



CITY OF OAKLAND

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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Data Sharing Agreements with
Dockless Mobility Service Providers
for Mobility Program Management
and Enforcement

DATE: August 5, 2019

City Administrator Approval

Date:

8/29/19

RECOMMENDATION

Staff Recommends That Council Adopt A Resolution (1) Authorizing The City Administrator Or Designee To Enter Into Data Sharing Agreements With Dockless Mobility Service Providers For Dockless Mobility Program Management And Enforcement Purposes; (2) Approving The Surveillance Impact Report For The Department of Transportation's (DOT's) Use Of Dockless Mobility Data; (3) Approving And Adopting The Surveillance Use Policy For DOT's Use Of Dockless Mobility Data As City Policy; And (4) Authorizing DOT To Procure And Use Any Necessary Data Aggregation Or Analysis Software That Complies With The Approved Surveillance Use Policy For DOT's Use Of Dockless Mobility Data.

EXECUTIVE SUMMARY

Approval of this resolution will authorize The City Administrator Or Designee to enter into data sharing agreements with existing and future dockless mobility service providers operating in Oakland, such as companies offering global positioning system (GPS) enabled "dockless" bikes, scooters, cars or other vehicles for short-term rental within the public right-of-way. Such agreements would allow dockless mobility providers to share anonymized trip and parking data, as defined by the Mobility Data Specification (MDS), with a designated third-party software provider, for the purposes of aggregation and anonymization. Such third-parties would then provide real-time anonymized parking data and aggregated trip data to designated Department of Transportation (DOT) staff. Further, this resolution will authorize staff to procure and use any necessary software that complies with the approved Surveillance Use Policy to manage the compilation, storage, processing, analysis, and securing of dockless mobility data.

DOT proposes to use this data for the management of dockless mobility programs, such as enforcing permits, collecting program fees, issuing fines, and informing transportation planning and policy. Currently, a data sharing agreement of this kind is required in the Terms and Conditions of the City's regulated Scooter Share Operating Permit.

Item: _____
Public Safety Committee
September 10, 2019

In accordance with the City of Oakland Ordinance 9.64 C.M.S., Surveillance and Community Safety Ordinance, staff prepared a use policy and impact analysis for this purpose and brought it before the City's Privacy Advisory Commission (PAC) for review. The proposed use policy and impact report was considered and unanimously approved at the June 6, 2019 PAC meeting. This report describes the proposed use and impact of Dockless Mobility Data Sharing as approved by the PAC.

BACKGROUND/LEGISLATIVE HISTORY

In April 2001, City Council approved Resolution No. 76606 C.M.S. to allow City CarShare to provide car sharing services in the City of Oakland. In March 2015, City Council approved Resolution No. 85459 C.M.S. adopting a Car Share Policy and amended the Oakland Municipal Code 13184 Master Fee Schedule to include permits for eligible car sharing organizations.

In July 2015, City Council approved Resolution No. 85715 C.M.S. adopting a Bike Sharing Policy and authorizing the City Administrator to negotiate and enter an Intergovernmental Agreement with the Metropolitan Transportation Commission (MTC). In February 2016, City Council adopted Ordinance No. 13355 C.M.S. granting a Franchise Agreement to Bay Area Motivate, LLC (Motivate) to operate a bike share program.

In May 2018, City Council adopted Oakland Municipal Code 9.64 C.M.S., known as the "Surveillance Technology and Community Safety Ordinance," establishing rules for the City's acquisition and use of surveillance technologies.

In September 2018, City Council adopted Ordinance 13502 C.M.S to establish regulations and new permits to operate and park dockless bike and scooter sharing programs in the public right of way. In September 2018, City Council adopted Ordinance 13508 C.M.S., amending Ordinance 13497, the Fiscal Year 2018-2019 Master Fee Schedule, establishing fees for the new dockless scooter sharing permit program.

ANALYSIS AND POLICY ALTERNATIVES

Staff worked with the Oakland Privacy Advisory Commission (PAC) in developing a Surveillance Use Policy and Surveillance Impact Report for Department of Transportation's (DOT's) use of Data Sharing Agreements with Dockless Mobility Service Providers for Program Management and Enforcement. These were reviewed and approved at the June 6, 2019 meeting of the PAC (see **Attachments A and B**).

Per Oakland Municipal Code 9.64.030, Section 2C, "City staff shall make the Surveillance Impact Report and Surveillance Use Policy, as updated from time to time, available to the public as long as the city uses the surveillance technology in accordance with its request pursuant to Section 9.64.020 A.1." The Surveillance Use Policy and Surveillance Impact Report for Data Sharing Agreements with Dockless Mobility Service Providers for Program Management and Enforcement documents will be made available on the City's website, www.oaklandca.gov, upon adoption.

Per Oakland Municipal Code 9.64.040, Section 1 "On March 15th of each year, or at the next closest regularly scheduled Privacy Advisory Commission meeting, city staff must present a written annual surveillance report for Privacy Advisory Commission review for each approved surveillance technology item. If city staff is unable to meet the March 15th deadline, city staff shall notify the Privacy Advisory Commission in writing of staff's request to extend this period, and the reasons for that request. The Privacy Advisory Commission may grant a single extension of up to sixty (60) days to comply with this provision." Staff acknowledge this obligation and agree to return to the PAC annually to provide updates on the use and impact of the recommended use of data sharing agreements and real-time trip and parking data for mobility program management and permit enforcement.

