



Office of the City Manager

May 10, 2022

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Subject: Shared Electric Micromobility Permit Program Launch

Based on the Shared Electric Micromobility Permit Program established by City Council in September of 2021, the City has issued permits for three private shared mobility operators to begin deploying their electric micromobility services in Berkeley. By authorizing these permits, private operators will be able to provide Berkeley residents and visitors with more sustainable commute options using electric scooters and ebikes that connect people to their destinations by completing the “first and last mile” of people’s journeys. This is achieved by connecting riders to either regional transit, or shorter, more localized destinations.

Electric scooters and bicycles, as an alternative to single-occupant automobile travel, will help the City achieve the Berkeley Climate Action Plan target of reducing greenhouse gas emissions by 80% below year 2000 levels by 2050, and make it easier for residents and visitors to get around Berkeley. At least 50% of these devices are required to be deployed in equity priority areas, and operators provide both low-income programs and more accessible devices, such as sit scooters, to maximize accessibility of shared electric micromobility.

A combination of traditional stand scooters, seated scooters, and electric-assist bicycles (e-bikes) equipped with self-locking devices will be made available to the public under the program and must be locked to an approved location at the conclusion of a rental period. As defined in [BMC 14.68.180](https://berkeley.municipal.codes/BMC/14.68.180),¹ each device must be locked to an approved location, such as a bike rack, and not parked against windows, parking meters, or in a manner that constitutes a hazard to pedestrians, traffic, or property. This provides greater flexibility than returning devices to a small number of docking stations but also prevents them from being left in locations that might cause problems.

Below is a list of the operators that have been competitively selected to receive a permit and the number and mix of devices to be deployed at service launch.

¹ <https://berkeley.municipal.codes/BMC/14.68.180>

- [Veoride](#)²: 500 devices (launch date May 19)
 - 250 [stand scooters](#)
 - 250 [seated scooters](#)
 - Customer Service:
 - (855) 836-2256
 - BKLOps@veoride.com

- [Link](#)³: 250 devices (launch in late May)
 - 200 [stand scooters](#)
 - 50 [seated scooters](#)
 - Customer Service:
 - (844) 701-8163
 - Oakland_ops@link.city

- [Spin](#)⁴: 500 devices (launch in late May)
 - 400 [stand scooters](#)
 - 100 [ebikes](#)
 - Customer Service:
 - (888) 249-9698
 - support@spin.pm

All operators provide a variety of adaptive device models for rent by reservation for people with extra mobility needs that cannot be accommodated by the above listed devices.

Each operator provides a customer service contact line, available twenty-four (24) hours a day, seven (7) days a week, for complaints regarding improper parking. As a part of the permit program's terms and conditions, if a shared device is parked or being operated improperly (such as sidewalk riding), concerned residents and visitors are encouraged to call or email the customer service contact of the respective operator directly. Each electric micromobility device clearly displays both the operator's contact information and a unique identifying number. These customer service contacts can also be found in this memo in the above bullets, within the operator's mobile application, as well as the operator website(s). Operators must remove improperly parked devices within three (3) hours of receipt of a public complaint. Operators that are repeatedly found by staff to be out of compliance may have their permits terminated at any time.

² <https://www.veoride.com/>

³ <https://superpedestrian.com/>

⁴ <https://www.spin.app/>

BACKGROUND

The Shared Electric Micromobility Permit Program was approved by City Council on September 28, 2021 (see attachment). Starting with up to three (3) operators in the first year, the key terms and conditions adopted by Council for initiation of the Shared Electric Micromobility Permit Program are:

