To: Chair and Members  
Public Works Committee  

From: Tim Nolan, Chair  
Advisory Committee for Persons With Disabilities  

Date: May 24, 2007  

Re: Use of Segways as Mobility Devices on Sidewalks, Trails, Walkways & Pathways, in Parks & on Recreational Properties – Report ACPD07002

Recommendation:

(a) That Council for the City of Hamilton be requested to modify the Traffic Bylaw to ensure that persons with disabilities who utilize Segways as mobility devices are enabled to utilize their mobility devices on City sidewalks, trails, pathways and walkways in accordance with Regulation #488/06 under the Highway Traffic Act;

(b) That Council for the City of Hamilton be requested to modify the Parks Bylaw to ensure that persons with disabilities who utilize Segways as mobility devices are enabled to utilize their mobility devices in City parks, recreational and exhibition properties, including sidewalks, pathways and walkways in accordance with Regulation #488/06 under the Highway Traffic Act.

Background:

On February 6, 2007, the Advisory Committee for Persons with Disabilities was informed of concerns related to the difficulties faced by persons with disabilities who utilize Segways as mobility devices, as they were considered to be motor vehicles under the Highway Traffic Act, and were therefore not permitted to be used on sidewalks, trails or walkways. Segways are described by the Ministry of Community Safety and Correctional Services as “self-balancing, two-wheeled, electric-powered transportation devices with a top speed of 20 km/h.” The committee discussed an incident which occurred at one of the Conservation Authorities, where a person was not permitted to use a Segway as a mobility device on the trails and walkways.

Following a brief discussion, Superintendent Michael Shea of Hamilton Police Services agreed to do some research for the committee with respect to the use of Segways as mobility devices.
Analysis/Rationale:

At the March 6, 2007 meeting of the Advisory Committee for Persons with Disabilities, the committee was informed of Regulation # 488/06, under the Highway Traffic Act, which was approved and filed on October 23, 2006 which provides for a pilot project permitting the use of Segways under limited circumstances, including their use as mobility devices. A copy of Regulation # 488/06 is attached as Appendix A.

Under Regulation #488/06, Segways are allowed to be used in the pilot period for the following purposes:

- By Police Officers in the course of their duties
- By a Canada Post letter carrier, while delivering mail door-to-door
- By a person 14 years of age or older, as a mobility device, if the persons mobility is limited by disability, condition or functional impairment

This regulation allows for the use of Segways as mobility devices, and deems them not to be a motor vehicle under the Act. However, the Regulation also provides the following exception: “A Segway is a motor vehicle for the purpose of a municipal by-law that governs or prohibits the operation of motor vehicles on or along any sidewalk, trail, path, or walkway or in any public park or exhibition ground, unless the by-law provides otherwise.” Staff have confirmed that there are clauses in both the Traffic By-law and the Parks By-law which will have to be amended to allow the people of Hamilton who utilize Segways as mobility devices to be able to utilize them on sidewalks, trails, pathways, and walkways, and in public parks and grounds.

As the Advisory Committee for Persons with Disabilities believes that it is important to ensure that persons with disabilities can fully participate in the life of the community, they want to ensure that the current barriers faced by persons using Segways as mobility devices are removed by amending the by-laws to permit their use in the same way that other mobility devices are used in the City, including sidewalks, paths, walkways, and trails, in public parks and grounds. Accordingly, the Advisory Committee for Persons with Disabilities, on May 1, 2007, passed the following motion:

That Council for the City of Hamilton be requested to modify the Parks Bylaw and the Traffic Bylaw to ensure that persons with disabilities who utilize Segways as mobility devices are enabled to utilize their mobility devices on sidewalks, pathways and walkways in accordance with Regulation #488/06 of the Highway Traffic Act; and

That the Conservation Authority within the jurisdiction in the City of Hamilton be requested to make appropriate changes, where necessary, to ensure the use of Segways as mobility devices on pathways, walkways and sidewalks, on all Conservation Authority properties in accordance with Regulation #488/06 of the Highway Traffic Act.
The Advisory Committee for Persons with Disabilities has forwarded letters to the Conservation Authorities, and submits this recommendation to the Public Works Committee to request that the appropriate amendments be made to the Traffic By-laws in order to facilitate the use of Segways as mobility devices on City sidewalks, walkways, trails, and paths, and that the appropriate amendments be made to the Parks by-laws in order to facilitate the use of Segways as mobility devices in City parks and recreational properties and exhibition grounds, including their sidewalks, walkways, trails and paths.

