



City of Hamilton
HAMILTON CYCLING COMMITTEE
AGENDA

Meeting #: Meeting#-xx-xxxx

Date: May 5, 2021

Time: 5:45 p.m.

Location: Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton>

Rachel Johnson, Project Manager - Sustainable Mobility (905) 546-2424 ext. 1473

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Hamilton

HAMILTON CYCLING COMMITTEE (HCyC) MINUTES

Wednesday, April 7, 2021

5:45 p.m.

Virtual Meeting

Present: Chair: Chris Ritsma
Vice-Chair: William Oates
Members: Sharon Gibbons, Yaejin Kim, Ann McKay, Jessica Merolli,
Cora Muis, Gary Rogerson, Kevin Vander Meulen, and
Christine Yachouh

**Absent with
Regrets:** Jeff Axisa, Kate Berry, Joachim Brouwer, Roman Caruk, Jane Jamnik,
Councillor Esther Pauls, Cathy Sutherland, and Councillor Terry
Whitehead

Also Present: Trevor Jenkins, Project Manager, Sustainable Mobility
Peter Topalovic, Program Manager, Sustainable Mobility

(a) APPROVAL OF AGENDA

Staff advised of the following addition to the agenda:

7. DISCUSSION ITEMS

7.4 Update on Citizen Committee Report: Bill 148: Doored but Not Ignored
Act, 2019

(Oates/Vander Meulen)

That the agenda of the April 7, 2021 meeting of the Hamilton Cycling Committee
be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST

None

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING**(i) March 3, 2021 (Item 3.1)****(McKay/Kim)**

That the minutes of the March 3, 2021 meeting of the Hamilton Cycling Committee be approved, as presented.

CARRIED

(d) DISCUSSION ITEM (Item 8)**(Oates/Muis)**

That the Project Updates from Staff be received:

(i) Gender and Cycling Study Update (Item 7.1)

Staff provided the Committee with an oral update on the Gender and Cycling Study provided by the consultant.

(ii) 2021 Work Plan Follow-Up (Item 7.2)

Staff advised Committee that their 2021 budget request was approved as part of the 2021 Budget approved by City Council. Members agreed to work to develop a formal workplan.

(iii) Planning and Project Updates (Item 7.3)

Staff provided the Committee with a written update on 2021 planned cycling infrastructure projects.

(iv) Update on Citizen Committee Report – Bill 148: Doored but Not Ignored (Item 7.4)

The report was approved by Public Works Committee on March 22 and by Council on March 31.

CARRIED

(e) MOTIONS**(i) Bicycle Lane Curbs (Item 8.1)****(Ritsma/Oakes)**

WHEREAS physical protection is the best practice to maintain cyclist safety;

WHEREAS vehicles regularly access bicycle infrastructure rendering the infrastructure unusable;

WHEREAS existing concrete curbs and flex posts are easily driven over by vehicles and crushed;

WHEREAS the goal for cycle tracks should be to be made as all ages and abilities; and,

WHEREAS grey concrete curbs are easily missed in summer or snow.

THEREFORE, BE IT RESOLVED:

- (a) The Committee recommends curb heights be no less than 25 cm tall; and,
- (b) The Committee recommends curbs be painted brightly with artwork from local artists or when not possible, clear markings so they do not blend into the grey asphalt.

CARRIED**(f) Notice of Motion****(i) Bike Lane Asphalt (Item 8.2)****(Ritsma/Rogerson)**

That the Bike Lane Asphalt motion be deferred to a future meeting.

CARRIED**(ii) Keddy Access Trail Artwork (Item 8.3)****(Ritsma/Oakes)**

That the Keddy Access Trail Artwork motion be deferred to a future meeting.

CARRIED

(g) ADJOURNMENT

(Merolli/Oates)

That, there being no further business, the meeting adjourned at 7:24 p.m.

Respectfully submitted,

Chris Ritsma
Chair, Hamilton Cycling Committee

Trevor Jenkins
Project Manager, Sustainable Mobility
Transportation Planning, Planning & Economic Development



HAMILTON POLICE SERVICES BOARD

Board Members

Fred Eisenberger, Chair
Fred Bennink, Vice Chair
Mel Athulathmudali
Chad Collins
Robert Elms
Tom Jackson
Patricia Mandy

Kirsten Stevenson, Administrator

February 12, 2021

DELIVERED BY EMAIL

Alicia Davenport
Legislative Coordinator,
Office of the City Clerk
City of Hamilton

SUBJECT: Follow-Up Correspondence from the Hamilton Police Services Board with respect to Correspondence from the City of Hamilton dated September 19, 2019 with respect to the Feasibility of Launching Project 529 (to reduce bike theft) in the City of Hamilton

At its public meeting on Friday, February 26, 2021, the Hamilton Police Services Board passed the following motion:

Moved by: Member Jackson
Seconded by: Member Athulathmudali

That the Acting Chief and Deputy Chief inform the City of Hamilton Public Works Committee about programs the Hamilton Police Service has developed that help facilitate the registration and identification of bicycles in our community.

CARRIED.

