

REPORT

Engineering Services

To: Mayor Johnstone and Members of Council
Date: May 27, 2024

From: Lisa Leblanc
Director of Engineering Services
File: 05.1035.10
(Doc# 2467132)

Item #: 2024-302

Subject: Report Back on Provincial Electric Kick Scooter Pilot Program

RECOMMENDATION

THAT Council direct staff to begin preparations for the City to join the Provincial Electric Kick Scooter Pilot Program.

THAT Council direct staff to amend the Street and Traffic Bylaw (Bylaw No. 7664, 2015) to address the operation of electric kick scooters in the City.

THAT Council direct staff to prepare and implement a communications plan to educate and inform the public regarding the safe and legal operation of electric kick scooters.

THAT Council direct staff to develop a data collection program regarding electric kick scooter use in the City.

PURPOSE

To report back to Council on the March 11, 2024 motion directing staff to evaluate the opportunity for the City to join the Provincial Electric Kick Scooter Pilot Program and to seek Council's approval to prepare the City to join the program.

SUMMARY

The Province of British Columbia is facilitating a Pilot Program for Electric Kick Scooters (the "Pilot"). In response to Council's direction, Transportation staff evaluated the opportunity for the City to join this Pilot. Staff are recommending that the City joins the Pilot once a communications plan is implemented, a data collection program is

developed, and the Street and Traffic Bylaw is amended to address the operation of electric kick scooters.

BACKGROUND

On March 11, 2024, Council adopted the following motion:

***Whereas** Active Transportation and the safety of vulnerable road users are priorities for New Westminster; and*

***Whereas** the Walkers Caucus, HUB New Westminster, and the New Westminster community have expressed concerns around user group conflict between pedestrians, cyclists, drivers and eMicromobility users as we work to build out our Active Transportation Network Plan; and*

***Whereas** the City’s E-Mobility strategy includes actions to incorporate eMicromobility policy; and*

***Whereas** the Province of British Columbia has extended the Electric Kick Scooter Pilot Project for up to four more years and is inviting new communities to join the program with updated terms;*

***THEREFORE BE IT RESOLVED THAT** Council direct staff to evaluate the opportunity for the City of New Westminster to join the Provincial Electric Kick Scooter Pilot Program, and report back to Council with a recommendation on participation.*

This report responds to Council’s motion, presenting the assessment performed by staff and a recommendation on joining the Pilot program.

An electric kick scooter, also known as an e-scooter, is a small, personal mobility device that contains an electric motor. Legally in the Province of British Columbia electric kick scooters have the following requirements¹:

- Handlebars for steering, front and rear wheels of no more than 430mm diameter, with a platform in the middle for standing.
- One or more electric motors powered by batteries, with a continuous power output rating not exceeding 500 watts.
- Weight not exceeding 45 kg, including motors and batteries.
- Maximum speed capability of 25 km/h on a clean, paved and level surface.
- A braking system that can stop the device travelling at maximum speed within nine meters.
- A bell or horn that must be sounded when passing pedestrians and other road users.
- Front and rear lights that must be turned on between sunset and sunrise.

¹ Provincial Order in Council No. 640/2023, sec. 3.

Beginning in April 2021, the Province has been facilitating a Pilot program for electric kick scooters within certain communities who opted into the Pilot. The original Pilot period ended April 5, 2024. Prior to this date, the provincial legislature amended Part 13 – Pilot Programs of the *Motor Vehicle Act* to delegate through regulation the establishment of pilot projects to research, test and evaluate “matters related to the *Motor Vehicle Act*”². In December 2023, the Lieutenant Governor in Council issued Order No. 640/2023 - Electric Kick Scooter Pilot Project Regulation (the “Regulation”), which extends the Pilot under new terms to April 5, 2028.

Through this extended Pilot, the effort required for a local government to join the Pilot has been significantly reduced. Local governments no longer must adopt a bylaw stipulating the operational framework for electric kick scooters to join, but may join with a resolution stating that they consent to the Pilot.

This is because the Regulation sets out how and where electric kick scooters may be operated, removing the requirement for a local government to state, by bylaw, where the devices can be operated. Given regulations regarding operation of electric kick scooters are now situated within a provincial regulation under the *Motor Vehicle Act*, enforcement responsibility shifts from bylaw enforcement officers to law enforcement officers (i.e., police), to address operator violations.

