




Agenda Item #: 06/0919.15-24

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Rod Uyeda, Chief of Police 

DATE: February 6, 2007

SUBJECT: Consideration of an Ordinance to Prohibit and Regulate Electric Personal Assistive Mobility Devices (EPAMD) throughout the city.

RECOMMENDATION:

Staff recommends that the City Council introduce and waive further reading of Ordinance No.2095 prohibiting and regulating Electric Personal Assistive Mobility Devices (EPAMD) throughout the city.

FISCAL IMPLICATION:

Implementation of this ordinance may require some additional staff time for enforcement and fine collection, however, the increase is expected to be slight and accomplished by existing staff and resources.

BACKGROUND:

In 2002, Senate Bill 1918 (Torlakson) was introduced and subsequently passed into law to redefine "pedestrians" to include users of electric personal assistive mobility devices (EPAMD). One such device that is marketed widely today is the Segway Human Transporter.

An EPAMD is defined in California Vehicle Code section 313(a) as a self-balancing non-tandem two-wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 75 watts (1 horsepower), the maximum speed on which, when powered solely by a propulsion system on a paved level surface, is less than 12.5 miles per hour (MPH).

Thus, an EPAMD is legally allowed to operate on sidewalks and in roadways in the same manner as a pedestrian. Laws that restrict pedestrian traffic on the sidewalk and roadway deal with obstruction issues, such as blocking the sidewalk or obstructing traffic.

The California Vehicle Code does provide for local jurisdictions to restrict/regulate the use of EPAMDs under section 21282 which states "assuring the safety of pedestrians and others using sidewalks and bike paths, a city, county, or city and county may, by ordinance, regulate the time, place, and manner of the operation of electric personal assistive mobility devices."

DISCUSSION:

With the introduction of the EPAMD to the City of Manhattan Beach, one cannot help but be concerned for pedestrian safety on our already narrow and crowded sidewalks within certain high density shopping areas such as downtown and within the Metlox Shopping Center.

Existing law prohibits the use of skateboards in the downtown area and at the Metlox Shopping Center. In some ways, an EPAMD is potentially more dangerous than skateboards due to the near silent operation of the device and the combined weight of the device (69 – 96 pounds) and rider. Braking is accomplished by “reverse torque” and there is no actual friction brake used to stop an EPAMD. Segway claims that a Segway can stop faster than a human being traveling at the same speed. If the battery should fail, the device will likely fall, however, an alarm will activate 30 seconds prior to losing all power. In addition, there are no age restrictions, no licensing requirements, nor any requirements for a helmet or other safety equipment. To date, there have been no reports of any incident involving an EPAMD in Manhattan Beach, however, the number of EPAMDs operating in the city appears to be very low.

Locally, there are several cities that have enacted laws restricting the use of an EPAMD. In Hermosa Beach, EPAMDs are restricted from operating on their Strand and/or Bike Path. The Cities of Burbank and Pasadena limit EPAMDs to areas where pedestrian traffic is not considered dense. In the City and County of San Francisco, EPAMDs are unlawful to operate on any sidewalk. The cities of Hermosa Beach and Pasadena have granted exemptions to government entities operating EPAMDs in the official course of their duties as well as to handicapped persons.

While use of EPAMDs by the general public has been minimal, a few have been seen operating in Manhattan Beach, and recently, the Shade Hotel has started a rental business involving the Segway EPAMD to their customers.

The police department is concerned with the potential for accidents in the crowded downtown area between an EPAMD and a pedestrian; especially for a novice rider with little training and experience.

However, an EPAMD can be a valuable tool for Public Safety and other government entities with a trained rider who is focused on citizens and less apt to be distracted by various sights in and about Manhattan Beach. An officer, paramedic or postal employee can cover large geographical areas on an EPAMD much quicker and efficiently than on foot, especially when you consider the additional 30 pounds of equipment they often carry. EPAMDs can be very useful for Public Safety during events such as Concerts in the Park, the Hometown Fair, 6-person and AVP volleyball, Holiday Fireworks Show and the variety of community and downtown programs offered here. Police agencies that have used EPAMDs have found that citizens naturally gravitate towards officers on an EPAMD and create more opportunities for positive police and citizen interaction.

The Segway EPAMD has been used extensively by police, postal workers and other civil servants in New York, Chicago, Atlanta and California. The Segway EPAMD can rotate in place and can allow officers to get in and around traffic more efficiently than with a car, bicycle, or motorcycle.