Should you have any questions or concerns, please let me know.

Thanks & regards,

Kirsten Stevenson
Administrator, Hamilton Police Services Board



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	May 3, 2021
SUBJECT/REPORT NO:	Commercial E-Scooters Operations (PED20134(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Peter Topalovic (905) 546-2424 Ext. 5129
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to initiate a Request for Proposals to select a maximum of three commercial E-Scooter operators to operate within the City of Hamilton, based on the general scope and terms set out herein this Report PED20134(a);
- (b) That the General Manager of Planning and Economic Development be authorized to negotiate, enter into and execute an agreement, any amendments, and ancillary documents required to give effect thereto with the successful proponents to the request for proposals for Commercial E-scooter operators in a form satisfactory to the City Solicitor; based on the general scope and terms outlined in this report PED20134(a);
- (c) That, upon the award of any agreements with a Commercial E-Scooter operator, the General Manager of Planning and Economic Development be authorized to amend the operating agreement with Hamilton Bike Share Inc. for the operation of the base bike share program to provide an operating offset equivalent to the annual vehicle fee and per trip fee collected from the Commercial E-Scooter operator;

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- (d) That item 21B and 21C be removed from the Outstanding Business List, as this report addresses the Advisory Committee for Persons with Disabilities Reports: 20-007, December 8, 2020 (Item 9.1).

EXECUTIVE SUMMARY

On November 25, 2020, Council approved Report PED20109(c) Public Bike Share Program Phased Procurement Process which established an operating agreement through to December 2022 for the operation of the existing base bike share program through Hamilton Bike Share Inc, as well as a phased procurement process for introducing a broader suite of micro-mobility options in the City, potentially including electric kick style scooters (E-Scooters). This report addresses that second phase of the procurement process, specifically the establishment of commercial E-Scooter operations.

Council approved the use of personal E-Scooters in the City, and the by-laws and regulations that would apply to the personal use of E-Scooters, on December 16, 2020, through Report PED20134/PW20050. This occurred in response to the Province of Ontario's five-year pilot program which permits E-Scooters on municipal roads throughout the Province, if a municipality passes a by-law to "opt-in". The five-year pilot launched January 1, 2020, under *Ontario Regulation 389/19* made under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (*HTA*) with the goal of evaluating the use of E-Scooters by evaluating their ability to safely integrate with other vehicle types and determine whether they should be permanently allowed on roads in Ontario.

On December 16, 2020, Council also approved amendments to By-law 01-215 being a by-law to Regulate Traffic ("City of Hamilton Traffic By-law") and to By-law 01-219, being a By-law to Manage and Regulate Municipal Parks ("City of Hamilton Parks By-law") to permit E-Scooters on roads, bike lanes and designated pathways, as part of a phased approach. By-law 20-270 was also passed by Council on December 16, 2020 to regulate commercial E-Scooters and make it clear that commercial operators must have City approval before they can operate in the City of Hamilton.

This Report addresses the next phase of the micro-mobility program, which is to permit commercial E-Scooter operations in the City of Hamilton. Staff is recommending a competitive Request for Proposal (RFP) process to allow commercial E-Scooter operators to submit their business plans to the City and compete for the ability to operate commercial E-Scooters in Hamilton. The successful applicants will then sign a formal agreement with the City. It is recommended that a maximum of three contracts be awarded to qualified E-Scooter system operators, who will be selected through the RFP process. Each operator will be allowed to operate a maximum of 500 E-Scooters in the current bike share service area. However, if the operator wishes to extend their service area beyond the minimum, they will be able to provide addition E-Scooters in

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keeping with the same ratio of 150 devices per ten square kilometres to a maximum of 900 E-Scooters (per operator). The RFP and subsequent agreement will establish the parameters for commercial operators as well as establish the fees that will be paid to the City in relation to the program.

This Report provides an overview of the recommended commercial E-Scooter pilot framework as well as the terms for the recommended RFP process, including how proponents will operate their vehicles, what support systems they will be required to provide, how they will comply with City regulations and by-laws, and the associated fees related to operating in Hamilton.

The proposed operating framework outlined in this Report identifies key aspects of the program including length of the pilot, permitted operating speeds, operating areas, requirements for locking of devices, parking management, and allowable devices.

The Report also outlines key aspects of the RFP process. Both the overall operating framework and RFP elements were developed taking into account experience in other jurisdictions such as Ottawa, ON, Calgary, AB, Kelowna, BC, Seattle, WA, and San Francisco, CA where programs are already in place. Additionally, the framework incorporates concerns and communications that have been submitted by various stakeholders in Hamilton, notably the Advisory Committee for Persons with Disabilities (ACPD).

Successful E-Scooter system operators will be awarded contracts to operate in the City and pay fees to the City to cover the costs of application processing, bike parking improvements, and enforcement as well as operations fees to offset impacts to the existing public bike share system.

Alternatives for Consideration – See Page 13**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no financial impacts on the City. All capital and operating costs will be the responsibility of the commercial operator. All City costs for administration of the program and enforcement costs will be recovered through the program fees as well as fine revenues.

