

# CITY OF OAKLAND



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## **Bicyclist and Pedestrian Advisory Commission, Monthly Meeting Agenda** **Thursday, August 16, 2018; 6:00-8:00 pm** **City Hall, Hearing Room 4**

BPAC Home Page: [www.oaklandca.gov/boards-and-commissions/bicyclist-and-pedestrian-advisory-commission](http://www.oaklandca.gov/boards-and-commissions/bicyclist-and-pedestrian-advisory-commission)

Resources for Commissioners: [www.oaklandca.gov/services/boards-and-commissions-index/bicycle-and-pedestrian-advisory-commission-index/resources-for-bicycle-and-pedestrian-advisory-committee-bpac-members](http://www.oaklandca.gov/services/boards-and-commissions-index/bicycle-and-pedestrian-advisory-commission-index/resources-for-bicycle-and-pedestrian-advisory-committee-bpac-members)

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### **Commissioners**

Reginald K Burnette Jr, Andrew Campbell, Christopher Kidd, George Naylor, Mariana Parreiras, Midori Tabata (Chair), Rosa Villalobos, Kenya Wheeler (Vice-Chair), One Vacancy

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<b>Time</b>	<b>#</b>	<b>Topic</b>
6:00	1	<b>Roll Call/Determination of Quorum/Introductions</b> (5 minutes)
6:05	2	<b>Approval of meeting minutes</b> <i>Attachment</i> (5 minutes)—Seek motion to adopt the July 2018 BPAC minutes.
6:10	3	<b>Open Forum / Public Comment</b> (10 minutes)—Members of the public may comment on any issue within BPAC’s subject matter jurisdiction. Comments on a scheduled agenda item will be heard with that item. The BPAC’s Open Forum Committee tracks Open Forum issues raised by the public. (See <a href="http://tinyurl.com/Oakland-BPAC-OpenForumTracking">tinyurl.com/Oakland-BPAC-OpenForumTracking</a> .) The Committee reviews the public comments on a periodic basis to identify policy issues for discussion by the Commission. To request City services, please contact the Public Works Call Center; information at <a href="http://www.oaklandca.gov/services/oak311">www.oaklandca.gov/services/oak311</a> .
6:20	4	<b>Highway Safety Improvement Program Candidate Projects List</b> <i>Attachment</i> (25 minutes)—OakDOT staff Ade Oluwasogo, Supervising Transportation Engineer, and Philip Ho, Transportation Engineer, and their consultants Josh Pilachowski, DKS Associates, and Barry Bergman, W-Trans, will present six candidate projects for the Highway Safety Improvement Program (HSIP) Cycle 9 grant applications that are due August 31, 2018.
6:45	5	<b>E-Scooter and E-Bike Ordinance Update</b> <i>Attachment</i> (30 minutes)—Kerby Olsen, Shared Mobility Coordinator for OakDOT, and a representative from Councilmember Kaplan’s Office will provide an update and seek input on the proposed Ordinances that would create a permit program and associated fees for dockless scooter sharing services.
7:15	6	<b>Bi-Annual Report from Strategic Planning</b> (25 minutes)— Laura Kaminski, Acting Strategic Planning Manager, will give an update on existing and new projects including: the status of the Broadway Valdez District Specific Plan, Planning Code changes for Parking and Loading Requirements, and the East Oakland Neighborhoods Initiative.
7:40	7	<b>BPAC Commissioner Special Vacancy</b> (5 minutes)— Midori Tabata, BPAC Chair, will facilitate a discussion of strategies for filling the special vacancy created by Fred McWilliams’s resignation from the Commission.

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**Agenda online at:** <http://www2.oaklandnet.com/oak071214>

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Esta reunión es accesible para sillas de ruedas. Si desea solicitar adaptaciones relacionadas con discapacidades, o para pedir un intérprete de en español, Cantones, Mandarín o de lenguaje de señas (ASL) por favor envíe un correo electrónico a [jpatton@oaklandca.gov](mailto:jpatton@oaklandca.gov) o llame al (510) 238-7049 o (510) 238-2007 por lo menos cinco días hábiles antes de la reunión. Se le pide de favor que no use perfumes a esta reunión como cortesía para los que tienen sensibilidad a los productos químicos. Gracias.

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**City of Oakland, Bicyclist & Pedestrian Advisory Commission**  
**DRAFT Minutes from the July 19, 2018 meeting**  
**City Hall, 2<sup>nd</sup> Floor, Sgt Daniel Sakai Hearing Room (aka Hearing Room 4)**

Meeting agenda at <http://bit.ly/Oak-BPAC-Agenda>.

Meeting called to order at 6:01 pm by BPAC Chair, Midori Tabata.

**Item 1. Roll Call/Determination of Quorum/Introductions**

At roll call, quorum was established with six commissioners present (X). Two were absent, excused (✓).

Commissioners	Present
Reginald K Burnette Jr	X
Andrew Campbell	X
Christopher Kidd	✓
George Naylor	X
Mariana Parreiras	✓
Midori Tabata (Chair)	X
Rosa Villalobos	X
Kenya Wheeler (Vice-Chair)	X

Introductions were made.

- Other attendees: Chris Corral, Grey Gardner, Tom Holub, Phoenix Mangrum, John Martoni, Robert Prinz, Robert Raburn, Ryan Schuchard
- Staff: Matt Jones, Catherine Payne, David Pene, Jennifer Stanley, Bruce Williams

**Item 2. Approval of meeting minutes**

- A motion to **adopt the Bicyclist & Pedestrian Advisory Commission meeting minutes from June 21, 2018** was made (Campbell), seconded (Villalobos), and approved by consent. Adopted minutes online at <http://bit.ly/Oak-BPAC-Min>.

**Item 3. Open Forum / Public Comment**

- Robert Prinz: Near Bellevue Ave crossing Lenox Ave, there are no stop lines, - it's unclear where to stop before crossing. There's a stoplight on one side and not the other.
- Rosa Villalobos: At Trestle Glen Rd and Lakeshore Ave at the pedestrian crossing – there is a light timing issue with lot of pedestrians and a problematic area.
- Midori Tabata thanked Matt Jones for his tenure in Oakland.

**Item 4. Major Development Projects Biannual Update (presentation to be attached to adopted minutes)**

Catherine Payne, Planner with Oakland's Planning Department provided an overview of the development process for major projects. The Planning Department reviews projects through an entitlement process. She shared the list of projects for review, which is available as an Excel spreadsheet on the Planning Department website. She mentioned that the Chair and Vice Chair provided her with guidance for project selection for review, but that she had limited information for certain projects (e.g. Coliseum, Hannah Street, Fallon Street) but that they could come back with more information if BPAC requested it.

Certain projects are subjected to a development agreement, which gives the City leverage to make requests of developers. She mentioned that many of the project entitlements were granted in 2006-2008 – at that time certain requirements (like 15% affordable housing, streetscape projects with standard bike lanes, generous parking standards) were considered wins for the City. Given the change in the economy and revised plans that allow for greater density, developers are reopening development agreements to redesign projects, which allows for revisions from the community.

Catherine then walked through a list of specific projects in development highlighting opportunities and constraints.

Speakers other than commissioners: none

**Item 5. Active Transportation Program Application – Final Review** (*handout to be attached to adopted minutes*)

Bruce Williams described the final projects Oakland will be submitting for the next round of ATP grant funding, due July 31: Coliseum BART to Bay Trail and Fruitvale/E 12<sup>th</sup> St Plaza.

→ A motion to **give the Chair permission to draft and sign a letter from the BPAC in support of these applications** was made (Naylor) and seconded (Burnette Jr), and approved with all voting in favor.

Speakers other than commissioners: Tom Holub.

**Item 6. CityRacks Bicycle Parking Program Update** (*presentation to be attached to adopted minutes*)

Jennifer Stanley, OakDOT Bicycle & Pedestrian Facilities Coordinator, shared a presentation highlighting the status of bike parking installed in the City Right of Way highlighting statistics, guidelines, web resources, special programs, challenges, and next steps.

**Item 7. BPAC Commissioner Recruitment and Outreach**

A motion was made (who?) and seconded (Villalobos) to establish a committee to review applications to fill three vacancies that will occur in January 2019, and to make recommendations that will be shared with the Mayor. The motion passed with all in favor. Committee members include Commissioners Andy Campbell, Rosa Villalobos, and Midori Tabata, and meeting attendee Ryan Schuchard.

