

DATE ISSUED: July 11, 2002

REPORT NO. 02-142

ATTENTION: Land Use and Housing Committee
Agenda of July 17, 2002

SUBJECT: Electric Low-Speed Vehicle Pilot Program and Pedicab Safety
Amendments

REFERENCE: Manager's Reports 99-53, 99-24 and 98-225

SUMMARY

Issues -

- 1) Should the City's Pedicab Regulation Ordinance (O-2000-19) be amended to allow the temporary operation and regulation of electric low-speed vehicles and other short-distance modes of transportation which are not currently covered by the ordinance?
- 2) Should the City's Pedicab Regulation Ordinance be amended to address ministerial and safety issues which have arisen since the ordinance became effective?

Manager's Recommendations - Direct the City Attorney to amend the Pedicab Regulation Ordinance (O-2000-19) to:

- 1) Specify the conditions under which other forms of short-distance, electric-powered low-speed vehicles for hire may operate on a temporary basis;
- 2) Clarify and enumerate the grounds for denial, suspension, or revocation of a pedicab operating permit;
- 3) Require that pedicab fare schedules be posted in a location clearly visible to the passenger(s);
- 4) Prohibit the use of tandem or dual trailers; and
- 5) Restrict the maximum number of passengers.

Fiscal Impact - None with this action.

BACKGROUND

In February and March 1999, the Public Safety and Neighborhood Services Committee discussed and approved an ordinance regulating the human-powered vehicle industry (hereafter referred to generically as "pedicabs"). On November 1, 1999, the City Council adopted this ordinance, effective January 1, 2000.

Recent technological developments have resulted in various new types of DMV-approved vehicles, including electric-powered low-speed vehicles. Because of the hybrid nature of these vehicles and the relative newness of their technology, they do not fall under the jurisdictional parameters of either the City's pedicab ordinance or MTDB's taxicab/paratransit regulations. An interim pilot regulatory system needs to be enacted in order for these street-legal vehicles to operate while a permanent set of regulations can be developed by the appropriate regulatory body.

In addition, during the two years since the implementation of the pedicab regulation program, City staff, the Police Department, and the pedicab owners/operators have identified several issues that were not anticipated when the ordinance was initially drafted and approved. The ordinance needs to be amended to address these issues.

DISCUSSION

Low-speed vehicles (LSV's) offer a clean-air transportation alternative to move people safely and quietly within an urban environment. These street-legal vehicles are zero-emission vehicles which run solely on electricity. The LSV's are stylish, comfortable, and safe. The vehicles have four wheels, are mechanically prevented from traveling over 25 miles per hour, and are equipped with a 3-point seatbelt system. Power is provided by a 72-volt, 4-horsepower motor that can run for up to 8 hours. Each vehicle has an occupancy limit of four persons, including the driver.

Several entrepreneurs are proposing to run fleets of LSV's to transport passengers in and about the Centre City area. These companies plan to find success in attracting the attention of tourists, local residents, and working individuals, by providing a friendly, affordable, and unique mode of transportation.

However, because these vehicles are electric-powered, they do not fall under the auspices of the City's pedicab regulation ordinance, which by definition only covers human-powered vehicles. Similarly, these vehicles do not fall under the auspices of MTDB's paratransit regulations, as they do not current meet MTDB's definition of a taxicab.

There have been a number of meetings with representatives of Council Districts 2 and 3, as well as the Office of Small Business, the City Attorney, Traffic Engineering, and the San Diego Police Department to address safety, liability, and other pertinent issues involving the use of LSV's as vehicles for hire. The consensus was that the existing pedicab regulations could apply to LSV's *on a temporary basis* until appropriate legislation can be developed.

Staff is therefore proposing that the existing pedicab ordinance be amended to allow electric-powered LSV's to operate under the ordinance's provisions as a pilot program, with a sunset date of December 31, 2003. This will allow the entrepreneurs to operate their businesses on a time-limited basis while an appropriate regulatory agency can be identified and regulations can be developed.

Staff is also recommending that the pedicab ordinance be amended to address four issues which have come to the attention of the Police Department and the pedicab industry since the regulations became effective in January 2000. These amendments are:

1) *Clarifying and enumerating the grounds for denial, suspension, or revocation of a pedicab operating permit* - Section 83.0128 of the ordinance, as written, provides for the revocation or suspension of permits; however it does not specify the *grounds* for revocation or suspension, nor does it include denial of a permit. Staff is proposing that the ordinance be amended to authorize these actions if the permittee (or applicant) has been convicted of certain specific crimes which would have a direct impact on their ability to operate a pedicab. These crimes include, but are not limited to, assault, battery, other crimes of force or violence, and traffic offenses such as driving under the influence. Persons who have completed probation or who have been discharged from a penal institution for five years would not be impacted. Any person who is required to register as a sex offender would not be issued a permit under any circumstances.

Staff is also recommending that the ordinance be amended to allow for a summary revocation of a permit for any activity that constitutes a threat to the public health, safety, or welfare. This would include operating a pedicab while under the influence of drugs or alcohol.

2) *Requiring that pedicab fare schedules be posted in a location clearly visible to the passenger(s)* - The Police Department has received complaints from and intervened in disputes between pedicab operators and their clients based on misunderstandings of the fare to be charged. Staff is recommending that the ordinance be amended to require that a fare schedule or structure be posted in a place clearly visible to passengers. Staff is *not* recommending that any particular type of universal fare structure be imposed on the industry, simply that whatever fare structure an operator uses be posted to prevent misunderstandings.

3) *Prohibiting the use of tandem or dual trailers* - It has been reported that on occasion, pedicabs have been operating on City streets while towing two (or more) trailers with passengers. Staff believes that this type of vehicle is inherently unsafe, and recommends that the ordinance be amended to prohibit towing more than one trailer behind either a pedicab or a bicycle.

4) *Restricting the maximum number of passengers* - The Police Department has reported that they have observed pedicabs in which all bench seats are filled and adult passengers are sitting on other passengers' laps. Staff is recommending that the ordinance be amended to require that each passenger over the age of 10 have her/his own seat in the vehicle, and that it be unlawful for a pedicab to operate when there are more passengers than there are available seats. Children under the age of 10 can either sit in an adult's lap or on a seat, at the adult guardian's discretion.

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| Respectfully submitted, D. Cruz Gonzalez Transportation Director | | Approved: George I. Loveland |
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