Under the Regulation a local government may further restrict, through municipal bylaw, the operation of electric kick scooters, but a municipal bylaw must not be in conflict or inconsistent with the Regulation³.

The provincial government has indicated they will use the results of the Pilot to determine if and how electric kick scooters should be authorized for permanent use in the province.

Summary of Regulation

Specific rules of note outlined in the new Regulation include:

- Electric kick scooter operators must be at least 16 years old.
- A license or insurance are not required.
- Electric kick scooter operators:
 - Must wear a safety helmet.
 - Cannot ride on sidewalks (unless permitted by a sign).
 - Must ride single file and cannot carry passengers.
 - Must signal when completing turns.
 - Must use a designated cycling lane, if available, where the road speed limit is 50 km/h or less, or ride as far to the right as practicable.

² *Motor Vehicle Act*, Sec. 304(1).

³ Provincial Order in Council No. 640/2023, Sec. 43.

- Must use a designated cycling lane on roads with a speed limit above 50 km/h and, if a designated cycling lane is not available, must not operate on these roads.
- Remain at or immediately return to the scene of an incident resulting from the presence or operation of an electric kick scooter, and provide assistance and contact information to a person who sustains loss or injury.

Local governments that join the Pilot must annually report to the Ministry of Transportation and Infrastructure on any data collected by the local government during the year. This can include ridership data from counts, or from shared e-scooter operators, as well as any data related to infractions collected by the Police Department.

DISCUSSION

Pilot Benefits

Joining the Pilot would allow the City to advance its sustainable transportation and economic development goals, but must be done with adequate education and enforcement to address many of the concerns about user group conflict between pedestrians, cyclists, drivers, and e-scooter users. Electric kick scooters provide a low-carbon, low-cost, and low-effort transportation choice for short- to medium-distance trips. Electric kick scooters may help shift mode share away from automobiles, supporting a car-light community, and may facilitate more local trips using zero-emission devices. Local trips using electric kick scooters may also have shorter travel times, thereby improving local accessibility.

Building off of the existing work toward an e-bike share system, the City could incorporate electric kick scooters into a shared micromobility program. The framework created for e-bike share (presented to Council January 22, 2024) allows the City to add electric kick scooters as a shared micromobility offering, should the City join the Pilot. Shared electric kick scooters likely could be rolled out later this summer, shortly after the launch of e-bike share. Shared electric kick scooters complement e-bike share, providing another low-carbon mobility option for travelling around New Westminster. The providers of shared electric kick scooters are able to regulate the speeds and operability of the devices within geographically-cordoned areas at the request of the City, allowing for greater control and predictability of the shared devices in areas where there is high potential for conflict with other vulnerable road users (e.g. a multi-use path in a park).

Pilot Challenges

City staff have noted that many of the concerns raised by the public and Council around e-scooters pertain to the use of these devices on sidewalks and to conflicts with other vulnerable road users, like pedestrians and cyclists. The Regulation states that electric kick scooters may not be used on sidewalks (unless permitted by a sign). This means, regardless of New Westminster's status in the Pilot, these devices cannot be operated on sidewalks. Sidewalk use does persist, however, and joining the Pilot will require

significant education and enforcement, led by the Police Department, to support compliance with the Regulation and the amended Bylaw.

Recommended Prerequisites

Given the potential benefits of improved mobility and accessibility to the City, Staff recommend the City opt in to the Pilot, but only upon completion of the following tasks to help address the noted challenges:

- **Amend the Street and Traffic Bylaw** to define electric kick scooters, and prohibit e-scooters on Major Road Network and Arterial roads in the City where protected active transportation facilities are not available.
 - The Regulation controls where electric kick scooters can operate based on the speed of the road. New Westminster has a number of high-traffic truck routes that have a posted speed limit of 50 km/h. Under the Regulation, electric kick scooters could be operated on these roads as long as they are ridden as far to the right as practicable. To ensure rider safety and minimize potential conflicts, in particular with heavy vehicles, Staff recommend prohibiting electric kick scooters on Major Road Network and Arterial roads where a protected active transportation facility does not exist (Attachment 1).

- **Develop and implement a Communications Plan** to communicate the Provincial and Municipal rules regarding e-scooters, including what is and is not legally permitted. Communication materials would be disseminated to the public prior to and after the City joining the Pilot, through such platforms as the City’s website and social media channels. Further consideration on communication methods and content will be discussed with Communications staff should Council support the report recommendations.

