



City of Tacoma

City Council Action Memorandum

TO: Elizabeth A. Pauli, City Manager
FROM: Liz Kaster, Active Transportation Coordinator/Senior Planner, Public Works Department
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COPY: City Council and City Clerk
SUBJECT: Request for Ordinance to Amend Title 11 to Clarify and Update Active Transportation Code –
June 30, 2020
DATE: June 19, 2020

SUMMARY AND PURPOSE:

An ordinance amending Title 11 of the Tacoma Municipal Code, relating to Traffic, to update and clarify rules related to active transportation, including micromobility.

These changes are intended to make the rules of operation for active transportation easier to understand and follow, and reduce the likelihood of unnecessary enforcement actions. They will also update the Municipal Code based on lessons learned from the micromobility pilot, best practices, and stakeholder outreach. Additionally, these changes will better align the Municipal Code with the City's Transportation Master Plan and recent updates to the Revised Code of Washington.

The proposal will amend the following chapters of Title 11:

- 11.05: Model Traffic Ordinance
 - 11.05.020: Sections not adopted.
 - 11.05.040: Amendment of WAC 308-330-555.
 - 11.05.562: Use of coasters, roller skates, and similar devices restricted.
- 11.06: Motorized Scooters and Electric Personal Assistive Mobility Devices
 - 11.06.020: Motorized foot scooter.
 - 11.06.030: Areas of operation.
 - 11.06.040: Rules of operation.
 - 11.06.050: Noise.
 - 11.06.060: Application to other devices.
- 11.30: Bicycle, Skateboard, Roller Skates, and Scooter Helmets
 - 11.30.010: Purpose and policy.
 - 11.30.020: Definitions.
 - 11.30.030: Helmet required.
 - 11.30.040: Bicycle, skateboard, roller skates, scooter races, and events – Helmet required.
 - 11.30.050: Bicycle, skateboard, roller skates, and scooter leasing or loan – Helmet required.
 - 11.30.060: Helmet sales – Safety standards.
 - 11.30.070: Penalties – Civil nontraffic violations.
 - 11.30.080: Enforcement.
 - 11.30.090: Information and education.



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BACKGROUND:

This Department's Recommendation is Based On:

Increasing the use of active transportation is a central goal of the City of Tacoma's Transportation Master Plan and Environmental Action Plan, in alignment with the Tacoma 2025 focus on providing Tacoma residents with accessible and efficient transportation options.

Micromobility programs are one strategy to reduce barriers to using active, sustainable transportation options. From fall 2018 to spring 2020, the City conducted a pilot micromobility program, with the goal of evaluating the use and impacts of a new transportation option for people traveling around Tacoma. During the pilot, over 349,797 trips were taken by more than 87,052 unique riders.

In March, the City released a Request for Proposals (RFP) to select a micromobility vendor for a year-long contract. The RFP was developed with significant community input and was designed to address lessons learned from the pilot. Public Works Department staff presented updates to the Infrastructure, Planning, and Sustainability Committee regarding the micromobility program on January 15, 2020 and March 4, 2020.

As the City prepares to launch the next phase of micromobility in Tacoma, staff and community stakeholders have conducted a thorough review of the Tacoma Municipal Code (TMC). This review revealed that certain elements of the TMC make it difficult to decipher what rules each mode of transportation must follow and fails to address common community concerns heard during the micromobility pilot. For example, the TMC does not include a provision requiring motorized foot scooters to yield to pedestrians on the sidewalk. Likewise – electric motorized foot scooters are not allowed in bike lanes under current code, but stakeholders – including the Tacoma Area Commission on Disabilities – would like to see this changed to help reduce conflicts between pedestrians and electric scooters.

The City also wants to ensure that our policies don't negatively impact some communities more than others. Nationally, people of color are more likely than white individuals to walk and ride bicycles. However, studies across the nation have shown significant disparities in safety and access. Communities of color – particularly Black and Indigenous communities – have less access to safe infrastructure, face higher risks of being killed in a collision while walking or bicycling, and are subjected to disproportionate enforcement related to active transportation laws. Cleaning up the TMC, as it relates to active transportation, is a small but important step to ensure that the City's policies do not create opportunities for unnecessary enforcement actions.

