

DATE ISSUED: February 19, 2003

REPORT NO. 03-027

ATTENTION: Land Use and Housing Committee
Agenda of February 26, 2003

SUBJECT: Alternative Modes of Transportation

REFERENCE: Manager's Report No. 02-226 dated October 3, 2002

SUMMARY

Issue – What actions should the City take to accommodate the use of Electric Personal Assistive Mobility Devices (EPAMDs) and other alternative forms of personal transportation?

Manager's Recommendations

1. Direct the City Attorney to amend the appropriate sections of the Municipal Code to allow the use of skateboards on sidewalks in business districts, provided the user is 18 years of age or older.
2. Direct the City Attorney to amend the appropriate sections of the Municipal Code to:
 - a) Set the maximum speed of Electric Personal Assistive Mobility Devices (EPAMDs) on City sidewalks in business districts at 8 miles per hour;
 - b) Restrict the use of Electric Personal Assistive Mobility Devices (EPAMDs) on City sidewalks to persons over the age of 18; and

- c) Require that all users of Electric Personal Assistive Mobility Devices (EPAMDs) carry proof of completion of an operator's training course.

Other Recommendations – None

Fiscal Impact – None.

BACKGROUND

At its May 29, 2002 meeting, 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. SB1918 also allows local jurisdictions to determine where and when EPAMDs can operate. This bill was passed by the Legislature and was signed by the Governor on September 26, 2002 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.

Staff reported back to the Committee on October 9, 2002, with a set of initial recommendations that included: 1) Restricting the use of electric personal assistive mobility devices (EPAMDs) in business districts to sidewalks with a clearance of ten feet or wider; 2) Allowing the use of skateboards on sidewalks in business districts, provided the user is 18 years of age or older; and 3) Prohibiting the use of EPAMDs and skateboards on Class I bicycle facilities.

After hearing public comment, the Committee directed staff to conduct additional research into these modes of personal transportation and report back with a set of final recommendations.

DISCUSSION

Skateboards

At the Committee meetings of May 29 and October 9, 2002, proponents of skateboards as a transportation device contended that skateboards could be used as an effective means of personal travel in high-density areas such as Centre City; however, skateboarding is prohibited on sidewalks in business districts per Section 84.12 of the Municipal Code. Proponents also contended that current City regulations in the Municipal Code similarly stifle the use of skateboards for long-distance or commuting travel.

As noted in the previous Manager's Report (No. 02-226) on this subject, prior complaints about users of skateboards on sidewalks centered around the users' failure to exercise due care and to yield the right of way to pedestrians when on business district sidewalks, 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. Staff therefore continues to recommend that the use of skateboards be allowed 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.

Also, because skateboards are non-motorized, they may be used on Class I bicycle paths. There are many of these facilities within the City, and all were designed and built to be used for both recreational and commuting purposes.

Electric Personal Assistive Mobility Devices (EPAMDs)

A major point of discussion in the legislative deliberations on SB1918, among the Committee members at the October 9, 2002 meeting, and at the City staff level was the need to balance the convenience, personal mobility, and environmental benefits of the EPAMD 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.

Subsequent to the October 2002 meeting, staff met with representatives of Segway – currently the only manufacturer of EPAMDs – to discuss these concerns. Investigation and actual experience with the Segway Human Transporter revealed that these concerns had already been addressed either in the design of the Segway HT or in the marketing of the device. Specifically, these safety measures include:

- Electronic "smart keys" which not only provide anti-theft protection, but which also set a maximum operating speed for the device. Depending on which "smart key" is used, the Segway HT can be programmed not exceed a speed of 6mph,

8mph, or 12 mph.

- The Segway HT has very little braking distance, and comes to an almost immediate stop. Furthermore, stopping and slowing occur when the user pulls back, away from an oncoming person or object – an instinctive move.
- The manufacturer recommends that the Segway HT be used only by persons over the age of 16, a strong indication that the device is not a toy.
- Segway HTs can only be purchased directly from the manufacturer over the internet, and delivery is made to a regional center where the purchaser must complete a safety and user-training course before taking the device home.

Staff is therefore recommending that in conformance with SB1918, EPAMDs be allowed to operate on all City sidewalks with the following provisions:

1. That all users be age 16 or older;
2. That the speed not exceed 8mph on sidewalks in business districts; and
3. That all users carry proof of completion of a user-training course.

ALTERNATIVES

1. Do not amend the Municipal Code to allow skateboards on business district sidewalks.
2. Prohibit the use of EPAMDs on City sidewalks, or sidewalks in business districts.

Respectfully submitted,

Approved by:

D. Cruz Gonzalez, Director
Transportation Department

George I. Loveland
Senior Deputy City Manager

LOVELAND/AH