Successful E-Scooter operations applicants who are awarded contracts will be charged fees to cover application processing, bike parking improvements, enforcement and vehicle operations fees to offset impacts to the existing public bike share system. This is projected to make the E-Scooter program revenue neutral and is in line with North American municipal E-Scooter systems best practices.

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The minimum required fees include:

- 1) **\$5,000.00** Annual Administration Fee;
- 2) **\$5.00** Program Improvement Fee per E-Scooter per year;
- 3) **\$40.00** Annual Vehicle Fee per E-Scooter for the first 100 devices;
- 4) **\$45.00** Annual Vehicle Fee per E-Scooter for each additional vehicle beyond 250 devices up to 500 devices (if applicable);
- 5) **\$50.00** Annual Vehicle Fee per E-Scooter for each additional vehicle from 500 to 900 devices (if applicable); and,
- 6) **\$0.05** per trip for all E-Scooters.

Successful proponents will be required to provide a \$15,000 revolving security deposit. The City can recover costs associated with enforcement should the commercial operator not address concerns in the adequate timeframe (e.g. removing and storing improperly parked E-Scooters). The proponent will be required to replenish the security deposit should it fall under \$5,000. This security deposit, in combination with fines levied in under the in the E-Scooter by-law, will be utilized for enforcement.

Report PED20109(c) indicated that a portion of revenues from the procurement outlined in this Report would be allocated to offset the operating impact on the base bike share program, in recognition of the impact that new micro-mobility services will have on the operation of the bike share program. Therefore, staff are recommending that the annual vehicle fees and per trip fees be allocated as an operating offset to the current bike share operator. The Administration Fee and Program Improvement Fee would be allocated for the City's administration costs.

Staffing: There are no staffing impacts associated with adopting the staff recommendation. Existing Transportation Planning Staff in the Sustainable Mobility Group will provide oversight of the successful E-Scooter operators, as they do with the current bike share system.

Enforcement of the approved Traffic-By-law will be by Hamilton Police Services and enforcement of operations within Parks will be overseen by the Licensing and By-law Services Division. Enforcement activities include:

- Management of the right-of-way and ensuring no obstruction of pedestrian areas;
- Vehicle safety compliance;
- Vehicles contained in the proper operating and parking areas;

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- Vehicles removed from any paths or parks where they are not permitted; and,
- Improper riding behaviour.

E-Scooter enforcement fines are already established in By-law Number 20-270, that apply to users and commercial operators.

Transportation Planning staff will handle public complaints and the operators will be asked to promptly resolve issues identified in the right-of-way. If they do not do so, then Municipal Licensing and By-law Services will be called in and their costs for enforcement will be covered by the security deposit.

Legal: Legal Services will work with successful E-Scooter system operators to enter into operations contracts with the City, following the RFP process.

HISTORICAL BACKGROUND

E-Scooters have emerged as a new mode of transportation with an electric motor and the ability to be imminently shareable through app-based technology. Shared commercially operated E-Scooters have been launched in more than 125 cities across the United States and are quickly launching in the Canadian market. Ontario joins Alberta and Quebec amongst the growing number of Canadian Provinces allowing E-Scooters on the roadway.

On December 16, 2020, Council approved the operation of E-Scooters in Hamilton by amending certain City by-laws (PED20134/PW20050) outlined in Public Works Committee Minutes 20-12, Item 9.2; in response to the Province's five-year pilot program which permits E-Scooters on municipal roads throughout the Province, if a municipality passes a by-law to "opt-in". The five-year pilot launched January 1, 2020, under *Ontario Regulation 389/19* made under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (*HTA*) with the goal of evaluating the use of E-Scooters, specifically their ability to safely integrate with other vehicle types and determine whether existing rules of the road are adequate.

Currently, personal E-Scooters, are allowed, to operate on roads, bike lanes, multi-use paths in the road right-of-way, and designated pathways in parks. They are not permitted to operate on any pedestrian right-of-way or in most parks and park pathways. If Council approves the use of commercial E-Scooters in Hamilton, the same rules would also apply.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The operating framework outlined in this Report complies with the Provincial pilot regulation, O. Reg. 389/19: Pilot Project - Electric Kick-Scooters, that came into effect January 1, 2020. The pilot is intended to evaluate the use of E-Scooters over a five-year period to examine their ability to safely integrate with other vehicle types and determine whether existing rules of the road are adequate.

The RFP to secure Micromobility Service Providers for the E-Scooter program will be issued and awarded in accordance with By-Law 20-007, the City's Procurement Policy.

RELEVANT CONSULTATION

This Report was prepared in consultation with staff from Transportation Planning, Licencing and By-law Services, Environmental Services Division, and Transportation Operations and Maintenance Division, working closely with Legal Services and Procurement.

Staff from Hamilton Municipal Parking, and Hamilton Police Services were consulted with respect to operations and enforcement matters.

The Hamilton Cycling Committee, Cycle Hamilton, and the Canadian National Institute for the Blind have provided input through meetings and/or correspondence.

