



Testimony of
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Pennsylvania Department of Transportation
Public Hearing on HB 631
House Transportation Committee
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Thank you, chairpersons Hennessey and Carroll and members of the committee for inviting me to speak today. My name is Ngani Ndimbie and I am a policy specialist at PennDOT specializing in low speed and shared modes of transportation. I am joined here by Roy Gothie, statewide bicycle and pedestrian coordinator at PennDOT, and several other representatives of the department. Together, Roy Gothie and I have led department's conversation on electric scooters and have been diligently keeping tabs on the national conversation. My testimony is the product of multiple conversations with department staff, representatives from our largest municipalities, and with officials from other states and cities.

PennDOT's mission is to build a safe, high-quality, sustainable transportation system and we support this effort to define and allow the use of low-speed electric scooters. These devices are a low cost, flexible, low emissions transportation device with the potential to reduce car trips and increase access to public transit especially for citizens without access to a motor vehicle. However, an amendment to the bill language is needed to best enable a safe and rational integration of electric scooters into our transportation ecosystem for use by both renters and owner operators.

Our research into public deployments in cities across the country indicates that electric scooters have potential to be a flexible mobility tool for dense urban areas. Benefits of electric scooters include their usefulness as a connection to transit and as a car trip substitute. Another advantage of electric scooters is their affordability, often priced at \$0.15 per minute after an initial \$1 fee. Electric scooters also provide a transportation option for people in a wide variety of clothing -- including dresses and heels -- a level of flexibility above that of a bicycle. A recent survey of 75,000 scooter users in Portland, Oregon found that shared, dockless electric scooter users represent a swath of incomes and ages.

Challenges faced by local governments when allowing the deployment of electric scooters have included enforcement of rules, safety concerns, education, and creating appropriate permitting. The safety of the devices has been called into question by many news outlets that have reported increases in emergency room visits following large-scale electric scooter deployments. While studies are expected to come out over the next few months, there are few available reports measuring the safety of the devices, which is a concern. Issues have also been raised about electric scooters conflicting with the needs of the disability community and other pedestrians. This bill will allow local governments to regulate scooter parking and sidewalk use in response to those concerns.

If legalized, the electric scooter user would become a new vulnerable roadway user alongside bicyclists, pedestrians, horse and buggy users, and disabled persons. In recent years PennDOT has engaged in many efforts to increase safety for vulnerable roadway users that would also benefit scooter users.

Our obligation here is to balance the two sides of our mission by preserving safety while expanding mobility and access. Our proposed amendment is based on three elements of analysis: device characteristics and capabilities, considerations about current and private use, and concerns raised by municipalities.

Device Capabilities and Characteristics

A method of understanding these devices is by the operating characteristics such as maximum speed, braking, and turning characteristics, along with the width, length, and weight of the device in a loaded and unloaded condition.

The electric low-speed scooter legislation will authorize scooters that are less than 100 pounds and have two or three wheels. Electric scooter fleets deployed by companies have top speeds generally in the 11-20 mile per hour range. Handling characteristics involving braking and turning vary depending upon the design. This is a device that has significantly different operational characteristics than other devices on the roadway, which current infrastructure design and maintenance standards may not adequately accommodate. By permitting these devices within the public right-of-way the Department will potentially increase exposure to liability issues related to design, operations, and maintenance.

The portions of our amendment that are in direct response to the device characteristics are limiting scooter use to roadways with a posted speed limit of 30 miles per hour or less, unless the operator is riding in an available shoulder or bike lane; prohibiting the attachment of a child carrier; requiring a rear light after dusk given the low floorboard of the device; and enumerating a braking distance.

Considering Current and Private Use of the Device

While electric scooters have been made popular in the last two years by micro-mobility companies, they have been commercially available for many years; first marketed to children and now to adults. Yet this bill would make it illegal for a child to ride an electric scooter purchased by a parent. We encourage additional thoughtful conversations around the age restriction.

Also, based on current use and availability, we recommend changing the definition of a low speed electric scooter to include a device with a seat, as similar devices with seats are commercially available.

Responding to the Concerns of Municipalities and Enabling a Smooth Integration

Department representatives have spoken to our counterparts in city and state departments of transportation across the country to understand the challenges posed by electric scooter use. We have also hosted calls to hear the concerns of our major cities and MPOs.

Municipalities have requested the ability to define the use of electric scooters to meet their specific mobility needs and allow for sensible enforcement. Our amendment language would make 15 mph both the maximum speed for the device definition and the maximum speed at which it can be operated. Making these two speeds the same will allow for easier education and enforcement efforts.

From multiple conversations with states and municipalities that have deployed electric scooters, the resounding refrain is that protected infrastructure and tools like parking protected bike lanes give cities the necessary ability to provide safe places to ride and allow for the devices to best benefit the public.

Our final concern is that this bill does not adequately address the substantial range of personal mobility devices, beyond Electric Low-Speed Scooters. We hope that we can create a broader definition to encompass the full range of low speed personal transportation devices.

Thank you for considering our testimony and for your efforts to increase mobility in the commonwealth.