## **Item 8. Committees and Bylaws Review**

BPAC Chair Midori Tabata highlighted the need to revise the by-laws. Commissioners should email Midori directly with suggestions and she will bring back a draft update for review.

## **Item 9. Three-month agenda look-ahead suggestions for meeting topics, announcements**

Announcements:

- A mural painted by the Scrapper Bike Team is being unveiled July 26, 10am-1pm at Coliseum BART.
- Join members of the Emeryville Bicycle/Pedestrian Advisory Committee, City Council and city staff to walk, ride, and discuss ideas for bicycle and pedestrian infrastructure, Saturday, July 21st from 10 a.m. - 12:30 p.m. Walkers meet under I-80 overpass on North side of Powell near public art. Bicyclists meet at bike share pod at Stanford/Hollis. Ride Spur Alley south to 45th.
- Oakland Equity Indicators Report scored Oakland 33 out of 100 overall, and 1 out of 100 for pedestrian safety.
- At the Tuesday, July 17, Public Works Committee, a draft Ordinance re: dockless e-scooter share was heard. (The item originally included e-bikes but those were deleted.)
- The City's Summer 2018 "I Bike Oakland" program newsletter was published [see <https://www.oaklandca.gov/services/dot/bicycle-services/more-bicycling-services-and-information/i-bike-oakland-newsletter>].

Chair Tabata adjourned the meeting at 8:05 pm.

Minutes handwritten by Matt Jones, transcribed by Jennifer Stanley, and emailed to meeting attendees for review on Friday, July 27 with comments requested by 5pm on Friday, August 3, to BPAC Chair Midori Tabata. Revised minutes will be added to the August 16, 2018 meeting agenda and adopted at that meeting.

**Department of Transportation (DOT)**  
**2018 Highway Safety Improvement Program (HSIP) Cycle 9**  
**Candidate Projects for Grant Application**  
**August 16, 2018**

**Subject:** 2018 HSIP Grant Application Update

**Attachment:** Candidate Projects (Corridors B, C, E, F, H, J)

**Presenters:** Ade Oluwasogo, Supervising Transportation Engineer, DOT  
Philip Ho, Transportation Engineer, DOT  
Josh Pilachowski, DKS Associates  
Barry Bergman, W-Trans

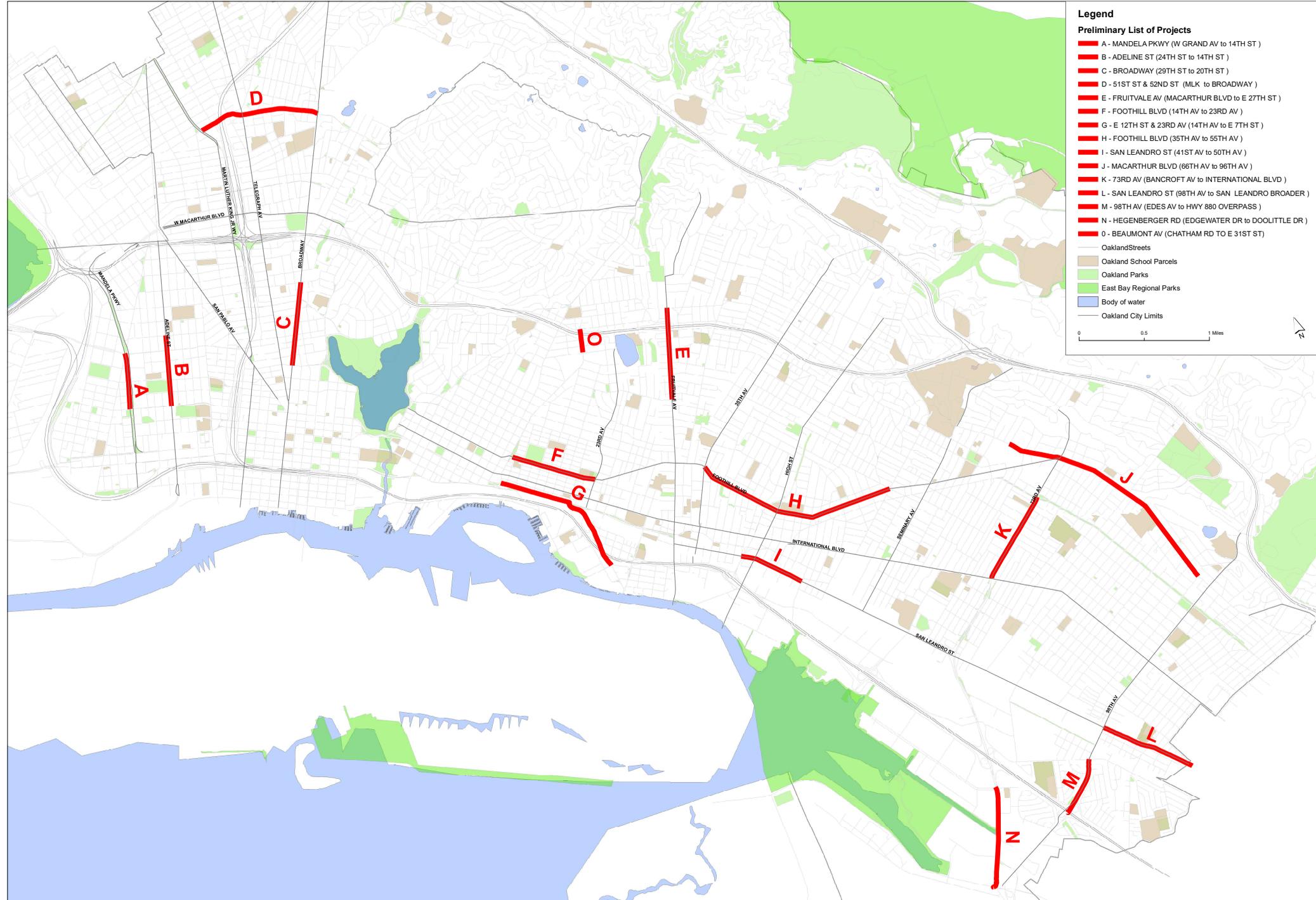
DOT staff has selected six candidate projects for HSIP grant application. This was based on an evaluation of collision history, effective countermeasures, applicable costs, and benefit-to-cost (B/C) ratios. The HSIP selection process is competitive and based in part on the B/C ratio. HSIP has prescribed countermeasures for roadways and for intersections.

**2018 HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 9  
CANDIDATE PROJECTS FOR GRANT APPLICATION  
CORRIDORS B, C, E, F, H, J**

<b>No.</b>	<b>Corridor</b>	<b>Projects</b>	<b>From</b>	<b>To</b>
1	<b>B</b>	Adeline Street	24th Street	14th Street
2	<b>C</b>	Broadway	29th Street	20th Street
3	<b>E</b>	Fruitvale Avenue	MacArthur Boulevard	E 27th Street
4	<b>F</b>	Foothill Boulevard	13th Avenue	23rd Avenue
5	<b>H</b>	Foothill Boulevard	35th Avenue	55th Avenue
6	<b>J</b>	MacArthur Boulevard	66th Avenue	96th Avenue

# Oakland DOT 2018 Highway Safety Improvement Program (HSIP) Cycle 9

## Preliminary List of Projects June 21, 2018





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OFFICE OF THE CITY CLERK  
OAKLAND

2018 JUL 12 PM 5:37

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Ryan Russo  
Director, Transportation

**SUBJECT:** Shared Mobility Update and Dockless  
Bike and Scooter Share Program -  
**Revised**

**DATE:** June 12, 2018

City Administrator Approval

Date:

7/12/18

## RECOMMENDATION

### Staff Recommends That The City Council

- (1) Receive An Informational Report On The City's Shared Mobility Initiatives;
- (2) Adopt An Ordinance Amending Title 10 And Title 12.08 Of The Oakland Municipal Code To Establish Regulations And New Permits To Operate And Park Dockless Bike And Scooter Sharing Programs In The Public Right Of Way; And
- (3) Adopt An Ordinance Amending Ordinance Number XXXXX (Fiscal Year 2018-2019 Master Fee Schedule) Establishing Fees For The New Dockless Bike And Scooter Share Permits.

## EXECUTIVE SUMMARY

Several shared mobility services now operate in Oakland, including bike share, car share and scooter share. Thousands of Oaklanders have signed up for these membership-based services enabled by smartphone applications, taking hundreds of thousands of trips. These services help to achieve City goals by reducing single occupant vehicle trips, greenhouse gas emissions, and wear and tear on the roadway, all without public subsidy. This report provides information on these shared mobility initiatives and recommends that the City Council adopt policies and ordinances to provide a regulatory framework for dockless bike and scooter share operations.