Correspondence from the ACPD and their feedback was received by Council on February 10, 2021, General Issues Committee Report 21-003 Item 9.1. Recommendations from the ACPD have been considered in the development of the Commercial E-Scooter request for proposals process. Specifically, the RFP will encourage operators to include specialized equipment that alerts pedestrians to the presence of an E-Scooter. The RFP will also include provisions for operators to be trained on safe operation. It is also noted that the industry is moving towards a more formal regime which will address licencing, insurance requirements as advocated for by the ACPD; however, these matters are generally regulated by the province of Ontario.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Commercial E-Scooter Operating Framework

The five-year provincial pilot launched January 1, 2020, under *Ontario Regulation 389/19* made under the *Highway Traffic Act*, R.S.O. 1990, c. H.8 (*HTA*) includes specific regulations for E-Scooters, including vehicle and safety requirements, and operator and safety requirements. However, the regulation assumes that municipalities may add

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additional regulations with respect to parking, operating parameters (e.g. operating area), liability, fees, and fines for non-compliance.

The report PED20134/PW20050 approved by Public Works Committee on December 7, 2020 (Item 9.2) already permits citizens to operate their personally owned E-Scooters in the City Right of Way and some pathways in the City as signed. Proper use and behaviour is regulated through By-law 01-215, a By-law to Regulate Traffic, and By-law 01-219, a By-law To Manage and Regulate Municipal Parks with penalties administered through By-law 17-225, being a By-law to Establish a System of Administrative Penalties.

This Report sets out the operating framework specifically for Commercial E-Scooter operations, building upon the previous report and by-law. All by-laws and fines for private E-Scooters will also apply to commercial operations as they do to individual citizens.

In developing the framework for Commercial E-Scooter operations, staff took into account practices in other jurisdictions, emerging new practices that address some previous concerns with E-Scooters, and recent input received from stakeholders since Report PED20134/PW20050 was approved by Public Works Committee and Council.

Key aspects of the proposed Hamilton commercial E-Scooter pilot framework include:

- **Length of Agreement:** The term of the agreement will be for two years. The City reserves the right to terminate the agreement should the commercial operator breach the agreement for any reason, with proper notification. The parties may also agree to one-year renewals of the Agreement for an additional three terms comprising no more than a five-year term in total;
- **Number of Scooters:** Staff is recommending a maximum of three operators be selected, with each operator managing a fleet of no less than 250 scooters and no more than 500 scooters in the existing bike share service area. However, if the operator wishes to extend their service area beyond the minimum, they will be able to provide additional E-Scooters in keeping with the same ratio of 150 devices per ten square kilometers to a maximum of 900 E-Scooters per operator;
- **Operating Speed:** Commercial E-Scooters will be limited to a maximum speed of 20 km/h (comparable to a beginner cyclist) and will be “geo-fenced” to reduce speed to 10 km/h when operating in identified parks, high-pedestrian areas, and paths (comparable to walking speed);
- **Operating Areas:** E-Scooters will be permitted to operate on roads, bike lanes, and designated pathways and trails. E-Scooters will not be permitted to operate on sidewalks. Stickers will be required on every E-Scooter saying, “No Sidewalk Riding” and an app message will remind users of this when starting their trip;

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- **Lock-Up E-Scooters:** All commercial E-Scooters will be required to have a “locking” mechanism and will be required to be fastened to a rack or pole, similar to the existing bikeshare system. This aims to address the issues experienced in other jurisdictions where E-Scooters could be left anywhere;
- **Parking Management and Enforcement:** Commercial operators will be required to educate users on proper parking procedures, such as not blocking the sidewalk clearway path of travel, obstructing features such as utility accesses, garbage bins, or doorways, or curbside zones reserved for uses such as buses, taxis or loading. The City and members of the public will be able to report improperly parked E-Scooters, which the operator will be required to address within a defined time period. Should the operator not meet the time period, the City has the option to address the issue and recover the cost through a security deposit;
- **Scooter Style:** All E-Scooters will be kick-style, meaning that they will not have a seat or pedal, and riders will need to stand while using them. To adhere to the Government of Ontario’s E-Scooter pilot framework, there can only be one rider at a time, no cargo can be carried, baskets are not allowed, it must have two wheels and brakes, must have a horn or bell, as well as, front and rear lights; and,
- **Acoustic Vehicle Alerting System:** operators will be encouraged to include specialized equipment that creates a sound automatically to alert pedestrians to the presence of an E-Scooter on a sidewalk or pathway where they are not permitted. This system is in addition to the provision of a bell, which is a legal requirement for operators.

Implications of E-Scooters and Commercial Operations

E-Scooters are increasingly being promoted as a means for improving mobility within a community because of their convenience for short trips and low space requirements. E-Scooters assist with the first-mile or last-mile commute and can support connections to transit. Since they are powered by electricity, they also have environmental benefits including reduced air emissions.

