

Civic Works Committee

Report

9th Meeting of the Civic Works Committee
June 21, 2022

PRESENT: Councillors E. Pelozza (Chair), M. van Holst, J. Helmer, P. Van Meerbergen, J. Fyfe-Millar

ABSENT: Mayor E. Holder

ALSO PRESENT: A. Pascual and J. Taylor

Remote Attendance: Councillors M. Hamou, S. Hillier, and S. Lewis; G. Belch, S. Corman, D. Freeman, J. Freeman, M. Losee, D. MacRae, A. Miller, A. Rammeloo, J. Skimming, J. Stanford, and B. Westlake-Power

The meeting was called to order at 12:00 PM with Councillor E. Pelozza in the Chair; it being noted that the following Members were in remote attendance: Councillors J. Helmer, M. van Holst, and P. Van Meerbergen.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: P. Van Meerbergen
Seconded by: J. Helmer

That Items 2.1 and 2.4 BE APPROVED.

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.1 Appointment of Consulting Engineers for the Infrastructure Renewal Program

Moved by: P. Van Meerbergen
Seconded by: J. Helmer

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated June 21, 2022, related to the appointment of consulting engineers for the Infrastructure Renewal Program:

a) the following consulting engineers BE APPOINTED to carry out consulting services for the identified Infrastructure Renewal Program funded projects, at the upset amounts identified below, in accordance with the estimate on file, and in accordance with Section 15.2 (e) of the City of London's Procurement of Goods and Services Policy:

i) MTE Consultants BE APPOINTED consulting engineers to complete the pre-design, detailed design, and construction administration of Assignment A, Foster Avenue from Oxford Street to Edinburgh Street, in the total amount of \$290,236.32, including contingency, excluding HST;

- ii) Spriet Associates BE APPOINTED consulting engineers to complete the pre-design, detailed design, and construction administration of Assignment B, Platts Lane from Oxford Street to Cherryhill Place, in the total amount of \$415,712.00, including contingency, excluding HST;
- iii) Dillon Consulting Limited BE APPOINTED consulting engineers to complete the pre-design, detailed design, and construction administration of Assignment C, Regent Street from Maitland Street to Colborne Street and Fraser Avenue from Regent Street to Huron Street reconstruction, in the total amount of \$478,167.58, including contingency, excluding HST;
- iv) GM BluePlan Engineering Limited BE APPOINTED consulting engineers to complete the pre-design and detailed design of Assignment D, Leonard Street from Burdick Place to Second Street and Second Street from South of Leonard Avenue to North of Pottersburg Creek reconstruction, in the total amount of \$294,074.00, including contingency, excluding HST;
- v) AECOM Canada Limited BE APPOINTED consulting engineers to complete the pre-design and detailed design of Assignment E, York Street from Clarence Street to Colborne Street reconstruction, in the total amount of \$498,875.00, including contingency, excluding HST;
- b) the financing for this project BE APPROVED as set out in the Sources of Financing Report as appended to the above-noted staff report;
- c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
- d) the approval given, herein, BE CONDITIONAL upon the Corporation entering into a formal contract; and,
- e) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations. (2022-A05)

Motion Passed

2.4 Updates: Blue Box Transition and Next Steps

Moved by: P. Van Meerbergen
 Seconded by: J. Helmer

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated June 21, 2022, related to the Blue Box transition process:

- a) the proposed by-law, as appended to the above-noted staff report, being “A by-law to authorize the Deputy City Manager, Environment and Infrastructure to respond to requests for proposals, negotiate and enter into any new service agreements or amending existing City of London service agreements with any Producer Responsibility Organization(s) registered with the Resource Productivity Recovery Authority, and/or their designate”, BE INTRODUCED at the Municipal Council meeting to be held on July 5, 2022;
- b) the Civic Administration BE DIRECTED to report back at a future meeting of the Civic Works Committee with the outcome of negotiations and any executed contract(s) that occur with registered Producer Responsibility Organizations and/or their designate pursuant to clause a) above;
- c) the Deputy City Manager, Environment and Infrastructure and/or their designate BE DIRECTED to enter into discussions with the Producer Responsibility Organization responsible for London and area and/or their

designate, on their potential interest in using any of the City of London's recycling related infrastructure and assets in particular the City-owned Material Recovery Facility during the transition phase (July 1, 2023 to December 31, 2025) and post-transition phase (2026 and beyond) for operational efficiency purposes, economic opportunities, job creation opportunities, and how costs associated with existing capital and new capital investment would be paid, leased and/or shared; and,

d) the Civic Administration BE DIRECTED to report back at a future meeting of the Civic Works Committee with the next steps for City of London's Blue Box related infrastructure and assets in particular the City-owned Material Recovery pursuant to clause c) above. (2022-E07)

Motion Passed

2.2 Participation in Canadian Home Builders' Association Project - Towards Cost-Effective Net-Zero Energy Ready Residential Renovations

Moved by: M. van Holst

Seconded by: J. Helmer

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure and the Deputy City Manager, Planning and Economic Development, the proposed by-law, as appended to the staff report dated June 21, 2022, BE INTRODUCED at the Municipal Council meeting to be held on July 5, 2022, to authorize and approve a Memorandum of Understanding between the Canadian Home Builders' Association and The Corporation of the City of London and to authorize the Mayor and the City Clerk to execute the Memorandum of Understanding. (2022-D04)

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.3 Updates: Green Bin Program Implementation

Moved by: J. Fyfe-Millar

Seconded by: M. van Holst

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the staff report dated June 21, 2022, related to the Green Bin Program Implementation updates BE RECEIVED for information. (2022-E07)

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

3. Scheduled Items

None.

4. Items for Direction

4.1 Participation in Provincial Cargo E-bike Pilot

Moved by: J. Helmer

Seconded by: J. Fyfe-Millar

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated June 21, 2022, related to the City of London's potential participation in the Province of Ontario's Cargo E-bike pilot program:

- a) the above-noted staff report BE RECEIVED for information;
- b) the Civic Administration BE AUTHORIZED to advise the Province of Ontario that the City of London will be participating in both the commercial and personal components of the Cargo E-bike Pilot Program;
- c) the Civic Administration BE AUTHORIZED to update relevant municipal by-laws to incorporate cargo e-bikes for personal use and to bring back the proposed by-law amendments to a future meeting of the Civic Works Committee; and,
- d) the Civic Administration BE AUTHORIZED to develop a commercial use cargo e-bike pilot program, including licencing, permitting and by-law amendments and bring back a staff report related to this matter to a future meeting of the Civic Works Committee. (2022-T10)

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

4.2 Participation in Provincial E-scooter Pilot

Moved by: J. Helmer

Seconded by: J. Fyfe-Millar

That, on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to the staff report dated June 21, 2022, related to the City of London's participation in the Province of Ontario's electric kick-style e-scooter pilot:

- a) the above-noted staff report BE RECEIVED for information;
- b) the Civic Administration BE AUTHORIZED to advise the Province of Ontario that the City of London will be participating in the personal e-scooter portion of the Provincial pilot, subject to approval of Municipal Council, and will not be participating in the e-scooter share program; it being noted that the Provincial pilot ends December 2024;
- c) the Civic Administration BE AUTHORIZED to update relevant municipal by-laws to incorporate e-scooters for personal use and bring back a staff report of proposed by-law amendments to a future meeting of the Civic Works Committee and the Civic Administration BE DIRECTED to consider suggestions from the communications and comments from the delegations heard by the Civic Works Committee, with respect to the Participation in Provincial E-scooter Pilot, as they prepare the appropriate by-law amendments;
- d) the Civic Administration BE DIRECTED to monitor other municipalities involved with the Provincial e-scooter share program for the purpose of obtaining details pertinent to such plans as the Climate Emergency Action Plan, Mobility Master Plan, and The London Plan; and,

e) the delegations heard by the Civic Works Committee and communications, with respect to the Participation in Provincial E-scooter Pilot, BE RECEIVED;

it being noted that the communications from the following individuals, with respect to this matter, were received:

- V. Lubrano III; and,
- S. Elford. (2022-T10)

Yeas: (5): E. Peloza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

Voting Record:

Moved by: J. Fyfe-Millar

Seconded by: M. van Holst

That the request for delegation status from the following individuals BE APPROVED:

- D. Lepofsky;
- C. Schafer;
- A. Husain; and,
- T. Nolan;

it being noted that W. Antle withdrew their request for delegation status as per the attached communication.

Yeas: (5): E. Peloza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: J. Fyfe-Millar

Seconded by: M. van Holst

That the delegations heard by the Civic Works Committee and communications, with respect to the Participation in Provincial E-scooter Pilot, BE RECEIVED.

Yeas: (5): E. Peloza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: P. Van Meerbergen
Seconded by: M. van Holst

That part c) BE AMENDED by adding the following, "the Civic Administration be directed to consider suggestions from the communications and comments from the delegations heard by the Civic Works Committee, with respect to the Participation in Provincial E-scooter Pilot, as they prepare the appropriate by-law amendments".

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

Moved by: J. Fyfe-Millar
Seconded by: P. Van Meerbergen

That the Civic Works Committee Deferred Matters List as at June 13, 2022, BE RECEIVED.

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

6. Adjournment

Moved by: P. Van Meerbergen
Seconded by: J. Fyfe-Millar

That the meeting BE ADJOURNED.

Yeas: (5): E. Pelozza, M. van Holst, J. Helmer, P. Van Meerbergen, and J. Fyfe-Millar

Absent: (1): E. Holder

Motion Passed (5 to 0)

The meeting adjourned at 2:25 PM.

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment and Infrastructure

Subject: Appointment of Consulting Engineers for the Infrastructure
Renewal Program

Date: June 21, 2022

Recommendation

That on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions **BE TAKEN** with respect to the appointment of consulting engineers for the Infrastructure Renewal Program:

- (a) The following consulting engineers **BE APPOINTED** to carry out consulting services for the identified Infrastructure Renewal Program funded projects, at the upset amounts identified below, in accordance with the estimate on file, and in accordance with Section 15.2(e) of the City of London's Procurement of Goods and Services Policy:
 - (i) MTE Consultants **BE APPOINTED** consulting engineers to complete the pre-design, detailed design and construction administration of Assignment A, Foster Avenue from Oxford Street to Edinburgh Street, in the total amount of \$290,236.32 (including contingency), excluding HST;
 - (ii) Spriet Associates **BE APPOINTED** consulting engineers to complete the pre-design, detailed design, and construction administration of Assignment B, Platts Lane from Oxford Street to Cherryhill Place, in the total amount of \$415,712.00 (including contingency), excluding HST;
 - (iii) Dillon Consulting Limited **BE APPOINTED** consulting engineers to complete the pre-design, detailed design and construction administration of Assignment C, Regent Street from Maitland Street to Colborne Street and Fraser Avenue from Regent Street to Huron Street reconstruction, in the total amount of \$478,167.58 (including contingency), excluding HST;
 - (iv) GM BluePlan Engineering Limited **BE APPOINTED** consulting engineers to complete the pre-design and detailed design of Assignment D, Leonard Street from Burdick Place to Second Street and Second Street from South of Leonard Avenue to North of Pottersburg Creek reconstruction, in the total amount of \$294,074.00 (including contingency), excluding HST;
 - (v) AECOM Canada Limited **BE APPOINTED** consulting engineers to complete the pre-design and detailed design of Assignment E, York Street from Clarence Street to Colborne Street reconstruction, in the total amount of \$498,875.00 (including contingency), excluding HST;
- (b) the financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached, hereto, as Appendix 'A';
- (c) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this project;
- (d) the approval given, herein, **BE CONDITIONAL** upon the Corporation entering into a formal contract; and
- (e) the Mayor and City Clerk **BE AUTHORIZED** to execute any contract or other documents, if required, to give effect to these recommendations.

Executive Summary

Purpose

The purpose of this report is to award engineering consultant appointments for the Infrastructure Renewal Program. These consultant appointments will lead to infrastructure construction projects in 2023 and 2024. A detailed project information list, including timing and project limits, is contained in Appendix 'B'. Project location maps are contained in Appendix 'C'.

Context

The Infrastructure Renewal Program is an annual program intended to maintain the lifecycle and operation of municipal infrastructure at an acceptable performance level. The engineering consultants work with city staff to complete the Infrastructure Renewal Program projects and meet the challenging infrastructure lifecycle replacement needs. The engineering consulting work recommended within this report will support the reconstruction of an estimated \$16,400,000 of capital infrastructure.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Building a Sustainable City:
 - London's infrastructure is built, maintained, and operated to meet the long-term needs of our community by replacing aged and failing infrastructure with new materials and sizing new infrastructure to accommodate future development;
 - Londoners can move around the city safely and easily in a manner that meets their needs by incorporating cycling infrastructure and safety enhancements; and
 - London has a strong and healthy environment by incorporating stormwater management quantity and quantity controls to protect downstream waterways.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- CWC – May 28, 2018 – Revised Grouped Consultant Selection Process.

2.0 Discussion and Considerations

2.1 Work Description

The Infrastructure Renewal Program projects include watermain and sewer replacement/repairs, as well as restoration of areas disturbed by the construction activity. The scope of each project varies in length and depends on the infrastructure components requiring rehabilitation or replacement. Full road reconstruction will be part of the overall projects.

The City infrastructure design groups within each service area work closely together to co-ordinate infrastructure repair, rehabilitation and replacement. City staff prepare a list of the highest priority projects, taking into consideration condition assessment, capacity, criticality of the infrastructure link, and the safety and social impacts should the infrastructure link fail. City staff meet regularly throughout the year to co-ordinate their respective work, with the goal of aligning construction projects so more than one infrastructure element can be renewed, which significantly reduces social disruption and saves on construction costs. Design work starts early in the budget cycle, which allows projects to tender early in the season, so the most competitive construction pricing can be realized.

This report recommends the appointment of engineering consultants for five engineering design assignments as identified in Appendix 'B'. All of the projects are scheduled for construction in 2023 and 2024. The proposed construction year and physical limits of the project assignments are summarized in Appendix 'B', and a location map is provided for each project in Appendix 'C'.

Funds have been budgeted in the transportation, water and sewer capital budgets to support the engineering design work for the projects identified in Appendix 'A', 'Sources of Financing'. The design and construction administration fees for the new projects, recommended for approval in this report, are summarized in Table 1 below. All values below include 10% contingency and exclude HST.

Table 1: Summary of Project Assignments

Assignment	Street(s)	Consultant	Design Fee	Construction Administration Fee	Total Fee
A	Foster Avenue	MTE Consultants	\$106,590.00	\$183,646.32	\$290,236.32
B	Platts Lane	Spriet Associates	\$209,519.20	\$206,192.80	\$415,712.00
C	Regent Street / Fraser Avenue	Dillon Consulting Limited	\$272,693.08	\$205,474.50	\$478,167.58
D	Burdick Place/Second Street	GM BluePlan Engineering Limited	\$294,074.00	\$0	\$294,074.00
E	York Street	AECOM	\$498,875.00	\$0	\$498,875.00

3.0 Financial Impact/Considerations

3.1 Procurement Process

The engineering consultant selection procedure for the 2023/2024 Infrastructure Renewal Program utilized a grouped consultant selection process developed in partnership with the Financial Services - Purchasing and Supply Division, subsequently approved by Council June 12, 2018 and which will be used for all future Infrastructure Renewal Program consultant appointments. This two-stage grouped procurement process is in accordance with Section 15.2(e) of the Procurement of Goods and Services Policy.

The first stage of the process is an open, publicly advertised Request for Qualifications. Statement of Qualifications submissions were received from a province wide group of nineteen prospective consultants. The Statement of Qualifications were evaluated by the Environmental Engineering Services Department resulting in a short-list group of fifteen engineering consulting firms. This short-list of fifteen firms will be retained for a three year period (this is the first year). After this period, the Request for Qualifications process will be initiated again.

The second stage of the process is a competitive Request for Proposal. Consultants from the short listed group are invited to submit a formal proposal to undertake a specific engineering assignment. Three consultants were invited to submit a proposal for each of the identified project assignments.

An evaluation of the proposals was undertaken by the Environment and Infrastructure Department including both a technical and cost component. Engineering consultants are recommended based on their knowledge and understanding of project goals, their experience on directly related projects, their project team members, capacity and qualifications, and overall project fee.

The construction administration fee portion of the engineering consultant assignments is

included for those projects of lower complexity, and for projects where construction administration fees can be reasonably estimated prior to the start of the design. Including construction administration fees as part of the initial consultant assignment reduces the number of required reports to committee and reduces the time required to award the final construction contract.

Conclusion

Replacing infrastructure at the end of its lifecycle is essential to building a sustainable city. The recommended engineering consultant assignments for the 2023/2024 Infrastructure Renewal Program are another step forward in replacing London's aging infrastructure. The projects discussed within this report have been identified as high priority due to the age, poor condition and associated risk of failure associated with the infrastructure.

In the spirit of continuous improvement, the process for undertaking engineering consultant appointments will continue to evolve ensuring the City achieves the best value through a transparent, fair and competitive process. All the firms recommended through this engineering consultant appointment have shown their competency and expertise with infrastructure replacement projects of this type. The Infrastructure Renewal Program will continue to ensure high value and endeavour to achieve a consistently high degree of public satisfaction.

Prepared by: Ashley M. Rammeloo, MMSc., P.Eng., Division Manager, Sewer Engineering

Prepared by: Stephen Romano, M.Eng., P.Eng., Acting Division Manager, Water Engineering

Submitted by: Aaron Rozentals, GDPA, P.Eng., Acting Director, Water, Wastewater, and Stormwater

Recommended by: Kelly Scherr, P.Eng., MBA, FEC, Managing Director, Environmental and Engineering Services and City Engineer

CC: D. Gough, K. Chambers, A. Shinwari

Appendix 'A' – Sources of Financing

Appendix 'B' – Project Information List

Appendix 'C' – Location Maps

Appendix "A"

#22090

June 21, 2022

(Appoint Consulting Engineers)

Chair and Members

Civic Works Committee

RE: Appointment of Consulting Engineers for the Infrastructure Renewal Program

(Subledger WS23C00A) Assignment A - Foster Avenue

(Subledger WS23C00B) Assignment B - Platts Lane

(Subledger WS23C00C) Assignment C - Regent Street and Fraser Avenue

(Subledger WS23C00D) Assignment D - Leonard Street and Second Street

(Subledger WS23C00E) Assignment E - York Street

Capital Project ES241422 - Infrastructure Renewal Program - Sanitary Sewers

Capital Project ES254022 - Infrastructure Renewal Program - Stormwater Sewers and Treatment

Capital Project EW376522 - Infrastructure Renewal Program - Watermains

Capital Project TS144622 - Road Networks Improvements

MTE Consultants - \$290,236.32 (excluding HST) Assignment A

Spriet Associates - \$415,712.00 (excluding HST) Assignment B

Dillon Consulting Limited - \$478,167.58 (excluding HST) Assignment C

GM BluePlan Engineering Limited - \$294,074.00 (excluding HST) Assignment D

AECOM Canada Limited - \$498,875.00 (excluding HST) Assignment E

Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this project can be accommodated within the financing available for it in the Capital Budget and that, subject to the approval of the recommendation of the Deputy City Manager, Environment and Infrastructure, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Committed To This Date	This Submission	Balance for Future Work
ES241422- Infrastructure Renewal Program - Sanitary Sewers				
Engineering	2,000,000	3,550	552,793	1,443,657
Construction	10,409,529	1,321,289	0	9,088,240
City Related Expenses	25,000	630	0	24,370
ES241422 Total	12,434,529	1,325,469	552,793	10,556,267
ES254022 - Infrastructure Renewal Program - Stormwater Sewers and Treatment				
Engineering	2,000,000	170,645	552,793	1,276,562
Construction	10,334,529	8,917,644	0	1,416,885
City Related Expenses	100,000	630	0	99,370
ES254022 Total	12,434,529	9,088,919	552,793	2,792,817
EW376522 - Infrastructure Renewal Program - Watermains				
Engineering	2,500,000	474,619	737,057	1,288,324
Construction	14,919,975	9,953,119	0	4,966,856
EW376522 Total	17,419,975	10,427,738	737,057	6,255,180
TS144622 - Road Networks Improvements				
Engineering	1,000,000	101,421	169,218	729,361
Construction	12,234,266	1,888,862	0	10,345,404
TS144622 Total	13,234,266	1,990,283	169,218	11,074,765
Total Expenditures	\$55,523,299	\$22,832,409	\$2,011,861	\$30,679,029

Appendix "A"

#22090

June 21, 2022

(Appoint Consulting Engineers)

Chair and Members

Civic Works Committee

RE: Appointment of Consulting Engineers for the Infrastructure Renewal Program

(Subledger WS23C00A) Assignment A - Foster Avenue

(Subledger WS23C00B) Assignment B - Platts Lane

(Subledger WS23C00C) Assignment C - Regent Street and Fraser Avenue

(Subledger WS23C00D) Assignment D - Leonard Street and Second Street

(Subledger WS23C00E) Assignment E - York Street

Sources of Financing	Approved Budget	Committed To This Date	This Submission	Balance for Future Work
ES241422- Infrastructure Renewal Program - Sanitary Sewers				
Capital Sewer Rates	7,934,529	0	0	7,934,529
Drawdown from Sewage Works Renewal Reserve Fund	2,250,000	0	0	2,250,000
Canada Community-Building Fund	2,250,000	1,325,469	552,793	371,738
ES241422 Total	12,434,529	1,325,469	552,793	10,556,267
ES254022 - Infrastructure Renewal Program - Stormwater Sewers and Treatment				
Capital Sewer Rates	1,269,668	1,269,668	0	0
Drawdown from Sewage Works Renewal Reserve Fund	8,914,861	5,569,251	552,793	2,792,817
Canada Community-Building Fund	2,250,000	2,250,000	0	0
ES254022 Total	12,434,529	9,088,919	552,793	2,792,817
EW376522 - Infrastructure Renewal Program - Watermains				
Capital Water Rates	12,175,544	9,684,312	737,057	1,754,175
Drawdown from Water Works Renewal Reserve Fund	4,501,005	0	0	4,501,005
Canada Community-Building Fund	743,426	743,426	0	0
EW376522 Total	17,419,975	10,427,738	737,057	6,255,180
TS144622 - Road Networks Improvements				
Drawdown from Transportation Renewal Reserve Fund	2,595,185	0	0	2,595,185
Canada Community-Building Fund	10,639,081	1,990,283	169,218	8,479,580
TS144622 Total	13,234,266	1,990,283	169,218	11,074,765
Total Financing	\$55,523,299	\$22,832,409	\$2,011,861	\$30,679,029

Financial Note: (Excluding HST)

Listed by Engineer and Contract

	ES241422	ES254022	EW376522	TS144622
MTE Consultants - Assignment A	\$87,071	\$87,071	\$116,094	\$0
Spriet Associates - Assignment B	124,713	124,714	166,285	0
Dillon Consulting Limited - Assignment C	143,451	143,450	191,267	0
GM BluePlan Engineering Limited - Assignment D	88,222	88,222	117,630	0
AECOM Canada Limited - Assignment E	99,775	99,775	133,033	166,292
Total Per Capital Project (Excluding HST)	\$543,232	\$543,232	\$724,309	\$166,292

Appendix "A"

#22090

June 21, 2022

(Appoint Consulting Engineers)

Chair and Members

Civic Works Committee

RE: Appointment of Consulting Engineers for the Infrastructure Renewal Program

(Subledger WS23C00A) Assignment A - Foster Avenue

(Subledger WS23C00B) Assignment B - Platts Lane

(Subledger WS23C00C) Assignment C - Regent Street and Fraser Avenue

(Subledger WS23C00D) Assignment D - Leonard Street and Second Street

(Subledger WS23C00E) Assignment E - York Street

Financial Note: (Excluding and Including HST)

Listed by Engineer and Contract

	Total Excluding HST	Total Including HST
MTE Consultants - Assignment A	\$290,236	\$295,344
Spriet Associates - Assignment B	\$415,712	\$423,029
Dillon Consulting Limited - Assignment C	\$478,168	\$486,583
GM BluePlan Engineering Limited - Assignment D	\$294,074	\$299,250
AECOM Canada Limited - Assignment E	\$498,875	\$507,655
Total Per Capital Project (Including HST)	\$1,977,065	\$2,011,861

Financial Note: Charges per Capital Project

	ES241422	ES254022	EW376522	TS144622
Contract Price	\$543,232	\$543,232	\$724,309	\$166,292
Add: HST @13%	70,620	70,620	94,160	21,618
Total Contract Price Including Taxes	613,852	613,852	818,469	187,910
Less: HST Rebate	-61,059	-61,059	-81,412	-18,692
Net Contract Price	\$552,793	\$552,793	\$737,057	\$169,218

Financial Note: Charges per Capital Project continued

	Total
Contract Price	\$1,977,065
Add: HST @13%	<u>\$257,018</u>
Total Contract Price Including Taxes	2,234,083
Less: HST Rebate	<u>-\$222,222</u>
Net Contract Price	\$2,011,861

Jason Davies
Manager of Financial Planning & Policy

jg

Appendix 'B' - Project Information List

<u>Assignment</u>	<u>Consultant</u>	<u>Street</u>	<u>From</u>	<u>To</u>	<u>Length (m)</u>	<u>Construction Year</u>
A	MTE Consultants	Foster Avenue	Oxford Street	Edinburgh Street	370	2023
B	Spriet Associates (London) Limited	Platts Lane	Oxford Street	Cherryhill Place	240	2023
C	Dillon Consulting Limited	Regent Street	Maitland Street	Colborne Street	230	2023
		Fraser Avenue	Regent Street	Huron Street	160	2023
D	GM BluePlan Engineering Limited	Leonard Street	Burdick Place	Second Street	140	2024
		Second Street	South of Leonard Street	North of Pottersburg Creek	290	2024
E	AECOM Canada Limited	York Street	Clarence Street	Colborne Street	695	2024-2025

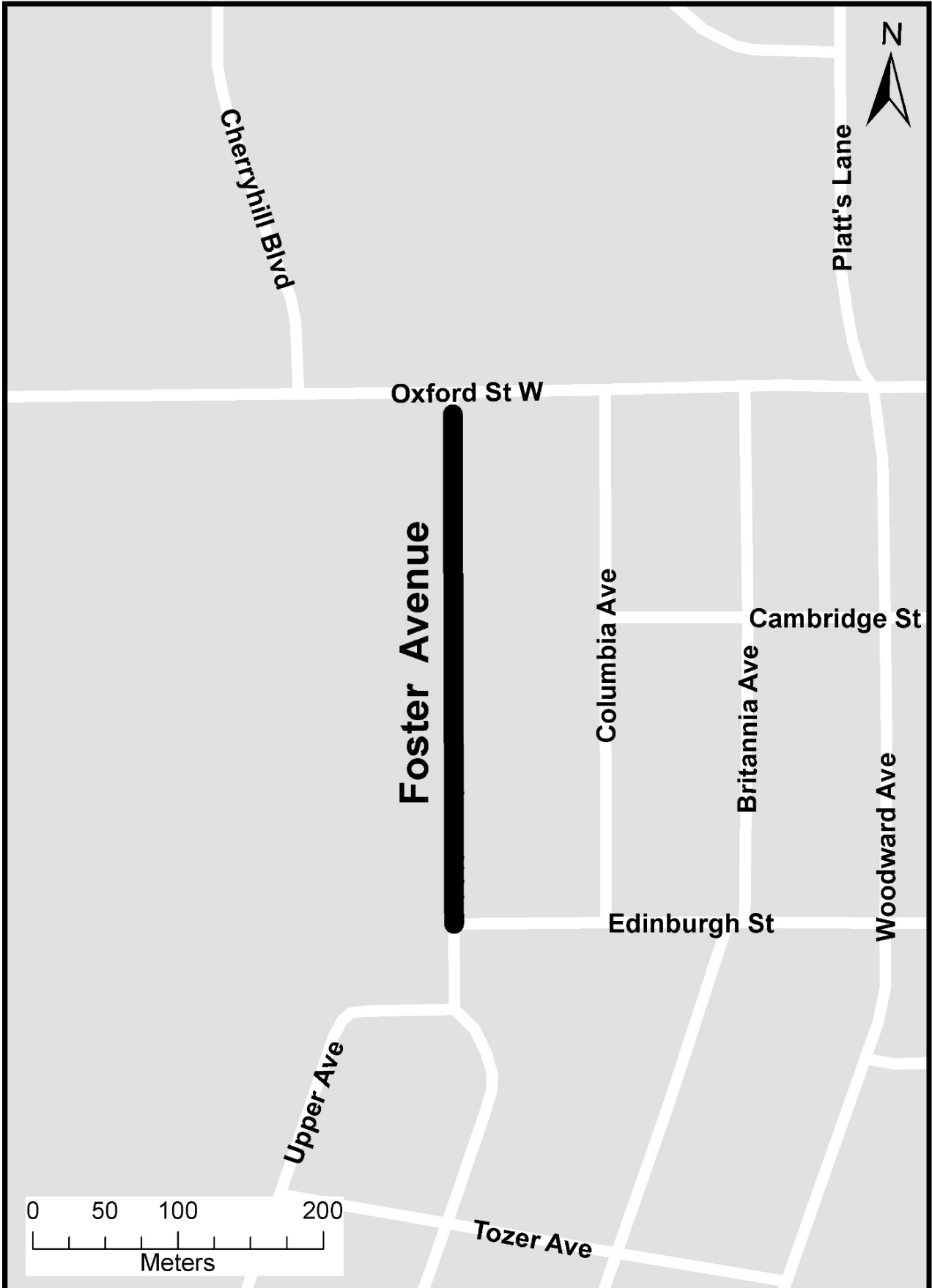
Appendix 'C' - Location Maps



2023 Infrastructure Renewal Program Assignment A

London
CANADA

Foster Avenue from Edinburgh Street to Oxford Street West





2023 Infrastructure Renewal Program Assignment B

London
CANADA

Platts Lane from Oxford Street West to Cherryhill Place

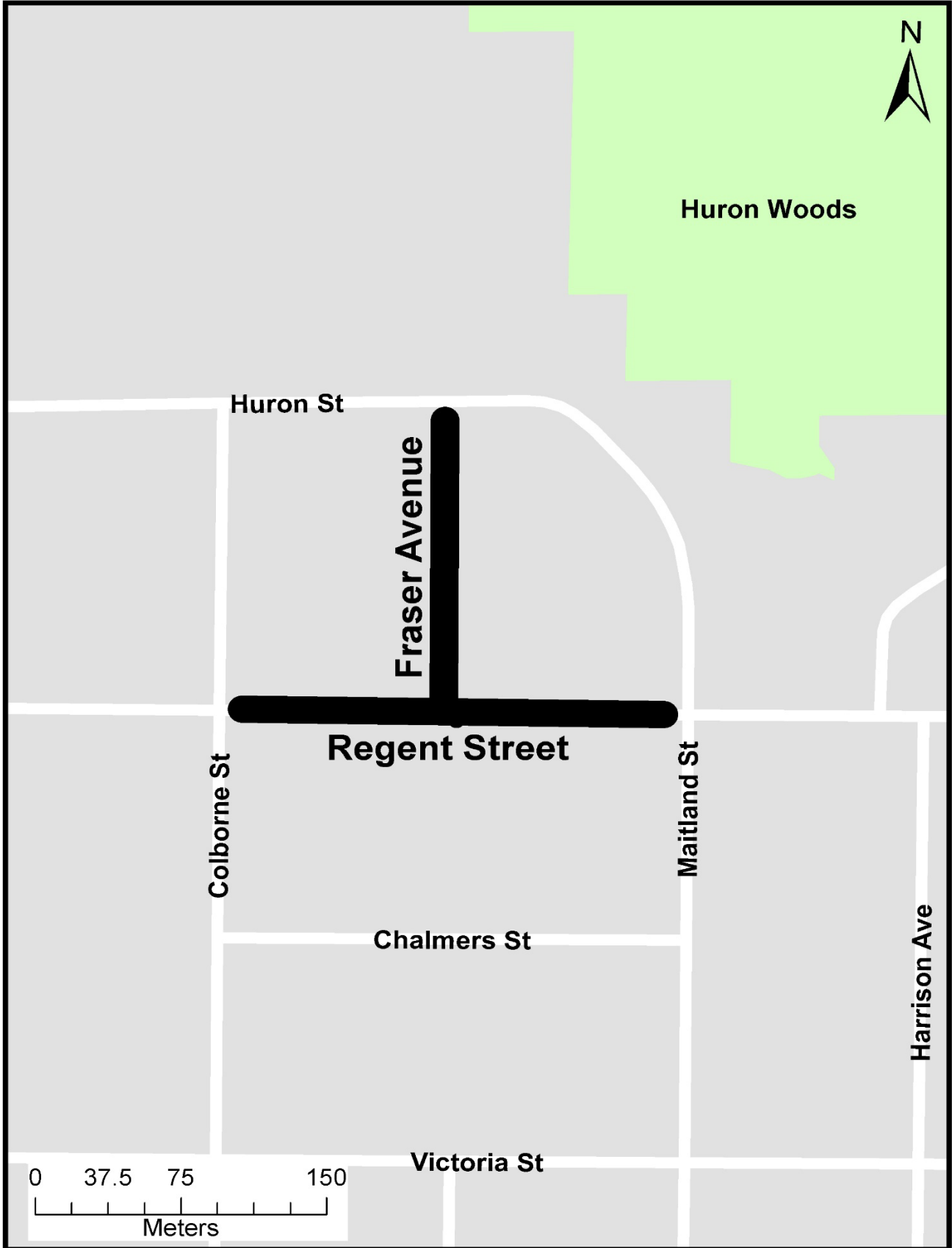




2023 Infrastructure Renewal Program Assignment C

London
CANADA

Regent Street from Colborne Street to Maitland Street
Fraser Avenue from Regent Street to Huron Street

