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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: David Downing
Assistant Chief of Police

SUBJECT: Removing Oakland's Bicycle License Requirement

DATE: October 21, 2016

City Administrator Approval

Date:

11/3/16

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.60 "Bicycles" To Remove The Bicycle Registration Requirement And To Make Other Clarifications To The Legal And Safe Operation Of A Bicycle.

EXECUTIVE SUMMARY

Oakland Municipal Code (OMC) Chapter 12.60 (Section 12.60.010) requires everyone who rides a bicycle in the City of Oakland to have a City-issued bicycle license. This report requests a change to OMC ordinances requiring such licenses. The recommended ordinance change will also remove the Oakland Police Department's (OPD) responsibility to issue such licenses, the need to affix the licenses to bicycles, and the need to show proof of registration to OPD. This report also makes recommendations for the City to partner with free-to-use nonprofit online bicycle registration organizations.

BACKGROUND / LEGISLATIVE HISTORY

California Vehicle Code (CVC) Section 39002¹ allows municipalities to require the registration of every bicycle. Oakland Municipal Code (OMC) Chapter 12.60 enumerates laws related to the ownership and operation of bicycles in the City of Oakland as well as the authority of OPD in bicycle registration. The following list highlights OMC 12.60:

- ¹ (a) A city or county, which adopts a bicycle licensing ordinance or resolution, may provide in the ordinance or resolution that no resident shall operate any bicycle, as specified in the ordinance, on any street, road, highway, or other public property within the jurisdiction of the city or county, as the case may be, unless the bicycle is licensed in accordance with this division.
- (b) It is unlawful for any person to tamper with, destroy, mutilate, or alter any license indicia or registration form, or to remove, alter, or mutilate the serial number, or the identifying marks of a licensing agency's identifying symbol, on any bicycle frame licensed under this division.

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- **OMC 12.60.010** - Requires everyone to have a city-issued license to ride a bicycle in the city: "It is unlawful for any person to operate or use a bicycle, as defined in Section 39000 of the California Vehicle Code, upon any street in the City of Oakland without first obtaining a California Bicycle License therefor."
- **OMC 12.60.020** - Enumerates that OPD is authorized to issue a registration card and a California bicycle license.
- **OMC 12.60.030** - Enumerates OPD's responsibilities in terms of attaching licenses to bicycle frames and to replace lost, stolen, or mutilated licenses.
- **OMC 12.60.040** - Secondhand bicycles (and parts) buyers must provide daily reports to OPD, regarding all names and addresses of persons selling the bikes and parts.
- **OMC 12.60.050** - Owners must submit proof of sale transfer to OPD whenever a licensed bike is sold.
- **OMC 12.60.060** - Explains that it is unlawful to intentionally destroy a bike license.
- **OMC 12.60.070** - Explains bicycle safety laws and defines what is "unlawful" in terms of bicycles operation.
- **OMC 12.60.080** - Explains that "Any person who violates or fails to comply with the provisions of Sections 12.60.010 through 12.60.060 shall be subject to a fine of not more than ten dollars (\$10.00)."

For many years the City of Oakland has charged \$3.00 for a bicycle license, which provides for a three-year licensing period – the City has a separate renewal sticker for licensees who renew their licenses with OPD. Registrants list the serial number of the bicycle, which is usually molded into the metal frame and located on the underside of the bottom bracket (where the crank and pedals connect to the frame). In July 2015, the City Council authorized an increase in the bicycles license fee to \$8.00 for the three-year period; the change occurred as part of the changes to the Master Fee Schedule with the approval of the FY 2015-17 Budget.

OPD began communicating this fee change to Oakland bicycle advocates (Bike East Bay, Walk Oakland, Bike Oakland, and the Public Works Department (OPW) bicycle planning staff) in May 2015. In response, several local bicycle riding advocates explained to OPD that the bicycle license registration program is outdated and ineffective – they explained that the current program neither provides a deterrence to bike theft nor effectively helps victims of bike theft to recover their bicycles. OPD staff listened to the local bicycle advocacy leaders and began a review of the program. OPD staff has since determined that alternative registration programs (see page 3 below) better serve the needs of bicyclists; staff presented recommendations, including the removal of the current OMC bicycle registration requirement, at the City's June 16, 2016 Bicycle Pedestrian Advisory Committee (BPAC) meeting.