The alternative to this recommendation is to forgo the use of data sharing agreements and real-time dockless vehicle trip and parking data for mobility program management and permit enforcement. This alternative would mean increased reliance on individual operators for the disclosure of compliance data. Under a permitted program, DOT requires granular, real-time data to monitor permit compliance, ensure equitable deployment of vehicles, issue fees and fines, and actively manage the public right of way. Without a formal data sharing agreement, operators may not provide data at the frequency or granularity necessary. Allowing operators to report data in this way lacks transparency and denies DOT the ability ensure data quality, accuracy and consistency across providers. This alternative also requires additional staff time for manual data management and analysis. Another alternative is for staff to physically monitor dockless mobility programs without the use of data. This is not a feasible option due to limited staff capacity.

FISCAL IMPACT

Staff expects Data Sharing Agreements with Dockless Mobility Operators and the use of real-time trip and parking data to reduce the staff time required to monitor dockless mobility programs, to increase the productivity of parking and mobility staff by making permit enforcement more efficient, to increase staff's capacity to calculate program fees and issue fines and to reduce the need for additional field technicians.

The procurement of software for the management and analysis of dockless mobility data will further reduce the need for staff capacity to store, secure, and process the data.

The cost of services from third party data aggregation and analysis software platforms are estimated to range from \$5,000 to \$15,000 per year. This recurring cost was included in the fee study for the annual dockless scooter sharing permit fees created by Ordinance No. 13508 C.M.S. Therefore, existing permit revenues are expected to be sufficient to fund the procurement of such software.

PUBLIC OUTREACH / INTEREST

To reduce the surveillance and privacy concerns pertaining to the use of dockless mobility data by City of Oakland Staff, DOT has consulted with the Privacy Advisory Commission. This meeting included public comment sections, ensuring that Oaklanders could voice their concerns and opinions regarding dockless mobility data use by City staff.

Further, DOT referred to the data sharing agreements and data handling policies developed by other cities with similar dockless mobility programs, as well as recommendations from privacy research and advocacy groups such as the Center for Democracy and Technology, when developing the Surveillance Impact Report and Use Policy.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The use of Data Sharing Agreements with Dockless Mobility Service Providers for Program Management and Enforcement will save staff time and taxpayer dollars in the management of shared mobility programs and transportation planning projects.

Environmental: Through Data Sharing Agreements with Dockless Mobility Service Providers, DOT can ensure dockless mobility programs are effectively managed and do not contribute to the pollution of Oakland's parks and bodies of water. Further, successful management and promotion of shared dockless electric vehicles reduces reliance on personal automobiles and ride-hailing, while promoting the use of public transit. This contributes to the reduction of VMT, traffic and congestion.

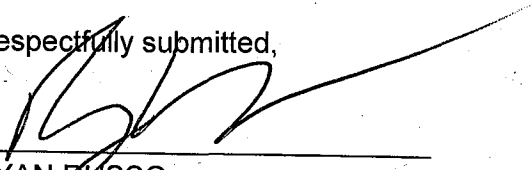
Social Equity: Dockless mobility operators are required to provide equitable services to all neighborhoods and residents in Oakland. Data Sharing Agreements provide real-time data and the transparency and daily monitoring necessary for DOT to ensure these requirements are met, and that vehicles are deployed and complaints are resolved in a socially equitable manner.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That Council Adopt A Resolution (1) Authorizing The City Administrator Or Designee To Enter Into Data Sharing Agreements With Dockless Mobility Service Providers For Dockless Mobility Program Management And Enforcement Purposes; (2) Approving The Surveillance Impact Report For the Department of Transportation's (DOT's) Use Of Dockless Mobility Data; (3) Approving And Adopting The Surveillance Use Policy For DOT's Use Of Dockless Mobility Data As City Policy; And (4) Authorizing DOT To Procure And Use Any Necessary Data Aggregation Or Analysis Software That Complies With The Approved Surveillance Use Policy For DOT's Use Of Dockless Mobility Data.

For questions regarding this report, please contact Kerby Olsen, Parking and Mobility Division, at 510-238-2173.

Respectfully submitted,



RYAN RUSSO
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E.
Assistant Director

Reviewed by:
Michael P. Ford, Ph.D.
Parking and Mobility Division
Manager

Reviewed by:
Danielle Dai
Parking and Mobility Division
Mobility Management Supervisor

Prepared by:
Kerby Olsen
Parking and Mobility Division
Shared Mobility Coordinator

Attachments (2):

- A: Data Sharing Agreement with Dockless Mobility Service Providers for Program Management and Enforcement Use Policy
- B: Data Sharing Agreement with Dockless Mobility Service Providers for Program Management and Enforcement Impact Analysis

DEPARTMENT OF TRANSPORTATION

PROPOSED USE POLICY Data Sharing Agreement with Dockless Mobility Service Providers for Program Management and Enforcement

Kerby Olsen, Shared Mobility Coordinator
Eva Phillips, Program Analyst I
Parking and Mobility Division
Department of Transportation
City of Oakland
May 31, 2019

1. Purpose

The City of Oakland Department of Transportation (DOT) intends to enter into data sharing agreements with existing and future dockless mobility service providers operating in Oakland, such as, but not limited to, GPS-enabled dockless bikeshare, e-scooters, and shared vehicle or ride providers who work within the public right-of-way. This agreement would allow dockless mobility operators to share anonymized trip and parking data, as defined by the Mobility Data Specification (MDS), with DOT.