Highlights of the informational report include: America Automobile Association (AAA) launched a one-way, free-floating car share program with 250 permitted vehicles in April 2017 and doubled the size of the fleet in January 2018 in response to better-than-expected membership and usage; community outreach for the regional "Ford GoBike" bike share system included nine dedicated community planning meetings held across the City, an online suggestion map and direct in-person outreach to nearby residents, businesses and community groups; a total of 62 metered parking spaces have been repurposed for bike share stations in the right-of-way, with the overall impact on meter revenues expected to be minimal as staff works to relocate affected meters to nearby spaces.

Item: \_\_\_\_\_  
Public Works Committee  
July 17, 2018

Dockless bikes and scooters are a new option that may offer similar benefits to existing shared mobility services. Approval of the recommended ordinances will establish a dockless bike and scooter share program, allowing staff to issue Minor Encroachment Permits for dockless bikes and scooters, including electric bikes and scooters, subject to criteria regarding parking, safety, quality of equipment, public outreach, equity, data privacy, noise and other factors, in addition to standard requirements for insurance and indemnification.

### **BACKGROUND/LEGISLATIVE HISTORY**

In April 2001 City Council approved Resolution No. 76606 C.M.S. to allow City CarShare to provide car sharing services in the City of Oakland.

In March 2015 City Council approved Resolution No. 85459 C.M.S. adopting a Car Share Policy and amended the Oakland Municipal Code 13184 Master Fee Schedule to include permits for eligible car sharing organizations.

In July 2015 City Council approved Resolution No. 85715 C.M.S. adopting a Bike Sharing Policy and authorizing the City Administrator to negotiate and enter into an Intergovernmental Agreement with the Metropolitan Transportation Commission (MTC).

In February 2016 City Council adopted Ordinance No. 13355 C.M.S. granting a Franchise Agreement to Bay Area Motivate, LLC (Motivate) to operate a bike share program.

### **ANALYSIS AND POLICY ALTERNATIVES**

This section opens with an update on Oakland's various shared mobility initiatives, including details about the fiscal impact of the recently launched bike share program, and ends by introducing the newest form of shared mobility, dockless bike and scooter share.

#### *Shared Mobility Initiatives Update*

Transportation options in Oakland and around the country have evolved rapidly over the past few years with a growing variety of services using mobile phone applications that connect passengers with on-demand services such as shared rides, cars, vans, scooters and bikes. Known as "shared mobility" services, they are often owned and operated by private, for-profit entities, and generally do not require public funding or subsidy, other than use of the right-of-way. Shared mobility services present both opportunities and challenges for achieving the City's goals and ensuring the safe and efficient movement of people and goods in Oakland. Several shared mobility programs are permitted to operate within the City, including dedicated-space car share (such as ZipCar), station-based bike share (such as Ford GoBike) and free-floating car share (such as GIG Car Share). Additional shared mobility services operate without regulated permits from the City, such as ride sharing services Uber and Lyft, and electric scooter sharing service Lime-S. Ride sharing is regulated by the California Public Utility Commission (CPUC) and is not covered by this report. Scooter sharing is not regulated by the CPUC and is the subject of the proposed permit program.

*Dedicated Space Car Share*

Car share operators often enter into agreements with owners of private property such as gas stations or shopping centers to reserve and sign parking spaces for car share vehicles. Oakland's Dedicated Space Car Share initiative entitles a permitted car share vehicle exclusive parking privileges for a dedicated space in the right of way. Only members of a qualified car share organization can lawfully park the permitted car share vehicle in a dedicated space. To date, four car share operators have submitted "Qualified Car Share Operator" applications and indicated that they may apply for as many as sixty dedicated spaces. While no spaces have been commissioned at this time, staff expects operators to take advantage of this program later this summer or early fall.

*Free Floating Car Share*

In April 2017 GIG Car Share initiated the Bay Area's first free-floating car share service in Oakland and Berkeley, with an initial launch of 250 vehicles. Gig purchased the City's combined Free Floating Zone Parking Permit (FFZPP) and Master Residential Parking Permit (MRPP), which waives parking duration time limits in signed areas.

After better than expected usage, GIG Car Share doubled its fleet from 250 vehicles to 500 vehicles in early 2018. The "home zone" or service area in which GIG users can begin and end vehicle reservations, simultaneously expanded to include the neighborhoods of Highland Park, Glenview, Highland Terrace, San Antonio and Fruitvale. Over 5,000 Oaklanders have signed up to be GIG members and through May 2018 members have taken over 26,000 trips originating in Oakland.

Research demonstrates that car sharing creates a variety of environmental benefits, including lower private vehicle ownership rates, increased rates of walking and biking, and decreased greenhouse gas emissions<sup>1</sup>. By allowing members the flexibility to shed existing vehicles or avoid purchasing new vehicles, every car share vehicle removes 9-13 privately owned vehicles from the road<sup>2</sup>.

To assess the impacts of Oakland's car share program on personal vehicle ownership and travel behavior, the City has contracted with the Transportation Sustainability Research Center at UC Berkeley to conduct a statistically valid survey of car share users in Oakland. This survey is underway, with initial results expected to be released in 2019.

*Bike Share*

In July 2017 the Ford GoBike program began operation in Oakland, Berkeley, Emeryville, San Francisco and San Jose. All 79 planned Ford GoBike stations in Oakland were installed by April 2018. Over 1,400 Oaklanders have signed up as members, and over 175,000 trips have been taken on the system. According to a Ford GoBike member survey, an estimated 30% of those trips would have been taken by car if bike share did not exist. About one fifth (18%) of Oakland's

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<sup>1</sup> Elliot Martin and Susan Shaheen "The Impact of Carsharing on Public Transit and Non-Motorized Travel: An Exploration of North American Carsharing Survey Data" *Energies*, Basel, Switzerland, Nov 2011; Elliot Martin and Susan A Shaheen "Greenhouse Gas Emission Impacts of Carsharing in North America" *IEEE Transactions on Intelligent Transportation Systems*, Vol 12, No 4, December 2011

<sup>2</sup> Elliot Martin and Susan Shaheen "The Impact of Carsharing on Household Vehicle Ownership" *Access*, 38 Spring 2011 22-27

bike share members receive a discounted \$5 first-year membership through the "Bike Share For All" program. This program is available to anyone that participates in the CalFresh, PG&E California Alternative Rates for Energy (CARE) or San Francisco's MUNI Lifeline pass.

In April 2018 Ford GoBike added electric assist bikes (E-bikes) to its fleet in San Francisco. These E-bikes are equipped with an electric battery to aid the rider's pedaling, which can be particularly beneficial for trips with elevation gain and for riders who have difficulty pedaling. The E-bikes have seen an average of 7.8 trips per bike per day since launch, more than double the usage of the non-electrified bikes.

In January 2018, the Department of Transportation (DOT) notified Ford GoBike of its intention to develop an E-bike program, thereby triggering a 90-day exclusive negotiating period consistent with the regional Bike Share Coordination Agreement between the City, the Metropolitan Transportation Commission (MTC), Ford GoBike, and the four other participating cities Franchise Agreement. This exclusive negotiating period ended in April, with DOT staff and Ford GoBike unable to come to agreement on the terms of an E-bike program. Per the regional Coordination Agreement, the City now has the right to issue a solicitation for an E-bike program that would include other operators, but must offer Ford GoBike the opportunity to respond to such solicitations regarding E-bikes. Staff recognizes existing agreements and will therefore not issue permits for dockless bicycle/scooter sharing systems that may conflict with terms of any agreement with the City.

#### *Bike Share Outreach Process and Dispute Resolution*

Oakland's bike share stations have been sited based on careful engineering analysis, Oakland's Bike Share Planning and Siting Guidelines (see **Attachment A**), and community outreach. The community outreach for bike share in Oakland began with nine dedicated community planning meetings held between February and October of 2016 at locations throughout the planned bike share service area, including West Oakland, North Oakland, Chinatown, Rockridge, Grand Lake, Temescal and Fruitvale. Participants in these public workshops helped select potential locations for individual stations. Ford GoBike also used an online crowdsourcing tool to collect public suggestions for station locations. After individual station locations were identified, staff from Ford GoBike were responsible for completing additional outreach to businesses or residents that share frontage with the location, as well as nearby businesses, residents and merchant groups. For each proposed site, Ford GoBike staff conducted door-to-door outreach. If someone was not home, materials were left at the door step and the outreach team followed up in person, by phone, or by email.

