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AGENDA REPORT

To: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, Transportation

SUBJECT: Dockless Scooter Sharing Program

DATE: October 8, 2018

City Administrator Approval

Date:

10/25/18

RECOMMENDATION

Staff Recommends That The City Council

1. **Receive An Informational Report On The Draft Terms And Conditions For The Dockless Scooter Sharing Program; And**
2. **Adopt An Ordinance Amending Ordinance Number 13497 (Fiscal Year 2018-2019 Master Fee Schedule) Establishing Fees For The Dockless Scooter Sharing Program.**

EXECUTIVE SUMMARY

This report responds to City Council direction by, first, publishing draft terms and conditions for the newly developed dockless scooter share permit program (see **Attachment A**) and, second, by revising proposed fees for permits and services related to that program. The draft terms and conditions are consistent with Ordinance Number 13502 C.M.S. and take into account community input and lessons learned from Peer-City scooter sharing programs. The recommended fees include both one-time and annual charges that aim to make the scooter share program cost recovering along with a per-ride scooter parking fee to help fund the City's ongoing efforts to create safe travel infrastructure, including designated parking areas for E-scooters and expanded and affordable access to shared mobility services.

BACKGROUND/LEGISLATIVE HISTORY

California Vehicle Code Sections 21200 to 21235 regulate the operation of motorized scooters. Dockless scooters are electric-powered scooters (known as "E-scooters") that are classified as "motorized scooters" under state law.

In September 2018 City Council adopted Ordinance Number 13502 C.M.S. amending Title 10 And Title 12.08 of the Oakland Municipal Code to establish regulations and new permits to operate and park dockless scooters in the public right-of-way.

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ANALYSIS/ POLICY ALTERNATIVES

This section begins with an account of E-scooters arrival in Oakland earlier this year and goes on to describe the work that has gone into developing the terms and conditions and revising the recommended fees for the City's new E-scooter Sharing Program. Subsections are devoted to an estimate of program expenses and revenues, a comparison of peer-city scooter permit and usage fees, and a calendar of ongoing public outreach and community engagement events.

Oakland's Newest Transportation Option: E-Scooter Sharing

E-scooters generally have two small wheels, a handlebar, a platform to stand on, and a small electric motor. Membership based E-scooters operators make these vehicles available within the public right-of-way for their user-members to unlock and ride. They are typically accessed via a mobile application, which charges a per-mile or per-minute fee on the rider's credit card or account.

In February 2018, representatives from LimeBike (or Lime) contacted Department of Transportation (DOT) 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 Lime 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 Lime launched an E-scooter service in Oakland with about 40 scooters. Two other companies, Bird and Skip, subsequently launched similar scooter sharing services. Together, these three companies now deploy approximately 800 shared scooters in Oakland. According to representatives from these companies, each scooter is used, on average, more than five times per day. The total number of people who have used E-scooters in Oakland is estimated at nearly 100,000.

E-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 city streets. E-scooters emit no air pollution or greenhouse gases during operation. However, these services bring with them new problems, including obstructing the pedestrian right-of-way and rider and pedestrian safety concerns. Active management is therefore needed to ensure that these new forms of shared mobility help to achieve City goals with minimal disruption.

To this end, on September 17, 2018 Ordinance Number 13502 C.M.S. amended Title 10 and Title 12.08 of the Oakland Municipal Code to establish a new regulated permit for dockless 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 requirements for insurance and indemnification, ensuring that risks are borne by the Operators. Under the new ordinance, the City Administrator, or her designee, is responsible for developing additional program requirements and guidelines. These requirements and guidelines have been incorporated into the draft Scooter Sharing Program Terms and Conditions (see **Attachment A**). Staff is seeking additional input on these from the public and City Council and plans to bring

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a supplemental report featuring the updated terms and conditions to City Council as soon as possible.

Estimate of Program Expenses and Revenues

In developing a budget for the new Scooter Sharing Program, staff combined a survey of peer-city programs with its recent experience developing and overseeing other shared mobility programs, including bike share and car share to arrive at estimates for program expenses (see **Table 1** below) and revenues (see **Table 2** below).