DOT requires trip and parking data from dockless mobility service providers in order to effectively manage their impact on the public right-of-way. This includes enforcing permits, communicating events and informing transportation planning and policy.

By requiring operators to be transparent in their operations through the sharing of data, DOT can monitor compliance and ensure operators are meeting demand, equity goals, and responding to complaints.

2. Authorized Use

Access to trip and parking data shared under this agreement will be limited to designated officials within DOT solely for the purposes of enforcing permits, communicating events and informing transportation planning and policy.

Transportation planning and policy purposes include, but are not limited to:

- a) Understanding utilization rates
- b) Designating dockless mobility-related infrastructure (parking zones, bike lanes, etc.)
- c) Prioritizing infrastructure improvements
- d) Monitoring safety and collisions
- e) Permit Enforcement

3. Data Collection

DOT is not involved in the collection of dockless mobility data. Data is generated by GPS-enabled dockless vehicles and collected by each individual dockless mobility service operator.

4. Data Access

Authorized staff may be from the City's Department of Transportation (DOT) Parking and Mobility Division or other DOT teams that contribute to the planning and monitoring of dockless mobility programs and infrastructure.

Data will be accessed through a third-party mobility management platform. Authorized users of the data platform will require a unique username and password. Any data stored and used by DOT outside the platform will have first been aggregated by the third party mobility management vendor to the block or street level, removing privacy risk, and will therefore not require strict access controls.

5. Data Protection

DOT will depend on its third-party vendor to securely store, transmit, and audit the data. DOT has not yet undergone the procurement process for the third-party vendor, and therefore does not know the official data protection protocol. However, the third-party vendor will adhere to industry standards for encryption, transmission, logging, and auditing.

As an example of industry best practices, one possible vendor, Remix, outline's their data security protocol on their website here: <https://www.remix.com/security>. Other vendors follow similar operating procedures.

6. Data Retention

Raw data may be stored by the third-party vendor for no more than 2 years and will be deleted after being aggregated to the block or street level. If the contract between the third-party vendor and DOT is severed, all data will be deleted from third party servers.

7. Public Access

The public may access trip and parking data through public records requests. However, DOT will only release data in a highly aggregated and obfuscated form to the point where privacy risk is removed.

8. Third-Party Data-Sharing

Data shared by dockless mobility service providers under this agreement will be ingested, aggregated and stored by a third party primarily to reduce privacy risk. In order to protect raw data from public records requests, DOT will not ingest, store, or access raw trip data. A third-party aggregator reduces the risks of surveillance and re-identification. In addition, because this

is real-time data, the ingestion and management of data this size is time and labor intensive. DOT does not have the staff capacity to do this work in-house.

9. Training

Training will be provided by the third-party mobility management vendor and will be limited to authorized DOT staff. Staff will direct the third-party vendor to incorporate this use policy and related privacy policies and procedures into its operating procedures.

10. Auditing and Oversight

Auditing procedures will vary depending on the third-party vendor and will follow industry best practices. Industry best practices include logging and reporting data using systems such as AWS CloudTrail or Google Cloud Audit. The third-party vendor will also engage an external team for a regular review of security practices to ensure they are up to standard and follow best new industry practices.

11. Maintenance

The third-party vendor will maintain and manage trip all raw trip and parking data.

Questions or comments concerning this draft Use Policy should be directed to Kerby Olsen, Shared Mobility Coordinator, Parking and Mobility Division, via email at kolsen@oaklandca.gov or phone at (510) 238-2173.

OAKLAND DEPARTMENT OF TRANSPORTATION

DRAFT ANTICIPATED IMPACT REPORT Data Sharing Agreement with Dockless Mobility Service Providers for Program Management and Enforcement

Kerby Olsen, Shared Mobility Coordinator
Eva Phillips, Program Analyst I
Parking and Mobility Division
Department of Transportation
City of Oakland
May 31, 2019

1. Information Describing the Proposed Data Sharing Agreement and How It Works

The City of Oakland Department of Transportation (DOT) proposes to enter data sharing agreements with existing and future dockless mobility service providers operating in Oakland, such as, companies offering global positioning system (GPS) enabled “dockless” bikes, scooters and cars for short-term rental within the public right-of-way. Such devices are considered “dockless” if they do not need to be returned to a docking station to be parked. This agreement would allow dockless mobility operators to share real-time, anonymized and aggregated trip and parking data, as defined by the Mobility Data Specification (MDS), with DOT.

- **Mobility Data Specification (MDS)** – The MDS is an application programming interface (API), developed by the Los Angeles Department of Transportation (LA DOT). The goals of MDS are to provide API and data standards for municipalities to help ingest, compare and analyze mobility as a service provider data. The specification is a way to implement real-time data sharing, measurement and regulation for municipalities and mobility as a service providers. It is meant to ensure that governments can enforce, evaluate and manage providers. The MDS documentation can be found here: <https://github.com/CityOfLosAngeles/mobility-data-specification>

The MDS data specification builds on the General Bike Share Feed Specification (GBFS), which was created to standardize data about dock-based bike share systems. The advent of GPS-enabled “dockless” bike and scooter technology led the LA DOT to create a new data specification to account for the dockless nature of these devices. The MDS specification includes additional information such as data on the route taken during each trip on a dockless device.

Data generated by the mobility service providers using the MDS format does not contain any personally identifiable information (PII). In order to avoid the risk of re-identification, data on

individual trips will be aggregated and obfuscated by a third party mobility management vendor or software before it is received by DOT. See the appendix for a diagram of how data will be shared and processed under this agreement, as well as examples of the third-party mobility management platforms.

