City of Bellevue

10/19/2020

CITY COUNCIL STUDY SESSION

Micromobility: Regulation of Motorized Foot Scooters

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DIRECTION NEEDED FROM COUNCIL

DIRECTION Direct the Transportation Commission to work with staff to review and recommend revisions to the City Code regulating the use of motorized foot scooters in Bellevue.

RECOMMENDATION

Move to direct the Transportation Commission to work with staff to review and recommend revisions to the City Code regulating the use of motorized foot scooters in Bellevue.

BACKGROUND & ANALYSIS

The use of motorized foot scooters in Bellevue is regulated by state and local vehicle codes (see Attachment A). The State's definition of a motorized foot scooter, updated in 2019 by HB 1772, is "a device with two or three wheels that has handlebars, a floorboard that can be stood upon while riding, and is powered by an internal combustion engine or electric motor that has a maximum speed of no greater than twenty miles per hour on level ground."

The State establishes default rules regarding where, when, how, and by whom motorized foot scooters may and may not be operated. It also authorizes local jurisdictions to amend various allowances and restrictions. For example, RCW 46.61.710 allows motorized foot scooters to be operated on highways and shared-use paths to the same extent as bicycles and class 1 and 2 electric-assisted bicycles (henceforth "e-bikes"), and it disallows their use on nonmotorized trails and sidewalks except where part of a bicycle path. However, local jurisdictions may opt to restrict or allow such use by ordinance.

Bellevue City Code (BCC 11.48.210) further restricts the use of motorized foot scooters in Bellevue. In addition to reaffirming the prohibition of sidewalk riding, it also prohibits their use on all public rights-of-way with speed limits greater than 25 mph and all use between dusk and dawn. It requires all users to wear helmets. Also, its definition of a motorized foot scooter is inconsistent with the State's.

These local regulations have several implications:

1. They functionally prevent the legal use of motorized foot scooters as a personal transportation mode in Bellevue, as they are prohibited from being used on virtually all arterial rights-of-way.
2. They contribute to a patchwork of laws with neighboring jurisdictions, which are not widely known or intuitive to the general public.
3. They preclude the provision of an electric, shared mobility option available in surrounding communities and peer cities nationwide.

4. Their inconsistency with the state's definition creates regulatory ambiguity for some devices.

History of Local Regulation

In 2004, the State authorized local jurisdictions to enact regulations of motorized scooters, and several nearby jurisdictions did so. In the City's 2005 State Legislative Agenda, staff recommended supporting inclusion of motorized scooter regulation in the Model Traffic Ordinance to provide uniform traffic laws for motorized scooters and promote their safe and efficient use.

In 2005, responding to community concerns about safety and noise from gas-powered scooters, Council requested information about its options for regulating the use of motorized foot scooters. At a regular session in 2006, Council directed Police to consult with the Youth Link Board and provide a recommendation. After three meetings of the Bellevue Youth Council, Youth Link Safe Rides Action Team, and Youth Link Board, the Youth Link Board approved recommendations to Council in 2007, including a request that the City provide public education classes and outreach materials regarding safe scooter use.

At a study session in 2007, Police submitted a modified recommendation that Council regulate motorized foot scooters. Councilmembers noted that the popularity of motorized foot scooters, and the issues that accompanied their popularity, had subsided since the issue arose in 2004. Nevertheless, by consensus, Council directed staff to proceed with drafting an ordinance. At a regular session on August 6, 2007, Council adopted Ordinance No. 5758 by a vote of 7-0.

Contemporary E-Scooters

In 2018, electric motorized foot scooters (henceforth "e-scooters") became a global phenomenon following their mass deployment by shared micromobility companies in cities worldwide. Due to various factors, including their availability and ease of use, U.S. ridership of shared e-scooters (38.5 million trips) exceeded that of station-based (36.5 million trips) and dockless (9 million trips) bike share services in 2018 (source: NACTO).

Several Washington jurisdictions have undertaken shared e-scooter programs:

- Tacoma, Spokane, Redmond, Bothell, and Everett piloted shared e-scooter services in 2018 and 2019.
- Permanent programs now exist in Spokane and Bothell.
- Tacoma is currently going through a Request for Proposals (RFP) process to select one or more vendors for a more permanent micromobility program.
- In March 2020, Redmond's Council extended their pilot for a second year.
- Seattle launched its e-scooter pilot in September 2020.

Additionally, the State modified motorized foot scooter regulations and adopted new legislation pertaining to scooter share programs in April 2019.

Micromobility in Bellevue

Bellevue launched a permit-based e-bikeshare pilot in July 2018. Lime was the lone applicant and service provider for the duration of the pilot. Their permit was extended through the end of 2019 while staff completed its evaluation and modified permit conditions for 2020 based on lessons learned.

