



Sent via email: <alicia.davenport@hamilton.ca>

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% Ms. Alicia Davenport, Staff Liaison  
Advisory Committee for Persons with Disabilities  
City of Hamilton  
71 Main St W.  
Hamilton, ON  
L8P 4Y5

**RE: Motion 7.4(a) Ban of Electric Scooters from Public Property (City Wide)**

Dear Advisory Committee for Persons with Disabilities,

In my government relations role at Bird Canada, I have been following the important work of your Advisory Committee, including your most recent meeting on November 10, 2020. As I am not currently permitted to make a delegation virtually to your Advisory Committee, I submitted a written submission and watched the Advisory Committee proceedings on the City of Hamilton's YouTube channel. I provide the following comments on your most recent 10th Advisory Committee meeting as it related to electric scooters (e-scooters).

As I noted in my previous correspondence to your Advisory Committee dated November 4, 2020, Bird Canada Inc. is a first KM / last KM, electric scooter sharing company dedicated to bringing affordable, environmentally friendly transportation solutions to Canadian municipalities. Bird Canada provides shared e-scooter services in Edmonton, Calgary, and most recently this summer in Ottawa.

**What is a Municipally Regulated Shared E-scooter Program?**

Shared e-scooter programs in Canada are regulated provincially and municipally with robust regulatory frameworks in place (see below for more information). A municipal shared e-scooter program is offered to cities at no direct cost to the City.

A municipal shared e-scooter program enables local residents to simply download a free app onto their smartphone, locate a shared e-scooter, scan the QR Code located on the shared e-scooter via the smartphone app to unlock the e-scooter, ride the shared e-scooter to their local destination where they would lock the e-scooter via the app and park it in compliance with local municipal regulations, ready for the next rider.

To date, regulated shared e-scooter programs are present in over 100 cities globally and in Canada, e-scooter share operations have existed in cities across the country, including



Kelowna, Calgary, Edmonton, Waterloo, Ottawa, and Montreal. A number of other Ontario municipalities are at various stages of regulatory development towards shared e-scooter pilot programs including Mississauga, Brampton, Windsor, London, and Waterloo (Waterloo Region).

### **Why Municipally Regulated Shared E-scooters?**

A municipally regulated shared e-scooter program is beneficial to cities because it:

- Encourages “Mode Shift”: Shared e-scooters provide local residents with a choice to not take a personal car which contributes to traffic congestion. (In [Calgary](#), 1 in 3 shared e-scooter trips replaced a car trip).
- Reduces Greenhouse Gas Emissions: Shared e-scooters are [electric and do not emit greenhouse gas emissions](#) like cars do.
- Facilitates Socially Distant Open-air Transportation: During COVID-19, shared e-scooters provide an alternative transportation choice for local residents that a host of cities, including San Francisco, have deemed "[essential](#)".
- Facilitates First and Last KM Connections with Public Transit: During the 2019 Montreal shared e-scooter program, city staff [reported](#) that 27% of e-scooter trips started or ended at public transit (metro stations).

It is important to note that private (personally owned) e-scooters are increasingly present in cities like Hamilton. These are not shared e-scooters that are regulated by cities and offered by companies like Bird Canada. Private (personally owned) e-scooters have increased in numbers throughout 2020 likely as a result of the current COVID-19 pandemic and the desire for local residents to find alternative modes of transportation that are open air and socially distant.

As was the case with Uber and ride hailing, one can decide to ultimately try and ban e-scooters, while the number of local residents riding private (personally owned) e-scooters continues to grow. Or, cities can introduce regulations for private (personally owned) and shared e-scooters to advance public safety.

### **City of Toronto and E-scooters**

In October 2019, Toronto City Council passed the following [Motion re E-Scooter Oversight and Management](#). Please see below for the language of the Motion.

It should be noted that the intention of this Motion was to put in place a temporary ban on the use of e-scooters in Toronto until such time as a regulatory framework could be adopted and implemented. Thus, Toronto does not intend to ban e-scooters in the City outright, but in fact plans to regulate them as [evidenced by the direction](#) given by the Infrastructure and



Environment Committee (and ultimately Council) to city staff to develop a regulatory framework to regulate e-scooters in April 2019.

In fact, during Council debate on the Motion outlined below, “The City Clerk advised that the intention of the Committee recommendation [that Council approved] is to put in place a temporary regulation that prohibits the use of these scooters.” [Emphasis added]. See here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.IE7.13>

Likewise, Councillor Pasternak (Chair of the City of Toronto’s Infrastructure and Environment Committee) noted in a [letter](#) to the Committee on the Motion below that the ban on e-scooters is only “until such times as staff report back with a program to enable the oversight and management of e-scooters”. According to the letter:

In light of the Province's accelerated timeline to establish the e-scooter pilot, it is recommended that the Infrastructure and Environment committee direct staff to develop the necessary programs to enable the IE7.13 oversight, management and regulation of e-scooters on the streets of Toronto during the Province's proposed pilot project. This would build on the direction given by this committee on April 25, 2019 in [IE4.5 Proposed Regulatory Framework for Scooters, Cargo, and E-assist Cycles](#), which directed staff to report back with a regulatory framework in the fourth quarter of 2019.

The recommendations below seek to provide parameters related to safety and accessibility until such time as staff report back with a program to enable the oversight and management of e-scooters.

