

City of Mississauga
Corporate Report



<p>Date: November 17, 2020</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p>	<p>Meeting date: December 2, 2020</p>

Subject

Micromobility Program Update: Phase 1 - Visioning and Interim E-scooter Strategy

Recommendations

1. That the report titled "Micromobility Program Update: Phase 1 - Visioning and Interim E-scooter Strategy", dated November 17, 2020, from the Commissioner of Transportation and Works be received; and
2. That all necessary by-laws be enacted to permit and regulate the use of personal e-scooters within the City of Mississauga.

Report Highlights

- Micromobility can help fill a short trip niche and provide first and last mile solutions to connect to destinations or complement transit.
- The Province of Ontario launched a five-year pilot program allowing electric kick-style scooters (e-scooters), commencing on January 1, 2020; municipalities must "opt-in" to the pilot program by adopting or amending local by-laws to permit e-scooter use.
- Staff recommends that an interim e-scooter strategy be put in place until the subsequent phases of the overall Micromobility project are completed. The interim strategy, is intended to respond to the presence of personally owned e-scooters currently being operated in Mississauga.
- E-scooters would be allowed to operate on public highways with a posted speed limit of 50 km/h or less, and on cycling infrastructure including bicycle lanes, bicycle paths, and multi-use trails within the road right-of-way.
- E-scooters would not be allowed on sidewalks, on park trails or multi-use trails within parks, or other City-owned lands not designated as public highway.

General Committee	2020/11/17	2
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- Feedback on resident experiences operating and interacting with e-scooters will be useful in determining whether the City would consider allowing shared e-scooter systems to operate in Mississauga.

Background

Micromobility system refers to the provision, by public or private agencies, of publicly-available shared fleets of bicycles, electric pedal-assist bicycles (e-bikes) or electric kick-style scooters (e-scooters), which can help fill a short trip niche in urban settings and provide “first and last mile” solutions to connect to destinations or complement higher order transit systems.

Support for investigating micromobility systems for the City of Mississauga comes from several key City policy documents, including:

- Cycling Master Plan (2018), which recommended that the feasibility of a bike sharing system for Mississauga be examined;
- Transportation Master Plan (2019), which recommended that a micromobility policy framework be developed to address not only bicycles, but electric bikes and e-scooters as well;
- Smart Cities Master Plan;
- Climate Change Action Plan; and
- Economic Development Strategy

Staff prepared a “state of the industry” report on micromobility titled “Bikes, E-Bikes and E-Scooters: Expanding Mississauga’s Transportation Options”, which General Committee received at its October 31, 2019 meeting. This report highlighted key considerations for the City, including several related specifically to e-scooters, and staff were directed to report back to Council on continued work in this area. A copy of the report is included in Appendix 1.

Present Status

The City’s micromobility program will be developed in a three-phase project:

- Phase 1: Visioning and Interim E-scooter Strategy – 2020;*
- Phase 2: Shared Micromobility Systems Research and Recommendations – 2021; and*
- Phase 3: Shared Micromobility Systems Implementation and Business Planning – Following Phase 2 and Council endorsement or direction.*

General Committee	2020/11/17	3
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This report provides the outcomes and recommended next steps from Phase 1.

Comments

Micromobility Program Visioning Exercise and Strategic Pillars

Staff conducted a cross-departmental visioning session and developed eight strategic pillars for micromobility in the City of Mississauga. These strategic pillars will guide the future phases of the micromobility project.

1. *Accessibility and Ease of Use* – avoid creating accessibility barriers to the extent possible and ensure systems are available for use to all residents (geographically, financially, physically);
2. *Addressing Climate Change* – reduce vehicular traffic congestion/move people rather than cars and improve mode share for active transportation;
3. *Build Sense of Community* – nurture community by developing a vested interest in micromobility, including public art components;
4. *Education* – improve residents' understanding of the rules of using micromobility systems;
5. *Leverage and Partner with Business* – monetize or capitalize on the presence of micromobility, including sponsorship and the use of micromobility vehicles for goods movement;
6. *Mobility as a Service* – provide a wide variety of ways to move around the city, including combining modes of travel;
7. *Safety* – build complete streets, including separated active transportation corridors; and
8. *Supporting Infrastructure and Policies* – create a robust and sustainable financial model, and address liability and risk.

E-Scooter Interim Strategy

Staff recommends that an interim e-scooter strategy be put in place until the subsequent phases of the overall micromobility project are completed and endorsed by Council. The interim strategy is intended to respond to the presence of e-scooters available in the market for personal use and observed being operated in Mississauga. The City's current by-laws do not permit e-scooters.