Table 1. Estimated Recurring Expenses of Scooter Sharing Program

| Resource | Expense Details and Assumptions | Percent FTE | Full Cost |
|---|--|--------------------|---------------------|
| Staff - Program Analyst II | Manage day-to-day implementation and evaluation | 0.25 FTE | \$59,756.37 |
| Staff - Program Analyst I | Assist in program implementation, act as community liaison to educate the public on safe use of scooters, process fees | 0.5 FTE | \$103,229.81 |
| Staff – Construction Inspector (Field) | Field oversight of parking compliance and response to complaints, issue improper parking fees and confiscate scooters | 0.5 FTE | \$104,535.00 |
| Materials and Equipment | Software to monitor scooter distribution; Wayfinding materials; Vehicle, etc. | N/A | \$20,000 |
| Total Estimated Expenses | | | \$287,521.18 |

Table 2. Estimated Revenue from Scooter Sharing Program*

| Description | Recommended Fees | 3 operators 3,000 total scooters |
|----------------------------|---------------------------------|---|
| Application fee | \$2,500 non-refundable one-time | \$7,500.00 |
| Operator Permit fee | \$30,000 annual fee | \$90,000.00 |
| Per vehicle fee | \$64 annual fee | \$192,000.00 |
| | Total | \$289,500.00 |

* Here and in other tables below, staff has assumed a scenario in which 3 Operators deploy an average of one thousand permitted scooters each; the actual number of Operators and permitted scooters is not mandated and will likely vary.

Staff is recommending one-time application and annual permit fees that would recover the cost of administering the E-scooter sharing program. The revenue estimates in Table 2 assume three Scooter operators and a combined three thousand permitted scooters during the first year of the program.

Other Fees: Parking Fee, Improper Parking Fee and Confiscation Fee

In addition to the program's cost-recovery fees, staff is also recommending a per-ride parking fee in what are likely to be congested areas of the City. This proposed fee would charge the permit holder 10 cents per ride for a scooter parked in a City Council designated parking meter zone. Such a fee aims to reduce scooter congestion in these areas in the same way that parking meters help to reduce motor vehicle congestion by encouraging turnover and the efficient use of the parking supply. The proposed parking fee would be charged during the same times of day, and days of the week, that parking meters are in operation. The cost of this fee is proportional to the cost of motor vehicle parking, taking into consideration the much smaller size and weight of an E-scooter.

Operators are required by ordinance to provide staff with platform data (O.M.C. 10.18.100). Until Operators are able to reliably distinguish between parking events within and outside of the City's parking meter zones, the 10 cents per parking event fee would apply to parking throughout the City.

Improper parking fines are proposed for improperly parked scooters. The proposed construction field inspector would be able to issue a fine of \$50 per improperly parked scooter. Proper parking areas will be clearly described in the Operator's permit. In extreme cases where confiscation of the scooter by City staff is necessary due to immediate safety concerns, a \$140 per hour fee is proposed, with one hour being the minimum charge. Confiscation of multiple scooters may be grounds for revocation of an Operator's Permit.

Table 3. Other recommended fees

| Description | Recommended Fees |
|-----------------------------|--|
| Scooter parking fee | \$0.10 Per parking event in metered area |
| Improper parking fee | \$50.00 |
| Confiscation fee | \$140 per hour, minimum one hour |

This recommended Ordinance would amend the Master Fee Schedule (Ordinance Number 13497 C.M.S.) to establish the necessary fees for this new program. The application fee and program administration fee are designed to recover the staff time of reviewing permit applications and administering the scooter sharing program, including materials such as specialized software. The parking fee is designed to help reduce scooter congestion and to fund the cost of implementing designated scooter parking areas, signage and safety infrastructure. A performance bond will also be required so that the City can recover any unexpected costs associated with the program that are not included in the other fees, such as damage of City property.

Survey of Peer-City Scooter Sharing Programs

The results of a survey of Peer-City Scooter Sharing Programs around the country is attached to this report (see **Attachment B**). While program details vary greatly from one jurisdiction to another, a comparison of projected revenue from program fees is possible. This comparison assumes three Operators and 1,000 scooters per Operator (see **Table 4** below).