Commercial E-Scooter operations present challenges because the vehicles are generally stored in the City’s right-of-way and managed by third-party operators. These challenges include parking compliance, illegal sidewalk riding and safety, both for the user and for pedestrians. The number of E-Scooter operators and the number of devices they operate, influence the degree of impact to the management of the right-of-way. In order to minimize this impact, the number of E-Scooter operators and devices are limited. Furthermore, safety technologies, locking mechanisms, safety procedures and training requirements are standard practice. As a result of their low cost and ability to be rented out by a simple mobile device application, large numbers of E-Scooters can potentially be deployed where commercial operators exist.

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Request for Proposal Process

Various approaches were considered for introducing commercial E-Scooter operators ranging from a simple application process to a more formalized licencing regime similar to what is used for taxis or Personal Transportation Providers (PTPs). However, based on experience in other jurisdictions, and taking into account the City of Hamilton's Procurement Policy, it was determined that a RFP approach would be most appropriate.

The RFP process will ensure that the City is able to launch an E-Scooter micromobility system that is right sized for the City and mitigates the impacts to the City's bike share system.

The RFP will require proponents to provide the details of their operations, compliance, communication and monitoring plans and these will be evaluated as part of the RFP process. This includes the following areas:

- **Fleet Operations and Maintenance Plan:** includes information on how the vehicles will be operated and maintained; how they will be deployed and how the geofencing will be used; how vehicles will be balanced, charged and repaired; and other key operating elements;
- **Staffing Plan:** will outline how staffing will be maintained to operate the system and what types of hiring practices will be employed;
- **Geographic Area:** will outline the intended geographic area within the City that the operator will service. This area must include the minimum service area, which will be the existing bike share service area, but may be extended further, as proposed by the RFP proponent;
- **Data Management, Sharing and Reporting:** will outline how the proponent will provide the key information requested by the City and what additional information they will provide; how they will convey that information to the City; and how that data is to be shared with partners who will perform analysis on the data including McMaster University;
- **Low Greenhouse Gas Emissions Plan:** outlines business practices to ensure that the operations of the system result in low greenhouse gas emissions;
- **Website, Smartphone Application and Open Application Interface Plan:** will outline what information will be conveyed to the user on-line, how they will be able to access the system and rent an E-Scooter; and how the application will be open so that third-party applications can allow users to access the systems in convenient ways;
- **Fleet Size and Operating Area Plan:** the operator will determine their fleet between 250 and 900 vehicles and indicate where these vehicles will operate within,

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- and if applicable, beyond the minimum required service area. They will also provide a plan for how vehicles will be balanced and maintained within their geography;
- **Communication and Education Requirements:** will outline how the proponent will promote safe use of the vehicles and how they will ensure users understand that the right-of-way needs to be managed and E-Scooters properly parked. This may include videos, campaigns, and signage;
 - **Vehicle Parking Plan and Right-of-Way Safety Plan:** will outline how proponents will attend to mis-parked E-Scooters, and the tools and strategies that will be used to ensure right-of-way safety;
 - **Vehicle and Equipment Safety Requirements:** the operator will provide technical details on their equipment and how safety of the rider and those using the right-of-way are maintained;
 - **Insurance and Liability:** outlines that the proponent has the required insurance and liability documentation and policies in place;
 - **Compliance, Security and Enforcement Plan:** describes how the proponent will ensure compliance with all City by-laws and uphold any E-Scooter prohibitions that have been set by the City;
 - **Fleet Expansion:** the City reserves the right to allow operators to add additional E-Scooters to allow for expansion of the service area; and,
 - **Additional Infrastructure and Education Support:** proponents will be encouraged to provide plans and resources for enhanced signage at key E-Scooter parking areas, support for enhanced education programs, support for the Everyone Rides Program (the Bike Share Equity Program operated by HBSI) and support for additional bike parking infrastructure to be installed by the City.

The RFP and the operating contract that successful proponents will execute will help ensure that operations are in line with North American best practices and ensure that equity in the right-of-way is preserved so that pedestrian travel is not compromised at any time during E-Scooter program operations.

Any E-Scooter micromobility system operator will be eligible to apply to the RFP process. Applications will be evaluated as part of the RFP process based on the above-mentioned criteria. Only those applications that qualify and pass the evaluation will be permitted to operate in the City. If more than three operators pass, the operators with the top three highest evaluation scores will be permitted to operate and all others will not be awarded permits.

Operating Considerations for Commercial Operations

The RFP process and all necessary contracts and agreements will take into account the following considerations:

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- Sidewalk and Pathway Operations Considerations

The regulations and by-laws approved on December 16, 2020 (PED20134/PW20050) outlined in Public Works Committee Minutes 20-12, Item 9.2; and By-law Number 20-270, take the general approach that E-Scooters will be treated similar to bicycles in that they are permitted to operate within the road right-of-way as a vehicle and not be permitted to operate on sidewalks. This is in part, due to the fact, that E-Scooters operate with similar speeds to bicycles but also takes into account that many sidewalks in Hamilton's older areas are often narrow and do not have generous furniture zones and the operation of E-Scooters on sidewalks could compromise the pedestrian environment.

