

From: Jo-Ann H. Savoie <JSavoie@hamiltonpolice.on.ca>
Sent: November 20, 2020 3:24 PM

Alicia and Madame Chair

As an outstanding action item from our last meeting, I have prepared the following report. I have been invited to the Transportation working group next week however I am unable to attend. If you could ensure members of the Transportation Committee also get a copy if different from this group. I still have calls out to both Ottawa and Waterloo, however I thought I would provide some background and context.

In regards to E-Scooters for the City of Hamilton, this is what I have learned.

A report is currently being written by city staff, however it has not been finalized (the report is going forward to council Dec 7th). Through discussions, it is my understand staff are recommending to **wait until an operating framework and regulations have been established before permitting**. Which is a good thing. This is the same stance the City of Toronto has taken.

In January 2020, the Province of Ontario (the Province) announced that it would begin a five-year pilot program which would permit E-Scooters on municipal roads throughout the Province, if a municipality passed a by-law to “opt-in”. The five-year pilot launched January 1, 2020, under *Ontario Regulation 389/19* attached under the *Highway Traffic Act*, R.S.O. 1990, c. **H.8 section 228 (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 existing rules of the road are adequate.

Under this pilot, the City has the option to pass a by-law to permit E-Scooters on roads, trails, sidewalks, bike lanes, and in public parks. If the City does not pass such a by-law, E-Scooters remain prohibited in that jurisdiction.

There has been some uptake on the pilot by other jurisdictions. Both Ottawa and Windsor have adopted by-laws to allow E-Scooters, while Toronto has delayed adoption in order to ensure an operating framework is put in place allowing for safe operations and enforcement prior to the introduction of commercial operators. Outside of Ontario, E-Scooter programs have been implemented in Calgary, Edmonton, and Montreal has since banned. See chart below.

City	Approach to Regulating E-scooters
Toronto (ON)	The use and parking of e-scooters is currently prohibited. A July 2020 staff report recommended further measures be put in place to ensure safe operations and enforcement prior to the introduction of commercial operators.
Ottawa (ON)	In June 2020, the City of Ottawa “opted in” to the provincial pilot and approved a one-year trial with the participation of a private service provider(s) and with a maximum initial shared fleet size of 600 e-scooters. Three commercial providers are currently operating in designated geographic areas.
Waterloo Region (ON)	Pilot from 2018-2019 on private property (Laurel Trail and University of Waterloo), next steps are unknown

City	Approach to Regulating E-scooters
Windsor (ON)	Amended Traffic By-law in 2020 to allow individual personal e-scooters on the road, prohibited on sidewalks and park trails
Calgary (AB)	Pilot from July 2018 – October 2019, resuming in 2020 with a permit, allowed on sidewalks prohibited on the road
Edmonton (AB)	Permit issued in 2019, prohibited on sidewalks
Kelowna (BC)	Permit issued under the bike share permit program, limited to the Okanagan Rail Trail
Montreal (QC)	Pilot in 4 of its 19 boroughs, banned in 2020

Under the British Columbia Provincial *Motor Vehicle Act*, e-scooters not permitted on roadway or sidewalk.

From a mobility perspective, E-Scooters provide a convenient and cost-effective solution for facilitating “first-mile, last-mile” connections, including trips to access transit. Broader benefits include reduced auto dependence, reduced air pollution, and reduced greenhouse gas emissions. E-scooters are also very space efficient. Challenges with E-Scooters include user safety, pedestrian safety, parking on sidewalks, and abandoning of scooters, particularly with the introduction of a large number of scooters, which may be the case with commercial operations. In Ontario, there is also uncertainty around responsibilities for enforcement and lack of clarity on liability and collision reporting.

As more programs have been launched, and commercial operators and municipalities gain experience and develop ways to

mitigate issues, many of the early challenges with E-Scooters are diminishing. Notwithstanding this, staff are recommending a staged approach. Staff recommend a by-law be approved to permit E-Scooters to operate on municipal roads and designated pathways, throughout the City during the Province of Ontario's five-year pilot, but that this apply to personal scooters only until such time as a regulatory system is put in place for commercial operators. A conservative approach is being adapted whereby E-Scooters would be allowed to operate generally where bicycles are currently permitted, and not be allowed on sidewalks or in City parks except where specifically designated.

