

# Agenda Report

TO: City Council July 15, 2002  
Through: Legislative Policy Committee July 2, 2002  
From: City Manager  
Subject: Senate Bill 1918 related to Vehicles: Electric Personal Assistive Mobility Devices (EPAMD) [Also known and advertised as "Ginger"]

## **RECOMMENDATION:**

It is recommended that the City Council:

- 1) oppose Senate Bill 1918 (Torlakson), an act to amend Sections 407.5 and 467 of, and add Section 313 to Division 11 of the Vehicle Code in relation to vehicles, and
- 2) Authorize the Mayor to send a letter to the appropriate authorities in opposition of the bill.

## **BILL SUMMARY:**

Existing law regulates the use and operation of vehicles, including two-wheeled, electric propelled devices such as scooters. SB 1918 establishes regulations regarding the use of electric personal assistive mobility devices (EPAMD's), which were introduced to the market by the Segway Company last summer, and seeks to define any person using the device as a pedestrian.

## **BACKGROUND:**

The sponsor of this bill, Segway Co., has expended over \$100 million in the development of the Segway Human Transporter, the only personal assistive mobility device presently patented and which is being readied for mass production. The device is defined in the bill as "a self-balancing, non-tandem, two-wheeled device that can turn in place, and is designed to transport only one person at a maximum speed of less than 20 miles per hour."

According to the manufacturer, the firm has constructed a nearly 80,000 square foot assembly facility in Manchester, New Hampshire that will be capable of producing 40,000 Segways a month by the end of next year. Although very few devices have sold to date, some potential commercial and large public sector users, including the United States Postal Service, General Electric, National Parks Service, and Amazon.com, have indicated interest in the device.

Current law defines, “a ‘motor scooter’ as any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an electric motor that is capable of propelling the device without human propulsion.” (CVC 407.5) Furthermore, the CVC defines a motor vehicle as a vehicle that is self-propelled. (Section 415)

Section 415(b) goes on to clarify that a “Motor vehicle does not include a self propelled wheelchair, invalid tricycle, or motorized quadricycle when operated by a person who, by reason of physical disability, is otherwise unable to move about.” Current law also prohibits operating “a motorized scooter upon any sidewalk, except as may be necessary to enter or leave adjacent property.

SB 1918 seeks to amend the California Vehicle Code by adding Section 313, a definition of the device calling it an electric personal assistive mobility device (EPAMD). In addition, it seeks to amend the code by: Establishing regulations regarding the use of electric personal assistive mobility devices; Specifying that the term “pedestrian” includes a user of an electric personal assistive mobility device, and; Clarifying that electric assistive mobility devices are not motor scooters.

The Legislative Analysis retrieved from the Official California Legislative Information website, cites that this bill is supported by Segway LLC (source), the California Peace Officers' Association, and the Planning and Conservation League. The League of California Cities originally opposed the legislation for two reasons. “First, classifying an EPAMD as a pedestrian presents safety issues for pedestrians who would have to share a limited space on the sidewalk with vehicles moving five times their speed. Second, SB 1918 presents a liability risk for cities.” The League feels that if cities were to grant permission to the usage of these devices, that cities would incur liability should anything go wrong. They have since rescinded their opposition based on the stronger language that allows cities to regulate and prohibit the use of (EPAMDs). Their current position is neutral.

SB 1918 has gone through several rewrites in an effort to appease objections that have been brought forward since it was originally introduced. As such, staff has studied the bill and still concurs with the League of California Cities original position to oppose the proposed amendments. By allowing EPAMD’s on the sidewalks, pedestrian safety is seriously compromised. EPAMD’s have similar mobility and speeds comparable to, if not in excess of existing motorized scooters as defined by the California Vehicle Code. In addition, by allowing such usage, staff feels that it is inevitable that accidents as a result from their usage, will result in increased demands on public safety.

While the last amendment of SB 1918 provides local authorities with the option to adopt ordinances with respect to the time, place, and manner of operation of electric personal assistive mobility devices, it also lays the groundwork for challenges as they relate to other motorized devices. For these reasons, staff is reticent about opening the floodgates to any mobility device other than those absolutely necessary for the mobility impaired to the public sidewalks.

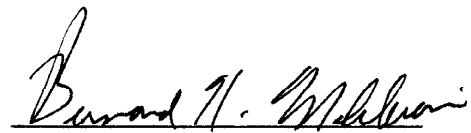
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**FISCAL IMPACT:**

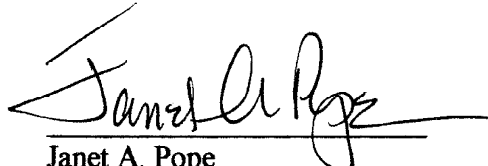
There is no fiscal impact related to opposing this legislation.

  
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