Thank you for the consideration of this request.
MEMORANDUM TO: All Chiefs of Police and Commissioner Julian Fantino

FROM: Noreen Alleyne
Assistant Deputy Minister (A)
Policing Services Division

SUBJECT: Segway Pilot Project: Implemented by a new, filed Regulation (488/06) under the Highway Traffic Act (HTA)

DATE OF ISSUE: November 8, 2006
CLASSIFICATION: General
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The Ministry of Transportation (MTO) has asked the Policing Services Division (PSD) to inform you of a new regulation made under the Highway Traffic Act (HTA). Ontario Regulation 488/06 was filed on October 19, 2006 and is now in effect. It creates a five-year pilot project for Segway Human Transporters and Segway Personal Transporters. Pilot project legislative authority is provided under section 228 of the HTA.

Segways are self-balancing, two-wheeled, electric-powered transportation devices with a top speed of 20 km/h. This pilot project permits three groups of operators to operate Segway devices on public roads, sidewalks and paths, under certain circumstances:

1. Police officers for the purposes of law enforcement
2. Canada Post letter carriers in the course of delivering mail
3. Any person aged 14 years and older with a mobility impairment

Segway operators are not required to hold a driver’s licence or permit. Enforcement of the requirement for participating individuals to have a mobility impairment will be at the discretion of the police officer. The Segway vehicle is not required to be registered or plated. Liability insurance is required for Segways used by Canada Post employees and police officers.
Segways are allowed to travel on sidewalks, trails, pathways or walkways and public roadways, with the following exceptions:

- Controlled-access highways
- Any highway where bicycles or pedestrians are prohibited by the HTA, HTA regulation or municipal by-law
- Any sidewalk where a municipal by-law prohibits motor vehicles.

Where a Segway is operated on a sidewalk, the traffic rules that pertain to pedestrians will apply. Where a Segway is operated on a roadway, the traffic rules that pertain to bicycles and bicyclists will apply. The following specific rules apply to all Segway operators except police operators:

- If travelling on sidewalks, paths or walkways, the Segway cannot travel at a speed markedly greater than the speed of pedestrians using the same sidewalk at the same time.
- Segway operators must yield to pedestrians and bicycles, if there is not enough space to pass.
- If using the roadway, Segway operators must make left turns by crossing at the crosswalk as a pedestrian.

Segway operators are required to stop when requested by a police officer and to provide that officer with their driver’s licence or, if available, to provide their name, address and date of birth to that officer. Segway operators are also required to report to a police officer all collisions involving a Segway that result in property damage or personal injury. Police officers who receive these collision reports have a duty to forward them, on an approved HTA reporting form, to the Registrar of Motor Vehicles.

Other conditions and requirements of the Segway pilot are detailed in the attached regulation. Individuals who do not comply with the pilot regulation can be charged under section 228(8) of the HTA, which specifies fines ranging from a minimum of $250 to a maximum of $2,500 for anyone convicted of a pilot-specific offence.

Please distribute this information to all members in your police service working in the area of road safety and traffic law enforcement. If members of the law enforcement community would like to discuss these changes, they may contact Jeannie Lee, Safety Policy Advisor, Road User Safety Office, MTO. She can be reached at (416) 235-4575.

Noreen Alleyne
Assistant Deputy Minister (A)
Policing Services Division

Attachments (1)
Definitions
1. (1) In this Regulation,

"public park" means a provincial park within the meaning of the Provincial Parks Act or land designated by a municipality for use as a park;

"Segway" means a device known as the Segway Personal Transporter or the Segway Human Transporter that is manufactured by Segway Inc.

