
MEMORANDUM

Date: January 30, 2019
To: Seattle City Council
From: Joel Miller, Bike Share Program Manager, SDOT Transit & Mobility Division
Subject: **Sidewalk Management Plan; Response to Bicycle Share Fee Schedule Ordinance (125634)**

1. Purpose and background

With the growth of bike share users and increases in the number of people working and walking in some areas of the city, especially downtown, more pedestrians and bicyclists are interacting and at times, competing for the same space, creating potential conflicts. As part of the Bicycle Share Fee Schedule Ordinance (125634) passed in July 2018, the Seattle City Council directed the Seattle Department of Transportation (SDOT) to provide a **“written plan for sidewalk management and safety addressing the increasing use of fast-moving electric-motor devices on sidewalks”** (Section 6). Examples of electric-motor devices include electric-powered or electric-assisted bicycles and e-scooters, electric skateboards and other micro-mobility devices (such as electric personal assisted mobility device, or EPAMDs), and delivery bots (mobility devices for goods delivery). While not all of these devices are in use today on city streets and sidewalks, SDOT is looking ahead to a future where many different electrically-assisted devices may be ubiquitous.

This memo describes the current tools SDOT uses to manage sidewalk interactions between people on foot, people using wheelchairs, people riding bicycles, and other emerging micro-mobility travel and goods delivery options—both electric and human-powered. Additionally, the memo takes an initial pass at defining issues and policy considerations that should inform the development of future sidewalk management strategies.

2. Current sidewalk management tools

A key element of livable communities is having a safe and convenient place for people to bike and walk as part of their daily activities. Collectively, Seattle’s policies and planning documents (Comprehensive Plan, Bicycle Master Plan, Pedestrian Master Plan, and Complete Streets policy) support vibrant communities and public space.¹

¹ See [Seattle 2035: Comprehensive Plan](#), Policy T2.15 (page 78) and Goal TG6 (page 89); [Seattle Bicycle Master Plan](#), introduction (page 4). Seattle’s Complete Streets policy includes guiding principles and practices so that right-of-way improvements are planned, designed and constructed to encourage walking, bicycling, and transit use while promoting safe operations for all users.

Seattle Municipal Code (SMC) allows bicycling on sidewalks but requires that riders must yield to pedestrians and operate at a reasonable speed. This provision recognizes that many streets still lack all-ages-and-abilities bicycle facilities, and on those routes, riding on the sidewalk continues to be the safest choice for many riders. Safety data show that between 2014 and 2017, there were nearly 2,000 collision reports involving pedestrians in Seattle. Only 27 (1.5%) of these involved bicycles, and only three (0.16%) occurred on sidewalks.²

SDOT uses a variety of tools and strategies to ensure safe and secure interactions between all users on sidewalks. The primary sidewalk management and safety tools in current use are:

- Policies and regulations
- Enforcement
- Permit conditions
- Infrastructure investments

Policies and Regulations

In Seattle, bicycles are allowed on sidewalks, but the rider is required to “*yield the right-of-way to any pedestrian thereon, and shall give an audible signal before overtaking and passing any pedestrian*” (SMC 11.44.120). Current Washington State ‘Rules of the Road’ (Revised Code of Washington (RCW) 46.61) explicitly address a range of electric mobility options including electric scooters (referred to a “motorized foot scooters”) and electric bicycles and their allowance on different portions of the right-of-way. Where Seattle Municipal Code is silent on these issues, the City of Seattle defers to current state law.

Below is a summary of relevant state and city regulations related to sidewalks, bicycles, and electric mobility devices (Table 1). For purposes of this memo, hoverboards and other such devices are referred to as electric personal assisted mobility devices (EPAMDs).

Table 1. Current Washington State and Seattle Municipal Code Regulations

Mobility Device	Washington State RCW (46.61)	Seattle SMC (11.44 ³ , 11.46 ⁴)
Bicycles	<ul style="list-style-type: none"> • Bicycles are allowed on sidewalks (46.61.755) • Bicycles must yield to pedestrians (46.61.261) 	<ul style="list-style-type: none"> • Bicycles are allowed on sidewalks • Bicycles must yield to pedestrians and shall operate at a rate of speed no greater than is reasonable and proper under the existing conditions (11.44.120)

² Seattle Police Department Collision Reports between 2014 – 2017.

³ SMC 11.44 was written in 1979 and has not been subsequently updated.

⁴ SMC 11.46 was written in 2004, with one update in 2009.

