosk installed within the public right-of-way or on metropolitan government property pursuant to Section 13.08.030.D of the Metropolitan Code."

Section 2. Section 13.08.030 of the Metropolitan Code is hereby amended by adding the following new subsection D.:

"D. Interactive wayfinding kiosk program.

1. For purposes of this subsection, "interactive wayfinding kiosk" means an interactive informational wayfinding platform for use by pedestrians and erected in a designated right-of-way in the form of a kiosk capable of providing or generating electronically displayed content including but not limited to: multimodal mapping to event destinations with mobile integration; shopping, dining, and medical points of interest; job postings; real time transportation information; public opinion surveys; traffic and pedestrian counts; public safety and police emergency notifications; kiosk usage information; public service announcements; and advertisements.
2. Notwithstanding the provisions of Sections 6.04.010, 6.04.020, 13.08.030, 13.08.050, or any other provision of the Metropolitan Code to the contrary, and upon approval of a resolution by the Metropolitan Council of an operating agreement with an operator that will be responsible for installing, operating, and maintaining the interactive wayfinding kiosks (the "Kiosk Program"), the Director of the Nashville Department of Transportation and Multimodal Infrastructure (the "Director") or their designee is authorized to issue permits for the Kiosk Program in and on sidewalks and public ways in high pedestrian tourist and/or commercial areas of the Metropolitan Government, provided that no such kiosks shall be installed within a street or alley if it would impact traffic flow or the use of the street or alley by traffic, and subject to all other public safety concerns normally considered in connection with similar permits issued by NDOT. Such permits for the Kiosk Program may be issued individually for each kiosk, or may be issued under the authority of a master permit, subject to NDOT's approval of individual sites for each location. The form of such master permit must be approved by the Metropolitan Council by resolution prior to utilization by the Director.
3. All such permits issued as part of the Kiosk Program shall include a requirement that in the event an interactive wayfinding kiosk is removed from a sidewalk or other public way, the permit holder shall restore the location to match the immediately surrounding sidewalk or other public way in both condition and materials.
4. The Director, in consultation with the Metropolitan Department of Law, shall determine the appropriate insurance and indemnification requirements for the Kiosk Program.
5. The Director or their designee is authorized to establish application fees for the permitting of the individual kiosks in an amount the Director determines is reasonable and necessary to cover the Metropolitan Government's costs associated with the issuance of the permits, inspections, and

enforcement of the Kiosk Program.

6. The Director is hereby authorized to promulgate additional rules and regulations for implementation of the Kiosk Program provided such rules and regulations are consistent with the provisions of this subsection.”

Section 3. The Purchasing Agent, working in consultation and conjunction with the Metropolitan Planning Department and/or the Nashville Department of Transportation and Multimodal Infrastructure, is hereby authorized and directed to prepare and issue a request for proposals (RFP) to select a Kiosk Program operator in the manner specified by this Section.

- A. It is the Metropolitan Council’s intention that the RFP be issued by the Purchasing Agent within 60 days of the effective date of this ordinance.
- B. Subject to the approval of NDOT for any structural additions or modifications, the operator shall be solely responsible for the construction, installation, operation, maintenance, repair, replacement, upgrade, and removal of the kiosks that are part of the Kiosk Program.
- C. In addition to any evaluation criteria developed by the Purchasing Agent, the Purchasing Agent shall thoroughly evaluate potential operators in the following areas:
 1. The potential operator's experience partnering with municipalities and conducting community outreach for the implantation of a kiosk network.
 2. The sufficiency of the potential operator's staffing to adequately and timely respond to malfunctions, graffiti, vandalism, damage, or other reported problems regarding an individual kiosk.
 3. Kiosk compliance with the Americans with Disabilities Act (ADA) and the delivery of other accessibility features.
 4. The technology offered as part of the potential operator’s kiosk devices, including the quality of the display, integration with the Metropolitan Government’s emergency management alert system to provide real time emergency warnings, and electronic monitoring of the kiosk devices.
 5. The functionality of the kiosks in interactive mode.
 6. The ability of the potential operator’s kiosks to provide the content specified in the definition of “interactive wayfinding kiosk” in Section 13.08.030.D of the Metropolitan Code.

Section 4. Any contract resulting from an RFP award under Section 3 of this Ordinance shall include provisions enabling the Metropolitan Government to cause the removal or relocation of kiosks that are part of the Kiosk Program in the event a particular portion of right-of-way is needed for governmental purposes. The terms of such provisions shall be negotiated between the Metropolitan Government and the contractor upon the contract award.

Section 5. This Ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance authorizes the creation of an interactive wayfinding kiosk program.

The ordinance amends the Metropolitan Code to allow for the placement of interactive wayfinding kiosks within the right-of-way or on Metropolitan Government property. It also creates an interactive wayfinding kiosk program (“Kiosk Program”) that would allow for the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) to issue permits and regulate the placement of kiosks within the right of way. Before any permits may be issued, the Council would first approve a resolution approving an operating agreement with an operator of wayfinding kiosks. The NDOT director would then be able to issue permits for the Kiosks Program. NDOT would approve the placement of the kiosks to ensure that the kiosks do not impede the flow of traffic or the use of the street or alley and subject to public safety concerns normally considered in connection with similar permits issued by NDOT. NDOT and the Metropolitan Department of Law would

determine appropriate insurance and indemnification requirements for the Kiosk Program. The NDOT director would also be authorized to establish fees associated with the program and promulgate additional rules and regulations for the program. If any kiosk is removed, the permit holder would be required to restore the location to match the immediately surrounding sidewalk or other public way in both condition and materials.

The ordinance further authorizes the Purchasing Agent, working in consultation with the Metropolitan Planning Department and/or NDOT, to prepare and issue a request for proposals (“RFP”) to select a Kiosk Program operator. The ordinance states that it’s the Council’s intent that the RFP be issued within 60 days of the effective date of the ordinance. The Kiosk Program operator would be solely responsible for constructing, installing, operating, maintaining, repairing, replacing, upgrading, and removing the kiosks subject to the Kiosk Program. Any contract resulting from an RFP award would include provisions enabling the Metropolitan Government to cause the removal or relocation of kiosks that are part of the Kiosk Program in the event a particular portion of right-of-way is needed for governmental purposes.