

DRAFT BRIEFING NOTE: E-SCOOTERS IN ONTARIO

Prepared by: Share the Road Cycling Coalition

THE OPPORTUNITY

E-scooters represent a new way for residents to get around their communities. They have been lauded as providing first and last mile connections to transit, particularly in areas where the trip is too long to walk. If residents choose to replace car trips with e-scooters, they also represent an opportunity to reduce traffic congestion. Preliminary evidence from the e-scooter pilot in Portland, Oregon suggests that e-scooter riders are using them to replace car trips (34%) and that the e-scooters are popular among residents, with 85% of those surveyed indicating that they would recommend e-scooters to a friend ⁽¹⁾.

THE CHALLENGE

E-scooters are a relatively new technology and mode of transportation. As a result, there are few studies about their safety, market resilience and ability to operate through the winter. While the Portland pilot results indicate that people are using e-scooters for trips that otherwise may have been made by car, it is important to note that Portland is recognized as a Platinum Bicycle Friendly Community and has invested more than most in providing safe & convenient space for people to cycle. This bicycle infrastructure is also now being used by people riding e-scooters, and is preferred among riders who were surveyed ⁽¹⁾. Most communities do not have the same infrastructure available for bicycling or for e-scooter riders as Portland does and the availability of safe spaces to ride should be a key concern.



Sample photo of an e-scooter

Medical professionals have raised concerns about increased emergency room visits due to the proliferation of e-scooters, with many sources pointing to one Salt Lake City hospital that reported a 161% increase ⁽²⁾ in emergency room visits related to e-scooters (from 8 patients to 21) ⁽³⁾. Another recent study of medical records from two UCLA hospitals in Los Angeles and Santa Monica indicate that e-scooters have been associated with 249 emergency room visits between September 2017 and August 2018 ⁽⁴⁾. As of September 2018, the death rate among e-scooter riders across the United States was reported to be 1 per 10.75 million trips, compared to 1 per 61.5 million trips for bike share ⁽⁵⁾. In December 2018, the Centre for Disease Control announced ⁽⁶⁾ that it would be conducting its first study of the health risks of dockless scooters in Austin, Texas.

There have also been collisions between e-scooter riders and pedestrians on the sidewalk and concerns about sidewalks being obstructed by poorly parked e-scooters, and the serious impact this has on the mobility of elderly and visually impaired residents and residents using mobility devices.

E-SCOOTERS AND ONTARIO LAW

At present, e-scooters can only be operated where the Ontario Highway Traffic Act (HTA) does not apply, such as on private property if permitted by the owners. This is the case during the ongoing pilot conducted by Lime in Waterloo, ON, where the scooters are permitted only on private trails and university campus ⁽⁷⁾.

LEARNING FROM OTHER JURISDICTIONS

While there is no clear-cut guidance for this new technology, several jurisdictions have enacted policies to govern the use of e-scooters:

- Regulations currently being considered in Washington, DC would require companies to provide a toll-free phone number for people to report badly parked vehicles. They also require companies to provide a \$10,000 security deposit, which the city can keep if companies fail to remove badly parked e-scooters ⁽⁸⁾.
- While some jurisdictions (ex. Denver) allow the use of e-scooters on the sidewalks, many jurisdictions have banned e-scooters from the sidewalks and require riders to use the road and bicycle lanes.
- Most e-scooters in the United States appear to be capped at a maximum speed of 15 mph (24 km/h). A 2018 effort in California – reportedly led by e-scooter company Bird – aimed to increase the maximum speed to 20 mph (32 km/h) and allow sidewalk riding, but failed to pass ⁽⁹⁾.
- California recently passed legislation allowing people 18 years of age and older to operate e-scooters without a helmet. This same legislation stipulates that e-scooter riders cannot carry passengers or any packages that prevent them from keeping at least one hand on the handlebars. California also prohibits riders from leaving e-scooters lying on their side on any sidewalk, or from parking e-scooters on sidewalks in a manner that does not provide an adequate path for pedestrian traffic ⁽¹⁰⁾.
- Some jurisdictions like Miami and Nashville have banned the use of e-scooters all together, while others like San Francisco require prospective companies to apply for a limited number of operating permits ⁽¹¹⁾. Some municipalities have set geographic limits on where e-scooters can be operated (ex. Santa Monica has banned them along the beach path ⁽¹²⁾ and Portland has banned them in Waterfront Park ⁽¹¹⁾).
- In Santa Monica, city council recently approved a “use of public space fee” for the use of public property for private commercial purposes. The recommended fee is \$0.98/scooter per day ⁽¹²⁾.
- As part of their pilot project, Santa Monica is also repurposing street space to create shared mobility device zones to help prevent sidewalk blockage by e-scooters. Over 60 zones have been installed in the first few months ⁽¹³⁾.
- In Washington, DC, e-scooter systems must offer cash payment options and the ability to unlock scooters without a smart phone to ensure that residents can access the e-scooters without a smartphone or bank account ⁽¹⁴⁾.
- To ensure that these services are available to residents and communities that could benefit most, Portland, Oregon requires that e-scooter operators deploy a minimum of 100 e-scooters of 20% or their fleet (whichever is less) each day in the historically underserved East neighbourhoods ⁽¹⁴⁾.
- Currently, the City of Waterloo is undertaking an e-scooter pilot project. The pilot is two phases, with a maximum of 100 e-scooters in Fall 2018 and a maximum of 150 e-scooters in spring 2019. The maximum speed of e-scooters during the pilot is 24 km/h. The pilot specifies the specific “pilot routes” on which the e-scooters can be operated. It also specifies hours of operation for e-scooters between 7am to 9pm. The operator (Lime) is responsible for removing all e-scooters from operation after 9pm and for collecting all e-scooters on public and private property (except those in designated recharge havens). E-scooter riders must be 18 years of age and upload a driver's license as proof of age ⁽⁷⁾. Riders are not required to wear a helmet.

E-scooter companies themselves also have campaigns and technology aimed at enhancing the e-scooter experience. This includes requiring users to take photos of their parked e-scooters to encourage good parking behaviour, and allowing users to report poorly parked e-scooters through the app. To keep sidewalks clear, Bird has committed to re-organizing and re-balancing their systems at the end of every day ⁽¹⁵⁾.

Companies require users to participate in an online safety tutorial the first time they use the app and many distribute free helmets to users who request them. Bird requires users to upload a driver's license as proof of being at least 18 years old. In San Francisco, Skip has established a community advisory council to oversee operations. Lime has indicated that they have the ability to provide incentives as well as fines to users through their app if required by local government ⁽¹⁶⁾. In terms of ensuring that e-scooter users have safe spaces to ride, in some cities Bird provides \$1 per scooter per day to municipalities to help build protected cycling infrastructure ⁽¹⁷⁾.

DRAFT POLICY RECOMMENDATIONS FOR ONTARIO

Introducing a new mode of transportation is not a decision that should be made lightly, which is why we would like to see e-scooters permitted in Ontario as part of a **2-year pilot program**. Many municipalities in the US have adopted e-scooters under a pilot framework as it allows for a better understanding of the opportunities and challenges presented by e-scooters. Ontario should do the same.

Share the Road recommends that the Province of Ontario permit the riding of e-scooters on roads and in bicycle lanes, but not on sidewalks. Like e-bicycles, we recommend that e-scooters be permitted anywhere that conventional bicycles can operate, unless restricted by a municipal by-law.

In order to ensure the safety of all road users during this pilot project, we recommend that the Province:

- Require that all first time users participate in an online training tutorial via the operators app, developed by the operator and approved by the province and respective local municipality;
- Require that all e-scooter riders in the pilot be at least 18 years of age;
- Require that e-scooter companies provide a toll free number for residents to report poor parking of e-scooters, in addition to any in-app reporting that can be done by users;
- Limit the speed of e-scooters to 24 km/h and require an emergency power shut off switch;
- Require e-scooters to adhere to the same requirements as bicycles with regards to front and rear lights and a bell;
- Specify that e-scooter riders are prohibited from carrying passengers;
- Prohibit e-scooter riders from carrying any packages that prevent them from keeping two hands on the handlebars;
- Specifically prohibit e-scooter riders from leaving e-scooters lying on their sides or parked in a way that does not allow adequate space for pedestrian traffic;
- Allow municipalities the option of charging a "use of public space fee" to e-scooter companies;
- Allow municipalities to set geographic limits in which e-scooters can/cannot operate, and;
- Allocate a portion of the province's transportation funding to build safe and separate spaces for both bicycles and e-scooters in municipalities.

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