While such efforts were made to notify and engage neighbors of proposed bike share station locations, DOT staff received requests to remove or relocate 14 bike share stations after installation. The primary reasons for these requests included impacts on parking and loading, and a perceived lack of notification or incompatibility with residential land use. To objectively evaluate these requests in a way that meets Citywide goals and maintains fairness to bike share users, staff amended the Bike Share Station Planning and Siting Guidelines to include criteria for assessing public requests to relocate bike share stations (again, see **Attachment A**).

#### *Fiscal Impacts of Bike Share Program*

Oakland's bike share system is owned and operated by Bay Area Motivate L.L.C., now operating as Ford GoBike, at no cost to the City. The regional Coordination Agreement that

governs the bike share system does not specify any exchange of funds between the City of Oakland and Ford GoBike, except for City staff time reimbursement for permit review, fees for specific services (such as moving a bike share station) and potential revenue sharing and liquidated damages. The Oakland Municipal Code lists a permit fee of \$1,781.00 for “New Bike Share Station Encroachment”. The total fee for all 79 stations is \$140,600.00. The City of Oakland received a \$660,616.00 grant from the Bay Area Air Quality Management District (BAAQMD)’s Transportation Fund for Clean Air to fund these permit fees and other staff costs associated with the bike share program.

The publicly-funded precursor to the Ford GoBike program, known as Bay Area Bike Share, was funded by the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission and local agencies at a cost of approximately \$7 million over four years. The Bay Area Bike Share program included 700 bikes at 70 stations, making it approximately the same size as Oakland’s current system. The City’s privately funded system therefore represents a significant cost savings over a publicly funded model.

*Bike Share Parking Impacts*

The Ordinance creating the Bike Sharing Franchise Agreement (No. 13355 C.M.S) states “given that sidewalks in Oakland are generally narrow and have an abundance of existing street furniture and fixtures, wherever feasible, stations will be located in the parking lane, similar to parklets and on-street bicycle parking corrals”. Of the 79 bike share stations in Oakland, 16 (20%) are located on sidewalks or in parks, 42 (53%) are in un-metered curbside space and 21 (27%) are in metered curbside space. The 21 stations in metered curbside space hold approximately 250 bikes, and repurpose 62 metered parking spaces. Those 62 parking meters generated approximately \$87,000 of revenue during Fiscal Year (FY) 2016-17. However, the total impact of bike share on meter revenues is uncertain, as demand for vehicle parking at these locations is not necessarily ‘lost’, but rather redistributed – valuable curbside space being better utilized and, instead of parking on street at a particular metered stall, drivers may choose to park at a nearby meter, off street in garages or lots, or choose another option altogether, like transit, car share, or bike share.

The City’s total on-street parking meter revenue in FY 2017-18 experienced a slight drop, but is within a normal range of deviation from previous years (see **Table 1** on page 5). In addition, on-street parking revenue has increased by 50% since FY 2013-14, indicating that the bike share program has not had a significant impact on overall parking revenues during its first year in operation. Staff identified a total of 80 nearby locations for new parking meters during the bike share station siting process. Once installed, these new meters are projected to offset future parking meter revenue losses from the bike share program.

Table 1. Total On-street Parking Revenue, FY 2013-14 to FY 2017-18

<b>Fiscal year</b>	<b>Total on-street parking revenues</b>	<b>% Change year over year</b>
2013-14	\$9,820,025	-
2014-15	\$14,590,798	48.6%
2015-16	\$15,215,056	4.3%
2016-17	\$14,797,803	-2.7%
2017-18	\$14,735,747*	-.4%

\*11 months of revenue data was annualized to estimate a full year

### *Dockless Bike and Scooter Share Services*

This section introduces the newest form of shared mobility, dockless bike and electric-bike (E-bikes) share and scooter and electric-scooter (E-scooter) share, and describes the objectives of a recommended regulated permit process for these vehicles, including implementation steps, public outreach and other requirements. "Dockless" means that users of these vehicles are not required to return them to docking stations.

Shared dockless bikes and E-bikes may be locked to a fixed object, such as a bike rack, or simply kept in place by a self-locking mechanism. Shared dockless bikes are typically located and unlocked by the user via a mobile phone application, which also charges the user's credit card a per-trip, or per-minute fee. Dockless E-bikes are shared bicycles that include a battery and small electric motor which provides pedaling assistance to riders, allowing them to more easily travel longer distances or up steep hills.

Dockless E-scooters are electric-powered scooters which operate in a very similar manner to dockless E-bikes. These E-scooters are available within the public right-of-way for users to unlock and ride. They are typically accessed via a mobile application, which also charges the user's credit card a per-mile or per-minute fee.

In February 2018 representatives from LimeBike contacted staff and inquired about operating an E-scooter service in Oakland. Staff researched existing permit programs and responded that Oakland did not have a permit process for these services in place at that time. Staff advised LimeBike to apply for a business license and comply with all other relevant rules and regulations governing businesses operating in Oakland, including provisions concerning illegal dumping and obstructing the pedestrian right of way. In March 2018, LimeBike launched an E-scooter service in Oakland with about 40 scooters. According to representatives from LimeBike, each scooter has been used more than five times per day.

Dockless bike and scooter sharing services have the potential to help achieve Citywide transportation goals by further reducing the need for vehicle ownership, reducing single occupant vehicle trips and increasing "first-and-last-mile" connections to transit. By reducing single-occupant vehicle trips, these services would also reduce congestion and wear and tear on our streets. E-bikes and E-scooters emit no air pollution or greenhouse gases during operation. However, these services may also create new problems, including obstructing the pedestrian right-of-way. Active management is therefore needed to ensure that dockless bikes and scooters help to achieve City goals.

The Ordinances accompanying this report, if adopted, would amend Title 10 and Title 12.08 of the Oakland Municipal Code to establish a new permit for dockless bike and scooter sharing services, and provide criteria regarding parking, safety, quality of equipment, public outreach, equity, data privacy, noise levels and other factors, in addition to standard requirements for insurance and indemnification.

To support this initiative, staff is also recommending changes to the Oakland Municipal Code that would create fees for related services and permits. Staff conducted a Peer-City survey (see

**Table 2** below) and compared the costs and fees associated with existing programs in the City. The proposed fees are designed to recover all costs related to the program (see **Exhibit A to the accompanying Ordinance**).

Table 2. Peer-City Survey of Fees for Dockless Bike and/or E-Scooter Permits and Services

City	Per vehicle fee	Performance (surety) bond	Application fee	Annual renewal fee	Total fees first year (1,500 vehicles)
Austin	\$30	\$100/unit	-	-	\$45,000
San Francisco	-	\$25,000	\$15,702	\$13,219	\$15,702
St. Louis	\$10	-	\$500	-	\$15,500
Seattle	\$15	\$80/bike, max \$10,000	\$1,672	\$146	\$24,172

Staff is also recommending a robust community engagement process, including public workshops where applicants co-plan the system with the community and a public forum for applications to pitch their proposals directly to Oakland citizens. The recommended policy would require pre-approval public outreach plans, including a full list of presentations, activities and events.

**PUBLIC OUTREACH/INTEREST**

This item did not require additional public outreach other than the required posting on the City's website.

**COORDINATION**

Staff coordinated with the City's Risk Manager and Benefits Office, as well as the Office of the City Attorney and the Budget Bureau in the preparation of this report. The informational report was prepared in response to a request from the Office of Councilmember Lynette Gibson-McElhaney. The ordinance was developed through a joint effort with the Offices of Councilmembers Rebecca Kaplan and Noel Gallo.

### **COST SUMMARY/IMPLICATIONS**

The proposed program for Dockless Bikes and Scooters is designed to be revenue neutral. A fee study has been conducted to determine the cost of City staff time and equipment related to administering the permit and installing any necessary infrastructure, such as bike racks. The permit, confiscation and storage fees are intended to recover all costs related to the program.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** By increasing access to transportation options, shared mobility services have the potential to reduce the costs of living and working in Oakland and increasing access to jobs and other economic opportunities. This report and the proposed permit program support these economic objectives.

**Environmental:** Shared mobility initiatives have the potential to reduce dependence of private vehicle ownership and usage, supporting use of transit and active transportation and reducing congestion and single occupancy vehicle trips that contribute to greenhouse gas emissions. This report and the proposed permit program support these environmental objectives.

