

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Motorized Scooter and Transportation Regulation DEPARTMENT: City Manager's Office PRESENTED BY: Flannary Collins, Assistant City Attorney, City Attorney's Office</p>

PROBLEM/ISSUE STATEMENT. Staff seeks guidance from the Council as to the next step, if any, toward increased regulation of motorized scooters in the City of Shoreline.

INTRODUCTION/BACKGROUND

The Council reviewed this issue in the fall and instructed Staff to wait for the State's response before pursuing further action. In 2005 Session the State legislature did not take action to provide additional regulation toward motor scooters, mini-motorcycles, etc. Given this outcome, the City is again posed with the question: what action, if any, should the City take to ensure the safe and responsible use of these transportation devices? Since our staff report of fall'04, the City has received no more complaints towards motor scooter use and the police department has registered six from its 911 center. (Rather than restate the issues regarding motorized foot scooters and other transportation devices, the 2004 staff report is attached for your reference.)

OPTIONS

1. Take no action, but increase enforcement under the existing regulations (as needed). The prevalence of motor scooters and their complainants has become practically negligible since summer '04. Given this improved public safety environment it appears the need for additional regulation is reduced. In addition, as reported in the previous staff report, existing state law as well as the SMC provides adequate enforcement tools for the majority of safety violations being committed by users. More specifically, state law currently prohibits the riding of scooters at night, which is the main focus of a number of the complaints received (i.e. noisy riders during hours of expected quiet time). The RCW also requires scooter users to follow the same rules of the roads as bicyclists; thus, scooter users can be ticketed for reckless riding, running stop signs, etc. Lastly, the Shoreline Municipal Code ("SMC") also prohibits public disturbance noise.
2. Adopt an ordinance specifically regulating the use of motor scooters and other personal transportation devices. Other cities have chosen this route, addressing issues such as helmet requirements, minimum age restrictions, where the devices may be operated, and muffler requirements.

FINANCIAL IMPACT. Although no increased expenditure would result from either alternative, both alternatives could divert enforcement resources from other areas, if violations continued.

RECOMMENDATION. Staff recommends that the City Council discuss the various options and provide direction to staff as to which option to pursue. Staff recommends Option 1 as a graduated first step towards a problem that may resolve itself without additional legislation.

Approved By: City Manager  City Attorney 

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Non-human Powered Scooter Regulation
DEPARTMENT: City Manager's Office
PRESENTED BY: Bernard Seeger, Management Analyst, City Manager's Office, Flannary Collins, Assistant City Attorney, City Attorney's Office

PROBLEM/ISSUE STATEMENT. The City has received several complaints on the use of motor scooters in our neighborhoods and calling for their regulation. In general the complaints have centered around noise and unsafe riding. At the Council's request, staff has prepared a report on the regulation of motor scooters and other types of motorized personal transportation devices. Furthermore, the proper regulation of these devices will assist the City in its pursuit of the Critical Success Factor, Healthy Vibrant Neighborhoods. In reviewing the nature of the problem and the applicable regulations, staff has four courses of action for your review.

1. Take no action. Some would argue that the problem is not severe enough to warrant legislative action from the Council and police resources should remain focused on other priorities. Another argument is that the State should provide uniform regulations for motorized vehicles on public streets.
2. Increase enforcement. Current RCW regulations prohibit the riding of scooters at night unless they are equipped with reflectors approved by the state patrol. Noisy scooters driven at night have been the focus of a number of the complaints. State law also requires scooter users to follow the same rules of the roads as bicyclists and, therefore, they can be ticketed for reckless riding, running stop signs, etc. The Shoreline Municipal Code also sufficiently regulates public noise nuisances to effect prohibition by our code enforcement and police staff. The City does not need to adopt additional regulation to enforce these conditions.
3. Adopt an ordinance specifically regulating the use of motor scooters and other personal transportation devices. Some cities have chosen this route and in their ordinances have addressed issues such as helmet requirements, minimum age restrictions, where the devices may be operated, and other limiting regulations.
4. Prohibit use from sidewalks, public trails, public parking lots, around public buildings and in parks. Whether the City can authorize an outright ban on motorized foot scooters for use in the Public Right-of-Way (ROW) is still in question by legal authorities familiar with this discussion.

