



City of Oakland, Bicyclist & Pedestrian Advisory Commission
Minutes from the October 18, 2018 meeting
City Hall, 2nd Floor, Sgt Daniel Sakai Hearing Room (aka Hearing Room 4)

Meeting agenda at https://www.oaklandca.gov/uploads/documents/2018-10-18_BPAC_Agenda.pdf

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 6 commissioners present (X). Two arrived shortly after roll call (x).

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

Introductions were made.

- Other attendees: Kit Vaq, Bob Fearman, Tom Holub, Robert Prinz, Eric Fieberling, Mark Fatooh, Brendan Pittman, Rebecca Tarvin, Phoenix Mangrum, Chris Hwang, Sarah Ting, Lisa Jacobs
- Staff: David Lok, Noel Pond-Danchik, Kerby Olsen, Jason Patton, Ahmed Ali Bob, David Pene

Item 2. Approval of meeting minutes

→ A motion to **adopt the Bicyclist & Pedestrian Advisory Commission meeting minutes from September 20, 2018** was made (Campbell), seconded (Naylor), and approved by consent. Adopted minutes online at www.oaklandbikes.info/BPAC.

Item 3. Open Forum / Public Comment

- Kit Vaq commented on e-scooter safety issues and was encouraged to save her comments for the discussion on item 5.

Item 4. Committee Report Back *(list of committees and liaisons attached)*

Committees of the BPAC with activities in the past month provided brief updates to the Commission. A list of active committees is included in the agenda packet.

- The Legislative Committee developed a resolution in support of Prop. 6 as per a motion to do so from last month's meeting. Their resolution was taken up by Council Member Kaplan and went to council on Tuesday, however the resolution came only from her office with no mention of BPAC.
- Commissioner Campbell, the Liaison to the Mayor's Commission on Persons with Disabilities (MCPD) reported back from the MCPD meeting on Monday relaying concerns from the committee about the Telegraph/Temescal road diet and bike lanes. The MCPD felt their questions were not being addressed, felt concerned that ADA parking spaces were being moved from the main street onto side streets, and that it may be difficult for vans which are used to transport people with disabilities to load and unload passengers in the spaces on Telegraph because they will need to load and unload onto an active bikeway.
- The Open Forum Committee is about to lose two members and is thus looking for commissioner and community member volunteers to join the committee.
- At last month's meeting, there was a motion to create a new working committee on the topic of police interaction and police enforcement of bicyclists and pedestrians. Commissioner Wheeler will be the lead on the committee and asked for volunteers to join the committee. Community member Tom Holub volunteered.

Speakers other than commissioners: Jason Patton

Item 5. E-Scooter Ordinance *(flyer and handout attached)*

Kerby Olsen, Shared Mobility Coordinator, Parking and Mobility Division of OakDOT, shared information about proposed fees and public outreach for the newly created scooter sharing program. The ordinance which officially created the scooter program passed City Council in September, although the associated fees did not pass because they were thought to be too low. OakDOT has since taken another look at how much to charge in fees to pay for city staff, materials, equipment, and infrastructure costs and the new proposal will be released in its final form on Monday and go to City Council this month. The policy addresses equity and accessibility and incentivizes scooters to be spread out in neighborhoods as opposed to concentrating them only downtown.

There will be an E-Scooter Community Town Hall this Monday for the scooter program. The meeting will cover how to operate an e-scooter safely, what OakDOT is doing about e-scooters, and presentations from e-scooter operators. See attached flyer for more information. There is also a draft community engagement plan and calendar of community events starting with the Town Hall on Monday to hear what community members would like to see regarding scooters and to spread the word about safe practices for scooter riding. For more information about the community engagement process, the breakdown of estimated expenses, or the fees, see the attached handout.