Locally, Segway EPAMDs are used by the Los Angeles County Sheriff's Department, California State University at Long Beach, the City of Culver City, and the Redondo Beach Police Department. Segway EPAMDs are also used by personnel at Disneyland and Disney World.

By utilizing an EPAMD in Manhattan Beach, the police department can provide better and more efficient coverage for a variety of events that regularly occur in the city. No where is this more important than in the downtown area where officers could patrol the entire shopping district, all of the parking structures and the Strand, all while being very accessible to citizens and utilizing very little energy. The Segway EPAMD also gives the rider eight inches of additional height which makes it very easy to see over crowds and traffic. Any officer authorized to utilize an EPAMD would undergo extensive training that would focus on pedestrian safety prior to being deployed into the field.

Staff feels that EPAMDs can pose a threat to pedestrians in certain areas of Manhattan Beach; especially if operated by a novice rider. The areas being considered for restricted use have the potential for high density pedestrian traffic, including the Downtown Area, Strand and Pier.

The proposed ordinance will:

- Prohibit EPAMDs from the Downtown Area, Strand, and Pier.
- Require operators to be at least 17 years of age and wear safety helmets.
- Authorize the Chief of Police to designate areas in the City where EPAMDs will be prohibited and cause the posting of signs listing the prohibition.
- Grant an exemption to disabled persons and city employees conducting city business.

ATTACHMENTS: a. Staff report dated September 19, 2006
b. Ordinance 2095



Agenda Item #: 06/0919.15

Staff Report City of Manhattan Beach

TO: Honorable Mayor Ward and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Rod Uyeda, Chief of Police

DATE: September 19, 2006

SUBJECT: Discussion Regarding Electric Personal Assistive Mobility Devices (EPAMD) in the City of Manhattan Beach.

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction regarding the use of Electric Personal Assistive Mobility Devices (EPAMD) (such as the Segway Human Transporter) in the City of Manhattan Beach.

FISCAL IMPLICATION:

There are no fiscal implications associated with staff's recommendations.

BACKGROUND:

In 2002, Senate Bill 1918 (Torlakson) was introduced and subsequently passed into law to redefine "pedestrians" to include users of electric personal assistive mobility devices (EPAMD). One such device that is marketed widely today is the Segway Human Transporter.

An EPAMD is defined in California Vehicle Code section 313(a) as a self-balancing non-tandem two-wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 75 watts (1 horsepower), the maximum speed on which, when powered solely by a propulsion system on a paved level surface, is less than 12.5 miles per hour (MPH).

Thus, an EPAMD is legally allowed to operate on sidewalks and in roadways in the same manner as a pedestrian. Laws that restrict pedestrian traffic on the sidewalk and roadway deal with obstruction issues, such as blocking the sidewalk or obstructing traffic.

The California Vehicle Code does provide for local jurisdictions to restrict/regulate the use of EPAMDs under section 21282 which states "assuring the safety of pedestrians and others using sidewalks and bike paths, a city, county, or city and county may, by ordinance, regulate the time, place, and manner of the operation of electric personal assistive mobility devices."

DISCUSSION:

With the introduction of the EPAMD to the City of Manhattan Beach, one cannot help but be concerned for pedestrian safety on our already narrow and crowded sidewalks within certain high density shopping areas such as downtown and within the Metlox Shopping Center.

Existing law prohibits the use of skateboards in the downtown area and at the Metlox Shopping Center. In some ways, an EPAMD is potentially more dangerous than skateboards due to the near silent operation of the device and the combined weight of the device (69 – 96 pounds) and rider. Braking is accomplished by “reverse torque” and there is no actual friction brake used to stop an EPAMD. Segway claims that a Segway can stop faster than a human being traveling at the same speed. If the battery should fail, the device will likely fall, however, an alarm will activate 30 seconds prior to losing all power. In addition, there are no age restrictions, no licensing requirements, nor any requirements for a helmet or other safety equipment. To date, there have been no reports of any incident involving an EPAMD in Manhattan Beach, however, the number of EPAMDs operating in the city appears to be very low.

Locally, there are several cities that have enacted laws restricting the use of an EPAMD. In Hermosa Beach, EPAMDs are restricted from operating on their Strand and/or Bike Path. The Cities of Burbank and Pasadena limit EPAMDs to areas where pedestrian traffic is not considered dense. In the City and County of San Francisco, EPAMDs are unlawful to operate on any sidewalk. The cities of Hermosa Beach and Pasadena have granted exemptions to government entities operating EPAMDs in the official course of their duties as well as to handicapped persons.

