



# QUALIFIED CAR SHARE ORGANIZATION TERMS AND CONDITIONS

One-Way Car Share Program

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## Contents

Definitions.....	1
Authority.....	1
Intent.....	2
Permit Caps for Pilot Program .....	2
Criteria of a Qualified Car Share Organization.....	2
Qualification Process.....	3
Renewal Process .....	3
Revocation .....	4

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**DEFINITIONS**

"Car sharing" is defined as a membership-based service, available to all licensed and qualified drivers which allows members to use a vehicle (including passenger cars, scooters and motorcycles) without a separate written agreement each time a member reserves and uses a vehicle, charges rates and prices that are directly proportional to usage and offers members access to a dispersed network of vehicles, 24 hours per day, 7 days a week at self-service locations where vehicles are not attended. (Berkeley Municipal Code 14.62.020)

"One-way car sharing" means a car sharing operations model that allows members to pick up a one way car share vehicle from one location and drop it off at the end of the period for which it is shared in a different location within a defined geographic area, as specified by the qualified car share organization that operates that vehicle. (Berkeley Municipal Code 14.62.020)

"One-way car share vehicle" means a vehicle (including passenger cars, scooters and motorcycles) owned and operated by a qualified car share organization that is clearly and distinctly branded, is constantly tracked through Global Positioning System (GPS), and is technologically-enabled to allow members to pick up a car share vehicle from one location and drop it off at a different location within a defined geographic area, as specified by the car share organization. (Berkeley Municipal Code 14.62.020)

"Qualified car share organization" is a car share organization that has a fleet of at least twenty one-way car share vehicles for member use. (Berkeley Municipal Code 14.62.020)

"Annual Bay Area master parking badge" is a sticker affixed to the rear bumper of each one-way car share vehicle on which to locate applicable municipal parking permits. (Berkeley Municipal Code 14.62.020)

"Free-floating parking permit" is a parking permit affixed to the annual Bay Area master parking badge that allows members of a qualified car share organization to lawfully park at metered and unmetered spaces in which parking is allowed for two hours or longer, but not in residential parking permit areas. (Berkeley Municipal Code 14.62.020)

"Master residential parking permit" is a parking permit affixed to the annual Bay Area master parking badge that allows members of a qualified car share organization to park in any residential parking permit (RPP) areas with the same rights and restrictions as residential parking permit holders in those RPP areas. (Berkeley Municipal Code 14.62.020)

"One-way car share parking zone" is the area agreed upon by the qualified car share organization permit holder and the City Public Works Department, which bounds the geographic area where one-way care share members may legally park one-way car share vehicles within Berkeley. (Berkeley Municipal Code 14.62.020)

**AUTHORITY**

In ordinance 7,508 N.S. and a companion resolution, 67,696 – N.S., the City Council delegated the authority to the Director of Public Works or a designee to approve the criteria and administrative rules to become a qualified car sharing organization.

**INTENT**

The intent of the qualified car share organization certification is to designate a pool of eligible buyers for the Master Residential Parking Permits and Free-Floating Parking Permits for organizations that operate a one-way car share system. Both permits entail parking privileges that may entice entities other than car sharing service providers. This qualification process intends to restrict the eligible applicant pool to entities that have or will demonstrate the ability to provide a car sharing service that embodies the Car Share Principles (67,696 – N.S.) for the benefit of the City of Berkeley.

**PERMIT CAPS FOR PILOT PROGRAM**

The number of annual parking permits approved for the one-way car share pilot program (ending June 30, 2019) is capped at 1,600. A single car share organization cannot purchase more than 700 annual permits. The parking permit cap will be evaluated as part of the one-way car share pilot program analysis.

**CRITERIA OF A QUALIFIED CAR SHARE ORGANIZATION**

To become a qualified car share organization (CSO) in Berkeley, the prospective CSO must demonstrate that it:

1. Provides a member-based vehicle sharing service, available to all qualified drivers;
2. Provides insurance, which meets the standards of the State of California, for each shared vehicle and for each member operating the vehicle during the period of use;
3. Intends to operate a one-way car share system with a fleet of vehicles for which it will purchase parking permits;
4. Has clearly and distinctly branded rental vehicles that are constantly tracked through Global Positioning System (GPS);
5. Provides members with access to a minimum of 20 shared-use vehicles at geographically distributed locations or well-defined zones throughout Berkeley or in locations that demonstratively serve Berkeley residents;
6. Has an online or similarly accessed real-time system used for processing and paying for car share vehicle rentals;
7. Facilitates vehicle rentals per minute, hour, and/or day with or without per mile surcharges and without separate written contracts for each rental period;
8. Makes vehicles available to members at unstaffed self-service locations and available for pick-up by members on a twenty-four (24) hour per day, seven (7) days per week basis; and

9. Makes vehicles available for access where the car share vehicle is parked without requiring a member to go first to a different physical location to be provided with the means of accessing the vehicle.

## **QUALIFICATION PROCESS**

Upon submitting evidence to demonstrate that the applicant is a qualified CSO in the City of Berkeley, the City will process the application within ten (10) business days of the date of submittal. There are four (4) potential determinations from the City:

1. **Qualified:** The City will provide written notification to the applicant stating that it is a qualified CSO in the City of Berkeley.
2. **Conditionally Qualified:** The City will provide written notification to the applicant acknowledging that the CSO would be deemed “qualified,” if the car sharing vehicles were already available in the City. Because the qualified status is required to receive various permits specific to car sharing, which are required to initiate the car sharing service, the City recognizes that a “conditionally qualified” status is required to facilitate the launch of some car sharing services. An applicant with a conditionally qualified status will be considered a qualified car share organization for four (4) months from the date of the letter. The applicant can reserve parking permits for the anticipated fleet of car share vehicles by providing a purchase order for the car share vehicles specifying delivery to the San Francisco Bay Area region. By the end of that four-month period, the CSO will need to submit its parking permit application, fees, and designated service area map showing that it provides access to at least 20 vehicles in the City of Berkeley in order to receive written notification of being qualified. Failure to submit its fleet’s permit application within that four-month period will revoke the CSO’s conditionally qualified status.
3. **More Information Required:** The City will provide written notification requesting more information to make a determination about how the applicant meets the City’s criteria as a qualified CSO. After receipt of the new information, the City will have an additional ten (10) business days to make a determination.
4. **Denied:** The City will provide written notification stating that the applicant’s request has been denied and explains the justification for denial. The applicant is allowed to appeal the determination to the supervisor of the staff member responsible for the determination.

## **RENEWAL PROCESS**

The application approval determination will be dated and valid for at least the following year, with the validity automatically extended until the expiration date of any car sharing parking permits issued subsequently to the CSO qualification approval. When a qualified CSO initiates the renewal process for any car sharing parking permits, it will be up to the qualified CSO to file with the appropriate staff member within the City a) a statement of no substantive changes in its car sharing service, or b) a statement describing any changes that could affect its qualified status. Provided that there have been no

changes to disqualify the qualified CSO, the City will reissue approval within ten (10) business days of receipt of the appropriate statement from the qualified CSO.

### **REVOCATION**

The City reserves the right to revoke a CSO's qualification approval at any time if the City has evidence of a violation of the above criteria. The City will send written notice of the revocation to the CSO. From the date of the revocation, the CSO will have 30 days to reapply for qualified status. After 45 days from the date of revocation, if the CSO has not obtained a renewed qualified status, any car sharing parking permits granted to the CSO will expire as of the date of revocation plus 45 days.