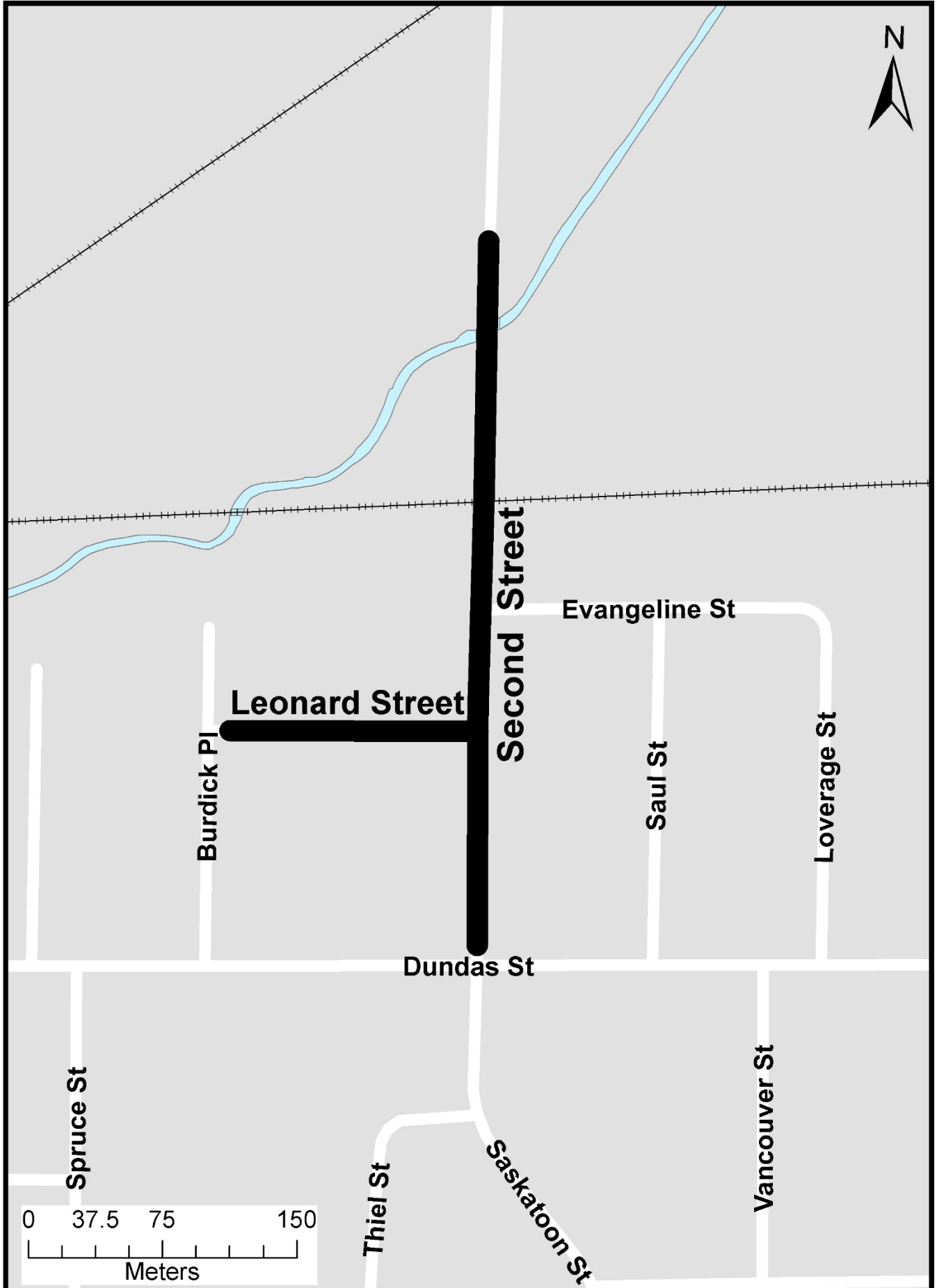




2023/2024 Infrastructure Renewal Program Assignment D

London
CANADA

Leonard Street from Burdick Place to Second Street
Second Street from Dundas Street to ± 40m north of Pottersburg Creek

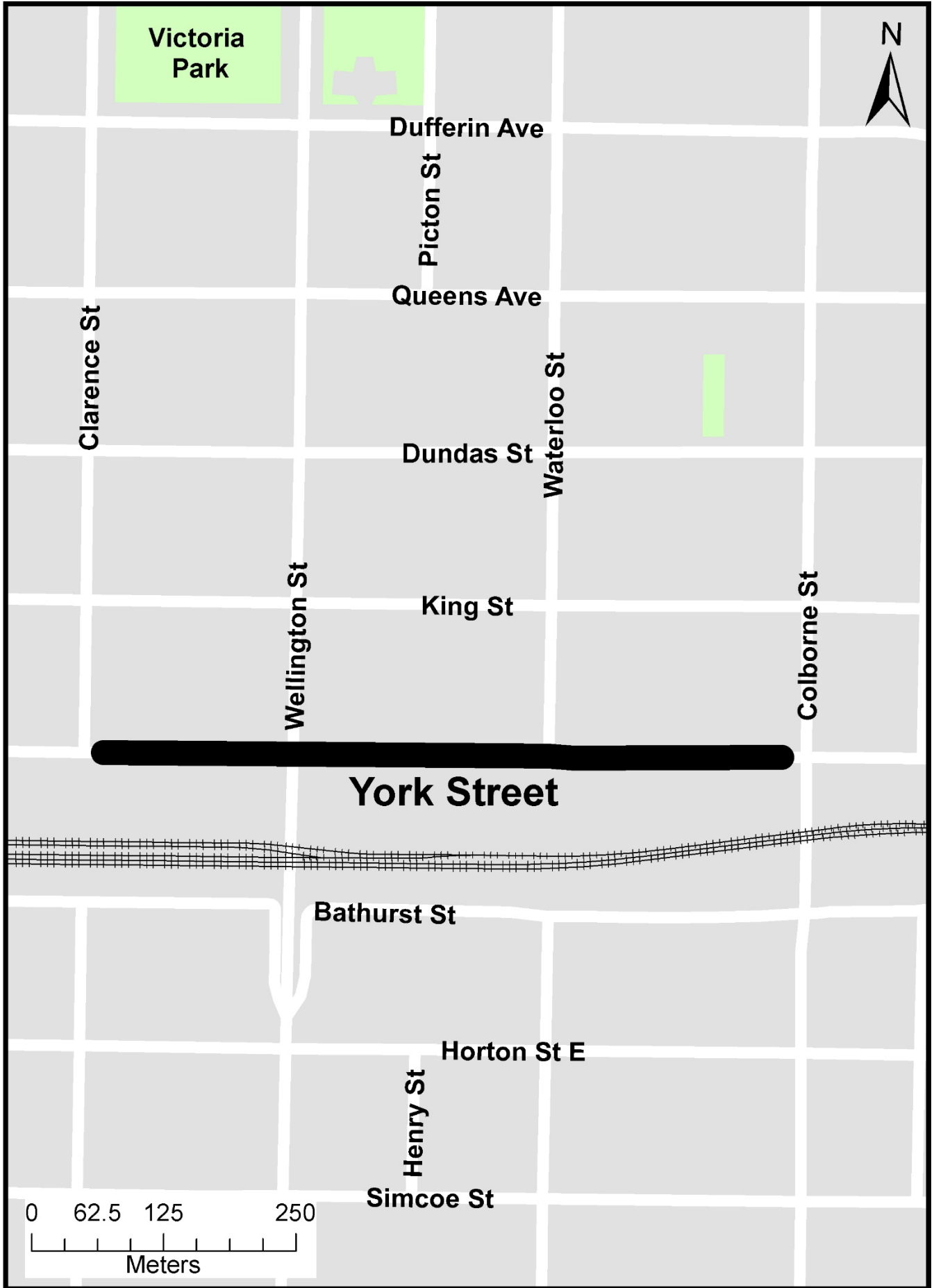




2023/2024 Infrastructure Renewal Program Assignment E

London
CANADA

York Street from Clarence Street to Colborne Street



Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure
Scott Mathers, P.Eng., MPA
Deputy City Manager, Planning & Economic Development

Subject: Participation in Canadian Home Builders' Association Project
- Towards Cost-Effective Net-Zero Energy Ready Residential Renovations

Date: June 21, 2022

Recommendation

That the on the recommendation of the Deputy City Manager, Environment and Infrastructure and the Deputy City Manager, Planning & Economic Development, the by-law to authorize and approve, substantially in the form of, a Memorandum of Understanding between the Canadian Home Builders' Association and The Corporation of the City of London and to authorize the Mayor and the City Clerk to execute the Memorandum of Understanding be **APPROVED**.

Executive Summary

The purpose of this report is to provide Committee and Council with background information and to request approval for the City of London's participation in the Canadian Home Builders' Association (CHBA) project entitled "Towards cost-effective net-zero energy ready residential renovations", as outlined in the Memorandum of Understanding. London would be one of seven municipalities participating, along with Durham Region, Calgary, Edmonton, Ottawa, Saskatoon, and Toronto. The London Home Builder's Association (LHBA) is a member of the CHBA.

The CHBA project will increase local capacity and competency in the residential renovation industry by training local renovators to safely renovate homes to net-zero ready levels of performance, using local LHBA members for all projects, thereby ensuring that they carry appropriate insurance, adhere to a code of ethics, provide written contracts, and obtain permits.

The CHBA project also involves the selection of up to 20 homes in London to be retrofitted to net-zero energy ready standards as per the CHBA's Net Zero Home Labelling Program requirements. This can include City of London social housing. City staff recommend a 50:50 split in participation between private homeowners and City of London social housing. Participant selection would take place in 2023 and retrofit activity would take place in 2024.

Participants will be responsible to financing this retrofit work, with assistance from existing and future planned/proposed incentives as well as funding mechanisms such as the proposed Property-Assessed Clean Energy (PACE) style home energy retrofit program using the Local Improvement Charge (LIC) mechanism and/or the upcoming interest-free Canada Greener Homes Loan program. Other financing sources will also be considered.

This five-year project is designed to help harmonize net-zero housing standards and requirements in Canada and shared knowledge across several provinces. The total value of this project, including in-kind time from renovators and municipal staff, is estimated at over \$24 million, with Natural Resources Canada providing \$4,467,750 towards project costs. City of London's role and responsibilities include a commitment to in-kind involvement and leveraging future proposed work with the BetterHomes Ontario

consortium – a joint program of the Association of Municipalities of Ontario, Clean Air Partnership and Heating, Refrigeration and Air Conditioning Institute of Canada – to assess the feasibility of a PACE-style home energy retrofit program using the LIC mechanism in Ontario. Funding for this work is currently being provided by the Federation of Canadian Municipalities (FCM) Community Efficiency Financing (CEF) Studies stream, which will then be used to support the future application to the FCM CEF program for a home energy retrofit pilot project for launch in 2023. The City's only financial commitment at this time is \$15,000 from approved funds.

Participation in this project supports the Climate Emergency Action Plan, specifically the home energy retrofit actions within Area of Focus 2 – Taking Action Now (Household Actions).

Linkage to the Corporate Strategic Plan

Municipal Council's 2019-2023 Strategic Plan for the City of London continues to recognize the need for a more sustainable and resilient city. Deep energy retrofits of existing housing addresses three of the five Areas of Focus, at one level or another:

- Strengthening Our Community
- Building a Sustainable City
- Growing our Economy

On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.

On April 12, 2022, Municipal Council approved the Climate Emergency Action Plan which includes Area of Focus 2, Taking Action Now (Household Actions), specifically Action No.1 – Home Energy Retrofits.

Analysis

1.0 Background Information

The CHBA invited the City of London to support and participate in its proposal entitled "Towards cost-effective net-zero energy ready residential renovations" in response to the Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program call for proposals. London would be one of seven municipalities participating, along with Durham Region, Calgary, Edmonton, Ottawa, Saskatoon, and Toronto.

The CHBA project will increase local capacity and competency in the residential renovation industry by training a large number of renovators to safely renovate homes to net-zero ready levels of performance, using local LHBA members for all projects, thereby ensuring that they carry appropriate insurance, adhere to a code of ethics, provide written contracts, and obtain permits. Renovators will be trained through CHBA's Net Zero Program to use the "house-as-a-system" approach focused on the building envelope and highly efficient technologies/equipment. This is critical to build confidence and trust with homeowners, and to protect both parties from potentially health and safety consequences of nondurable renovations. Municipal building officials from participating municipalities will also be participating to learn about the net-zero ready measures that will be undertaken through this project

The City of London has a long history of collaboration with both the LHBA and NRCan, starting with the London EnerGuide Partnership in 2004 to promote NRCan's EnerGuide for New Houses. This partnership then led London to be the pilot community

for NRCan's builder-led new home building technologies and practices evaluation process from 2006 to 2008 known then as the London Energy Efficiency Partnership (LEEP). Through the project evolution, LEEP now stands for the Local Energy Efficiency Partnership Project across Canada as it is now a nation-wide program.

The LHBA has continued its partnership with NRCan staff for follow-up projects such as LEEP Technology Adaptation Pilot (LEEP-TAP) in 2010 and LEEP for Renovators from 2017 to 2019. Sifton Properties' West 5 project, Canada's largest net-zero energy new development, can also trace its origins to the LEEP project.

The City of London is currently working with the BetterHomes Ontario consortium – a joint program of the Association of Municipalities of Ontario, Clean Air Partnership and Heating, Refrigeration and Air Conditioning Institute of Canada – to assess the feasibility of a Property-Assessed Clean Energy (PACE) style home energy retrofit program using the LIC mechanism in Ontario. Funding for this work is currently being provided by the Federation of Canadian Municipalities (FCM) Community Efficiency Financing (CEF) Studies stream, which will then be used to support the future application to the FCM CEF program for a home energy retrofit pilot project for launch in 2023. London's participation in the PACE program will be subject of a future report and Council approval.

2.0 Discussion and Considerations

This section includes details on the project partners, roles and responsibilities, an overview of the Memorandum of Understanding (MoU) and the benefits to London and others of signing the MoU.

Canadian Home Builders Association (CHBA) and London Home Builders Association (LHBA)

The CHBA project would provide the following:

- Train-the-trainer offerings and build support for net-zero training;
- Promotion of the net-zero retrofits training courses to LHBA member contractors;
- Promotion of net-zero renovator certifications within London's renovation marketplace, and
- Promotion of options for deep energy and net-zero ready retrofits within the City of London's proposed home energy retrofit pilot project customer uptake process, even if they are not part of the CHBA net-zero program, to build the demand for the retrofit market.

City of London

The City of London will leverage staff knowledge, expertise, reach and resources to contribute to this project as follows:

- The selection of up to 20 homes in London to be retrofit to net-zero energy ready standards as per the CHBA's Net Zero Home Labelling Program requirements, including insurance, warranty, and other requirements. It is anticipated that some of these participants could be drawn from the proposed FCM-funded home energy retrofit pilot program planned for launch in 2023. Municipally owned or supported projects, such as social housing, are also eligible for participation. Renovators who participate in the training may bring potential clients/projects to the City of London for consideration. Decisions regarding participant selection will be made later in 2023. Renovation work would take place in 2024.

- The time of at least one staff person from the Climate Change and Environmental Stewardship section to coordinate this effort on behalf of our municipality over the duration of the project, including:
 - confirming scope;
 - reviewing the project contract and getting it signed;
 - organizing staff participation in the project kick-off meeting, LEEP session, and training courses;
 - attending quarterly 2-hour online project stakeholder meetings;
 - communication with CHBA and communication with local stakeholders;
 - tracking and reporting to CHBA on all local in-kind contributions;
 - coordinating applicable local rebates and incentive programs for the participating homeowners; and
 - soliciting local renovator and stakeholder participation in the training sessions.
- The preparation/travel/meeting time of at least four staff people to attend a two-day face-to-face LEEP for Renovations session to be held in London. This will include staff from our Building Division who will also contribute their professional insight. The City of London can also provide a facility to host this event to help reduce overall project costs.
- The time of at least two staff people from the City's Building Division to attend the 8-hour Building Science, 8-hour Net Zero Builder and 8-hour Net Zero Renovator training courses, delivered on-line.
- The time of at least one staff person from the City's Building Division to participate in the Integrated Design Charrettes for each home to provide professional expertise and assist in the evaluation of the home(s) to meet our municipal objectives/targets and attending quarterly 2-hour online project stakeholder meetings. It will not necessarily always be the same person(s) who participates in each activity

Other Partners

BetterHomes Ontario

London's participation in the CHBA project will play a key role in training local LHBA renovators and City of London building officials on net-zero energy ready renovation methods and technologies - an activity also required to support the proposed FCM CEF funded home retrofit LIC/PACE pilot project for London being developed by BetterHomes Ontario. Having the CHBA's Net Zero Home Labelling Program "brand" will also help with program design for the upcoming proposed home retrofit LIC/PACE pilot project for London, as renovations could be undertaken following the Net Zero Program as eligible measures rather than establishing prescriptive criteria for specific measures.

Participating Municipalities

The other participating municipalities - Durham Region, Calgary, Edmonton, Ottawa, Saskatoon, and Toronto – either have existing home energy retrofit programs in place or are in the process of developing one. Learning from other municipalities that are further ahead than London on offering municipal support for home energy retrofits will be of great value to City staff.

Durham Region, Ottawa, and Toronto have already launched PACE-style home energy retrofit programs. Saskatoon has also launched their PACE-style Home Energy Loan Program (HELP). Edmonton has their existing Home Energy Retrofit Accelerator, which includes municipal incentives provided directly from the municipal government to homeowners.

Calgary is exploring the use of Alberta's Clean Energy Improvement Program (CEIP), Alberta's version of PACE financing designed to make energy efficiency and renewable energy upgrades more accessible to homeowners.

Overview of the Memorandum of Understanding (MoU)

Alongside the CHBA and other program stakeholders, the City of London will be a key member in the coordination and facilitation of this initiative within London, targeting up to 20 residential units to participate. By signing this MoU, the City of London commits to participating in this initiative with the roles and responsibilities as summarized below:

- Pre-Renovations (2022/23) - solicit local renovator and key stakeholder participation in training sessions and coordinating with CHBA (and LHBA) for the final selection of participating projects.
- Renovations (2023/24) - track and reporting on the progress of the homes being renovated.
- Post-Renovations Data Collection (2024/25) - report the results of any financing/ incentives provided to the homeowners of the homes that were renovated and share the results of how the homeowners were engaged.
- Data Analysis & Knowledge Dissemination (2025/26) - provide information for the final NRCan report and participate in knowledge dissemination activities such as educational videos, tours, webinars, and other events.

In summary, this five-year project is designed to help harmonize net-zero housing standards and requirements in Canada and shared knowledge across several provinces. The total value of this project, including in-kind time from renovators and municipal staff, is estimated at over \$24 million, with Natural Resources Canada providing \$4,467,750 towards project costs.

The City of London's role and responsibilities include a commitment to in-kind involvement and leveraging future proposed work with the BetterHomes Ontario consortium – a joint program of the Association of Municipalities of Ontario, Clean Air Partnership, and Heating, Refrigeration and Air Conditioning Institute of Canada – to assess the feasibility of a PACE-style home energy retrofit program using the LIC mechanism in London. The City's only financial commitment at this time is \$15,000 from approved funds.

City staff has asked the CHBA for small revisions to section 6.0 to clarify the City's ability to maintain confidentiality being subject to disclosure requirements under applicable law (e.g., MFIPPA, etc.) and to section 8.2 regarding limitations of liability being mutual to both the City of London and the CHBA. City staff are expecting a response from the CHBA, and minor changes may be made upon receipt from the CHBA.

Benefits of this Project and Signing the Memorandum of Understanding

The development and delivery of a national-scale training and certification process for net-zero energy ready renovations and renovators will provide benefits to the following groups:

- Londoners – will provide London homeowners with affordable options for net-zero energy ready renovations as well as additional confidence when planning for these major renovations with a trained and certified net-zero energy ready renovator.
- LHBA's (London's) Renovators – will provide the renovator members of the London Home Builders' Association with both training and certification to promote and deliver affordable and reliable net-zero energy renovation services to Londoners. Certification as a net-zero energy ready renovation service provider is expected to generate business leads for participating renovators. This project has been discussed several times during development with LHBA staff.

- City of London – will support London’s Climate Emergency Action Plan, specifically the home energy retrofit actions within Area of Focus 2 – Taking Action Now (Household Actions). Building local capacity for net-zero energy ready renovations will support the proposed FCM-funded home energy retrofit pilot project for launch in 2023, as well as retrofits that take place outside of this pilot project.
- Canadian Home Builders’ Association – will build upon and strengthen the working relationship with both the London Home Builders’ Association and the City of London on energy efficiency and climate action in the single-family housing sector.

3.0 Financial Impact/Considerations

City staff have allocated \$15,000 from the 2023 year of the 2020-2023 Multi-year Budget to assist with project implementation in London, such as education and engagement activities on the topic of net-zero ready renovations to assist with participant recruitment.

Participating homeowners will be responsible to financing their retrofit work, with assistance from existing and future planned/proposed incentives (e.g., Enbridge Gas, Canada Greener Homes) as well as funding mechanisms such as the proposed LIC/PACE home energy retrofit pilot project in London and/or Canada Mortgage and Housing Corporation’s Canada Greener Homes Loan interest-free \$40,000 loan program.

City staff will advise CHBA/LHBA that up to half of the homes (up to 10) participating in this project be drawn from City of London social housing, leveraging existing renovation work planned for the 2024 timeframe.

Additional indirect support from the City of London would involve leveraging existing and planned/proposed work, subject to Municipal Council approval, associated with developing an FCM-funded home energy retrofit pilot program for launch in 2023, involving about 50 homes per year for three years.

Conclusion

Participation in the CHBA’s “Towards cost-effective net-zero energy ready residential renovations” project supports London’s Climate Emergency Action Plan, building upon almost two decades of partnership with the London Home Builders’ Association on home energy efficiency and conservation.

Prepared by: **Jamie Skimming, P.Eng., Manager, Energy and Climate Change**

Prepared and Submitted by: **Jay Stanford, M.A., M.P.A. Director, Climate Change, Environment, and Waste Management**

Recommended by: **Kelly Scherr, P.Eng., MBA, FEC, Deputy City Manager, Environment & Infrastructure**

Recommended by: **Scott Mathers, P.Eng., MPA, Deputy City Manager, Planning & Economic Development**

Appendix A: A by-law to authorize and approve a Memorandum of Understanding between the Canadian Home Builders’ Association and The Corporation of the City of London and to authorize the Mayor and the City Clerk to execute the Memorandum of Understanding.

APPENDIX A

Bill No.
2022

By-law No. A.-

A by-law to authorize and approve a Memorandum of Understanding between the Canadian Home Builders' Association and The Corporation of the City of London and to authorize the Mayor and the City Clerk to execute the Memorandum of Understanding.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed appropriate for The Corporation of the City of London (the "City") to enter into a Memorandum of Understanding with the Canadian Home Builders' Association ("CHBA") to undertake collaborative work to accelerate the deployment of high-efficiency houses and low-rise multi-unit residential buildings, targeting driving down the cost and creating market confidence in net-zero energy ready renovations;

AND WHEREAS it is deemed appropriate to authorize the Mayor and the City Clerk to execute the Memorandum of Understanding on behalf of the City;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Memorandum of Understanding between The Corporation of the City of London and the Canadian Home Builders' Association, attached as Schedule A to this by-law, is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Memorandum of Understanding authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council July 5, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022

Schedule A

Memorandum of Understanding
"TOWARDS COST-EFFECTIVE NET-ZERO ENERGY READY
RESIDENTIAL RENOVATIONS"

Agreement

Between

City of London

Hereinafter called the "Municipality"

And

Canadian Home Builders' Association

Hereinafter called "CHBA"

This Agreement witnesses that in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the Municipality and CHBA as follows:

1.0 STATEMENT OF WORK

The Municipality shall commit to working with CHBA to perform the work set out in the attached Schedule "A", subject to the terms and conditions herein contained and additional detail as set out in the attached Scope of Work in Schedule "A".

2.0 CONTRIBUTIONS & REIMBURSEMENTS

The Municipality shall commit to contributions outlined in Schedule "A" and will be entitled to reimbursements, as set out in the attached Reimbursements in Schedule "B".

3.0 TERM AND TERMINATION

This Agreement will commence on the date of CHBA's signature and remain in full force and effect to the conclusion of the agreement, subject to earlier termination. This Agreement may be terminated under the following circumstances:

- At any time, by notice of one party to the other, with thirty (30) days' notice; or
- Should CHBA or the Municipality materially default under this Agreement and having received notice of such material default from the non-defaulting party, fails to remedy it to the satisfaction of the non-defaulting party within ten (10) business days of the notice, in which case the termination would be effective immediately upon written notice by the non-defaulting party to the defaulting party.

4.0 DUTIES AND RESPONSIBILITIES

The Municipality shall duly and diligently perform all tasks required pursuant to this Memorandum of Understanding, and in so doing shall comply with all reasonable instructions received from the Project Manager representing CHBA.

5.0 OWNERSHIP OF MATERIALS

- 5.1 CHBA will have all ownership rights, including but not limited to all Intellectual Property Rights, in the deliverables immediately upon their creation and at every stage of their development regardless of their state of completion ("CHBA Property").
- 5.2 The Municipality will not use any CHBA Property, or any part or parts thereof, for the benefit of any party other than CHBA without the prior written consent of CHBA. For certainty, CHBA may use the deliverables in any way it sees fit. No right, interest, or title to any deliverable is reserved by the Municipality.
- 5.3 The provisions in section 5.1 and 5.2 survive any termination or expiry of this Agreement.
- 5.4 The Municipality will not distribute, publish, or disseminate CHBA Property without written consent from CHBA.

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

6.0 CONFIDENTIALITY

As the work under this Memorandum of Understanding is considered confidential, the Municipality will not divulge results to third parties without the written consent of CHBA.