While use of EPAMDs by the general public has been minimal, a few have been seen operating in Manhattan Beach, and recently, the Shade Hotel has started a rental business involving the Segway EPAMD to their customers.

The police department is concerned with the potential for accidents in the crowded downtown area between an EPAMD and a pedestrian; especially for a novice rider with little training and experience.

However, an EPAMD can be a valuable tool for Public Safety and other government entities with a trained rider who is focused on citizens and less apt to be distracted by various sights in and about Manhattan Beach. An officer, paramedic or postal employee can cover large geographical areas on an EPAMD much quicker and efficiently than on foot, especially when you consider the additional 30 pounds of equipment they often carry. EPAMDs can be very useful for Public Safety during events such as Concerts in the Park, the Hometown Fair, 6-person and AVP volleyball, Holiday Fireworks Show and the variety of community and downtown programs offered here. Police agencies that have used EPAMDs have found that citizens naturally gravitate towards officers on an EPAMD and create more opportunities for positive police and citizen interaction.

The Segway EPAMD has been used extensively by police, postal workers and other civil servants in New York, Chicago, Atlanta and California. The Segway EPAMD can rotate in place and can allow officers to get in and around traffic more efficiently than with a car, bicycle, or motorcycle. Locally, Segway EPAMDs are used by the Los Angeles County Sheriff's Department, California State University at Long Beach, the City of Culver City, and the Redondo Beach Police

Department. Segway EPAMDs are also used by personnel at Disneyland and Disney World.

By utilizing an EPAMD in Manhattan Beach, the police department can provide better and more efficient coverage for a variety of events that regularly occur in the city. No where is this more important than in the downtown area where officers could patrol the entire shopping district, all of the parking structures and the Strand, all while being very accessible to citizens and utilizing very little energy. The Segway EPAMD also gives the rider eight inches of additional height which makes it very easy to see over crowds and traffic. Any officer authorized to utilize an EPAMD would undergo extensive training that would focus on pedestrian safety prior to being deployed into the field.


CONCLUSION:

Staff feels that EPAMDs can pose a threat to pedestrians in certain areas of Manhattan Beach; especially if operated by a novice rider. The area being considered for restricted use has the potential for high density pedestrian traffic, including Manhattan Beach Boulevard and parts of Morningside, Highland, and Manhattan Avenue in Downtown Manhattan Beach. The Metlox shopping complex would also be an area where use is restricted.

At the same time, Staff feels that for trained officers and government employees, an EPAMD can be an invaluable tool for public safety and government in providing for more efficient service to the community. For law enforcement, that means more "foot" patrols and interacting with the community, larger "footbeat" coverage with faster response times with less fatigue, and creating more opportunities for positive interaction between officers and the community they serve.

Staff therefore recommends the following:

1. The City Attorney be directed to prepare an ordinance that allows the Chief of Police to designate areas in the City of Manhattan Beach that restricts or prohibits the use of EPAMDs, similar to the ordinance that allows the Chief of Police to designate areas in the City of Manhattan Beach that restricts or prohibits skateboarding (Ordinance 14.28.160). New signs adding EPAMD to the existing signs restricting skateboard use would be posted.
2. That such regulation shall not apply to the use of an EPAMD by any governmental agency or to any disabled person who is in the possession of a state-issued disabled placard (as defined in California Vehicle Code Section 295.5 (a)(e)).



Electric Personal Assistive
Mobility Devices (EPAMD) use in
the City of Manhattan Beach

The background of the page is a black and white photograph of the Manhattan Beach Pier, a long wooden structure extending into the ocean with a pavilion at the end. The sky is overcast.

EPAMD (Segway Brand)

- An EPAMD is an electric, two-wheeled, self-balancing transportation device.
- In 2002, the State defined these devices as *PEDESTRIANS*, thus allowing them anywhere that a pedestrian can legally go.
- The California Vehicle Code does give local jurisdictions the ability to regulate these devices to assure the safety of pedestrians and others using sidewalks and bike paths.
- These devices range from approximately 70 – 100 pounds. There are no brakes.
- The Segway can travel up to 12.5 MPH and carry up to a 250 lb passenger.
- There are no age restrictions, licensing requirements, or safety equipment regulations.
- The basic costs for a Segway is approximately \$5,000 before taxes and added equipment.
- Very few Segways have been seen in and about Manhattan Beach





EPAMDs

(Segway Brand)



EPAMDs Are Extremely Mobile



EPAMDs Are Potentially Dangerous

- Downtown sidewalks are narrow.
- Downtown sidewalks can get very crowded.
- Skateboards are banned from Downtown, primarily for safety reasons.