The Interim Strategy proposes to amend existing City by-laws to permit the use of personal e-scooters in Mississauga.

General Committee	2020/11/17	4
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Provincial E-Scooter Pilot

On January 1, 2020, the Province of Ontario launched a five-year e-scooter pilot program. This program is meant to evaluate whether e-scooters are a suitable device to be permanently regulated by the Province to operate on roadways. However, local municipalities must opt-in to the pilot program by adopting or amending local by-laws.

The Provincial pilot focuses on the device/vehicle itself and on the rider/operator. The pilot regulates minimum vehicular safety requirements for the device, and minimum safety requirements for anyone riding/operating an e-scooter.

While the pilot program and the Provincial regulation are focused on the devices and rider, publicly-available, shared e-scooter services are an intended outcome of permitting e-scooters to operate on roadways in Ontario.

Related to Phases 2 and 3 of this project as outlined earlier, the proposed by-law amendments do not grant authority to private companies (such as Lime, Bird, etc.) to provide e-scooter related services. Any services on City-owned lands (including public highways) will require separate approval from the City.

Municipal Responsibilities and Considerations

The municipality must adopt or amend local by-laws to stipulate where e-scooters may be operated. Specifically, the municipality can dictate whether e-scooters can be operated on sidewalks, trails, roadways, or other City-owned lands, etc. For comparison, the City's Traffic By-law stipulates that bicycles with a wheel diameter greater than 50 centimetres (19.7 inches) may not be ridden on the sidewalk. The City can similarly stipulate where e-scooters can operate.

Some key considerations for where e-scooters should be operated include:

- Consistency with similar devices;
- Road safety;
- Accessibility;
- Maintenance standards; and
- Public education requirements

Other jurisdictions in Ontario, such as the cities of Ottawa, Toronto and Windsor, have been considering the issue of where e-scooters should operate within the road right-of-way. Although Ottawa is currently the only municipality in Ontario that permits e-scooters, staff reports from these three municipalities shared similar recommendations:

General Committee	2020/11/17	5
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- No sidewalk operation permitted;
- Allowed on roads with a posted speed limit of 50 km/h or less; and
- Allowed to operate on cycling infrastructure (bicycle lanes, trails).

Consultation

Staff consulted with targeted Advisory Committees in recent weeks on the interim strategy approach and proposed e-scooter regulations:

- *Accessibility Advisory Committee (AAC)* – Staff presented to the Transportation Subcommittee of AAC on October 19th, and attended the subsequent AAC meeting on November 9th. Several concerns were raised with respect to accessibility, potential conflicts with e-scooters, and overall road safety. The AAC amended and adopted the Subcommittee’s recommendation that Council be advised to ban electric kick-style scooters in Mississauga.
- *Road Safety Committee* – Staff presented at the October 27th meeting. Concerns about conflicts on park trails, and questions about speed limits were raised by committee members.
- *Mississauga Cycling Advisory Committee (MCAC)* – Staff presented at the November 10th meeting. The committee supported the use of e-scooters on cycling infrastructure, such as bike lanes and multi-use trails, but not on sidewalks and park trails.

Table 1: Recommended Rules for Where E-scooters Can and Cannot be Operated

Type of Infrastructure	Permitted?
City facilities, Transit terminals	No
Park Trails	No
Multi-use Trails within parks	No
Sidewalks	No
Multi-use trails within the road right-of-way	Yes
Bicycle lanes	Yes
Roadways with posted speed limit of 50 km/h or less	Yes
Roadways with posted speed limit over 50 km/h	No

Recommended By-law Elements

As part of the interim strategy, the following by-law elements are recommended:

