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IN REPLY REFER TO:

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 14, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 771

COMMITTEE ON TRANSPORTATION

House Bill 771 defines "yoscooter" in the Statewide Traffic Code and allows yoscooters to be operated by persons age 55 or older on public sidewalks except when rented or operated as part of a guided tour.

**The Department supports this bill but with concerns.**

This bill would result in "yoscooters" and "electric personal assistive mobility devices" being defined as vehicles and we oppose such a change. Mopeds and bicycles are defined as vehicles allowing them to mix with motor vehicle traffic on public roadways. We recommend that "yoscooters" and "electric personal assistive mobility devices," however, be prohibited from mixing with motor vehicle traffic due to safety concerns. In addition, "electric personal assistive mobility devices" are not currently defined as vehicles in Section 291C of the Hawaii Revised Statutes and as a result, this bill would conflict with the existing definition.

We recommend that yoscooters be required to obey the same regulations as "electric personal assistive mobility devices" found under HRS 291C-134.5. These regulations will allow yoscooters to better mix with pedestrian traffic by restricting them from traveling at a speed greater than 8 mph and requiring operators to yield to the right of way of pedestrians.

In addition, the Department of Justice (DOJ) has yet to come out with a final rule regarding the proposed new ADA guidelines and rulings (Federal Register / Vol. 73, No. 117 / Tuesday, June 17, 2008 / Proposed Rules). These rulings may amend the definition of mobility aid and power driven mobility device. This definition could include a device similar to a "yoscooter." We recommend that DOJ's rulings be taken into consideration in the language of this bill to ensure that the bill is not in violation of any ADA laws by restricting persons with disabilities under the age of 55 from operating yoscooters.

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OUR REFERENCE JC-JK

February 14, 2009

The Honorable Joseph M. Souki, Chair  
and Members  
Committee on Transportation  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 771, Relating to Yoscooters

I am Janet Crotteau, Captain of District 1 of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 771, Relating to Yoscooters. Passage of this bill will place pedestrians in harm's way by potentially forcing them to walk in the roadway.

We have two problems with this bill. First, yoscooters pose a serious danger to pedestrians. Second, the bill is redundant in that it addresses issues already covered by the existing Statewide Traffic Code for vehicles on sidewalks.

This bill proposes that yoscooters can be operated on sidewalks by persons age 55 or older as long as they are not rental vehicles or used by a tour group. This statement should raise concerns because it will allow yet another vehicle to share space with pedestrians on sidewalks. By definition, sidewalks are "a portion of a street between the curb lines . . . intended for use of pedestrians," not vehicles.

Along with yoscooters, several other types of vehicles will be allowed to use the sidewalk, thereby increasing the potential danger for pedestrians. Yoscooters are about 26 inches wide and travel at speeds of up to 15 miles per hour. With the average sidewalk measuring between five and six feet, a pedestrian will have only about three feet of unobstructed walking space. This does not provide a lot of area to maneuver. Currently, the Statewide Traffic Code states that electric personal assistive mobility devices shall not be operated at speeds greater than eight miles per hour, which is about half the yoscooter's speed. Because there is no limit on the speed of a yoscooter, it may be operated at its maximum

*Serving and Protecting With Aloha*

The Honorable Joseph M. Souki. Chair  
and Members  
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speed. At that speed, the potential for pedestrian injuries is doubled because events will be occurring at a much greater speed.

Secondly, along with yoscooters, this bill proposes that bicycles and electric personal assistive mobility devices be allowed to operate on sidewalks unrestricted. This is in direct conflict with sections 291C-148 and 291C-134.5 of the Statewide Traffic Code concerning the use of bicycles and electric personal assistive mobility devices on sidewalks. This bill removes the present restrictions that protect pedestrians on sidewalks and places them at risk of injury. By increasing the number of vehicles legally allowed to operate on sidewalks, we believe we are creating a recipe for disaster because pedestrians will be forced to walk in the roadway. For the Honolulu Police Department, this is untenable.

