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**CITY OF TEMPE**  
**REQUEST FOR COUNCIL ACTION**

**Council Meeting Date: 07/31/2019**  
**Agenda Item: 6C5**

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**ACTION:** Hold the second and final public hearing to adopt an ordinance amending and expanding Chapter 19, Tempe City Code concerning Motor Vehicles and Multimodal Traffic. An initial public hearing was held on June 6, 2019, but due to substantive changes made to the ordinance since that hearing, a first public hearing was held again on June 27, 2019. (Ordinance No. O2019.22) (Related to Item 6C4)

**FISCAL IMPACT:** There is no fiscal impact to the City.

**RECOMMENDATION:** Adopt Ordinance No. O2019.22.

**BACKGROUND INFORMATION:** This ordinance maintains sections of Chapter 7, Bicycles and Light Motorized Vehicles and adds it to Chapter 19, Motor Vehicles and Traffic and updating language relating to new vehicle types.

Over the last 12 months, new types of mobility devices have emerged. On January 10, 2019 City Council approved Resolution, NO. R2019.02 establishing a license for shared active transportation vehicles in the right-of way. This was in response to the companies with bicycle, electric bicycle and scooter sharing technology.

During this time, a City Manager working group was formed to examine Tempe's bicycle regulations and determine if any changes should be made to Tempe City Code to make the roads in Tempe safer for bicyclists. As the group formed and began to meet, the focus expanded to include a review of the ordinance language as it related to bicycles, e-bicycles, human powered vehicles, non-human powered vehicles, and electric personal assistive mobility devices. The working group was comprised of Tempe Councilmembers, Tempe staff and Arizona State University (ASU) representatives.

Most recently, the Arizona State Legislature passed SB1398 relating to miniature scooters and electric standup scooters. The Tempe Police Department and Engineering & Transportation Department reviewed and revised City Code to adapt to these new state laws and emerging devices.

The ordinance expands and revises Chapter 19, which currently addresses motor vehicles and traffic, to include pedestrians, human-powered and non-human-powered vehicles, and electric personal assistive mobility devices.

In expanding Chapter 19, the following two definitions were added:

***Human Powered Vehicles*** means movement accomplished or propelled by human power, such as walking, running, or by any vehicle or device which is designed and equipped to be propelled by human power, without any assistance by a motor or power unit (e.g. bicycle, roller skates, skateboard).

***Non-Human Powered Vehicles*** means a vehicle with movement accomplished or propelled by anything other than human power, such as electric, gas, or other combustion. These include electric skateboards or items related to vehicles that do not meet the state's definition of vehicles requiring registration.

- a) A Motorized Skateboard
- b) An Electric Scooter
- c) A Light Motorized Vehicle

Additional revisions to Chapter 19 include:

- Allowing bicycles, e-bikes and scooters on sidewalks only when there are no bike lanes and the speed limit is greater than 25 mph. In the situations that bicycles, e-bikes and scooters are allowed on sidewalks, they must:
  - Bicycles, e-bikes and scooters must use a bike lane when a bike lane exists;
  - Bicycles, e-bikes and scooters must ride in the street when the speed limit is 25 mph or less; and
  - Bicycles, e-bikes and scooters must ride with the flow of traffic at all times.
- Requiring riders of non-human powered vehicles and bicycles to yield to motor vehicles upon entering a roadway or crosswalk when leaving a sidewalk.
- Unless there is parental consent, requiring riders to be over the age of 16 to operate all non-human powered vehicles (scooters and other electric mobility devices).
- Requiring riders under the age of 18 to wear a helmet if operating a human powered or non-human powered vehicle.
- Providing that no person operating a human powered or non-human powered vehicle shall operate in an unsafe manner so as to infringe upon the safety of themselves or the safety of other persons or property.

Due to substantial feedback after the first public hearing on June 6, 2019 staff reviewed the proposed ordinance and made the below changes.

Changes made from Frist reading to second reading:

- Removed hyphens from all “non-human-powered and human-powered”
- Capitalized Director’s title on page 3 as it is brand new language
- Made definition of *motorized skateboard* consistent with ARS changes
- Added “electric miniature scooter” consistent with new definition in ARS Chapter 28
- Section 19-151 clarified language and included exception for bicycles
- Section 19-212(D) included “greater than” language
- 19-214(l) 1. Included preserve in accordance with City code Chapter 23 Article V Section 23-110

**ATTACHMENTS:** Ordinance No. O2019.22

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