DOT proposes to use this data for the regulation and planning of mobility programs, such as enforcing permits, communicating events and informing transportation planning and policy.

Currently, a data sharing agreement of this kind is required as part of the Terms and Conditions of the Scooter Share Operating Permit. The official permitted scooter share program will launch June 2019.

2. Proposed Purpose

Dockless mobility services have the potential to help achieve the goals of DOT's Strategic Plan, which calls for expanding access to shared mobility services, improving transportation choices, and minimizing parking demand, congestion and pollution. However, when used improperly these vehicles can obstruct sidewalks, curb ramps, and other portions of the public right-of-way. Further, these services are required to provide equitable service to all neighborhoods and residents in Oakland.

Data sharing with dockless mobility operators is necessary for DOT to actively monitor these services and ensure they are in compliance with operating permits, are equitably distributed, and contribute towards the department's goals. This includes enforcing permits, communicating events and informing transportation planning and policy.

Specific DOT uses include, but are not limited to:

- Understanding service utilization rates
- Designating dockless mobility-related infrastructure (parking zones, bike lanes, etc.)
- Prioritizing infrastructure improvements
- Monitoring safety and collisions
- Ensuring services are equitably distributed throughout the City
- Calculating and collecting parking and permit fees
- Ensuring operators are responding to all 311 complaints in a timely manner

By requiring operators to be transparent in their operations through the sharing of data, DOT can monitor compliance and ensure operators are meeting demand, equity goals, and responding to complaints.

3. Locations of Deployment

The data shared under this proposed agreement is user-generated and therefore collected for any and all neighborhoods where dockless mobility service vehicles ridden.

4. Potential Impact on Civil Liberties & Privacy

DOT acknowledges the private and sensitive nature of personal mobility data. While this data does not contain any personally identifiable information, it does contain location data associated with individuals. Without proper obfuscation, personal mobility data may be vulnerable to privacy risks such as re-identification. In order to minimize privacy and surveillance risk, DOT has developed a set of guidelines for how trip data will be handled and obfuscated, outlined below.

5. Mitigations

The City of Oakland and DOT recognize the sensitive nature of personal mobility trip data, as defined by the Mobility Data Specification, and has developed the following guidelines for the responsible handling of this data.

- 1) **The City of Oakland and DOT will not collect, store, or release un-obfuscated mobility trip data.** All data will be obfuscated and aggregated through a third-party vendor, to the point where privacy risk is minimized, before it is received by DOT.
 - a) Methodologies for aggregation, de-identification, and obfuscation will follow industry best practices and may evolve over time as new methodologies emerge. Examples of methods to reduce privacy risk include:
 - i) Aggregating trip data over time to illustrate volumes at the street- or block-level, rather than individual routes
 - ii) Requiring a minimum of 3 trips for sufficient anonymized aggregation
 - iii) Rounding origin/destination locations to 3 decimal places (block-level)
 - iv) Rounding start/end times to the nearest hour
 - b) Trip data will be retained for no more than 2 years and will be secured and audited following industry best practices.
 - c) Data will be secured by a third-party vendor following industry best practices for secure storage, transmission, access control, and audit.
- 2) Access to trip data monitoring is limited to designated officials within OakDOT solely for the purposes of enforcing permits, communicating events and informing transportation planning and policy.
 - a) Transportation planning and policy purposes include, but are not limited to:
 - i) Understanding utilization rates
 - ii) Designating dockless mobility-related infrastructure (parking zones, bike lanes, etc.)
 - iii) Prioritizing infrastructure improvements
 - iv) Monitoring safety and collisions
 - v) Permit Enforcement
- 3) If OakDOT decides to publicly share trip data, or if the City receives a public records request, it will only release data in a highly aggregated and obfuscated form.
- 4) Unobfuscated trip data will not be shared with the DOT or other City departments or outside entities, including law enforcement, unless under the order of a warrant or subpoena.

6. Data Types and Sources

Under a data sharing agreement, DOT will ask dockless mobility service providers to provide trip and parking data, as defined by the MDS, to a third-party data aggregator. Specifically, this includes:

- Geographic coordinates of trip origin, destination, and route
- Trip start time, end time and duration
- Geographic coordinates and duration of all vehicle parking events.

This data excludes personally identifiable information, such as:

- Customer name
- Credit card number or associated information
- Driver's license number or associated information

7. Data Security

DOT will depend on its third-party mobility management vendor to securely store, transmit, and audit the data. DOT has not yet undergone the procurement process for the third-party vendor, and therefore does not know the official data protection protocol. However, the third-party vendor will adhere to industry standards for encryption, transmission, logging, and auditing.

As an example of industry best practices, one possible vendor, Remix, outline's their data security protocol on their website here: <https://www.remix.com/security>. Other vendors follow similar operating procedures.

8. Fiscal Cost

Initial Purchase Cost & Ongoing Cost

Procurement cost of third-party mobility management vendors ranges from \$0 (open source software) to \$30,000. Depending on the vendor, this may be a recurring payment or subscription.

Cost Savings

Data sharing agreements will provide cost savings in the form of reduced staff time and efficiency gains. Access to mobility data makes monitoring compliance more efficient and using a third-party vendor reduces the need for in house capacity to store, secure, and process the data.