**Table 4. Peer-City Comparison of Scooter Program Fees,
 Year 1 Scenario Assuming Three Operators with 1,000 Scooters Each**

| City | Application fee | Permit fee | Per vehicle fee | Year 1 Scenario |
|---------------|-----------------|-------------|--------------------------------|-----------------------|
| Oakland | \$2,500.00 | \$30,000.00 | \$64 | \$289,500 |
| Austin | N/A | N/A | \$30 | \$90,000 |
| Denver | \$150.00 | \$15,000.00 | \$30 | \$135,450 |
| Los Angeles | N/A | \$20,000.00 | \$130/\$39 in low-income areas | \$177,000 - \$450,000 |
| Portland | \$250.00 | \$5,000.00 | N/A | \$15,750 |
| San Francisco | \$5,000.00 | \$25,000.00 | N/A | \$90,000 |
| Santa Monica | N/A | \$20,000.00 | \$130.00 | \$450,000 |
| St Louis | \$0 | \$500.00 | \$10.00 | \$31,500 |

The comparison can be extended to include other operating fees, such as Oakland's proposed scooter parking fee, Portland's per ride surcharge and Santa Monica's per day right-of-way fee (see **Table 5** on Page 6). Additionally, each city has different time periods for their scooter pilot; Portland is a 120-day pilot and Santa Monica is a 16-month pilot including dockless e-bikes.

Table 5. Peer-City Comparison of Program Fees, Year 1 Scenario

| City | Other Conditions, Usage Fees | Operating Fees (5 trips per vehicle) | Estimated Year 1 Permit Fees | Total |
|---------------|---|--------------------------------------|------------------------------|----------------------|
| Oakland | \$10,000 performance bond; \$0.10 parking fee in metered zones* | \$234,000 | \$289,500 | \$523,500 |
| Austin | N/A | \$0 | \$90,000 | \$90,000 |
| Denver | Bonus 100 vehicles in opportunity areas | \$0 | \$135,450 | \$135,450 |
| Los Angeles | N/A | \$450,000 | \$177,000 - \$450,000 | \$627,000- \$900,000 |
| Portland | \$0.25 per-trip surcharge | \$1,368,750 | \$15,750 | \$1,384,500 |
| San Francisco | \$10,000 public property repair and maintenance endowment | \$0 | \$90,000 | \$90,000 |
| Santa Monica | \$1 per device per day (Right-of-way Fee) | \$1,095,000 | \$450,000 | \$1,545,000 |
| St Louis | N/A | \$0 | \$31,500 | \$31,500 |

* Oakland calculation assumes that 50% of scooter rides will end in parking meter zones and be subject to the recommended scooter parking fee. Proposed improper parking and confiscation fees are not included in the calculation.

Shared Mobility Community Outreach and Engagement

Over the past six months, E-scooters have been a topic of discussion at a number of public forums including technical advisory committees, commissions and City Council committee and full Council meetings. In August, E-scooters were featured at the newly organized Technical Advisory Committee on Shared Mobility and the City's Bike and Pedestrian Advisory Commission (BPAC). In July and September, reports and legislative actions were heard at public meetings of the Public Works Committee and the full City Council.

According to O.M.C. 10.18.110 C.M.S., "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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Consistent with this policy and in response to City Council requests for staff to accelerate community outreach and engagement efforts around E-Scooters, DOT staff have organized a series of public meetings beginning with a town hall meeting at City Hall on Monday, October 22, 2018 and continuing with neighborhood-based meetings in West Oakland, Fruitvale and East Oakland proposed for November, and an event in North Oakland in December. See **Table 6** below for proposed times and locations of planned events.

Whenever possible, DOT staff have attended other community-based meetings to answer questions and address concerns about E-scooters and other shared mobility initiatives (including bike share and car share). These staff-led efforts will be extended by the community outreach and engagement plans of E-scooter operators required under the ordinance. Staff will continue to integrate community input into the development of the program's Terms and Conditions.