It is proposed, however, that E-Scooters be allowed to operate on selected pathways through parks. This would be a permissive approach, whereby, E-Scooters would not be allowed to operate in parks, unless in a designated area where City signs are posted. The focus would be on allowing their use on pathways that provide key community connections, are sufficiently wide, and are routinely maintained. Pathways, where E-Scooters are allowed, will be signed as such, keeping in mind the need to restrict access to private connections.

Commercial E-Scooter vehicles can have speed restrictions through areas such as parks using geo-fencing technology, this practice is employed in many North American municipalities. This ensures technology-based enforcement and compliance for commercially operated E-Scooters in areas where they are not permitted.

Commercial E-Scooter operators will also need to ensure that their vehicles have safety precautions that limit the rider's ability to ride in areas they are not permitted, including sidewalks and park pathways that are not on the approved list. This can be achieved through geo-fencing and speed limiting technologies or acoustic vehicle alerting systems. The RFP process will ask for the operators detailed mitigation plans for sidewalk and pathway safety. The RFP will also seek proof from potential operators that the operators are trained, licensed, and insured, to contribute positively to the safety of the right-of-way, and protection of pathways for unimpeded pedestrian use.

Any failure of successful proponents to the RFP to ensure unimpeded access to pedestrian right-of-ways for pedestrians will risk a termination of their contract to operate their E-Scooter service.

- Right-of-Way Storage Considerations

Since commercial E-Scooters will be stored primarily in the "furniture zone" of the right-of-way, it is important to minimize their encroachment onto any pedestrian areas. Many jurisdictions in North America, including Chicago IL, are now requiring commercial

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E-Scooters to have locking mechanisms that allow them to be fastened to bike racks and poles in the furniture zone. The RFP process includes this “lock-to” requirement and requires that operators contribute to the improvement to bike parking in the right-of-way to ensure that there are ample parking locations.

In addition to this, operators will be required to remove any E-Scooters that are encroaching on pedestrian spaces, that are improperly parked, or E-Scooters that are not fastened to a bike rack or pole. In order to reinforce good usage practices, operators will be required to have education programs to ensure users know how to use the equipment and properly lock it up and have audible warnings when they are in use.

- **Compliance and Enforcement**

As with any new mode, enforcement will be a key consideration. Similar to bicycles, the enforcement of traffic by-laws will be carried out by Hamilton Police Services, and operations within Parks will be enforced by Licencing and By-Law Services. Enforcement requirements for personal E-Scooters are expected to be fairly modest but depend on uptake.

In terms of commercial operations, the RFP and contract address compliance requirements for commercial E-Scooter vehicles including: furniture zone parking; locking mechanisms; technology-based and geographic information services-based monitoring and enforcement; areas of operation; allowable fleet sizes; data sharing; insurance requirements; user education; communications; and fees. Staff in Transportation Planning (TP) will manage the contracts and ensure compliance and will deal with complaints about E-Scooters. If the commercial E-Scooter operators cannot resolve the complaints, Staff in By-law Services will be alerted to non-compliance issues and enforce the by-laws pertaining to E-Scooters.

Enforcement needs associated with commercial operations such as parking of E-Scooters and removal of abandon or improperly parked devices, will be built into operations agreements. Transportation Planning staff will manage the contracts, ensure compliance, and handle complaints about E-Scooters that are improperly parked or damaged. If E-Scooter companies do not properly tend to their equipment upon City request, then By-law Staff will be notified to levy any necessary costs through the security deposit.

Impact on the Existing Bike Share Program

A commercial E-Scooter program will enable the City to gain the most benefit from the use of E-Scooters as part of the City’s overall micromobility strategy and the support of first-last mile connections to transit. However, the City must also balance these benefits with the potential impacts to the existing public bike share program.

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The City-owned public bike share operations could be negatively impacted with the introduction of commercial E-Scooter operations. The data in North America on impacts is inconclusive and highly dependent on the existing conditions, ridership and municipal support for the existing bike share system operations. When E-Scooter programs are introduced in cities with stable, municipally funded and supported bike share programs, there are usually initial impacts to bike share ridership which generally stabilize over time.

In recognition of this potential impact, Report PED20109(c) indicated that a portion of revenues from commercial E-Scooter operations would be allocated to offset the operating impact on the base bike share program. Staff are recommending that the vehicle and trip fees collected from E-Scooter operators will be used to offset operating impacts to the bike share program.

Constant monitoring of ridership and revenues for the E-Scooter program and the bike share program will take place during the next two years to better understand the impacts and develop contingency plans to ensure sustainable operations.