9. Third Party Dependence

The data will be ingested, aggregated and stored by a third party primarily to reduce privacy risk. DOT does not want to ingest, store, or access raw trip data. A third-party aggregator reduces the risks of surveillance and re-identification. Further, because this is real-time data, the

ingestion and management of data this size is time and labor intensive. DOT does not have the staff capacity to do this work in house.

10. Alternatives

The alternatives to the proposed data sharing agreements include requesting high-level data from operators on a quarterly basis or physically monitoring dockless mobility programs in the field.

During the pilot period of e-scooter sharing in Oakland, DOT has requested data directly from operators. Without a formal data sharing agreement, operators are only willing to provide highly aggregated summary-level data. While this provided some insight into the operations of e-scooters, it is not enough to achieve the nuanced understanding necessary for DOT's purposes. Further, allowing operators to report data in this way lacks transparency and denies DOT the ability ensure data quality, accuracy and consistency across providers. As such, a data sharing agreement is necessary in order to access data at the granularity, frequency, and accuracy needed.

Another alternative is for staff to physically monitor dockless mobility programs without any data. This is not a feasible option due to the limitations of staff capacity.

11. Track Record

Dockless mobility services, such as GPS-enabled dockless bikeshare, e-scooters, and shared vehicle, are a new emerging transportation option. Shared cars were the first of these services to come to Oakland in April 2017, followed by shared electric scooters in May 2018. However, no formal data sharing policy has so far been established. As such, the City of Oakland Department of Transportation does not have a track record to report concerning its use of dockless mobility data sharing agreements.

Data sharing is in line with DOT's Strategic Plan goal to be a responsive and trustworthy department. Through data sharing, DOT can track reported incidents and complaints and ensure operators are responsive in addressing them. Further, data sharing allows DOT to better understand how dockless mobility services impact Oakland and have more responsive communication with the public. Lastly, data sharing will contribute to DOT's open data efforts, making transportation data more accessible and transparent to the public.

Several cities across the country have entered data sharing agreements with dockless mobility service providers as part of their permitting processes. In doing so, they have developed successful mobility programs, conducted analysis to answer key planning questions, and developed useful public facing resources such as maps, reports, and open data for multi-modal trip planning.

Examples of cities requiring data sharing agreements as part of their dockless mobility programs include:

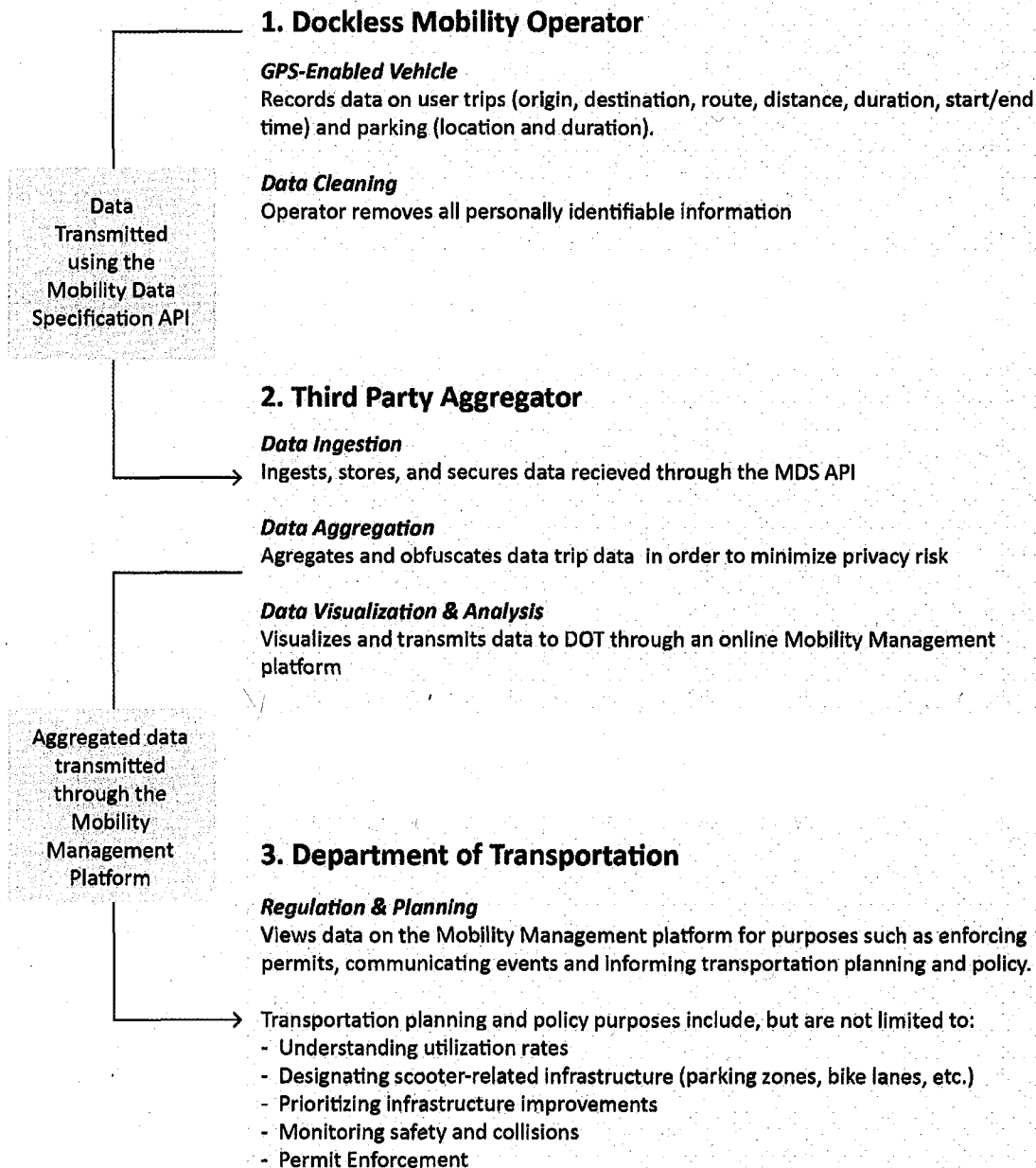
- Louisville, Kentucky: <https://data.louisvilleky.gov/dataset/dockless-vehicles>
- Washington DC: <https://ddot.dc.gov/page/dockless-api>
- Los Angeles, California: <https://ladot.io/programs/dockless/>