Mobility Device	Washington State RCW (46.61)	Seattle SMC (11.44³, 11.46⁴)
Electric Bicycles⁵ (E-Bicycles)	<ul style="list-style-type: none"> Class 1 (pedal assisted up to 20 mph) and 2 (motor-propelled up to 20 mph) electric-assist bicycles are allowed on sidewalks (46.61.710) Class 3 (over 20 mph) electric-assist bicycles are not allowed on a shared use path, like a sidewalk, unless a specific jurisdiction specifically allows it Local jurisdictions are given the authority to further regulate e-bicycles on sidewalks 	<ul style="list-style-type: none"> SMC defines e-bicycles but does not address e-bicycles on sidewalks
Electric Scooters (Motorized Foot Scooters)	<ul style="list-style-type: none"> Electric scooters are <u>not</u> allowed on sidewalks Electric scooters are <u>not allowed</u> on bicycle paths or trails built or maintained with federal highway transportation funds (46.61.710) 	<ul style="list-style-type: none"> E-scooters cannot be operated on sidewalks, bicycle lanes, or public paths (11.46.010)
Electric Personal Assisted Mobility Device (EPAMD) (Includes other motorized personal mobility devices)	<ul style="list-style-type: none"> Cannot exceed 20 MPH No restrictions; allows cities to restrict use 	<ul style="list-style-type: none"> Allowed on sidewalks but not allowed on bicycle lanes or public paths

Enforcement

As detailed in Table 1 above, the city and state have several governing laws to help manage sidewalk interactions between pedestrians, bicycles and electric mobility options. Since the Seattle Municipal Code defines a bicycle as a vehicle (SMC 11.14.710), it is subject to the same parking, enforcement, and impounding provisions as other vehicles in the SMC. The Seattle Police Department (SPD) has the authority to enforce the regulations detailed above, including unsafe or reckless riding on sidewalks.

Permit Conditions

⁵ All bike share e-bikes are class 1 e-bikes with a further restricted top speed of 15 mph.

The City of Seattle permits free-floating bike share operators (both non-motorized and electric bicycles) and has established a robust permit framework centered around compliance, data, and equity. E-scooters and delivery bots are not currently permitted in the City of Seattle.

In formulating the 2018-2019 free-floating bike share permit, referred to throughout as Permit 2.0, SDOT staff drew directly from lessons learned in Seattle’s pilot version of the bike share permit (referred to as Permit 1.0). Based on the findings from the Fall 2018 pilot evaluation under Permit 1.0, new requirements were included in Permit 2.0 ([Full Permit Requirements 2.1](#)) to further address bicycle parking compliance, sidewalk management, and consumer education. These include (but are not limited to):

- Vendors must adjust, repark, or remove improperly parked devices. Devices may not be parked in pedestrian clear zones “areas of the sidewalk specifically reserved for pedestrian travel”⁶, on corners, at transit stops, in loading or disabled parking permit zones, or blocking access to buildings, curb ramps, benches or other street features (Section: Parking, P).
- Vendors must respond to reports that devices are improperly parked or need maintenance, as well as prioritize responses to obstruction hazards (Section: Operations, O2).
- Vendors are required to submit equity plans addressing people of color, people with disabilities, and others who historically have been underserved (Section: Operations, O7).
- Vendors are required to post rider education signage about helmet laws, safe riding, and responsible parking (Section: Enforcement, ES3.2).

To ensure free-floating bike share operators abide by their permit requirements, in addition to the bicycle enforcement provisions included in the Seattle Municipal Code, Permit 2.0 has identified a 3-pronged direct enforcement strategy to address bike share parking and sidewalk management:

1. **Direct compliance auditing:** SDOT or its designee will directly observe right-of-way activities related to bike share operations, including user parking behavior and other issues, by conducting on-street compliance audits.
2. **Verification of vendor data:** SDOT will verify that the vendor submits accurate fleet data, responds to public reports of improperly parked devices within the specified time limits, and delivers on the commitments made in its fleet management plan.⁷
3. **Direct enforcement actions:** When vendors are found to be non-compliant with permit requirements—including lack of proper right-of-way management (e.g., hazardous parking), data accuracy, and fleet maintenance—SDOT may impose enforcement penalties such as fleet size reduction and permit revocation.

Moreover, SDOT uses its authority to manage the impacts of permitted devices in the right-of-way. This is done in several ways: from controlling and monitoring the number of permits issued (e.g., how many bikes each vendor can have), to determining the way that fees will be levied (on a per bike basis), and

⁶ Definition cited in [Streets Illustrated, Section 3.1, Sidewalks](#).

⁷ Devices that are reported to the vendors as potential obstruction hazards must be properly parked by the vendor within two hours for reports made between 6:00 am and midnight or within four hours for reports made between midnight and 6:00 am. Devices that are reported to the vendor as improperly parked *but not an obstruction hazard* must be re-parked within 24 hours to be in compliance.

directing permit fees to support critical programming and infrastructure (e.g., 40% of fees in 2019 will support bicycle parking installation throughout the city).

Infrastructure Improvements

SDOT is focused on increasing and improving bike infrastructure such as bicycle lanes and bicycle parking that improve safety and reduce potential sidewalk conflicts. Since 2016, Bicycle Master Plan implementation has been funded primarily by the Levy to Move Seattle, which was approved by voters in 2015. In 2018, SDOT built approximately 20 miles of bike lane connections throughout the city. SDOT will continue to invest in bicycle riding facilities throughout the city, including the Center City Bicycle Network as requested by the Seattle City Council in Resolution 31826.