ALTERNATIVES FOR CONSIDERATION

Council can decide not to seek a commercial E-Scooter operator. Private individuals would continue to be allowed to operate personal E-Scooters in accordance with City by-laws.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

N/A

BH:MC:cr

Project Name	Segment	Ward	Phase	Length (km)	CMP #	Description	Current Status	Funding
2020 Planned Install - Outstanding								
Britannia/Melvin	Cannon to Walter to Woodward	3	Complete	2.1	28	Painted lanes with painted buffer in segments	All complete except four blocks missing (Strathearne to Walter) and should be installed soon.	City Rehab/Cycling
2021 Projects								
King Street West Enhancement	Dundurn to Paradise	1	Design	1.45	N/A	Precast concrete curbing and green cycling bollards - except on bridge Install EB bicycle signal head @ Dundurn "RT only"	In detailed design phase.	City Cycling
Leland/ Emerson/ Whitney	Main to Main	1	Design	4.3	78	Combination of cycle track and painted lanes - with buffer if width permits, and enhancements at Main/Leland and Main/ Emerson	Design only in 2021.	City Cycling
Longwood Road	King to Main to Frid	1	Design	0.9	N/A	Redesign to create 2-way cycle track along east curb	Design only in 2021.	Ward 1 Funds
Pearl - Kent Bicycle Boulevard	York to Amelia	1	Design	1.77	N/A	Various traffic calming interventions	Bicycle Boulevard: Final design not complete, exact calming methods yet to be finalized.	City Cycling
York Boulevard (Enhancement)	Dundurn to Queen	1,2	Design	1.1	N/A	Add bollards, pre-cast concrete, signal enhancements at Dundurn and at Locke	Design includes left turn accommodations at York and at Locke. Design almost complete, install planned for 2021.	City Cycling
Cannon Street West	Hess to James	2	Implementation	1.4	14	Interim barrier separation of precast curbs & bollards. The street is planned for resurfacing in 2 or 3 years, so more enhancements then.	install planned to commence very soon.	City Cycling
Hunter Street	MacNab to Catharine	2	Implementation	0.9	1	Concrete curbs, changes to signals, signage, markings	install has commenced, detour signs to be installed ASAP	OMCC
Shamrock Park Bicycle Path	Ferguson to Young	2	Design	0.2	N/A	Construct bicycle path from tunnel to Ferguson Avenue	Feasibility Plan complete. Detailed design to commence.	Ward 2 Funds
Strachan	James to Ferguson	2	Design	0.7	N/A	Asphalt multi-use path replacing the existing sidewalk on the south side of the street	Tendering soon. Construction detour signage planned.	City Rehab
Dundas St (Waterdown) Grindstone Cr Bridge	west of Mill St	15	Design	0.1	52	Multi-use facility on separate utility bridge, on north side of street	detailed design in progress	City Rehab
John St	North of Burlington Street	2	Design	2	152	Painted lanes, buffer if width permits	Design to be initiated.	Dev Eng & City Cycling
Ferguson/ General Hosp connection	Ferguson to Victoria	2,3	Design	0.5	88	signs, markings	Connection to Ferguson postponed due to CV19 emergency facility blocking the route. Connection to Victoria part of Victoria project.	Ward 2 & 3 Funds
Victoria North	Burlington St to Cannon	3	Design	1	75	Precast Concrete Curbing Painted lines (White and Green) Knock Down Bollards	Feasibility Plan complete and engagement in progress, design soon to be initiated. 2021 will focus on Cannon to Birge section.	City Cycling
Victoria	Cannon to Claremont	2,3	Design	2	75	Two-way facility similar to Cannon	Functional design to be initiated soon.	City Cycling
Pipeline Trail	Grace to Brampton	4	Design	0.6	149	3m Paved multi-use trail	Design work in progress.	City Trails
Greenford/ Kenora	Queenston to Neil Ave	5	Design	0.8	73	Bicycle Blvd/ signage in conjunction with road works	Design of bicycle boulevard elements in progress.	City Rehab
Centennial Pkwy	Confed Beach Park to GO Station	5	Design	0.75	74	3m asphalt multi-use path, segment on QEW bridge completed by MTO	Design only in 2021, Feasibility Plan complete.	City Cycling
Stone Church enhancement	Arbour to Upper Red Hill	6,9	Design	0.4	N/A	Bollards, Concrete Curbing, Green Line	Design to be completed in 2021, install in 2022.	City Cycling
Stone Church Arbour	at Arbour	6	Design	0.01	N/A	new controlled crossing for TCT	detailed design in progress	City TOM