- *Definition of electric kick-style scooter (e-scooter):*

- Will refer to the Ontario regulation and the definition therein; this includes approved device specifications (size, maximum motor wattage, maximum speed, required lights and bells, etc.).
- *E-Scooter Rules:*
 - No person shall operate an e-scooter upon a sidewalk – note that no one under 16 is permitted to operate an e-scooter pursuant to the Ontario regulation;
 - No person shall operate an e-scooter on park trails or multi-use trails within parks – pursuant to the Parks By-law;
 - Notwithstanding definitions in the Traffic By-law which designate bicycle lanes as exclusively for the use of bicycles, e-scooters may be operated within designated bicycle lanes as identified in Schedule 34 of the Traffic By-law;
 - E-scooters may be operated on Multi-use Trails within the road right-of-way as identified in Schedule 35 of the Traffic By-law – these are trails within the road right-of-way only, as opposed to trails within parks which are regulated by the Parks By-law;
 - E-scooters may be operated on streets with posted speed limit of 50 km/h or less; and
 - E-scooters may not be operated on roadways with posted speed limit higher than 50 km/h.
- *Operator Rules:*
 - Persons operating e-scooters upon a roadway shall ride in single file;
 - A person operating an e-scooter upon a roadway shall ride as near to the right-hand side of the roadway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction;
 - Every rider of an e-scooter shall operate the device in a safe and responsible manner, as prescribed in Ontario regulations;
 - Every rider of an e-scooter shall at all times keep his or her feet on the e-scooter and both hands on the handlebars, except for the purposes of signalling and no person while riding an e-scooter shall indulge in trick riding or carry any articles in his or her hands or otherwise ride so as to prevent the full use of both hands to operate or control the e-scooter, as prescribed in Ontario regulations; and
 - No person shall park an e-scooter on a highway except in such a manner as to cause the least possible obstruction to pedestrian or vehicular traffic.
- *Transit Rules:*
 - No person shall operate an e-scooter in, on or about property owned, leased, occupied or used by the Corporation that constitutes any part of the public transportation system including the Mississauga Transitway, a bus shelter, a Mississauga Transit Vehicle, or other vehicle; and
 - No person shall bring an e-scooter on a Mississauga Transit Vehicle unless permission is received by the Mississauga Transit operator.

General Committee	2020/11/17	7
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Recommended Additional (non-By-law) Elements

The following additional, non-by-law elements are recommended for the interim strategy:

- *Education and Engagement:*
 - A full communication and education strategy will be developed that will inform residents of e-scooter rules in Mississauga;
 - Staff will seek feedback from residents on their experiences operating e-scooters in the manner set out in by-laws, and from residents on their experiences interacting with others operating e-scooters; this feedback will be useful in determining whether the City would consider allowing shared e-scooter systems to operate in Mississauga.
- *Enforcement:*
 - Responsibility for enforcement of e-scooter rules will be split between Peel Police and City By-law Enforcement, depending on the nature of the violation;
 - Moving violations, such as operating on a sidewalk where that is prohibited by by-law, are enforced by Peel Police;
 - Non-moving violations, such as blocking a sidewalk with a parked e-scooter, are enforced by City By-law Enforcement.
 - E-scooter use on park trails, on multi-use trails in parks, and in park properties would be enforced by City Security Services
- *Monitoring:*
 - The Provincial pilot requires that municipalities which pass by-laws permitting e-scooters remit injury and collision data upon request;
 - Staff will work with Peel Police, Peel Public Health, and local hospitals to ensure that this data is available should it be requested.

Options

E-scooters are currently not permitted in Mississauga, on the basis that the City has not adopted or amended local by-laws to permit their use and thus “opt-in” to the Provincial pilot. If an outright ban is preferred at this time, the City could amend its by-laws to explicitly prohibit e-scooters.

Strategic Plan

The development of a Micromobility Program aligns with the *Move* and *Green* pillars in the City’s Strategic Plan. In addition, it also aligns with other key City strategies such as the Cycling Master Plan, the Transportation Master Plan, and the Climate Change Action Plan.

General Committee

2020/11/17

8

Financial Impact

There are no financial impacts resulting from the adoption of the recommendations in this report.

A consultant will be retained to assist with Phase 2 of the Micromobility Project. Sufficient funds are available for this assignment in Capital Budget PN 20189, "Bike Share Study".

Conclusion

The development of the Micromobility Program includes further consideration of e-scooters within the context of providing shared fleets of devices for public use. The interim e-scooter strategy will allow staff to evaluate how residents use e-scooters within the City's transportation network and help inform future decisions about the Micromobility Program.

Attachments

Appendix 1: Bikes, E-Bikes and E-Scooters: Expanding Mississauga's Transportation Options



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Matthew Sweet, Manager, Active Transportation



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0036-2021

A By-law to amend
the City's Traffic By-law 555-00, as amended,
the City's Parks By-law 0197-2020, as amended,
and the City's Transit By-law 425-03, as amended
to permit and regulate e-scooters in the City of
Mississauga

WHEREAS in accordance with *Ontario Regulation 389/19*, no person shall operate an e-scooter on a highway, sidewalk, trail, path, walkway, public park or exhibition ground that is under the jurisdiction of a municipality, unless such operation is permitted by and in accordance with a municipal by-law;

AND WHEREAS on December 9, 2020, Council for the Corporation of the City of Mississauga passed Recommendation GC-0358-2020 to enact all necessary by-laws to permit and regulate the use of e-scooters in the City of Mississauga, as outlined in the corporate report entitled "Micromobility Program Update and E-Scooter Interim Strategy" that was presented to General Committee on December 2, 2020;

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

TRAFFIC BY-LAW 555-00, AS AMENDED

1. That section 1 of the Traffic By-law 555-00, as amended, be amended by adding the following definition in alphabetical order:

"E-Scooter" means a vehicle that has:

- (a) two wheels 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.