Summary of discussion

- Right now, the e-scooters are a safety problem. People ride them the wrong way down one-way streets and on sidewalks and narrowly avoid hitting pedestrians. Some feel Oakland police should enforce moving safety violations to deter unsafe riding behaviors from becoming the norm but others believe the focus should be on education of safe riding first especially because of issues of racially biased policing.
 - Quarterly reports of trip data will be made public. Real time data may or may not.
 - There is flexibility to change the fees and there are provisions for revoking permits.
 - Scooters left in paths of travel become obstacles for people with visual impairments.
 - Designated places to park scooters, on street parking for scooters, and other infrastructure like bike lanes should be built with the estimated \$250,000 generated from the parking fee.
 - Operators will need to scan driver's licenses before riders can ride as per state law requiring e-scooter riders to have licenses as well as additional operator policies which bar those under the age of 18 from renting scooters. These deter youth from riding scooters while scooters provide freedom and mobility to youth without access to other modes of transportation. Oakland Unified School District has asked Bird to enforce their rule requiring riders to be over the age of eighteen.
 - It should be up to operators to ensure safe riding and parking of their e-scooters and discounts should be given to riders who follow the safety rules of riding and parking and operators who encourage safe behavior.
- A motion to **support the fee structure under the premise that the full cost of the scooter program be covered by the operators** was made (Tabata), seconded (Parrieras), and approved with all commissioners voting in favor.

Speakers other than commissioners: Kit Vaq, Bob Fearman, Tom Holub, Roysten Taylor, Mark Fatooh

Item 6. OakDOT Project Map

Ahmed Ali Bob, Community Engagement and Communications Coordinator, unveiled the new OakDOT Active Projects map which allows Oaklanders to see what is going on in their neighborhood at a level of detail never seen before. He shared information about how to access various layers of information and what kinds of projects are included, and collected feedback on the aesthetic and functionality of the map for future iterations and updates. The map can be found at: <https://www.oaklandca.gov/resources/active-major-improvements-project>. You can email OakDOT@oaklandca.gov with any comments about the map.

The map is still a work in progress. Future iteration ideas include adding Caltrans, AC Transit, and BART data to it to consolidate it in one place and to show completed projects. OakDOT hopes to refresh the map quarterly.

Summary of Discussion

- OakDOT should coordinate with SFMTA who recently came out with a similar application.
- Sustainability of projects like this is difficult. It would be great to trigger automatic updates to the system when appropriate without making too much more work for project managers.
- This is just a soft launch, but this map should be well advertised so people know about it.
- There should be a way to depict citywide programs and projects.

- It would be great to integrate other Oakland city departments like planning either on the map or on the map landing page on another map.
- People should have the option to provide feedback on projects on the map in the planning phase and have it go directly to the project manager.
- Some projects have images on the pop-up but no “more info” button and on those, the images are too small.

Speakers other than commissioners: Robert Prinz

Item 7. Three-month look-ahead, suggestions for meeting topics, announcements (*Three-month look ahead and announcements attached*)

Suggestions for meeting topics

- Temescal Telegraph Bike Lanes should be brought to the Commission next month because it is timely (seconded).
- 20th St. Complete Streets Bike Project should be brought to the Commission next month because it is timely.
- BPAC requested bike plan presentation but it won't happen in 2018. The bike plan team did put out a draft network recommendation website.
- The BART Bike Station Report scheduled for next month's meeting could be postponed as it isn't timely.

Announcements

- The Bike Plan Team and Scraper Bike Team invite you to “Pothole City,” the second bike tour in East Oakland for a family friendly ride this **Saturday, October 20 between 10:00AM and 3:00PM at 81st Ave Branch Library, 1021 81st Ave, Oakland, CA 94621**. They will ride local streets that are on the draft bike network. There will also be an opportunity to check out the bike plan's draft network and programs and discuss how this plan can improve biking to reflect all Oaklanders' needs. There will be breakfast, games, and gifts. See <https://www.facebook.com/events/2103368456348721/> for more details.

Meeting adjourned at 7:53 pm.

Attachments

- List of committees and liaisons
- E-Scooter Community Town Hall flyer
- E-Scooter draft fee proposal handout
- Three-month look ahead and announcements

Minutes recorded by Noel Pond-Danchik, Bicycle and Pedestrian Program Intern, emailed to meeting attendees for review on Monday, October 22, 2018, with comments requested by 5pm, Monday October 29, 2018 to NPond-Danchik@oaklandnet.com. Revised minutes will be attached to the November 2018 meeting agenda and considered for adoption at that meeting.