Several Cities Have Enacted Laws to Ban or Restrict Their Use

- San Francisco/La Mirada – Totally banned
- Pasadena – banned from Old Pasadena District.
- Burbank – Banned from Shopping District
- Hermosa Beach – restricted from operating on their Strand and/or Bike Path

Exception for Public Safety

- Better trained and more attentive to safety.
- Tremendous opportunity for positive contact with the community and around the Metlox facility.
- A variety of events focused in and around the Downtown area.
- Creates a safer environment in Downtown as more officers will be seen.
- Redondo Beach recently purchased a few and there are a number of law enforcement agencies that use them.

Exception for Public Safety

- Public safety personnel will undergo extensive training, especially dealing with sudden stops and obstacles, similar to motorcycle training.
- People in the community are naturally drawn to police officers on EPAMDs.
- Officers can cover a tremendous area without fatigue on an EPAMD.



Staff Recommends

- Instructing the City Attorney to prepare an ordinance to allow the Chief of Police to restrict the use of EPAMDs in the downtown area, similar to how skateboarding is managed.
- Allow for an exemption for:
 - Public Safety
 - Government
 - Disabled

ORDINANCE NO. 2095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 14.28.042
OF CHAPTER 14.28 OF TITLE 14 OF THE MANHATTAN BEACH
MUNICIPAL CODE TO PROHIBIT REGULATE ELECTRONIC
PERSONAL ASSISTIVE MOBILITY DEVICES

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. Presently State law provides that the users of electric personal assistive mobility devices (also known as EPAMD's or by the brand name "Segway") are to be considered as pedestrians for purposes of traffic regulations and is thus permitted to operate on sidewalks and roadways.
- B. However, Vehicle Code section 21282 provides that a city may pass a local ordinance which regulates the time, place and manner of operation of EPAMD's;
- C. It is in the best interest of the health, safety and welfare of the citizens of the City of Manhattan Beach to provide safety oriented regulations regarding operation of EPAMD's.

SECTION 2. The City Council of the City of Manhattan Beach hereby adds a new Section 14.28.042 to Chapter 14.28 of Title 14 the Manhattan Beach Municipal Code as follows:

***14.28.042 Use of EPAMD's**

(a). DEFINITIONS:

The term "downtown area" refers to that portion of the City of Manhattan Beach west of Ardmore Avenue, east of the mean high tide line north of 8th Street and South of 15th Street.

The term "Electric Personal Assistive Mobility Device" (which may also be referred to as an EPAMD or Segway) shall mean a self-balancing, non-tandem, two wheeled device that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 75 watts (1 horsepower) the maximum speed on which, when powered solely by a propulsion system on a paved level surface is 12.5 miles per hour or less.

The term "Pier" shall mean the Manhattan Beach Pier.

The term "Strand" shall mean the bicycle and pedestrian walkways which parallel the sandy beach.

(b) REGULATIONS

No person shall ride or propel any EPAMD or similar device along, or upon any street, alley, school, public parking lot, parking facility or structure. EPAMD's shall be legal to operate on sidewalks in the City of Manhattan Beach with the following exceptions:

- (1.) EPAMD's shall be prohibited within the Manhattan Beach downtown area.
- (2.) EPAMD's shall be prohibited anywhere on the Strand and Pier.
- (3.) EPAMD's shall be prohibited if the operator is not wearing a safety helmet which meets the specifications of Vehicle Code section 21212.
- (4.) EPAMD's shall be prohibited if the operator is under the age of seventeen (17) years old.
- (5.) The Chief of Police is authorized to designate any area within the City where EPAMD's are prohibited and cause the posting as required in this section. This prohibition shall not be effective unless signs are posted on the area in which EPAMD use is prohibited.
- (6.) Any person who is disabled, as defined by Vehicle Code section 295.5, shall be exempt from the restrictions of this section.

(7.) City employees conducting City business on City equipment including, but not limited to public safety officers.

(c). Any violation of this section shall be a misdemeanor, provided, however that the City Attorney in his or her discretion may file a complaint for violation of this Section as an infraction."

SECTION 3. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 5. This Ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 6. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate, posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 20th day of February, 2007.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

APPROVED AS TO FORM:

By 
City Attorney