Table 6. Draft Calendar of E-Scooter Community Engagement Events

| Neighborhood | Venue | Address | Date/Time |
|---------------|--------------------------------|--|---------------------------------|
| Downtown | City Hall | 1 Frank Ogawa Plaza | Monday, October 22, 5-7pm |
| West Oakland | West Oakland Branch Library | 1801 Adeline Street | Saturday, November 10, 1pm- 3pm |
| Fruitvale | César E. Chávez Branch Library | 3301 East 12 th Street, Suite 271 | TBD, November |
| East Oakland | Brookfield Branch Library | 9255 Edes Avenue | TBD, November |
| North Oakland | Bushrod Recreation Center | 560 59 th Street | TBD, December |

Equity and Accessibility

According to OMC section 10.18.50 and 10.18.60, Dockless Scooter Sharing services should help to achieve the City's equity goals by being made available in disadvantaged communities and to persons experiencing disabilities. In addition to the requirement that 50% of scooters be deployed in Communities of Concern (as defined by the Metropolitan Transportation Commission), DOT recommends that the annual fee for scooters deployed in the communities of West Oakland and Fruitvale/San Antonio be discounted to \$32.00 (a discount of 50%), and that the annual fee be waived for scooters deployed in East Oakland. A map of these neighborhoods will be included in the Scooter Sharing Permit Application forms and the Terms and Conditions of the permits.

In addition, DOT recommends that the annual fee for Scooters designed for persons experiencing disabilities be waived entirely. Any Operator deploying scooters for persons experiencing disabilities would still be required to obtain an Operator's permit at full cost.

The analysis presented in this section does not take into account the number of scooters deployed at the discounted or \$0 rate.

PUBLIC OUTREACH/INTEREST

The Ordinance was discussed at the Public Works Committee meeting on July 17 2018, the City Council meeting on July 24, the Bicycle and Pedestrian Advisory Committee meeting on August 16, the City Council meeting on September 17, and the Bicycle and Pedestrian Advisory Committee meeting on October 18, 2018.

COORDINATION

DOT staff coordinated with the Oakland Police Department, Oakland Public Works, 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.

FISCAL IMPACT

The proposed program for Dockless Scooters is designed to be revenue neutral. A fee study has been conducted to determine the cost of City staff time and equipment and services related to administering the permit. The proposed parking fee and improper parking fees would generate revenue that will be used towards installing any scooter related infrastructure, such as bike racks and designated parking areas. The application fee and annual program fee are intended to recover all fees related to the program and will be reviewed and adjusted as necessary. A performance bond is intended to recover costs related to the program such as damage to City property in the event a E-scooter permit holder withdraws from the program or goes out of business.

SUSTAINABLE OPPORTUNITIES

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

Environmental: Scooter sharing services have the potential to reduce dependence on 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.

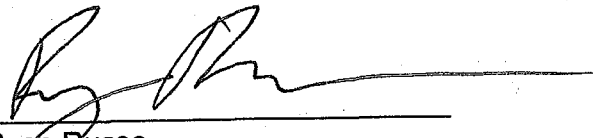
Social Equity: By entering into agreements with and providing guidelines and permits to scooter sharing operators, staff can establish equity objectives that help ensure services are available, affordable and accessible to all Oaklanders. This report and the proposed permit fees support these equity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

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council (1) Receive An Informational Report On The Draft Terms And Conditions For The Dockless Scooter Sharing Program; And (2) Adopt An Ordinance Amending Ordinance Number 13497 (Fiscal Year 2018-2019 Master Fee Schedule) Establishing Fees For The Dockless Scooter Sharing Program.

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

Respectfully submitted,



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Reviewed by:
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Attachments (2):

- A: Scooter Sharing Program Draft Terms and Conditions
- B: Peer Review of Dockless Scooter Sharing Programs

ATTACHMENT A

City of Oakland

Dockless Scooter Share Program

Terms and Conditions + Permit Application

DRAFT – Version 1.0

Last updated October 17, 2018

Background

The City of Oakland has seen significant growth in new mobility services, from on-demand ride-hailing services like Lyft and Uber to app-enabled transportation options like carshare and scootershare. The accelerated development of these technologies have the potential to dramatically shape our cities in the next few decades. New mobility services can help the City achieve its goals in equity, livability, and sustainability; however, new technologies can also be disruptive and leave the marginalized further and further behind.

Goals

Dockless scooter sharing services, as the newest option, have the potential to help achieve Citywide transportation goals by providing an easy and affordable way to get around Oakland. E-scooters may reduce the need for vehicle ownership, increase the “first-and-last-mile” connection to transit, and reduce single occupancy vehicle trips, which would also reduce congestion and wear and tear on our streets. Additionally, 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 scooters and other forms of dockless forms of shared mobility help to achieve City goals while minimizing adverse impacts on other uses of the right of way.

Definitions

“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.

“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.

“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.