A growing body of research points to improved community-wide outcomes when jurisdictions do not impose helmet laws. It is becoming increasingly clear that while helmets are effective and should be encouraged, helmet laws are not the most equitable or effective approach to maximize public health outcomes. Based on this research, staff proposed the repeal of Tacoma's mandatory helmet law; replacing the requirement with a statement outlining the City's intent to encourage the use of helmets and a commitment to continue efforts to reduce barriers to accessing helmets and educate the community about why and how to wear helmets. This new section of code also acknowledges that helmets are just one strategy to improve active transportation safety; the City will continue to pursue a multi-faceted approach to enhance the safety of our transportation system. This change does not supersede state helmet laws for motorcycles, mopeds, or motor-driven cycles, which remain in effect.

This review of the TMC also identified long-standing rules that are not well-aligned with current City policies or best practices. For example, the TMC includes a requirement that anyone selling a new or used bicycle in Tacoma must provide detailed information to the chief of police on each bicycle sold – including the buyer's name and address, a



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description of the bicycle, and the frame number. This measure is not enforced and would likely lead to administrative burdens and privacy concerns.

On a similar note, the Code does not allow people to use skateboards in the “B” Business District. However, this boundary designation is no longer used in the TMC and the applicability of this provision is unclear. In 2011, the Tacoma City Council adopted Comprehensive Plan Amendments that recognized skateboards “as an environmentally friendly means of transportation and valid mode of travel.” When the Transportation Master Plan was passed in 2015, it highlighted skateboards as a low/no emission mode of transportation and encouraged their use. However, the TMC was never updated to reflect this policy intent.

These changes will also better align the TMC with the Revised Code of Washington. For example, in 2019, the State updated the definition of motorized foot scooters to better reflect evolving vehicle types available on the market – including seated scooters, three-wheeled scooters, and scooters with larger wheels. The proposed changes are intended to mirror state definitions for increased clarity and consistency.

As part of the re-launch of micromobility in Tacoma (originally slated for June 1, but delayed due to COVID-19), the selected vendor will be educating customers and the community about where to ride and rules of operation. By having these proposed changes adopted in advance of this effort, it will ensure that the rules of the road are clear and that the Code reflects the policy goals of the City.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Staff have worked closely with stakeholders to develop the proposed code changes — including staff presentations to and discussions with the City’s Micromobility Stakeholder Group (which includes Metro Parks Tacoma, Tacoma-Pierce County Health Department, Downtown On the Go, and other internal and external stakeholders), the Tacoma Area Commission on Disabilities, Transportation Commission, the Bicycle and Pedestrian Technical Advisory Group, and the Downtown Tacoma Partnership.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

These proposed code changes will help increase access to healthy and affordable active transportation options – including micromobility. These changes will also reduce the likelihood of enforcement actions stemming from unclear and inconsistent code language and policies that do not align with best practices.

Livability: Moderate Opportunity

Improve access and proximity by residents of diverse income levels and race/ethnicity to community facilities, services, infrastructure, and employment.

Decrease the percentage of individuals who are spending more than 45 percent of income on housing and transportation costs.

This proposal will increase accessible transportation options – linking Tacoma’s diverse community to community facilities, services, infrastructure, and employment. Active transportation is also affordable transportation; residents who can safely walk, bicycle, scoot, or skate for some or all of their trips have lower transportation costs.



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ALTERNATIVES:

Alternative(s)	Positive Impact(s)	Negative Impact(s)
No Action Taken/Current Code Maintained		Lack of clarity for active transportation users about where to ride and related rules. Inconsistencies remain between Code and Transportation Master Plan. Increased use of electric scooters on sidewalks if not allowed in bike facilities; resulting in higher rates of scooter/pedestrian conflicts.

EVALUATION AND FOLLOW UP:

Staff will continue working closely with stakeholders to evaluate the impacts of micromobility in Tacoma and active transportation policies and programs more generally. As transportation modes and best practices continue to evolve, City staff will bring forward additional code changes as needed.

STAFF/SPONSOR RECOMMENDATION:

The Public Works Department recommends amending Title 11 of the Tacoma Municipal Code, relating to Traffic. These changes will clarify the rules of operation for active transportation, including micromobility, reduce the likelihood of unnecessary enforcement actions, update the code based on lessons learned from the micromobility pilot, best practices, and stakeholder outreach, and better align the Municipal Code with the Transportation Master Plan.

FISCAL IMPACT:**What Funding is being used to support the expense?**

There are no funding impacts associated with this proposed code change.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

NO, PLEASE EXPLAIN BELOW

N/A – no expenditures or revenues will be affected.

Are there financial costs or other impacts of not implementing the legislation?

No

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

ATTACHMENTS:

- Proposed Title 11: Traffic Code Changes – Table Format