2. That the definition of "motor vehicle" in section 1 of the Traffic By-law 555-00, as amended, be amended by adding the word "e-scooters" after the words "but does not include".
3. That subsection 31(1) of the Traffic By-law 555-00, as amended, be amended by inserting the words "and e-scooters" at the end of the subsection.
4. That subsection 31(2) of the Traffic By-law 555-00, as amended, be amended by inserting the words "and e-scooters" after the word "bicycles".
5. That subsection 31(2)(a) of the Traffic By-law 555-00, as amended, be amended by inserting the words "or e-scooter" after the word "bicycle".
6. That subsection 43(2) of the Traffic By-law 555-00, as amended, be amended by inserting the words "and e-scooters" to the end of the subsection.
7. That section 43.1 be added to the Traffic By-law 555-00, as amended, as follows:

E-SCOOTERS

- 43.1 (1) Persons shall be permitted to operate e-scooters on roadways with a posted speed limit of 50km/h or less, bicycle paths in accordance with Schedule 27, bicycle lanes in accordance with Schedule 34 and multi-use trails in accordance with Schedule 35.
- (2) No Person shall operate an e-scooter:
- (a) on a sidewalk, except for the purpose of directly crossing a sidewalk, unless the sidewalk is designated as a bicycle path in accordance with Schedule 27 or is designated as a multi-use trail in accordance with Schedule 35;
 - (b) on a roadway with a posted speed limit higher than 50km/h;
 - (c) on any roadway to which access by pedestrians or bicycles is prohibited under any Act, regulation or municipal by-law;
 - (d) who is under 16 years of age; or
 - (e) that has an electric motor which exceeds 500 watts that provides a maximum speed in excess of 24 kilometres per hour.
- (3) Persons who operate e-scooters shall:
- (a) comply with subsections 43(3), (4), (5), and (7) of the Traffic By-law as it relates to e-scooters; and
 - (b) comply with *Ontario Regulation 389/19*.
- (4) No Person operating an e-scooter shall:
- (a) carry any other person or cargo on the e-scooter;
 - (b) tow another person, vehicle or device;
 - (c) attach themselves to another e-scooter, vehicle or device for the purpose of being drawn or towed;
 - (d) operate it in any position other than while standing at all times; or
 - (e) leave it in a location that is intended for the passage of vehicles, bicycles, e-scooters or pedestrians.
- 43.2 If there is a conflict between section 43.1 and any other provision of this Traffic By-Law as it relates to the use of e-scooters, it shall be resolved in favour of section 43.1.

PARKS BY-LAW 0197-2020

8. That section 1 of the Parks By-law 0197-2020 be amended by adding the following definition in alphabetical order:
- “**E-Scooter**” means an e-scooter as defined in the City’s Traffic By-law 555-00, as amended;
9. That the definition of “Motorized Recreational Vehicle” be amended by adding the following:
- For greater clarity, a Motorized Recreational Vehicle does not include an e-scooter.
10. That the definition of “Vehicle” in section 1 of the Parks By-law 0197-2020 be amended by inserting “e-scooters,” after “motor assisted bicycle,”.

TRANSIT BY-LAW 425-03, AS AMENDED

11. That subsection 12(1)(u) be added to the Transit By-law 425-03, as amended, as follows:

- (u) bring an e-scooter on a Mississauga Transit Vehicle, as defined in the City's Traffic By-law 555-00, as amended, contrary to the instructions of the Mississauga Transit Vehicle operator

REPEAL DATE

12. This by-law shall be repealed on such a date that the Province of Ontario no longer permits e-scooters pursuant to *Ontario Regulation 389/19* or similar regulation.

ENACTED and PASSED this 17 day of February, 2021.

Ronie Crombie

MAYOR

[Signature]

CLERK

APPROVED AS TO FORM City Solicitor MISSISSAUGA			
<u>R. Genoway</u>			
Date	2021	02	10