

Staff Report



To	Committee of the Whole
Service Area	Public Services
Date	Wednesday, July 5, 2023
Subject	E-Scooter By-law

Recommendation

1. That Council approve the draft by-law and any required amendments to the Traffic By-law Number (2022) - 20698 to permit the operation of personal use e-scooters effective August 1, 2023.
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Executive Summary

Purpose of Report

To seek Council's approval to pass a by-law to permit e-scooters on city streets.

Key Findings

If a by-law is passed, e-scooters will be permitted only on city streets under certain conditions. Staff did not undertake community engagement, nor have they developed key performance indicators to determine the success of this program.

The Guelph Police Service (GPS) have requested City Bylaw staff to take the lead on enforcement as they have indicated limited Police resources available. Moving forward, the GPS public information office will manage the educational campaign and will coordinate with the City to ensure consistent messaging.

Strategic Plan Alignment

The report aligns with the 'Navigating our Future' priority by investing and promoting active transportation.

Financial Implications

As indicated in correspondence from GPS, there is no expected financial implications to be incurred. Should e-scooter calls significantly impact response times to by-law calls, staff will report back to Council and seek further direction and/or funding for additional resources.

Report

On May 31, 2023, Council passed the following motions:

1. That staff be directed to bring a report and draft by-law/by-law amendment to the Traffic By-law to the July 5, 2023 Committee of the Whole meeting to permit the operation of personal use e-scooters, meeting all provincially

required conditions and regulations, and including any other recommended conditions.

2. That due to the Provincial e-scooter Pilot ending on January 1, 2025 and the opportunity to regulate e-scooters in 2023, City Council acknowledges that the City will not undertake the normal public pre-consultation. City Council encourages the public to provide feedback to Council directly, and to delegate at the July Committee of the Whole or City Council meetings.
3. That City Council requests that Guelph Police Services provide input into the July staff report related to enforcement of the proposed by-law, impacts for provincial reporting requirements concerning crash data, and recommendations regarding an e-scooter public education campaign.

With respect to motion 1, Operations staff worked with various departments to create a standalone by-law that aligns with the City's Traffic Control By-law (2022-20698) to permit the operation of e-scooters on city streets only. To assist residents, staff have attached a diagram and description of e-scooters to this report (Attachment 1).

While e-scooters are permitted to be operated on city streets under certain conditions, e-scooters are prohibited from being operated in all other areas including city parks, trails, and private property (this includes University property) because staff do not have the time and resources to conduct engagement or fulsome reviews of the operational and safety considerations for the use of e-scooters off-road, nor do we have resources to address the resulting increase in enforcement needs. As a result, and although counter to the active transportation goals in the Transportation Master Plan, use of e-scooters off-road will be prohibited during the Provincial pilot period. The regulations being created will be in line with the guidelines provided by the Ministry of Transportation and they include:

- a. E-scooters must have two wheels, placed along the same longitudinal axis, one placed at the front of the kick-scooter and one at the rear with brakes, have no pedals, no seat, no baskets or any other means to carry cargo, have a horn or bell, have front and back lighting, with a maximum wheel diameter of 430 millimetres (17 inches), have a maximum weight of 45 kilograms with a maximum power output of 500 watts that can provide a maximum speed of 25 kilometres per hour.
- b. Persons operating an e-scooter must not be consuming or under the influence of drugs or alcohol, must be 16 years of age or older, must stand at all times, and must not permit passengers or the carrying of cargo.
- c. E-scooters may only be operated for personal use (commercial or non-personal use is not permitted).
- d. Persons between the ages of 16 and 18 operating a e-scooter must wear a helmet.
- e. Usage will be limited to City roadways (use on sidewalks, multiuse paths or trails is not permitted and use on all City-owned property including but not limited to community centres, squares, parks, arenas, parkades, parking lots, and skateboard facilities is prohibited).

Use on other public or private land is not permitted unless permitted by the property owner.

- f. The use of rental e-scooters is not permitted, persons and companies are not permitted to rent e-scooters.
- g. E-scooters shall not be left or used in a manner to obstruct vehicular or pedestrian traffic.
- h. E-scooters are not permitted to be left on any City road allowance or property for more than 24 consecutive hours.
- i. Enforcement of the by-law may be means of charges to the e-scooter owner and/or operator and violations may result in the removal and storage of the e-scooter with all costs for the removal, along with a \$50 a day storage rate, payable to the City before release.
- j. Any e-scooter that has been seized that has not been claimed within 30 days will be disposed of by the City at the discretion of the City.
- k. Use of e-scooters must follow all regulations imposed for regular bicycle regulations found within the City's Traffic Control By-law.

If passed by Council, e-scooters will be permitted to be operated on city streets as of July 26, 2023. At time of writing, staff are actively writing a draft of the e-scooter by-law for Council's consideration at the July 25, 2023 Council meeting and if passed by Council, the by-law will take effect. The operation of e-scooters on city streets will continue to be permitted until the end of the Provincial e-scooter pilot program which will conclude on January 1, 2025 or if ended early by the Province. After this date, staff will rely on direction from the Province to determine if the City's by-law should be continued, amended, or revoked.

With respect to motion 2, in addition to staff not performing any community engagement, normal data and analysis usually done by Transportation staff was not conducted. This would normally include gathering data on ridership demand, review of traffic by-laws to identify if updates are required to protect this new road user group, risk analyses regarding collisions with other road users (vehicles, pedestrians, cyclists), and development of educational resources on who, where, and what is acceptable for use of e-scooters in Guelph. This work helps inform new traffic initiatives especially active transportation programs and develops key performance indicators to determine the success of a program.

With respect to motion 3 regarding input from GPS, Operations staff did reach out to seek information on this topic. GPS responded requesting City Bylaw staff to take the lead on enforcement. GPS has indicated their limited Police resources are triaging priority calls for service and are only able to focus on road safety when available to do so. Moving forward, the GPS public information office will manage the educational campaign and will coordinate with the City to ensure consistent messaging. As for crash data, GPS was unable to comment on impacts for Provincial report requirements concerning crash data, as it will not be a reliable indicator for the future with such few privately owned e-scooters currently.

As previously discussed, while Bylaw staff may lead the enforcement on private property, resources and funding have not been assigned as such and calls for service for other Bylaw matters, such as parking, nuisance parties, and noise may be delayed due to calls related to e-scooters. Should it be determined that calls for service regarding e-scooters are significantly impacting response times to by-law

calls, staff will report back to Council and seek direction and/or additional resource funding.

Financial Implications

As indicated in the correspondence from the GPS, there is no expected financial implications to be incurred. Should e-scooters calls significantly impact response times to bylaw calls, staff will report back to Council and seek further direction and/or funding for additional resources.

Consultations

Engineering and Transportation Services

Legal Services

Guelph Police Services

The University Guelph

Attachments

Attachment-1: E-scooter diagram

Departmental Approval

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