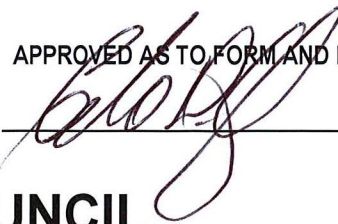


FILED  
OFFICE OF THE CITY CLERK  
INTRODUCED BY COUNCIL MEMBER

2015 DEC 29 PM 5:08

APPROVED AS TO FORM AND LEGALITY  
  
City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13354 C.M.S.**

**ORDINANCE AMENDING TITLE 12.08 OF THE OAKLAND MUNICIPAL CODE TO ALLOW FOR THE ENCROACHMENT OF BIKE SHARING STATIONS IN THE PUBLIC RIGHT OF WAY; AND AMENDING ORDINANCE NUMBER 13339 (THE FY 2015-16 MASTER FEE SCHEDULE, OR "MFS") TO ESTABLISH FEES FOR THE NEW PERMITS AND APPROPRIATES THE NEW FEES INTO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FUND (2166), TRANSPORTATION PLANNING AND FUNDING ORGANIZATION (30275), PROJECT NUMBER TO BE ESTABLISHED**

**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**, 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 approved resolution (No. 85715 C.M.S.) to adopt a Bike Sharing Policy and authorize the city administrator to negotiate and enter into an Intergovernmental Agreement ("Coordination Agreement") with the Metropolitan Transportation Commission ("MTC") consistent with the Bike Sharing Policy; and

**WHEREAS**, this Coordination Agreement has been negotiated and entered into between the MTC and the cities of Berkeley, Emeryville, San Francisco, and San Jose; and

**WHEREAS**, the regional bike share project manager, the MTC, approved a sole source agreement for expansion with Bay Area Motivate, LLC. ("Motivate"), the largest bike share vendor and operator in the U.S.; and

**WHEREAS**, the City of Oakland has the authority, pursuant to City Charter Article I, to amend the Municipal Code to define “bike sharing” and to amend the Master Fee Schedule to include permit fees for bike share operations.

Now, therefore

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

**Section 1.** Chapter 12.08 of the Municipal Code is amended to read as follows:

**Chapter 12.08 - Encroachments**

**12.08.011 – Bicycle sharing stations**

“Bicycle Sharing Stations” (bike share stations) are stations where members of a bike sharing program can dock and undock public bicycles, electric assist bicycles (E-Bikes), tricycles, and electric mopeds using a key fob, credit card, mobile phone application, or other technology suited to the purpose. The stations feature a payment kiosk, wayfinding elements, and advertise a program sponsor on the equipment.

Bike Share Stations are classified as a Minor Encroachment in accordance with Oakland Municipal Code Chapter 12.08, and will be subject to all requirements applicable to Minor Encroachment Permits.

The Director of Public Works is authorized to issue minor encroachment permits to a bike sharing organization in compliance with the provisions of this Title. Such permits shall be required for the bike sharing organization to install and maintain public bike sharing stations on the public right-of-way, including streets, sidewalks, and plazas of the City. The number, location and design of bike share stations allowed under each such permit shall be subject to the approval of the Director of Public Works so as to best serve the public interest.

**Section 2. *Exhibit A:*** Changes to Ordinance No. 13339 C.M.S. (The FY 2015-16 Master Fee Schedule, or “MFS”), and appropriation of fees from new bike share station permits into the Bay Area Air Quality Management District Fund (2166), Transportation Planning and Funding Organization (30275), Project Number To Be Established.

**Section 3.** This Ordinance shall be effective immediately upon its adoption by the City Council.

**Section 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full effect.

IN COUNCIL, OAKLAND, CALIFORNIA, — FEB 02 2016

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT  
GIBSON MCELHANEY — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

DATE OF ATTESTATION: 2/5/16

Introduction Date

JAN 19 2016

**Exhibit A****Proposed Changes to Ordinance Number 13339 C.M.S.****The FY 2015-16 Master Fee Schedule**

Items that are underlined are insertions; items that appear in strikeout are deletions.

FEE DESCRIPTION	FEE UNIT
<b>I. TECHNOLOGY ENHANCEMENT FEE</b>	5.25% All Permit \$ Code Enforcement Fees, Cost, Penalties, & Interest
<b>J. COLLECTIONS -- PERMITS &amp; CODE ENFORCEMENT</b>	
1 Alameda County Collection Surcharge on General Levy	1.70% Lien
2 City Collection Transfer to or Rescission from County	3.00% Lien
3 Interest on Unpaid Fees and Penalties	10.00% Annual
<b>K. COURIER SERVICE</b>	Actual Cost
<b>L. CERTIFICATION OF DOCUMENTS</b>	1.00 Page
<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
<u>d. New Bike Share Station Encroachment</u>	<u>1,781.00 Permit</u>
<del>e.</del> <u>e.</u> Encroachment for R3 Occupancy	1,781.00 Permit
<del>f.</del> <u>f.</u> Amendment or Recession	1,084.00 Permit
2 City Council Action	4,980.00 Permit
<b>F. TRACT MAP</b>	
1 Tentative Map	3,761.00 Map
2 Final Map	5,817.00 Tract
3 Tentative Map - Each Lot over 5	354.00 Lot
4 Certificate of Correction	1,157.00 Certificate

## **NOTICE AND DIGEST**

### **ORDINANCE AMENDING TITLE 12.08 OF THE OAKLAND MUNICIPAL CODE TO ALLOW FOR THE ENCROACHMENT OF BIKE SHARING STATIONS, AND AMENDING ORDINANCE NUMBER 13339 C.M.S. (THE FY 2015-16 MASTER FEE SCHEDULE, OR "MFS") TO ESTABLISH FEES FOR NEW PERMITS.**

An Ordinance has been prepared that will establish new permits related to the use of on-street spaces, sidewalks, and public plazas for bike sharing stations. The Ordinance allows for implementation of the City's bike sharing policy. The adopted bike sharing policy recognizes that bike sharing provides numerous transportation and environmental benefits, and identifies specific means by which the City Of Oakland will support the growth of bike sharing services. It amends the City of Oakland's 2015-16 Master Fee Schedule to establish fees for new permits.