



CITY OF KIRKLAND

Department of Public Works

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MEMORANDUM

To: Transportation Commission

From: Elaine Borjeson, Engineering Analyst
Jim A. Arndt, P.E., Public Works Director

Date: January 22, 2004

Subject: MOTORIZED SCOOTER REPORT

SUMMARY:

At the August meeting of the Transportation Commission, Sgt. Ursino of the Kirkland Police Department asked the Commission to review the possibility of limiting scooter use in Kirkland. Subsequently, the topic was placed on the Commission's 2004 work plan. This report outlines recent scooter related legislation, the response of some nearby cities and the actions of selected cities in Oregon and California. It also offers the Commission options for legislative action and staff recommendations. The Commission should recommend proposed limitations to the City Council.

Effective August 1, 2003, the State legislature changed RCW 46.04 to define motorized scooters and outline their legal use in Washington. The legislation is available at http://www.leg.wa.gov/pub/billinfo/2003-04/Senate/5750-5774/5770-s_e.pdf Motorized scooters now have the same highway access as bicycles and can be operated on multi purpose trails or in bicycle lanes. Subsection (5) of RCW 46.61.710 says local jurisdictions may restrict or limit access of motorized scooters, and state agencies may regulate their use on facilities and properties under state jurisdiction and control. Cities may not override state laws and prohibit use of the scooters in areas where the state specifically allows them. Motorized scooters may not be operated on bicycle paths or trails built or maintained with federal highway transportation funds.

The scooters are promoted by their manufacturers and consumer advocates as an environmentally friendly, fuel efficient, inexpensive, portable and fun mode of transportation that can be used on existing city infrastructure. Opponents of the scooters cite noise and safety as their major concerns. They claim motorized scooters do not mix well with pedestrians and bicyclists and are often operated at speeds in excess of the youthful driver's skill level. Finally, the 2-cycle engines which power most scooters are anything but environmentally friendly. The majority of cities contacted for this report do not have pending legislation related to these scooters (Seattle is the exception), but their bias favored pedestrians over the scooter operator in all cases.

DEFINITION OF MOTORIZED SCOOTER:



A motorized scooter is a skateboard type device with handlebars, two small diameter wheels, and an internal combustion or electric motor that is designed to be stood or sat upon by the operator and not to exceed speeds greater than 25 MPH. The most common motorized scooter is powered by a two-cycle engine similar to a gas powered blower. A common brand name is Goped[®] manufactured by Patmont Motor Werks (PMW) in Livermore, California. PMW has been manufacturing versions of the Goped[®] since 1985, and they market it as an environmentally friendly, portable, personal transportation device achieving 200 miles per gallon fuel efficiency. However, the Goped[®] website: <http://www.goped.com/> indicates their customer base may be primarily extreme sports enthusiasts rather than the average urban commuter.

The Revised Code of Washington Chapter 46.04.336 defines the 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. For purposes of this section, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.”

REGULATION IN NEIGHBORING CITIES:

- **Bellevue** – According to the Transportation Department there is no pending legislation in committee at this time. The Bellevue Police Public Information Officer forwarded a recent Traffic Unit Training Bulletin stating: “The Motorized Foot Scooter is now legal in the state. They should be treated just like a bicycle in that they can be operated on a limited access highway (where permitted), the roadway, bike lanes, and trail or paths. If they do not have reflectors that have been approved by the State Patrol then their operation is restricted to ½ hour after sunset to ½ hour before sunrise.”
- **Redmond** – The Transportation Services Manager states Redmond has no plans at this time to prohibit or allow motorized scooters in their city. They are interested in the conclusions of the Kirkland Transportation Commission.
- **Bothell** – The Transportation Manager said Bothell has taken no position regarding motorized scooters at this time.
- **Seattle** – An ordinance is on its way to Council within the next two weeks. It is pedestrian oriented and conservative in approach. Drafting the ordinance has been a six month process and will include wording to cover the Segway device as well as motorized scooters according to the Senior Executive Assistant with the Seattle Department of Transportation. Seattle is not willing to release the ordinance to us at this time.
- **Wenatchee** – Ordinance No. 2003 - 31 was passed on November 13, 2003 requiring the operator to have a valid driver’s license, prohibiting scooter use upon any sidewalk in the City, requiring headlights, turn signals, reflectors if driving after sunset, and requiring a muffler. Violations are punishable by a \$50 fine and impounding the scooter for 10 days.