DOT has referred to the data sharing agreements and data handling policies developed by these cities, as well as recommendations from privacy groups such as the Center for Democracy and Technology, when developing this Impact Report and Use Policy.

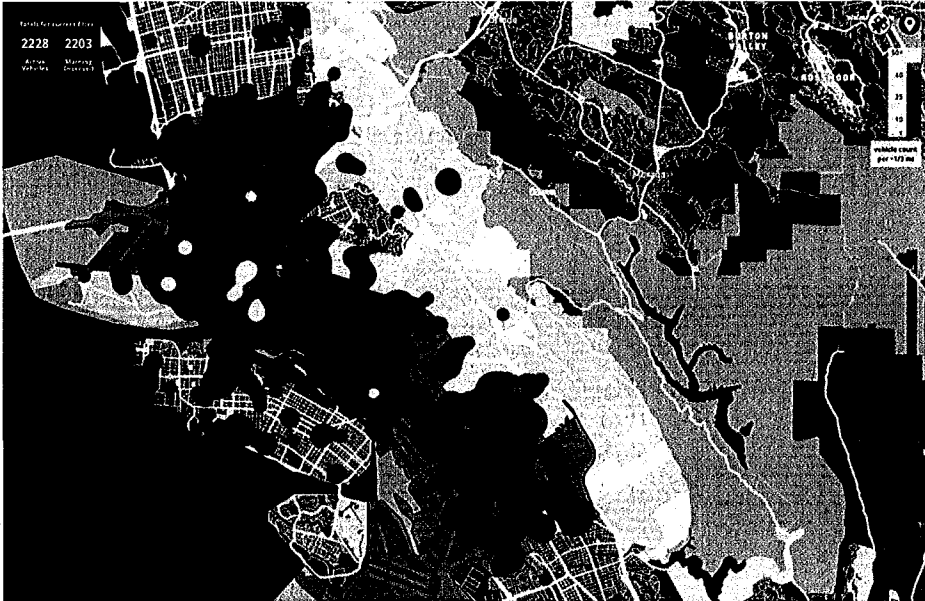
Questions or comments concerning this draft Impact Assessment should be directed to Kerby Olsen, Shared Mobility Coordinator, Parking and Mobility Division, via email at kolsen@oaklandca.gov or phone at (510) 238-2173.

APPENDIX

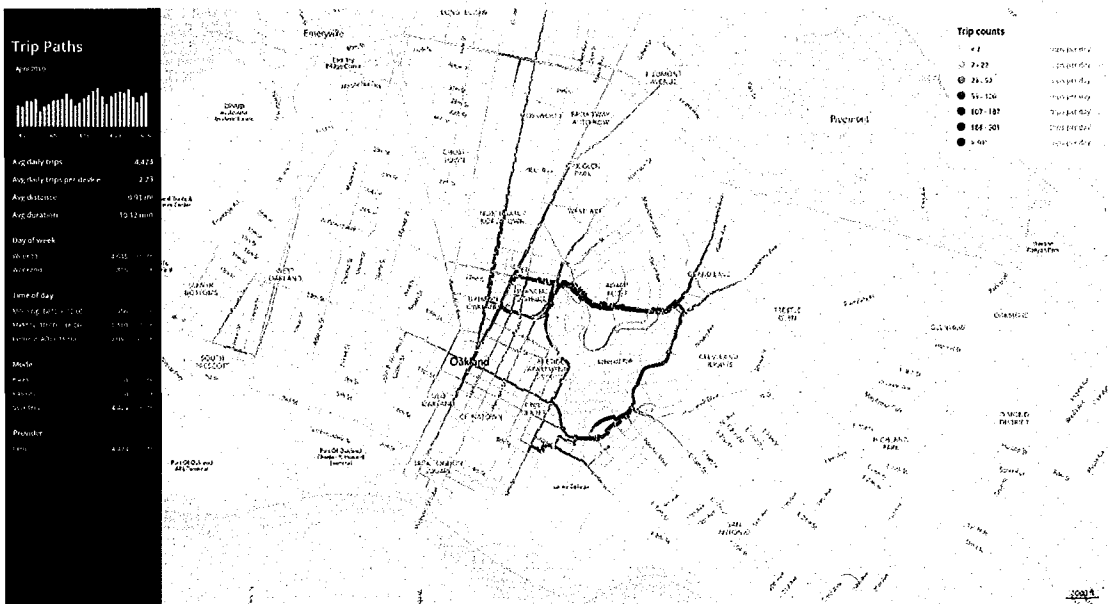
Components of a Data Sharing Agreement with Dockless Mobility Service Providers using GPS-Enabled Vehicles