**Social Equity:** By entering agreements with and providing guidelines and permits to shared mobility service operators, staff can establish equity objectives that help ensure services are available, affordable and accessible to all Oaklanders. This report and the proposed permit program support these equity objectives.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT, (CEQA)**

This report is exempt from the environmental analysis requirements of CEQA under CEQA Guidelines section 15061(b)(3) (Common Sense Exemption) because no actions impacting the environment will result from its consideration.

### **ACTION REQUESTED OF THE PUBLIC WORKS COMMITTEE**

Staff Recommends That The City Council (1) Receive An Informational Report on the City's Shared Mobility Initiatives, (2) Adopt An Ordinance Amending Title 10 And Title 12.08 Of The Oakland Municipal Code To Establish Regulations And New Permits To Operate And Park Dockless Bike And Scooter Sharing Programs In The Public Right Of Way; And (3) Adopt An Ordinance Amending Ordinance Number XXXXX (Fiscal Year 2018-2019 Master Fee Schedule) Establishing Fees For The New Dockless Bike and Scooter Share Permits.

For questions regarding this report, please contact Kerby Olsen, Shared Mobility Coordinator, at [kolsen@oaklandca.gov](mailto:kolsen@oaklandca.gov) or (510) 238-2173.

Respectfully submitted,



Ryan Russo  
Director, Department of Transportation

Reviewed by:  
Wladimir Wlassowsky, Assistant Director  
Department of Transportation

Reviewed by:  
Michael Ford, Manager  
Acting Manager  
Parking and Mobility Division

Prepared by:  
Kerby Olsen, Shared Mobility Coordinator  
Parking and Mobility Division

*Attachments (1):*

- A. Bike Share Planning and Siting Criteria

**DRAFT**

City Attorney

FILED

OFFICE OF THE CITY CLERK  
OAKLAND

INTRODUCED BY COUNCIL MEMBERS KAPLAN AND GALLO

2018 JUL 20 PM 2:55

# OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

## ORDINANCE AMENDING TITLE 10 AND TITLE 12.08 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH REGULATIONS AND NEW PERMITS TO OPERATE AND PARK DOCKLESS SCOOTER SHARING PROGRAMS IN THE PUBLIC RIGHT OF WAY

**WHEREAS**, the City of Oakland recognizes the practice of bike sharing as a beneficial mode of transportation that reduces demand for private vehicles, decreases per capita greenhouse-gas emissions, and creates more affordable mobility options for all of Oakland's residents; and

**WHEREAS**, dockless scooter sharing services, which do not require a docking station to operate and may be electric-assist vehicles (E-scooters), have the potential to offer the same benefits as bike sharing, and may offer additional mobility benefits for the public, including larger, more equitable service areas and accommodation for riders with a greater range of physical abilities; and

**WHEREAS**, the Energy and Climate Action Plan (Resolution No. 84126 C.M.S.) calls for a 36% reduction in greenhouse gas emissions and 20% reduction in vehicle-miles traveled from 2005 levels by 2020; and

**WHEREAS**, the City of Oakland, through its "Alternative Modes Policy" (Resolution No. 73036 C.M.S.) supports transportation alternatives to private, single-occupant vehicles; and

**WHEREAS**, the City of Oakland applied for Transportation Fund for Clean Air funding and received \$660,616.00 for the Oakland Bike Share Program; and

**WHEREAS**, the City of Oakland adopted a Bike Sharing Policy (Resolution No. 85715 C.M.S.) which calls for the implementation of a bike sharing program that facilitates the "last mile" of transit trips and non-auto short trips; and

**WHEREAS**, the City of Oakland has the authority, pursuant to City Charter Article I, to amend the Municipal Code to amend the Master Fee Schedule to include permit fees for dockless scooter sharing operations; and

**WHEREAS**, unregulated, unpermitted shared-use scooters proliferating in our community can cause problems, including impeding the public right of way, lack of accountability for improper use and placement, and can cause tripping hazards; and

**WHEREAS**, this ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), and 15061(b) (3) (no significant effect on the environment); and

**WHEREAS**, effective and responsible regulation can help ensure that these new services can provide improved mobility options for the public, while also incentivizing appropriate placement and responsible behavior, and local jobs and accountability; now, therefore

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**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1. Title 10 of the Oakland Municipal Code is amended to add new Chapter 10.18:**

**Chapter 10.18 DOCKLESS SCOOTER SHARE PROGRAM**

**10.18.010 – Definitions.**

As used in this chapter, the following definitions shall apply:

- A. "Dockless Scooter share system" means providing scooters, inclusive of electric-assist scooters (E-scooters), for short-term rentals for point to point trips where, by design of the dockless scooter share operator, the scooters are intended to remain in the public right of way, even when not being rented/used by a customer."
- B. "Dockless Scooter share operator" or "Operator" is any entity that owns and/or operates a City authorized dockless Scooter share system or program in the City's right of way. The term includes any employee, agent or independent contractor hired by the Operator.
- C. "Dockless Scooter share User or Customer" is any person that uses, rents or rides a dockless Scooter or is a customer of the Dockless Scooter Operator.

**10.18.020 – Dockless Scooter Operator Permits and Regulations Governing Dockless Scooter Programs.**

- A. The City Administrator, or her designee, shall develop dockless scooter operator program criteria, application process and program requirements to operate within the City's right-of-way.
- B. The City Administrator, or her designee, is authorized to review, approve and issue dockless scooter operator permits to operators who submit applications to operate such programs within the City.
- C. The City Administrator, or her designee, shall promulgate additional regulations governing dockless scooter programs which at minimum will require Operators to provide scooter safety features (such as lights and reflectors), to follow parking rules, to meet operating and customer service performance standards, and to perform data collection and reports to the City that monitors performance and effectiveness. Safety communication materials and app features must be preapproved by the City prior to launching.

- D. The City Administrator, or her designee, shall set requirements for Operators to quickly remove vehicles parked in inappropriate areas, rebalance vehicles, and similar operator obligations and responsibilities.
- E. The City's Dockless Scooter Share Operator permit will also require Operators to provide proof of insurance of the types and at the levels determined by the City, indemnification, performance bonds, and cost recovery fees.
- F. Termination. Operator permits shall be subject to termination for non-compliance including, but not limited to, operations that in the City's discretion constitute a nuisance, dangerous condition or repeated violations.
- G. The City Administrator, or her designee, will establish a process to determine well-planned, designated locations for dedicated spaces for dockless bike and scooter sharing in the public right of way and in public plazas in cooperation with Operators, and the public.

#### **10.18.030 – Dockless Scooter Program Operator Requirements**

##### **A. Communications to Customers/Users**

All permitted Operators shall include visible language within the Operator's mobile and web application that notifies the customer that:

- a. Users or Customers on E-scooters are required to wear helmets.
- b. Dockless scooter Users must follow all state and local traffic laws, including but not limited to the California Vehicle Code and Oakland Municipal Code.
- c. Dockless scooter Users are not allowed to ride on the sidewalk.

##### **B. Program Safety**

Dockless Scooter Share Operators are responsible for educating customers about safe use of scooters, including providing education about state and local laws applicable to riding, operating and depositing a dockless scooters in the public right of way.

##### **C. Federal, State and Local Law Compliance**

Operators shall comply with all federal, state and local laws and shall be responsible for dockless scooter User compliance with all laws, rules and regulations governing the use of dockless scooters. Compliance with such laws shall include, without limitation, U.S.C, Title 15 Section 2052 (a) (1) and 2085, C.F.R. 1500.18(a)(12) and part 1512 of title 16, Code of Federal Regulations, and, and Article 5, section 407.5 and sections 21220-21235, of the California Vehicle Code, the California Penal Code and Oakland Municipal Code applicable to the use of E-scooters in the public right of way.

- D. Operator's vehicles shall not create excessive or annoying noises in violation of Chapter 8.18.010 of the Oakland Municipal Code, nor play threatening messages.