Project Name	Segment	Ward	Phase	Length (km)	CMP #	Description	Current Status	Funding
Stone Church Omni	Golf Links to Omni	14	Design	1.5	N/A	Buffer enhancement with resurfacing	detailed design in progress	City Rehab
Butler Powerline Trail	Limeridge to Rymal	7	Design	2	190	Paved multi-use trail	Design in works.	City Trails
West 5th	Brow to Mohawk Coll/ Gov Blvd	8	Design	1.6	79	3m asphalt bicycle path behind existing sidewalk	Initial discussions with college and hospital. Feasibility Plan in progress to review with stakeholders.	ICIP (Federal Funds)
East Mtn Trail Loop	URHP to Highland	9	Install	0.73	174	Asphalt multi-use path	Install with development planned for 2021/ 2022	Dev
Dalglish/ Terryberry	Bellagio to Reg Rd 56	9	Install	0.95	169	3m asphalt multi-use path	In progress. Waiting for the developer to complete construction.	Dev Eng & City Cycling
Echovalley	Near Mud St	9	Design	N/A	N/A	A small modification to create a pocket of on-street parking to keep the bicycle lanes clear.	Design in progress.	City Cycling
Paramount	Old Mud to Atlas	9	Install	1.75	N/A	Painted lanes with buffer	Construction commencing, share single file signage during construction	City Rehab
Dewitt	Barton to Hwy 8 to Midway	10	Design	1	83	Painted lanes with buffer	Communication with residents in progress, then detailed design. Install postponed (no year set).	City Rehab
Miles Rd culverts (2)	South of Dickenson	11	Design	NA	N/A	Rural shoulders condition	construction in progress	City Rehab
Wilson St Hill enhancement	Rousseaux to Filman	12	Design	3.2	NA	Buffer enhancement with resurfacing	Extent/ type of barrier to be finalized with detailed design, barrier proposed at intersections and commercial driveways.	City Cycling
Stonehenge	Full length	12	Design	2.45	58	Painted lanes, buffer if width permits	A feasibility plan in the works.	City Cycling
Garner Rd	Shaver to Hamilton Dr	12	Install	0.33	N/A	Paved multi-use trail	Design complete.	City Trails
Hwy 8/ King St (Dundas)	CN bridge to Bond St	13	Design	0.5	59	2021 construction will add paved shoulders west of river bridge and bicycle lanes easterly.	Construction commenced, detour info posted.	City Rehab
Hatt- Dundas St	John to Baldwin to Cootes	13	Design	1	19	Painted buffer and some areas with parking buffer	Detailed design in progress John to Baldwin. East of Main is phase 2, planned to include Baldwin signage and a multi-use trail continuing to Cootes Trail.	City Cycling
Creighton	Governors to Market	13	Design	0.75	29	Bicycle lanes to connect Governors Rd bicycle path to downtown Dundas via Arena	Detailed design almost complete, install 2021. Staff aiming to address a cycling gap approaching Governor's. Project may be installed with this accommodation made later.	City Cycling
Upper Paradise at Mohawk	Buckingham to Lunner	14	Design	0.65	N/A	Painted lanes, buffer if width permits	A feasibility plan in progress	City Cycling
North Waterdown Dr	Centre Rd to Avonsyde	15	Design	2.24	192	Asphalt multi-use path	Construction scheduled for 2021.	Dev Eng
Centre Rd	N Waterdown Dr to Nesbitt	15	Design	0.5		Multi-use path connection	To confirm	Dev Eng
Leavitt Dr (Waterdown)	Dundas St to Brow	15	Design	1.1	N/A	Buffered bicycle lanes as part of new street	Developer preparing design.	Dev Eng
Joe Sams Trail	Within park	15	Install	0.33		Paved multi-use trail	Design complete.	City Trails
Gatesbury Trail	Niska Dr to Boulding Ave	15	Design	0.4	N/A	Paved multi-use trail	Preparing for tender.	City Trails
Gatesbury Trail extension	South of Dundas St	15	Design	0.63		Paved multi-use trail	Design in progress.	City Trails

Total length of bicycle lanes/ bicycle paths 41.58 km

Total centreline length of trails/ paths 11.76 km

Project Name	Segment	Ward	Phase	Length (km)	CMP #	Description	Current Status	Funding
Planning Projects		Ward				Construction Detours in addition to above	Description	Duration
Barton St/ Fifty Rd	Fruitland to Fifty	10				If no markings or signage:	No special cycling accommodations are required as cyclists are already sharing existing lanes with auto traffic.	
Garner Rd	Wilson to 403	12				McMurray bridge in Dundas		
Gordon Dean Ave	Barton to Hwy 8	10				Mulberry St - closure of Bay/ Mulberry		
Rymal Rd	Upper James to Dartnall	6, 7, 8				Mud St - trail closure under bridge		
Upper Wellington	LINC to Stone Church	7				Butter Rd bridge		
Valley Inn Rd Bridge	replacement	1				Upper Sherman @ Beaverton	merge with autos & advance notice of BL closed	4 days
						Locke at King - detour to Pearl SB	detour signage	2 weeks
						Green Mtn detour to Powerline Rd	Confirmed very low volumes	7 weeks
Planning Studies	Ward							
AEGD - Airport Lands	11, 12					Charlton	Resurfacing of street; trail users may need to detour to the railway tracks to cross at Wentworth	4 weeks
Waterdown TMP	15					Inverness	TBD	
Complete Livable Better Streets	City wide					Markland	Bend BL with pylons	1 day
Truck Route	City wide							
Bicycle Blvds	City wide							
Mountain Drive Park MP	6, 7							
Mohawk Sports Park MP	6							
HAAA Park	1							

Approval of the All Advisory Committee Meeting Date

WHEREAS, City Council approved hosting an all Advisory Committee meeting, and directed the Staff Liaisons of the 15 Advisory Committees to pick a date and time for the meeting, and;

WHEREAS, the date needs to be approved by each Advisory Committee.

THEREFORE, BE IT RESOLVED:

(a) The Cycling Committee approve Monday, September 27, 2021 from 4:00 to 6:00 p.m. as the All Advisory Committee meeting date.