7.0 CONFLICT OF INTEREST

- 7.1 The Municipality acknowledges and agrees that it shall be a conflict of interest for it to use confidential information relevant to the services where CHBA has not specifically authorized such use.
- 7.2 The Municipality shall disclose to CHBA without delay any actual or potential situation that may be reasonably interpreted as either a conflict of interest or a potential conflict of interest, and the Municipality shall not conduct the work unless and until CHBA notifies the Municipality to proceed notwithstanding the actual, apparent or potential conflict.
- 7.3 A breach of this Section by the Municipality shall entitle CHBA to terminate the Agreement, in addition to any other remedies that CHBA has in the Agreement, in law or in equity.

8.0 GENERAL PROVISIONS

CHBA Net Zero Home Labelling Program Legal Structure and Indemnity is provided in Schedule "C".

8.1 Entire Agreement

This Memorandum of Understanding constitutes the entire agreement between the parties with respect to the subject matter hereof and cancels and supersedes any prior understandings and agreements, whether written or oral, between the parties hereto and with respect thereto. There are no representations, warranties, forms, conditions, undertakings, or collateral agreements, express, implied, or statutory between the parties other than as expressly set forth in this Agreement.

8.2 Limitation of Liability, Indemnification and Insurance

- 8.2.1 CHBA shall not be liable for any injury, death or property damage to the Municipality, its partners, directors, officers, employees, agents and volunteers or for any claim by any third party against the Municipality, its partners, directors, officers, employees, agents and volunteers.
- 8.2.2 CHBA shall not be liable for any incidental, indirect, special or consequential damages or for any loss of use, revenue or profit of the Municipality arising out of or in any way related to the Agreement or the Work.
- 8.2.3 The Municipality shall indemnify and hold harmless CHBA, its employees, servants and agents, against all costs incurred as a result of the Municipality's negligence, error, or omission related to this Agreement or the Work.
- 8.2.4 The Municipality shall be responsible for its own insurance.
- 8.2.5 The provisions in sections 8.2.1 to 8.2.4 of this agreement survive any termination or expiry of this Agreement.

8.3 Amendments and Waivers

No amendments to this Memorandum of Understanding shall be valid or binding unless set forth in writing and duly executed by both parties hereto. No waiver of any breach of any provision of this Memorandum of Understanding shall be effective or binding unless made in writing and signed by the party purporting to give the same and, unless otherwise provided in the written waiver, shall be limited to the specific breach waived. Should the Municipality's position change over time, the parties agree that this Memorandum of Understanding shall be deemed to be amended only to the extent necessary to incorporate such changes.

8.4 Notices

Any demand, notice or other communication (hereinafter referred to as a "Communication") to be given in connection with this Memorandum of Understanding shall be given in writing and may be given by personal delivery, by fax, email or by registered mail addressed to the recipient as follows:

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

To the Municipality:

City of London
Attn: Jay Stanford, Director, Environment
300 Dufferin Avenue
P.O. Box 5035, London, ON N6A 4L9

To CHBA:

Canadian Home Builders' Association
Attn: Lynne J Strickland, Director, Initiatives, Net Zero Energy Housing
141 Laurier Avenue West, Suite 500
Ottawa, ON, K1P 5J3

8.5 Governing Law

This Memorandum of Understanding shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.

IN WITNESS WHEREOF this Memorandum of Understanding has been executed on behalf of the Municipality by its duly authorized representative and on behalf of CHBA by its duly authorized representative on the dates set out below:

For the Municipality

Name, Title

Date

For CHBA

Sonja Winkelmann, Senior Director, Net Zero Energy Housing

Date

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

SCHEDULE “A” SCOPE OF WORK

The definition of Memorandum of Understanding for the purpose of this initiative is a document that shows agreement to cooperate to achieve a particular objective, herein referred to as “Project Objective”.

PROJECT OBJECTIVE

The objective of this Project is to accelerate the deployment of high-efficiency houses and low-rise (Part 9) multi-unit residential buildings (MURBs) in Canada, targeting driving down the cost and creating market confidence in net-zero energy ready (NZr) renos through participation in CHBA’s Net Zero Home Labelling Program.

This innovative project will demonstrate the various approaches that can be used to achieve NZr renos in houses and low-rise (Part 9) Multi-Unit Residential Buildings (MURBs), focused on finding cost-effective solutions for multiple building archetypes, across multiple climate zones, and varying business models/ownership structures.

The project will increase local capacity and competency in the residential renovation industry by training a large number of renovators to safely renovate homes to NZr levels of performance, using CHBA members for all projects, thereby ensuring that they carry appropriate insurance and WCB, adhere to a code of ethics, provide written contracts, and obtain permits. Renovators, along with Energy Advisor and other key participants, will be trained through CHBA’s Net Zero Program to use the “house- as-a-system” approach focused on the building envelope and highly efficient technologies/equipment. This is critical to build confidence and trust with homeowners, and to protect both parties from potentially severe health and safety consequences of nondurable renovations. Non-member renovators who participate in the training can join the association and abide by its requirements to participate in the renovation projects.

DESCRIPTION OF SERVICES

Alongside CHBA and other program stakeholders, the Municipality will be a key member in the coordination and facilitation of this initiative, targeting 100-150 units across Canada between the date of this signing and March 31, 2026.

By signing this MOU, the Municipality commits to participating in this initiative with the roles and responsibilities as outlined by year below.

The Project name “Towards cost-effective net-zero energy ready residential renovations” can be referred to more concisely as “**Towards Net Zero Renos**” for the sake of brevity. These names can be used interchangeably. However, when referencing the project in a public domain, the full Project name must be used.

Key Participation Requirements

- The Municipality will identify and provide to CHBA a primary Point of Contact, herein referred to as “Municipal Lead” and other key local stakeholders such as local utilities. (CHBA will assist in identifying local and/or provincial Home Builders’ Associations, and industry members such as renovators, Energy Advisors, and product manufacturers/suppliers.)
- The Municipal Lead will be responsible for communication with CHBA and communication with its own local stakeholders.
- The Municipal Lead will be responsible for tracking and reporting to CHBA all local in-kind contributions.
- The Municipal Lead will be responsible for coordinating applicable local rebates and incentive programs for the participating homeowners.
- The Municipal Lead will identify a minimum of one member to participate in the Net Zero Renos Municipality Advisory Group. This advisory group will meet (virtually) regularly, as determined by the project requirements in consultation with the Municipalities.

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

- Should the Municipal Lead designate no longer be available, the Municipality will identify and provide to CHBA a new primary Point of Contact and ensure continuity of the work under this Memorandum of Understanding.
- CHBA will be the liaison to NRCan for all inquiries, announcements, and publications. Municipalities must provide CHBA four (4) weeks' notice of any public announcements or photo opportunities related to this initiative.
- The Municipality will adhere to the branding and communications package that will be provided by CHBA to comply with CHBA commitments to NRCan under this contribution agreement.
- Renovation projects must be performed by CHBA members to ensure participants conform to CHBA's Net Zero Home Labelling Program requirements, including insurance, warranty and other requirements. See the program Legal Structure and Indemnity in Schedule "C".
- Municipalities, where applicable and feasible, are encouraged to propose a Shadow Municipality. This entails extending an invitation to another, often smaller neighbouring municipality, to partake in the CHBA training and shadow the participating municipality in the process of effecting Net Zero Renos. Shadow Municipalities would be encouraged to send their local municipality representatives, renovators and energy advisors to the CHBA training to gain the knowledge and connections to undertake Net Zero Renos in the future.

YEAR ONE: PREP

Upon Signing – MAR 31, 2022

YEAR TWO: PRE-RENOVATIONS

APR 1, 2022 – MAR 31, 2023

CHBA Commitments:

- CHBA will solicit Municipality for commitment to participate in this initiative.
- CHBA will be the lead for all industry training and projects events, home labelling, and data collection for NRCan reporting.
- CHBA will facilitate:
 - A Project Kick-off Meeting (1 day, on-line)
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)
 - Year 2 Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)
- CHBA will provide qualified Trainers and Facilitators to deliver the mandatory training and project events per below:
 - CHBA Building Science Training (8 hours, in-person or on-line TBD)
 - CHBA Net Zero Builder Training (8 hours, in-person or on-line TBD)
 - CHBA Net Zero Renovator Training (8 hours, in-person or on-line TBD)
 - CHBA LEEP (Local Energy Efficiency Partnerships)¹ for Renovations (2 days, hosted by local HBA)
 - Integrated Design Charettes (1 per home/MURB)
- CHBA will assist Municipality in developing communication strategies, and selection of participating projects (homes/MURBs) to align with NRCan, CHBA and Municipal selection criteria, including archetypes.

Municipality Commitments:

- The Municipal Lead will represent the interests of the Municipality, and ensure the work identified in this Memorandum of Understanding is executed, including ensuring this Memorandum of Understanding is internally reviewed and sign-off is secured.
- The Municipality will be the lead for any/all homeowner interaction, including coordinating with CHBA for the final selection of participating projects (homes/MURBs). **Only CHBA Renovators and Energy Advisors will conduct and oversee the renovation projects selected.**
- If not selecting a municipally owned project, there will be a need to secure qualified renovation projects. Renovators who participate in the training may bring potential clients/projects to the Municipality for consideration. If there is an insufficient number of projects through the renovators themselves, the Municipality may conduct a Call for Applications to solicit projects (homes/MURBs) in their region. Preferred archetypes will be identified and targeted, homeowner engagement strategies will be developed, and available/applicable financing/funding opportunities will be communicated. The Municipality will screen the applications and make the final candidate selection with support from CHBA and other key regional stakeholders such as Energy Advisors.

¹ See www.chba.ca/LEEP for more information.

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

- The Municipality, informed by local stakeholders, will identify specific local barriers to NZr Renovations and engage with project stakeholders to develop strategies to overcome them.
- In addition to the CHBA, the Municipality will also solicit local renovator and key stakeholder participation in the training sessions with the intent of increasing local industry capacity and qualifying more Renovators and Energy Advisors via the CHBA Net Zero Home Labelling Program.
- The Municipality will provide at least one appropriate staff person to participate in each of the mandatory training courses and project events to contribute their professional insight.
 - A Project Kick-off Meeting (1-day, on-line)
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)
 - Municipal Advisory Group Meetings (1-2 hours, bi-monthly during Year Two)
 - Year 2 Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)
 - CHBA Building Science Training (8 hours, in-person or on-line TBD)
 - CHBA Net Zero Builder Training (8 hours, in-person or on-line TBD)
 - CHBA Net Zero Renovator Training (8 hours, in-person or on-line TBD)
 - CHBA LEEP (Local Energy Efficiency Partnerships) for Renovations (2 days, hosted by local HBA)
 - Integrated Design Charettes (1 per home/MURB) *Optional for Municipality unless participating as Owner*

YEAR THREE: RENOVATIONS

APR 1, 2023 – MAR 31, 2024

CHBA Commitments:

- CHBA will provide support for the Net Zero training, LEEP sessions, Integrated Design Charettes, home labelling, and data collection for NRCan reporting.
- CHBA will facilitate:
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)
 - Municipal Advisory Group Meetings (2 hours, bi-annually)
 - Annual Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)

Municipality Commitments:

- The Municipality will track and reporting on the progress of the homes being renovated.
- The Municipality will provide at least one appropriate staff person to participate in the project events to contribute their professional insight:
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)
 - Municipal Advisory Group Meetings (2 hours, bi-annually)
 - Annual Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)

YEAR FOUR: POST-RENOVATIONS DATA COLLECTION

APR 1, 2024 – MAR 31, 2025

CHBA Commitments:

- CHBA will provide support for any ongoing home labelling and data collection for NRCan reporting.
- CHBA will facilitate:
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)
 - A LEEP Innovation Exchange session for all project participants (1-day, Canadian location TBD or on-line)
 - Municipal Advisory Group Meetings (2 hours, bi-annually)
 - An Annual Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)

Municipality Commitments:

- The Municipality will:
 - Report the results of any financing/incentives provided to the homeowners of the homes that were renovated.
 - Share the results of how the homeowners were engaged.
 - Attend any ribbon cutting ceremonies.
- The Municipality will provide at least one appropriate staff person to participate in the project events to contribute their professional insight:
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

- A LEEP Innovation Exchange session for all project participants (1-day, Canadian location TBD or on-line)
- Municipal Advisory Group Meetings (2 hours, bi-annually)
- An Annual Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)

YEAR FIVE: DATA ANALYSIS & KNOWLEDGE DISSEMINATION

APR 1, 2025 – MAR 31, 2026

CHBA Commitments:

- CHBA will provide support for any ongoing home labelling and data collection for NRCan reporting. Data analysis and toolkit development will be completed.
- CHBA will facilitate:
 - Knowledge Transfer & Dissemination activities
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)
 - An Annual Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)

Municipality Commitments:

- The Municipality will provide at least one appropriate staff person to participate in the project events to contribute their professional insight:
 - Quarterly Project Stakeholder Meetings (2 hours, on-line)
 - An Annual Project Stakeholder Meeting (1-day, Canadian location TBD or on-line)
- The Municipality will:
 - Provide information for the final NRCan report.
 - Participate in knowledge dissemination activities, promoting the projects results by:
 - Posting information on their website
 - Sending information to their network through emails/newsletters
 - Participate in the making of videos, webinars and educational events
 - Provide/participate in tours
 - Attend local industry/media events
 - Share information via social media

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

SCHEDULE “B” REIMBURSEMENT SCHEDULE

Note: Rates adhere to those set by National Joint Council (NJC) [Appendix C - Allowances - Modules 1, 2 and 3 \(njc-cnm.gc.ca\)](http://njc-cnm.gc.ca)

Tasks	Reimbursement Schedule
Year One: Project Prep (Upon signing to Mar 31/22)	
Task 1.1 - Confirm Project Partners & Consultants - Project Kickoff Meeting (1 day, on-line)	N/A
Task 1.2 - Confirm Target Archetypes	N/A
Task 1.3 - Project Stakeholder Meetings - Quarterly Meetings (2 hours, on-line)	N/A
Task 1.4 - LEEP for Renos - LEEP for Renos session (2 days, hosted by local HBA)	Up to 4 staff reimbursed up to \$200 per event for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense.
Task 1.5 - Training: - CHBA Building Science Training (8 hours, in-person or on-line TBD) - CHBA Net Zero Builder Training (8 hours, in-person or on-line TBD) - CHBA Net Zero Renovator Training (8 hours, in-person or on-line TBD)	If in-person, up to 1 staff reimbursed up to \$200 per course for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense.
Year Two: Pre-Renovations (Apr 1/22 to Mar 31/23)	
Task 2.1 - Training - CHBA Building Science Training (8 hours, in-person or on-line TBD) - CHBA Net Zero Builder Training (8 hours, in-person or on-line TBD) - CHBA Net Zero Renovator Training (8 hours, in-person or on-line TBD)	If in-person, up to 1 staff reimbursed up to \$200 per course for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense.
Task 2.2 - Call For Renovation Applications	N/A
Task 2.3 - Selecting Renovation Projects	N/A
Task 2.4 - Renovation Optimizations - Quarterly Meetings (2 hours, on-line) - CHBA LEEP for Renos session (2 days, hosted by local HBA) - Annual Meeting (2 days, in-person or on-line TBD)	For LEEP for Renos: up to 4 staff reimbursed up to \$200 per event for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense. For Annual Meeting: if in-person, up to 1 staff reimbursed up to \$2,000 per trip for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense.
Year Three: Renovations (Apr 1/23 to Mar 31/24)	
Task 3.1 - Renovations	N/A
Task 3.2 - Testing, Verification & Labelling	N/A
Task 3.3 - Incentives/ Rebate Disbursements - Quarterly Meetings (2 hours, on-line) - Annual Meeting (2 days, in-person or on-line TBD)	For Annual Meeting: if in-person, up to 1 staff reimbursed up to \$2,000 per trip for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense.
Year Four: Post-Renovations (Apr 1/24 to Mar 31/25)	
Task 4.1 - Data Collection - Quarterly Meetings (2 hours, on-line) - Annual Meeting (2 days, in-person or on-line TBD)	For Annual Meeting: if in-person, up to 1 staff reimbursed up to \$2,000 per trip for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense.
Year Five: Knowledge Transfer and Dissemination (Apr 1/25 to Mar 31/26)	
Task 5.1 - Data Analysis	N/A
Task 5.2 - Report/Tool Development	N/A
Task 5.3 - Knowledge Transfer & Dissemination - Quarterly Meetings (2 hours, on-line) - Annual Meeting (2 days, in-person or on-line TBD) - Municipality to host local event for sharing results (1-day, in-person or on-line TBD)	For Annual Meeting: if in-person, up to 1 staff reimbursed up to \$2,000 per trip for travel/meal expenses per NJC Allowances ; additional attendees optional at Municipality’s expense. For Local event: if in-person, CHBA will cover up to \$6,000 towards expenses to host local event.

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

SCHEDULE "C" LEGAL STRUCTURE AND INDEMNITY

Program participants are encouraged to use this language in their home renovation contracts.

1. The **CHBA Net Zero Home Labelling Program** (the Program) recognizes builders, renovators and service professionals who commit to meet its Program Requirements and recognizes houses that these builders, renovators and service professionals attest to meeting the Program's Technical Requirements.
2. The **Canadian Home Builders' Association** (the CHBA) is a national not-for-profit organization with voluntary membership comprising new home builders, renovators, developers, trades, manufacturers, suppliers, lenders and other professionals. CHBA is not a construction company, warranty organization, certification or standards body in any way. The CHBA provides this Program to help interested homebuyers identify net zero builders, renovators and homes, and to support its members who are looking to provide these homes to homebuyers and homeowners.
3. The **CHBA Net Zero Home Labelling Program Technical Requirements** (the Technical Requirements) use the standards developed by the Department of Natural Resources Canada (NRCan), of the Government of Canada, that can be used to build to net zero or net zero ready performance under the following programs:

Issuing Agency	Document	Reference
NRCan	EnerGuide Rating System (ERS) v15	ISBN 978-1-100-25693-1
NRCan	ENERGY STAR® for New Homes (ESNH) Standard v12 or v17	M144-237/2012-6E-PDF or ISBN 978-1-100-25853-9
NRCan	2012 R-2000 Standard	M144-223/2012E-PDF
CHBA	Net Zero Home Labelling Program for New Homes Technical Requirements	
CHBA	Net Zero Home Labelling Program for Renovations Technical Requirements	
CHBA	Net Zero Home Labelling Program Technical Procedures Guidebook	

4. Net Zero/Ready Homes shall **comply with the applicable building codes and regulations**, in addition to the requirements of this Program. This Program is not a substitute for local, provincial, or territorial building codes; it is an additional set of requirements that are intentionally more stringent in the areas of energy efficiency and net energy consumption.
5. A **CHBA Qualified Net Zero Home and a CHBA Qualified Net Zero Ready Home** that is labelled under the Program is a home that is recognized by CHBA, on the basis of the attestations (by the builder/renovator, its Qualified Net Zero Service Organization and a Qualified Net Zero Energy Advisor) to have met the Technical Requirements, including the energy performance rating using NRCan's EnerGuide Rating System (ERS).
6. A **CHBA Qualified Net Zero Service Organization** (the Service Organization) must meet the ongoing requirements of the Program, including being licensed through NRCan to deliver EnerGuide, and ENERGY STAR® or R-2000. See above for more information on the Service Organization requirements for qualification under the Program.
7. A **CHBA Qualified Net Zero Energy Advisor** (the Energy Advisor) must meet the ongoing requirements of the Program, including being registered through NRCan to deliver EnerGuide and ENERGY STAR® or R-2000. See above for more information on the Energy Advisor requirements for qualification under the Program.
8. A **CHBA Qualified Net Zero Trainer** (the Trainer) must meet the ongoing requirements of the Program, including being licensed through NRCan to deliver training for ENERGY STAR® and/or R-2000. See above for more information on the Trainer requirements for qualification under the Program.

Memorandum of Understanding

Towards cost-effective net-zero energy ready residential renovations

Funded by Natural Resources Canada (NRCan), Office of Energy Research and Development, Green Infrastructure Phase II, Energy Efficient Buildings Program

9. A **CHBA Qualified Net Zero Renovator** (the Renovator) must meet the ongoing requirements of the Program, including being a RenoMark® Renovator. See above for more information on the Renovator requirements for qualification under Program.
10. **HOT2000** is an energy simulation and design tool for low-rise residential buildings developed and managed by the Office of Energy Efficiency at Natural Resources Canada. HOT2000 supports Natural Resources Canada's EnerGuide Rating System (ERS), ENERGY STAR for New Homes (ESNH) and R-2000 energy efficiency residential programs. The v15 ERS scale gives a consumption-based rating measured in gigajoules (GJ) per year using version 11 of HOT2000, as compared to the previous 0-100 scale.
11. The **energy performance rating** required for recognition under the Program means that the house has been rated to achieve a net zero energy consumption rating equal to or less than zero gigajoules (0 GJ) per year using version 11 of HOT2000, and other program requirements.
12. **Service Professionals' Attestation:** The Energy Advisor and Service Organization review the home design and construction and attest that it meets the Program's Technical Requirements. Any digressions from the design, testing, construction and evaluation procedures for a given house are the exclusive responsibility of the Energy Advisor and the Service Organization. CHBA in no way warrants the work of the Service Professionals on any given house.
13. It is the **Builder's or Renovator's responsibility** to ensure the house meets the Technical Requirements (including the energy performance rating using NRCan's ERS) on the basis of the work by the Service Professionals, and that the house meets any and all applicable local building codes and standards. The builder attests that the home has been built to meet the Program's Technical Requirements, and any digressions therefrom are the exclusive responsibility of the builder. ***The contract for the home's construction is exclusively between the builder or renovator and the Purchaser of the home or, in the case of a renovation, the homeowner.***
14. **Warranty: CHBA members are required to register all their homes with a warranty provider**, including their Net Zero/Ready Homes.
15. CHBA is not a warranty organization and as such **CHBA in no way warrants** construction or renovation of the house or its energy performance. The Net Zero/Ready Home label is in no way a warranty. CHBA does not conduct its own construction, renovation, or evaluation, and does not take responsibility for the performance or accuracy thereof, or for any responsibilities (contractual or otherwise) to the Purchaser of the home or in the case of a renovation, the homeowner.
16. **Actual Energy Consumption** will vary according to occupant behaviour, actual fluctuating yearly climatic conditions, and other factors. As such, the rating is specifically not a prediction of net zero energy consumption or zero energy cost in any given year. It is instead a rating of the net annual energy use of the home, in an average climatic year, based on assumed standard occupancy, occupant energy loads, and operating conditions according to NRCan's ERS. Occupant factors, such as the number of occupants, occupant behaviour, and occupant selected and controlled appliances and electronics, as well as climatic conditions (e.g. temperature, solar radiance) will vary and affect the actual annual energy consumption and production of the home.
17. **Ongoing maintenance** to ensure optimum performance is solely the responsibility of the homeowner(s).
18. **The rating is predicated** on the data and standards specifically at the time of the evaluation, and not at a later date.
19. Per all the above, achieving **net zero energy consumption in any given year is not, and cannot be guaranteed** by the builder, renovator, Natural Resources Canada, the Service Organization, Energy Advisor, or CHBA. Under the varying conditions that will be experienced, the house may use more or less energy than the rating.

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure

Subject: Updates: Green Bin Program Implementation

Date: June 21, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, this report **BE RECEIVED** for information.

Executive Summary

As reported to Civic Works Committee in 2021, the pandemic and ongoing supply chain issues have resulted in the vehicles required for both garbage collection and the upcoming Green Bin program being substantially delayed. At the time of writing, the 26 trucks ordered in 2021 for partial delivery in late 2022 are not expected to be delivered until 2023 and definitive build and delivery dates have not been provided for all the vehicles.

Based on today's information, City staff are now working on a Green Bin Program rollout schedule based on implementation beginning in July of 2023 and continuing through October of that year. Further refinements to this timeframe will occur when the truck build spots for 2023 are confirmed. An update will be provided in a future report to CWC.

The schedule for other aspects of the Green Bin Program will also need to be adjusted based on the revised vehicle delivery schedule, including selection of the Green Bin material processor(s) and Green Bin manufacturer(s), development and implementation of the promotion and awareness program, and distribution of the Green Bins and kitchen containers.

As was the case for 2022, it is anticipated that the delay of the Green Bin Program due to supply chain issues associated with collection vehicles will create unspent funds in 2022 in excess of what was identified in the budget amendment process as well as unspent funds in 2023. For 2022, the revised amount will be identified and reported through the 2022 Mid-Year Operating Budget Monitoring report that will be brought forward in September 2022 and will form part of the Corporation's overall budget position for 2022. For 2023, unspent funds (one time) that will be known in advance will be addressed by Finance Supports as part of the 2023 Annual Budget Update to be tabled at the Strategic Priorities and Policy Committee in December 2022.

Linkage to the Corporate Strategic Plan

Municipal Council continues to recognize the importance of waste management and the need for a more sustainable and resilient city in the development of its 2019-2023 Strategic Plan for the City of London. Specifically, London's efforts in waste management address the three following areas of focus: Building a Sustainable City; Growing our Economy; and Leading in Public Service.

On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.

On April 12, 2022, Municipal Council approved the Climate Emergency Action Plan which includes Area of Focus 5, Transforming Consumption and Waste as Part of the Circular Economy. The 60% Waste Diversion Action Plan, including the Green Bin program, addresses various aspects of climate change mitigation within the waste management services area including greenhouse gas (GHG) reduction.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Some relevant reports that can be found at www.london.ca under Council and Committees meetings include:

- Contract Award Amendment – RFP 21-37 Supply and Delivery of CNG Split Stream Rear Loading Waste Collection Trucks (November 23, 2021, meeting of the Civic Works Committee (CWC), Item #2.6)
- RFP 21-37 Supply and Delivery of CNG Split Stream Rear Loading Waste Collection Trucks (August 31, 2021, meeting of the CWC, Item #2.17)
- Green Bin Program Design – Community Engagement Feedback (March 30, 2021, meeting of the CWC, Item #2.13)
- Community Engagement on Green Bin Program Design (November 17, 2020, meeting of the CWC, Item #2.3)
- Business Case 1 – 60% Waste Diversion Action Plan – 2020-2023 Multi -Year Budget (January 30, 2020 meeting of the Strategic Priorities & Policy Committee (SPPC), Item #4.12a)
- 60% Waste Diversion Action Plan – Updated Community Feedback (September 25, 2018 meeting of the CWC, Item #3.2)
- Public Participation Meeting 60% Waste Diversion Action Plan – Additional Information (September 25, 2018 meeting of the CWC, Item #3.2)
- 60% Waste Diversion Action Plan (July 17, 2018 meeting of the CWC, Item #3.1)

1.2 Supply Chain Issues with Delivery of Vehicles to Collect Green Bins

As reported to Civic Works Committee in 2021, the pandemic and ongoing supply chain issues have resulted in the vehicles required for both garbage collection and the upcoming Green Bin program being substantially delayed. At the time of writing, the 26 trucks ordered in 2021 for partial delivery in late 2022 are not expected to be delivered until 2023 and firm build schedules are still not available from the truck chassis manufacturer for all vehicles.

The major cause for the longer than normal build and delivery times is attributed to the shortage of parts that are required to fully utilize factory build capacities. The reasons for the part shortages are associated with market and manufacturing recovery challenges, raw material shortages, sourcing of semi-conductors, labour pressures, escalating backlogs, and pandemic production delays which in turn have caused the loss of hundreds of manufacturing build slots. These factors are directly impacting the truck manufacturers' ability to provide firm delivery dates, build schedules and maintain unit costs provided to buyers.

Of the 26 units, 13 truck chassis have been scheduled for production and are due for factory release to the body builders manufacturing facility between August 21 and September 11, 2022. The body manufacturers build schedule and production dates for these 13-truck chassis have been established and final delivery of these 13 completed units will be in April 2023.

The remaining 13 truck chassis that are not scheduled yet. They are now subject to the truck chassis manufacturers newly introduced reservation plan which was recently put in place to control and stabilize the build schedules for the large backlog of new truck

orders. The 13 remaining units for London will have a reservation request submitted to the truck manufacturer by the dealer at the earliest opportunity which is in early August. The delay in accepting reservation requests until late summer of 2022 is to allow time for the supply chain to stabilize from its current state. The order for the remaining 13 units will be placed in September 2022 and the plan is to secure the earliest first quarter 2023 build slots with a requested build schedule of the chassis in early January 2023.

Based on receiving an early January 2023 build schedule, and once production of the truck chassis has been completed, the factory release of the 13 chassis to the body builders manufacturing facility would take place over an estimated three-week period in late January and February of 2023.

It must be noted that a further delay to the final delivery date of these 13 remaining units to the City may result from the body manufacturers inability to schedule production dates of the bodies until they have confirmed chassis build and delivery dates from the truck chassis manufacturer, which will not be known until September 2022. It is hoped at that time that the body manufacturers earliest, available build slots and production dates beginning in February 2023 can be secured. Until then, the final delivery dates of the remaining 13 completed units to the City cannot be confirmed.

City staff continue to be in discussion with both the chassis manufacturer (also the lead vendor) and the body builder on the importance of maintaining build spots without additional delays.

The supply chain challenges identified in this report for vehicle and equipment orders and delivery are consistent with many different manufacturing operations including the potential manufacture and delivery of Green Bins for organics collection. These pandemic-related challenges that exist in most parts of the world make it very challenging for manufacturers to predict exact delivery dates.

2.0 Discussion and Considerations

2.1 Impacts to the Rollout Plan for the Green Bin Program

Supply chain issues in the automotive and truck sector have unfortunately been exacerbated by recent geopolitical situations and high inflation. Based on current information and a tentative schedule from the truck supplier, the City of London will not have enough collection vehicles to start the Green Bin implementation until mid-2023. Many of the collection vehicles required for London's Green Bin program do not have reserved build spots on the manufacturing line in 2023 as of June 7, 2022. Working with a tentative schedule is problematic as it impacts many of the other items required for Green Bin implementation.

Discussions with the vehicle manufacturers are ongoing. London staff concerns have been shared numerous times. The concerns are fully recognized by the manufacturers and they have been timely in responding to City concerns and questions. These are world-wide issues and very little can be done at this time.