#### **10.18.040 – Establish parking and fleet size requirements in accord with California Vehicle Code section 21225 (motorized scooters).**

- A. The City Administrator, or her designee, shall establish parking requirements for dockless scooters, and assess each Operator's compliance with those requirements. Shared scooters with both "self-locking" technology and those that lock to bike racks may be allowed.
- B. Unless otherwise specified, dockless scooters may be parked in acceptable areas of the right-of-way, including the "furnishing zone" if one exists, or at the curb side in areas with narrow sidewalks and no furnishing zone.
- C. If Operator's scooters are found to be consistently parked improperly, the City Administrator reserves the right to reduce the number of shared scooters allowed under their permit, or revoke it all together. To maintain parking compliance, Operators shall:
  - 1. Provide a single point-of-contact (phone number and email) customer service line, available 24 hours, for complaints regarding improper parking; and
  - 2. List that contact clearly on each scooter along with a unique identifying number; and
  - 3. Address those complaints within 3 hours during typical work hours (Monday-Friday, 9am-6pm) and 12 hours on weekends and after typical work hours; and
  - 4. Issue a "ticket number" for each issue to both the City and the person who reported the issue; and
  - 5. Provide a response when a complaint is closed, similar to Oakland's 311 system; and
  - 6. Provide sufficient operations and maintenance staff in Oakland to address issues and remove improperly parked scooters.
- D. Each Operator shall be required to provide a minimum and maximum number of dockless scooters, to ensure availability and avoid over-saturation. A maximum number of scooters should be established, with an additional 100 vehicles allowed in phases if the Operator's total fleet achieves a threshold of usage.

**10.18.050 – City Administrator shall require equitable service areas and rebalancing of dockless scooters**

- A. The Dockless Scooter Share permit is only valid for operations within the city public right of way. An Operator shall not restrict use of its scooter share system within certain geographical areas of the city unless approved by the city. Permission to operate the scooter share system outside the public right of way shall require permission of appropriate department, agency, or property owner(s); the scooter share Operator shall have a means of communicating to the customer when the scooter has been operated in non-permitted areas. The communication to the User shall be sent electronically at the end of the ride.
- B. Dockless Scooters should be distributed equitably throughout Oakland. No less than 50% of Operators scooters shall be deployed in Oakland's Communities of Concern (as designated by the Metropolitan Transportation Commission). Operators shall provide real-time access to data showing the location of all their scooters.

- C. Operators will closely monitor ridership and adjust scooter density and location accordingly to maximize the convenience of the greatest number of riders.
- 

**10.18.060 – Provide reasonable scooter program modifications for persons with disabilities**

- A. Operators shall be required to include adaptive scooters for Users with disabilities. The total percentage of adaptive scooters should be based on expected need, performance and usage.
- B. If Operator is unable to deploy adaptive scooters at the time of permit issuance, a plan must be submitted to the Department of Transportation within three months detailing a timeline for incorporation of shared adaptive scooters into their fleet. This plan should detail the types and numbers of adaptive scooters that will be made available.

**10.18.070 – Provide access to persons without smart phones or credit cards**

Operators shall make available ways to use and pay for the service that do not require a smart phone or credit card.

**10.18.080 – Ensure affordability**

Operators shall offer a discounted membership plan for those with low-incomes, equivalent to \$5 for one year of unlimited 30 minute rides for those who participate in the State Nutritional Assistance Program (SNAP) or California Alternative rates for Energy (CARE).

**10.18.090 – Protect personal data and privacy**

Operators should clearly communicate to the public and to the City what personal information is being collected about Users, how it is being used, and for how long. The dockless scooter share permit shall include a standard reporting form for this information, and the responses should be available on the City's website.

**10.18.100 – Share data and reports**

Operators shall make real-time data available to the City and designated third parties via the data standard developed by the North American Bikeshare Association, known as the "General Bikeshare Feed Specification (GBFS)", or similar standard as determined by the City. In addition, reports summarizing usage, maintenance, rebalancing, customer service and other key performance indicators should be provided to the City on a bi-yearly or quarterly basis.

**10.18.110 – Establish a Community Engagement Process**

The City Administrator or her designee will establish requirements for a robust community engagement process, including public workshops where Operators co-plan the system with the community and a public forum for Operators to present their proposals directly to, and receive comments from, Oakland residents. Public outreach plans shall be pre-approved by designated City staff, and should include a full list of presentations, activities and events.

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**Section 2. Chapter 12.08 is Amended to Read as Follows:**

**12.08.012 – Dockless Scooter Sharing Minor Encroachment Permits.**

Operators of Dockless Scooter share systems as defined in Chapter 10.18.10 are required to obtain a minor encroachment permit before commencing any operation of such programs within the City's right-of-way.

The City Administrator, or her designee, is authorized to issue minor encroachment permits to a dockless scooter sharing Operator in compliance with the provisions of this title. Such permits shall be required for the dockless scooter sharing operator to maintain public dockless scooter sharing systems on the public right-of-way, including streets, sidewalks, and plazas of the City. The number and location of shared dockless scooter vehicles allowed under each such permit shall be subject to approval of the City Administrator, or her designee.

The City Administrator, or her designee, shall not issue permits for dockless scooter sharing systems in contradiction with terms of any existing agreement.

A dockless scooter share Operator shall be required to obtain a minor encroachment permit from the City Administrator, or her designee, prior to and in order to provide a dockless scooter share system in the City of Oakland. Encroachment permits will be effective for a period of one year and are renewable annually.

It shall be unlawful for a dockless scooter share Operator to provide a scooter share system within the City without first obtaining an encroachment permit from the Department of Transportation.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**Section 4. CEQA Determination.** This ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), and 15061(b) (3) (no significant effect on the environment).

**Section 5. Effective Date.** This Ordinance shall be effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_

## NOTICE AND DIGEST

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ORDINANCE AMENDING TITLE 10 AND TITLE 12.08 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH REGULATIONS AND NEW PERMITS TO OPERATE AND PARK DOCKLESS SCOOTER SHARING PROGRAM IN THE PUBLIC RIGHT OF WAY

Ordinance creating a regulated permit program for the establishment, operation and oversight of shared mobility services featuring dockless scooters, including electric-assist scooters (e-scooters) that operate and park in the public right of way.

**DRAFT**

INTRODUCED BY COUNCILMEMBERS KAPLAN AND GALLO  
2018 JUL 19 PM 5:31

City Attorney

# OAKLAND CITY COUNCIL

## ORDINANCE No. \_\_\_\_\_ C.M.S.

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### ORDINANCE AMENDING TITLE 10 AND TITLE 12.08 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH REGULATIONS AND NEW PERMITS TO OPERATE AND PARK DOCKLESS BIKE AND SCOOTER SHARING PROGRAMS IN THE PUBLIC RIGHT OF WAY

**WHEREAS**, the City of Oakland recognizes the practice of bike sharing as a beneficial mode of transportation that reduces demand for private vehicles, decreases per capita greenhouse-gas emissions, and creates more affordable mobility options for all of Oakland's residents; and

**WHEREAS**, dockless bike share sharing and scooter sharing services, which do not require a docking station to operate and may be electric-assist vehicles (E-bikes and E-scooters), have the potential to offer the same benefits as bike sharing, and may offer additional mobility benefits for the public, including larger, more equitable service areas and accommodation for riders with a greater range of physical abilities; and

**WHEREAS**, the Energy and Climate Action Plan (Resolution No. 84126 C.M.S.) calls for a 36% reduction in greenhouse gas emissions and 20% reduction in vehicle-miles traveled from 2005 levels by 2020; and

**WHEREAS**, the City of Oakland, through its "Alternative Modes Policy" (Resolution No. 73036 C.M.S.) supports transportation alternatives to private, single-occupant vehicles; and

**WHEREAS**, the City of Oakland applied for Transportation Fund for Clean Air funding and received \$660,616.00 for the Oakland Bike Share Program; and

**WHEREAS**, the City of Oakland adopted a Bike Sharing Policy (Resolution No. 85715 C.M.S.) which calls for the implementation of a bike sharing program that facilitates the "last mile" of transit trips and non-auto short trips; and

**WHEREAS**, the City of Oakland has the authority, pursuant to City Charter Article I, to amend the Municipal Code to amend the Master Fee Schedule to include permit fees for dockless bike sharing and scooter sharing operations; and

**WHEREAS**, unregulated, unpermitted shared-use bikes and scooters proliferating in our community can cause problems, including impeding the public right of way, lack of accountability for improper use and placement, and can cause tripping hazards; and

**WHEREAS**, this ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), and 15061(b) (3) (no significant effect on the environment); and

**WHEREAS**, effective and responsible regulation can help ensure that these new services can provide improved mobility options for the public, while also incentivizing appropriate placement and responsible behavior, and local jobs and accountability; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1. Title 10 of the Oakland Municipal Code is amended to add new Chapter 10.18:**

**Chapter 10.18 DOCKLESS BIKE AND SCOOTER SHARE PROGRAM**

**10.18.010 – Definitions.**

As used in this chapter, the following definitions shall apply:

- A. "Dockless ~~Bike and~~ Scooter share system" means providing ~~bikes/scooters~~, inclusive of electric-assist ~~bikes/scooters (E-bikes/E-scooters)~~, for short-term rentals for point to point trips where, by design of the dockless ~~bike/scooter~~ share operator, the ~~bikes/scooters~~ are intended to remain in the public right of way, even when not being rented/used by a customer."
- B. "Dockless ~~Bike/Scooter~~ share operator" or "Operator" is any entity that owns and/or operates a City authorized dockless ~~Bike/Scooter~~ share system or program in the City's right of way. The term includes any employee, agent or independent contractor hired by the Operator.
- C. "Dockless ~~Bike/Scooter~~ share User or Customer" is any person that uses, rents or rides a dockless ~~Bike or~~ Scooter or is a customer of the Dockless ~~Bike/Scooter~~ Operator.