“Vehicle” means any device that is used or intended to be used to move a person or good from one physical point or another.

Permit Terms and Conditions

Purpose

The purpose is to establish requirements that govern and permit the operation of scooter sharing in the City, and to provide a regulatory framework for all dockless mobility modes. These terms and conditions are intended to fulfill the obligation of the City Administrator, or her designee, to “develop dockless scooter operator program criteria, application process and program requirements to operate within the City’s right-of-way” (O.M.C. No. 10.18.20 C.M.S.).

Duration

Permits are valid for one-year from the time of permit issuance. Operators must renew permits on an annual basis. Permit requirements may be adjusted yearly to accommodate changing technology, needs, and priorities.

Modifications

The City reserves the right to amend, modify, or change the terms and conditions within the Program at its discretion.

Relationship to City

In rendering service, hereunder, the Operator shall be and remain an Independent Contractor. It is expressly understood and acknowledged by the parties that any amounts payable hereunder shall be paid in gross amount, without reduction for penalties, taxes, or charges. Operators are responsible for assuming any applicable federal or state withholding taxes, estimated tax payments, or any other fees or expenses whatsoever.

Permits issued under this Program are not to be assigned or delegated to a substitute provider, a successor in interest, or a purchaser of the permit without express written permission by the City.

The City reserves the right to terminate permits at any time and require the Operator to remove their entire fleet of Vehicles from City streets. An Operator will have 30 days to remove the entire fleet from City streets.

Non-transferability

A permit may not be transferred without prior written approval of the Director of Transportation. Operator shall promptly notify the City of Oakland of any changes to the Operator’s corporate structure or ownership. Failure to do so shall be cause for revocation of the permit. “Transfer” shall include the sale or other exchange of 50% or more of the ownership or control of a permittee to a third party.

Liability

City Attorney shall provide Council with a report on the potential legal liabilities the City may face as a result of the operation of personal mobility devices, as well as strategies to mitigate those liabilities, including the potential to impose and collect fees to recover anticipated liability costs.

Indemnification

a) Operator shall defend, indemnify, and hold harmless the City and any of its boards, officers, agents, employees, assigns, and successors in interest from and against all lawsuits and causes of action, claims, losses, demands and expenses, including, but not limited to, attorney's fees (both in house and outside counsel) and cost of litigation (including all actual litigation costs incurred by City, including but not limited to, costs of experts and consultants), damages or liability of any nature whatsoever, for death or injury to any person, including Operator's employees and agents, or damage or destruction of any property of either party hereto or of third parties, arising in any manner by reason of an act, error, or omission by Operator, Subcontractors, or their boards, officers, agents, employees, assigns, and successors in interest. The rights and remedies of City provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Contract. This provision will survive expiration or termination of this Contract.

b) Permittee expressly acknowledges and agrees that City would not be willing to give this Permit in the absence of a waiver of liability for consequential or incidental damages due to the acts or omissions of City or its Agents, and Permittee expressly assumes the risk with respect to its services authorized pursuant to this Permit, which includes the use of its services by the parties it contracts with through the lease or rental of its electric scooters. Accordingly, without limiting any indemnification obligations of Permittee or other waivers contained within this Permit and as a material part of the consideration for this Permit, Permittee fully RELEASES, WAIVES, AND DISCHARGES forever any and all claims, demands, rights, and causes against the City for consequential and incidental damages (including without limitation, lost profits), and covenants not to sue for such damages, City, its departments, commissions, officers, directors and employees, and all persons acting by, through or under each of them, arising out of this Permit or the uses authorized hereunder, including, without limitation, any interference with uses conducted by Permittee pursuant to the Permit, regardless of cause, and whether or not due to the negligence of the City or its Agents, except for the willful misconduct of City or its Agents. This waiver includes, without limitation, any and all claims whether direct or indirect, known or unknown, foreseen and unforeseen, that may arise on account of or in any way be connected with the physical or environmental condition of the Public Rights-of-Way and any related improvements or any law or regulation applicable thereto or the suitability of the Public Rights-of-Way for Permittee's intended use.