Based on today's information, City staff are now working on a rollout schedule based on implementation starting in July of 2023 and continuing through to October as vehicles continue to be delivered. Further refinements will occur when the build spots for 2023 are confirmed and will be the subject of a future report to CWC.

Also key to the rollout of the Green Bin Program is moving the entire city from six Collection Zones (A to F) to five Collection Zones (A to E). This change is required to provide weekly Green Bin, weekly Blue Box service and biweekly garbage service (every two week pick up). This major change is also dependent on the arrival of the new collection vehicles.

2.2 Overview and Status of Green Bin Program Implementation Work

The Green Bin Program implementation work has been underway since late 2000. Table 1 summarizes the status of the activities, updates and additional work to be completed based on the new anticipated dates for implementation.

Table 1: Revised Timing for Other Green Bin Program Requirements

Task	Revised Timing and/or Status as of June 2022
a) Operational details	<ul style="list-style-type: none"> • Underway. • Collection zone reconfiguration and truck routing. • Reducing the collection zones from six to five zones. The implementation coincides with Green Bin implementation.
b) Confirm rollout schedule	<ul style="list-style-type: none"> • Final manufacturer schedule for building remaining trucks is expected September 2022. This will assist with final Green Bin implementation scheduling.
c) Select Green Bin material processor	<ul style="list-style-type: none"> • Underway. • Release request for proposals (RFP) with new implementation dates is expected to be released July 2022. A four to six month process is anticipated.
d) Select Green Bin Manufacturer	<ul style="list-style-type: none"> • Underway. • Release request for proposals (RFP) with new implementation dates is expected to be released July 2022. A three to six month process is anticipated.
e) Promotion and Awareness Program	<ul style="list-style-type: none"> • Tentative start date is February 2023. • It will begin when final schedule is known. It will be undertaken in a few phases leading up to the delivery of Green Bins and kitchen catchers.
f) Distribution of Green Bins	<ul style="list-style-type: none"> • Tentative delivery date is June 2023.
g) Begin Roll-out of Program	<ul style="list-style-type: none"> • Tentative start date is July 2023 and continuing as vehicles arrive through October 2023

2.3 Ongoing and Upcoming Work and Future Updates to CWC

Ongoing and upcoming work related to the 60% Waste Diversion Action Plan is listed below. These items will be the subject of update reports to CWC in 2022 and early 2023 including any adjustments resulting from changes to provincial direction, supply chain concerns or other factors:

- Blue Box Program transition (separate report to CWC on the June 21, 2022 Agenda);
- Food waste avoidance community awareness campaign;
- Multi-residential Green Bin pilot project to help address the Ministry of Environment, Conservation and Parks (MECP) Food and Organic Policy, which has defined targets indicating that “multi-residential buildings need to implement an organics management program that will achieve at least 50 per cent waste reduction and resource recovery of food and organic waste by 2025;”
- Status of mixed waste processing as it applies to the multi-residential sector pilot project for the City of London as approved in the 60% Waste Diversion Action Plan;
- Implementing a five-day curbside collection schedule;
- Addressing biweekly garbage concerns (e.g., pet waste and sanitary products/diapers);

- Examining and implementing expanded or new diversion programs for items such as textiles, mattresses and furniture;
- Rollout of carts for garbage collection and recycling collection; and
- Policy considerations for waste diversion (e.g., reducing the three container limit for garbage containers, increasing fees for garbage tags, decreasing unwanted print advertising delivered door-to-door, role of incentives and disincentives, etc.) including advantages, disadvantages, ease of implementation, costs and revenues.

3.0 Financial Impact/Considerations

Funding for the 60% Waste Diversion Action Plan was approved through Additional Investment Business Case #1 in the 2020-2023 Multi-Year Budget. As part of the 2021 Annual Budget Update, approved by Council on January 12, 2021, Budget Amendment #10 was approved that adjusted the timing of funding requirements for the 60% Waste Diversion Action Plan, inclusive of the Green Bin program, based on an update report provided to the Civic Works Committee on November 17, 2020. Despite the previously adjusted funding plan, it is anticipated that the delay of the Green Bin Program due to supply chain issues for collection vehicles will create additional unspent funds in both 2022 and 2023.

For 2022, the amount will be identified and reported through the 2022 Mid-Year Operating Budget Monitoring report that will be brought forward to committee in September 2022 and will form part of the Corporation's overall budget position for 2022.

For 2023, unspent funds (one time) that will be known in advance will be addressed by Finance Supports as part of the 2023 Annual Budget Update to be tabled at the Strategic Priorities and Policy Committee in December 2022. These amounts can be finalized when the final delivery dates for collection vehicles are known.

Conclusion

Supply chain issues in the automotive and truck sector are not improving. Based on current information and the tentative schedule supplied from the truck supplier, the City of London will not have enough collection vehicles to start Green Bin implementation until mid-2023.

Until delivery dates in 2023 are supplied by the manufacturer for all vehicles 2023, it is not possible to finalize the rollout schedule. Working with a tentative schedule is problematic as it impacts many of the other items required for Green Bin implementation. Current information suggests in the schedule uncertainty should be resolved by early fall 2022, when final build spots are known for 2023. Further updates will be provided to CWC on Green Bin implementation and related items noted in this report.

Prepared by: **Jessica Favalaro, B.Sc.**
Manager, Waste Diversion Programs, Waste Management

Kevin Springer
Manager, Waste Collection

Mike Losee, B.Sc.
Division Manager, Waste Management

Prepared and Submitted by: **Jay Stanford, M.A., M.P.A.**
Director, Climate Change, Environment & Waste Management

Recommended by: **Kelly Scherr, P. Eng., MBA, FEC**
Deputy City Manager, Environment & Infrastructure

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure

Subject: Updates: Blue Box Transition and Next Steps

Date: June 21, 2022

Recommendation

That, on the recommendation of the Deputy City Manager, Environment & Infrastructure, the following actions be taken with respect to the Blue Box transition process:

- a) the proposed by-law attached as Appendix "A" being "A by-law to authorize the Deputy City Manager, Environment & Infrastructure to respond to requests for proposals, negotiate and enter into any new service agreements or amending existing City of London service agreements with any Producer Responsibility Organization(s) ("PRO") registered with the Resource Productivity Recovery Authority, and/or their designate", **BE INTRODUCED** at the Municipal Council meeting to be held on July 5, 2022.
- b) Civic Administration **BE DIRECTED** to report back at a future Civic Works Committee with the outcome of negotiations and any executed contract(s) that occur with registered Producer Responsibility Organizations and/or their designate pursuant to a) above;
- c) the Deputy City Manager, Environment & Infrastructure and/or designate **BE DIRECTED** to enter into discussions with the Producer Responsibility Organization responsible for London and area and/or their designate, on their potential interest in using any of the City of London's recycling related infrastructure and assets in particular the City-owned Material Recovery Facility during the transition phase (July 1, 2023 to December 31, 2025) and post-transition phase (2026 and beyond) for operational efficiency purposes, economic opportunities, job creation opportunities, and how costs associated with existing capital and new capital investment would be paid, leased and/or shared; and
- d) Civic Administration **BE DIRECTED** to report back at a future Civic Works Committee with the next steps for City of London's Blue Box related infrastructure and assets in particular the City-owned Material Recovery pursuant to c) above.

Executive Summary

Blue Box transition from the existing shared responsibility model into a producer-led responsibility model, often referred to as "full" or "extended producer responsibility - EPR" will begin in London and area starting July 1, 2023 along with several other areas of Ontario.

On June 3, 2021, the Province of Ontario adopted Ontario Regulation 391/21: Blue Box, which stipulated the transition timeline and schedule, designated materials, eligible and non-eligible sources, management targets, and detailed the transition of the Blue Box Program to producers. Subsequently, this Regulation was amended with Ontario Regulation 349/22: Blue Box on April 14, 2022.

The transition to EPR will occur in two phases in Ontario:

- The transition phase: July 1, 2023 - December 31, 2025; and
- The post-transition phase: January 1, 2026 onwards.

During the transition phase, approximately 30 per cent of Ontario municipalities and First Nations communities will transition in each of the three (3) transition years. The Regulation states that current municipal Blue Box Programs and service levels must be maintained throughout the transition phase. Program changes are only permitted once producers have complete control over all Blue Box Programs across Ontario and the province-wide system is operational in the post-transition phase (starting January 1, 2026).

City staff and Municipal Council have been very active over the years with respect to moving Blue Box recycling to EPR. The most recent action by Municipal Council was passed on June 2, 2020.

More operational details of the future Blue Box Program are becoming available from industry. The most recent details were released on June 7, 2022 (Request for Proposals for the Establishment and Operating of Receiving Facilities for Blue Box materials) and have submission date of July 29, 2022. The challenge that is arising is negotiating a commercial agreement or agreements with several services and service arrangements in a short period of time. City staff is prepared for negotiations and ultimately, transition.

To be able to negotiate with PROs on behalf of Municipal Council, the Deputy City Manager, Environment & Infrastructure would require delegated authority to respond to requests for proposals, negotiate and enter into new or amending City of London agreements necessary to ensure the City's ability to continue recycling operations from July 1, 2023 to December 31, 2025 and post-transition phase (2026 and beyond).

The implementation of the Blue Box transition will eventually save London taxpayers money. Preliminary estimates suggest that between \$500,000 and eventually more than \$4 million per year in 2026 will be saved. The actual amount will be determined in the negotiations with industry and how the transition process unfolds (e.g., what happens with existing contracts, how will costs be paid, what conditions will be part of future agreements, how inflations will be handled, etc.).

Linkage to the Corporate Strategic Plan

Municipal Council continues to recognize the importance of waste management and the need for a more sustainable and resilient city in the development of its 2019-2023 Strategic Plan for the City of London. Specifically, London's efforts in waste management address the three following areas of focus: Building a Sustainable City; Growing our Economy; and Leading in Public Service.

On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.

On April 12, 2022, Municipal Council approved the Climate Emergency Action Plan which includes Area of Focus 5, Transforming Consumption and Waste as Part of the Circular Economy.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Relevant reports that can be found at www.london.ca under Council meetings include:

- Comments on Environmental Registry of Ontario (ERO): Proposed Blue Box Regulation (November 17, 2020 meeting of Civic Works Committee (CWC), Item #2.1)

- Contract for the Operation of the City's Materials Recovery Facility – Single Source (July 14, 2020 meeting of CWC, Item #2.3)
- Response to the Association of Municipalities of Ontario (AMO) Regarding Transition of Recycling (May 26, 2020 meeting of CWC, Item #2.4)
- Operation of the City's Materials Recovery Facility: Next Steps in the Transition to Industry Responsibility for Recycling Services (April 15, 2020 meeting of CWC, Item #2.8)
- Award of Contract (Request for Proposals 19-02) – Recycling Collection (City-wide) and Garbage and Yard Waste Collection in a Portion of London (August 12, 2019 meeting of CWC, Item #2.4)
- Additional Short-Term Contract Amendment for Recycling Services (May 14, 2019 meeting of CWC, Item #2.9)
- Comments on Environmental Registry of Ontario (ERO): Reducing Litter and Waste in our Communities: Discussion Paper (April 16, 2019 meeting of CWC, Item #2.14)
- Request for Comments on the Draft Amended Blue Box Programs Plan (Prepared by Stewardship Ontario) (January 9, 2018 meeting of the CWC, Item #9)

1.2 Background

The *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016*, authorize the transition of the financial and operational responsibility for managing designated packaging, paper and packaging-like products from municipalities to the producers of such products and packaging. This transition changes the existing shared responsibility model for the Blue Box Program into a producer-led responsibility model, often referred to as "full" or "extended producer responsibility".

On June 3, 2021, the Province of Ontario adopted Ontario Regulation 391/21: Blue Box, which stipulated the transition timeline and schedule, designated materials, eligible and non-eligible sources, management targets, and detailed the transition of the Blue Box Program to producers. Subsequently, this Regulation was amended with Ontario Regulation 349/22: Blue Box on April 14, 2022.

Transition Phase and Post-Transition Phase

As a municipality transitions its Blue Box Program, the majority of financial and operational responsibility for the end-of-life management of their eligible paper, packaging, and packaging-like materials (e.g., aluminum foil, paper bag, beverage cup, etc.) designated materials will transition to producers. Currently, producers pay approximately 50 per cent of the cost. In the future this amount will be over 90 percent of the existing system.

The transition to Extended Producer Responsibility will occur in two phases:

- The transition phase: July 1, 2023 - December 31, 2025; and
- The post-transition phase: January 1, 2026 onwards.

During the transition phase, approximately 30 per cent of Ontario municipalities and First Nations communities will transition in each of the three (3) transition years. The Regulation states that current municipal Blue Box Programs and service levels must be maintained throughout the transition phase. Program changes are only permitted once producers have complete control over all Blue Box Programs across Ontario and the province-wide system is operational in the post-transition phase (starting January 1, 2026).

Producer Responsibility Organizations

Obligated producers of designated packaging, paper and packaging-like products can retain the services of a Producer Responsibility Organization (PRO) to discharge their obligations under the Regulation, including collection, processing, promotion and education, and achieving management targets. PROs will decide how to meet their

regulatory obligations by either tendering or negotiating for service provision with municipalities or private firms.

To be recognized as a producer service organization, a PRO must represent at least one producer and be registered with the Resource Productivity and Recovery Authority (RPRA). The following four PROs are currently registered with the Authority:

- Canadian Beverage Container Recycling Association
- Circular Materials Ontario
- Resource Recovery Alliance
- Ryse Solutions Ontario Inc.

1.3 Current Municipal Council Direction

City staff and Municipal Council have been very active over the years with respect to moving recycling to a model known as “extended producer responsibility” (with variations on the model title such as producer responsibility or individual producer responsibility). The most recent action by Municipal Council was on June 2, 2020 when Council passed the following motion:

That on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions **BE TAKEN** with respect to a request by the Association of Municipalities of Ontario (AMO) for details on recycling transition:

- a) The Mayor **BE AUTHORIZED** to advise the Ontario Ministry of the Environment, Conservation and Parks (MECP) and the Association of Municipalities of Ontario (AMO) that the Corporation of the City of London would like to:
 - i. transition the collection of recyclables to full producer responsibility on January 1, 2023, and;
 - ii. examine opportunities of working with producers (industry) during the transition period (e.g., fee for services basis for recycling such as administration, education and awareness, contract management, monitoring and compliance);

It being noted that the Mayor has previously been authorized to advise MECP and AMO that the transition of processing and marketing of recyclables to full producer responsibility could occur on January 1, 2023.

- b) Staff **BE DIRECTED** to undertake the following actions as part of the transition process:
 - i. continue to take an active role in the development of the regulatory environment and implementation plans of the transition process through the Municipal 3Rs Collaborative (M3RCs) which is comprised of the AMO, Regional Public Works Commissioners of Ontario, Municipal Waste Association and the City of Toronto;
 - ii. ensure that producers (industry) are aware that an existing competitively awarded contract to collect recyclables is currently in place in London, and that opportunities to use the existing contractor (Miller Waste Systems) with mutually agreeable transition contract terms should be considered from January 1, 2023 to December 21, 2025, it being noted that this would further benefit London taxpayers as early contract termination fees could be reduced;
 - iii. ensure that the producers’ plan to transition residents, Municipal Elected Officials and City staff to the new system is accountable and transparent

and also includes separate contingency plans developed by the City, and;

- iv. ensure that producers are aware that opportunities to increase waste diversion, maximize resource recovery and optimize recycling system operations can be examined through the London Waste to Resources Innovation Centre and its business and academic collaborators for the benefit of all in Ontario and elsewhere.

1.4 Current City Staff Involvement

City staff are grateful for the work undertaken and shared by the Association of Municipalities of Ontario (AMO), Regional Public Works Commissioners of Ontario (RPWCO), Municipal Waste Association (MWA) and the City of Toronto acting as one entity called the Municipal 3Rs Collaborative (M3RCs).

City staff are active members of M3RCs via RPWCO including being co-chair of the RPWCO Waste Subcommittee. City staff also participate with MWA. London Municipal Council has a representative on the AMO Board of Directors.

City staff are also very involved with the Ontario Waste Management Association (OWMA) and are grateful for the work undertaken and shared on behalf of the membership which represents over 60 municipalities and 190 companies and organizations in the private sectors that manage 85% of Ontario's waste streams.

Staff continue to be active members of the Continuous Improvement Fund (CIF) and M3RCs Transition Working Group and several of its five (5) subcommittees, including: Contracts, Collections and Communications and Post Collection (processing). With municipal representation from across the province, the Working Group and subcommittees have provided a very useful platform for information-sharing and the creation of transition supports, such as promotion and education materials, potential terms and conditions for commercial agreements, and aggregated data analysis and reports.

The City of Ottawa and the City of Toronto are also transitioning their Blue Box Programs to producers on July 1, 2023. These represent the three largest municipalities in the first transition group. A working group between these three cities is being used to share information, lessons learned, and to determine areas of alignment. While it is recognized there are unique challenges and regional differences between these three cities, there is alignment on certain guiding principles and positions.

1.5 Recent Interactions with Producer Responsibility Organizations

City staff have submitted information, responded to questions and/or held discussions directly or indirectly with PROs to provide an overview of London's Blue Box (generally curbside collection) and Blue Cart (generally multi-residential, high-rise buildings) Program to educate them on program elements and the relationship with other services (e.g., multi-materials drop off depots known as EnviroDepots).

City staff have expressed the desire to discuss the City of London being a potential service administrator for some or all aspects of the Blue Box and Blue Cart Program during the transition years, subject to terms and conditions that can be mutually agreed upon. In addition, the role of the City-owned Material Recovery Facility (MRF) located on Manning Drive will be an important part of the discussions and negotiations.

The following potential services currently being offered by City staff, or under contract to the City of London, could be sought by PROs in London:

- Managing Blue Box and Blue Cart collection services;
- Managing collection services for other eligible sources;
- Providing customer service support to residents through Service London;

- Providing promotion and education services to residents through the transition phase and beyond;
- Managing Blue Box and Blue Cart container assets;
- Monitoring and implementing contamination abatement protocols;
- Implementing Blue Box pilot project opportunities; and
- Negotiating access to the City's recycling assets and infrastructure.

Given the time constraints of transitioning London's Blue Box and Blue Cart Program by July 1, 2023, PROs may have challenges in procuring services and enough assets to service a city the size of London along with a number of neighbouring municipalities. London is well positioned to help a PRO during the transition period as it has been offering these services for 30 years.

2.0 Discussion and Considerations

2.1 City of London's Role During the Transition Phase

While producers are required to maintain all existing Blue Box service levels currently being provided to eligible sources throughout the transition phase, producers have complete autonomy to determine which service provider will manage the designated materials on their behalf, including contracting with a municipality and/or a private waste management firm.

Municipalities do not have the option to choose which PRO or PROs will take over management responsibilities for delivering Blue Box recycling services to eligible sources. The PROs will determine among themselves which PRO or PROs are delegated to provide Blue Box services and they in turn will decide what role the City of London will play, if any, in the delivery of recycling services as of July 1, 2023.

To ensure a smooth transition and limit impacts to residents at the curb, City staff are recommending to Municipal Council that Environment & Infrastructure negotiate with PROs for the continued provision of all Blue Box management activities and services on their behalf during the transition phase and post transition phases.

With a transition date of July 1, 2023, there is a lot of work to undertake to ensure a smooth transition. Fortunately, City staff have been preparing for several years now as highlighted in several update reports to CWC. City staff continue proactively planning for potential transition scenarios so that the City is in a position to negotiate with its assigned PRO(s) effectively and efficiently.

2.2 Preparing to Negotiate Blue Box Related Contract(s)

During commercial negotiations with London's PRO(s), City staff anticipate negotiating a contract that encompasses several service areas, including:

- Uninterrupted curbside collection from existing single-family households and multi-residential buildings currently served by the City (under contract);
- The shift from 42 recycling pickups per year to weekly Blue Box curbside service. It is important to note that this may be viewed as a service enhancement and not eligible in the Transition period (July 1, 2023 to December 31, 2025) to be reimbursed;
- Residential units above commercial locations that are currently served through public space bins (e.g., downtown London);
- Public and parks space collection (i.e., both eligible and non-eligible sources);
- Non-eligible sources such as small businesses, places of worship, shelters, etc. currently collected on residential recycling routes;
- Customer service through Service London;
- Promotion and education (e.g., posters, information guides, direct mail, advertising, integration of messaging into waste diversion and environmental outreach programs, etc.);

- City-owned curbside collection Blue Boxes; and
- Use of the MRF including a different arrangement such as leasing, sale of asset, etc.

Staff have been gathering contractual and in-house service data to support negotiations with PROs. Information gathered includes, but is not limited to: contract details, financial impacts, staff impacts, service level details, budget implications, information and technology impacts, integration with and/or impact to other service areas, and terms and conditions.

2.3 Management of Recyclables from Non-Eligible Sources

Both during transition and after transition there are locations that producers are not responsible for with respect to the management of recyclables. These non-eligible sources include municipal facilities such as community centres, libraries, arenas, and civic centres, non-residential locations such as shelters and places of worship, and industrial, commercial and institutional establishments.

The City services approximately 600 to 700 non-eligible customers comprised of small businesses on residential recycling routes, City facilities, place of worship, shelters, charities. As these locations are not designated in the Regulation, the City will not receive financial compensation for the continued provision of recycling collection services to these non-eligible sources.

The management of these materials will be discussed during negotiations with PROs to determine whether the economies of scale can be leveraged as part of any negotiations.

2.4 Requesting Delegated Authority, Responding to Requests for Proposals Entering Negotiations

More operational details of the future Blue Box Program are becoming available from industry. The most recent details were released on June 7, 2022 (Request for Proposals for the Establishment and Operating of Receiving Facilities for Blue Box materials) and have submission date of July 29, 2022. The challenge that is arising is negotiating a commercial agreement or agreements with several services and service arrangements in a short period of time. City staff is prepared for negotiations and ultimately, transition.

To be able to negotiate with PROs on behalf of Municipal Council, the Deputy City Manager, Environment & Infrastructure would require delegated authority to respond to requests for proposals, negotiate and enter into new or amending City of London agreements necessary to ensure the City's ability to continue recycling operations from July 1, 2023 to December 31, 2025 and post-transition phase (2026 and beyond). Delegated authority to negotiate is being requested for:

- Blue Box collection services contract that was approved by Municipal Council in August 2019;
- Blue Box administrative services for the management of Blue Box materials;
- Management of Blue Box materials from locations not serviced by PROs; and
- Blue Box related infrastructure and assets in particular the City-owned MRF for operational efficiency purposes, economic opportunities, job creation opportunities, and how costs associated with existing capital and new capital investment would be paid, leased and/or shared. The current service agreement at the MRF was approved by Municipal Council in July 2020.

City staff will report back to CWC in early 2023 and detail the outcome of negotiations and the resulting executed agreement(s) and/or next steps with its PRO including the City's future role in the system during the transition years and post-transition. The report will also include a more detailed analysis of the City's transition to the new recycling system and the financial and other benefits that will accrue.

3.0 Financial Impact/Considerations

The implementation of the Blue Box transition will eventually save London taxpayers money. Transitioning the costs and operating responsibility of the recycling program away from municipal taxpayers by making the producers of products and packaging responsible for costs will mean savings. Preliminary estimates suggest that between \$500,000 and eventually more than \$4 million per year (in 2026) will be saved.

The actual amount will be determined in the negotiations with industry and how the transition process unfolds (e.g., what happens with existing contracts, how will costs be paid, what conditions will be part of future agreements, how inflations will be handled, etc.). The July 1, 2023 start date means that additional payments from industry in 2023 will be about half of a normal year. These details will be provided in a future CWC report in late 2022 or early 2023.

Conclusion

Based on past reporting to CWC, discussion and direction from Municipal Council, City staff are prepared for the next steps in the Blue Box transition process as per the *Resource Recovery and Circular Economy Act, 2016*, the *Waste Diversion Transition Act, 2016* and Ontario Regulations 391/21: Blue Box and 349/22: Blue Box which stipulates the transition timeline and schedule, designated materials, eligible and non-eligible sources, management targets, and the detailed the transition of the Blue Box Program to producers.

The City of London will transition in the first group of municipalities starting July 1, 2023. In the next year, a number of discussions and negotiations will occur with the PRO or PROs serving London and area to ensure that it is a smooth transition for the residents of London.

Prepared by: **Jessica Favalaro, B.Sc.**
Manager, Waste Diversion Programs, Waste Management

Kevin Springer
Manager, Waste Collection

Mike Losee, B.Sc.
Division Manager, Waste Management

Prepared and Submitted by: **Jay Stanford, M.A., M.P.A.**
Director, Climate Change, Environment & Waste Management

Recommended by: **Kelly Scherr, P. Eng., MBA, FEC**
Deputy City Manager, Environment & Infrastructure

c Anna Lisa Barbon, Deputy City Manager, Finance Supports
Barry Card, Deputy City Manager, Legal Services

Appendix A A by-law to authorize the Deputy City Manager, Environment & Infrastructure to respond to requests for proposals, negotiate and enter into any new service agreements or amending existing City of London service agreements with any Producer Responsibility Organization(s) registered with the Resource Productivity Recovery Authority, and/or their designate

Appendix “A”

Bill No.
2022

By-law No. A.-

A by-law to authorize the Deputy City Manager, Environment & Infrastructure to respond to requests for proposals, negotiate and enter into any new service agreements or amending existing City of London service agreements with any Producer Responsibility Organization(s) registered with the Resource Productivity Recovery Authority, and/or their designate”;

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that (1) a municipality may provide any service or thing that the municipality considers necessary or desirable for the public, and (2) that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality, including respecting climate change; 6. Health, safety and well-being of persons; 7. Services and things the municipality is authorized to provide under subsection (1); 8. Protection of persons and property;

AND WHEREAS the Province of Ontario passed the *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016*, that authorized the transition of the financial and operational responsibility for managing designated packaging, paper and packaging-like products from municipalities to the producers of such products and packaging;

AND WHEREAS the Province of Ontario on June 3, 2021, adopted Ontario Regulation 391/21: Blue Box, which stipulated the transition timeline and schedule, designated materials, eligible and non-eligible sources, management targets, and detailed the transition of the Blue Box Program to producers. Subsequently, this Regulation was amended with Ontario Regulation 349/22: Blue Box on April 14, 2022;

AND WHEREAS the Resource Productivity and Recovery Authority is the regulator mandated by the Province of Ontario to enforce the province’s circular economy laws. Established in November 2016 to support the transition to a waste-free Ontario, the Authority administers the *Resource Recovery and Circular Economy Act, 2016* and the *Waste Diversion Transition Act, 2016*, and their associated regulations;

AND WHEREAS a producer responsibility organization, or PRO, is a business established to contract with producers to provide collection, management and administrative services to help producers meet their regulatory obligations under the Blue Box Regulation, including; arranging, establishing or operating a collection or management system; arranging, establishing or operating promotion and education system; preparing and submitting reports; and representing a producer for any purpose under the regulation. A producer responsibility organization must register with the Resource Productivity and Recovery Authority;

AND WHEREAS sections 9 and 10 and 23.1 through 23.5 of the Municipal Act, 2001 authorize a municipality to delegate its powers and duties under this or any other Act to a person or body;

AND WHEREAS section 23.1 of the *Municipal Act, 2001* enables a municipality to delegate certain powers and duties any Act, to a person or body, subject to restrictions set out in the *Municipal Act, 2001*;

AND WHEREAS nothing in subsection 23.1 of the *Municipal Act, 2001* restricts a municipality from delegating its administrative powers;

AND WHEREAS the Municipal Council has adopted a “Delegation of Powers and Duties Policy” for establishing guidelines to consider when delegating its powers and duties to a person;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Deputy City Manager, Environment & Infrastructure, or designate, is hereby delegated the power to respond to requests for proposals, negotiate and enter into any new service agreements or amend existing City of London service agreements with any Producer Responsibility Organization(s) registered with the Resource Productivity Recovery Authority, and/or their designate.
2. The authority of the Deputy City Manager, Environment & Infrastructure to act under section 1 of this by-law, is subject to the following:
 - i. such actions and agreements are consistent with the current Blue Box collection contract approved by Municipal Council in August 27, 2019 and the current Blue Box processing contract approved by Municipal Council in July 21, 2020;
 - ii. such actions and agreements shall be for the purposes of facilitating an orderly transition of the City’s recycling operations in a manner consistent with O. Reg. 391/21 and O. Reg. 349/22: Blue Box;
 - iii. such actions and agreements are acceptable to the Deputy City Manager, Finance Supports;
 - iv. such agreements are in a form satisfactory to the Deputy City Manager, Legal Services;
 - v. such actions and agreements do not require additional funding or are provided for in the City’s current budget;
 - vi. such actions or agreements do not contain any financial arrangement, guarantee, indemnity or similar commitment that would increase, directly or indirectly, the indebtedness or contingent liabilities of The Corporation of the City of London; and
 - vii. this delegation shall not supersede the applicability of any contract approval requirements contained in the City’s Procurement of Goods and Services Policy.
3. The powers delegated in section 1 above may be exercised by both the delegate and the municipality.
4. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on July 5, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – July 5, 2022
Second Reading – July 5, 2022
Third Reading – July 5, 2022

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure

Subject: Participation in Provincial Cargo E-bike Pilot

Date: June 21, 2022

Recommendation

That the on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to potential participation in the Province of Ontario's Cargo E-bike pilot program:

- a. this report **BE RECEIVED** for information;
- b. Civic Administration **BE AUTHORIZED** to advise the Province of Ontario that the City of London will be participating in both the commercial and personal components of the Cargo E-bike Pilot Program;
- c. Civic Administration **BE AUTHORIZED** to update relevant municipal by-laws to incorporate cargo e-bikes for personal use, and bring back a by-law to the Civic Works Committee (CWC) at a future meeting; and
- d. Civic Administration **BE AUTHORIZED** to develop a commercial use cargo e-bike pilot program, including licencing, permitting and by-law amendments and bring back a report at a future CWC meeting.