Oakland residents can currently register their bicycles by going to one of the City's 25 Fire Stations during regular business hours. An OPD Police Service Technician (PST) is assigned to deliver licenses to fire stations and maintain a list of bicycle registrations. However, this list is maintained on paper. Neither OPD nor the Information Technology Department (ITD) has the capacity to create a digital database for all registrations because of other more critical priorities facing each department.

OPD issues approximately 118 licenses annually (the number was closer to 300 in past years). Historically, a primary reason to register bicycles has been so that one can prove ownership in

the event of theft and then recovery by the police. However, OPD finds less than five bicycles per year where a match can be ascertained with the bicycle license sticker and the Oakland bicycle license. OMC Chapter 12.60 Section 12.60.070 provides authority for OPD officers to cite bicyclists for disobeying safety laws. Section 12.60.080 allows OPD to levy a \$10 fine for any violation of OMC 12.60, including unlawful bicycle operations and destruction of a bicycle license. However, CVC Sections 21200-21213² also regulates lawful and unlawful bicyclist behavior. Therefore, OPD does not need to rely on the OMC for rules to maintain street safety. No Section of OMC Chapter 12.60 requires that bicyclists prove that they are prepared to operate a bicycle safely. Rather, OPD expects that all bicyclists will learn how to ride and operate their bicycles safely.

ANALYSIS AND POLICY ALTERNATIVES

Experience of Other Cities

Many cities have chosen to eliminate their bicycle license requirement laws in recent years. The City of Los Angeles eliminated their bicycle license requirement law in 2009 after the Los Angeles Police Department (LAPD) Chief of Police recommended its removal. The Chief's letter to the City³ explains that LAPD did not find that maintaining lists of bicycle registrations was helping to return stolen bicycles. LAPD also found that the registration program was taxing the department's staffing when personnel were much needed for crime reduction and community policing efforts.

For similar reasons, the Cities of Huntington Beach (March 2003), San Jose (November 2010), Long Beach (February 2011), and Santa Monica (January 2011) have removed laws requiring bicycle licenses. In San Jose, a city audit⁴ found that the registration program was unpopular compared to the number of bicycles purchased each year and that fee revenue was insufficient to cover the internal costs of maintaining the registration program. The Berkeley Police Department has also announced that they will no longer issue bicycle licenses; information on the Berkeley Police Department website recommends that bicycle owners register their bikes with the Bike Index (see below).

Online License Database Platform as an Alternative to Oakland Bicycle License Registration

Many cities in California and nationally have moved away from the historic bicycle registration programs. These cities have instead chosen to promote third-party online database systems. These new platforms have proven to be a more effective solution for bicycle recovery after theft. The sites nationalbikeregistry.com and bikeindex.org make the registration process very simple. More importantly, an online index provides a much better system for post-theft recovery. Police departments can log into the site and note when a bicycle has been found, listing the serial number.

² OPD issued 78 citations in 2015 for violations of State Vehicle Code Sections 21200-21213

³ http://clkrep.lacity.org/onlinedocs/2008/08-2944_rpt_bpc_12-29-08.pdf

⁴ http://www.mercurynews.com/news/ci_16705789

Online platforms are better positioned to help bicycles owners recover bicycles. Bicyclists do not ride their bicycles in only one city – and a bicycle can be stolen in more than one city. However, the CVC 39002 only allows for California cities to register the bicycles of residents of the same city. By virtue of having bicycle owners from cities across the U.S. use the same online system(s), victims have a much better chance of finding their bicycle. Additionally, OPD can use an online bike registration platform without the current costs and staff requirements (purchasing registration license and renewal stickers and registration forms, delivering licenses and forms to fire stations, maintaining a list of paper registration form, etc.).