Insurance Requirements

a) All permitted Operators shall procure and maintain commercial general liability insurance, including contractual liability, and property damage insurance written by an insurance company authorized to do business in the State of California, or approved by the California Department of Insurance as a surplus lines insurer eligible to do business in California, rated VII, A- or better in Best's Insurance Guide (or an alternate guide acceptable to City and Department if a Best's Rating is not available) with Licensee's normal limits of liability, but not less than One Million Dollars (\$1,000,000) for injury or death to one or more persons out of each accident or

occurrence and One Million Dollars (\$1,000,000) for bodily injury and property damage for each occurrence / Two Million Dollars (\$2,000,000) general aggregate. Each policy shall name the “City of Oakland, its officers, agents and employees” as Primary additional insureds.

b) Automobile insurance with limits of liability not less than One Million Dollars (\$1,000,000) covering injuries or death resulting from each accident or claim arising out of any one claim or accident. This insurance shall cover all owned, non-owned, and/or hired automobiles. Each policy shall name the “City of Oakland, its officers, agents and employees” as Primary additional insureds.

Operator Responsibilities

- a) Operators seeking to participate in the Program will register with the Finance Department within the City for business tax compliance. Operators can either register online or in person at one of the public service centers.
- b) Operators must be in compliance and in good standing with tax payments or the permit may be revoked or not eligible for renewal the following year.
- c) Electric scooter systems shall have the following information readily available for customers:
 - a. Provide a single point-of-contact (phone number and email) customer service line, available 24 hours, for complaints regarding improperly parked scooters or other issues as they arise; and
 - b. List that contact clearly on each scooter along with a unique identifying number; and
 - c. 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
 - d. Issue a “ticket number” for each issue to both the City and the person who reported the issue; and
 - e. Provide a response, to the City and the person who issued the complaint, when a complaint is closed, similar to Oakland’s 311 system; and
 - f. Provide sufficient operations and maintenance staff in Oakland to address issues and remove improperly parked scooters.

Vehicle Specifications and Fleet

- a) Electric scooters shall be incapable of reaching a top speed of greater than 15 mph when operated on a level surface. Speed limits will be re-evaluated on a quarterly basis. Oakland City Council (Council) reserves the right to revise the speed limit based on collision and injury data as recommended by OakDOT.
- b) Electric scooter systems shall have always-on front and back lights that are visible from a distance of at least 300 feet under normal atmospheric conditions at night. Front and rear lights must stay illuminated for at least 90 seconds after the Vehicle has stopped.
- c) Electric scooter systems shall have clearly visible language that notifies the user that:
 - a. Helmets should be worn when operating an electric scooter if over 18 years of age, and helmets must be worn when operating a scooter if under 18 years of age; and
 - b. Riders shall yield to pedestrians; and

- c. When riding on-street, follow the rules of the road, following all motor-vehicle laws and ordinances in the City of Oakland; and
 - d. “No Riding On Sidewalks” (minimum 48-point font) located on the platform of every scooter; and
 - e. Customer must have a valid with Driver’s License or Learner’s Permit to operate Vehicle.
- d) Customers using vehicles must be provided with a clearly visible mechanism, within the Operator’s mobile application and a phone number printed on the vehicle itself, to notify the operator if there is a safety or maintenance issue with the vehicle. Vehicles reported as damaged or inoperable must be taken out of service immediately and remain out of service until repaired.
- e) 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.

Parking

- a) Operators shall ensure their Vehicles are not parked in a way that violates the terms of their encroachment permit, impedes the regular flow of travel in the public way, or in any way impedes the clearance on sidewalks needed for ADA compliance. Operators shall ensure their vehicles are parked in the landscape/furniture zone of the sidewalk, preferably within a bicycle rack, an on-street bike corral, or in another area specifically designated for bicycle parking and/or scooter parking.
- b) Operators shall inform Customers on how to properly park a vehicle. Operators shall report to the City the effectiveness of efforts to enforce proper parking within their mobile application.
- c) Vehicles shall be upright when parked.
- d) Vehicles shall not be parked in the landscape/furniture zone adjacent to or within:
 - a. Disabled parking zone, or any other accessible route that would otherwise create a barrier to accessibility;
 - b. Curb ramps;
 - c. Red curb zones;
 - d. Loading zones;
 - e. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
 - f. Locked to street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
 - g. Entryways; and
 - h. Driveways.
- e) Any Vehicle that is parked in one location for more than 5 consecutive days without moving may be removed and taken to a City facility for storage at the expense of the Operator.
- f) Operators shall work with the City if additional parking is required, which includes bicycle racks and/or bicycle corrals, and institute geo-fencing around corrals to require their use in high-density areas.

