

**For Information**

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**REPORT TITLE: Jurisdiction and Regional Role in the Five Year Provincial Pilot E-scooter Program**

**FROM: Kealy Dedman, Commissioner of Public Works**

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**OBJECTIVE**

To provide the Region of Peel Accessibility Advisory Committee with an overview of jurisdiction and the Regional role in the five Year Provincial Pilot e-scooter Program and the implementation of micro-mobility devices.

**REPORT HIGHLIGHTS**

- The Province of Ontario launched a five (5) year pilot program allowing electric kick-style scooters (“e-scooters”) on Ontario roads, commencing January 1, 2020.
  - The City of Brampton and the City of Mississauga amended their traffic by-laws to permit and regulate the personal use of e-scooters, thereby opting into the provincial pilot program.
  - Enforcement, monitoring, and safety concerns of the pilot program were discussed at both the Brampton and Mississauga Accessibility Advisory Committee Meetings.
  - The Region of Peel will support the City of Mississauga and City of Brampton staff in the development of a safe e-scooter pilot program by leveraging the Vision Zero Task Force to advocate for increased education and enforcement to support the safe use of e-scooters in the Region of Peel.
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**DISCUSSION**

**1. Background**

On January 1, 2020, the Province of Ontario launched a five year pilot e-scooter program (“the Pilot Program”), to evaluate whether e-scooters are a suitable device to be permanently permitted on roadways as outlined and regulated in Ontario Regulation 389/19 under the *Highway Traffic Act*. Should municipalities wish to participate in the pilot, they must opt-in by adopting or amending local by-laws and specifying where the devices can be permitted.

The Pilot Program defines an ‘e-scooter’ as an electric kick-scooter which means a vehicle that has two wheels, one at the front and one at the rear, a platform for standing, a steering handlebar and an electric motor that provides a maximum speed of 24 kilometres per hour. An e-scooter is distinct from the mobility aid device commonly referred to as a “scooter”. Detailed definitions for an ‘e-scooter’ can be found in the City of Mississauga and the City of Brampton Traffic By-laws (Appendix I and II).

## **Jurisdiction and Regional Role in the Five Year Provincial Pilot E-scooter Program**

Within the Region of Peel, the City of Mississauga and the City of Brampton have opted to participate in the Pilot Program. The Town of Caledon has not currently opted to participate in the Pilot Program.

### **2. Jurisdiction**

Under the *Municipal Act, 2001, as amended* (s.55), local municipalities have jurisdiction over all sidewalks and multi-use trails, including those along Regional roads, and are responsible for their construction, operations and maintenance, unless an agreement between the Region and the municipality has been formalized that specifies otherwise.

The City of Mississauga and the City of Brampton have legal jurisdiction to permit the use of e-scooters on local roads, sidewalks and multi-use trails, as well as sidewalks and multi-use trails along Regional roads. As such, recent amendments to the City of Mississauga and the City of Brampton traffic by-laws permit and regulate the use of e-scooters in these areas in accordance with Ontario Regulation 389/19.

In the Town of Caledon, the Region and the Town have entered into an agreement which provides that the Region will operate and maintain sidewalks and multi-use trails along Regional roads situated within the Town. The Town of Caledon has currently not opted into the Pilot Program, however a municipality may choose to opt in anytime within the five year Pilot Program. Should the Town of Caledon wish to opt into the Pilot Program, further discussions with the Region would be necessary as an amendment to the Region's traffic by-law would be required to regulate e-scooter use along Regional roads.

In all cases, the Region maintains jurisdiction and responsibility over the travelled portion of Regional roads, together with Regional intersections, including cross rides. Currently e-scooters are not permitted on any of the aforementioned Regional infrastructure; however Regional Council could opt to amend the traffic by-law to permit e-scooters under certain circumstances, thereby participating in the Pilot Program.

### **3. City of Mississauga**

The City of Mississauga investigated the implementation of micro-mobility systems, including e-scooters, and recommended an interim e-scooter strategy be put in to place to respond to the growing numbers of personally owned e-scooters currently being operated in the City of Mississauga.