OPD recommends that the City partner with the Bike Index (bikeindex.org), or other online bike registry as an alternative to operating the current city-registrations (the Bike Index has been the most responsive organization in the preparation of this report). The police departments of Berkeley, Portland, San Francisco, Seattle, and St. Louis, for example, have formal partnerships with the Bike Index. This registration site is a nonprofit and is supported by Bike East Bay, Oakland's local bicycle advocacy organization. Staff from the Bike Index has communicated their willingness to partner with OPD and the Oakland Public Works Department (OPW) in a similar manner to promote online bicycle registration. This would require a small (under \$1,000 per year) cost (see Fiscal Impact Section below). The Bike Index is free for users to register their bikes. They have registered over 70,000 bicycles nationally and helped recover approximately 3,000 stolen bicycles. This partnership recommendation is separate from the ordinance which would amend OMC Section 12.60.

OPD would continue to pick-up, store, and/or dispose of found bicycles when discovered or when OPD is notified of found bicycles, regardless of whether OMC Section 12.60 is modified; However, OPD personnel will more effectively utilize online bicycle registrations when stolen bicycles are recovered, if the recommended OMC changes are authorized and online bicycle registrations become more popular with Oakland residents.

Recommended Changes to OMC 12.60 - Bicycles

Staff has evaluated the recommended ordinance changes to OMC 12.60 "Bicycles" in the report titled, "Removing Outdated Bicycle Registration Requirement" by Council President Gibson McElhaney – staff finds that these recommended changes are viable. The recommended changes are as follows:

- Eliminate the requirement for residents to have a bicycle license (12.60.010);
- Eliminate OPD's responsibility to issue and maintain these registrations (12.60.020, 12.60.030, 12.60.050).
- The suggested changes will leave in place Section 12.60.040 (becoming Section 12.60.010) – "Bicycle and bicycle parts business reports."
- The suggested changes will remove the current Section 12.60.050 "Bicycle licensee's report of sale, transfer of registration, or change of address;" bicycle owners will not have to report bicycle sales to OPD with this change.
- The suggested changes would also remove the current Section 12.60.060, "Destroying bicycle numbers or licenses," because California State Vehicle Code now covers this area of law.
- The suggested changes would maintain 12.60.080, "Violation of Sections 12.60.010 through 12.60.060—Fine-Penalty," which allows the OPD to issue a fine of \$10.00 for Violations. However, if approved, the new version of the fine will only apply to violations

of the "Bicycle and bicycle parts business reports (12.60.010). The \$10 fine would then still provide a modest incentive for complying with this OMC section; the fine would no longer apply to bicycle registration, as the City would no longer have required registration in the OMC.

FISCAL IMPACT

OPD has sold on average 118 license registrations each year over the last five years. These three-year registrations and renewal stickers had cost residents \$3.00 until the fee increase to \$8.00 in July 2015. The tables below show that OPD's net proceeds from the program were approximately \$281 per year. Based on the same average of 118⁵ combined new registrations and renewal registrations, OPD may expect approximately \$871 per year in revenues from the new registration fee. However, the fiscal impact section below shows that the personnel costs associated with the program is currently over \$17,000 per year.

Table 1a: Summary of Material Costs and Fees of OPD's Bicycle Registration Program (\$3.00 for 3-year registration)

	Cost per item	Cost for 59 licenses per Year	Fee Charged	Fees Received (59 new licenses + 59 renewals)
New OPD license	\$0.97	\$57.23	\$3.00	\$177.00
Renewal Sticker	\$0.15	\$8.85	\$3.00	\$177.00
Registration Form	\$0.12	\$7.08	0	\$0
Net Fees Received Minus Cost – Based on 118 licenses per Year				\$281

Table 1b: Summary of Material Costs and Fees of OPD's Bicycle Registration Program (\$8.00 per 3-Year Registration)

	Cost per Item	Cost for 59 licenses per Year	Fee Charged	Fees Received (59 new licenses + 59 renewals)
New OPD license	\$0.97	\$57.23	\$8.00*	\$472.00
Renewal Sticker	\$0.15	\$8.85	\$8.00*	\$472.00
Registration Form	\$0.12	\$7.08	0	\$0
Net Fees Received Minus Cost – Based on 118 licenses per Year				\$871