However, Lime notified the City in November that they had chosen to suspend e-bikeshare services in Bellevue. In the subsequent weeks, Lime suspended operations throughout the Puget Sound region and many cities nationally and internationally, removed bikes from most markets, and refocused service primarily on shared e-scooters.

The Transportation Department published its 2020 Shared Micromobility Permit Conditions in January. These permit conditions are currently explicitly valid and applicable only to the operation of electric-assisted bicycles. However, they are designed to afford the City some flexibility in the types of vehicles that may be allowed under the permit, to the extent allowed by state and local codes, subject to review, approval, and additional or modified permit conditions. E-scooters are currently ineligible due to the restrictions on their use in Bellevue. To date, the City has not received any applications.

At a Transportation Commission meeting in February 2020, representatives of Lime and Wheels expressed interest in operating shared scooter services in Bellevue. During Bellevue's e-bikeshare pilot, some members of the public expressed an interest in seeing the program expand to include e-scooters. For example, in an online questionnaire developed by the City and distributed to Lime users in November 2018, 59 percent noted they would like to see e-scooters in addition to e-bikes.

Distinct from shared micromobility, staff periodically receives inquiries from Bellevue residents expressing a desire to purchase and use a privately owned e-scooter for short local trips and seeking information about whether, where, and how they may do so.

Key Considerations for Regulatory Review

Safety is the primary area of concern for most jurisdictions considering how to regulate motorized foot scooters and whether to pilot shared e-scooter services. Consistent with Bellevue's Vision Zero initiative, this would be a key focus area for the Transportation Commission. Other considerations would reflect the City's other policy priorities, including sustainability, equity, accessibility, and innovation. If Council wishes to consider shared e-scooter services, issues like parking would also require review, as with bike share.

Noise was a key concern when Bellevue's motorized foot scooter ordinance was adopted in 2007. Unlike the gas-powered devices popular in the early 2000s, whose engines were compared to "a power chainsaw, leaf blower, and old outboard motorboats," contemporary e-scooters are battery-powered and virtually silent.

Depending on the interests of Council, recommendations for code revisions could potentially include differentiation for private owners versus for shared micromobility companies, differentiation by specific vehicle typologies (e.g. standing, seated, self-balancing), and differentiation by geography for shared services (e.g. service area, no ride zones, speed-limited zones). For example, Council could choose to align City Code with State regulations regarding where and when motorized foot scooters may be operated in Bellevue. This would allow broader use by private owners, while continuing to limit whether or how some or all types of e-scooters may qualify for a shared micromobility permit.

POLICY & FISCAL IMPACTS

Policy Impact

The Transportation Element of the Comprehensive Plan includes the following policies:

- TR-8. Establish targets to increase the proportion of commute trips by modes other than driving alone. Periodically evaluate progress toward these targets and adjust programs and activities as needed to achieve them.
- TR-21. Ensure that the transportation system infrastructure in Bellevue provides mobility options for all modes, and accommodates the mobility needs of everyone, including underserved populations.
- TR-38. Monitor and implement as appropriate, emerging technologies related to autonomous vehicles and other transportation technologies that are intended to improve mobility, safety, efficiency and people-moving capacity on existing and planned transportation facilities.
- TR-61.3. Design and manage streets to foster safe and context appropriate behavior of all roadway users.
- TR-139. Develop the transportation system in Bellevue to minimize environmental and neighborhood impacts, while addressing the city's long-term transportation and land use objectives.

The Vision Zero Safe Systems approach includes the following strategies in the Safe Vehicles pillar (see Council Resolution):

- SV-1. Improve safety of private vehicles operated on our roads.
- SV-3. Improve safety of shared mobility.

The Smart Mobility Plan recommends using partnerships to deploy emerging technologies in many mobility spaces, including autonomous, connected, electric, and shared vehicles to enhance the safety, sustainability, efficiency, and accessibility of Bellevue's transportation system. It includes the following priority projects:

- Remove obstacles and create incentives for shared mobility options.
- Develop additional shared-use mobility partnerships.

The draft Sustainable Bellevue: Environmental Stewardship Plan states: "Our future is one where 100% of vehicles will be electric, and when we commute, we will drive alone less than 45% of the time."

Fiscal Impact
There is no fiscal impact associated with this action.

OPTIONS

1. Direct the Transportation Commission to work with staff to review and recommend revisions to the City Code regulating the use of motorized foot scooters in Bellevue.
2. Retain existing local regulations of motorized foot scooters without further review.

ATTACHMENTS & AVAILABLE DOCUMENTS

A. Comparison of State and Bellevue Regulation of Motorized Foot Scooters

AVAILABLE IN COUNCIL LIBRARY

N/A