



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Public Works Committee
<b>COMMITTEE DATE:</b>	March 17, 2014
<b>SUBJECT/REPORT NO:</b>	Legislation Governing Mobility Devices (PW14023) - (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Daryl Bender (905) 546-2424, Extension 2066
<b>SUBMITTED BY:</b>	Gerry Davis, CMA General Manager Public Works Department
<b>SIGNATURE:</b>	

## Council Direction:

At the November 4, 2013, meeting of the Public Works Committee staff were requested to report back with details on the legislation governing the use of mobility devices, mobility scooters, e-bikes, scooters and other similar devices.

## Information:

Public Works Committee asked for the opinion of the Hamilton Cycling Committee (HCyC) regarding motorized scooters using bike lanes. The recommendation of the HCyC is *"it is not appropriate for a mobility scooter to use bike lanes. The exception being that a mobility device/scooter could possibly be permitted on a bike lane to scale the escarpment to bypass stairs."* (PWC 13-001, Citizen Committee Report)

A review of the City of Hamilton Traffic Bylaw indicates that the Bylaw is consistent with Provincial legislation related to pedestrians, mobility devices, and bicycles. The opinion stated by the HCyC is also consistent with the City and Provincial legislation. The Provincial Highway Traffic Act (HTA) in conjunction with the Ministry of Transportation (MTO) website provides clarification regarding pedestrian and mobility device regulations.

The City of Hamilton Traffic Bylaw states that a pedestrian "includes a person in a wheelchair or on a motorized scooter designed for use on a sidewalk". Section 38 of the Bylaw states "where there is a sidewalk on either side of the roadway, no pedestrian shall walk along the roadway". Further, Section 52 states "no pedestrian shall travel upon a designated bicycle path or within a designated bicycle lane where an adjacent sidewalk exists".

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Appendix A includes excerpts from the City Traffic Bylaw, including definitions for pedestrian, bicycle, motor vehicle, vehicle, traffic, sidewalk, and highway.

The Provincial HTA defines a wheelchair as “a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments”; but the HTA does not define a “pedestrian” nor “traffic”. The MTO website provides additional clarity by collectively defining such devices as “Personal Mobility Devices (Motorized Wheelchairs and Medical Scooters)”.

Appendix B includes definitions in the HTA for wheelchair, bicycle, highway, roadway, motor assisted bicycle, power-assisted bicycle, motor vehicle, motorcycle, and vehicle.

Appendix C includes a picture of an example of a Personal Mobility Device. The accompanying text on the MTO website states:

A sidewalk should be the first choice for someone using a wheelchair or medical scooter. When there is no wheelchair accessible curb, the person should return to the sidewalk at the first available opportunity.

If there is no sidewalk available, people using wheelchairs or personal mobility devices should travel, like pedestrians, along the left shoulder of the roadway facing oncoming traffic.

The same section of text also states “municipalities establish by-laws for where wheelchairs can or cannot be used”.

Regarding the definition of bicycles, the two legal documents have similar definitions except that the HTA defines a bicycle to include “power-assisted bicycles” which is not stated in the City Bylaw. The term “power assisted bicycle” refers to e-bikes. Both legal documents state that a “motor assisted bicycle”, which refers to a two-wheeled vehicle such as a moped, is not a bicycle. This distinction provides some clarity regarding e-bikes (electric-powered bicycles). E-bikes are observed using the streets and trails in Hamilton. Appendix C includes information from the Provincial MTO website, including images that help to clarify the various types of new and alternative vehicles, including e-bikes and mopeds.

The City of Hamilton does receive comments from residents demonstrating that citizens are confused about the regulations governing e-bikes. Residents have received fines of approximately \$90 when they have operated inappropriate e-bikes/vehicles on multi-use trails in Hamilton. These tickets are issued by the Hamilton Police Service.

The City of Toronto is currently considering requesting the MTO and Transport Canada to review the vehicle types currently being sold as power-assisted bicycles (e-bikes) to ensure that they comply with the federal and provincial definition of power-assisted bicycles and to establish two categories of power-assisted bicycles - those that resemble conventional bicycles and those that resemble motor scooters. City of Hamilton staff and the HCyC will monitor activities by the City of Toronto and other Ontario municipalities and report back as this issue develops.

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City of Hamilton staff has been developing a summary table to provide clarity describing what type of vehicle is permitted on what type of transportation facility. This table, Appendix D, has been discussed by the Hamilton Cycling Committee and this same Committee plans to discuss this table further. This feedback from the HCyC will be incorporated in the planned future staff report to the Public Works Committee.

Appendices attached to this report:

Appendix "A"	City of Hamilton Traffic Bylaw Excerpts
Appendix "B"	Ontario Highway Traffic Act (HTA) Excerpts
Appendix "C"	Ministry of Transport (MTO) website Excerpts of New and Alternative Vehicles
Appendix "D"	Table of Vehicle Types and Permitted Use