



**Report**  
**Staff Report**  
**The Corporation of the City of Brampton**  
**2022-02-02**

**Date:** 2022-01-07

**Subject:** **Shared Electric Kick Scooter (Micromobility) Pilot Program – All Wards**

**Contact:** Nelson Cadete, Project Manager, Active Transportation, Planning, Building and Economic Development

**Report Number:** Planning, Bld & Ec Dev-2021-1055

**Recommendations:**

**THAT** the report from Nelson Cadete, Project Manager, Active Transportation, Transportation Planning, dated January 7, 2022, to the Committee of Council meeting of February 2, 2022, re: **Shared Electric Kick Scooter (Micromobility) Pilot Program – All Wards HF.x** be received; and,

**THAT** Traffic By-law 93-93, as amended, be amended to enact the necessary by-laws to permit and regulate the use of personal electric kick scooters in the City of Brampton in accordance with the Pilot Project – Electric Kick Scooters (O. Reg. 389/19); and,

**THAT** staff be directed to proceed with a pilot to assess the uptake and impact of an electric kick scooter-share system in the City in accordance with the general scope and terms outlined within this report.

**OVERVIEW:**

- On January 1, 2020, the Government of Ontario began a 5-year electric kick scooter (or “e-scooter”) pilot project allowing municipalities to enact a by-law to permit and regulate the use of e-scooters.
- At its meeting of June 23, 2021, the Committee of Council provided direction to enact a by-law to permit the use of e-scooters in the City, and to develop terms of reference for an electric bike/electric kick scooter-share pilot trial for Council’s consideration and approval.

- **In an effort to simplify the pilot, decision was made to exclude electric bikes from the trial and focus solely on the e- scooter as the micromobility vehicle type.**
- **Staff recommend the commencement of a competitive procurement process to allow commercial e-scooter operators to submit their Request for Proposal and compete for the ability to operate a shared system in Brampton.**
- **Staff recommend that the City proceed with a pilot project to assess the uptake and impact of an e-scooter share system in the City in accordance with the general scope and terms outlined within this report.**

## **BACKGROUND:**

On November 27, 2019, the Government of Ontario announced a 5-year electric kick scooter pilot project under the *Highway Traffic Act* (“HTA”) [\(O. Reg. 389/19\)](#) that began on January 1, 2020, as part of the *Open for Business Action Plan*. Under the pilot, municipalities are able to pass local by-laws to allow electric kick scooters (“e-scooters”) within municipal rights-of-way, along with other regulations which can be imposed on providers of shared e-scooter systems.

O. Reg. 389/19 under the HTA stipulates e-scooter vehicle and operator safety criteria which must be met. Municipal considerations mentioned in the Province’s guideline document are geared towards management of private e-scooter sharing systems which can now operate in Ontario under this pilot program.

At its June 23, 2021 meeting, Committee of Council provided direction to enact the necessary by-laws to permit and regulate the use of personal e-scooters in the City and directed staff to develop a pilot to assess the uptake and impact of an electric bike/electric kick scooter share system in the City and report back to Council with details of the pilot.

A by-law to amend the consolidated Traffic By-law 93-93 is appended to this report which will permit and regulate the use of personal e-scooters in the City.

This report outlines the next phase of micro-mobility in the City, which involves launching a pilot to assess the uptake and impact of an e-scooter share-system in the City. Staff is recommending a competitive procurement process to allow commercial

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

shared e-scooter operators to submit their proposals and compete for the ability to operate a system in Brampton.

This report provides an overview of the recommended commercial e-scooter pilot framework as well as the terms of reference for the Request for Proposal (RFP) process, including:

- length of the pilot
- permitted operating speeds
- operating areas
- requirements for locking of devices
- parking management
- allowable devices
- how a successful bidder would operate their vehicles
- support systems that a successful bidder will be required to provide
- compliance with City regulations and by-laws and other applicable legislation
- associated fees related to operating in Brampton

Both the overall operating framework and RFP elements were developed based on a best practice review of other jurisdictions that included experiences in Ottawa, Calgary, and Hamilton, where programs are either in place or currently being procured. Staff will also consult with various stakeholders and address any concerns within the scope of the program. These stakeholders include the Cycling Advisory Committee, Accessibility Advisory Committee, the Age-friendly Committee, the Downtown BIA and the Brampton Board of Trade.

In an effort to simplify the pilot, it was decided to exclude electric bikes from the trial and focus solely on the electric kick scooter as the vehicle type. This will allow staff to contribute to the provincial pilot project by evaluating the new vehicle type (electric kick-style scooters) while assessing the micromobility service offered by a third party provider. This trial does not preclude the opportunity for a future electric bike-share system in the City.