Of note under the pilot is section : **Duty to report accident**

12.~(1)~Where an electric kick-scooter is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the electric kick-scooter shall forthwith report the accident to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (2).

(2)~A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, the particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and the other information that may be necessary to complete a written report concerning the accident and shall forward the report to the Registrar within 10 days of the accident.

(3)~The report of a police officer under subsection (2) shall be in the form that is approved by the Minister.

I have spoken with our Traffic Department and they have had meetings with By-law. If the City was to adopt there is an expectation by City by-law Police will enforce. For the purposes of reporting the e-scooter is identified as a vehicle but not a motor vehicle. The Ministry would be collecting data on accidents involving an e-scooter that involve another motor Vehicle but only if: the collision resulted in a fatality, injury to one or more persons, and/or resulted in property damage exceeding \$2000 in total.

I have requested a report to see if we have had any calls for service in regards to e-scooters. Our Records Management System does not classify e-scooter as of yet so I had to manually mine the data to see if I could sort through and find e-scooter. We do not have any reports at this time.

If the City is to adopt, our Traffic branch will work with our Computer Services to create an e-scooter category so we can run reports, and provide training to police officers on the new procedures.

I hope this report meets your expectations. Also, if there was something specific you were hoping for that I did not cover please advise.

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ONTARIO REGULATION 389/19

made under the

HIGHWAY TRAFFIC ACT

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PILOT PROJECT - ELECTRIC KICK-SCOOTERS

Definitions

1. (1) In this Regulation,

“electric kick-scooter” means a vehicle that has,

- (a) two wheels placed along the same longitudinal axis, one placed at the front of the kick-scooter and one at the rear,
- (b) a platform for standing between the two wheels,
- (c) a steering handlebar that acts directly on the steerable wheel, and
- (d) an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour; (“trottinette électrique”)

“public park” means a provincial park or land designated by a municipality for use as a park. (“parc public”)

(2) An electric kick-scooter is deemed not to be a motor vehicle under the Act.

(3) Despite subsection (2), any municipal by-law that governs or prohibits the operation of a motorized vehicle applies to an electric kick-scooter unless the by-law provides otherwise.

Pilot project re electric kick-scooters

2. A pilot project to evaluate the use and operation of electric kick-scooters is established.

Prohibition

3. No person shall operate an electric kick-scooter on a highway, sidewalk, trail, path or walkway or in a public park or exhibition ground unless,

- (a) such operation is permitted by and in accordance with this Regulation; and
- (b) where the highway, sidewalk, trail, path, walkway, public park or exhibition ground is under the jurisdiction of a municipality, such operation is permitted by and in accordance with a municipal by-law.

Where electric kick-scooters permitted

4. (1) Subject to subsection (2), a person may operate an electric kick-scooter on a roadway or on the shoulder of a highway.

(2) An electric kick-scooter shall not be operated on,

- (a) those parts of the controlled-access highways described in Schedule 1 to Regulation 627 of the Revised Regulations of Ontario, 1990 (Use of Controlled-Access Highways by Pedestrians) made under the Act;
- (b) those parts of the controlled-access highways described in Schedule 1 to Regulation 630 of the Revised Regulations of Ontario, 1990 (Vehicles on Controlled-Access Highways) made under the Act; or
- (c) any highway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal by-law.

Roadway use

5. (1) Where bicycle lanes are provided on a highway, an electric kick-scooter shall only be operated in the bicycle lanes.

(2) Despite subsection (1), where the highway is located in a tunnel or underpass, an electric kick-scooter may be operated on a sidewalk in the tunnel or underpass rather than the bicycle lane except where such operation is prohibited by municipal by-law.

(3) Where bicycle lanes are not provided on a highway or where the operation of electric kick-scooters in bicycle lanes is prohibited by municipal by-law, an electric kick-scooter shall only be operated,

- (a) if there is a shoulder on the highway, on the shoulder as close to the right edge of the shoulder as possible; or
- (b) if there is no shoulder on the highway, on the right side of the roadway as close to the edge of the roadway as possible.

Application of the Act

6. (1) Parts II, IV, VI and X.3, sections 179 and 199 and subsection 214 (2) of the Act do not apply to the operation of an electric kick-scooter or to a person who operates an electric kick-scooter.