**10.18.020 – Dockless ~~Bike and~~ Scooter Operator Permits and Regulations Governing Dockless ~~Bikes and~~ Scooter Programs.**

- A. The City Administrator, or her designee, shall develop dockless ~~bike and~~ scooter operator program criteria, application process and program requirements to operate within the City's right-of-way.
- B. The City Administrator, or her designee, is authorized to review, approve and issue dockless ~~bike and~~ scooter operator permits to operators who submit applications to operate such programs within the City.
- C. The City Administrator, or her designee, shall promulgate additional regulations governing dockless ~~bike and~~ scooter programs which at minimum will require Operators to provide ~~bicycle and~~ scooter safety features (such as lights and reflectors), to follow parking rules, to meet operating and customer service performance standards, and to perform data collection and reports to the City that monitors performance and effectiveness. Safety communication materials and app features must be preapproved by

- D. Operator's vehicles shall not create excessive or annoying noises in violation of Chapter 8.18.010 of the Oakland Municipal Code, nor play threatening messages.

**10.18.040 – Establish parking and fleet size requirements in accord with California Vehicle Code section ~~21206 (Bicycles)~~ and section 21225 (motorized scooters).**

- A. The City Administrator, or her designee, shall establish parking requirements for dockless ~~bikes/scooters~~, and assess each Operator's compliance with those requirements. Shared ~~bikes and scooters~~ with both "self-locking" technology and those that lock to bike racks may be allowed.
- B. Unless otherwise specified, dockless shared ~~bicycles and scooters~~ may be parked in acceptable areas of the right-of-way, including the "furnishing zone" if one exists, or at the curb side in areas with narrow sidewalks and no furnishing zone.
- C. If Operator's ~~bikes/scooters~~ are found to be consistently parked improperly, the City Administrator reserves the right to reduce the number of shared scooters allowed under their permit, or revoke it all together. To maintain parking compliance, Operators shall:
1. Provide a single point-of-contact (phone number and email) customer service line, available 24 hours, for complaints regarding improper parking; and
  2. List that contact clearly on each scooter along with a unique identifying number; and
  3. Address those complaints within 3 hours during typical work hours (Monday-Friday, 9am-6pm) and 12 hours on weekends and after typical work hours; and
  4. Issue a "ticket number" for each issue to both the City and the person who reported the issue; and
  5. Provide a response when a complaint is closed, similar to Oakland's 311 system; and
  6. Provide sufficient operations and maintenance staff in Oakland to address issues and remove improperly parked scooters.
- D. Each Operator shall be required to provide a minimum and maximum number of dockless ~~bikes and scooters~~, to ensure availability and avoid over-saturation. A maximum number of ~~bikes or scooters~~ should be established, with an additional 100 vehicles allowed in phases if the Operator's total fleet achieves a threshold of usage.

**10.18.050 – City Administrator shall require equitable service areas and rebalancing of dockless ~~bikes and scooters~~**

- A. The Dockless ~~Bike and Scooter~~ Share permit is only valid for operations within the city public right of way. An Operator shall not restrict use of its ~~bicycle/scooter~~ share system within certain geographical areas of the city unless approved by the city. Permission to operate the ~~bicycle/ scooter~~ share system outside the public right of way shall require permission of appropriate department, agency, or property owner(s); the ~~bicycle/scooter~~ share Operator shall have a means of communicating to the customer when the ~~bike/scooter~~ has been operated in non-permitted areas. The communication to the User shall be sent electronically at the end of the ride.

- B. ~~Dockless Bikes and Scooters~~ should be distributed equitably throughout Oakland. No less than 50% of Operators scooters and ~~bikes~~ shall be deployed in Oakland's Communities of Concern (as designated by the Metropolitan Transportation Commission). Operators shall provide real-time access to data showing the location of all their ~~bikes and scooters~~.
- C. Operators will closely monitor ridership and adjust ~~bike and scooter~~ density and location accordingly to maximize the convenience of the greatest number of riders.

**10.18.060 – Provide reasonable scooter program modifications for accessibility to persons with experiencing disabilities**

- A. Operators shall be required to include adaptive ~~E-bicycles~~ scooters for Users experiencing with disabilities, ~~including hand-cycles, tandems and trikes~~. The total percentage of adaptive ~~E-bikes~~ scooters should be based on expected need, performance and usage.
- B. If Operator is unable to deploy adaptive ~~E-bicycles~~ scooters at the time of permit issuance, a plan must be submitted to the Department of Transportation within three months detailing a timeline for incorporation of shared adaptive ~~E-bicycles~~ scooters into their fleet. This plan should detail the types and numbers of adaptive ~~E-bikes~~ scooters that will be made available.

**10.18.070 – Provide access to persons without smart phones or credit cards**

Operators shall make available ways to use and pay for the service that do not require a smart phone or credit card.

**10.18.080 – Ensure affordability**

Operators shall offer a discounted membership plan for those with low-incomes, equivalent to \$5 for one year of unlimited 30 minute rides for those who participate in the State Nutritional Assistance Program (SNAP) or California Alternative rates for Energy (CARE).

**10.18.090 – Protect personal data and privacy**

Operators should clearly communicate to the public and to the City what personal information is being collected about Users, how it is being used, and for how long. The dockless ~~bike and scooter~~ share permit shall include a standard reporting form for this information, and the responses should be available on the City's website.

**10.18.100 – Share data and reports**

Operators shall make real-time data available to the City and designated third parties via the data standard developed by the North American Bikeshare Association, known as the "General Bikeshare Feed Specification (GBFS)", or similar standard as determined by the City. In addition, reports summarizing usage, maintenance, rebalancing, customer service and other key

performance indicators should be provided to the City on a bi-yearly or quarterly basis.

**10.18.110 – Establish a Community Engagement Process**

The City Administrator or her designee will establish requirements for a robust community engagement process, including public workshops where Operators co-plan the system with the community and a public forum for Operators to present their proposals directly to, and receive comments from, Oakland residents. Public outreach plans shall be pre-approved by designated City staff, and should include a full list of presentations, activities and events.

**Section 2. Chapter 12.08 is Amended to Read as Follows:**

**12.08.012 – Dockless ~~Bike~~ and Scooter Sharing Minor Encroachment Permits.**

Operators of Dockless ~~Bike~~ and Scooter share systems as defined in Chapter 10.18.10 are required to obtain a minor encroachment permit before commencing any operation of such programs within the City's right-of-way.

The City Administrator, or her designee, is authorized to issue minor encroachment permits to a dockless ~~bike~~/scooter sharing Operator in compliance with the provisions of this title. Such permits shall be required for the dockless ~~bike~~/scooter sharing operator to maintain public dockless ~~bike~~/scooter sharing systems on the public right-of-way, including streets, sidewalks, and plazas of the City. The number and location of shared dockless scooter vehicles allowed under each such permit shall be subject to approval of the City Administrator, or her designee.

The City Administrator, or her designee, shall not issue permits for dockless ~~bicycle~~/scooter sharing systems in contradiction with terms of any existing agreement.

A dockless ~~bike~~/scooter share Operator shall be required to obtain a minor encroachment permit from the City Administrator, or her designee, prior to and in order to provide a dockless ~~bicycle~~/scooter share system in the City of Oakland. Encroachment permits will be effective for a period of one year and are renewable annually.

It shall be unlawful for a dockless ~~bicycle~~/scooter share Operator to provide a ~~dockless bicycle~~/scooter share system within the City without first obtaining an encroachment permit from the Department of Transportation.