At the Mississauga Accessibility Advisory Committee meeting on November 9, 2020, City staff presented information about the Pilot Program and confirmed that a corporate report would be brought forward outlining an interim by-law to permit e-scooters for personal use and operation. Members expressed concerns about the enforcement and safety regulations associated with micro-mobility devices.

The City of Mississauga amended its traffic by-law on February 17, 2021, to allow for the permitted personal use and operation of e-scooters on local roads with a posted speed limit of 50 km/h or less, and on cycling infrastructure including bicycle paths and multi-use trails. (Appendix I).

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### **4. City of Brampton**

On January 7, 2022, the City of Brampton amended the consolidated Traffic By-law 93-93 to permit and regulate the use of personal e-scooters on roads with posted speeds less than 60 km/hour, as well as multi-use paths and major and minor recreational trails (Appendix II).

At the Brampton Accessibility Advisory Committee meeting on March 8, 2022, the Accessibility for Ontarians with Disabilities Act Alliance presented in opposition of permitting e-scooters and the Pilot Program. Committee members raised concerns regarding e-scooter safety, liability (financial implications), and accessibility concerns.

### **5. Enforcement and Monitoring**

If local municipalities choose to opt into the Pilot Program, they are required to collect and remit injury and collision data upon request.

The enforcement of traffic by-laws in the roadway will be carried out by Peel Regional Police, while the enforcement of by-laws related to e-scooter use within Parks as well as e-scooter parking infractions will be enforced by local municipal Licensing and By-Law Services.

The Ministry of Transportation intends to use enforcement data collected throughout the Pilot Program, combined with ongoing dialogue with municipalities, to provide meaningful evidence to determine whether a permanent framework to permit e-scooters is warranted.

### **6. Region of Peel**

As noted earlier, e-scooters are not currently permitted on Regional roads.

Safety is an important consideration for the Region, as evidenced through Regional Council's adoption of the Vision Zero Road Safety Strategic Plan in 2017. The Vision Zero Task Force includes staff from the Region of Peel, its local municipalities, Peel Regional Police, Ontario Provincial Police Caledon Detachment, and the Ministry of Transportation Ontario. The Task Force meets regularly to discuss opportunities to enhance safety on the Regional network.

As e-scooters are a relatively a new mode of travel, the Region plans to bring forward a discussion on e-scooters to the Vision Zero Task Force as the Pilot Program matures and data becomes available.

Furthermore, in recognition of the importance of education around new modes of travel, and further to a resolution passed by Regional Council, the Regional Chair wrote a letter to the Minister of Transportation (Appendix III), requesting improved driver education through the license and testing program on safe interactions with pedestrians and cyclists, and micro-mobility services and systems such as ebikes, bike share, and e-scooters (December 16, 2020).

## **CONCLUSION**

The Province of Ontario launched a pilot e-scooter program allowing electric kick-style scooters ("e-scooters") on Ontario roads on January 1, 2020. If municipalities choose to participate in the

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pilot, they must opt-in by adopting or amending local by-laws and specifying where the devices will be permitted. The City of Mississauga opted into the Pilot by amending their traffic by-law on February 17, 2021. The City of Brampton also opted into the program and amended their traffic by-law on January 7, 2022.

As e-scooters are an emerging micro-mobility device, Region of Peel staff will support the City of Mississauga and City of Brampton staff in the development of a safe e-scooter pilot program by leveraging the Vision Zero Task Force as a forum to discuss the pilot results.

### **APPENDICES**

Appendix I – City of Mississauga Corporate Report

Appendix II – City of Brampton Council Report

Appendix III– Regional Chair’s Letter

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*Authored By: Tamara Kwast, Principal Transportation Planner, Sustainable Transportation and Strategic Initiatives*

A handwritten signature in black ink, appearing to read 'Kealy Dedman', written in a cursive style.

Kealy Dedman, Commissioner of Public Works