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The Corporation of **THE CITY OF NORTH VANCOUVER**
PLANNING & DEVELOPMENT DEPARTMENT

REPORT

To: Mayor Linda Buchanan and Members of Council

From: Natalie Corbo, Policy Analyst
Zachary Mathurin, North Shore Mobility Options Coordinator

Subject: PROPOSED BYLAW TO ENABLE E-SCOOTER PILOT

Date: January 6, 2022 File No: 16-8330-11-0001/1

The following is a suggested recommendation only. Refer to Council Minutes for adopted resolution.

RECOMMENDATION

PURSUANT to the report of the Policy Analyst and the North Shore Mobility Options Coordinator, dated January 6, 2022, entitled "Proposed Bylaw to Enable E-Scooter Pilot";

THAT "Street and Traffic Bylaw, 1991, No. 6234, Amendment Bylaw, 2022, No. 8846" (Electric Kick Scooter Pilot) be considered.

ATTACHMENTS

1. *Motor Vehicle Act* Contraventions for Electric Kick Scooters (CityDocs [2131476](#))
2. "Street and Traffic Bylaw, 1991, No. 6234, Amendment Bylaw, 2022, No. 8846" (Electric Kick-Scooter Pilot), and Schedule "I" (CityDocs [2086412](#)) (CityDocs [2131578](#))

SUMMARY

In order to enable the personal electric kick-scooter (e-scooter) pilot in the City and the North Shore, pilot municipalities must adopt enabling bylaws consistent with provincial pilot regulations. Until such time, e-scooters remain illegal in the pilot municipalities.

This report recommends advancing amendments to the Street & Traffic Bylaw, No. 6234 to enable the pilot. The proposed amendments would formally enable the City's participation in the pilot program, define e-scooters, and establish the permitted operating areas for e-scooters.

BACKGROUND

In October 2019, the Provincial Government introduced amendments to the *Motor Vehicle Act (the Act)* to allow municipalities to conduct pilot projects on devices not currently allowed for use under *the Act*, such as e-scooters. In January 2020, City staff submitted a joint Expression of Intent with the Districts of North Vancouver (DNV) and West Vancouver (DWV) to participate in the pilot and a full proposal was submitted in March 2020. Council endorsed the proposal in July 2020 subject to the following conditions:

1. The pilot proposal is approved by the Ministry of Transportation and Infrastructure and Cabinet;
2. The pilot last for no more than three years from the date of its approval by Cabinet;
3. The pilot is to be initially applicable to personal e-scooter devices, with opportunities for other devices and shared device fleets to be re-assessed at a later date; and,
4. Local bylaw regulations to manage e-scooter devices through the pilot are brought to Council for consideration and approval.

In March 2021, the Province announced the approval of the pilot in six municipalities across British Columbia, effective April 5, 2021: City of Vancouver, City of North Vancouver, District of North Vancouver, District of West Vancouver, City of Kelowna, and City of Vernon. As of October 2021, the Province also approved e-scooter pilots in the City of Richmond and the City of Nanaimo. At this time, the Cities of Vancouver, Kelowna, Vernon and Richmond have passed bylaws that enable the pilot in their communities.

The Province created regulations for these pilot communities to define performance specifications for e-scooters, rider rules, and general parameters for where e-scooters can travel. Pilot municipalities are expected to adopt enabling bylaws consistent with the Province's pilot regulations to formally begin the pilot. Until bylaws are adopted, e-scooters remain illegal in the pilot communities. Municipalities cannot modify the regulations addressing performance specifications and rider rules, but have the ability to expand or narrow the scope of where e-scooters may travel.

DISCUSSION

Overview of City and North Shore approach

The Province's main goal for the pilot is to understand the impacts of e-scooters on the transportation network and inform long-term policymaking about micromobility, including other devices not covered by the *Motor Vehicle Act* or this pilot. The City and its North Shore partners share this goal. In addition, the City seeks to encourage non-vehicle ways of moving around, consistent with the Official Community Plan, the Transportation Plan, and Council's Strategic Plan. As a first step, the proposed approach in the City and across the North Shore would allow the use of personal e-scooters owned or leased by individuals, or rented out by traditional brick-and-mortar businesses. At this time, e-scooter share services similar to the e-bike share pilot would not be considered. E-scooters are growing in popularity and staff have observed an increase in use around the City and across the North Shore. As with other road users, e-scooter riders cross

municipal boundaries, highlighting the need for a consistent regulatory approach. To that end, City staff have been working collaboratively with colleagues at the two other North Shore municipalities to develop regulations that meet the needs of our shared local context. The intent is to create a predictable environment and ensure a consistent experience for users and staff that will help manage the impacts of this new mode.

The proposed amendments have been informed by those adopted in other participating pilot municipalities in Metro Vancouver, namely the City of Vancouver and the City of Richmond. Furthermore, staff engaged with key stakeholders like the North Vancouver RCMP, which would have a key enforcement role, and Vancouver Coastal Health (VCH), which is actively monitoring transportation-related injuries involving e-scooters. This will help strike the right balance between regional consistent regulations, treating similar modes in similar ways, and managing enforcement burdens.