### **CURRENT SITUATION:**

A competitive procurement process will allow commercial e-scooter operators to submit their proposals and compete for the ability to operate a shared system in Brampton for a trial period. The following parameters will define the scope of the pilot program:

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

- **Scooter Type:** All scooters will be electric kick-style scooters with no seat or pedals, and riders will need to stand while using them. To adhere to the Government of Ontario's Electric kick 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;
- **Length of Agreement:** The term of the agreement will be for two years. The City will reserve the right to terminate the agreement in the case of an agreement breach. One-year renewals could also be considered for an additional three terms;
- **Number of Operators/Scooters:** a maximum of three operators are to be selected, with each operator managing a fleet of no less than 250 scooters and no more than 500 scooters. The operator will be required to define their own service area(s) within the City boundary. If the operator wishes to extend their service beyond 500 vehicles they will be able to provide additional electric kick scooters in keeping with a ratio of 150 devices per ten square kilometres;
- **Operating Speed:** electric kick scooters will be limited to a maximum speed of 20 km/h (average speed for urban cycling) and will be "geo-fenced" to reduce speed to 15 km/h when operating in identified parks, high-pedestrian areas, and paths;
- **Operating Areas:** Electric kick scooters will be permitted to operate on roads with posted speeds less than 60 km/hour, bike lanes, multi-use paths, and major and minor recreational trails. Electric kick scooters will not be permitted to operate on sidewalks;
- **Lock-Up Electric kick scooters:** All commercial electric kick scooters will be required to have a "locking" mechanism and will be required to be fastened to a rack or pole to ensure that they cannot be left anywhere;
- **Parking Management and Enforcement:** Commercial operators will be required identify and implement e-scooter parking/docking areas. They will also 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.

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

The RFP will require bidders to provide details for the following key operational plans which will be evaluated as part of the procurement process:

- **Fleet Operations and Maintenance Plan:** includes information on how the e-scooters 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;
- **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; and how they will convey that information to the City;
- **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 proponent will determine their fleet size (between 250 and 500 scooters) and indicate where these will operate within and if applicable, beyond the minimum required service area. They will also provide a plan for how scooters will be balanced and maintained within their geography;
- **Communication and Education Requirements:** will outline how the proponents will promote safe use of the e-scooters and how they will ensure that scooter users understand where e-scooters can and cannot be operated and how to properly park them;
- **Electric Scooter Parking Plan and Right-of-Way Safety Plan:** will outline how proponents will attend to miss-parked e-scooters, and the tools and strategies that will be used to ensure right-of-way safety;

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

- **Electric Scooter and Equipment Safety Requirements:** the proponent 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 other applicable laws, including 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; and,
- **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 Everyone Rides Program (the Bike Share Equity Program operated by HBSI) and support for additional bike parking infrastructure to be installed by the City.

### CORPORATE IMPLICATIONS:

#### Financial Implications:

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.

Preliminary fee schedule:

- **\$5,000.00** Annual Administration Fee;
- **\$45.00** Annual vehicle fee per electric kick scooter;
- **\$5.00** Program improvement fee per electric kick scooter per year;
- **\$0.05** per trip for all electric kick scooters.

#### Other Implications:

This Report was prepared in consultation with staff from Transportation Planning, Enforcement and By-law Services, Road Operations, Maintenance & Fleet and working closely with Legal Services and Purchasing.

**Legal** - Legal Services will work with successful electric kick scooter system proponents to enter into operations contracts with the City, following the RFP process.

**Sidewalk and Pathway Implications** – the electric kick scooter by-law changes take the general approach that e-scooters will be treated similarly to bicycles in that they will be permitted to operate within the road right-of-way as a vehicle and not be permitted to operate on sidewalks. This is due in part, to the fact that e-scooters operate with similar speeds to bicycles and could compromise the pedestrian environment. Ongoing consultation with the Cycling Advisory Committee and Accessibility Advisory Committee is required.

**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. Consultation with public works entities of both the City and Region will be required.

**Compliance and Enforcement** - As with any change in traffic regulation, enforcement will be a key consideration. Similar to bicycles, the enforcement of traffic by-laws will be carried out by Peel Regional Police and operations within Parks and parking infractions will be enforced by Licensing and By-Law Services. Enforcement requirements for personal e-scooters are expected to be fairly modest but depend on uptake. Consultation with the aforementioned enforcement partners will be required.

### **TERM OF COUNCIL PRIORITIES:**

Implementing a shared micromobility program supports the ‘Brampton is a Green City’ and ‘Brampton is a Safe and Healthy City’ Term of Council Priorities.