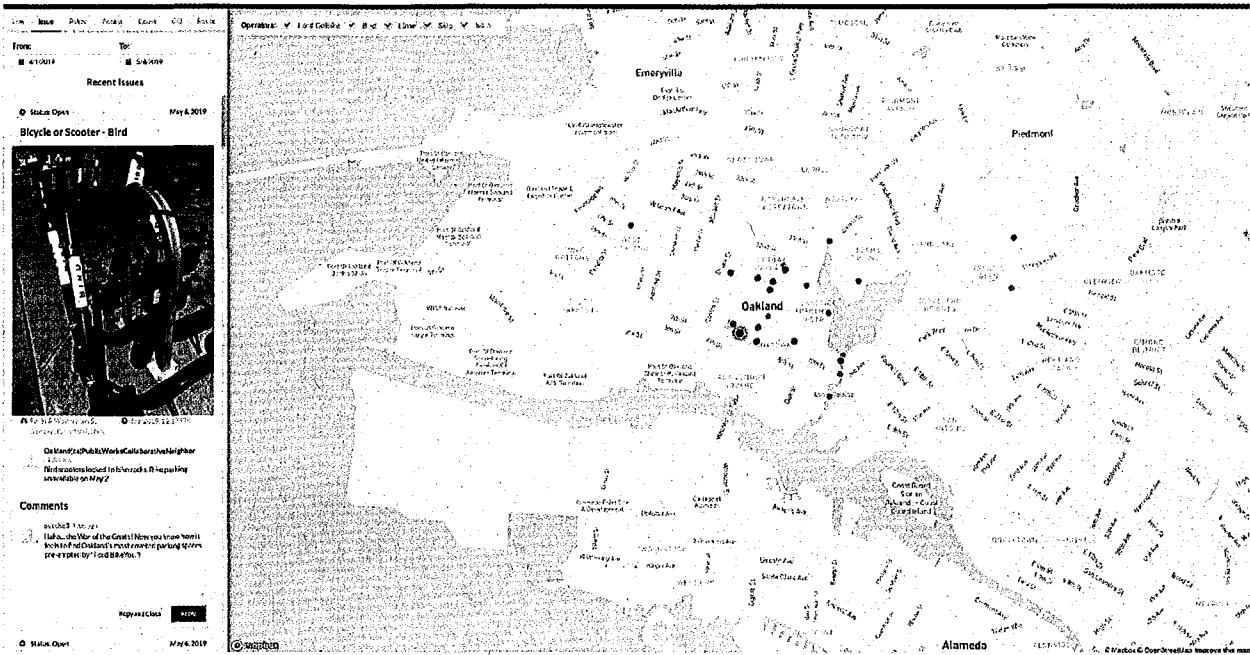
Examples of Third Party Vendor Mobility Management Platforms and Data Aggregation



Company A - Parking heat map, showing areas with high concentrations of parking events which can guide the development of scooter parking areas.



Company B - Scooter trips aggregated to the street level, providing insight on common travel patterns while protecting individual privacy.



Company C - Public complaints from 311 SeeClickFix - Operators get notified of the issue and must close the ticket in a timely manner, which can be tracked through this platform.



Company C - Origins and destinations aggregated to large city districts to protect personal privacy.

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OFFICE OF THE CITY CLERK
OAKLAND

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City Attorney's Office

19 AUG 29 PM 4:25

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: (1) AUTHORIZING DEPARTMENT OF TRANSPORTATION (DOT) STAFF TO ENTER INTO DATA SHARING AGREEMENTS WITH DOCKLESS MOBILITY SERVICE PROVIDERS FOR DOCKLESS MOBILITY PROGRAM MANAGEMENT AND ENFORCEMENT PURPOSES; (2) APPROVING THE SURVEILLANCE IMPACT REPORT FOR DOT'S USE OF DOCKLESS MOBILITY DATA; (3) APPROVING AND ADOPTING THE SURVEILLANCE USE POLICY FOR DOT'S USE OF DOCKLESS MOBILITY DATA AS CITY POLICY; AND (4) AUTHORIZING DOT TO PROCURE AND USE ANY NECESSARY DATA AGGREGATION OR ANALYSIS SOFTWARE THAT COMPLIES WITH THE APPROVED SURVAILLANCE USE POLICY FOR DOT'S USE OF DOCKLESS MOBILITY DATA

WHEREAS, the City of Oakland recognizes dockless mobility services, such as car share, bike share, and scooter share, as beneficial modes of transportation that reduce demand for private vehicles, decrease per capita greenhouse-gas emissions, and create more affordable mobility options for all of Oakland's residents; and

WHEREAS, the City of Oakland adopted a Bike Sharing Policy (Resolution No. 85715 C.M.S.) which calls for the implementation of a bike sharing program that facilitates the "last mile" of transit trips and non-auto short trips; and

WHEREAS, the City of Oakland adopted a Dockless Scooter Sharing Policy (Resolution No. 13502 C.M.S.) which calls for the establishment of regulations and new permits to operate and park dockless scooter sharing programs in the public right of way; and

WHEREAS, the City of Oakland emended the Fiscal Year 2018-2019 Master Fee Schedule (Resolution No. 13508 C.M.S.) establishing fees for the new dockless scooter sharing permit program; and

