

DATE ISSUED: November 5, 2004

REPORT NO. 04-243

ATTENTION: Land Use and Housing Committee  
Agenda of November 10, 2004

SUBJECT: Regulation of Electric Personal Assistive Mobility Devices  
(EPAMDs)

REFERENCE: Manager's Report No. 02-226 dated October 3, 2002, and  
Manager's Report No. 03-033 dated February 21, 2003

### SUMMARY

Issue – What actions should the City take to regulate the use of Electric Personal Assistive Mobility Devices (EPAMDs) on public sidewalks?

Manager's Recommendation – Direct the City Attorney to amend the Municipal Code to regulate EPAMDs on public sidewalks in a manner consistent with the recommendations contained in this report.

Other Recommendations – The Citizens' Review Committee on ADA and Disability Issues (CRC) voted 5-4 to recommend that EPAMDs be prohibited from public sidewalks.

Fiscal Impact – None

### BACKGROUND

At its May 29, 2002 meeting, the Land Use & Housing Committee discussed the issue of alternative modes of transportation, including the electric personal assistive mobility device (EPAMD) currently being manufactured as the Segway Human Transporter (Segway HT).

The Segway HT has two nontandem wheels which allow the operator to stand on a small platform. The device is built with gyroscopes to stabilize its upright position, and responds to the user's body motion for forward and backward movement. Electronic "smart keys" set a maximum operating speed for the device. Depending on which "smart key" is used, the Segway HT can be programmed not to exceed a speed of 6mph, 8mph, or 12 mph. Stopping and slowing occur when the user leans backward, away from an oncoming person or object.

Staff was directed to determine how these alternative modes of transportation could be accommodated in the City's current transportation system.

Staff reported back to the Committee on October 9, 2002, with a set of initial recommendations to regulate the use of EPAMDs. 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.

Staff returned to the Committee on February 21, 2003, with an information-only report on the proposed set of final recommendations. These proposals were referred to the CRC for discussion and recommendation for further action.

Concurrent with the Committee's discussions, the State Legislature debated and passed SB1918 which defined EPAMDs such as the Segway as pedestrians in the California Vehicle Code, but allows local jurisdictions to determine where and when EPAMDs can operate. The bill was signed by the Governor on September 26, 2002 with an effective date of March 1, 2003, and a sunset date of March 1, 2008. Without regulatory action by a local jurisdiction – including prohibition – EPAMDs are allowed to operate freely on public sidewalks.

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

## DISCUSSION

A major point of discussion in the legislative deliberations on SB1918, among the LU&H Committee members, the CRC, and City staff 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. People who are blind or who have visual or hearing impairments were perceived to be at particular risk.

Complicating this issue is that the Segway HT – while not an FDA-approved medical prescriptive mobility aid – has beneficial uses for persons with mobility-limiting disabilities such as cardiovascular disease, arthritis, or respiratory ailments. There also exists the potential use of EPAMDs by governmental

entities such as the postal service, parking enforcement, meter readers, and police departments.

The CRC appointed an ad hoc task force to investigate the regulation of EPAMDs. This committee spent many hours engaging in discussion of the benefits of EPAMDs as an alternative, low-energy, non-polluting transportation device and drawbacks such as potential misuse or unsafe use, lack of good judgment on the part of individual operators, and the lack of enforcement personnel. The ad hoc task force was unable to reconcile the benefits of EPAMDs with the drawbacks, and therefore recommended that EPAMDs be prohibited from City sidewalks.

A similar discussion took place at the full CRC, where some members stated that EPAMDs could improve mobility for some persons with disabilities, while others expressed concern that they posed a hazard, particularly to the blind. The CRC's final 5 to 4 vote to accept the ad hoc task force's recommendation to prohibit EPAMDs reflects these competing views.

At the same time that the CRC was discussing this issue, the City of Los Angeles, through its Commission on Disability's Segway Task Force, was also developing regulations for EPAMD use, facing the same issues and concerns that were raised in San Diego. The Los Angeles Commission approved a comprehensive set of regulations addressing issues such as speed, safety, and operator behavior. Many of the recommendations developed in Los Angeles also address issues that were raised by the CRC and its ad hoc task force.