- Riding on sidewalks is prohibited at all times. “No Riding On Sidewalks”, in no less than 48-point font, shall be printed on every device.
- The operating speed of devices is limited to no more than 15 mph. The City reserves the right to “geofence” zones to further restrict operating speeds if found to be needed for public safety.
- Operators shall deploy devices with locking mechanisms that attach to bike racks and devices may not be parked in any way that obstructs curb ramps, loading zones, access to disabled parking zones or the pedestrian path of travel.
- Operators must provide a customer service contact line, available twenty-four (24) hours a day, seven (7) days a week, for complaints regarding improper parking; and display that contact information clearly on each device, along with a unique identifying number assigned to and displayed on each device.
- Operators must remove improperly parked devices within three (3) hours of receipt of a public complaint.
- Preference in permit issuance is given to companies that employ their own workers, rather than using contract “gig” workers, and that provide devices with a seat for accessibility to those who cannot stand for prolonged periods.
- Operators must provide adaptive devices for persons with disabilities within nine (9) months of the Permit issuance. The total percentage of adaptive devices shall be based on expected need, performance, and usage.
- Users who participate in the Supplemental Nutritional Assistance Program (SNAP) or California Alternative Rates for Energy (CARE) will be offered a discounted membership equivalent to \$5 for one year of unlimited 30-minute rides.
- Devices should be distributed equally throughout Berkeley, including in the equity priority communities designated by the Metropolitan Transportation Commission.

Public Works’ Transportation Division will monitor compliance and has been coordinating this program with the operators, Code Enforcement, Economic Development, Police, and 311. Public complaints received by staff will be logged and

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forwarded to the respective operator. The operators will address legitimate public complaints within a timely manner, including removing improperly parked devices within three hours of receiving a public complaint. Operators that are repeatedly found by staff to be out of compliance may have their permits terminated at any time.

CONTACT PERSON

Farid Javandel, Manager, Public Works, (510) 981-7061

Beth Thomas, Principal Planner, Public Works, (510) 981-7068

Ryan Murray, Associate Planner, Public Works, (510) 981-7056

Attachment: Resolution and Ordinance for Shared Electric Micromobility Program

cc: Paul Buddenhagen, Deputy City Manager
LaTanya Bellow, Deputy City Manager
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager
Jenny Wong, City Auditor
Henry Oyekanmi, Finance Director
Liam Garland, Public Works Director
Danette Perry, Parking Services Manager, Public Works
Hamid Mostowfi, Supervising Traffic Engineer, Public Works
Eleanor Hollander, Economic Development Manager, City Manager's Office

RESOLUTION NO. 70,051-N.S.

ESTABLISHING A SHARED ELECTRIC MICROMOBILITY PERMIT PROGRAM

WHEREAS, the term “shared electric micromobility” refers to electric-assist bicycles and electric scooters, which do not require a Driver’s License for operation, deployed within permitted areas of the public right-of-way for use by the public; and

WHEREAS, the City of Berkeley recognizes the practice of shared electric micromobility 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 Berkeley’s residents; and

WHEREAS, the Berkeley Climate Action Plan (Resolution No. 64,480-N.S.) sets a goal of reducing transportation-related greenhouse gas emission levels by 80% from year 2000 levels by 2050; and

WHEREAS, one of the stated objectives in the Berkeley General Plan Transportation Element is to reduce automobile use and vehicle miles traveled by providing and advocating for transportation alternatives that facilitate voluntary decisions to drive less; and

WHEREAS, use of electric micromobility devices for transportation reduces overall vehicle-miles traveled and greenhouse gas emissions; and

WHEREAS, numerous municipalities in California have adopted shared electric micromobility programs and legislation to facilitate micromobility device sharing in the public right-of-way; and

WHEREAS, the adoption of a formal Shared Electric Micromobility Permit Program will allow the City of Berkeley to standardize shared electric micromobility policies; and

WHEREAS, adoption of a Shared Electric Micromobility Permit Program is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (existing facilities) and 15061(b) (3) (no significant effect on the environment).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley adopt the Shared Electric Micromobility Principles contained in Exhibit A, attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Shared Electric Micromobility Permit Program includes an Application Fee of \$1,500 per organization applying for a Permit; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Shared Electric Micromobility Permit Program includes an Annual Permit Fee of \$15,000 per organization receiving a Permit; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the Shared Electric Micromobility Permit Program includes a Permitted Device Fee of \$64 per electric micromobility device to be deployed by the organization receiving a Permit; and

BE IT FURTHER RESOLVED that the City Manager or her designee will administer the Shared Electric Micromobility Permit Program on behalf of the City, issuing permits such that up to three (3) shared electric micromobility operators may hold active permits at any given time; and

BE IT FURTHER RESOLVED, that the Shared Electric Micromobility Permit Program permits will have a term of one (1) year, with shared electric micromobility operators having the option to reapply each year for a new permit under the Program and pay associated fees; and

BE IT FURTHER RESOLVED that the City Manager or her designee may administratively update the rules, regulations, and fees associated with the Shared Electric Micromobility Permit Program, consistent with the Shared Electric Micromobility Principles, without returning to City Council for approval of these changes; and


BE IT FURTHER RESOLVED that the Shared Electric Micromobility Permit Program fees will accrue to a General Fund Revenue Account for use in covering Program management costs.