FINANCIAL IMPACT. While no direct impact, either 2 or 3 would require enforcement resources that would be diverted from other areas.

RECOMMENDATION. It is recommended that the City Council discuss the various options and provide direction to staff as to which option to pursue. Staff recommends Option 2 as a graduated first step towards this problem that may resolve it without additional legislation.

Approved By: City Manager _____ City Attorney _____

INTRODUCTION/BACKGROUND

Over the last few years the recreational consumer market has introduced several non-human powered transportation devices, including gas powered motor scooters, Segways, and mini motorcycles, providing new ways to travel and recreate for children and adults. These devices are typically driven on sidewalks or residential streets and some have the capacity to travel at high speeds. Most gasoline powered models generate a considerable amount of noise. The City has received 11 emails/letters and several telephone calls regarding the general safety and the noise level associated with such devices. (Ten of these written communications requested regulation and one requested the regulatory status quo). Specifically, the complaints addressed:

1. Safety - unsafe riding on roads, trails, parks, and sidewalks where danger comes to both the rider and the other ROW users.
2. Noise - unpleasantly high level of noise when the devices are used, especially during normally "quiet" hours.

In June of 2004, the Chief of Police conducted an informal assessment of the severity of this problem in the City of Shoreline and concluded that the current activity does not warrant legislative action. According to reports from his officers, they have noticed an actual decrease in scooter activity within the City. However, due to the complaints received, the safety, health and welfare issues posed by these new transportation devices, and the lack of adequate regulation in state law, staff has provided this report for the Council's consideration.

CURRENT STATE LAW REGULATION ON TRANSPORTATION DEVICES

Review of state law will focus on two of the new types of transportation devices: motorized foot scooters and mini motorcycles. (Though not inclusive of all motorized personal transportation devices, these two devices seem to be causing the most disruption in the neighborhoods, in terms of noise and violation of traffic laws.)

Motorized Foot Scooters.

RCW 46.04.336 defines a motorized foot scooter as "a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion." Motorized foot scooters are regulated in a different manner than other types of transportation devices (i.e., motorcycles and mini-motorcycles, motor driven cycles, and electric assisted bicycles). Motorized foot scooters are regulated separately because of actions taken by the State legislature in 2003. Similar to the rules that apply to bicycles, vehicle licenses, operator licenses, operator's insurance, helmets, and mufflers are not required for their use. Additionally, there are no minimum age requirements. Motorized foot scooters may also be driven on state highways to the same extent as bicycles. There are however some restrictions on their use. They may not be operated ½ hour before sunrise or ½ hour after sunset without reflectors approved by the state patrol. The scooters also may not be operated on bike paths, trails, bikeways, or similar recreational trails when the trail was built or is maintained with federal highway transportation funds. This regulation causes the ban of motorized foot scooters from the Interurban Trail.

Mini-motorcycles.

Unlike motorized foot scooters, motorcycles and other similar transportation devices (i.e., mini motorcycles) have more stringent regulations. RCW 46.04.330 defines a motorcycle as a "a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar." (Electric-assisted bicycles are not included in this definition as the RCW defines these separately). It appears that mini motorcycles fit within the definition of motorcycles although they are not specifically mentioned in the RCW.

Given this, regulating mini-motorcycles as motorcycles would essentially ban them from public streets since motorcycles must be registered to operate on public streets and registration requires a unique vehicle identification number (VIN). Currently mini-motorcycles do not have VINs. Furthermore, many of the feature requirements on motorcycles, such as lighting, mirrors, and braking, might be physically impossible for mini-motorcycles.

