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107TH CONGRESS }  
2d Session }

SENATE

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{ 107-164

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### TO AUTHORIZE THE USE OF PERSONAL ASSISTIVE MOBILITY DEVICES ON PEDESTRIAN WALKWAYS

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JUNE 17, 2002.—Ordered to be printed

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Mr. JEFFORDS, from the Committee on Environment and Public  
Works, submitted the following

### R E P O R T

[To accompany S. 2024]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2024) to amend title 23, United States Code, to authorize use of electric personal assistive mobility devices on pedestrian walkways constructed or maintained with Federal-aid highway funds, having considered the same, reports favorably thereon without amendment and with an amendment to the title and recommends that the bill, as amended, do pass.

#### GENERAL STATEMENT AND BACKGROUND

An “electric personal assistive mobility device” is a self-balancing, electric-powered transportation device, ridden by standing on a low platform stabilized between two parallel wheels. This new invention, first unveiled in December of 2001, is also known by the common names “It”, “Ginger” and “Segway Human Transporter.” While the consumer model is not yet available on the market, an industrial model is currently being field tested by several law enforcement, military, and postal service branches. The device is intended to be used on sidewalks, not in street traffic.

In 47 States and the District of Columbia, State legislation is required to allow the electric personal assistive mobility device to be used on sidewalks. Such bills have been filed in the 39 States with 2002 legislative sessions and in the District of Columbia, and most of these State legislatures have held hearings to examine operation and safety issues regarding use of the device. As of the date of this

report, 24 States have passed laws regulating the operation of the device on sidewalks in the State.

This bill is needed to remove a conflict between State and Federal law to ensure that the same rules of operation will apply to all bicycle trails and pedestrian walkways in a State. While the great majority of these facilities are State or locally funded (over 75 percent) and thus subject only to State or local regulation, Federal policy since 1991 has enabled greater Federal funding participation in bicycle and pedestrian facilities. Current Federal law prohibits motorized vehicles from being used on bicycle trails and pedestrian walkways built with funds from the Federal-aid highway program, creating a conflict with State laws that would allow use of the electric personal assistive mobility device on any bicycle trails or pedestrian walkways in the State. This Federal bill does not pre-empt State law, nor does it require a State to act. The bill simply permits the use of the device on federally funded bicycle trails and pedestrian walkways to the extent that State and local regulations permit.

#### OBJECTIVES OF THE LEGISLATION

S. 2024 is intended to give State and local governments the authority to regulate use of the electric personal assistive mobility device on all bicycle trails and pedestrian walkways in a State, including those built or maintained with funds from the Federal-aid highway program.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Findings*

Section 1 expresses Congressional findings that the electric personal mobility assistive device employs advances in technology and energy efficiency to fully and safely integrate the user with pedestrian transportation, enabling individuals to travel farther and carry more without the use of traditional vehicles, and that the device promotes gains in productivity, minimizes environmental impacts, and facilitates better use of public ways.

##### *Section 2. Use of electric personal assistive mobility devices on bicycle trails and pedestrian walkways*

Section 2 authorizes the use of electric personal assistive mobility devices on bicycle trails and pedestrian walkways constructed or maintained with Federal-aid highway funds, when State or local regulations permit. This authorization applies only to bicycle or pedestrian facilities under State or local jurisdiction. It does not apply to any facilities under Federal agency jurisdiction, such as National Park or National Forest trails, or to recreational trails.

#### LEGISLATIVE HISTORY

On March 15, 2002, Senator Bob Smith introduced S. 2024. The committee ordered the bill reported on April 25, 2002 by voice vote.

#### HEARINGS

No hearings were held on S. 2024.

## ROLLCALL VOTES

On April 25, 2002, the committee met to consider S. 2024. The bill was agreed to by voice vote, with Senators Clinton and Boxer voting no. No rollcall votes were taken.

## REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill. The bill is not expected to create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

## MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 2024 imposes no Federal intergovernmental mandates on State, local, or tribal governments.

## COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

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U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 11, 2002.*

Hon. JAMES M. JEFFORDS, *Chairman,*  
*Committee on Environment and Public Works,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2024, a bill to amend title 23, United States Code, to authorize use of electric personal assistive mobility devices on trails and pedestrian walkways constructed or maintained with Federal-Aid Highway Funds.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Milberg, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*S. 2024, A bill to amend title 23, United States Code, to authorize use of electric personal assistive mobility devices on trails and pedestrian walkways constructed or maintained with Federal-Aid Highway funds, as ordered reported by the Senate Committee on Environment and Public Works on April 25, 2002.*

S. 2024 would allow people to use electric personal assistive mobility devices on trails and walkways that are constructed or maintained with funds from the Federal-Aid Highway program.

Electric personal assistive mobility devices include the Segway Human Transporter. CBO estimates that implementing S. 2024 would not have a significant effect on the Federal budget because it would not change the level of funding for the Federal-Aid Highway program or how quickly States could spend their Federal-aid grants. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 2024 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The CBO staff contact for this estimate is Rachel Milberg, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in italic, existing law in which no change is proposed is shown in roman:

## UNITED STATES CODE

## TITLE 23—HIGHWAYS

\* \* \* \* \*

**Sec. 217.—Bicycle transportation and pedestrian walkways**

(a) **USE OF STP AND CONGESTION MITIGATION PROGRAM FUNDS.**—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under sections 104(b)(2) and 104(b)(3) of this title for construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe bicycle use.

(b) **USE OF NATIONAL HIGHWAY SYSTEM FUNDS.**—Subject to project approval by the Secretary, a State may obligate funds apportioned to it under section 104(b)(1) of this title for construction of pedestrian walkways and bicycle transportation facilities on land adjacent to any highway on the National Highway System.

(c) **USE OF FEDERAL LANDS HIGHWAY FUNDS.**—Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration

of such funds, for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.

(d) STATE BICYCLE AND PEDESTRIAN COORDINATORS.—Each State receiving an apportionment under sections 104(b)(2) and 104(b)(3) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

(e) BRIDGES.—In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

(f) FEDERAL SHARE.—For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be determined in accordance with section 120(b).

(g) PLANNING AND DESIGN.—

(1) IN GENERAL.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

(2) SAFETY CONSIDERATIONS.—Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.

(h) USE OF MOTORIZED VEHICLES.—Motorized vehicles may not be permitted on trails and pedestrian walkways under this section, except for—

- (1) maintenance purposes;
- (2) when snow conditions and State or local regulations permit, snowmobiles;
- (3) motorized wheelchairs;
- (4) when State or local regulations permit, electric bicycles;

**[and]**

(5) *when State or local regulations permit, electric personal assistive mobility devices; and*

**[(5)]** (6) such other circumstances as the Secretary deems appropriate.

(i) TRANSPORTATION PURPOSE.—No bicycle project may be carried out under this section unless the Secretary has determined

that such bicycle project will be principally for transportation, rather than recreation, purposes.

(j) DEFINITIONS.—In this section, the following definitions apply:

(1) BICYCLE TRANSPORTATION FACILITY.—The term “bicycle transportation facility” means a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility for bicycles.

(2) ELECTRIC BICYCLE.—The term “electric bicycle” means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

(3) *ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—The term “electric personal assistive mobility device” means a self-balancing, nontandem-wheeled device that—*

*(A) is designed to transport only 1 person with personal baggage;*

*(B) is powered solely by an electric propulsion system;*  
*and*

*(C) has a top motor-powered speed not in excess of 20 miles per hour.*

[(3)] (4) Pedestrian.—The term “pedestrian” means any person traveling by foot and any mobility-impaired person using a wheelchair.

[(4)] (5) Wheelchair.—The term “wheelchair” means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or motorized.

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