Executive Summary

Cargo e-bikes are a type of electric-powered bike with a platform or box to carry larger items like packages and boxes for deliveries. Individuals use them for transporting larger items for personal use (e.g., groceries) or children as passengers, often as an alternative to using an automobile. Businesses use them to deliver products and/or services. Cargo e-bikes, particularly personal use cargo e-bikes, are already present in London and it would be prudent to pilot a bylaw framework for their safe and efficient use.

The Province of Ontario has defined a cargo e-bike as being over 55 kilograms. Similar style e-bikes that are less than 55 kilograms are considered to be the same as standard e-bikes.

Ottawa and Toronto are currently participating in the provincial pilot, including the development of new permitting and licencing processes for commercial cargo e-bikes that include requirements for company logos and identifying numbers, offering annual short-term parking permits for each bike in use, and allowing commercial cargo e-bikes to be in loading zones and no-parking zones for up to 15 minutes.

In the Summer 2021, public input on the use of cargo e-bikes was gathered primarily through the Get Involved platform. For personal use cargo e-bikes, most respondents who had no experience with one expressed a willingness to try them. This group of respondents had some concerns about unsafe bike lanes and the chance of increasing congestion. Respondents with experience noted that this mode of transportation is environmentally friendly, helpful, and safe. This group of respondents also noted that more connected and safe dedicated bike lanes are required.

For commercial use cargo e-bikes, 32 per cent of respondents were willing to use it in the future for business purposes, and the other 68 per cent do not plan to own one in the future at this time.

The potential introduction of both personal and commercial use cargo e-bikes was also discussed with several City service areas and partner organizations. The overall themes to the feedback received included:

- Restrict all cargo e-bikes from riding or parking on sidewalks;
- Restrict commercial cargo e-bike use in parks, along pathways, and the Thames Valley Parkway (TVP);
- Enforcement will need to be addressed;
- Need dedicated parking locations for commercial cargo e-bikes;
- Develop education, including rules of the road, in advance of pilot participation; and
- Otherwise, treat cargo e-bikes the same as bicycles.

Based on feedback received, City staff recommend the following:

Join the pilot for personal cargo e-bikes, with associated by-law updates. This would include a review of current municipal by-laws. A review of municipal by-laws would also allow for the recognition of other, new, larger mobility devices, such as those envisioned for riders in the Province of Ontario's Urban Mobility Vehicle Pilot. This option is referred to in the report as A-1. Allow Personal Cargo E-bikes and Update By-law. This recommendation will allow Londoners to purchase any cargo e-bike, ride it legally (where allowed), and eliminate the need to recognise the difference between e-bikes under 55 kilograms and cargo e-bikes over 55 kilograms for enforcement purposes. The recommendation also recognises that a cargo e-bike can be a viable alternative to owning a second car. Personal cargo e-bikes would not be allowed to operate or park on sidewalks.

- Develop a pilot program for commercial use of cargo e-bikes, including licensing rules, fees and parking requirements. This is one action local businesses can take that supports the Climate Emergency Action Plan. Commercial cargo e-bikes would not be allowed to operate or park on sidewalks. This option is referred to in the report as B-1. Full Cargo E-bike Pilot Participation.

Financial Impact/Considerations

The costs associated with both the personal and commercial pilot projects are expected to be minor in nature as the number of cargo e-bikes is expected to be modest over the term of the pilot projects. Minor costs associated with educational and promotional materials, as well as the licensing of commercial pilot project participants, is expected to be between \$5,000 and \$10,000 and can be absorbed in existing budgets during the pilot projects.

Linkage to the Corporate Strategic Plan

Municipal Council's 2019-2023 Strategic Plan for the City of London continues to recognize the importance of active transportation, cycling, and the need for a more sustainable, inclusive, and resilient city. Personal and commercial cargo e-bike use addresses four of the five Areas of Focus, at various levels:

- Strengthening Our Community
- Building a Sustainable City
- Growing our Economy
- Creating a Safe London for Women and Girls

On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.

On April 12, 2022, Municipal Council approved the Climate Emergency Action Plan which includes Area of Focus 4, Transforming Transportation and Mobility.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Relevant reports that can be found at www.london.ca under Council meetings include:

- Cycling and Transportation Demand Management Upcoming Projects (March 30, 2021 meeting of CWC, Agenda Item # 2.12)

1.2 Background

In March 2021, the Province of Ontario launched a five-year Cargo E-bike Pilot Program. The pilot is intended to evaluate the use of cargo e-bikes for both personal and commercial purposes. As part of the pilot, Ontario municipalities first need to pass by-laws to define where they can operate, where they can be parked (e.g., within spots for motor vehicles), and the operating parameters for cargo e-bike operators and businesses. Figures 1 and 2 are examples of cargo e-bikes for personal use. Figures 3 and 4 are examples of cargo e-bikes for commercial use.

Figure 1 - Example of Personal Use Cargo E-bike



(Photo credit: Bunch Bikes)

Figure 2 - Example of Personal Use Cargo E-bike



(Photo credit Virtue Cycles)

Figure 3 - Example of Commercial Cargo E-bike



(Photo credit: UPS)

Figure 4 - Example of Commercial Cargo E-bike



(Photo credit: MTO)

Note that the provincial Moving Ontarians More Safety Act (MOMS Act) has altered what is considered a legal “e-bike” as one weighing under 55 kilograms (including a light-weight cargo-style e-bike), and a cargo e-bike as weighing over 55 kilograms.

Most personal cargo-style e-bikes are under 55 kilograms and so remain legal to ride as per the MOMS Act. They are not part of this pilot program. However, those over 55 kilograms are in violation of the Highway Traffic Act, unless the City opts into the provincial pilot. For this reason, the recommendation is to opt into the pilot and allow cargo e-bikes to operate in London. This recommendation will allow Londoners to purchase the cargo e-bike that meets their personal needs.

The Province also released a Municipal Guidelines document, which provides best practice guidelines for setting up and allowing commercial use cargo e-bikes (see Appendix A).

More information on the provincial pilot is available at <https://www.ontario.ca/page/cargo-e-bike-pilot-program> along with the Regulation: <https://www.ontario.ca/laws/regulation/210141>

1.3 Experience Elsewhere

Other Ontario municipalities participating in the provincial pilot include Ottawa and Toronto.

In the Summer of 2021, the City of Ottawa gathered public input on the use of cargo e-bikes. The City's two-year pilot launched in the Fall of 2021. It covers cargo e-bikes for personal use and commercial use. As part of the permit process for commercial cargo e-bikes, participating company logos and identifying numbers need to be displayed on the sides of the vehicles. Commercial operators making deliveries are able to buy an annual short-term parking permit for each bike in use, allowing the commercial cargo e-bikes to be in loading zones and no-parking zones for up to 15 minutes. Ottawa expects there could be 25 commercial cargo e-bikes operating in its downtown within the first two years of the pilot, along with additional cargo e-bikes in other areas of Ottawa that are strategic to the business community.

As of Spring 2022, the City of Toronto permitted the use of cargo e-bikes that weigh over 120 kilograms on public roads and bike lanes. Pending agreement on final details with several companies that do local deliveries, the City expects to be testing roughly 20 to 40 commercial cargo e-bikes in the downtown core. The commercial cargo e-bikes will be allowed to park in commercial loading and delivery parking zones currently used by trucks and vans.

2.0 Discussion and Considerations

2.1 Context

In March 2021, Council directed Civic Administration to prepare a plan and initiate a process to determine how a Cargo E-bike pilot might be undertaken in London, including the advantages and disadvantages of a program, potential restrictions on where cargo e-bikes may be used and parked, other operating and safety parameters, possible use in the municipal fleet operations, amendments that would be required to City by-laws, and to seek community and partner input. At the time of writing, the provincial Cargo E-bike pilot has less than four years left. The pilot project opportunity period for municipalities ends March 1, 2026.

2.2 Synopsis of Feedback

Over the Summer 2021, City staff requested input from Londoners (including businesses), City advisory committees, partner organizations and City service areas to help inform Council's choices for the provincial pilot. The highlights presented below are separated between personal cargo e-bikes and commercial cargo e-bikes.

Due to Covid-19 pandemic restrictions, public input on cargo e-bikes was gathered primarily through the Get Involved platform. Overall, the Get Involved website had 286 visitors, and 227 feedback forms were submitted. The feedback form was open for over

ten weeks. The questions dealt equally with personal and commercial use cargo e-bikes. The majority of questions were multiple choice.

A. Personal cargo e-bikes

Public Input Through Get Involved

Table 1 presents the overall breakdown of responses to whether they own or plan to own a personal large cargo e-bike. See Appendix B for more details.

Table 1 – Personal Cargo E-Bike Responses(a)

Do you own, or plan to own, a personal large cargo e-bike?	Total Responses [count and percentage]	People with experience using a cargo e-bike [count and percentage]	People without experience using a cargo e-bike [count and percentage]
Yes	34 (17%)	12 (41%)	22 (12%)
Maybe	28 (14%)	4 (14%)	24 (14%)
No	144 (70%)	13 (45%)	131 (74%)
Total	206	29	177

Note:

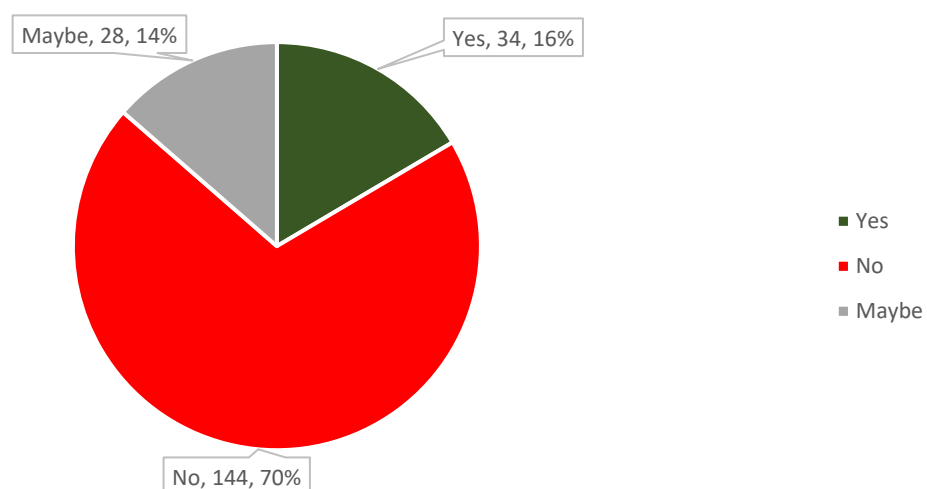
- (a) Respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

Out of 206 total responses, 30 per cent of respondents (62 responses) said that they own, plan or may plan to own, a personal cargo e-bike (See Figure 5 below), whereas 70 per cent (144 responses) stated that they do not own, or plan to own a personal cargo e-bike.

In analysing the data, it was recognised that the confusion over the provincial definitions of small versus large cargo e-bikes may have affected respondents' answers. There does seem to be a general split of opinion between those who have tried a cargo e-bike compared to those who have not.

Figure 5: Breakdown of total respondents about whether they own or plan to own a large cargo e-bike

Do you own, or plan to own, a personal large cargo e-bike as defined by Ontario's provincial pilot project?
(Total Responses)



Out of the 49 responses under the group of “People with experience”, 55 per cent mentioned that they already own or plan to own a cargo e-bike in the future. This group had a positive impression about this mode of transportation. The comments regarding advantages were:

- 1- Great option for commuting;
- 2- Environmentally friendly; and
- 3- Helpful and safe.

Some of the concerns that were mentioned included the need for safer infrastructure, particularly dedicated bike lanes.

There were 177 responses submitted in the group of respondents who have not used any type of personal cargo e-bike before, with 74 per cent of the 177 respondents mentioning that they do not plan to own a personal cargo e-bike in the future. However, 26 per cent of respondents expressed an openness to using a personal cargo-e-bike, which may show that there is potential for their use to grow as more people are exposed to them.

Respondents in the group that has no experience with personal cargo e-bikes stated the advantages and disadvantages of cargo e-bikes. The comments regarding advantages were:

- 1- Love to try as another option for commuting;
- 2- It can benefit the environment; and
- 3- Can reduce the car reliance in the city.

Some of the concerns that were mentioned included:

- 1- Should first improve the infrastructure and make it safe/protected bike lanes/more lanes; and
- 2- It can be unsafe or a nuisance.

Generally, people with experience using or being around cargo e-bikes in other cities responded more favourably and with less concerns than those who had neither exposure or experience with them.

City Advisory Committees

No formal feedback on personal cargo e-bikes was received from those City advisory committees that were consulted. Individual committee members may have provided input through Get Involved.

City Service Areas and Partners

The potential introduction of both personal and commercial use cargo e-bikes will affect several City service areas and partner organizations. There are a few overall themes to the feedback received (see Appendix C). These include:

- Restrict personal use cargo e-bikes from sidewalks;
- Enforcement will need to be addressed; and
- Enforce like bicycle rules are currently enforced.

Other comments were not as consistent (i.e., support for their use from some and opposition to their use by others).

B. Commercial Cargo E-Bikes

Public Input Through Get Involved

Table 2 presents the overall breakdown of responses to whether they own or plan to own a large cargo e-bike for their business. See Appendix B for more details.

Table 2 Commercial Cargo E-bike Responses(a)

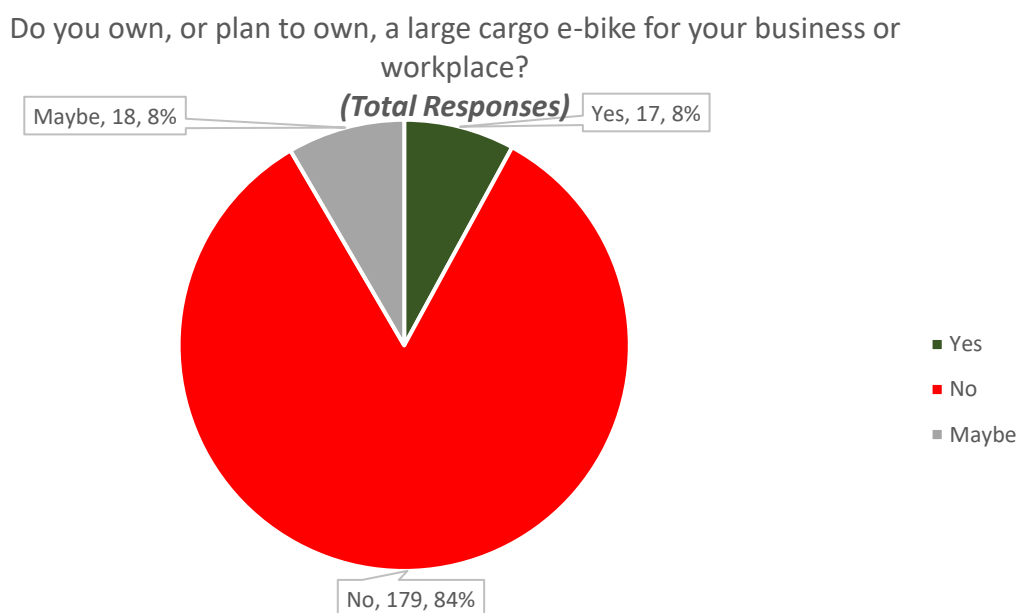
Do you own, or plan to own, a large cargo e-bike for your business or workplace?	Total Responses [count and percentage]	People with experience using a cargo e-bike [count and percentage]	People without experience using a cargo e-bike [count and percentage]
Yes	17 (8%)	9 (23%)	8 (5%)
Maybe	18 (8%)	4 (10%)	14 (8%)
No	179 (84%)	26 (67%)	153 (87%)
Total	214	39	175

Note:

- (a) Respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

Of the 214 respondents who answered the question of whether they owned, or planned to own, a large cargo e-bike for their business or workplace, 84 per cent stated they did not. This is shown in Figure 6.

Figure 6: Breakdown of respondents who answered the question of whether they owned, or planned to own, a large cargo e-bike for their business or workplace



As for respondents who used a type of cargo e-bike for their business, 33 per cent (13 responses) were willing to use it in the future and the other 67 per cent (26 people) do not plan to own one in the future.

Most respondents (87 per cent) in the category of those who have not used any type of cargo e-bike for their business or workplace, do not plan to own one in the future. This could be due to the pilot still being new so many business owners have not considered cargo e-bikes for commercial purposes. This could also point to the opportunity to ask London business owners, particularly located downtown, more questions over the next year as the vehicles become more common for commercial use in other municipalities.

According to the responses to the question related to parking space for commercial purposes, most people do not have a parking space to store a cargo e-bike. That may be one reason why people do not plan to get one for their business.

City Advisory Committees

No formal feedback was received on commercial cargo e-bikes from those City advisory committees that were consulted. Individual committee members may have provided input through Get Involved.

City Service Areas and Partners

Some of the positive comments raised by City service areas and partners included:

- Provide free parking for two hours or less;
- Include as few restrictions on their use as possible; and
- Use in areas of the city where there is limited vehicle traffic for deliveries.

There are a few common concerns to the feedback received from City service areas:

- Restrict commercial use from sidewalks; parks, along pathways and the Thames Valley Parkway; and
- Enforcement may be a challenge in some areas of the city.

Other concerns raised include:

- Need dedicated parking locations; and
- Develop educational programs, including rules of the road, in advance of pilot participation.

2.3 Staff Recommendations

Based on the research, experience in other municipalities, and local feedback from Londoners, partner organizations, and City service areas, there are several options for proceeding with cargo e-bikes under the two choices provided by the Provincial pilot.

A. Personal cargo e-bikes

A-1. Allow Personal Cargo E-bikes and Update By-law

Participate fully in the pilot for personal cargo e-bikes (noting that personal cargo e-bikes under 55 kgs are already permitted) with associated by-law updates. Personal cargo e-bikes would not be allowed to operate or park on sidewalks. This would include a review of current municipal by-laws. A review of municipal by-laws would also allow for the recognition of other, new, large mobility devices, such as those envisioned for riders in the Province of Ontario's Urban Mobility Vehicle Pilot.

(<https://www.ontariocanada.com/registry/view.do?postingId=39027&language=en>)

A-2. Allow Personal Cargo E-bikes with Restrictions

Participate in the provincial pilot with several additional restrictions on where personal cargo e-bikes can operate (e.g., not allowed on sidewalks, multi-use pathways or the TVP) and where to park (e.g., not allowed on sidewalks). This would include a review of current municipal by-laws.

A-3. Do Not Join Provincial Pilot Monitor and Review Other Municipalities' Pilots

No participation in the provincial pilot. Personal use cargo e-bikes over 55 kilograms would not be allowed to operate anywhere in London.

City Staff Recommendation

Based on the feedback received, City staff recommend that Council move forward with Option A-1. This will allow Londoners to purchase any cargo e-bike, ride it legally where allowed under bylaw, and eliminate the need to recognise the difference between e-bikes under 55 kilograms and cargo e-bikes over 55 kilograms for enforcement purposes. For

some households, purchasing a cargo e-bike is an alternative to owning a second car and can help support goals related to active mobility and climate change as well.

B. Commercial cargo e-bikes

B-1. Full Cargo E-bike Pilot Participation

Fully participate in the pilot for commercial use cargo e-bikes city-wide, including the development of a licensing program. A short-term parking permit would be issued to each commercial cargo e-bike that allows the use of existing loading zones and no parking zones for up to 15 minutes while actively engaged in a delivery. Commercial use cargo e-bikes would be prohibited from operating or parking on the sidewalk, parking in bike lanes or other cycling facilities. Other prohibited areas will be addressed during licensing program and by-law development. This will include further investigating the local interest in commercial cargo e-bikes, and how other Ontario municipalities are developing commercial cargo e-bike programs (e.g., licensing, geographic service area, and parking).

B-2. Restricted Cargo E-bike Pilot Participation

Develop a pilot program for commercial use cargo e-bikes, including licensing fees, limiting to certain geographic service area(s) to be determined, and parking. This would be similar to B-1; however, the geographic area would focus on certain areas such as the broader downtown area, Old East Village, etc.

B-3. Do Not Join the Provincial Pilot; Monitor and Review Other Municipalities' Pilots

Do not opt into the provincial pilot (commercial use cargo e-bikes not allowed to operate in London). Under this option, City staff would learn from other Ontario municipalities' pilots and their municipal by-law updates. City staff would maintain and strengthen relationships with staff in other Ontario municipalities that have cargo e-bikes in place to learn from them. The City would wait until the end of the provincial pilot to do anything related to commercial cargo e-bikes.

City Staff Recommendation

Based on the feedback received, City staff recommend proceeding with B-1. This will allow the City to develop a commercial licensing program that supports local businesses across London that want to integrate cargo e-bikes in their business operations. Commercial e-cargo bikes can effectively replace some delivery vans in urban areas, thus providing a greener and more efficient option to support the same delivery demand. Using these vehicles supports the Climate Emergency Action Plan and can reduce delivery costs for businesses interested in adopting cargo e-bikes. Uptake under the commercial pilot program is expected to be modest, based on Ottawa's projection of 25 commercial cargo e-bikes in its pilot program and the Get Involved results for London

In addition, City staff recommend further investigation of possible cargo e-bike use in London's municipal fleet operations. Two municipal service areas have been piloting the use of (non-cargo) e-bikes since the Fall of 2021. So far, the municipal e-bikes have been well received and there may be applications for the use of cargo e-bikes in some municipal operations.

3.0 Financial Impact/Considerations

The costs associated with both the personal and commercial pilot projects are expected to be minor in nature as the number of cargo e-bikes is expected to be modest over the term of the pilot projects. A do-nothing approach would also require minor additional enforcement activity, as technically personal cargo e-bikes over 55 kilograms and all commercial cargo e-bikes would be prohibited from use in London and subject to enforcement action. Minor costs associated with educational and promotional materials, as well as the licensing of commercial pilot project participants, is expected to be between \$5,000 and \$10,000 and can be absorbed in existing budgets during the pilot projects.

4.0 Key Issues and Considerations

There are several issues and considerations with the provincial Cargo E-bike pilot. The key consideration with the provincial pilot is that it applies to both personal and commercial use cargo e-bikes. They need to be dealt with separately as the City has no control over the availability of cargo e-bikes for personal purchase and use. They are already in use in London. Personal cargo e-bikes cannot be regulated like commercial use vehicles can be regulated through licencing.

Both personal and commercial cargo e-bikes can present another transportation option for Londoners and business owners. They can help decrease delivery traffic in central areas and address the climate emergency by eliminating the need for some motor vehicle trips.

The confusing definition of what is considered a small cargo “e-bike” versus a large cargo e-bike most likely affected the results of the Get Involved feedback and general understanding of what is included in the pilot. With the new definition of a cargo e-bike now law, those personal cargo e-bikes currently in use that are over 55 kilograms, such as for transporting children and groceries, are illegal, unless the City opts into the provincial pilot.

Insurance needs are another consideration as part of the pilot. Municipalities that opt into the pilot must determine if insurance is required, both the type and coverage. This will be examined as part of program development.

Where the cargo e-bikes can park is another consideration. Vehicular spots could be re-designated for cargo e-bikes to further discourage sidewalk riding and parking, as well as obstructing bike lanes, transit stops and benches. In addition, any costs for cargo e-bike parking would also have to be determined. When asked whether they thought riders should pay for parking, Get Involved respondents did not have a definitive preference.

For commercial use cargo e-bikes, other municipalities, such as Ottawa, have developed a licencing system and parking permit to help regulate their use.

Conclusion

The provincial Cargo E-bike pilot ends March 1, 2026. Opting into the pilot is an opportunity for the City of London to provide another transportation option to Londoners. The two facets of the pilot, personal and commercial use, need to be dealt with separately. Personal cargo e-bikes are already in use in London. This needs to be recognised and addressed. This can be accomplished with the staff recommendation of Option A-1 - Allow Personal Cargo E-bikes and Update By-law. For commercial use cargo e-bikes, the staff recommendation is Option B-1 - Full Cargo E-bike Pilot Participation as part of the provincial pilot. This requires the development of a licencing and permitting program.

Prepared by: Allison Miller, M.C.P., MCIP, RPP, Senior Coordinator,
Transportation Demand Management

Jamie Skimming, P.Eng., Manager,
Energy and Climate Change

Prepared and Submitted by: Jay Stanford, M.A., M.P.A. Director, Climate Change,
Environment, and Waste Management

Recommended by: Kelly Scherr, P.Eng., MBA, FEC, Deputy City Manager,
Environment & Infrastructure

Appendix A: Provincial Best Practice Guidelines

Appendix B: Large Cargo E-bike Final Analysis

Appendix C: City Service Area and Partner Cargo E-bike Key Points, Questions and Comments

APPENDIX A

Ontario Cargo e-Bike Pilot Program: Guidelines for Municipalities

Increasing options for businesses to meet delivery demands

Updated: May 2021

Ontario has created a five-year pilot framework for permitting the use of larger cargo power-assisted bicycles (cargo e-bikes) on Ontario roads, should municipalities choose to allow their use within their municipal boundaries.

Municipalities that want to allow cargo e-bikes to operate on their roads **must pass by-laws to permit their use** and may set out specific requirements, based on what is best for their communities.

Municipalities may also inform the Ministry of Transportation that they are participating in the pilot by sending a notification to SPDB@ontario.ca.

The Province has established the broad regulatory framework for cargo e-bikes. This includes the following vehicle and operating requirements:

Provincial Requirements

Provincial Vehicle Requirements

The vehicle is a pedal-driven bicycle of conventional exposed fork-and-frame bicycle design and appearance that:

- has two or three wheels
- is fitted at all times with pedals that are always operable to propel the bicycle
- has a platform, basket or container for carrying cargo, parcels or goods
- has steering handlebars
- has a weight of more than 55 kilograms
- has a width not exceeding 1.3 meters
- has a length not exceeding 4 meters
- has a height not exceeding 2.2 meters
- has wheels that have a width of not less than 35 millimeters and a diameter of not less than 350 millimeters
- does not have any structure that fully encloses the occupant area
- has an electric motor with a continuous rated output power not exceeding 1,000 watts that is incapable of providing propulsion assistance when the motor vehicle attains a speed of 32 kilometres per hour or more
- is not deemed a motor vehicle

Provincial Operating Requirements

- No drugs or alcohol permitted when operating a cargo e-bike (consequences under the Criminal Code of Canada may apply)
- Where permitted, the vehicle must be operated in the bicycle lane or to the right-most side of the roadway
- Operator must be age 16 or over
- Not permitted to tow devices or vehicles
- Not permitted to carry dangerous or hazardous goods
- Not permitted to leave the vehicle in a location that is intended for the passage of vehicles or pedestrians (i.e., bicycle lane or sidewalk)
- Helmets are required for all riders regardless of age
- Passengers are permitted if the passenger is using a seat designed for passenger use that is manufactured for the vehicle
- When operated at a time (i.e., night-time or in poor weather) where persons and vehicles are not clearly discernible at a distance of 150 metres or less, cargo e-bikes

must carry a lighted lamp displaying a white or amber light at the front and a lighted lamp displaying a red light at the rear (must be affixed to the vehicle, not the operator)

Municipal Considerations

Municipal Operating Parameters

Municipalities that want to allow cargo e-bikes to operate within their boundaries may wish to consider the below:

- Developing operating parameters for cargo e-bike companies and operators.
- Whether cargo e-bikes may be allowed to operate on sidewalks – sidewalks are for pedestrians, and operators should be considerate of persons with disabilities and/or limited mobility. Municipalities may wish to clearly communicate with companies about their expectations and requirements around contracts, business licences, operating agreements, etc.

Municipalities to consider:

- What are the most appropriate mechanisms to monitor, track and report on the use of cargo e-bikes under the pilot, including collisions?
- Where should cargo e-bikes be allowed to travel (e.g., bicycle lane, on roadways, bike paths, etc.)?
- A limit on the number of cargo e-bikes allowed in certain areas to combat congestion?
- How will cargo e-bikes integrate with other road users (e.g., pedestrians, cyclists, and people using personal mobility devices)?
- Whether a visible numerical identifier may be required for each vehicle in use?
- What contractual terms are required for commercial operators to provide data (such as GPS coordinates) to municipalities?
- Where and when should vehicles be permitted to stop/park for deliveries?
- What mechanism is in place for citizens to provide feedback or complaints (i.e., surveys or use of 311 lines)?
- How to ensure training for operators to meet all Occupational Health and Safety Act requirements?

Parking

The pilot program requires cargo e-bikes to be parked within spots for motor vehicles as these vehicles are not permitted to stop in places of passage for motor vehicles or pedestrians. In addition, municipalities may wish to consider clearly defining where cargo e-bikes can park (e.g., setting up designated parking locations). Designated parking locations provide control over their use and reduces interference with the public.

Municipalities may consider:

- Should there be overnight responsibility for cargo e-bike parking non-compliance?
- Who may receive the penalty if a cargo e-bike is not parked in a designated location?
- What penalty structure should apply if a cargo e-bike is not parked in a designated location?

Liability

Municipalities may consider:

- What are the possible options for commercial cargo e-bike companies to indemnify the municipality and hold appropriate insurance requirements with a distinction in insurance coverage required for commercial cargo e-bikes?

- What is the possible appropriate insurance coverage for commercial cargo e-bikes – the type and coverage amount?

Offences

Similar to bicycles, *Highway Traffic Act* (HTA) rules of the road apply to the operation of cargo e-bikes in Ontario. Penalties in HTA s. 228(8) also apply to violations of the pilot regulation (fine of \$250 to \$2,500). By-law offences may also apply. There are serious consequences for a cargo e-bike operator impaired by drugs, alcohol or both under the *Criminal Code of Canada*.

Data Collection

The Ministry of Transportation (MTO) requires data from municipalities to evaluate this pilot and determine any potential amendments required, if needed. Municipalities are required to provide information to the ministry if a municipal by-law is enacted to permit the use of cargo e-bikes on any roads within the municipality during the term of the pilot.