Table 2: Personnel Costs Associated with OPD's Bicycle Registration Program

Personnel Classification	Total Annual Cost: Salary + Fringe Benefits	Percentage of Time Devoted to the Distributing and Issuing OPD Bicycle Registrations	Total Current Personnel Cost

⁵ OPD buys license and renewal stickers in quantities of 300 from the Department of Motor Vehicles, so the analysis in Table 1a and 1b above assumes an average over multiple years.

Police Service Technician II*	\$88,842	20% (about 1 day per week)	\$17,768
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* One Police Service Technician currently engaged in bicycle license work is funded through OPD's General Purpose Fund (1010).

The Bike Index is a nonprofit-run website where residents can register their bicycles at no charge. Oakland-Bike Index cross-collaborations may include integration into OPW's Bicycle web page, cross-branded printed materials with directions, stickers, and social media. Table 3 below outlines the potential costs.

Table 3: Estimated One-Time and Annual Cost to the City For Partnering With the Bike Index on Online Registration Promotions

	One Time Cost	Annual Cost
500 Registration Information Cards		\$300
600 Bike Frame Stickers: \$150		\$300
Social Media Ads, Targeting Oakland Cyclists		\$100
Custom designed Landing Page with Bike Registration Widget	\$200	
Custom OPD Admin Mobile Page (for searching & emailing owners of found bikes)	\$100	
Total Estimated One Time Cost	\$300	
Total Estimated Annual Cost		\$700

OPD and OPW are prepared to collaborate on identifying funding for the promotion of online registrations, should the City Council move to eliminate the bicycle registration requirement from the OMC. Staff will comply with all Oakland contracting and purchasing rules before entering into any contract or MOU with the Bike Index or any other firm on related marketing efforts.

PUBLIC OUTREACH / INTEREST

OPD and OPW will develop a plan to advertise OMC Changes and online-registration opportunities with many bicycle and community organizations if the City Council chooses to make the recommended OMC changes.

COORDINATION

OPD staff collaborated with staff from OPW Division of Engineering and Construction / Transportation Planning and Funding Section; Bike East Bay (nonprofit bicycle advocacy organization); the Bike Index; Oakland's Bicycle Pedestrian Advisory Commission (BPAC), the Controller's Bureau and the Office of the City Attorney on the production of this report and suggested changes to the OMC.

SUSTAINABLE OPPORTUNITIES

Economic: The elimination of mandatory bicycle registration combined with support for online bicycle registration may lead to more theft recovery. Residents' economic interests are served by helping to protect their bicycles.

Environmental: The City of Oakland encourages bicycle use for healthy as well as environmental reasons. Bicycle riding is a form of transportation with a negligible carbon footprint, as opposed to car driving with much greater carbon footprints. Bicycle riding is supported in Oakland's Energy and Climate Action Plan (ECAP) as well as the development of bicycle paths, lanes, and routes.

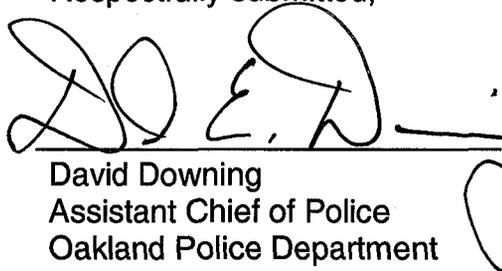
Social Equity: Bicycles are an affordable form of transportation; the elimination the bicycle registration requirement as well as the promotion of the easy-to-use online bicycle registration platform will support bicycle usage.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt An Ordinance Amending Oakland Municipal Code Chapter 12.60 Bicycles To Remove The Bicycle Registration Requirement And Other Clarifications To The Legal And Safe Operation Of A Bicycle.

For questions regarding this report, please contact Bruce Stoffmacher, Legislation Manager, at (510) 238-6976.

Respectfully submitted,



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