Staff considered the issues raised and discussed by the CRC, its ad hoc task force, and the Los Angeles Commission. Staff also considered the beneficial uses of EPAMDs. In addition to providing increased mobility for persons with mobility-limiting disabilities, they are an energy-efficient and non-polluting transportation alternative for short trips where a car or bicycle would be impractical.

Because EPAMDs are a viable, environmentally-friendly form of transportation, staff believes that prohibiting them on City sidewalks is excessive. However, the concerns raised by the CRC and its ad hoc task force need to be addressed. Many of the recommendations made by the Los Angeles Commission on Disability address these needs and can be adapted for use in San Diego.

Staff is therefore recommending that the Committee approve and forward to Council the following amendments to the Municipal Code regarding the regulation of EPAMDs on public sidewalks:

- 1) Any EPAMD operated on a sidewalk within the City of San Diego shall be equipped with a sound-emitting warning device.
- 2) No person shall operate an EPAMD on a sidewalk in a business district at a speed greater than 6mph.
- 3) No person shall operate an EPAMD at a speed that is greater than is

- reasonable or prudent having due regard for weather, visibility, and pedestrians, and the surface, width, and condition of the sidewalk; at a speed which endangers the safety of persons or property; or with a willful or wanton disregard for the safety of persons or property.
- 4) A person operating an EPAMD on a sidewalk shall yield the right-of-way to all foot pedestrians, including persons with disabilities using assistive devices or service animals and who are close enough to constitute an immediate hazard.
  - 5) No person under the age of 16 shall operate an EPAMD.
  - 6) No person shall operate an EPAMD while under the influence of an alcoholic beverage, any drug, or a combination of the two. Persons arrested for a violation of this provision shall be subject to a blood test.
  - 7) No person operating an EPAMD shall transport a passenger.
  - 8) No person operating an EPAMD shall carry cargo that prevents safe operation of the EPAMD.
  - 9) No person operating an EPAMD shall attach any object that causes the EPAMD to become a towing device.
  - 10) No person shall operate an EPAMD with a footprint greater than 20 inches deep and 25 inches wide, or carry an object which projects beyond or exceeds those dimensions.
  - 11) No person shall operate an EPAMD on a sidewalk which has less than 60 inches (5 feet) of unobstructed clearance, including on sidewalks where street furniture or other sidewalk fixtures narrow the clearance to less than 60 inches.
  - 12) A disabled person as defined in Vehicle Code Section 295.5(a)(c) and who carries proof that a disabled person parking placard has been issued to her/him, or a governmental employee in the performance of her/his duties, shall not be subject to #11, above.
  - 13) No person shall leave an EPAMD lying on its side on a sidewalk, or park an EPAMD on a sidewalk in such a manner that it reduces unobstructed clearance on the sidewalk to less than 60 inches.
  - 14) No person shall operate an EPAMD while wearing headphones.

Violation of any of the above would be considered a misdemeanor. The City Attorney's office is currently researching the compatibility of these recommendations with existing sections of the Municipal Code and the California Vehicle Code.

Staff is also recommending that the City Council delegate authority to regulate or prohibit the use of EPAMDs on specific sidewalk or park walkway locations (including Balboa Park and Mission Bay Park) to the City Manager or his designee.

## CONCLUSION

EPAMDs can provide an environmentally-friendly mode of short-distance transportation, particularly in areas where parking is limited, reducing the number

of vehicle trips and the attendant pollution. They can also provide mobility for persons with certain physical disabilities. However, their beneficial uses must be balanced with the safety of pedestrians. The staff recommendations provide an appropriate level of regulation against improper or hazardous use of EPAMDs on public sidewalks.

ALTERNATIVES

- 1) Prohibit the operation of EPAMDs on all City sidewalks. This is not recommended because EPAMDs provide a non-polluting, low-energy transportation alternative for short trips that would otherwise be taken by car. EPAMDs can also provide mobility assistance for persons with certain disabilities.
- 2) Do not regulate EPAMDs on City sidewalks. This is not recommended because of concerns about improper operator behavior.

Respectfully submitted,

Approved by:

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MENDES/PKB