MTO will be evaluating the road safety impact of the pilot program and will require accurate and reliable data on all cargo e-bike collisions to do this effectively. Collisions, as defined in the *Highway Traffic Act* (HTA), must be reported using the Motor Vehicle Collision Report (MVCR) form (SR-LD-401) or an electronic collision data system when a reportable collision involving a cargo e-bike occurs. Collisions involving cargo e-bikes that do not meet the criteria of a reportable collision should be documented using your jurisdiction's incident reporting procedures. Municipalities are required to remit incident/collision and injury-related data to the province.

More Information

This document is a guide only. For official purposes, please refer to the Ontario *Highway Traffic Act* and its regulations. For more information, please see Ontario [Regulation Cargo E-Bikes](#) or visit ontario.ca.

APPENDIX B

Large Cargo E-bike Get Involved Feedback Analysis

Overall Insights

This analysis constitutes of two main groups:

- 1- **People with some experience** (defined as people who have used either smaller cargo-style e-bikes or a cargo e-bikes)
- 2- **People with no experience** (defined as people who have no experience using smaller cargo-style e-bikes or a cargo e-bikes)

People with some experience - 24 out of 178 (14 per cent) of respondents have some experience using both smaller cargo-style e-bikes or a cargo e-bikes. Most of the comments in this group were positive such as great alternative for commuting, fun, and environmentally friendly. However, more connected and safe dedicated bike lanes are required. Some people plan to own a cargo e-bike for their business.

People with no experience - 154 out of 178 (86 per cent) of respondents have no experience using a small or a large cargo e-bike. Of these 154 responses, most of respondents expressed willingness to try cargo e-bikes. However, this group of people had some concerns about unsafe bike lanes and the chance of increasing congestion. It is notable that most of respondents in this group do not own or plan to own a large cargo e-bike for their business. According to the responses to the question related to parking space, most people do not have a parking space to store a cargo e-bike. That may be one reason why people do not plan to get one for their business.

A. Feedback Form Analysis for Personal Cargo E-bikes

This table presents the overall breakdown of responses to whether they own or plan to own a personal large cargo e-bike:

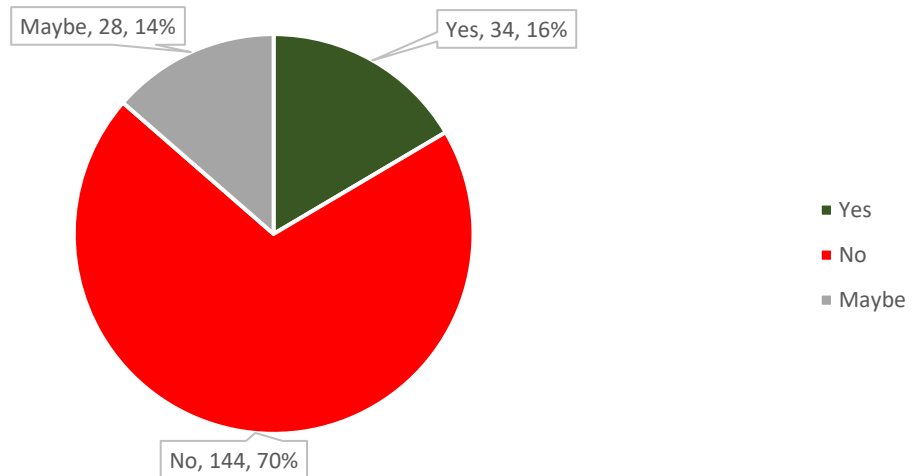
Do you own, or plan to own, a personal large cargo e-bike?	Total Responses [count and percentage]	People with experience using a cargo e-bike [count and percentage]	People without experience using a cargo e-bike [count and percentage]
Yes	34 (17%)	12 (41%)	22 (12%)
Maybe	28 (14%)	4 (14%)	24 (14%)
No	144 (70%)	13 (45%)	131 (74%)
Total	206	29	177

Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

The feedback form included a question where respondents were asked whether they own or plan to own a personal cargo e-bike in the future. This question in particular can provide useful insights into the overall public perception about cargo e-bikes.

Out of 206 total responses, 30 per cent of respondents (62 responses) said that they own, plan or may plan to own, a personal cargo e-bike, whereas 70 per cent (144 responses) stated that they do not own, or plan to own a personal cargo e-bike.

Do you own, or plan to own, a personal large cargo e-bike as defined by Ontario's provincial pilot project?
(Total Responses)

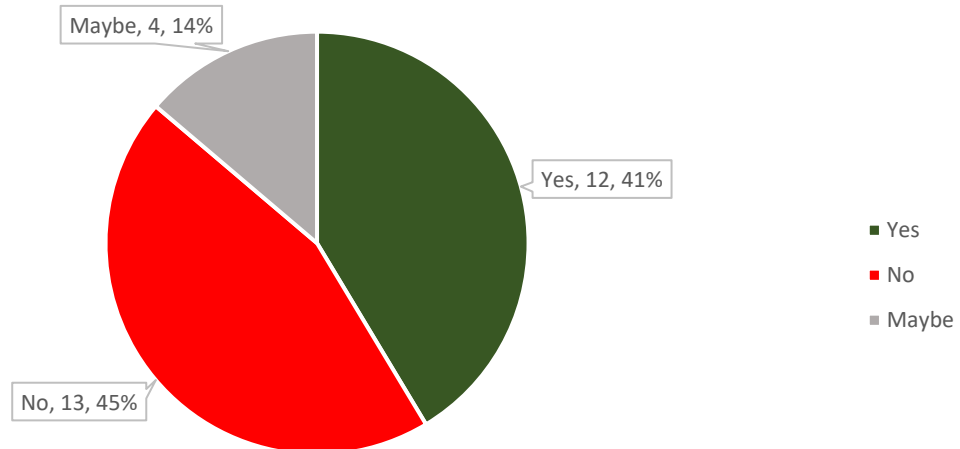


Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

A breakdown of previous chart based on the respondents' experience is provided below, considering if the respondent has used any type of cargo e-bike before or have not.

1. People with experience (have used either a large or a smaller cargo e-bike)

Do you own, or plan to own, a personal large cargo e-bike as defined by Ontario's provincial pilot project?
(People who have used a type of Cargo e-bike)



Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

In terms of experience, 29 respondents have used a type of cargo e-bike versus 177 people who have not used any type. Out of the 29 responses under the group of "People with experience", 55 per cent mentioned that they already own or plan to own a cargo e-bike in future. This indicates the willingness of people due to their positive experience about using cargo e-bike. It can also be a relatively strong conclusion that

whoever has used a cargo e-bike and has real-life experience, has a positive impression about this mode of transportation.

This group pointed out the pros and cons of cargo e-bikes. The comments regarding advantages included:

- 1- Great alternative for commuting;
- 2- Environmentally friendly; and
- 3- Helpful and safe.

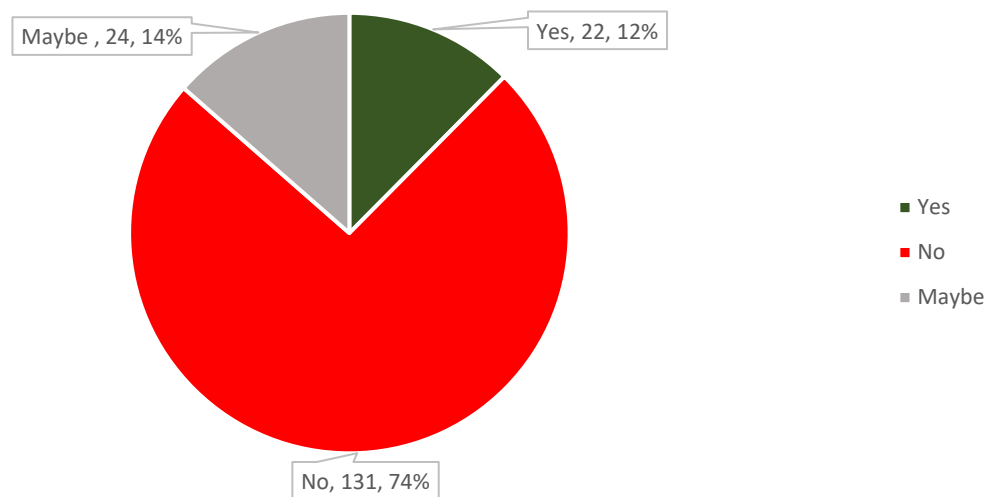
Concerns that were mentioned were:

- 1- Safer infrastructure (particularly dedicated bike lanes) is required;
- 2- It can be dangerous; and
- 3- It must be insured, licensed, and policed.

2. People without any experience (have not used a large or a smaller cargo e-bike)

Do you own, or plan to own, a personal large cargo e-bike as defined by Ontario's provincial pilot project?

(People who have NOT used any type of Cargo e-bike)



Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

In this group, 177 responses were submitted where respondents' have not used any type of cargo e-bike before. 74 per cent of the 177 people in this group mentioned that they do not own or plan to own a cargo e-bike in future. It is apparent that the positive/negative trend for comments is opposite in people who have experience using a cargo e-bike compared to those who have no experience. This can be due to fear of unknown and how the media, or social media, has presented cargo e-bikes.

Similar to the previous group, respondents under this group have stated the advantages and disadvantages of cargo e-bikes. The advantages include:

- 1- Love to try as an alternative option for commuting
- 2- It can benefit the environment
- 3- Can reduce the car reliance in the city

Disadvantages include:

- 1- Should first improve the infrastructure and make it safe/protected bike lanes/more lanes
- 2- It can be unsafe and nuisance
- 3- Concerns regarding unclear regulation and licensing

B. Feedback Form Analysis for Commercial Cargo E-bikes

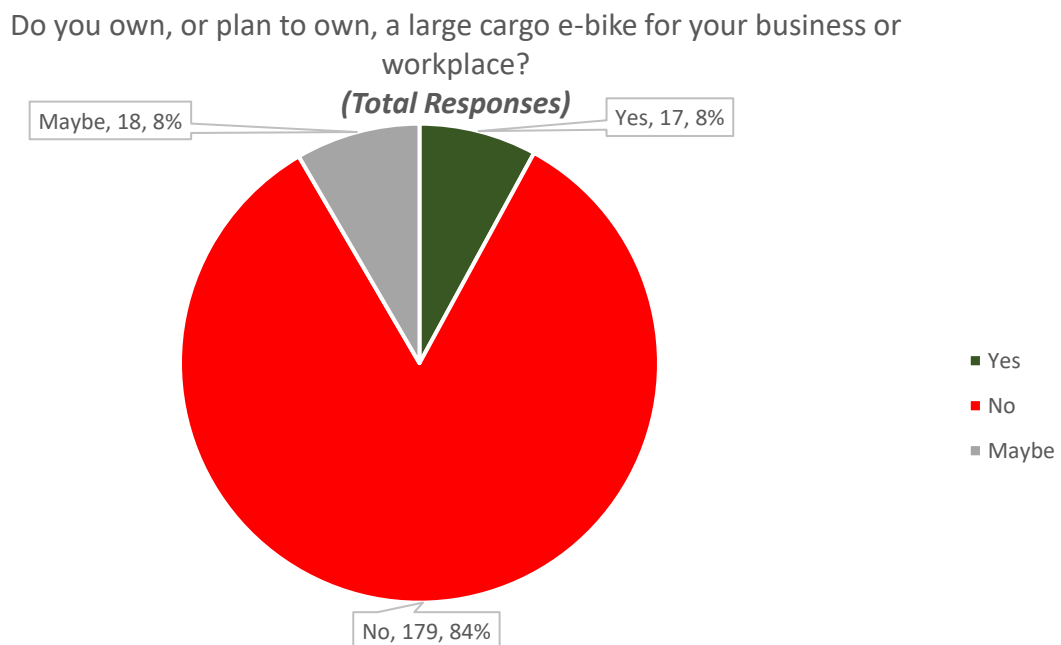
This table presents the overall breakdown of responses to whether they own or plan to own a large cargo e-bike for their business or workplace:

Do you own, or plan to own, a large cargo e-bike for your business or workplace?	Total Responses [count and percentage]	People with experience using a cargo e-bike [count and percentage]	People without experience using a cargo e-bike [count and percentage]
Yes	17 (8%)	9 (23%)	8 (5%)
Maybe	18 (8%)	4 (10%)	14 (8%)
No	179 (84%)	26 (67%)	153 (87%)
Total	214	39	175

Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

The feedback form included a question where respondents were asked whether they own or plan to own a cargo e-bike for their business in the future. This question in particular can provide useful insights into feasibility of commercial cargo e-bikes.

Out of 214 total responses, 16 per cent (35 responses) of respondents said that they own, plan or may plan to own, a personal cargo e-bike. Whereas 84 per cent (179 responses) stated that they do not own, or plan to own a personal cargo e-bike.

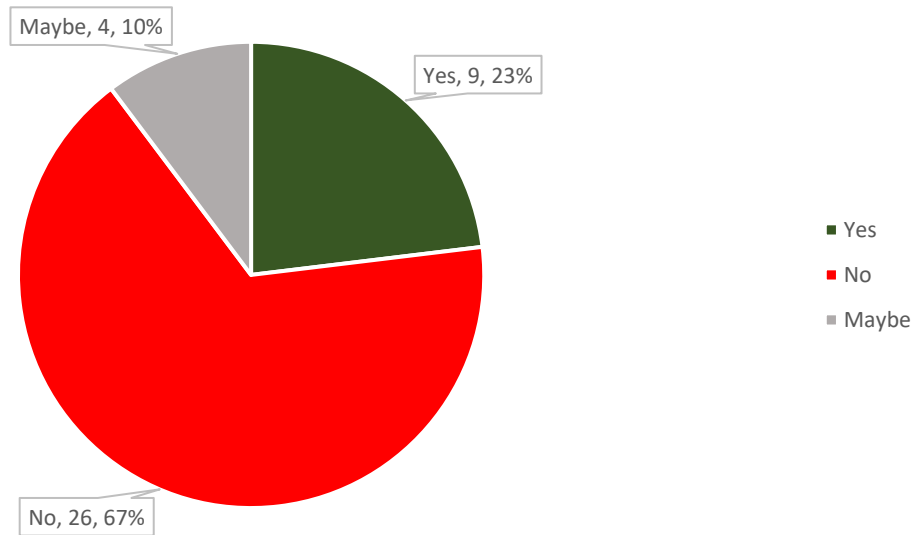


Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

1. People with experience (have used either a large or a smaller cargo e-bike)

Do you own, or plan to own, a large cargo e-bike for your business or workplace?

(People who have used a type of Cargo e-bike)



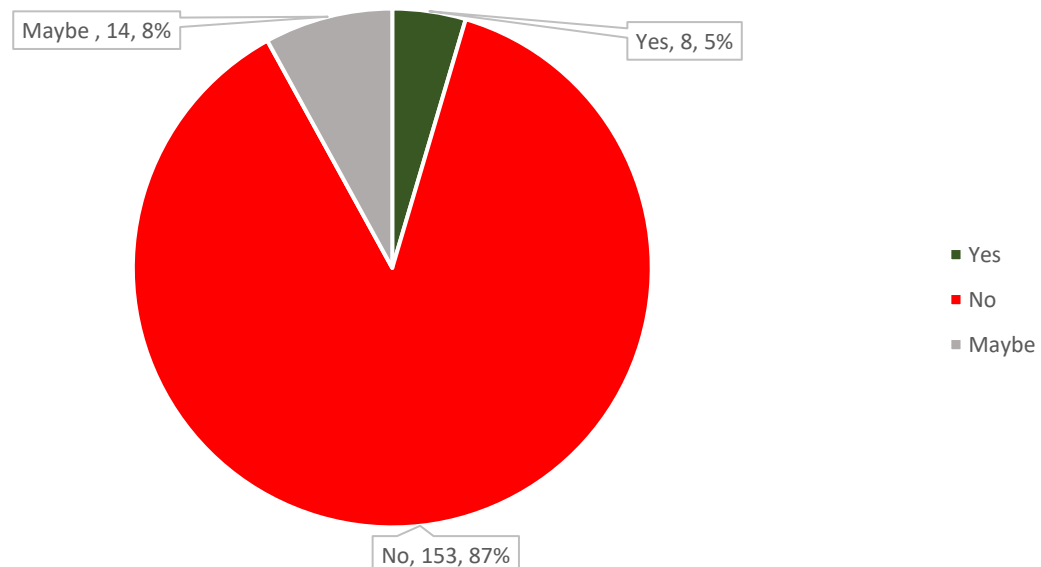
Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

39 respondents have used a type of cargo e-bike versus 175 people who have not used any type. Out of the 39 responses under the group of “People with experience”, 33 per cent mentioned that they own or may plan to own a commercial cargo e-bike in future.

2. People without any experience (have NOT used a large or a smaller cargo e-bike)

Do you own, or plan to own, a large cargo e-bike for your business or workplace?

(People who have NOT used any type of Cargo e-bike)



Note that respondents to the survey had the option to skip answering some questions. Due to this, the total count presented in all tables and charts is less than the total number of participations in the survey (227 responses).

175 responses were submitted in the group of respondents who have not used any type of cargo e-bike before. 87 per cent of the 175 people in this group mentioned that they do not own or may plan to own a commercial cargo e-bike in future.

APPENDIX C

City Service Area and Partners Cargo E-bikes Key Points, Questions and Comments

The following table is a synopsis of the points raised by those City service areas and City partner organizations who were asked to comment on a cargo e-bike discussion guide and feedback questions.

Service Area and Division/Section	Key Points, Questions and Comments
Risk Management	<p>Personal and Commercial:</p> <ul style="list-style-type: none"> • Safety for all users of the road/sidewalk and pathways is the ultimate goal. • Limiting use to specific facilities, speeds and penalties for misuse seem to be the way forward. • Starting as a pilot project, can adjust and modify accordingly if any challenges develop.
Transportation Planning & Design	<p>Personal:</p> <ul style="list-style-type: none"> • Yes for streets at 50km or less and bike lanes/cycle tracks. • Can make pathways and Thames Valley Parkway (TVP) work with speed limits and enforcement. <p>Commercial:</p> <ul style="list-style-type: none"> • Yes for streets at 50km or less and bike lanes/cycle tracks. • No to pathways and TVP
Road Operations	No change in winter service levels anticipated.
Legal Services	Preliminary observations provided on both personal and shared cargo e-bike programs.
Anti Racism Anti Oppression	<p>Personal:</p> <ul style="list-style-type: none"> • Conduct analysis of usership using an equity perspective. • What is the demographic most likely to benefit from the program?
Municipal Compliance	<p>Personal and Commercial:</p> <ul style="list-style-type: none"> • Expect calls about blocked sidewalks and other accessibility obstructions. • Need clarity on jurisdiction and resourcing when planning for anticipated complaints and expected compliance responses.
Planning and Development	<p>Personal and Commercial:</p> <ul style="list-style-type: none"> • Dedicate vehicle on-street or parking lot spaces for cargo bikes. • Free parking 2 hrs or less. • As few restrictions on their use as possible. • Enforce as little as possible. • Extremely difficult to regulate where personal vs. commercial cargo e-bikes are being operated.
Parks Planning and Operations	<p>Personal and Commercial:</p> <ul style="list-style-type: none"> • Concerned with large cargo e-bikes because of size and would not be safe on the existing very busy, two-way, 3 metre-wide pathways. • Pathways have multiple types of users. • Could trigger overhaul of entire TVP, which could lead to fragmented network. • Increase in user conflict complaints.

Service Area and Division/Section	Key Points, Questions and Comments
	<ul style="list-style-type: none"> • Increased risk for collisions and some sections difficult to reach for Emergency Medical Services (EMS). <p>Personal:</p> <ul style="list-style-type: none"> • Parking preference outside of parks. • No comment on 50km or less roads or bike lanes/cycle tracks. • Restricted from the park and pathway system. • Restricted from public parks. • Already have enforcement challenges. E cargo bikes would exacerbate current concerns. <p>Commercial:</p> <ul style="list-style-type: none"> • No comment on 50km or less roads or bike lanes/cycle tracks. • Restricted from the park and pathway system. • Restricted from public parks.
Tourism London	<p>Personal and Commercial:</p> <ul style="list-style-type: none"> • Need education for all that there will be more large cargo e-bikes around and rules for riders. • Dedicated lanes for bikes, e-scooters, cargo e-bikes etc. to avoid sidewalk riding. <p>Personal:</p> <ul style="list-style-type: none"> • Main areas of the city, in line with other areas bicycle and e-scooter would be in place. Grocery stores, markets for pick-ups, including downtown. • No preference where to use. Up to user where they are most comfortable. • Enforce like bikes. Add signage and education pre-launch. <p>Commercial:</p> <ul style="list-style-type: none"> • Areas of the city where there is limited vehicle traffic for deliveries. • No preference where to use. Up to user where they are most comfortable.
Downtown London	Shared Get Involved link with membership
London Police Service	<p>Personal and Commercial:</p> <ul style="list-style-type: none"> • E-bikes very regulated. • Enforcement circumstantial. • Further discussion with LPS and City By-law at a later time.
Middlesex London Health Unit	Not able to comment due to resource commitment to the pandemic.
London Transit Commission	<p>Personal and Commercial:</p> <ul style="list-style-type: none"> • Parked away from transit stops (doors). • Restrict on sidewalks and enforce as bikes are already for sidewalk riding. No other restrictions.
Western University	<p>Note: Participation on Western property in the provincial pilot is not up to the City of London.</p> <p>No comments received but want to be kept in loop.</p>

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment & Infrastructure

Subject: Participation in Provincial E-scooter Pilot

Date: June 21, 2022

Recommendation

That the on the recommendation of the Deputy City Manager, Environment and Infrastructure, the following actions be taken with respect to participation in the Province of Ontario's electric kick-style e-scooter pilot:

- a. This report **BE RECEIVED** for information;
- b. City Administration **BE AUTHORIZED** to advise the Province of Ontario that the City of London will be participating in the personal e-scooter portion of the Provincial pilot, subject to the approval of c., below, and will not be participating in the e-scooter share program, it being noted that the Provincial pilot ends December 2024;
- c. Civic Administration **BE AUTHORIZED** to update relevant municipal by-laws to incorporate e-scooters for personal use and bring back a report of proposed by-law amendments to the Civic Works Committee at a future meeting; and
- d. Civic Administration **BE DIRECTED** to monitor other municipalities involved with the Provincial e-scooter share program for the purpose of obtaining details pertinent to such plans as the Climate Emergency Action Plan, Mobility Master Plan, and The London Plan.

Executive Summary

The purpose of this report is to provide Committee and Council with background information and a synopsis of input on participation in the Province's electric kick-style e-scooter pilot. The Provincial e-scooter pilot includes both e-scooters for personal purchase and use, and e-scooter share services (i.e., similar to bike share services).

An e-scooter is a stand-up scooter powered by an electric motor. They are generally designed for use by adults with a large deck in the centre upon which the rider stands. They are a micromobility option (e.g., along with bike share and e-bike share) that is becoming more popular in many North American cities.

Several other Ontario municipalities are examining or participating in the Ontario e-scooter pilot, specifically:

A. Personal E-scooters Programs

- Ottawa, Hamilton, Windsor, York Region, Brampton and Mississauga allow personal e-scooters. The Region of Waterloo will allow them as of July 1, 2022.
- Toronto is currently not allowing either personal use or e-scooter share services.

B. E-scooter Share Programs

- Ottawa and Windsor have e-scooter share services in place. Windsor's system includes e-bikes.
- Hamilton, Brampton and Region of Waterloo (in partnership with cities of Cambridge, Kitchener and Waterloo), are working towards e-scooter share services.
- Mississauga is reviewing e-scooter share.

Contact was made with many of these municipalities in 2021 and 2022. In addition, details provided by e-scooter vendors and other on-line sources was reviewed by City staff.

In London, the public, City advisory committees, City service areas, and partner organizations' feedback was collected in the summer of 2021. In summary, a range of feedback was received. For the public, overall, those who have tried or own an e-scooter are supportive of allowing them in London. Generally, those who have no experience with e-scooters are not supportive.

This report includes recommendations for both options of the provincial pilot, personal e-scooters and e-scooter share systems:

- With respect to personal e-scooters; Civic Administration recommend that for the remainder of the provincial pilot (ends December 2024), allow e-scooters for personal use in the same locations where bicycles are allowed for adults (i.e., not on sidewalks) and update related by-laws. This option recognises that personal e-scooters are already in use in London, they provide an efficient transportation option for many Londoners, and they should be recognised in municipal by-laws. This option is referred to in the report as A-1. Allow Personal E-scooters and Update By-laws.
- With respect to e-scooter share programs; Civic Administration recommend not participating in the e-scooter share portion of the provincial pilot. Rather, it is recommended London proceed with monitoring and reviewing other municipalities' pilots to learn about their services' set-up and challenges, and how they dealt with by-law updates. This information will be used to inform the development of the Mobility Master Plan and the implementation of the Climate Emergency Action Plan and The London Plan. This option is referred to as B-3. Do Not Join the Provincial Pilot; Monitor and Review Other Municipalities' Pilots

Financial Impact/Considerations

This review, analysis and recommended direction has identified three main items with respect to financial considerations noting that the financial impact may occur in a different project as noted in number 3 below:

1. A-1. Allow Personal E-scooters and Update By-laws
Existing City staff resources will be used to review and address relevant municipal by-laws. There is no additional financial impact for City staff. During the Pilot, discussions will occur with London Police Services and Municipal Compliance staff from an enforcement perspective.
2. B-3. Do Not Join the Provincial Pilot; Monitor and Review Other Municipalities' Pilots
Existing City staff resources will be used to monitor and review e-scooter share pilot programs and full-scale programs. There is no additional financial impact for City staff.
3. City staff still recommend proceeding with a bike share system, with a Request for Proposals (RFP) to be issued later in 2022. This matter will be the subject of a future Civic Works Committee report. The absence of e-scooters within the bike share system RFP may impact the financial aspects of a bike share system.

Linkage to the Corporate Strategic Plan

Municipal Council's 2019-2023 Strategic Plan for the City of London continues to recognize the importance of active transportation, cycling, and the need for a more sustainable, inclusive and resilient city. Personal and shared e-scooter use addresses four of the five Areas of Focus, at one level or another:

- Strengthening Our Community
- Building a Sustainable City
- Growing our Economy
- Creating a Safe London for Women and Girls

On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.

On April 12, 2022 Municipal Council approved the Climate Emergency Action Plan which includes Area of Focus 4, Transforming Transportation and Mobility.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Relevant reports that can be found at www.london.ca under Council meetings include:

- Proposed Approach to Review E-Scooters in London (January 7, 2020 meeting of Civic Works Committee (CWC), Agenda Item # 2.8)
- Cycling and Transportation Demand Management Upcoming Projects (March 30, 2021 meeting of CWC, Agenda Item # 2.12)
- 6th Report of the Accessibility Advisory Committee (July 27, 2021 meeting of Community and Protective Services Committee, Agenda Item # 4.2)
- 7th Report of the Transportation Advisory Committee (August 31, 2021 meeting of CWC, Agenda Items # 4.1 and 4.2)

1.2 Background

An e-scooter is a stand-up scooter powered by an electric motor. They are generally designed for use by adults with a large deck in the centre upon which the rider stands. They are a micromobility option (e.g., along with bike share and e-bike share) that is becoming more popular in many North American cities.



An e-scooter share system is a service in which electric motorized scooters are made available to use for short-term rentals. E-scooters can be either “docked” at racks or they can be dockless, meaning that they are dropped off and picked up from any location in a designated service area. The e-scooters are generally rented through a mobile app, although some system operators have provisions for those without mobile data access. They are meant for short point-to-point trips, first mile/last mile connections with transit, and recreational/ tourism uses.

Appendix A presents frequently asked questions and answers to help provide more context on e-scooter share services and how they are being used in other municipalities.

In January 2020, the Province of Ontario launched a five-year e-scooter pilot program. It ends December 2024. The pilot is intended to evaluate the use of both personal and shared e-scooters, to examine their ability to safely integrate with other vehicle types and determine whether existing provincial rules of the road are adequate. As part of the pilot, Ontario municipalities first need to pass by-laws to define where e-scooters can operate and where they can be parked (e.g., setting up designated parking locations).

More information on the provincial pilot is available at <http://www.mto.gov.on.ca/english/vehicles/electric/electric-scooters.shtml>

1.3 Experience Elsewhere

Several other Ontario municipalities are examining or participating in the provincial e-scooter pilot. This includes allowing personal e-scooters, allowing e-scooter share services, or both personal and e-scooter share. Activity in Ontario slowed down in 2020 and 2021 due to the pandemic. Recent activities include:

- Brampton ran a short-term, small-scale e-scooter share pilot project in one municipal park. In early 2022, Brampton approved allowing e-scooter share services with potentially three operators. Further details are expected this summer.
- Hamilton has passed by-laws to allow personal e-scooter use and shared e-scooter services. Shared services are planned for 2022 over a two-year period. Permits include a list of safety requirements for the operators.
- Mississauga has updated its by-laws allowing personal e-scooters and is seeking public input on their use. This is in response to the presence of personally owned e-scooters already in use in the city. Mississauga has not opted into the shared e-scooter portion of the provincial pilot. Feedback on the use of personal e-scooters will help the City determine whether a program of shared e-bikes and/or e-scooters should be pursued.
- Ottawa approved personal e-scooters and e-scooter share services in 2020. For the 2021 season, safety and accessibility features and innovations were prioritized in the e-scooter share selection process. In addition, the City's Accessibility Office participated in the evaluation process. Three companies were selected to provide services in 2021, including expanding to a satellite project outside of the central Ottawa area. Both services remain operational.
- Region of Waterloo (in 2019) ran an e-scooter share service on private property (specifically, property owned by the University of Waterloo). In 2021, Waterloo Region gathered feedback on the use of personal e-scooters and shared e-scooter service on public property. Personal e-scooters will be allowed as of July 1, 2022. E-scooter share will be part of a micromobility RFP, issued from the Region in partnership with cities of Cambridge, Kitchener and Waterloo. Service launch is planned for summer 2022.
- Toronto voted not to opt-in to the provincial pilot for either personal or shared e-scooters. The decision was informed by the potential impacts and implications that allowing e-scooters to operate in public spaces could have for pedestrians and people living with disabilities.
- Windsor approved an e-scooter share service within a defined area in the spring of 2021. The service area includes some slow zones (15 km/h) and no park zones. It also includes some e-bikes. The shared service area is different than where personal e-scooters are allowed.