(2) Sections 140 and 144 of the Act apply to an electric kick-scooter as if the electric kick-scooter were a bicycle.

(3) When an electric kick-scooter is being operated on a sidewalk, trail, path or walkway or in a public park or exhibition ground, the provisions of the Act, other than the Parts and sections listed in subsection (1), apply to the operation of the electric kick-scooter and to the operator of the electric kick-scooter as if the electric kick-scooter were a bicycle and the operator a cyclist.

(4) When an electric kick-scooter is being operated on a roadway or on the shoulder of a highway, the provisions of the Act, other than the Parts and sections listed in subsection (1) or the provisions listed in subsection (2), apply to the operation of the electric kick-scooter and to its operator as if the electric kick-scooter were a bicycle and the operator a cyclist.

Safe operation

7. (1) The operator of an electric kick-scooter shall keep a safe distance from pedestrians and other users of the roadway, shoulder, sidewalk, trail, path, walkway, public park or exhibition ground at all times and shall give way to a pedestrian or bicycle by slowing or stopping, as necessary, where there is insufficient space for the pedestrian or bicycle and the electric kick-scooter to pass.

(2) An electric kick-scooter shall not be operated on a sidewalk, trail, path or walkway or in a public park or exhibition ground at a speed that is markedly greater than the speed of the pedestrians who are proximate to the electric kick-scooter.

(3) Every electric kick-scooter shall be equipped with a bell or horn which shall be kept in good working order and sounded whenever it is reasonably necessary to notify cyclists, pedestrians or others of its approach.

(4) When operated at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 150 metres or less, every electric kick-scooter shall carry a lighted lamp displaying a white or amber light at the front and a lighted lamp displaying a red light at the rear.

(5) The lamps referred to in subsection (4) may be attached to the electric kick-scooter or may be carried or worn by the operator on his or her person.

(6) An electric kick-scooter shall not be operated in such a manner that it may harm, injure or damage, either directly or indirectly, any person or property.

General rules re operation

8. (1) No person under the age of 16 years shall operate an electric kick-scooter.

(2) No person operating an electric kick-scooter shall carry any other person thereon.

(3) No person operating an electric kick-scooter shall tow another person, vehicle or device.

(4) No person operating an electric kick-scooter shall attach himself or herself to another electric kick-scooter, vehicle or device for the purpose of being drawn or towed.

(5) No person operating an electric kick-scooter shall operate it in any position other than while standing at all times.

(6) No cargo may be carried on an electric kick-scooter.

(7) No person operating an electric kick-scooter shall leave it in a location that is intended for the passage of vehicles or pedestrians.

Equipment

9. (1) An electric kick-scooter shall have one or more electric batteries that are the sole source of power to the motor.

(2) An electric kick-scooter shall not have,

- (a) a seat, surface or structure that could be used as a seat;
- (b) pedals attached to it;
- (c) a basket attached to it;
- (d) wheels with a diameter of more than 430 millimetres; or
- (e) any structure to enclose the electric kick-scooter.

(3) The weight of an electric kick-scooter, including the weight of the battery but otherwise unladen, shall not exceed 45 kilograms.

(4) The battery and motor of an electric kick-scooter shall be securely fastened to the electric kick-scooter to prevent them from moving while the electric kick-scooter is in motion.

(5) All electric terminals on an electric kick-scooter shall be completely insulated and covered.

(6) An electric kick-scooter shall not be modified after its manufacture in any way that may result in increasing its power or its maximum speed beyond the limits set out in the definition of “electric kick-scooter”.

(7) The motor of an electric kick-scooter shall cease to propel the electric kick-scooter forward if the accelerator is released or the brakes are applied.

(8) The braking system of an electric kick-scooter must be capable of bringing the electric kick-scooter, while being operated at a speed of 24 kilometres per hour on a clean, paved and level surface, to a full stop within nine metres from the point at which the brakes were applied.

(9) An electric kick-scooter and all of its components shall be maintained in good working order at all times.

Helmets

10. A person who is under 18 years old shall wear a helmet that complies with the requirements of subsection 104 (1) or (2.1) of the Act when operating an electric kick-scooter.