REGULATION OF NOISE

State law does not regulate noise emitted from motorized foot scooters, and even permits removal of muffling device and pollution control devices. However, the Shoreline Municipal Code regulates noise both on private and public property. SMC 9.05.010 defines public disturbance noise as "any noise which unreasonably interferes with the peace and comfort of owners or possessors of real property." The SMC further illustrates public disturbance noise as "the creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district." Under SMC 9.05.020, motorized foot scooters and other similar transportation devices emitting public disturbance noise, both on private and public property, can be cited with a \$250.00 civil fine. Second violations are subject to a misdemeanor.

PROSECUTION

Should the City consider adopting an ordinance further regulating these devices, it should be noted that the City will have to prosecute violators under the age of 16 via the juvenile court. Whether juvenile court has the jurisdiction to hear a violation of a local law designated as a civil infraction requires more research. In the event the juvenile court does not have jurisdiction, however, the City may use the impoundment process via the administrative hearing process for violators under the age of 16. An example of this is provided in the Mountlake Terrace ordinance.

MUNICIPAL ORDINANCE REVIEW

Several cities such as Seattle, Lynnwood, Auburn, and Kirkland have passed ordinances regulating motor scooters, mini-motorcycles, and EPAMDs (Electric Personal Assistive Mobility Devices). (State law defines EPAMDs as "a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system" that travels less than 20 mph.) This definition captures the new Segway transportation device. The ordinances vary somewhat but in general incorporate the following:

1. Definition of motorized scooter/motorized wheeled transportation device. The most comprehensive definition included: any electric or gas powered scooter, power board, motor powered skateboard, miniature motorcycle, pocket bike, or miniature chopper.
2. Where they may be ridden:
 - On streets that are 25 mph or less;
 - Only on bicycle lanes;
 - Prohibited on sidewalks, arterials, city parks, and the central business district.
3. When they may be ridden: Daylight hours only. Evening hours as long they are fitted with proper reflective devices.
4. Responsibilities/duties as a rider.
 - Helmets
 - Minimum age – 16, 15, 14
 - Regulations for crossing arterials, making left turns
 - No riding with passengers or towing passengers
 - Same rules as vehicles and pedestrians
 - No operation in a negligent manner
 - Muffler in good working order
 - Compliance with specific size of handlebars
 - Working brakes
 - Lights for low visibility hours
5. Miscellaneous. Director of Transportation may set speed limits.

OPTIONS

1. Take no action. Some would argue that the problem is not severe enough to warrant legislative action from the Council and police resources should remain focused on other priorities. An informal assessment by the Chief of Police supported this course of action.
2. Increase enforcement. Current RCW regulations prohibit the riding of scooters at night, which is where a number of the complaints originated from i.e. noisy riders during hours of expected quiet time. The RCW also requires scooter users to follow the same rules of the roads that bicyclists do and therefore can be

ticketed for reckless riding, running stop signs, etc. No additional regulation is required to enforce these conditions.

3. Adopt an ordinance specifically regulating the use of motor scooters and other personal transportation devices. Other cities have chosen this route and in their ordinances addressed issues such as helmet requirements, minimum age restrictions, where the devices may be operated, muffler requirements, etc.
4. Prohibit use from sidewalks, public trails, public parking lots, around public buildings and in parks. A local jurisdiction may adopt local vehicle or traffic regulations that do not conflict with RCW Title 46, "Motor Vehicles," unless expressly authorized by law. RCW 46.08.020. Since state law allows motorized foot scooters access to state highways to the same extent as bicycles, many (including the Municipal Research & Services Center) argue that an outright ban by the City would conflict with state law. Given this, the City's authority to ban motorized foot scooters for use in the Public ROW is still in question by legal authorities familiar with this discussion. The City can, however, prohibit the use of the scooters in other public areas such as sidewalks, public trails, public parking lots, around public buildings and in parks and in a broader manner by adopting a minimum age requirement that causes a de facto "ban" for many of our community's riders.

RECOMMENDATION

It is recommended that the City Council discuss the various options and provide direction to staff as to which option to pursue. Staff recommends Option 2 as a graduated first step towards this problem that may resolve it without additional legislation.