The foregoing Resolution was adopted by the Berkeley City Council on September 28, 2021 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk

Exhibit A

SHARED ELECTRIC MICROMOBILITY PRINCIPLES

The following principles are intended to guide the City of Berkeley in implementation of the Shared Electric Micromobility Permit Program. As needed, staff will 1) recommend changes to the Berkeley Municipal Code and fees related to permits for the use of shared electric micromobility services in the public right-of-way, 2) monitor the use of shared electric micromobility within Berkeley, and 3) make future recommendations about the role of shared electric micromobility in Berkeley.

Definitions

- “Equity Priority Communities” means the most recent census tracts or block groups designated as Equity Priority Communities by the Metropolitan Transportation Commission.
- “Deployment” means the placement of devices by the Shared Electric Micromobility system operator.
- “Shared Electric Micromobility Device” or “Device” means an electrically-powered device for short-term rental for point-to-point trips where, by design of the shared electric micromobility operator, the device is intended to remain in the public-right-of-way, even when not being rented, and is not required to be docked in a designated docking station for rental.
 - “Device(s)” may include:
 - (a) “Electric Scooter” – any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor, as defined in Section 407.5 of the California Vehicle Code;
 - (b) “Electric Bicycle” – A Class 1 Electric Bicycle or Class 2 Electric Bicycle as defined in Section 312.5 of the California Vehicle Code;
 - (c) “Electric Motorized Bicycle” – A fully motorized two-wheeled device with a seat and footrest and an electric motor of no more than 750 watts;
 - (d) “Electric Tricycle” – a three-wheeled device with a seat and an electric motor of no more than 750 watts;
 - (e) “Adaptive Shared Electric Micromobility Device” or “Adaptive Device” – an electric scooter, tricycle, or bicycle that is accessible to people with various physical disabilities. Adaptive Devices must include three wheels (or be self-balancing), a seat, and a basket or storage area large enough to hold a cane.

- “Shared Electric Micromobility System Operator” or “Operator” is an entity that owns and/or operates a Shared Electric Micromobility System in the public-right-of-way. The term includes any employee, agent, or independent contractor hired or retained by the Operator.
- “Shared Electric Micromobility Permittee” or “Permittee” is an entity that is issued a Permit by the City to operate a Shared Electric Micromobility System in the public-right-of-way.
- “Shared Electric Micromobility Permit Program” or “Program” means the program under which the permit system is regulated.

Goals

- Provide shared electric micromobility devices as an option for City of Berkeley residents.
- Diversify mobility options of residents, employees, and visitors to Berkeley.
- Protect public health and safety.
- Avoid waste by ensuring the Devices in Berkeley are robust enough for commercial use.
- Avoid sidewalk, pathway, and pedestrian ramp blockages.
- Reduce emissions from short trips and connections to transit.
- Maximize user awareness of safe and legal behaviors for operating shared mobility devices.
- Create an enforceable framework for managing shared mobility services.
- Ensure use of the Public Right of Way (PROW) benefits public mobility.
- Ensure private operators respond to pervasive issues and service complaints.

Implementation

The City Manager or designee is responsible for setting and publishing administrative rules that establish requirements for eligible shared electric micromobility operators in Berkeley. The Director of Public Works or designee will make the shared electric micromobility program rules easily accessible, create permits, and monitor resident feedback and complaints for the duration of the City's shared electric micromobility program.

- Riding on sidewalks is prohibited at all times. “No Riding On Sidewalks” shall be prominently printed on every Device.
- The operating speed of Devices is limited to no more than 15 mph with the exception that Electric Bicycles have a motor that provides assistance with propulsion up to a speed of 20 mph. The City reserves the right to “geofence” zones to further restrict operating speeds if found to be needed for public safety.