WHEREAS, unregulated shared-use dockless vehicles proliferating in our community can cause problems, including impeding the public right of way, lack of accountability for improper use and placement, and can cause tripping hazards; and

WHEREAS, Data sharing agreements with dockless mobility service providers enables the active management of the City's public right of way and regulation of dockless mobility vehicles by providing real-time data on vehicle trips, parking events, and deployment; and

WHEREAS, real-time dockless vehicle data is necessary for the responsible management of dockless mobility programs, such as enforcing permits, ensuring equitable distribution of vehicles, collecting program fees, and issuing fines; and

WHEREAS, the alternative means of managing dockless mobility programs and enforcing program permits requires increased staff time, funding and dependence on operators for reliable data; and

WHEREAS, data received from data sharing agreements with dockless mobility providers can also inform future transportation planning and policy; and

WHEREAS, DOT's proposed use of dockless mobility data is a form of surveillance technology subject to the acquisition, use, and policy requirements set forth under Chapter 9.64 (Surveillance Ordinance) of the Oakland Municipal Code; and

WHEREAS, OMC Section 9.64.030 provides that City staff must obtain City Council approval for the acquisition and use of new surveillance technology; and

WHEREAS, OMC Section 9.64.020 requires that prior to seeking Council approval for the acquisition and use of surveillance technology, City staff must first develop a Surveillance Impact Report and Surveillance Use policy, present such policy to the Privacy Advisory Commission (PAC) and that the PAC shall then provide feedback to staff and make a recommendation as to whether the City Council should accept the surveillance use policy proposed by City staff; and

WHEREAS, Pursuant to the Surveillance Ordinance requirements referenced above, Department of Transportation (DOT) staff has presented a Surveillance Impact Report and a Surveillance Use Policy for Data Sharing Agreements with Dockless Mobility Service Providers for Mobility Program Management and Enforcement before the PAC, worked extensively with and received feedback from the PAC and responded to public comment on the topic of Data Sharing Agreements with Dockless Mobility Service Providers for Mobility Program Management and Enforcement; and

WHEREAS, The Data Sharing Agreements with Dockless Mobility Service Providers for Mobility Program Management and Enforcement Surveillance Use Policy and Surveillance Impact Report incorporates the recommendations of the PAC. This policy specifies authorized uses for Dockless Mobility Data for Mobility Program Management and Enforcement, and sets forth practices for data aggregation, anonymization, retention, sharing, and annual reporting; and

WHEREAS, OMC Section 9.64.030.2 requires that for City Council to authorize the acquisition of use surveillance technology, it must do all of the following:

- Approve City's staff's surveillance impact report,
- Approve City's staff's surveillance use policy,
- Consider the recommendation(s) of the PAC on the proposed surveillance technology, and
- Make a finding that the benefits to the community of the surveillance technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and

WHEREAS, pursuant to OMC Section 9.64.020.2.B, the PAC recommends that the City Council adopt the DOT Data Sharing Agreements with Dockless Mobility Service Providers Surveillance Technology Use Policy (Attachment A); and

WHEREAS, City staff recommends that City Council make a cost benefit determination as required by OMC Section 9.64.030.2 in favor of authorization of Data Sharing Agreements with Dockless Mobility Service Providers because the use of real time dockless vehicle trip and parking data for mobility program management and enforcement should save staff time and taxpayer dollars, and City staff has developed a surveillance use policy that safeguards civil liberties and civil rights and evaluated such concerns in drafting the surveillance impact report for DOT Data Sharing Agreements with Dockless Mobility Service Providers in discussions with the PAC; now, therefore be it

RESOLVED: That pursuant to Oakland Municipal Code Section 9.64.030.2, the City Council approves City's staff's Surveillance Impact Report for the DOT Data Sharing Agreements with Dockless Mobility Service Providers, as provided in **Attachment B**; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, City Council has considered PAC's recommendation in favor of City Council authorizing the use of Data Sharing Agreements with Dockless Mobility Service Providers for Mobility Program Management and Enforcement; and be it

FURTHER RESOLVED: That the City Council approves and adopts the Surveillance Use Policy for DOT Data Sharing Agreements with Dockless Mobility Service Providers as a City policy, as provided in **Attachment A**; and be it

FURTHER RESOLVED: That DOT staff are authorized to procure and use any necessary data aggregation or analysis software that complies with the approved Surveillance Use Policy For DOT's Use Of Dockless Mobility Data.

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, for the reasons referenced above by City staff and addressed in the agenda report and surveillance impact report accompanying this resolution, the City Council finds that the benefits to the community of the surveillance technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and so authorizes the City Administrator or designee's acquisition and use of the Data Sharing Agreements with Dockless Mobility Service Providers for Mobility Program Management and Enforcement; and be it

FURTHER RESOLVED: That City Council's authorization of the use of Data Sharing Agreements with Dockless Mobility Service Providers for (3) three purposes: 1) mobility program management, enabling access to real-time dockless vehicle data in support of actively managing the City's dockless mobility programs and their impact on the public right of way; 2) permit enforcement, increasing staff's capacity to monitor operator compliance with permit Terms and Conditions, ensure equitable distribution of vehicles, calculate program parking fees, enforce violations and issue fines; and 3) transportation planning and policy development; and be it

FURTHER RESOLVED: That any changes to the adopted Surveillance Use Policy for DOT Data Sharing Agreements with Dockless Mobility Service Providers must be forwarded to the Privacy Advisory Commission and City Council for review and approval.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO
AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California