In addition, several other Canadian municipalities provide e-scooter share services, including:

- Calgary and Halifax have e-scooter share services;
- Edmonton has e-scooter and bike share services;
- Kelowna allows personal e-scooters and has e-scooter and bike share services.
- Vancouver allows personal e-scooters; and
- Victoria and the Province of Manitoba are reviewing e-scooters.

2.0 Discussion and Considerations

2.1 Context

Two Requests for Proposals (RFPs) were issued in August 2020: one for proposals to run a bike share system in London, and one for proposals to run an e-scooter share system subject to Municipal Council approval for the use of e-scooters in London. As a result of the extenuating circumstances surrounding the pandemic, the City cancelled the RFPs in late 2020. City staff did learn more about the current state of the bike and e-scooter share service markets, including the operating cost benefits of providing both bikes and e-scooters as part of a coordinated micromobility service versus a bike-only system.

As a result, in spring 2021, City staff was directed to develop a new micromobility RFP that better meets the needs of Londoners and the City, pending Council approval to allow e-scooter use in London as part of the provincial pilot project. If Council approves not participating in the provincial e-scooter pilot, then a revised bike share RFP could be issued.

2.2 Input Received

Over the summer 2021, City staff requested input from Londoners (including businesses), partners, City advisory committees, and City service areas to help inform Council's choices for participation in the provincial pilot. The highlights presented below are separated between general feedback, feedback specific to personal e-scooters, and feedback specific to e-scooter share.

General Feedback

Public input on e-scooters was gathered primarily through the Get Involved platform. Overall, the Get Involved website had 804 visitors, and 743 feedback forms were completed.

The majority of questions and open-ended responses focused on e-scooter share. However, many open-ended responses apply to personal e-scooters too. Among all the respondents, the most noted concerns were:

- 1- Lack of safe infrastructure
- 2- Lack of clear regulation or enforcement for e-scooters
- 3- Being misused and improper storage

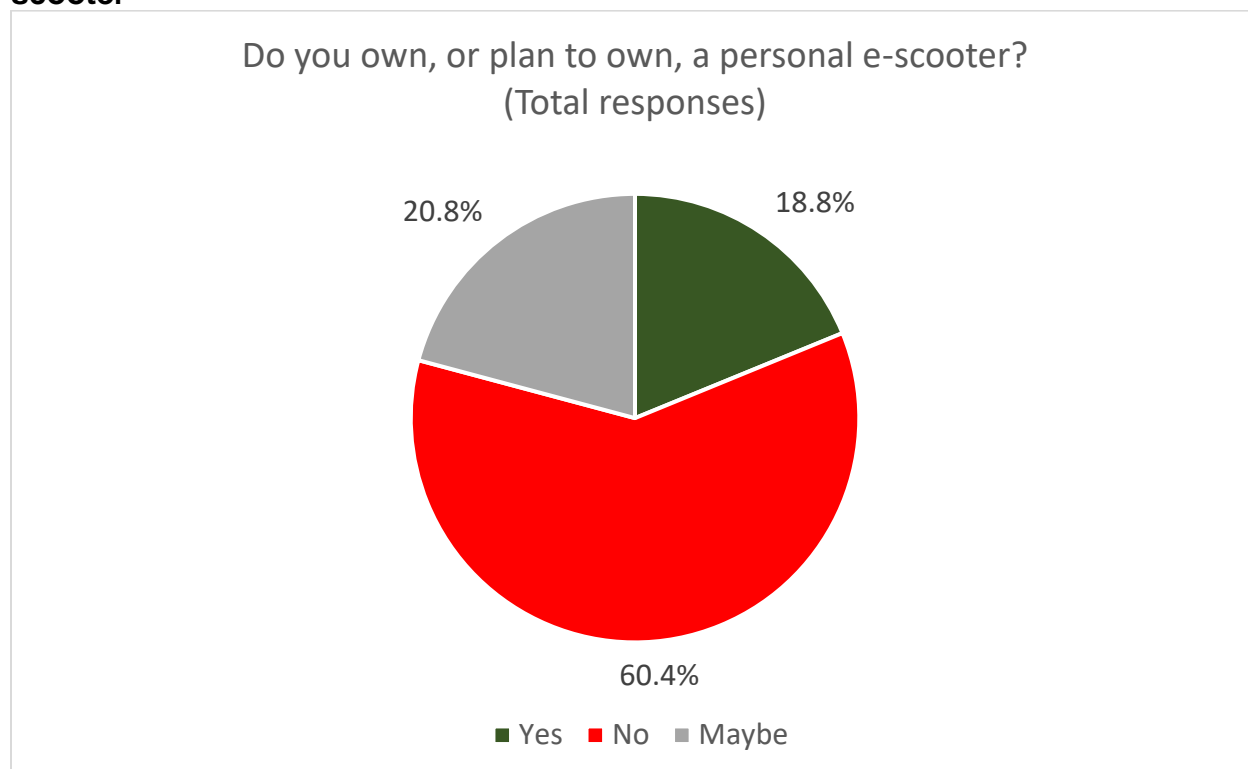
A. Personal E-scooters

Public

Get Involved respondents were asked a couple of questions in regards to e-scooters, which can be applied to personal e-scooters.

Out of 739 total responses to these two questions, 40 per cent of respondents said that they own, or may plan to own a personal e-scooter. Whereas 60 per cent stated that they do not own, or plan to own an e-scooter (as shown in Figure 1).

Figure 1: Breakdown of respondents who own or plan to own a personal e-scooter



Further details of public input on e-scooter share is in Appendix B.

City Advisory Committees

Feedback was received from the City's Accessibility Advisory Committee (ACCAC) and Transportation Advisory Committee (TAC).

ACCAC's key points about personal e-scooters included:

- Does not support allowing e-scooters in London; and
- Risks of accessibility, liability, lack of environmental benefits, and long-term costs outweigh any perceived benefits.

The Accessibility Advisory Committee's full report is available here:
6th Report of the Accessibility Advisory Committee (July 27, 2021 meeting of Community and Protective Services Committee, Agenda Item # 4.2)

TAC's key point about personal e-scooters was:

- Do not support allowing personal e-scooters in London. Need more study of public safety, liability and licensing.

The Transportation Advisory Committee's full report is available here:
7th Report of the Transportation Advisory Committee (August 31, 2021 meeting of CWC, Agenda Item # 4.1)

City Service Areas and Partners

There is recognition of the difficulty of limiting and enforcing the use of personal e-scooters. Unlike e-scooter share vehicles, geofencing and speed limits cannot be placed on personal e-scooters. Parking correctly can only be encouraged through the provision of visible, accessible racks or delineated e-scooter parking areas.

Further details of City service area and partners' input on personal e-scooters is in Appendix C.

B. E-scooter Share

Public

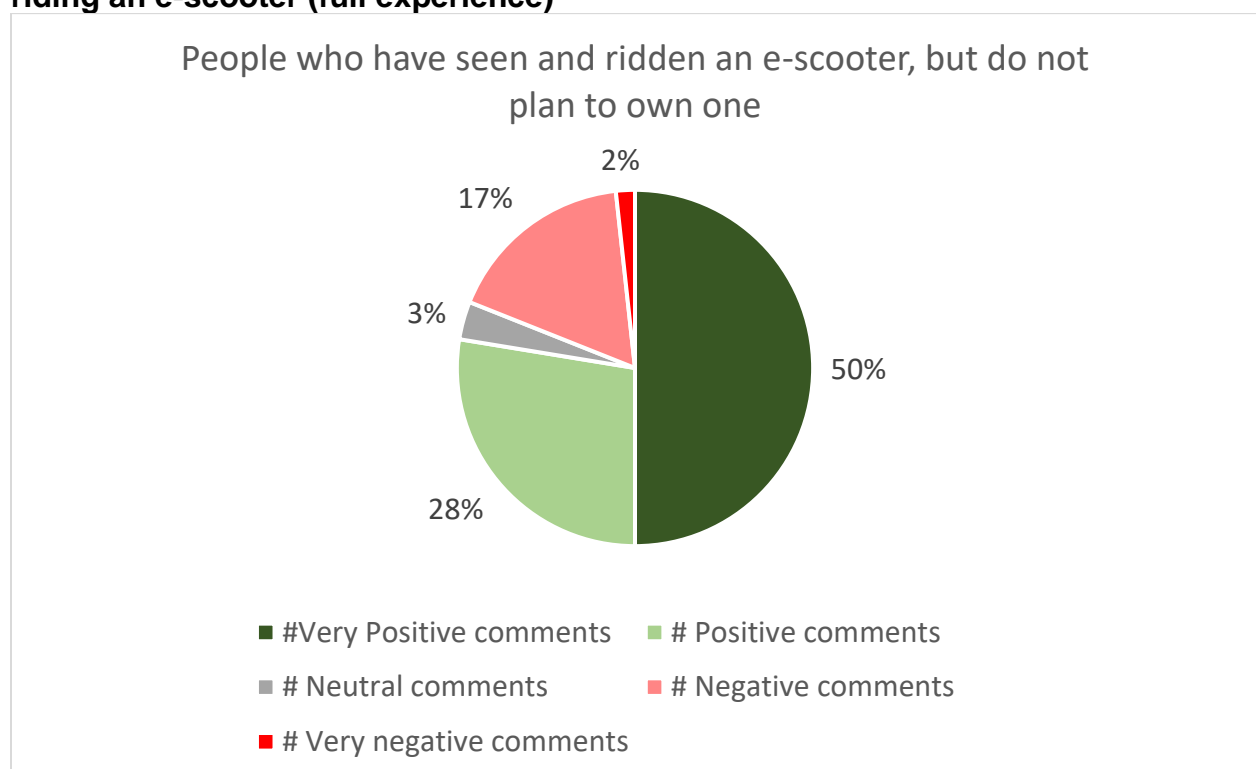
There does seem to be a general split in opinion between those who have seen or tried e-scooters in other cities and those who have not.

An analysis was conducted of the public feedback received, which included analysing respondents impressions. Three main groups were defined:

- 1- People with full experience (have seen and used e-scooter share program)
- 2- People with partial experience (have either seen or used e-scooter share program)
- 3- People without any experience (have neither seen nor used e-scooter share program)

The majority (over 75 per cent) of respondents in the first group (people with full experience) had a very positive or positive impression about e-scooters (see Figure 2).

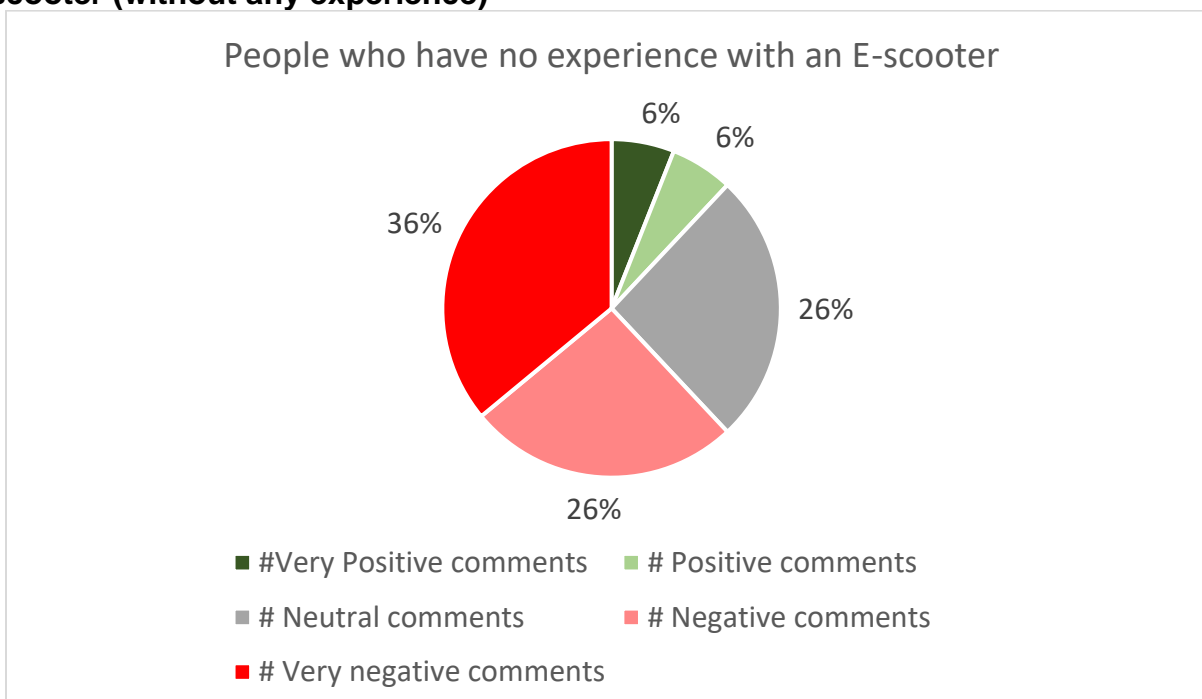
Figure 2: Impressions from respondents who have both experienced seeing or riding an e-scooter (full experience)



The group of people who have only seen an e-scooter (belongs to the second group) expressed negative impressions. Respondents of this group mostly expressed their concerns based on their experience seeing an e-scooter where an incident happened or where parking was a nuisance.

The majority of respondents in the group with no experience with an e-scooter had negative or very negative impressions (see Figure 3). Since this group of people do not have direct experience with an e-scooter, their negative impression may be suggestive of 'fear of the unknown' or the impact of media stories on people's perception.

Figure 3: Impressions from respondents who have never seen or ridden an e-scooter (without any experience)



City Advisory Committees

Feedback was received from the City's Accessibility Advisory Committee (ACCAC) and Transportation Advisory Committee (TAC).

ACCAC's key points included:

- Does not support allowing e-scooters in London; and
- Risks of accessibility, liability, lack of environmental benefits, and long-term costs outweigh any perceived benefits.

TAC's key point about e-scooter share was:

- Support approval of a multi-stage 3rd party docked e-scooter share pilot that closely follows the Province's guidelines for municipalities. This should be accompanied by budget to cover a coordinator to oversee the pilot, additional staff and operating expenses, and enhanced enforcement;
- Allow shared e-scooters in bike lanes, pathways, and quiet residential streets;
- The pilot should be monitored closely. Western and Fanshawe should be invited; and
- Thorough public outreach plans should be developed.

City Service Areas and Partners

There were many common themes that came from service area or partner organizations' input for e-scooter share. These included:

- A docked e-scooter system is preferred;
- Ensure e-scooters are prohibited from sidewalks (this is in line with provincial best practices for municipalities); and
- Need to clarify enforcement (both jurisdiction and resourcing).

There was also a lot of input received that was not consistent across service areas and partners, or was at odds (i.e., support for their use from some and opposition to their use from others). This was not surprising as e-scooters have the potential to affect City services, partner services and their customers in many ways.

Due to the pandemic, the Middlesex London Health Unit was unable to provide feedback. Instead, they directed City staff to a couple of Public Health Ontario e-scooter resources.

2.1 City Staff Recommendations

Based on the research, experience in other municipalities, and local input from Londoners, partner organizations, and City service areas, there are several options for proceeding under the two choices provided by the Provincial pilot:

A. Personal E-scooters

A-1. Allow Personal E-scooters and Update By-laws

For the remainder of the provincial pilot (about two and half years), allow e-scooters for personal use in the same locations where bicycles are allowed for adults (i.e., not on sidewalks) and update related by-laws.

A-2. Allow Personal E-scooters with Restrictions

Allow e-scooters for personal use only on streets posted at 50 km/h or less and on dedicated bike lanes and cycle tracks (i.e., not on sidewalks, not on the Thames Valley Parkway and multi-use pathways).

A-3. Do Not Join Provincial Pilot; Learn from Other Municipalities

No participation in provincial pilot for personal e-scooters in London but learning from other municipalities' pilots.

City Staff Recommendation

Based on the feedback received, City staff recommend that Council move forward with Option A-1. This includes updating relevant municipal by-laws as well as a review of enforcement needs and resourcing.

This option recognises that personal e-scooters are already in use in London, they provide an efficient transportation option for many Londoners, and they should be recognised in municipal by-laws. Increased education and a review of enforcement will be important to address as part of next steps.

B. E-scooter Share

B-1. Full E-scooter Pilot Participation

Proceed with 250 e-scooters for a two-year pilot project within defined areas of London. Geofencing would be used to limit speeds on multi-use pathways and the Thames Valley Parkway. Parking would be situated in on-street hubs and specified locations on public property determined by the City and the service operator.

E-scooters would not be allowed on sidewalks. Available measures to prohibit their use on sidewalks (e.g., geofencing and/or sidewalk riding detection) would be a requirement within the Request for Proposals.

The Full e-scooter pilot would be accompanied by an education and awareness campaign for users and to ensure Londoners know where to expect e-scooters operating and understand the rules in place.

Enforcement requirements and resourcing would need to be determined and involve the City of London, the London Police Service, and Western Campus Police.

B-2. Restricted E-scooter Pilot Participation

Proceed with 250 e-scooters for a two-year pilot project within defined areas of London including further user restrictions. Parking would be situated in on-street hubs and specified locations on public property determined by the City and the service operator.

E-scooters would not be allowed on sidewalks, multi-use pathways, or the Thames Valley Parkway with the help of riding detection and/or geofencing being a requirement within the Request for Proposals.

The restricted pilot would be accompanied by an education and awareness campaign for users and to ensure Londoners know where to expect e-scooters operating and understand the rules in place.

Enforcement requirements and resourcing would need to be determined and involve the City of London, the London Police Service, and Western Campus Police.

B-3. Do not Join the Provincial Pilot; Monitor and Review Other Municipalities' Pilots

Under this scenario, City staff would learn from other Ontario municipalities' pilots and their municipal by-law updates. The City would wait until the end of the provincial pilot to do anything related to e-scooter share. E-scooter operators would not be allowed to provide a shared service during this time.

City staff would maintain and strengthen relationships with staff in other Ontario municipalities that have e-scooter share services in place to learn from them. City staff would also participate in e-scooter discussions through the North American Bikeshare Association (NABSA).

City Staff Recommendation

Based on the feedback received and further analysis, City staff recommend proceeding with Option B-3. There are enough municipalities in Ontario engaged or soon to be engaged that London can learn from others over the remainder of the pilot period. These learnings can be used to help inform the development of the Mobility Master Plan and the implementation of the Climate Emergency Action Plan.

To date, the input received was helpful in outlining the issues and risks experienced in other municipalities. At this point, the risks outweigh the benefits. E-scooter share operators have been making technological changes to their services to address many concerns, but the geofencing technology is still not precise enough to avoid accessibility risks.

3.0 Financial Impact/Considerations

This review, analysis and recommended direction has identified three main items with respect to financial considerations noting that the financial impact may occur in a different project as noted in number 3 below.

1. A-1. Allow Personal E-scooters and Update By-laws
Existing City staff resources will be used to review and address relevant municipal by-laws. There is no additional financial impact for City staff. During the Pilot, discussions will occur with London Police Services and Municipal Compliance staff from an enforcement perspective.
2. B-3. Do not Join the Provincial Pilot; Monitor and Review Other Municipalities' Pilots
Existing City staff resources will be used to monitor and review e-scooter share pilot programs and full-scale programs. There is no additional financial impact for City staff.

3. City staff still recommend proceeding with a bike share system, with a Request for Proposals (RFP) to be issued later in 2022. This matter will be the subject of a future Civic Works Committee report. The absence of e-scooters within the bike share system RFP may impact the financial aspects of a bike share system.

4.0 Key Issues and Considerations

The key consideration with the provincial e-scooter pilot is that it applies to both personal and shared e-scooters. They need to be dealt with separately as the City has no control over the availability of e-scooters for personal purchase and use. They are already being used in London. These scooters cannot be regulated like e-scooter share vehicles.

Both personal and shared e-scooters can present another transportation option for Londoners, students and visitors making short trips within the service area. They can also provide a fun way to explore central neighbourhoods.

Concerns of safety, accessibility and equity are valid as evidenced in other municipalities. For personal e-scooters, it is up to the rider to be conscientious. For e-scooter share services, the design of the service must take into account who would benefit the most, who is the system designed for, how to ensure equitable access, and whose mobility and accessibility is being affected by their use.

Operators are deploying new technologies to address and alleviate some of the safety and accessibility concerns raised by pedestrians and those with disabilities, such as using improved geofencing technology to slow down or stop an e-scooter from restricted areas, or ensuring the e-scooter emits a standardized noise. Municipalities are trying to address safety concerns by making it easier for the public to report misparked e-scooters, putting in place rules for operators to quickly address misparked e-scooters, and include financial penalties as part of any agreement.

The Provincial pilot has about two and half years left (pilot closes end of 2024). This timeframe allows for the review and updates to municipal by-laws to address personal e-scooters and time to assess uptake by Londoners. It also allows for City staff to monitor and learn from other municipalities' shared e-scooter systems.

Conclusion

The provincial e-scooter pilot runs until the end of 2024. Participating in the pilot for personal e-scooters is an opportunity for the City of London to provide another transportation option to many Londoners. It also supports the City's Climate Emergency Action Plan goals by offering a zero-emission transportation option.

The two options of the pilot need to be dealt with separately.

Personal e-scooters are already in use in London. This needs to be recognised and addressed. This can be accomplished with the staff recommendation of Option 1: Allow personal e-scooters and update relevant by-laws.

With the concerns about safety, equity and accessibility, an e-scooter share program should not be permitted at this time. The staff recommendation of Option 3: Monitor and review experience in other municipalities will provide opportunities for City staff to continue to learn about e-scooter share systems including testing operational systems.

These other municipalities will be providing data to the Province. The Province will then determine whether a permanent framework is warranted. This includes making a long-term decision on whether e-scooters are permanently allowed on Ontario roads. This will need to be considered in London at that time for both personal e-scooter and e-scooter share.

Prepared by: Allison Miller, M.C.P., MCIP, RPP, Senior Coordinator,
Transportation Demand Management

Jamie Skimming, P.Eng., Manager,
Energy and Climate Change

Prepared and Submitted by: Jay Stanford, M.A., M.P.A. Director, Climate Change,
Environment, and Waste Management

Recommended by: Kelly Scherr, P.Eng., MBA, FEC, Deputy City Manager,
Environment & Infrastructure

Appendix A: General E-Scooter Share FAQs

Appendix B: E-scooter Get Involved Feedback Analysis

Appendix C: City Service Area and Partners E-scooter Key Points

APPENDIX A

General E-scooter Share Frequently Asked Questions

The following frequently asked questions (FAQs) and corresponding general answers are based on details from other municipalities' e-scooter share programs. The FAQs are organized into the following categories:

- **User experience:** How e-scooter riders interact with the system;
- **Safety:** The measures in place to ensure e-scooter riders and other road and sidewalk users remain safe;
- **Legislation:** The division of responsibilities between a municipality and the e-scooter operator;
- **Financial:** Cost to e-scooter riders and taxpayers; and
- **Operations:** The selection of the e-scooter operator and evaluation of the project.

User Experience

- **What is an e-scooter?**
 - The Electric Kick-Scooter Pilot Project from the Ontario Ministry of Transportation defines an e-scooter as a vehicle with two wheels oriented longitudinally in the direction of travel with a platform for standing between the two wheels. The vehicle has a steering handlebar that acts directly in the steerable wheel and an electric motor not exceeding 500 watts that provides a maximum speed of 24 km/h. In Ontario, an e-scooter must be equipped with lights and a bell.
 - E-scooters vary in their precise shape depending on the manufacturer. An example is shown below:



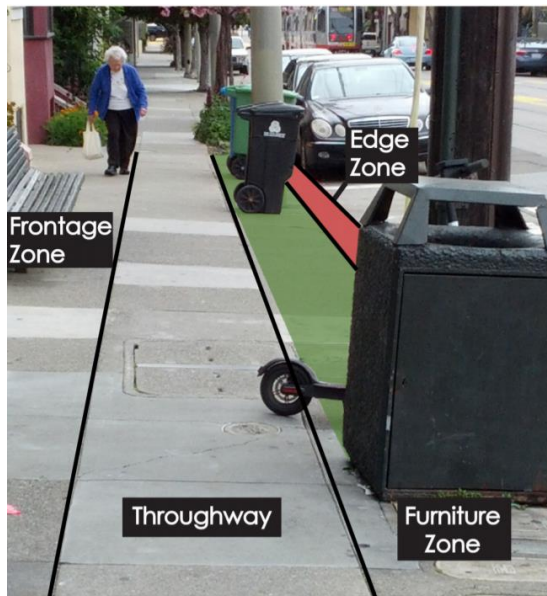
Source: Bird

- **What features are e-scooters required to have?**
 - In Ontario, e-scooters require an electric motor, brakes, a handlebar, lights, and a bell or horn.
- **Where can e-scooters be ridden?**
 - The Ontario provincial pilot project allows for municipalities to regulate where both private and shared e-scooters can be ridden. Typically, in other municipalities, riding is permitted in bike lanes, low volume and low speed roads, and multi-use pathways. Riding is typically not permitted on sidewalks to ensure pedestrian safety.
- **Who can ride an e-scooter?**
 - The Ontario provincial pilot project allows for riders over the age of 16. Helmets are mandatory for riders under 18 years of age.
- **Where are e-scooters typically parked?**
 - Owners of personal e-scooters tend to keep them in their possession rather than leaving them outside unattended, given that these scooters are collapsible and easily portable.

- E-scooters that are operated as part of a shared micromobility system are generally required to be parked in designated parking areas, which can be marked in areas such as existing on-street parking spaces, or in the “furniture zone” of a sidewalk. The furniture zone of a sidewalk is the part of the sidewalk closest to the road that does not impede pedestrian movement.



Source: City of Calgary



Source: San Francisco Municipal Transportation Agency

- **How are e-scooter batteries that are part of an e-scooter share system recharged?**
 - Operators of an e-scooter based shared micromobility system are responsible for recharging e-scooters. Charging typically takes place overnight.
 - Some operators enable individual system users to recharge scooters in exchange for a discount on their trips.
- **When are e-scooters that are part of an e-scooter share system usually used?**
 - E-scooters are not designed for use in the snow and are generally only used in the early spring to late fall. Some municipalities have introduced time of day limits for increased safety, restricting e-scooter use overnight when visibility is low.
- **Are there fines for improper use?**
 - Some municipalities have introduced fines for improper use as part of their e-scooter by-laws. Examples include fines for multiple riders on a single e-scooter and using the e-scooter to carry cargo.
 - Additionally, individual operators of e-scooter share systems often have the ability to fine users for improper parking or theft, or take more serious action (i.e., removing them from the service entirely).

- **How are COVID-19 protocols followed for e-scooters that are part of an e-scooter share system?**
 - Given the shared nature of e-scooters, different riders would inevitably use the same scooter in a short period. Operators are responsible for managing and defining their COVID-19 protocols. For some systems, riders are encouraged to wipe scooters with their own wipes between uses.
 - Since e-scooters are not used in an enclosed environment, the risk of transmission is anticipated to be relatively low.

Safety

- **Are helmets required when riding an e-scooter?**
 - Helmets are encouraged for all riders and, according to provincial legislation, are required for riders under the age of 18. Users must provide their own helmets.
- **Are there risks associated with riding e-scooters?**
 - E-scooters are motorized vehicles which require caution and responsibility from riders. The power and speed limits on e-scooters ensure speeds remain below a threshold where serious injury from scooter use alone is likely. To mitigate the risk of injury, only one rider is permitted per scooter and towing of trailers or cargo is prohibited. E-scooter share systems in other jurisdictions have shown a low number of reported injuries.
- **Are e-scooters legal in Ontario?**
 - E-scooters are legal in Ontario under a provincial pilot project designed to evaluate their suitability for urban mobility. Municipalities must pass by-laws to approve e-scooter use in areas under their jurisdiction.
- **How fast can e-scooters travel?**
 - To meet the requirements of the Ontario Ministry of Transportation, e-scooters must travel no faster than 24 km/h. Some municipalities have further lowered this speed limit for rider safety and to comply with speed limits on multi-use pathways or other locations shared with pedestrians.
- **In other communities, how is the safety of pedestrians on sidewalks and safe operation on multi-use pathways ensured?**
 - Operators of personally owned e-scooters can be required to follow the same rules as bicycles, such as prohibitions of their use on sidewalks and staying within posted speed limits on multi-use pathways.
 - Placing restrictions on where shared e-scooters can operate and limiting their speed or even making them come to a stop are options. However, technological restrictions are not possible for personal use e-scooters.
 - Municipalities can prioritize pedestrian safety by banning the use of e-scooters on sidewalks, as well as further limiting shared e-scooter speed or completely disabling the electric motor in areas with high pedestrian activity.
 - In municipalities permitting shared e-scooters to use multi-use pathways, operators can use GPS-based “geofencing” (defined through geographic boundaries) to automatically restrict e-scooter speeds to match multi-use pathway speed limits of 15-20 km/h.
 - Shared service operators can also add features such as “acoustic signaling devices” designed to ensure vision impaired residents can hear the otherwise silent shared electric-scooters coming, a “lock-up” mechanism that requires customers to lock e-scooters to bike racks or utility poles when they are done riding, and high-contrast colours on shared scooter handlebars to help low-vision residents recognize potential obstacles.