- Operator shall deploy Devices with locking mechanisms that attach to bike racks and Devices may not be parked in any way that obstructs curb ramps, loading zones, access to disabled parking zones or the pedestrian path of travel.
- Operators must provide a customer service contact line, available twenty-four (24) hours per day, seven (7) days per week, for complaints regarding improper parking; and display that contact information clearly on each Device, along with a unique identifying number assigned to and displayed on each Device.
- Operators must remove improperly parked Devices within three (3) hours of receipt of a public complaint.
- Preference in Permit issuance is given to companies that employ their own workers, rather than using contract "gig" workers, and that provide devices with a seat for accessibility to those who cannot stand for prolonged periods.
- Operators must provide Adaptive Devices for persons with disabilities within nine (9) months of the Permit issuance. The total percentage of Adaptive Devices shall be based on expected need, performance, and usage.
- Operators shall offer a deeply discounted membership for those who participate in the Supplemental Nutritional Assistance Program (SNAP) or California Alternative Rates for Energy (CARE).
- Devices should be distributed equally throughout Berkeley. More than 50% of Devices must be deployed in the Berkeley Equity Priority Communities designated by the Metropolitan Transportation Commission.
- Each Operator/Permittee shall indemnify and hold harmless the City against any and all liabilities associated with the Operator's/Permittee's Shared Electric Micromobility operations.

ORDINANCE NO. 7,786–N.S

AMENDING BERKELEY MUNICIPAL CODE TO ESTABLISH CHAPTER 14.63, AMENDING SECTION 14.68.010 DEFINING “MOTORIZED SCOOTER” AND AMENDING SECTIONS 14.68.120 AND 14.68.180 TO INCLUDE LANGUAGE FOR MOTORIZED SCOOTERS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

**Chapter 14.63
Shared Electric Micromobility**

Sections:

- 14.63.010 Findings and purpose.**
- 14.63.020 Definitions.**
- 14.63.030 Term.**
- 14.63.040 Shared electric micromobility parking zone.**
- 14.63.050 Issuance of permits.**
- 14.63.060 Permit fees.**
- 14.63.070 Suspension or revocation.**
- 14.63.080 Penalties, liability and enforcement.**

14.63.010 Findings and purpose

The Council finds that the use of shared electric micromobility device sharing within Berkeley has numerous benefits, including improved mobility for residents, reduced personal vehicle ownership and vehicle miles traveled, and overall reduction in greenhouse gas emissions. The purpose of this Chapter is to facilitate shared micromobility within Berkeley by establishing a program under which permitted devices may operate within the City of Berkeley’s right-of-way, establish device parking requirements, and associated fees.

14.63.020 Definitions

A. “Shared electric micromobility device” or “device” means an electrically-powered device for short-term rental for point-to-point trips where, by design of the shared electric micromobility operator, the device is intended to remain in the public-right-of-way, even when not being rented, and is not required to be docked in a designated docking station for rental. “Devices” include electric scooters and electric-assisted bicycles.

a. “Device(s)” may include:

- i. “Electric Scooter” – any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is

powered by an electric motor, as defined in Section 407.5 of the California Vehicle Code.

- ii. "Electric Bicycle" – A Class 1 Electric Bicycle or Class 2 Electric Bicycle as defined in Section 312.5 of the California Vehicle Code.
- iii. "Electric Motorized Bicycle" – A fully motorized two-wheeled device with a seat and footrest and an electric motor of no more than 750 watts.
- iv. "Electric Tricycle" – a three-wheeled device with a seat and an electric motor of no more than 750 watts.
- v. "Adaptive Shared Electric Micromobility Device" or "Adaptive Device" – an electric scooter, tricycle, or bicycle that is accessible to people with various physical disabilities. Adaptive Devices must include three wheels (or be self-balancing), a seat, and a basket or storage area large enough to hold a cane.

- B. "Shared electric micromobility system operator" or "operator" is an entity that owns and/or operates a Shared Electric Micromobility System in the public-right-of-way. The term includes any employee, agent, or independent contractor hired or retained by the operator.
- C. "Shared electric micromobility permittee" or "permittee" is an entity that is issued a Permit by the City to operate a Shared Electric Micromobility System in the public-right-of-way.
- D. "Shared electric micromobility permit program" or "program" means the program under which the permit system is regulated.
- E. "Shared electric micromobility system" or "system" means a system providing Devices as defined above.
- F. "Shared electric micromobility user", "user" or "customer" is any person that uses, rents, or rides a shared electric micromobility device or is a customer of the operator.