City of Toronto: [Motion re E-Scooter Oversight and Management](#)

1. City Council direct the General Manager, Transportation Services, in consultation with the Executive Director, Municipal Licensing and Standards, the Medical Officer of Health and the Toronto Parking Authority, to report to the appropriate Committee in the fourth quarter of 2019 on a program to enable the oversight and management of e-scooters on City roadways, including the possibility of adding electric scooters to the bike share fleet as a way of managing e-scooters in the public right-of-way, with the goal of ensuring a safe and accessible transportation network for all users during the proposed 5-year Provincial pilot project.
2. City Council prohibit the use of e-scooters on City sidewalks and pedestrian ways, and prohibit any person from parking, storing or leaving an e-scooter on any street, sidewalk and pedestrian way.
3. City Council authorize the City Solicitor to introduce the necessary Bills directly to Council to amend the requisite City By-laws or Municipal Code Chapters to give effect to City Council’s decision in Part 2 above, and authorize the City Solicitor to make any



necessary clarifications, technical amendments, or By-law amendments as may be identified, in consultation with the General Manager, Transportation Services.

## **Province of Ontario and Municipal Regulatory Frameworks for Shared E-scooters**

The Province of Ontario and municipalities with shared e-scooter programs have robust regulations in place to govern shared e-scooters. I encourage the Advisory Committee and it's Transportation Working Group to click the links in this section and review the exhaustive regulations in place provincially and for example, in the Ottawa shared e-scooter pilot.

In short, it is not accurate to say there are no regulations in place with respect to shared e-scooters. In fact, as outlined below, there are extensive regulations in place provincially and municipally for shared e-scooter programs in Ontario.

The province's [pilot regulations](#) for e-scooters has an array of regulations concerning the operation of e-scooters (i.e. no double riding), the e-scooter equipment itself (i.e. weight, etc.), etc. Other sections of the provincial regulations for cities that permit e-scooters locally include:

- Where electric kick-scooters permitted
- Roadway use
- Safe operation
- General rules re operation
- Equipment
- Operator to stop for police officer
- Duty to report accident

Municipal programs for shared e-scooters (permit agreements) in cities such as Kelowna, Calgary, Edmonton, and Ottawa have extensive regulations in place for shared e-scooter programs. For example, in Ottawa, each shared e-scooter operator permitted by the City, has a signed binding agreement with the City of Ottawa. Bird Canada's agreement with the City of Ottawa for the provision and operation of shared e-scooter services can be viewed [here](#).

General information on Ottawa e-scooter rules:

<https://ottawa.ca/en/parking-roads-and-travel/cycling/e-scooters>.

[Bird Canada's agreement with the City of Ottawa for the provision and operation of shared e-scooter services](#) is almost 30 pages of regulatory requirements that cover a thorough host of various mandated regulatory requirements including but not limited to:

- Fees and Securities (pg. 3)
- Parking of shared e-scooters (pg. 5)
- Removal of shared e-scooters (pg. 7)
- COVID-19 related sanitation (pg. 8)



- Communication and Education (pg. 8)
- Non-performance (of contractual obligations) (pg. 9)
- Data Reporting to the City (pg. 10)
- Indemnity (pg. 10)
- Insurance (pg. 11)

### **Provincially and Municipally Regulated Shared E-scooter Program vs. Privately Owned E-scooters**

The Ontario e-scooter pilot regulations permit municipalities to allow shared e-scooters and/or privately owned e-scooters. Municipalities have to pass a by-law(s) to opt into the provincial e-scooter pilot.

Municipal shared e-scooter programs are subject to extensive regulatory requirements (see above). On the other hand, private/personally owned e-scooters possess inherent risks. As one example, the risk with private or personally owned e-scooters is that it is more challenging to regulate things like speed because privately sold e-scooters are sold at various maximum speeds or are mechanically changed to go faster after purchase.

On the other hand, with a municipally regulated shared e-scooter program, the City can through a permit/agreement with the shared e-scooter company, mandate shared e-scooters travel at certain speeds (max 20 km/h) in addition to mandating geo-fenced no park zones, slow down zones and/or no ride zones. These can all be enforced through a permit from the City. Enforcing these things against private or personally owned e-scooters is challenging.

Recall that geo-fencing technology is mandated under municipally regulated shared e-scooter programs to enhance safety (this geo-fencing does not impact private (personally owned) e-scooters which makes them inherently less regulated). Examples of geo-fencing mandated in under Ottawa's regulated shared e-scooter program:

- **Slow Down Zones:** Most Canadian cities have set scooters to a maximum of 20 km/h and some cities have implemented slow down zones for highly pedestrianized areas of the City so that scooters travel slower in these zones (i.e. 15 km/h in Calgary and 8 km/h - 15km/h in Ottawa).
- **No Ride Zones:** Some cities have established no rides zones where upon entering the zone the scooter slows down gradually and stops safely to discourage riding. For example, Ottawa has mandated this for the Parliamentary Precinct, Byward Market, and all National Capital Commission pathways in the City to prevent shared e-scooters from being ridden on these pathways (NCC does not permit e-bikes currently as well).



Sincerely,

A handwritten signature in black ink that reads "Chris Schafer".

**Chris Schafer**

Vice President, Government Affairs

Bird Canada

(647) 389-8052

[www.birdcanada.co](http://www.birdcanada.co)