Provincial regulations establish rules for rider behavior and device standards

The Provincial Electric Kick Scooter Pilot Project Regulation establishes device and operational requirements, as well as duties and responsibilities for riders. The purpose of these rules is to promote safe use of e-scooters in the pilot communities for riders and for other road and path users. The City does not have the ability to modify these requirements as part of the pilot program. Through the introduction of a new definition for electric kick scooters in the Street and Traffic Bylaw, the proposed bylaw amendments will directly reference the provincial regulations concerning riders and standards. Generally, these rules are similar to those for e-bikes. When operating on a roadway, e-scooter riders also have similar rights and duties as a motor vehicle. These rules specify that e-scooter riders:

- Do not require a license;
- Must be at least 16 years of age;
- Must wear a helmet;
- Must slow down when near pedestrians on multi-use paths;
- Must exercise due care around pedestrians and other road or pathway users;
- Must use a bell or horn when passing other riders and pedestrians;
- Must not ride on the sidewalk;
- Must ride single-file; and,
- Must not tow or carry another person.

The pilot device standards:

- Require front and rear lights;
- Require a bell or horn;
- Impose a maximum speed of 24 km/hr; and,
- Disallow a seat, pedals, or structure enclosing the device.

Proposed bylaw amendments to establish where e-scooters may travel

Per the Provincial pilot, the City can impose restrictions on where e-scooters may operate. These are the only new regulations being introduced. Generally, e-scooters and their riders would be treated similarly to skateboards in terms of where e-scooters can travel. Table 1 provides a summary of the areas/facilities where e-scooter use will be permitted and restricted in Street and Traffic Bylaw, 1991, No. 6234, Amendment Bylaw, 2021, No. 8846 (see Attachment 2).

Table 1: Proposed E-Scooter Operating Permissions and Restrictions

FACILITY TYPE	ALLOWED?
Local Roads (no continuous centreline)	Yes
Mobility/Bike Lane	Yes
Multi-Use Paths	Yes
Arterial Roads (if no Mobility/Bike Lane)	No
Park Trails	No
Sidewalks	No
City Plazas and Public Open Spaces	No

A detailed map showing arterial roads, minor arterials and collector streets where e-scooter use is restricted unless in a mobility lane can be referenced in the Attachment 2 map (Schedule I). Note that many of these streets (including W 13th Street, Jones Ave, Larson Road and others) have existing mobility lanes, meaning that they will comprise part of the e-scooter network. Restricting use in general purpose travel lanes on the City's highest-volume streets will help minimize conflict with other road users and promote the use of e-scooters in safer operating conditions.

The proposed operating permissions and restrictions are generally consistent with the other Metro Vancouver pilot communities.

Enforcement is primarily under the *Motor Vehicle Act*

Enforcing the provincial e-scooter regulations and local operating area restrictions primarily falls to law enforcement as infractions will be considered moving violations under the *Motor Vehicle Act*. The new infractions and the associated fines are attached to this report (see Attachment 1).

Rules and regulations will be communicated widely

Staff in Communications and Transportation Planning are collaborating on a strategy to raise public awareness of the operating restrictions and rules of the road for e-scooters. The City will communicate out both Provincial and local restrictions using the City's website, social media channels, and other communications tools, reminding the public that all regulations are enforceable by the RCMP. Staff will also coordinate with agency

partners, local businesses and other municipalities where possible to broaden the reach of this messaging and pursue opportunities for further rider education, including targeted outreach to businesses selling or renting e-scooters for personal use. This approach will be adapted as needed in response to any emerging issues.

Planned monitoring of the pilot's impacts

As part of its pilot obligations, the City must report annually to the Ministry of Transportation and Infrastructure (MOTI) on the pilot's impacts on the transportation network, the community, and on incidents and injuries. Staff plan to regularly collect information in the field to understand where and how e-scooters are being used, including counts and speeds on popular corridors, as well as resident impressions through short intercept surveys. Staff plan to use existing tools like the North Shore Transportation Panel Survey to understand community perceptions, and staff are also investigating long-term engagement strategies. Staff are actively working with VCH to understand the impact of e-scooters on road injuries in order to track and report the pilot's findings. Periodic updates to Council regarding monitoring activities will be provided.

The Provincial pilot period expires in April 2024. Although the Province has not indicated next steps beyond this timeframe, the intent of the pilot is to craft a permanent legal framework for micromobility devices.

FINANCIAL IMPLICATIONS

There are no significant financial implications anticipated as a result of this pilot. Existing funds that have been previously appropriated will be used for promotion and public awareness. An outside legal review indicated that the City's approach of treating e-scooters similarly to skateboards in terms of their operating area helps limit risk and liability exposure.

INTER-DEPARTMENTAL IMPLICATIONS

The bylaws were developed by Transportation Planning with input from the City solicitor, Bylaws, Engineering, Finance, and the RCMP. Communications staff will assist with leading the public communications and education efforts for e-scooters. Staff have also coordinated with colleagues at the District of North Vancouver and the District of West Vancouver.

The introduction of e-scooters will most directly impact the work of RCMP officers, who may conduct enforcement activities on an as-needed basis. The RCMP is supportive of the approach outlined in this report, and will assist with enforcement as resources allow. Transportation Planning staff will continue to coordinate the City's monitoring, communications approach, educational efforts, and enforcement of personal e-scooters with other agencies and departments.

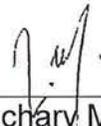
STRATEGIC PLAN, OCP OR POLICY IMPLICATIONS

The e-scooter pilot supports key goals and objectives in the City's Official Community Plan, including prioritizing the use of non-automobile modes of travel (Objective 2.1), encouraging technological innovation to overcome transportation barriers (Objective 2.3.7), encourage low-emission transportation options (Objective 2.3.8), and collaborating with neighbouring municipalities to improve the connectivity of the transportation system (Objective 2.3.10). The pilot also supports key 2018-2022 Council Strategic Plan priorities, including: exploring innovative solutions to transportation challenges and increasing the City's viability as a tourism destination.

RESPECTFULLY SUBMITTED:



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