- g) Operators shall remove electric scooters from the public right-of-way on a daily basis.

Fleet Size and Service Area Coverage

- a) Operator must provide a minimum of 250 scooters to ensure service availability.
- b) Operator must serve the entire City of Oakland. An operator shall not restrict use of its system within geographical areas of the City without written permission, such as in the case of geofencing for high density areas.
- c) Dockless scooters should be distributed equitably throughout Oakland. More than 50% of scooters must be deployed in Oakland's Communities of Concern, as designated by the Metropolitan Transportation Commission.
- d) Operators shall provide real-time access to data showing the location of all their scooters.
- e) Permission to operate the scooter share system outside the public right of way shall require permissions of appropriate department, agency, or property owner(s).
- f) 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.
- g) Operators will closely monitor ridership and adjust scooter density and location accordingly to maximize the convenience of the greatest number of riders.
- h) If charging or servicing of scooters is contracted to third parties, Operators must take steps to prevent conflicts between contractors seeking to charge or service scooters. This may include partnering with local organization to provide this service, allocating scooters to charging personnel in a coherent way, hiring charging staff directly, or other such mechanisms that removes or reduces the incentive for conflicts.

Accessibility

- a) Operators must provide adaptive scooters for persons with disabilities. The total percentage of adaptive scooters shall based on expected need, performance, and usage.
- b) If an Operator is unable to deploy adaptive scooters at the time of permit issuance, a plan must be submitted to the Department of Transportation detailing a timeline for incorporation of shared adaptive scooters. This plan should detail the types and numbers of adaptive scooters that will be made availability.
- c) Mobile apps and other customer interface technology must be fully accessible to persons with disabilities and accessible to screen readers, and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973.

Affordability

- a) Operators shall make available ways to use and pay for the service that do not require a smart phone or credit card.
- b) Operators shall offer a discounted membership for those with low-income, 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). Low-income plans will be considered equivalent if a significant discount is provided.
- c) Operators must report quarterly the status of their low-income discount programs, including how many riders have signed up, how many rides have been taken at a discounted rate, and other aspects of the program as requested by staff.

Personal Data and Privacy

- a) Operator must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).
- b) Operator must provide a Privacy Policy that safeguards customers' personal, financial, and travel information and usage.
- c) Operator 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.
- d) Operator should produce a Privacy Policy that complies with the California Online Privacy Protection Act (CalOPPA) and any data protection laws applicable to minors, and further, expressly limits the collection, storage, or usage of any personally identifiable information to the extent absolutely required to successfully accomplish the provision of the Dockless Scooter Sharing system.

Data Reporting

- a) 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
- b) Operators must provide reports on key performance indicators, including, but not limited to, the following:
 - a. Utilization rates
 - b. Total downloads, active users, and repeat user information
 - c. Total trips by day of week and time of day
 - d. Origins and destinations

- e. Trips per bike by day of week, time of day
 - f. Average trip distance
 - g. Vehicle maintenance reports
 - h. Incidents of theft and vandalism
 - i. Number of complaints
 - j. Accident or crash information
 - k. Payment method information
 - l. Rebalancing to designated service areas
 - m. Outreach activities completed
 - n. Total number of free or discounted helmets distributed
 - o. Number of Users taking advantage of low-income discount
 - p. Number of discounted rides taken
- c) Operators must provide reports on a monthly or quarterly basis, as agreed upon between the operator and the City.

Community Engagement

- a) Operators must provide a plan for community engagement, including a list of planned presentations, activities and events with community based organizations, Business Improvement Districts, and other key stakeholders in the service area.
- b) Operators must have a way to receive and respond to feedback in multiple languages, including, but not limited to, Spanish and Chinese.
- c) Operators must provide a method for Users and non-users to suggest scooter placement locations.
- d) Operators shall make available free or discounted helmets through in-person events or through their mobile application.