### **CONCLUSION:**

Micromobility is an example of how the City can rethink the more conventional, auto-centric approach and tools utilized for network planning.

An electric kick scooter share pilot program will allow staff to assess the performance and operation of a micromobility system under a test environment and gather data to support recommendations for a permanent solution. In this regard, staff recommend that the City proceed with a pilot project to assess the uptake and impact of an electric kick scooter share system in the City and that a competitive procurement process be used to allow operators to submit their proposals and compete for the ability to operate in accordance with the general scope and terms outlined within this report.

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

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### **Attachments:**

Appendix A: By-law amending Traffic By-law 93-93, to permit and regulate the use of personal electric kick scooters in the City of Brampton in accordance with the Pilot Project – Electric Kick Scooters (O. Reg. 389/19)





THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

*Number* \_\_\_\_\_ - 2022

To amend the Traffic and Parking By-law 93-93, as amended, to permit and regulate the use of electric kick-scooters.

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WHEREAS the Council for The Corporation of the City of Brampton has adopted the Traffic and Parking By-law No. 93-93, ("By-law 93-93") as amended to regulate the use of highways and parking in the City of Brampton;

AND WHEREAS pursuant to subsection 11 (3) 1 of the *Municipal Act, 2001*, a by-law may be passed by a council of a municipality relating to the regulation of highways and parking within the municipality;

AND WHEREAS Ontario Regulation 389/19 establishes a pilot project to evaluate the use and operation of electric kick-scooters;

AND WHEREAS Ontario Regulation 389/19 prohibits a person from operating an electric kick-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 the regulation and a municipal by-law;

AND WHEREAS on July 7, 2021, Council for The Corporation of the City of Brampton passed Recommendation CW364-2021 to enact all necessary by-laws to permit and regulate the use of personal electric kick-scooters in the City of Brampton in accordance with the pilot project in accordance with Ontario Regulation 389/19;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. That PART I of By-law 93-93, as amended, be amended by adding the following definitions in alphabetical order:

“cross-ride” means any part of the highway at an intersection or elsewhere distinctly indicated for bicycle crossing, and that is marked by pavement markings and may also include signs or a cross-ride/bicycle signal if the intersection or crossing is signalized.

“electric kick-scooter” has the same meaning as in Ontario Regulation 389/19;”

2. That section 11.1 be added to By-law 93-93, as amended, immediately after section 11, as follows:

**“ELECTRIC KICK-SCOOTERS**

- 11.1 (1) Persons shall be permitted to operate electric kick-scooters on highways with a posted speed limit of 50km/h or less, on designated bicycle lanes in accordance with Schedule XXX and on multi-use paths in accordance with Schedule XXXVII.”
3. That subsection 21(1) of By-law 93-93, as amended, be deleted and replaced with the following:
- “21 (1) Where signs to that effect are displayed on highways set out in Column 1 of Schedule XXX of this by-law having been divided into clearly marked lanes for bicycle traffic within the limits set out in Column 2, the lane identified in Column 3 is hereby designated only for bicycles and electric kick-scooters in the direction indicated in Column 4.”
4. That subsection 21(2) of By-law 93-93, as amended, be amended by inserting the words “and electric kick-scooters” after the word “bicycles”.
5. That subsection 21(2) (a) of By-law 93-93, as amended, be amended by inserting the words “, electric kick-scooter” after the word “bicycle”.
6. That subsection 21.1 of By-law 93-93, as amended, be amended by inserting the words “, people operating electric kick-scooters,” after the word “cyclists”.
7. That section 21.2 be added to By-law 93-93, as amended, immediately following section 21.1, as follows:

**“CROSS-RIDES**

- 21.2(1) Where signs and pavement markings to that effect are displayed designating a crossing of a highway as a cross-ride, the crossing is hereby designated for use of bicycles and electric kick-scooters only.
- (2) Where a crossing of the highway has been designated as a cross-ride, no person shall walk or drive a vehicle other than a bicycle or electric kick-scooter or for the purpose of crossing the cross-ride.”

**EFFECTIVE DATE**

8. This by-law is effective on the date that it is passed.

**REPEAL DATE**

9. This by-law shall be automatically repealed on such a date that Ontario Regulation 389/19 is revoked.

ENACTED and PASSED this 2<sup>nd</sup> day of March, 2022.

Approved as to  
form.  
  
2022/02/23  
  
Colleen Grant

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Patrick Brown, Mayor

Approved as to  
content.  
  
2022/02/23  
  
Kevin Minaker

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Peter Fay, City Clerk