



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

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	August 11, 2021
SUBJECT/REPORT NO:	Commercial E-Scooters Operations (PED20134(b)) (City Wide) (Outstanding Business List Item)
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 two commercial E-Scooter operators to operate a 24-month pilot program within the City of Hamilton, with two optional one-year extensions based on the general scope and terms set out herein this Report PED20134(b) and pending staff review of the pilot program;
- (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(b);
- (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. (HBSI) for the operation of the base bike share program to provide an operating offset equivalent to the annual vehicle fee, device equity fee, winter operations offset fee and per trip fee collected from the Commercial E-Scooter operator; and,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- (d) That Items 21B, 21C and ABN, respecting Advisory Committee for Persons with Disabilities Report 20-007 (Items 5 and 7) and the Regulation of E-Scooters, be identified as completed and removed from the Public Works Outstanding Business List.

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. (HBSI), 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.

Staff presented Report PED20134(a) to Public Works Committee on May 3, 2021, recommending the initiation of an RFP process for a commercial e-scooter operator. Committee referred the report back to staff to undertake further engagement and receive input from specific stakeholder groups including the Advisory Committee for Persons with Disabilities (ACPD) and the Seniors Advisory Committee. Report PED20134(b) presents a revised recommended approach to a commercial E-Scooter operation as a result of the feedback received through this additional engagement.

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 as a 24-month pilot program, with potential for two one-year extensions, at the discretion of the City. 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 two 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 350 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 additional E-Scooters in the ratio of 150 devices per ten square kilometres to a maximum of 900 E-Scooters (per operator). The operator will have to demonstrate that there is coverage in the service areas they choose to operate in and have strategies to reduce clumping of vehicles. 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.

This 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, device equity and enforcement as well as operations fees to offset impacts to the existing public bike share system.

Alternatives for Consideration – See Page 16

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.

The minimum required fees include:

- 1) **\$5,000** Annual Administration Fee;
- 2) **\$8** Annual Program Improvement Fee per E-Scooter;
- 3) **\$45** Annual Vehicle Fee per E-Scooter;
- 4) **\$15** Annual Device Equity Fee per E-scooter;
- 5) **\$10,000** Annual Winter Operations offset fee; 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 will be utilized on a “fee for service” basis where required (e.g. removal of improperly parked devices).

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 Device Equity Fee will also be paid to the bikeshare operator but must be used to invest in capital and operating improvements to the Everyone Rides Initiative (ERI) Adaptive Bike

Share Program. The Administration Fee and Program Improvement Fee would be allocated for the City's administration costs.

The Winter Operations Fees will be collected but returned to the operator if they have demonstrated winter operations experience and operate 50% of their fleet in winter between November and March of the pilot period. If the E-Scooter operator does not have winter operating experience and does not operate in winter then these fees will be payable to the bike share operator, who does operate over winter and can accommodate E-Scooter users during the winter months.

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

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.

Staff presented Report PED20134(a) to Public Works Committee on May 3, 2021, recommending the initiation of an RFP process for a commercial E-Scooter operator. Committee referred the report back to staff to undertake further engagement and receive input from specific stakeholder groups including the Advisory Committee for Persons with Disabilities (ACPD) and the Seniors Advisory Committee.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The operating framework outlined in this Report complies with the Provincial pilot regulation, *Ontario Regulation 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 Micro-mobility 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 Advisory Committee, Cycle Hamilton, and the Canadian National Institute for the Blind (CNIB) 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. Additional correspondence from the ACPD Committee was received at the May 3, 2021 Public Works Committee (Report 21-006, item 9.1) and at the ACPD Committee meeting on May 11, 2021. Recommendations from the ACPD have been considered in the development of the Commercial E-Scooter RFP process. Specifically, the RFP will require operators to:

- Include specialized equipment or techniques that alert pedestrians to the presence of an E-Scooter and ensure that the E-Scooter is perceptible to persons with sight impairments;
- Commence operations under a 24-month pilot program to allow for monitoring of impacts and benefits;
- Include provisions for operators to train users on safe operation;
- Include additional safety training on where users are permitted to ride an E-Scooter and where they cannot not ride them; and,
- Include highly visible contact information on the E-Scooters including the identifying vehicle number, a complaint phone number, and a complaint website.

It is also noted that the industry is moving towards a more formal regime which will address licencing, and insurance requirements as advocated for by the ACPD; however, these matters are generally regulated by the Province of Ontario. Staff will also work with the Hamilton Police Service, and By-law Services, on specialized enforcement of the E-Scooters.

Staff also presented to the Seniors Advisory Committee on May 7, 2021 to gather the Committee's insight and comments on the Commercial E-Scooter Program. Comments provided by this Committee largely pertained to how the operations would work, viability of winter operations, and connections to lower density residential areas.

A focus group of the Mobility Lab, a collective of transportation groups in the City, was held to get additional feedback on the program.

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 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 24-months with the option for two one-year extensions at the discretion of the City. The City reserves the right to terminate the agreement should the commercial operator breach the agreement for any reason, with proper notification;
- **Number of Scooters:** Staff is recommending a maximum of two operators be selected, with each operator managing a fleet of no less than 150 scooters and no more than 350 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 the ratio of 15 devices per one square kilometer to a maximum of 900 E-Scooters per operator and the operator may choose how many square kilometers they wish to operate in;
- **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;
 - **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;
 - **Scooter Complaint Hotline:** Include highly visible contact information on the E-Scooters including a unique identifying vehicle number, a call-in complaint phone number, and a complaint website;
 - **Scooter Platform Visual Alert:** E-Scooters will be required to have a high-contrast treatment on the handle bars and the deck (the part on which riders stand) that helps to visually alert individuals with low vision of potential obstructions in their path;
 - **Acoustic Vehicle Alerting System:** Operators will be required to include specialized equipment or techniques that create a sound automatically to alert pedestrians of the presence of an E-Scooter on a sidewalk or pathway. This alert system is in addition to the provision of a bell, which is a legal requirement for operators; and,
 - **Winter Operations Offset Fee:** If the operator has no winter experience, then this fee will be collected to offset the fact that the mobility service will not be available for a portion of the year. Operators that do not have winter operations experience will not be permitted to operate in the winter and will not receive a refund on this fee.

