

**DRAFT**

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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