10/18/18, BPAC Agenda, Item #4 Attachment

Active BPAC Committees/Task Forces/Liaisons

| Committee Name / Liaison Role | Date Created | Purpose | Commissioners | Community Members |
|--|---------------------|---|--|---|
| Bike Plan Update Committee | 10/19/17 | Advise staff on the update to Oakland's Bicycle Plan | Naylor, Tabata, Wheeler | Robert Prinz, Chris Hwang, Chris Kintner, Matt Ward |
| Infrastructure Committee | 2/16/17 | Review and comment on the design of projects | Tabata, Burnette Jr, Naylor, Parreiras | Robert Prinz, Phoenix Mangrum |
| Legislative Committee | 6/21/18 | Research and develop policy recommendations for consideration by the BPAC | Kidd, Naylor, Parreiras, Wheeler | Chris Kintner and Phoenix Mangrum |
| Liaison to Affordable Housing & Infrastructure Bond Public Oversight Committee | 5/17/18 | Monitor Committee activities and report back to the BPAC | Naylor; Kidd (substitute) | |
| Liaison to Mayor's Commission on Persons with Disabilities | 5/17/18 | Monitor MCPD activities and report back to the BPAC | Campbell; Parreiras (substitute) | |
| Liaison to Police Commission | 9/20/18 | Monitor Commission activities and report back to BPAC | Naylor | |
| Open Forum Committee | 3/17/16 | Review and analyze comments received during Open Forum | Kidd, Tabata, Villalobos | |

E-SCOOTER COMMUNITY TOWN HALL

WHEN: Monday Oct. 22
5:00 PM - 7:00 PM

WHERE:
Oakland City Hall
city council chambers
1 Frank Ogawa Plaza
Oakland, California 94610

PRO TIP 1:
Wear a helmet!
get a free helmet!
(while supplies last)



WHY:

Make your voice heard as OakDOT develops new rules and regulations, learn how to safely operate a scooter, hear what the scooter companies are doing to address concerns.

PRO TIP 2:
Ride in the BIKE LANE!

Optional Registration at:

www.bit.ly/2IVijCN

Questions and comments in advance?
Feel free to email : scootershare@oaklandca.gov.

Can't make it? Feel free to forward this invite to a friend or neighbor.
And stay tuned for scooter developments at:

<https://www.oaklandca.gov/topics/e-scooters>

Report improperly parked scooters to
the respective e-scooter company or OAK311



CITY OF
OAKLAND

Department of
Transportation

A). Staff is seeking additional input on these from the public and City Council and plans to bring 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 per hour, with one hour being the minimum charge. It is expected that Operators will respond to complaints and fines, and confiscation will not be necessary. 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.”

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, 10am- 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.

10/18/18, BPAC Agenda, Item #7 Attachment

Three-month agenda look-ahead

November

- Open Forum Committee report
- BART bike stations update
- OakDOT organizational update
- Measure KK transportation expenditures in FY2017-18

December

- Chair's draft annual report to the Public Works Committee
- Parking enforcement in bike lanes
- Downtown Oakland Specific Plan progress update (tentative)

January

- BPAC officer elections
- TDA Article 3: possible projects (tentative)
- Biannual Major Development Projects (tentative)
- Bike Plan update (tentative)

Commissioner announcements

None

Staff announcements

- East Bay Greenway – Update (submitted by Minyoung Kim, ACTC Project Manager): The Alameda County Transportation Commission (Alameda CTC) obtained California Environmental Quality Act (CEQA) clearance of the 16-mile segment of the East Bay Greenway from Lake Merritt BART to South Hayward BART in March 2018 and anticipates to obtain National Environmental Policy Act (NEPA) clearance in November 2018. In July 2018, Alameda CTC submitted an Active Transportation Program (ATP) Cycle 4 grant application, seeking funding for the final design phase of a 9.3-mile segment of the East Bay Greenway from San Leandro BART to South Hayward BART. Such grant application included flexibility for the Rail to Trail option should the full right-of-way from Union Pacific Railroad become available. Securing documentation that demonstrates the operations and maintenance commitments (e.g., letter of intent) from partnering agencies was crucial for this ATP grant application. If the project is successful in winning the grant, a copy of the Memorandum of Understanding or Interagency Agreement between the parties will need to be submitted with the first allocation request. The ATP Cycle 4 grant awards will be announced in January 2019. The City of Oakland has expressed project support and willingness to discuss the operations and maintenance commitment in the future. Alameda CTC will continue to seek funding for the design and construction phase of the East Bay Greenway, and such funding will be applied to the segment within the City of Oakland limits once the City is able to commit to the operations and maintenance.
 - Scooter Community Town Hall – On Monday, October 22, 2018 between 5:00pm and 7:00pm at Oakland City Hall (City Council Chambers), there will be a meeting where scooter operators will present their proposed plans for Oakland, and staff will listen and respond to community questions, priorities, and concerns. See the event at <https://www.eventbrite.com/e/scooter-community-town-hall-tickets-50918360186> for more details.
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