



Office of the City Manager

PUBLIC HEARING  
September 28, 2021

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Department of Public Works  
 Subject: Adopt a Resolution and Ordinance for a Shared Electric Micromobility Permit Program

### RECOMMENDATION

Conduct a public hearing and upon its conclusion:

1. Adopt a Resolution approving a Shared Electric Micromobility Permit Program, establishing fees for the program, and designating the City Manager as custodian of the program; and
2. Adopt the first reading of an Ordinance adding Berkeley Municipal Code Chapter 14.63 and amending Chapter 14.68 to establish the Shared Electric Micromobility Permit Program and related parking regulations.

### FISCAL IMPACTS OF RECOMMENDATION

The program fee structure results in cost-neutrality. The program has three types of fees: an Application Fee of \$1,500 per organization applying for a Permit, an Annual Permit Fee of \$15,000 per organization receiving a Permit, and a Permitted Device Fee of \$64 per electric micromobility device to be deployed by the organization receiving a Permit. The Application Fee covers the staffing cost for reviewing Permit applications and processing Permit issuance. The Annual Permit Fee and Permitted Device Fee cover the staffing cost to administer and monitor the Program, with the amount of the latter fee being relative to the number of devices to be deployed.

The fees will be deposited into a Public Works Department General Fund (Fund 011) revenue account for use in covering the costs of managing the program. The fee level relative to program management costs will be monitored by staff and adjusted administratively as needed.

### CURRENT SITUATION AND ITS EFFECTS

The Shared Electric Micromobility Permit Program would enable private operators to make shared electric devices (electric scooters and electric-assist bicycles) available to the public in Berkeley. The program is anticipated to complement the City's current station-based bike sharing network by providing a shared mobility option that extends into areas of Berkeley not served by a bike share station.

Permits would be issued on an annual basis to up to three (3) companies (“Operators”) in the first year, with this number potentially increasing thereafter as demand warrants and at the discretion of the City Manager. The key proposed terms and conditions for initiation of the Shared Electric Micromobility Permit Program are as follows.

- 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.
- 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 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. To accomplish this, the first two Permits issued are reserved for Operators that use their own employees (with wages from the Operator reported on a federal W-2 Form) for device recharging and deployment. The third Permit is reserved for an Operator that deploys devices outfitted with a seat. If the above-described Permit applications are not received within three (3) months of the initiation of the Permit Program, the City may consider issuing Permits to up to two (2) other Operators that qualify under the other terms and conditions of the Program, in the order in which qualifying Permit applications are received.
- 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 discounted membership for those with low-income, equivalent to \$5 for one year of unlimited 30 minute rides, 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.

### BACKGROUND

In response to demand from scooter sharing companies and the public, the greater Bay Area cities have implemented permit programs for the provision of shared electric scooters and bicycles. On July 10, 2018, City Council approved a referral to the City Manager to look into adopting an ordinance establishing a permit process for electric scooter sharing companies to operate in the public right-of-way. In response to this Referral, staff developed proposed Terms and Conditions for a Shared Electric Scooter Pilot Franchise Program, which were adopted by City Council on December 4, 2018.

The City issued a Request for Proposals (RFP) in January 2019 to solicit Shared Electric Scooter Pilot Franchise applications. Ten (10) applications were received in response to the RFP. Staff convened a review committee consisting of staff representatives from Public Works, the Office of Economic Development, the Police Department, the 311 Program, and the University of California Berkeley. Before the conclusion of the process of selecting the top-scoring applicants, the City Attorney's Office learned of multiple class action lawsuits that had been filed in California in spring and summer 2019 against various cities alleging disabled accessibility impacts from the shared electric scooters permitted in those cities. In response to this situation, the Shared Electric Scooter Pilot Franchise Program was put on hold pending the outcome of any legal settlements or litigation. The suit against the City of Oakland reached a final Settlement Agreement in April 2021, the terms of which have been incorporated into the proposed Berkeley Shared Electric Micromobility Permit Program.