Operator to stop for police officer

11. Every operator of an electric kick-scooter shall stop when required to do so by a police officer and shall, on the demand of the police officer,

(a) surrender his or her driver’s licence, if he or she has one and has it in his or her possession, for reasonable inspection by the officer; or

(b) provide the officer with his or her correct name, address and date of birth.

Duty to report accident

12. (1) Where an electric kick-scooter is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the electric kick-scooter shall forthwith report the accident to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (2).

(2) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, the particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and the other information that may be necessary to complete a written report concerning the accident and shall forward the report to the Registrar within 10 days of the accident.

(3) The report of a police officer under subsection (2) shall be in the form that is approved by the Minister.

Reports to Minister

13. Any municipality in which electric kick-scooters are being used shall, if requested by the Minister, report to the Minister on the use of electric kick-scooters in the municipality, or on any aspect of such use as may be specified by the Minister.

Revocation

14. This Regulation is revoked on the fifth anniversary of the day it is filed.

Commencement

15. This Regulation comes into force on the later of January 1, 2020 and the day it is filed.

Français

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MEMORANDUM TO: Marc Bedard
Assistant Deputy Minister
Public Safety Division

FROM: Kevin Byrnes
Assistant Deputy Minister
Road User Safety Division

SUBJECT: **New Pilot Project Regulation under the Highway Traffic Act to Permit Electric Kick-Style Scooters (also known as E-Scooters) on Ontario's Roads**

The purpose of this memorandum is to advise the policing community across the province about a new 5-year pilot program that allows e-scooters on road subject to a municipal by-law.

Effective January 1, 2020, a new pilot regulation made under the Highway Traffic Act (HTA), [O. Reg.389/19: Pilot Project - Electric Kick-Scooters](#) establishes a pilot project to allow the use of electric kick-style scooters (e-scooters) on Ontario's roads (see Attachment for Regulation).

Under the pilot, the province has set out the broad rules and requirements for e-scooters such as helmet requirements and minimum age. It is now up to the municipalities to pass by-laws and develop operating parameters for e-scooter companies and riders to allow their use and determine where they can operate most safely in their municipality.

Municipalities should clearly define where e-scooters can park (e.g. setting up designated parking locations). The regulation also requires that e-scooters should not be left in a location that is intended for the passage of vehicles and pedestrians. This will help prevent them from being left on the road and sidewalk obstructing traffic or being a nuisance to road users.

The pilot is intended to assess these vehicles over a period of five years in order to examine their ability to safely integrate with other vehicle types and road users.

The authority to conduct such pilot projects is provided under section 228 of the HTA. This pilot authority has been used previously for e-bike, segway, three-wheeled vehicles, low speed vehicles and autonomous vehicle pilots.

Pilot Project Framework – effective January 1, 2020

- 5-year pilot;
- Permitted by municipal by-law;
- Minimum operating age 16;

- Maximum power output 500W and can provide a maximum speed of 24 km/h;
- Maximum weight 45kg;
- No passengers allowed;
- No baskets allowed;
- Bicycle helmet required for those under 18 years old;
- No pedals or seat allowed;
- Must have 2 wheels;
- Must have horn or bell;
- Must have one white light on front, one red light on rear and reflective material on sides;
- Must have brakes: on both wheels if tire diameter is greater than 150 mm, otherwise, must have a brake on at least one wheel;
- Maximum wheel diameter 17 inches;
- All HTA rules of the road will apply to the operation of e-scooters similar to bicycles;
- Not allowed on controlled access highways.

Anyone that contravenes the conditions of the pilot can be charged under HTA s. 228(8), which states that every person who contravenes a pilot regulation is liable to a fine of not less than \$250 and not more than \$2,500, on conviction. All other existing HTA rules of the road and penalties also apply to the operation of e-scooters.

I would ask that you please bring this memorandum to the attention of the appropriate members of your service. If members of the law enforcement community would like to discuss these changes, they may contact Ryan Bailey at 416 894-7910 or ryan.bailey@ontario.ca.

Thank you for your assistance in communicating this change.



Kevin Byrnes
Assistant Deputy Minister
Road User Safety Division

Attachment: [Highway Traffic Act Regulation 389/19: Pilot Project - Electric Kick-Scooters](#)