Further, SDOT is currently working to increase on-street bicycle parking infrastructure including racks, corrals, and painted parking areas. The goal is to build 1,500 new bicycle parking spaces by December 2019, focusing on bicycle racks and corrals. This would constitute a ~20% increase in total bicycle parking spaces in the city.

3. Policy considerations

The elements discussed above constitute the tools currently available to SDOT and the City of Seattle to manage sidewalk interactions and ensure that sidewalks remain safe and comfortable for increasing numbers of bicycle riders and pedestrians alike. As stated above, the city's policy documents (Comprehensive Plan, Bicycle Master Plan and Pedestrian Master Plan) consider shared use spaces as contributing to vibrant communities and public places.

However, with the growing popularity of bicycles, electric bicycles, and future electric mobility options, SDOT recognizes that the increased potential for conflicts between pedestrians and bicycles merits additional review of all sidewalk management tools. Specific to policy and regulatory tools, SDOT believes that the issue of sidewalk management should be re-evaluated to assess whether additional measures are needed to separate personal mobility devices from pedestrians. Future consideration of policy changes should consider three important issues: safety, equity, and comfort.

Safety:

- **Sidewalks provide protected spaces for people to ride bicycles, especially in areas lacking protected bicycle infrastructure.** People riding bicycles on the street with no protected bicycle facility have a greater likelihood of being in a collision. There are over 400 bicycle-vehicle collisions per year, of which more than 20 (5%) are serious or fatal collisions.
- **Data show that bicycle vs. pedestrian collisions reports are extremely rare.** Between 2014 and 2017 there were nearly 2,000 collision reports involving pedestrians in Seattle. Only 27 (1.5%) of these involved bicycles, and only three (0.16%) occurred on sidewalks. Only one bicycle-pedestrian crash that occurred on the sidewalk in this timeframe resulted in a serious injury.

Equity:

- **Nationwide studies show that bicycle-specific laws are inequitably enforced.** In several cities nationwide where analysis has been conducted on citations and fines issued for breaking bicycling laws, including riding bicycles on sidewalks where it is banned or illegal, the

findings have uncovered uneven or inequitable enforcement. Analysis has shown that people of color (specifically Black and Latino residents), homeless people, and people from low-income neighborhoods are disproportionately cited in traffic enforcement.

- **Many of Seattle’s low-income communities and communities of color are concentrated in areas that lack safe, affordable, accessible and environmentally-sustainable transportation infrastructure, including protected bicycle infrastructure, because of historic systemic racial inequities in transportation funding and planning.** As stated above, sidewalks provide a safe and secure space for cyclists, especially when bicycle infrastructure is not present. Prohibiting riding on the sidewalk could either force riders to ride on streets lacking safe and properly signed infrastructure where they may face vehicular traffic safety conflicts or force them to ignore the law and face enforcement actions.

Comfort:

- **Some Seattle pedestrians have voiced safety and comfort concerns with increased bicycle and e-bicycle usage on sidewalks.** It is important that sidewalks remain a safe, comfortable, and enjoyable place for people to walk, access local businesses and residences, and socialize. With more bicycles, e-bicycles, and the potential for other e-mobility devices vying for already crowded sidewalk space, SDOT must strive to maintain balanced regulations to ensure comfort and safety for pedestrians and cyclists alike.
- **SDOT should consider how different people use and value the sidewalk, including but not limited to children, elderly, and people living with disabilities.** Different user groups rely on sidewalks for different purposes and needs. Although bicycles are allowed on sidewalks, both riding and poorly parked bicycles can create obstruction hazards, impact Americans with Disabilities Act (ADA) sidewalk accessibility, and disproportionately impact other user groups (e.g., those who are elderly and youth).

4. Next Steps

The new bike share permit process anticipates several requirements that will inform ongoing program refinements for sidewalk management. Immediate next steps will include:

- **The collection and evaluation of vendor data** to better understand vendor responses to public reports of improperly parked devices within the specified time limits.
- **The initiation of bike share compliance audits.** SDOT will directly observe right-of-way activities related to bike share operations, including parking behavior and the interactions on sidewalks between pedestrians and bicycles.

Also, as part of the City’s 2019 Adopted Budget, the City Council issued a Statement of Legislative Intent (SLI) (35-3-A-1) focused on managing emerging technology and mobility options operating in the city right-of-way with a response due in June 2019. According to the SLI, SDOT’s response should include:

- A survey of anticipated new mobility options like scooters, “transit pods,” and other non-motorized vehicles, that may be coming to Seattle in the next three to five years.

- An evaluation of other cities' efforts to address these emerging private transportation investments.
- A strategy to integrate these options into the transportation network in a safe and sustainable manner, including the possibility of using bicycle lanes for these modes of transportation.

The SLI response will be used to identify new tools to enhance sidewalk management. These could include updated policies, regulations, permit conditions, enforcement, education and encouragement programs, and infrastructure improvements.