At the time that the Shared Electric Scooter Pilot Franchise Program terms and conditions were adopted by City Council (December 2018), Bay Area Motivate LLC ("Motivate"), a subsidiary of Lyft Incorporated, had right of first offer to provide shared electric bicycles to the City of Berkeley per the terms of the Bay Area Bike Share Franchise Agreement between the City and Motivate. This was the reason why the Pilot Franchise Program was limited to the provision of shared electric scooters. In August 2020, Lyft relinquished its right of first offer for shared electric bicycles. Therefore, Berkeley staff developed the proposed Shared Electric Micromobility Permit Program to cover shared electric bicycles as well as scooters.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Increasing the number of Berkeley residents and visitors who utilize shared electric scooters and bicycles, as an alternative to single-occupant automobile travel, will decrease greenhouse gas emissions. This will help the City achieve the Berkeley Climate Action Plan target of reducing greenhouse gas emissions by 80% below year 2000 levels by 2050.

### RATIONALE FOR RECOMMENDATION

The Shared Electric Micromobility Permit Program would provide a mobility alternative for Berkeley residents. The devices deployed under the Program could reach neighborhoods not currently serviced by the City's existing station-based bicycle sharing network. Not all Berkeley residents are physically able to ride a manually powered bicycle, so the electric propulsion of the scooters and bicycles deployed through the Program could provide a viable transportation alternative for some residents.

ALTERNATIVE ACTIONS CONSIDERED

The City of Berkeley could opt to not have a Shared Electric Micromobility Permit Program, which would potentially position the City behind the region in terms of offering alternative modes of transportation to its residents. Berkeley already sees spillover usage of shared electric scooters from neighboring cities. Operators have been fairly diligent in removing unsanctioned scooters from Berkeley, resulting in a gap in service for many residents that reside near the Berkeley/Oakland border. By not having a Shared Electric Micromobility Permit Program, Berkeley may potentially have a more difficult time in meeting its Climate Action Plan targets, while denying continuity of service for residents making trips between municipal borders.

CONTACT PERSON

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Attachment:

1: Resolution

Exhibit A: Shared Electric Micromobility Principles

2: Ordinance

3: Public Hearing Notice

RESOLUTION NO. ##,###-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.

**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. 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. –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

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**SHARED ELECTRIC MICROMOBILITY PERMIT PROGRAM**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said City Council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Public Works is proposing to establish fees for permits for qualified organizations to provide a shared electric micromobility service in the City. Shared electric micromobility is a service in which small electric transportation devices are made available in the public right-of-way for short-term rental by the public. Two of the most common electric micromobility devices are electric-assist bicycles and electric scooters which do not require a Driver’s License for their operation.

The proposed Application Fee is \$1,500 per permit application, which is equal to the estimated cost for staff to review and select applications from eligible and qualified operators.

The proposed Annual Permit Fee is \$15,000 and would be paid by each shared electric micromobility operator issued a permit. This fee is calculated based on the estimated staff time required to administer the program. This fee would be fixed and would be paid yearly by the operator if they wished to continue providing a shared electric micromobility service within the City.

The proposed Permitted Device Fee is \$64 per device (for example, per electric scooter or electric-assist bicycle) that the shared electric micromobility operator deploys within the City of Berkeley. This fee is designed to compensate for the staff time to manage the program relative to the number of devices deployed.

	<b><u>Proposed Fees</u></b>
Application Fee (per organization)	\$ 1,500
Annual Permit Fee (per organization)	\$15,000
Permitted Device Fee (per device)	\$ 64

The Berkeley Municipal Code would be amended to incorporate the Shared Electric Micromobility Permit Program.

The hearing will be held on, SEPTEMBER 28, 2021 at 6:00 p.m. The hearing will be held via videoconference pursuant to Governor’s Executive Order N-29-20.

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **September 16, 2021**.

For further information, please contact Ryan P. Murray, Associate Planner, Department of Public Works at 510-981-7056.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on September 16, 2021.

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Mark Numainville, City Clerk