(2) A Segway is deemed not to be a motor vehicle under the Act.

(3) Despite subsection (2), a Segway is a motor vehicle for the purpose of a municipal by-law that governs or prohibits the operation of motor vehicles on or along any sidewalk, trail, path or walkway or in any public park or exhibition ground, unless the by-law provides otherwise.

Pilot project re Segways
2. A pilot project to evaluate the use and operation of Segways is established.

Prohibition
3. (1) Under this project, no person shall operate a Segway on a highway, trail, path or walkway or in a public park or exhibition ground except as permitted by this Regulation.

(2) No person shall operate a Segway on a highway, trail, path or walkway or in a public park or exhibition ground if the Segway has been modified after its manufacture.
(3) Subsection (2) does not prohibit the operation of a Segway if a basket, bag or other thing customarily attached as an accessory to a bicycle, or a bell, horn or lamp to comply with section 12 of this Regulation, has been added to the Segway after its manufacture.

Segways permitted

4. (1) A person permitted by section 5 or 6 to use a Segway may operate a Segway on any roadway or on the shoulder of a highway in accordance with this Regulation.

(2) Subject to any municipal by-law, a person may operate a Segway on a sidewalk, trail, path or walkway or in a public park or exhibition ground in accordance with this Regulation.

(3) No licence or permit is required in order to operate a Segway on a roadway, the shoulder of a highway, a sidewalk, trail, path or walkway or in a public park or exhibition ground.

Use by police officers, letter carriers

5. (1) A police officer may, in the course of his or her duties, operate a Segway that is owned or leased by the police force of which he or she is a member.

(2) A letter carrier who is an employee of Canada Post Corporation may, while engaged in door-to-door delivery of mail, operate a Segway that is owned or leased by Canada Post Corporation.

Use by persons with limited mobility

6. A person who is 14 years old or older may operate a Segway if his or her mobility is limited by one or more disabilities, conditions or functional impairments.

Prohibited on controlled-access highways

7. A Segway shall not be operated on,

(a) those parts of the controlled-access highways described in Schedule 1 to Regulation 627 of the Revised Regulations of Ontario, 1990 ("Use of Controlled-Access Highways by Pedestrians") made under the Act;

(b) those parts of the controlled-access highways described in the Schedule to Regulation 630 of the Revised Regulations of Ontario, 1990 ("Vehicles on Controlled-Access Highways") made under the Act; or

(c) any highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or by-law.

Sidewalk or roadway use

8. (1) Where sidewalks are provided on a highway, a Segway shall only be operated on the sidewalk and not on the roadway.
(2) Despite subsection (1), a Segway may not be operated on a sidewalk where such operation is prohibited by municipal by-law, except where the highway is located in a tunnel or underpass.

(3) Where sidewalks are not provided on a highway or where the operation of Segways on sidewalks is prohibited by municipal by-law, a Segway shall only be operated,

(a) if there is a shoulder on the highway, on the shoulder as close to the right edge of the shoulder as possible;

(b) if there is no shoulder on the highway, on the right side of the roadway as close to the edge of the roadway as possible.

Application of the Act

9. (1) Parts II, IV, VI and X.3, sections 142, 179 and 199 and subsection 214 (2) of the Act do not apply to the operation of a Segway or to a person who operates a Segway.

(2) Section 140 and subsections 144 (22) to (28) of the Act apply to a Segway as if the Segway were a pedestrian.

(3) When a Segway is being operated on a sidewalk, trail, path or walkway or in a public park or exhibition ground, the provisions of the Act, other than the Parts and sections listed in subsection (1), apply to the operation of the Segway and to the operator of the Segway as if the Segway and the operator were a pedestrian.

(4) When a Segway is being operated on a roadway or on the shoulder of a highway, the provisions of the Act, other than the Parts and sections listed in subsection (1) or the provisions listed in subsection (2), apply to the operation of the Segway and to the operator of the Segway as if the Segway were a bicycle and the operator a rider.