- Municipal Research and Services Center of Washington (MRSC)** – According to MRSC, there have been three inquiries in the past seven months pertaining to motorized foot scooters. The City Attorney in Stanwood asked if a city could enact a moratorium to delay the effective date of new state legislation legalizing motorized foot scooters throughout the state. The reply was “a city cannot override a state law and prohibit use of motor foot scooters in areas where the state specifically allows them to be utilized. However, the city probably could add some safety requirements, such as a helmet requirement for riders and passengers.” The second inquiry was from a police officer in Mill Creek asking for information on motorized scooter legislation. The August 1, 2003 legislation was cited (chapter 353, Laws of 2003, ESB 5450). The following website link was also given: http://www.leg.wa.gov/pub/billinfo/2003-04/Senate/5450-5474/5450_pl_04272003.txt. We believe that this legislation is more germane to Segway scooters. The last question was from a police sergeant in Des Moines requesting sample ordinances restricting motorized scooters. The reply from MRSC dated 9/18/03 was “we have not received any ordinances regulating motorized scooters.” It continued, “I discussed your question with one of our legal consultants. Evidently, a city is limited in what it can do to regulate or restrict motorized scooters.”

MOTORIZED SCOOTER REGULATION IN CITIES OUTSIDE WASHINGTON:

LOCATION	AGE/LICENSING REQUIREMENTS	WHERE TO RIDE	TIME OF DAY	REQUIRED SAFETY GEAR
Eugene, OR	16 yrs old	15 mph speed limit on scooter, may be ridden on street with speed limit < 25 mph, not on sidewalks or park paths	Must use lights at night	Helmet
Anaheim, CA	16 yrs old	Street with speed limit < 25 mph, not on sidewalks	No limit, lighting and reflector requirements if driven at night	Bicycle helmet, braked wheel
Stockton, CA	16 yrs old, operator must have valid driver's license	Class II bike lane, street with speed limit < 25 mph, not on sidewalks	Not addressed	Bicycle helmet
Ventura, CA	16 yrs old	Class II bike lane, street with speed limit < 25 mph, not on sidewalks	Not addressed	Bicycle helmet if under age of 18, must have brakes

LOCATION	AGE/LICENSING REQUIREMENTS	WHERE TO RIDE	TIME OF DAY	REQUIRED SAFETY GEAR
Modesto, CA	16 yrs old	Class II bike lane, street with speed limit < 25 mph, not on sidewalks, Banned from parks and trails as of 12/11/2003	No limit, lighting and reflector requirements if driven at night	Bicycle helmet, must have brakes
Glendora, CA	16 yrs old	Street with speed limit < 25 mph, not on sidewalks	Not addressed	Bicycle Helmet

NEWS MEDIA COVERAGE OF MOTORIZED SCOOTERS:

As motorized scooters have become more popular, due in part to their price dropping below \$200 in some cases, they have drawn has been increased media attention. During the recent holidays, parents were cautioned to know their local regulations before purchasing motorized scooters for their children. A common theme in the news involves police departments receiving complaints from residents about noisy scooters tearing through their neighborhood, or young children operating scooters faster than their riding skill allows. The US Consumer Product Safety Commission recorded 5,900 injuries treated in emergency rooms because of motorized scooter use in 2002. That number is expected to rise as the popularity of the scooter increases and the price drops.

OPTIONS/RECOMMENDATIONS:

There are several areas where the Commission could make recommendations that would further restrict the use of scooters and they are outlined below. The City Attorney's office is researching the latitude the Commission has in pursuing limitations to scooter operation. This information should be available prior to the Commission meeting on the 28. It is clear that the Attorney's opinion will have an important effect on the restrictions that the Commission may want to recommend to Council. Also, some of the restrictions may be difficult or impractical to enforce. Note that it is not possible to restrict the use in ways that are specifically allowed by state law. For example, State Law specifically states that motorized scooters do not have to be registered and do not require operators to have a license. We do not believe it is possible for the local law to contradict these provisions. In light of this the preliminary opinion of the City Attorney is that some of Wenatchee's regulations may not successfully withstand a court challenge. State law specifically allows local jurisdictions to regulate where scooters are allowed to operate. It does seem reasonable, for example that Kirkland could limit scooters to streets with a speed limit of 25 MPH or less.

Area of restriction	Current Law	Options shown below may be combined		
Age of operator	Any	Greater than 13	Greater than 16	
Required equipment	None	Helmets	Lights and reflectors: during hours of darkness	Brakes
Location of operation	Not allowed on shared use trails or paths built or maintained with Federal Highway Funds.	Streets <25 MPH	not allowed in parks and on sidewalks	

Preliminary recommendations from the Kirkland Police Department include limiting the use of motorized scooters to operators with a minimum age of 13, to roads with speed limits less than 25 mph, and prohibiting use on sidewalks or inside park boundaries.