



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: JUNE 22, 2016
TO: PUBLIC WORKS & FACILITIES COMMITTEE
FROM: TOM Z. VARGA, PUBLIC WORKS DIRECTOR
AGENDA ITEM TITLE: Consider Draft Regulations for Electric Personal Assistive Mobility Devices (EPAMDs)

ISSUE:

At its meeting of March 28, 2016, the City Council prohibited the use of Electric Personal Assistive Mobility Devices (EPAMDs) on the Fort Bragg Coastal Trail within the Noyo Headlands Park consistent with the deed restrictions placed on the parklands by the Coastal Conservancy. During its April 27, 2016 meeting, the Public Works & Facilities Committee reviewed and provided recommendations for the use of EPAMDs elsewhere in the City and directed staff to prepare draft regulations for such use. Staff has returned with the draft regulations. The Committee is being requested to forward its recommendations to the Council for their consideration.

BACKGROUND:

An Electric Personal Assistive Mobility Device (EPAMD) is a self-balancing, non-tandem, two-wheeled vehicle with a low-powered electric motor. As a self-balancing device, it does not use brakes. Standing straight up brings the machine to a neutral and balanced position with all motion stopped. EPAMDs include devices commonly known as "Segways," the brand name of a particular commercial product.

At the March 28th Council meeting, the Coastal Trail deed restriction was discussed and it was determined that EPAMDs could not be allowed on the Coastal Trail.

Outside of the Noyo Headlands Park, (containing the Coastal Trail), lie other public facilities that can potentially accommodate Segways or other similar EPAMDs. These facilities include: sidewalks, bike paths, pathways, trails, bike lanes, streets, roads, or highways, etc.

Currently, the use of motorized vehicles is prohibited in all parks in Fort Bragg, except for emergency vehicles and motorized strollers and wheelchairs, or if the City issues a permit for temporary access for such use. There is not a similar prohibition for sidewalks, streets, or paths outside of parks.

The Committee at its April 27th meeting directed staff to develop draft regulations that included various provisions. In general, EPAMDs should not be allowed in parks, on sidewalks, or within the Central Business District. Use of EPAMDs on bike lanes, routes, or paths outside of parks is generally acceptable. Operators of EPAMDs should follow applicable sections of the California Vehicle Code (CVC). The question of regulating tour operators needs further vetting. Language needs to be added to clarify the term “pedestrian” as used in the CVC. Language from the City of Healdsburg was used as a template. The following modifications to the Municipal Code are suggested for the Committee’s consideration. The proposed regulations can be their own separate Chapter under Title 10 – VEHICLES AND TRAFFIC of the Municipal Code.

CHAPTER 10.xx - ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

10.xx.010 Definition

An Electric Personal Assistive Mobility Device (EPAMD) is a self-balancing, non-tandem, two-wheeled vehicle with a low-powered electric motor. The City of Fort Bragg considers the use of EPAMDs on public roads or other public places a recreational purpose as described in California Government Code section 831.4.

10.xx.020 Electric Personal Assistive Mobility Devices not Pedestrians

Pedestrian shall not, for any purposes, be deemed to include a person who is using an “Electric Personal Assistive Mobility Device (EPAMD)” as defined in Section 313 of the California Vehicle Code, as the same may be amended from time to time.

10.xx.030 Electric Personal Assistive Mobility Devices as Assistive Devices for the Disabled

Electric Personal Assistive Mobility Devices (EPAMDs) may be used as assistive devices for persons with mobility, circulatory, respiratory, or other neurological disabilities.

10.xx.040 Regulation of Electric Personal Assistive Mobility Devices

- A. Electric Personal Assistive Mobility Devices (EPAMDs) shall not be operated at a speed greater than that which is reasonable and prudent given the surroundings. An EPAMD shall not be operated at a speed that endangers the safety of persons or property. The operator of an EPAMD shall yield the right of way to all pedestrians on foot.

- B. Electric Personal Assistive Mobility Devices (EPAMDs) are prohibited from being operated on or in the following places:
1. Sidewalks, except at street crossings.
 2. Anywhere within the limits of a City park.
 3. Downtown Fort Bragg on the following streets:
 - i. Main Street (State Route 1) from Oak Street to Pine Street
 - ii. Franklin Street from Oak Street to Pine Street
 - iii. Laurel Street from Main Street to Mc Pherson Street
 - iv. Redwood Avenue from Main Street to Mc Pherson Street
 - v. Alder Street from Main Street to Mc Pherson Street.
 4. Notwithstanding the prohibitions of this section, the operation of an EPAMD in a bike lane, bike route, or similar bike facility is permitted in Downtown Fort Bragg. Furthermore, the prohibition does not apply if the EPAMD is being used as part of an activity or event for which a permit allowing such devices has been issued by the City.
 5. All unpaved, public facilities
- C. Electric Personal Assistive Mobility Devices (EPAMDs) may be operated in accordance with the requirements of the Fort Bragg Municipal Code and the California Vehicle Code on various bike facilities including: bike lanes, bike routes and like bicycle facilities. EPAMDs may be operated on the shoulders of public streets. EPAMDs may also be operated on paths lying outside of public parks. The Chestnut Street multi-use, bicycle/pedestrian path is specifically excluded.

A question has been raised as to the extent of regulating the use of EPAMDs, especially when some type of permit may be appropriate. Should tours using EPAMDs be specially permitted? What are the risk management or insurance ramifications? As a recreational activity, Government Code Section 831.4, provides substantial protection. However, this protection is lost when the public agency landowner is paid or given some type of consideration to enter the property for recreational purposes. This includes collecting a permit fee. Independent concessionaires as well as individual operators are already liable for their actions and/or their customers. Consequently, staff recommends that no further modifications be made to the Municipal Code regarding this issue.

Another issue has been identified involving the scope of the exception in FBMC Section 9.68.010 (A) regarding temporary access by a motorized vehicle in a park. The exception should have a better definition of what constitutes “temporary access”. This exception should not allow for an indefinite life to temporary access. The exception can be authorized via the existing Encroachment Permit process. A limit as to the appropriate maximum duration of such an exception could be 90 days or less in keeping with the duration of most Encroachment Permits. The standard would be most easily implemented as a Council policy directive.

Finally, staff is requesting the Committee’s assistance in making these regulations intuitive where practical or otherwise simple to remember and enforce while leaving some room for interpretation or flexibility for unusual situations and extenuating circumstances.

RECOMMENDATION:

Review and consider the draft regulations and other staff recommendations concerning the operation of EPAMDs within the City. Committee should give staff any further direction regarding refinements or changes to the staff recommendations. If the changes are minor, they can be incorporated into the work already accomplished and sent to the full City Council for their consideration.

ATTACHMENTS:

1. Public Works & facilities Committee meeting minutes for April 27, 2016