Permit Application Instructions

Submissions

Please review the Terms and Conditions in detail, and submit all relevant application materials to:

Oakland Department of Transportation
ATTN: Shared Mobility Coordinator
250 Frank Ogawa Plaza, 4th Floor
Oakland, CA 94610

Additionally, please submit one electric copy of the application to: scootershare@oaklandca.gov

Permit Costs

Checks should be made out to:

City of Oakland
250 Frank Ogawa Plaza
Oakland, CA 94610

Application Fee: \$2,500 non-refundable one-time fee

Permit Fee: \$30,000 annual fee

Vehicle Fee: \$64 per vehicle per year

Parking Fee: \$0.10 per park in metered zone

Selection Criteria and Process

The City is seeking the best qualified operators. In evaluating applications, the selection committee will be reviewing based on the Shared Mobility Principles. Each criterion shall be rated on a score of 1 to 10, with 1 being extremely unqualified and 10 being extremely qualified.

1. Inclusive outreach and engagement
2. Racial equity
3. Traffic safety
4. Equitable access to services
5. Public transit
6. Affordability
7. Healthy communities and environment
8. Employment and economic development
9. Privacy and personal data
10. Collaboration and accountability

The selection committee will consist of City staff with knowledge and experience in issues related to shared mobility devices, including their impact on safety and health.

Timeline

| | |
|-------------------|--|
| October 30, 2018 | First Reading of Terms and Conditions |
| November 27, 2018 | Second Reading of Terms and Conditions |
| December 1, 2018 | Final Applications Open |
| December 15, 2018 | Applications Due |
| January 15, 2018 | Permits Approved and Issued; Fees Due |

Application Materials

1. Insurance Certificate
2. Liability Proof
3. Privacy Policies
4. Preferred Parking Zone Locations
5. Equity Approach and Rate Structure
6. Fees
7. Performance Bond of \$10,000
 - a. Each Operator will be responsible for paying into a public property repair and maintenance performance bond that the City can draw upon in the event of default of a Permittee on its obligations.

ATTACHMENT B. PEER REVIEW OF DOCKLESS SCOOTER PROGRAMS AND FEES

| City | Details | Estimated No. Vehicles | Application fee | Permit fee | Per vehicle fee | Performance bond | Other Fees or Notes |
|----------------------|--|------------------------|-----------------|-------------|-------------------------------------|---|---|
| Oakland | * One-year permit program | 2,000 to 5,500 | \$2,500.00 | \$30,000.00 | \$64 | \$10,000 public property repair and maintenance endowment | \$0.10 parking fee in metered zones; \$50 improper parking fee; \$1000 confiscation fee |
| Austin | * 6-month Dockless Mobility permits since May 1, 2018; includes e-bikes | 3,000 to 4,000 | N/A | N/A | \$30 | N/A | N/A |
| Denver | * Pilot uses existing Transit Amenity Program (TAP) * One-year pilot launched summer 2018 * Bird, Lime, and Lyft | 750 to 1,750 | \$150.00 | \$15,000.00 | N/A | \$30.00 | Bonus 100 vehicles in opportunity areas |
| Los Angeles | * One-year pilot, to be launched fall 2018 | Maximum 10,500 | N/A | \$20,000.00 | \$130 (or \$39 in low-income areas) | N/A | N/A |
| Portland | * 120-day pilot launched July 2018 (ending November 20, 2018) | 2,500 | \$250.00 | \$5,000.00 | N/A | N/A | \$0.25 per-trip surcharge |
| San Francisco | * One-year pilot effective June 2018 * 12 applications received; Scoot and Skip selected | 2,500 | \$5,000.00 | \$25,000.00 | N/A | \$10,000 public property repair and maintenance endowment | Maximum 1,250 scooters in first 6 months |
| Santa Monica | * 16-month pilot launched September 2018, including dockless e-bikes * Bird, Jump, Lime, and Lyft | 1,500 to 2,000 | N/A | \$20,000.00 | \$130.00 | \$1 per device per day (Right-of-way Fee) | \$75 Business License Minimum Tax; cASP State Mandated Fee (\$4) |
| St Louis | * Scooters rolled into bikeshare permit process | 500 to 2,500 | \$0 | \$500.00 | \$10.00 | N/A | Initial fleet size 500; May expand slowly up to 2,500 |
| Washington DC | * "Dockless Vehicle Demonstration Project" since September 2017 to conclude December 2018 | 1,200 to 2,000 | N/A | N/A | N/A | N/A | N/A |

* Source: Official city websites and key city staff, updated September 2018.