Approved as to Form and Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 JUL -2 AM 11:04

OAKLAND CITY COUNCIL

RESOLUTION NO. 85715 C.M.S.

Introduced by Councilmember _____

1) ADOPT A RESOLUTION TO APPROVE A BICYCLE SHARING POLICY; AND 2) AUTHORIZE THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) CONSISTENT WITH THE BICYCLE SHARING POLICY

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 Broadway Valdez District Specific Plan and the Coliseum Area Specific Plan calls for bike share as an alternative transportation mode; 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, each as a separate and independent basis, these actions are exempt from CEQA pursuant CEQA Guidelines Sections 15303 (new construction or conversion of small structures), 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), and 15061(b)(3) (no significant effect on the environment); and

WHEREAS, the regional bike share project manager, Metropolitan Transportation Commission, approved an exclusive contract for expansion with Motivate, the largest bike share vendor and operator in the U.S.; now, therefore be it

RESOLVED, that the City of Oakland adopts the Bike Sharing Principles contained in ***Exhibit A,*** attached hereto and incorporated herein by reference; and be it

FURTHER RESOLVED, that the City Administrator or designee will negotiate and implement an inter-governmental agreement with MTC and the bike sharing organization on behalf of the City; and be it

FURTHER RESOLVED, that the City Administrator is authorized to execute agreements with the MTC, and amendments or modifications of the agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED, that the City Council's action to establish a bike sharing policy and authorize the City Administrator to negotiate and enter into an inter-governmental agreement is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (General Rule), and 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), and 15303 (New Construction of Small Structures), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

FURTHER RESOLVED, that this action does not constitute an approval of a bike share station permit stations, or authorization to advertise on bike share equipment or install bike share stations, and subsequent approval of these actions by the City is subject to CEQA. Adoption of a franchise agreement to allow advertising on bike share equipment and establishment of a bike share station permit to authorize installation of stations in the public right of way and in public plazas requires additional environmental analysis pursuant to CEQA; after completion of such environmental analysis, these actions shall return to the City Council for its consideration for adoption and approval. The City reserves all of its rights and duties under CEQA with respect to these actions, including without limitation, the authority to do any and all of the following: (a) prepare an environmental study evaluating the impacts of establishing a bike station permit and adoption of a franchise agreement, feasible alternatives to these actions, and feasible mitigation measures; (b) adopt any feasible alternatives and/or feasible mitigation measure to lessen any significant environmental impacts resulting from establishment of a bike station permit and adoption of a franchise agreement; (c) determine that any significant environmental impacts of the bike station permit and/or franchise agreement that cannot be mitigated are acceptable due to project benefits overriding any significant unavoidable impacts; and/or (d) decide to modify or deny its approval of a bike station permit and/or franchise agreement, and not to proceed with the project, due to the results/findings of the CEQA process.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 21 2015

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY – 7

NOES - Ø

ABSENT - Ø

ABSTENTION - Ø

Excused - Brooks - 1

ATTEST: LaTonda Simmons

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

Exhibit A

BIKE SHARING POLICY

The City of Oakland recognizes the practice of bike sharing – a membership-based transportation service, which allows members to make bicycle trips with the use of a rented bicycle without a separate written requirement for each trip – as a beneficial mode of transportation that reduces demand for private vehicles, decreases per capita greenhouse-gas emissions, and creates more mobility options for all of Oakland's residents. Furthermore, bike sharing supports Oakland's "Alternative Modes" policy (Resolution No. 73036 C.M.S.), which encourages the use of alternatives to single-occupant vehicles.

As such, the City will establish requirements to operate a bike share program in Oakland, adopt changes to the municipal code and Master Fee Schedule to permit the use of bike sharing services in the public right of way, and establish a program for staff to monitor the use of bike sharing within Oakland and make future recommendations about the role of bike sharing in Oakland.

A. Bike Sharing Objectives

Support Bike Sharing on Public Property and the Public Right of Way

The City of Oakland will work with Bike Sharing Organizations, typically described as the operators/vendors of bike share programs, to make the public right of way available for bike sharing services, as the City deems appropriate. The City will establish basic requirements to operate a bike sharing program, standards for placing bike share stations on the public right of way, and monitor feedback from Oakland residents about bike sharing services. In addition, the City will collect and analyze data from bike sharing organizations to ensure that the public right of way is being used in a manner that reduces dependency on private automobiles while enhancing mobility options for all residents.

Maintain Sensitivity to Local Parking Conditions

In planning and permitting bike sharing services, the City of Oakland will maintain sensitivity to parking and accessibility conditions in both residential and commercial districts. Needs of owners of private vehicles, members of the bike share program, and City site maintenance employees will be balanced when designating the public right of way for the use of bike sharing services. According to the Alternative Modes policy, the City will resolve disputes in favor of the mode "that provides the greatest mobility for people rather than vehicles giving due consideration to the environment public safety economic development health and social equity impacts" (73036 C.M.S.).

Ensure an Accessible, Equitable Program
The City of Oakland wants to ensure that all residents, including the elderly and disadvantaged, are served by this environmentally beneficial mode of transportation. The City will work with bike sharing organizations so that all residents have equitable access to bike sharing services.

Operate a Cost-Neutral Program
The financial impact of administering a bike sharing program should be cost neutral to the City. The City should make space in the public right of way available to bike sharing organizations, but it should not subsidize the operations of bike sharing.

Site Stations in Safe, Convenient, and Unrestricted Areas
Bike Share stations should be placed in areas with high visibility to ensure safety. They should also be available at all times to members and located near key destinations.

B. Implementation

Negotiate and Enter in an Inter-Governmental Agreement with MTC
The City Administrator or his/her designee will negotiate and enter into an inter-governmental agreement with MTC to establish the terms for the Oakland bike sharing program. The agreement will be consistent with the contract between MTC and the bike sharing organization.

Prepare Enabling Legislation for a Franchise Agreement for Advertising
Bike share organizations typically require the ability to advertise a title sponsor on equipment to pay for the program's operating costs. Thus, the City Administrator or his/her designee will prepare enabling legislation to allow a franchise agreement between the City and the bike sharing organization to advertise on bike share equipment.

Establish a Planning and Siting Criteria
The City Administrator or his/her designee will establish Planning and Siting Criteria for a successful point-to-point bike sharing (i.e., "from one station to another") program. The City will determine the geographic boundaries of the service area in consultation with the bike share organization and community input.

Establish a Bike Share Station Permit
The City Administrator or his/her designee will explore a process to permit and to locate dedicated spaces for bike sharing stations in the public right of way and in public plazas in cooperation with bike sharing organizations. Furthermore, the City Administrator or his/her designee will prepare legislation to create a bike share station permit for stations and amend the Oakland Municipal Code and Master Fee Schedule accordingly.

Exhibit A

Establish a Community Engagement Process

The City Administrator or his/her designee will work with Motivate to implement a community engagement process to address station placement and membership barriers.