

DATE ISSUED: October 3, 2002

REPORT NO. 02-226

ATTENTION: Land Use & Housing Committee
Agenda of October 9, 2002

SUBJECT: Alternative Modes of Transportation

REFERENCE: Item #3, Land Use & Housing Committee
Agenda of May 29, 2002

SUMMARY

Issue– What actions should the City take to accommodate new alternative modes of personal transportation?

Manager’s Recommendation – Direct the City Attorney to amend the appropriate sections of the Municipal Code to:

1. Restrict the use of electric personal assistive mobility devices (EPAMDs) in business districts to sidewalks with a clearance of twelve feet or wider;
2. Allow the use of skateboards on sidewalks in business districts, provided the user is 18 years of age or older;
3. Prohibit the use of EPAMDs and skateboards on Class I bicycle facilities.

Fiscal Impact – None with this action.

BACKGROUND

At its meeting of May 29, 2002, the Land Use & Housing Committee discussed the issue of alternative modes of transportation, including skateboards, in-line skates, and

motorized scooters. Also discussed was the electric personal assistive mobility device (EPAMD) currently being manufactured as the Segway Human Transporter.

Staff was directed to determine how these alternative modes of transportation could be accommodated in the City's current transportation system. It was noted that Section 84.12 of the Municipal Code prohibits the use of skateboards on sidewalks in business districts.

Concurrent with the Committee's discussion and request, the State Legislature was discussing SB1918 (Torlakson), which defined EPAMDs such as the Segway as pedestrians in the California Vehicle Code. This bill was passed by the Legislature and was signed by the Governor on September 26, with an effective date of March 1, 2003.

It should be noted that motorized wheelchairs or other devices used by persons with disabilities are not subject to any of these provisions.

DISCUSSION

Alternative transportation modes such as skateboards, scooters, and EPAMDs are generally recognized as a means of reducing traffic congestion and vehicle emissions. Potential users of the EPAMD, which is currently being manufactured by the Segway Co., include the US Postal Service, the City of Atlanta, General Electric, and other entities. As noted above, SB1918 (Torlakson) amended the California Vehicle Code to define the Segway EPAMD as a pedestrian and required safety devices such as front and side reflectors, and lights for nighttime use. SB1918 also allows local jurisdictions to determine where and when EPAMDs can operate.

A major point of discussion in the legislative deliberations on SB1918 and at the City staff level was the need to balance the convenience, personal mobility, and environmental benefits of the EPAMD and other alternative modes of transportation with the safety of pedestrians and of the operators of the devices themselves. Of particular concern was the use of a heavy, relatively fast-moving EPAMD on a crowded or narrow sidewalk, especially when seniors, small children, or persons with disabilities are present. (The Segway, for example, weighs between 65 and 80 pounds, carries a payload of 250 pounds, and can travel at speeds between 5 and 17 miles per hour.)

Municipal Code Section 84.12(c) requires that skateboarders "shall exercise due care and shall yield the right of way to pedestrians" when on the sidewalk. Prior complaints about users of skates and skateboards on sidewalks centered around the users' disregard of these basic provisions, as well as such potentially-destructive activity as "grinding." However, such activity is not usually engaged in by persons who are using skateboards as a means of commuting or while moving from location to location on job-related business.

It should be noted that because EPAMDs and skateboards are classified as pedestrians, any collisions on sidewalks between one of these devices and a person on foot does *not*

fall under collision-reporting provisions of the Vehicle Code. There is no legal requirement to report the incident to the Police Department or DMV, and determination of fault could be inconclusive, as both parties have a legal right to be on the sidewalk. SB1918 contains specific language requiring the manufacturers of EPAMDs to notify purchasers that their insurance policies may not cover them in case of accident.

CONCLUSION

In order to accommodate the varying needs of pedestrians and users of alternative modes of transportation, the following recommendations should be adopted:

1. Allow the use of EPAMDs such as the Segway on sidewalks in a business district that have a clearance of twelve feet or wider. This will allow for greater maneuverability of both the EPAMD and pedestrians.
2. Allow the use of skateboards or in-line skates on sidewalks in business districts only if the user is over the age of 18. It is believed that adult users of skateboards are more likely to be reasonable and prudent than those who are underage, and therefore better able to exercise good judgment.
3. Prohibit the use of skateboards and EPAMDs on Class I bicycle facilities (bike paths). This is due to the narrowness of the bike paths, their two-way nature, and the speeds of the vehicles.

Respectfully submitted,

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