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.

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 an RFP approach would be most appropriate.

The RFP process will ensure that the City is able to launch an E-Scooter micro-mobility 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 150 and 900 vehicles and indicate where these vehicles will operate within, 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;
- **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 ERI

- Program (the Bike Share Equity Program operated by HBSI) and support for additional bike parking infrastructure to be installed by the City;
- **Adaptive Vehicles:** The current kick-style E-Scooters that are permitted as part of the Provincial pilot program are for able bodied persons, and in order to offset an increase in vehicles of one type in the right of way, it is important to invest in adaptive vehicles through the ERI in the form of a \$15 per vehicle adaptive bike share improvement fee that will help increase options for those who cannot ride an E-Scooter;
 - **E-Scooter Subsidy Program:** Each operator will be required to provide subsidized passes for accessing the E-Scooters and non-smartphone access options; and,
 - **Program Assessment:** Operators will be required to share anonymous trip-related data with the City of Hamilton during the pilot, monthly. This will include the number of vehicles, the number of vehicle trips, the number of active members, average trip duration, average trip length, the average length of time between uses, and other information to aid in assessing the success of the program and future expansion opportunities. Staff will work report back to Committee before the end of the pilot program.

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 micro-mobility 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 two operators pass, the operators with the top two 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:

- 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, as well as the required acoustic vehicle alerting systems and techniques. 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-way 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 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. 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. TP 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 micro-mobility 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.

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. Staff are also recommending that a Device Equity Fee be collected to invest in capital and operations of an adaptive vehicle fleet operated by the ERI. This fee recognizes that the E-Scooters permitted under the Provincial pilot regulations can predominantly only be used by able-bodied individuals, and an investment in other types of vehicles is necessary to provide more options to more residents.

Constant monitoring of ridership and revenues for the E-Scooter program and the bike share program will take place during the 24-month pilot to better understand the impacts and develop contingency plans to ensure sustainable operations.

Potential Issues Raised by the Community and Mitigation Plan

The issues presented to the General Issues Committee and Public Works Committee from the ACPD, including the May 11, 2021 and previous meetings, and the CNIB are well documented and have inspired changes to this Report and the recommended strategy for introducing commercial E-Scooter operations. Similarly, input from the Seniors Advisory Committee, Cycling Advisory Committee, and community groups were taken into account. This section summarizes some key issues raised and proposed mitigation strategies.

Issue Raised	Mitigation Strategy
Improper E-scooter parking - how can individuals report issues (e.g. improper parking); how improper parking can be mitigated	Operators need to have clear contact information on their vehicles. E-scooters will be required to conform to “lock to” parking approach whereby devices must be locked to approved municipal infrastructure.
Convenience and functionality – E-Scooters may not be suitable for inclement weather; battery power may be limited; do not have a basket to store items.	Operators must bring the newest version of their vehicles to Hamilton, which have better safety features and battery life. Baskets are not permitted under the Provincial regulations, at this time.
Operations and operating model – private operators have no incentive to operate over the long term and can decide to leave the City abruptly, similar to the	The City is charging fees to operate E-Scooter programs and is offsetting bike share operations with a portion of those fees. However, the best micro-mobility programs are those with long term public

Issue Raised	Mitigation Strategy
<p>departure of the former Bike Share Operator in May 2020.</p> <p>The E-Scooter program could have substantial impacts to the bike share program.</p>	<p>private partnerships and not permit-based models.</p>
<p>Operational issues – challenges to winter operations, ease of sidewalk riding, potential for sidewalk clutter, may clutter bike share stations, e-bikes have all the convenience of E-Scooters, but with the benefit of being a bike.</p>	<p>A winter operations offset fee is being collected, in the event that the operator cannot operate in Winter; sidewalk clutter is being addressed by requiring lock-to scooters and revolving line of credit to recoup enforcement costs; bike share stations will be monitored during the pilot and e-bikes are being explored in subsequent reports.</p>
<p>Safety and enforcement – concerns regarding pedestrian and E-Scooter conflicts and enforcing helmet usage for user 16 or 17 of age.</p>	<p>This Report has incorporated best practice mitigation strategies for safety and enforcement.</p>
<p>Equity – the E-Scooters permitted through the Provincial pilot can predominantly only be used by able-bodied people; is a smartphone the only way to access the E-Scooters.</p>	<p>A device equity fee will be collected to invest in adaptive bike share; operators will be required to have subsidy programs; however, non-smartphone access may be a challenge during the pilot but may be feasible if a program is made permanent.</p>
<p>Parking Capacity – Existing bike parking cannot accommodate the influx of vehicles; accommodating E-Scooters can take away from investments in cycling and bike share, which still requires more investment.</p>	<p>The City plans to install more bike parking to provide sufficient parking for bikes and E-Scooters; the E-Scooter program will complement the cycling program and will support the continued investment in cycling infrastructure and bike share.</p>

ALTERNATIVES FOR CONSIDERATION

Council can decide not to seek a pilot 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

PT:cr