For these reasons, we would like to ask the legislature to place pedestrian safety at the forefront of your decision making. Motor vehicle collisions are of prime concern to everyone in the state, and we ask the legislature to think seriously before enacting laws that would reduce pedestrian safety.

The Honolulu Police Department strongly opposes House Bill No. 771, Relating to Yoscooters.

Thank you for the opportunity to testify.

Sincerely,



JANET CROTTEAU, Captain  
District 1

APPROVED:



BOISSE P. CORREA  
Chief of Police

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

February 13, 2009

The Honorable Joseph M. Souki, Chair  
and Members of the Committee on Transportation  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Souki and Committee Members:

**Subject: House Bill No. 771, Relating to Yoscooters**

The Department of Transportation Services opposes House Bill No. 771, which would allow Yoscooters to be ridden on sidewalks. These vehicles are capable of traveling fifteen miles per hour which would be unsafe to add them to the already crowded mix of non-motorized users on sidewalks.

It appears that this bill is aimed at giving seniors another type of mobility device. There are currently similar types of scooters available to assist seniors or others needing mobility assistance that travel at slower and safer speeds.

Also, Yoscooters is a brand name and should not be specified in legislation.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", is written over a faint, larger version of the same signature.

Wayne Y. Yoshioka  
Acting Director

**From:** glen tanaka [tanaka6kenji@live.com]  
**Sent:** Friday, February 13, 2009 4:06 PM  
**To:** TRNtestimony  
**Subject:** Joe Suki

### *Why This Bill Is Unfair*

*The statements put forth in this bill are discriminatory on the grounds that a company's name is being used to define any and all mobility devices that perform the same function. Other companies that rent and/or sell identical 3-wheeled devices are not mentioned in this bill.*

*This bill seeks to restrict these devices to individuals that are 55 years of age or older. This is called (discrimination of age).*

*Our 3-wheeled electric mobility devices have helped a lot of people under the age of 55 years old. The statements in this bill are targeting a single company, and a group of those (who are) under the age of 55 years old and disabled!!*

*Yoscooter as a company has not received any reports to date of there having been any injuries sustained either by the operators of these devices or the general public.*

*To dictate who can and cannot rent a mobility device provided by a specifically named company for use by the community and the tourism industry is unlawful and unhuman.*

*Hawaii Revised statutes clearly states under section 291c-134.5*

*A) "an electric personal assistive mobility device may be operated on the side walks. As long as the operator does not exceed a speed limit of 8MPH.*

*B) "An electric personal assistive mobility device operator shall be sixteen years of age or older".*

*Yoscooter also provides an alternative way of transportation to the waikiki community. This would help clear up the roads in the waikiki area.*

*The state of Hawaii should also note that there are other companies that sell 100% identical 3-wheel electric mobility devices just like ours and is available on the worldwide web but fall under a different brand name. That has the same physical appearance as our 3-wheel mobility devices.*

*The city buses have let our devices ride on them as a mobility device. Our devices are also IATA certified A67 and allowed on the air plane for free.*

*As for the waikiki police office Sgt. S. Burns has stated that "lately there has not been any complaints with the use of a yoscooter mobility device in the waikiki area".*

*Another officer that has been in waikiki district 6 from Feb, 8-9, 2009.*

*Stated "I have yet to respond to a call regarding any unlawful use of a yoscooter mobility device.*

*An has not encountered a yoscooter mobility device in a nuisance call in the waikiki area.*

*It is unfair to restrict any one from ages 16 and older from the public use of a yoscooter "being rented or sold" by people that have disabilities or the need for another means of transportation that is under the age of 55 years old.*

*Therefore this bill is unfair to the people, public or bussiness with out fair representation of due process. We the people are deeply disturbed that this government for the people by the people has been dicated and not well represented by this bill.*

*I must conclude that I Glen K. Tanaka strongly suggest that any bill relating to this measure is completely illegal and discriminates.*

*We the people demand that a public hearing on this matter by its governing body and its represenative to include anyone who will be directly affedted by this bill to have the right of due process by a hearing or other means to be represented with honorable intentions.*

*I thank you for the consideration of Bill HB711.*

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