- **Complete an information session with the New Westminster Police Department** to facilitate their preparation to enforce the Regulation, should the City join the pilot. The Police Department has indicated they have the capacity to enforce the Regulation should Council choose to join the Pilot. The information session would be conducted with the Police Department’s Traffic Unit by Transportation staff to explain the Regulation and answer questions.

- **Develop a Data Collection Program** to document electric kick scooter use in the City and document traffic citations issued by the Police Department related to enforcement of the Regulation.

Council’s Strategic Priorities

Joining the Pilot aligns with Council’s 2023-2026 Strategic Priorities in several ways:

- **Strategic Priority 1 - Community Belonging and Connecting**
 - Joining the Provincial Pilot will allow people to legally operate electric kick scooters, giving people in New Westminster another low-barrier, low-cost, low-

carbon transportation option that will facilitate connections to the places, spaces, opportunities, and connections in the community.

- **Strategic Priority 3 - People-Centered Economy**
 - Joining the Provincial Pilot will support an active and vibrant local economy by facilitating more local car-free trips.
- **Strategic Priority 4 - Safe Movement of People**
 - Joining the Provincial Pilot will support the safe movement of people by shifting mode share away from automobiles.
- **Foundations and Lenses**
 1. Climate Action and Environment
 - Electric kick scooters are a low-carbon method of transportation. Legalizing these devices in New Westminster could lead to more trips being made by e-scooter, which could lead to some e-scooter trips replacing trips that are currently made by automobile.

NEXT STEPS

Should Council adopt the recommendations of this report, Staff would aim to present an amendment bylaw to the Street and Traffic Bylaw to Council at the June 24, 2024 regular Council meeting for three readings. Should Council grant three readings to the amending bylaw, Staff would present a resolution to join the Pilot at the July 8, 2024 Council meeting, the same meeting at which fourth and final readings would occur for the Street and Traffic Bylaw amendments.

Prior to June 24, Transportation Staff would work with Communications staff to create a communications strategy and educational content to be shared with the public, as well as confirm general content and approach for a data collection program.

SUSTAINABILITY IMPLICATIONS

Electric kick scooters have proven to be a popular choice in the current Pilot communities. The City of Kelowna has recorded more than 600,000⁴ trips by electric kick scooters over two years, with 48% of these trips replacing vehicle trips. These low-carbon devices present an opportunity to shift some trips away from automobiles, supporting Climate Bold Step #2 - Car-Light Community.

FINANCIAL IMPLICATIONS

The Police Department’s Traffic Unit has indicated they would be able enforce the Regulation without additional resources. Amending the Street & Traffic Bylaw, developing and implementing a communications plan and data collection program will be managed within existing staff’s work plans.

⁴ Detailed Safety Study Coming For Electric Kick Scooters, Ministry of Transportation and Infrastructure, 2023

INTERDEPARTMENTAL LIAISON

The Police Department, Engineering Operations, and Community Services (Communications Division) were consulted during preparation of this report.

OPTIONS

The following options are presented for Council's consideration:

- 1. That Council direct staff to begin preparations for the City to join the Provincial Electric Kick Scooter Pilot Program.
- 2. That Council direct staff to amend the Street and Traffic Bylaw (Bylaw No. 7664, 2015) to address the operation of electric kick scooters in the City.
- 3. That Council direct staff to prepare and implement a communications plan to educate and inform the public regarding the safe and legal operation of electric kick scooters.
- 4. That Council direct staff to develop a data collection program regarding electric kick scooter use in the City.
- 5. That Council provide staff with alternative direction.

Staff recommends Options #1, #2, #3, and #4.

CONCLUSION

On March 11, 2024 Council directed staff to evaluate the opportunity to join the Provincial Electric Kick Scooter Pilot and report back to Council. Staff have evaluated the opportunity for the City to join the Provincial Electric Kick Scooter Pilot and are recommending the City join the Pilot once essential prerequisites are in place.

ATTACHMENTS

Attachment 1 - Major Road Network and Arterial Roads – Proposed Additional E-Scooter Regulations

APPROVALS

This report was prepared by:
Gavin Hermanson, Transportation Planner II

This report was reviewed by:
Erica Tiffany, Senior Transportation Planner
Mike Anderson, Manager Transportation

This report was approved by:

Lisa Leblanc, Director Engineering Services

Lisa Spitale, Chief Administrative Officer