(5) Despite subsection (4), the operator of a Segway shall not make a left turn at an intersection as if the Segway were a bicycle and the operator a rider, but shall instead cross the intersecting highways as if the Segway and the operator were a pedestrian.

Safe operation

10. (1) The operator of a Segway shall keep a safe distance from pedestrians and other users of the roadway, shoulder, sidewalk, trail, path, walkway, public park or exhibition ground at all times and shall give way to a pedestrian or bicycle by slowing or stopping, as necessary, where there is insufficient space for the pedestrian or bicycle and the Segway to pass.

(2) A Segway shall not be operated on a sidewalk, trail, path or walkway or in a public park or exhibition ground at a speed that is markedly greater than the speed of the pedestrians who are proximate to the Segway.
(3) A Segway shall not be operated in such a manner that it may harm, injure or damage, either directly or indirectly, any person or property.

General rules re operation of Segway

11. (1) The person operating a Segway shall be the only person on the Segway.

(2) A Segway shall not be operated when towing another person, vehicle or device.

(3) The person operating a Segway shall stand at all times while the Segway is in motion.

Equipment

12. (1) Every Segway shall be equipped with a bell or horn which shall be kept in good working order and sounded whenever it is reasonably necessary to notify pedestrians or others of its approach.

(2) When operated at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 150 metres or less, every Segway shall carry a lighted lamp displaying a white or amber light at the front of the Segway and a lighted lamp displaying a red light at the rear of the Segway.

(3) The lamps may be attached to the Segway or may be carried or worn by the operator on his or her person.

(4) A Segway and all of its components shall be maintained in good working order at all times.

Helmets

13. A person who is under 18 years old shall wear a bicycle helmet that complies with the requirements of subsection 104 (2.1) of the Act when operating a Segway.

Insurance

14. If Canada Post Corporation or a police force owns or leases one or more Segways for the use of its employees or members, it shall maintain a policy of insurance for each such Segway that provides the coverage required for a motor vehicle under the Compulsory Automobile Insurance Act.

Operator to stop for police officer

15. Every operator of a Segway shall stop when required to do so by a police officer and shall, on the demand of the police officer,

(a) surrender his or her driver's licence, if he or she has one and has it in his or her possession, for reasonable inspection by the officer; or
provide the officer with his or her correct name, address and date of birth.

Duty to report accident

16. (1) Where a Segway is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the Segway shall forthwith report the accident to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (2).

(2) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, the particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and the other information that may be necessary to complete a written report concerning the accident and shall forward the report to the Registrar within 10 days of the accident.

(3) The report of a police officer under subsection (2) shall be in the form that is approved by the Minister.

Reports to Minister

17. (1) If Canada Post Corporation or a police force owns or leases one or more Segways for the use of its employees or members, it shall, if requested by the Minister, report to the Minister on the use of Segways by its employees or members under this Regulation, or on any aspect of such use as may be specified by the Minister.

(2) Any municipality in which Segways are being used shall, if requested by the Minister, report to the Minister on the use of Segways in the municipality under this Regulation, or on any aspect of such use as may be specified by the Minister.

Exemptions from this Regulation

18. (1) A police officer who is permitted to operate a Segway by subsection 5 (1) is exempt from subsection 3 (2), sections 7, 8 and 9, subsections 10 (1) and (2) and 12 (2) and section 15 of this Regulation.

(2) A letter carrier who is permitted to operate a Segway by subsection 5 (2) is exempt from subsection 3 (2) and section 8 of this Regulation.

Amendment

19. The definition of "public park" in section 1 of this Regulation is revoked and the following substituted:

"public park" means a provincial park within the meaning of the Provincial Parks and Conservation Reserves Act, 2006 or land designated by a municipality for use as a park;

Commencement

20. (1) Subject to subsection (2), this Regulation comes into force on the day it is filed.
(2) Section 19 comes into force on the day section 65 of the *Provincial Parks and Conservation Reserves Act, 2006* comes into force.

Revocation

21. This Regulation is revoked on the fifth anniversary of the day it is filed.