14.63.030 Term

Reserved

14.63.040 Shared electric micromobility parking zone

The shared micromobility parking zone boundaries will be established by a shared electric micromobility operator in consultation with the Public Works Department. Current and updated maps of the operator's parking zones will be made available

through the operator's website and cell phone application. Individual devices must be parked at locations as permissible and described in BMC 14.68.180.

14.63.050 Issuance of permits

A. Permits to operate a shared electric micromobility system within the City of Berkeley shall be issued by the Public Works Department in accordance with requirements set forth in this chapter.

B. The Public Works Department shall issue rules and regulations consistent with this Chapter governing the issuance of permits, as well as the terms and conditions that define and regulate the program.

C. A shared electric micromobility operator may apply for any amount of devices they wish to deploy; however the City retains the right to cap or reduce that number at any time. The Public Works Department will make fleet size cap and reduction decisions based on device usage data and responsiveness of the operator in maintaining the organization and clear use of the public right-of-way.

D. The Public Works Department shall issue the permits with a maximum term of one year. Permits may be granted annually through the end of the City's fiscal year.

14.63.060 Permit fees.

Fees for Permits for the implementation and administration of this Chapter may be adopted by resolution of the City Council.

14.63.070 Suspension or revocation.

A. The City may suspend or revoke the status of any qualified operator for any violation of the provisions of this Chapter or regulations promulgated to implement this Chapter. During the time that the permit is suspended or revoked, it shall be unlawful for the Operator to exercise any of the rights granted under this Chapter.

B. The permittee shall be entitled to appeal the City's decision to suspend or revoke its Permit by filing a written notice of appeal with the City Manager within ten days from the date the notice of suspension or revocation is mailed.

C. The appeal shall clearly and concisely set forth the grounds upon which it is based.

D. If the permittee files a timely request for appeal, a hearing shall be held before the City Manager or their designee. The decision of the City Manager or their designee shall be final.

E. Pending the appeal hearing it shall be unlawful for the permittee to exercise its rights under this chapter.

14.63.080 Penalties, liability, and enforcement.

A. Every person who violates any provision of this chapter may be subject to administrative citations pursuant to Chapter 1.28.

B. Each violation of this chapter and each day of violation of this chapter shall be considered a separate and distinct violation thereof and the imposition of a penalty shall be as set forth in subsection A of this section for each and every separate violation and each and every day of violation.

Section 2. That Berkeley Municipal Code Title 14 “Division II. Bicycles” be amended to read as follows:

Div. II Bicycles and Motorized Scooters

Section 3. That Berkeley Municipal Code Section 14.68.010 is amended to read as follows:

14.68.010 Definitions.

A. “Bicycle” means a device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement.

B. “Bicycle establishment” means and includes a business operated by any person, partnership, association or corporation, wherein new or used bicycles or bicycle parts are purchased, sold, dismantled or junked

C. “Motorized bicycle” means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than two gross brake horsepower and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. (Ord. 4957-NS §§ 1-3, 1976)

D. “Motorized scooter” means any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding and is powered by a motor.

Section 4. That Berkeley Municipal Code Section 14.68.120 is amended to read as follows:

14.68.120 Riding motorized bicycles and motorized scooters on sidewalk prohibited.

No person shall ride or operate a motorized bicycle or motorized scooter on any

sidewalk in the City. (Ord. 4957-NS § 14, 1976)

Section 5. That Berkeley Municipal Code Section 14.68.180 is amended to read as follows:

14.68.180 Parking Restrictions

No person shall park any bicycle, motorized bicycle, or motorized scooter against windows or parking meters or on the main-traveled portion of the sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property. (Ord. 4957-NS § 20, 1976)

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation

At a regular meeting of the Council of the City of Berkeley held on September 28, 2021, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.


Absent: None.

At a regular meeting of the Council of the City of Berkeley held on October 12, 2021, this Ordinance was adopted by the following vote:


Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

ATTEST: 

Mark Numainville, City Clerk

Date signed: October 19, 2021