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**Section 4. CEQA Determination.** This ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), and 15061(b) (3) (no significant effect on the environment).

**Section 5. Effective Date.** This Ordinance shall be effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_

## **NOTICE AND DIGEST**

**ORDINANCE AMENDING TITLE 10 AND TITLE 12.08 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH REGULATIONS AND NEW PERMITS TO OPERATE AND PARK DOCKLESS BIKE AND SCOOTER SHARING PROGRAM IN THE PUBLIC RIGHT OF WAY**

Ordinance creating a regulated permit program for the establishment, operation and oversight of shared mobility services featuring dockless bikes and scooters, including electric-assist bike and scooters (e-bikes and e-scooters) that operate and park in the public right of way.

**DRAFT**

FILED  
OFFICE OF THE CLERK  
OAKLAND

INTRODUCED BY COUNCILMEMBERS KAPLAN AND GALLO

2018 JUL 19 PM 5:31

City Attorney

# OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

## ORDINANCE AMENDING ORDINANCE NUMBER ~~XXXXXX~~ (FISCAL YEAR 2018-2019 MASTER FEE SCHEDULE) ESTABLISHING FEES FOR THE NEW DOCKLESS SCOOTER SHARE PERMITS

WHEREAS, the City of Oakland recognizes the practice of bike sharing as a beneficial mode of transportation that reduces demand for private vehicles, decreases per capita greenhouse-gas emissions, and creates more affordable mobility options for all of Oakland's residents; and

WHEREAS, dockless ~~bike share sharing~~ and scooter sharing services, which do not require a docking station to operate and may be electric-assist vehicles (E-bikes and E-scooters), have the potential to offer the same benefits as bike sharing, and may offer additional mobility benefits for the public, including larger, more equitable service areas and accommodation for riders with a greater range of physical abilities; and

WHEREAS, the Energy and Climate Action Plan (Resolution No. 84126 C.M.S.) calls for a 36% reduction in greenhouse gas emissions and 20% reduction in vehicle-miles traveled from 2005 levels by 2020; and

WHEREAS, the City of Oakland, through its "Alternative Modes Policy" (Resolution No. 73036 C.M.S.) supports transportation alternatives to private, single-occupant vehicles; and

WHEREAS, the City of Oakland applied for Transportation Fund for Clean Air funding and received \$660,616.00 for the Oakland Bike Share Program; and

WHEREAS, the City of Oakland adopted a Bike Sharing Policy (Resolution No. 85715 C.M.S.) which calls for the implementation of a bike sharing program that facilitates the "last mile" of transit trips and non-auto short trips; and

WHEREAS, the City of Oakland has the authority, pursuant to City Charter Article I, to amend the Municipal Code to amend the Master Fee Schedule to include permit fees for ~~dockless bike sharing and scooter sharing~~ operations; and

WHEREAS, unregulated, unpermitted shared-use ~~bicycles and scooters~~ proliferating in our community can cause problems, including impeding the public right of way, lack of accountability for improper use and placement, and can cause tripping hazards, and

WHEREAS, effective and responsible regulation can help ensure that these new services can provide improved mobility options for the public, while also incentivizing appropriate placement and responsible behavior, and local jobs and accountability; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1. Exhibit A:** Changes to Ordinance No. XXXXX C.M.S. (The FY 2018-19 Master Fee Schedule, or "MFS"), adding fees for services and permits in support of dockless bicycle-share and scooter share operations.

**Section 2. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**Section 3. CEQA Determination.** This ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (existing facilities), and 15061(b) (3) (no significant effect on the environment).

**Section 4. Effective Date.** This Ordinance shall be effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION: \_\_\_\_\_

## NOTICE AND DIGEST

ORDINANCE AMENDING ORDINANCE NUMBER ~~XXXXX~~ (FISCAL YEAR 2018-2019 MASTER FEE SCHEDULE) ESTABLISHING FEES FOR THE NEW DOCKLESS BIKE AND SCOOTER SHARE PERMITS

Ordinance creating the fees for services and permits in support of shared mobility services featuring dockless bikes and scooters, including electric-assist bike and scooters (e-bikes and e-scooters) that operate and park in the public right of way.

# Exhibit A

## Proposed Changes to Ordinance Number XXXXX C.M.S. The FY 2018-19 Master Fee Schedule

Items that are underlined are insertions, items that appear in strikeout are deletions

	FEE	UNIT
<b>INFRASTRUCTURE &amp; OPERATIONS</b>		
<b>ENGINEERING</b>		
<b>A. PATH VACATION</b>	5,154.00	Proceeding
<b>B. STREET VACATION</b>		
1 Summary Vacation	4,980.00	Street
2 General Vacation	5,154.00	Street
3 Notifications	1,060.00	Block
<b>C. EASEMENT - DEDICATION OR VACATION</b>		
1 City Council Action	4,980.00	Easement
2 City Engineer Action	2,564.00	Easement
3 Shared Access Engineering Review	1,804.00	Easement
<b>D. CERTIFICATE OF COMPLIANCE</b>		
1 For Work Through Six Hours	1,311.00	Certificate
2 For Work After Six Hours	190.00	Hour or Fraction of
<b>E. ENCROACHMENT IN THE PUBLIC RIGHT OF WAY OR PUBLIC EASEMENT</b>		
1 City Engineer Action		
a. New encroachment	1,781.00	Permit
b. Existing Encroachment	3,176.00	Permit
c. Private Party bike rack installation, in accordance with City design process	74.00	Permit
d. New Bike Share Station Encroachment	1,781.00	Permit
e. Encroachment for R3 Occupancy	1,781.00	Permit
f. Amendment or Recession	1,084.00	Permit
g. <u>New Dockless <del>Bike Share or Scooter Share</del>             Master Encroachment</u>	<u>5,343.00</u>	<u>Application</u>
h. <u>Annual dockless shared vehicle</u>	<u>15.00</u>	<u>Permit</u>
i. <u>Confiscation of dockless shared vehicle</u>	<u>25.00</u>	<u>Vehicle</u>
j. <u>Storage of dockless shared vehicle</u>	<u>10.00</u>	<u>Day</u>
2 City Council Action	4,980.00	Permit

## 8/16/18, BPAC Agenda, Item #8 Attachment

### Three-month agenda look-ahead

#### *September*

- OakDOT project map
- Bi-annual paving update
- BPAC commissioner appointment recommendations
- BPAC bylaws update report

#### *October*

- Downtown Oakland Specific Plan (tentative)
- Bi-annual bikeway projects status (tentative, if time available)

#### *November*

- BART bike stations update
- Measure KK implementation in FY2017-18
- Open Forum Committee report

### Commissioner announcements

None

### Staff announcements

- (1) The City's Bicycle & Pedestrian Program submitted an application to the League of American Bicyclists to renew Oakland's status as a Bicycle Friendly Community. Oakland originally applied in 2010 and was awarded at the Bronze level. Oakland renewed in 2014 and was awarded at the Silver level. Each award is valid for four years, and thus the current application in 2018. Staff thanks members of the advocacy community and the broader bicycling community for contributing information to this lengthy application.
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### Active BPAC Committees/Task Forces/Liaisons

Type	Committee	Date convened	Details	Commissioners / Other members
Task Force	Bike Plan Advisory	10/19/17	Advise staff on bike plan elements	Commissioners Naylor, Tabata; community members Chris Hwang, Chris Kintner, Matt Ward
Committee	Infrastructure	2/16/17	Review infrastructure plans and grant updates	Commissioners Tabata, Burnette Jr, and community members Robert Prinz and Phoenix Mangrum
Committee	Open Forum Responses	3/17/16	Review Open Forum responses and respond to them	Commissioners Kidd, Tabata, Villalobos
Committee	Legislative	6/21/18	Conduct research and policy recommendations in conjunction with City staff for Council consideration	Commissioners Kidd, Naylor, Parreiras, Wheeler. Community members Chris Kintner and Phoenix Mangrum
Liaison	Measure KK Oversight	5/17/18	to connect with the Commission as items are relevant	Campbell; Parreiras (substitute)
Liaison	Mayor's Commission on Persons with Disabilities	5/17/18	to connect with the Commission as items are relevant	Naylor; Kidd (substitute)
Committee	Commissioner Application Review	7/16/18	Review applications and bring recommendations to the BPAC	Commissioners Campbell, Villalobos, and Tabata. Community member Ryan Schuschar.