- **In other communities, how are users of mobility devices or other accessibility aids accommodated?**
 - To comply with provincial law, e-scooters require a bell to communicate with other road users.
 - Given the emerging nature of e-scooters, and accessibility issues being city-specific, consultation with local stakeholders helps inform accessibility considerations of any e-scooter program.
 - The e-scooters authorized under provincial legislation in Ontario are limited to models where standing is required.
- **In other communities, how is the correct parking of e-scooters that are part of an e-scooter share system ensured? And that they do not topple over?**
 - Depending on the specific operator, users are typically reminded of safe and legal parking practices when using the e-scooter app. Ending a trip often requires a photo to verify scooter location and orientation.
 - Some jurisdictions have also implemented fines for improper parking.
 - Some models of e-scooters use a double kickstand which can help to reduce e-scooters toppling over.
- **In other communities, how are issues or concerns regarding an e-scooter share system handled?**
 - Concerns related to specific operator issues like technical problems with the scooter and payment are typically addressed in the user app of a specific operator.
 - Concerns related to municipal matters like parking, safety, and enforcement are usually reported to a number or email.
- **In other communities, how is theft and vandalism of scooters that are part of an e-scooter share system mitigated?**
 - Shared e-scooters are equipped with GPS devices, allowing the operators to track the location of each e-scooter in their fleet.

Legislative

- **What is a municipality's role in allowing an e-scooter share system to operate?**
 - The Ontario E-Scooter Pilot requires a municipality to pass a by-law to permit scooter use and parking on municipal property, such as sidewalks, pathways, and trails. By-laws also define an operating area for e-scooters, and areas where e-scooters are prohibited. A limit on the number of operators and/or e-scooters can be included.
- **What are e-scooter share operators responsible for?**
 - Operators are responsible for the day-to-day operations of their systems. This includes purchasing e-scooters, deploying the fleets of e-scooters, developing the apps typically used to access e-scooters, charging, maintenance, and rebalancing.
- **Can you prohibit where e-scooters are allowed to operate?**
 - Operators of personally-owned e-scooters are required to follow the rules set out for them by the municipality
 - In some cities, e-scooters that are part of an e-scooter share system have been restricted in areas with high pedestrian activity.

Financial

- **How much do shared e-scooters cost?**
 - E-scooter operators are responsible for setting their own prices. The cost to ride is typically a flat fee plus a variable fee based on the time the e-scooter is in use.
- **Can a private/non-shared e-scooter be purchased?**
 - Yes, the provincial legislation allows for privately owned e-scooters to be used in municipalities that authorize their use. A municipal council must first decide if private e-scooters are allowed and where they can be operated.
- **Do e-scooter share operators offer subsidies for low income riders?**
 - Some e-scooter share operators provide subsidies.

E-scooter Share Operations

- **How are e-scooter share operator selected?**
 - Operators are either selected using a competitive request for proposals (RFP) process or governed through a business licencing arrangement.
- **Can there be a limit on the number of operators?**
 - Yes, many cities allow only a single operator. Other cities have allowed multiple operators.
- **Is there a limit on the number of e-scooters provided in the system?**
 - RFP requirements or licencing systems often set a minimum and/or maximum on the number of e-scooters allowed in the system.
- **In other communities, how is e-scooter share bunching addressed?**
 - Bunching occurs when e-scooters are not evenly distributed across the service area, resulting in no access in some parts of the service area and an oversupply in others.
 - Operators are typically responsible for redistributing e-scooters to prevent bunching.
- **How do e-scooters interface with transit in other communities?**
 - E-scooters can be a way to provide first and last-mile transportation to and from transit stops within the e-scooter share service area.
- **How are e-scooter share pilots monitored and evaluated in other communities?**
 - As part of the provincial pilot project, shared e-scooter programs must be monitored and evaluated. Participating municipalities report on pilot findings to the Province to help inform next steps.
 - This involves a quantitative analysis of the trips taken by e-scooter, as well as user surveys and other stakeholders.
- **How is data collected by e-scooter companies governed?**
 - A data sharing agreement between the operator and a municipality is generally a requirement in the RFP. Information privacy is a component of this agreement, ensuring that no personal data beyond what is required for the system to operate is collected, and any personal data is anonymized before analysis.

APPENDIX B

E-scooter Get Involved Feedback Analysis

Overall Insights

In this analysis of the Get Involved feedback form, two sections are provided to determine the impression and opinions of respondents about e-scooters. The first section determines the impressions, and the second section provides detailed information based on open-ended responses.

For analyzing impressions of respondents 3 main groups were defined:

1. **People with full experience** (have seen and used e-scooter share program).
2. **People with partial experience** (have either seen but have not used a e-scooter share program).
3. **People without any experience** (have neither seen nor used e-scooter share program).

The majority of respondents in the first group had a very positive or positive impression about e-scooters (over 75%). While for the second and the third group, a mix of impressions was observed.

The group of people who have only seen an e-scooter (belongs to the second group) expressed negative impressions. Respondents of this group mostly expressed their concern based on their experience seeing an e-scooter where an incident happened or was a nuisance.

The majority of respondents in the group with no experience with an e-scooter had negative or very negative impressions. Since this group of people do not have operating experience with an e-scooter, their negative impression can be suggestive of 'fear of unknown' or perceptions obtained by reading or hearing negative stories.

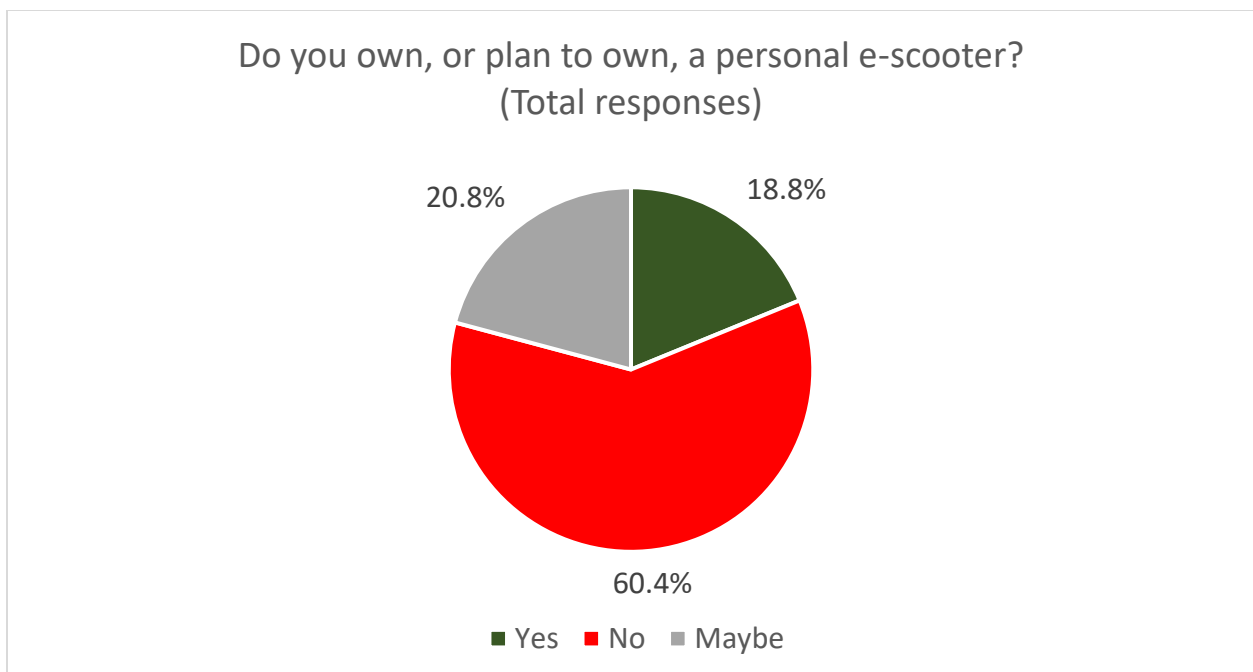
Among all the respondents the most noted concerns are:

1. Lack of safe infrastructure
2. Lack of clear regulation or enforcement for e-scooters
3. Being misused and improper storage

A. Feedback Form Analysis for Personal E-scooters

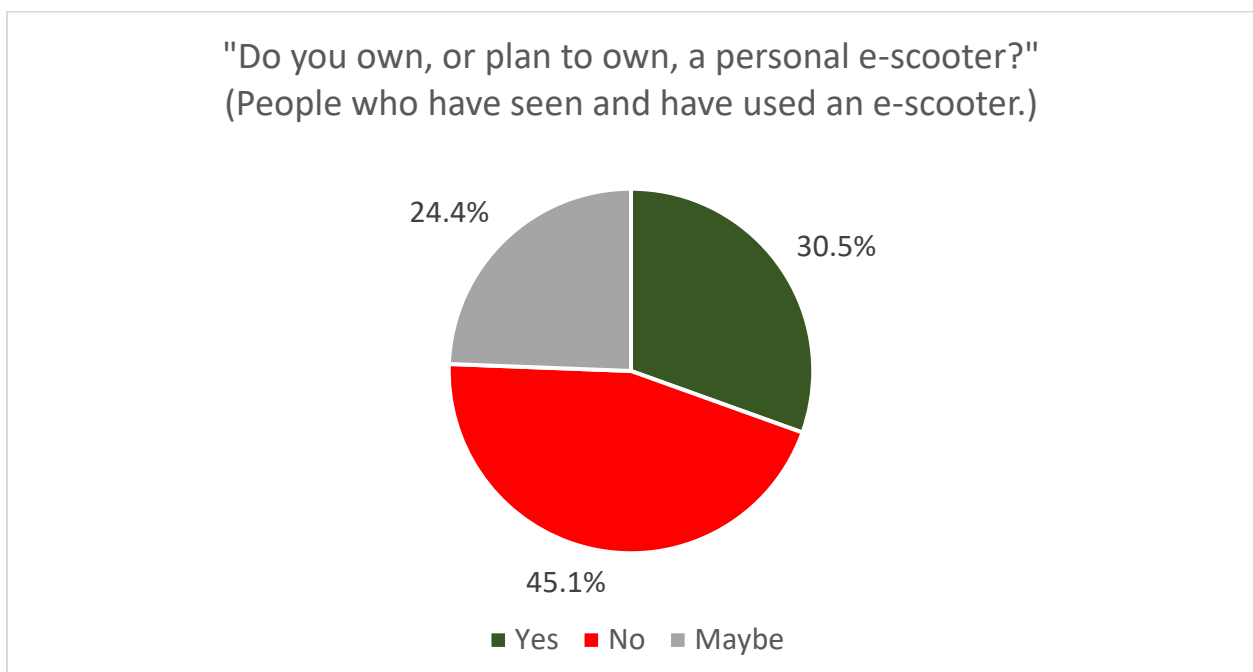
The Get Involved respondents were asked a couple of questions in regard to e-scooters, which can be applied to personal e-scooters, and the analysis in this section can provide useful insights into public opinion regarding e-scooters.

Out of 739 total responses, almost 40% of respondents said that they own, plan or may plan to own, a personal e-scooter. Whereas 60% stated that they do not own, or plan to own an e-scooter.



This question was also analyzed based on respondents' experience; considering whether the respondent have seen and or have used an e-scooter. The following three charts indicate the break down of total responses based on a person's experience:

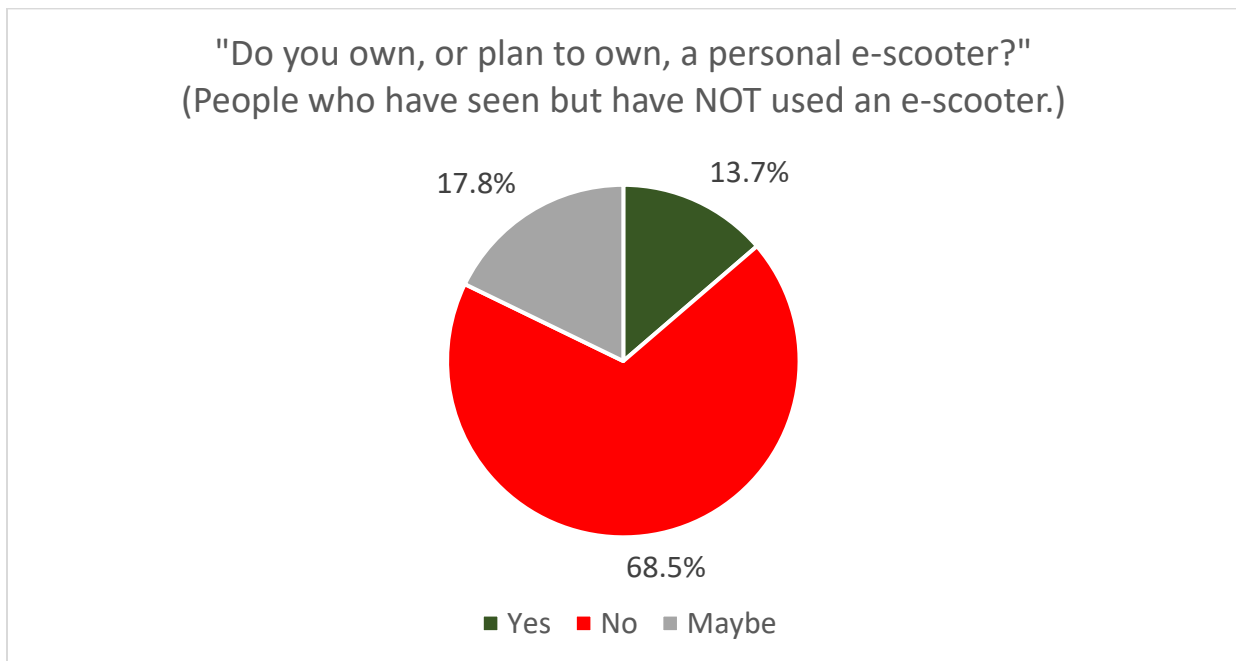
1. People with full experience (have seen and used e-scooter share program)



People with a full experience have the most positive opinion towards personal e-scooters. 55% of respondents stated that they own, plan or may plan to own, a personal e-scooter in future. The positive responses in this segment of respondents can be an indication of the positive impact of the e-scooter ridership on people's attitudes towards e-scooter. People who have seen and ridden a personal e-scooter mentioned that they found e-scooters a convenient and entertaining way to commute for short trips and in the open-ended responses they requested the City to launch the e-scooter share program as soon as possible. However, this group has some concerns about:

1. Lack of enforcement
2. Lack of safe infrastructure
3. Theft and vandalism

2. People with partial experience (have either seen but have not used a e-scooter share program)



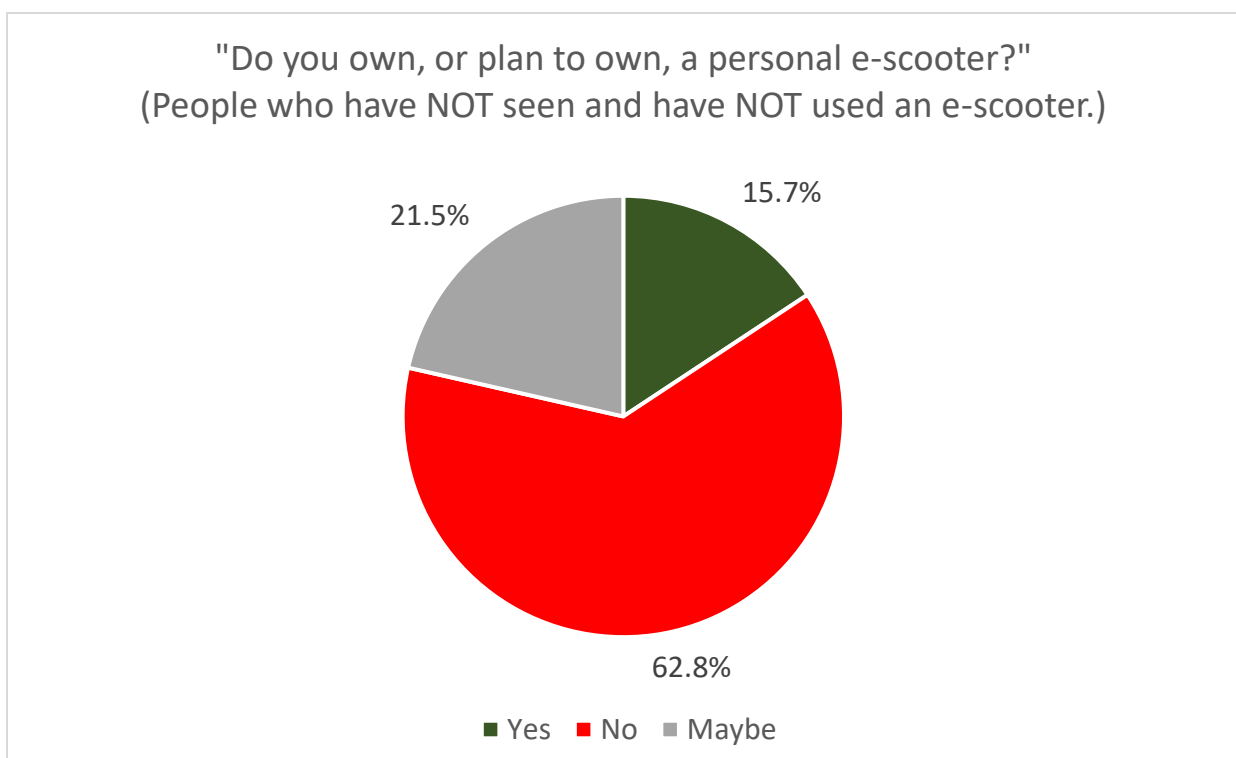
The most negative comments were identified in the group of respondents who have seen but have not used an e-scooter share program. They can be referred as observers, with 68.5% negative comments regarding personal e-scooter ownership. The responses in this group are beneficial for identifying the potential pros and cons of e-scooters with likely the most unbiased judgement, since this group has experienced observing other e-scooter riders without having an experience riding one themselves.

Their most significant concerns in order of priority are:

1. Being misused and improper storage
2. Jeopardizing pedestrian safety
3. Lack of enforcement

However, this group acknowledged that e-scooters are convenient, environmentally friendly, and affordable.

3. People without any experience (have neither seen nor used e-scooter share program)



This group of respondents is comprised of individuals who have not seen or used an e-scooter. Since the respondents of this group have not had a real-life experience with e-scooters, their opinion can be potentially be a reflection of what they have heard about e-scooters through media and or other people. This section can provide beneficial insights about how the disseminated information can impact perceptions.

63% of individuals in this group stated that they do not own or plan to own a personal e-scooter. This group was concerned about:

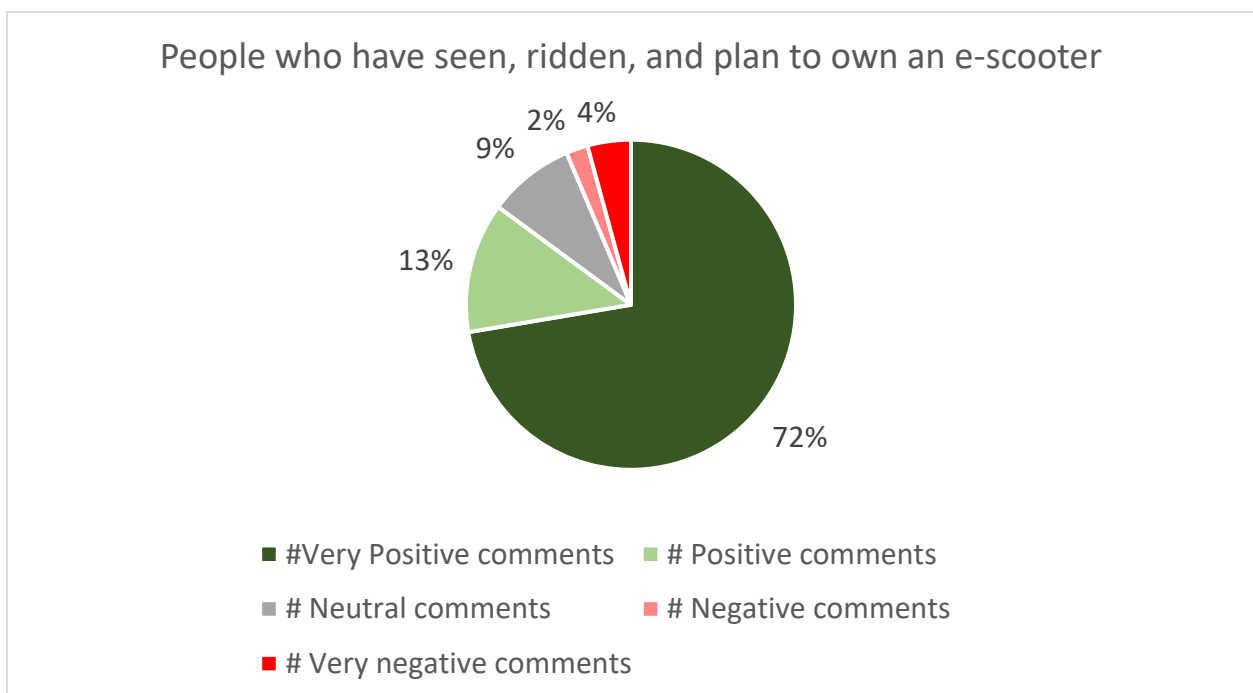
1. Lack of enforcement
2. Safety of pedestrians
3. Stated that they are not interested in this program

However, a smaller portion of respondents mentioned that is being entertaining, environmentally friendly, and they are keen to try e-scooter share program.

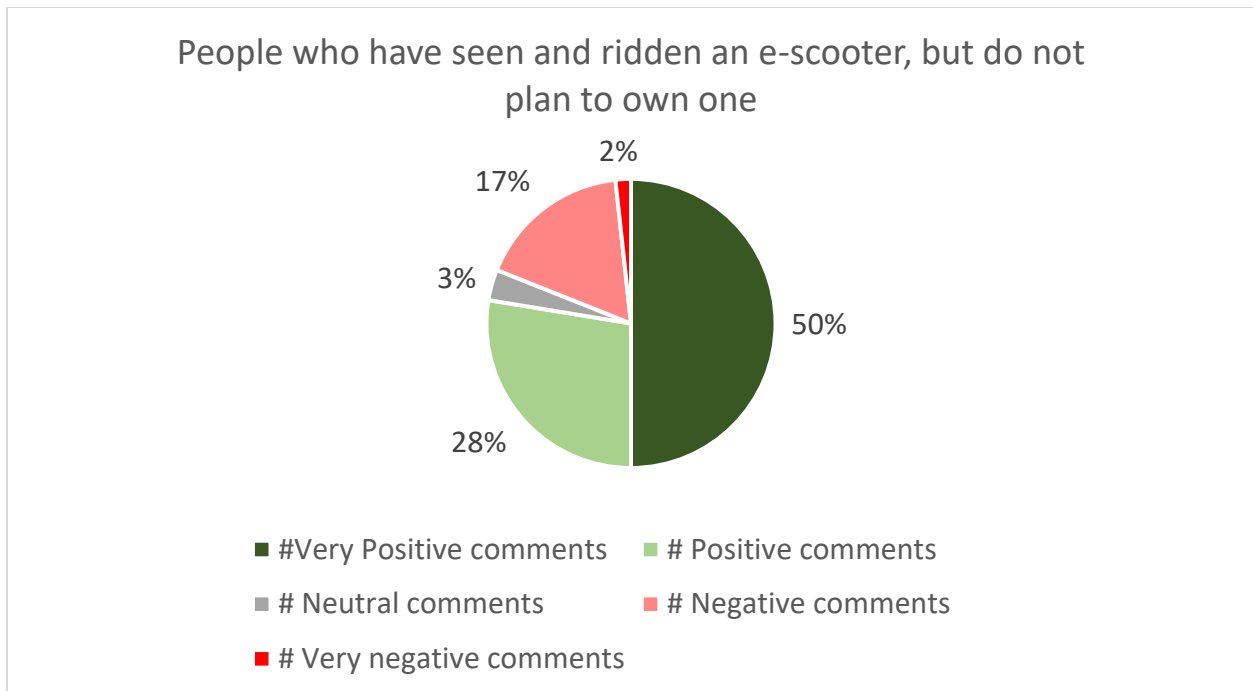
B. Feedback Form Analysis for E-scooter Share Program

1. People with full experience (have seen and used e-scooter share program)

The 'people with experience' group constitute of respondents who have both experienced seeing or riding an e-scooter.

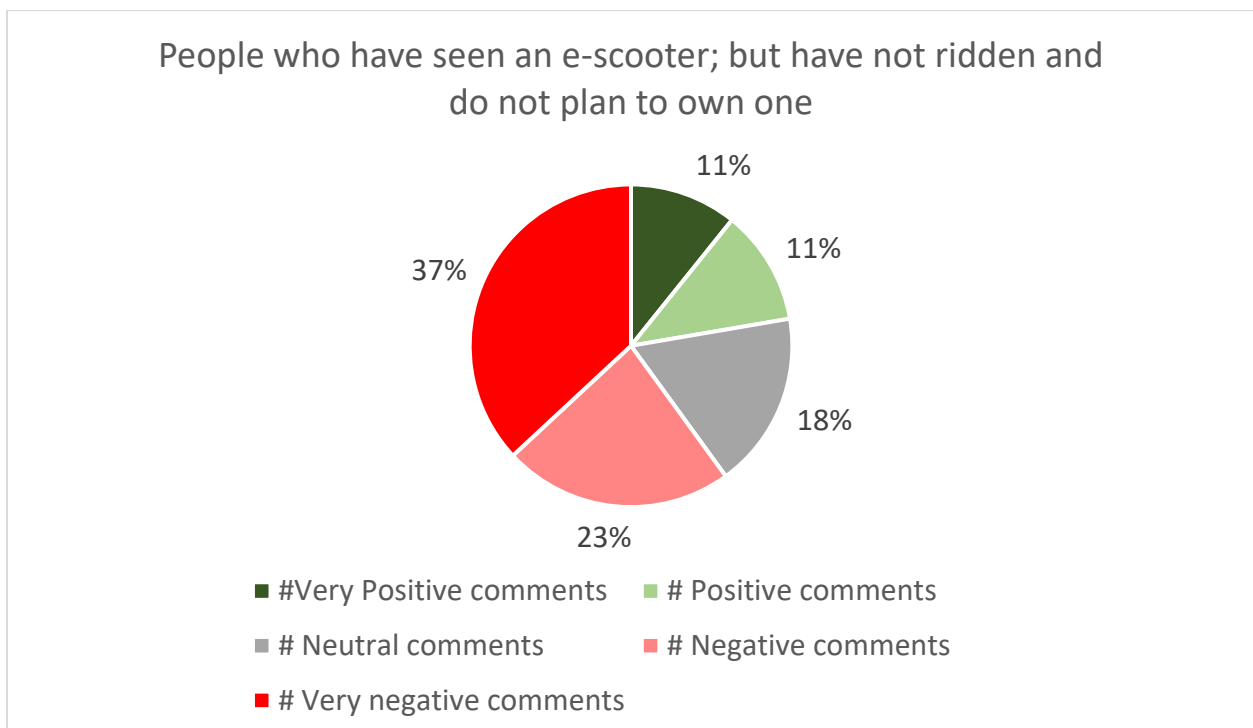


Very Positive and Positive comments were received from 85% of the respondents who have seen, ridden and plan to own an e-scooter. With respect to respondents that have seen and ridden an e-scooter but do plan own (figure on next page), 78% had Very Positive and Positive comments.



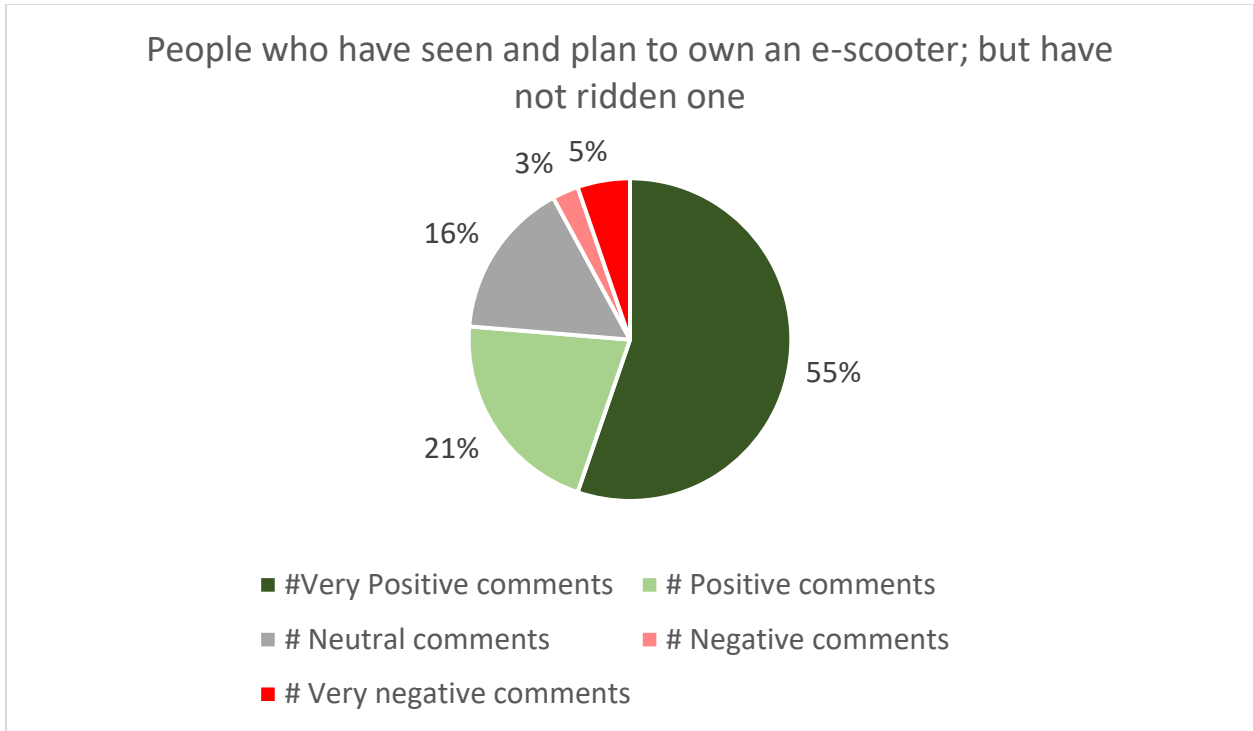
2. People with partial experience (have either seen but have not used a e-scooter share program)

This group constitutes people who have either experienced seeing or riding an e-scooter.



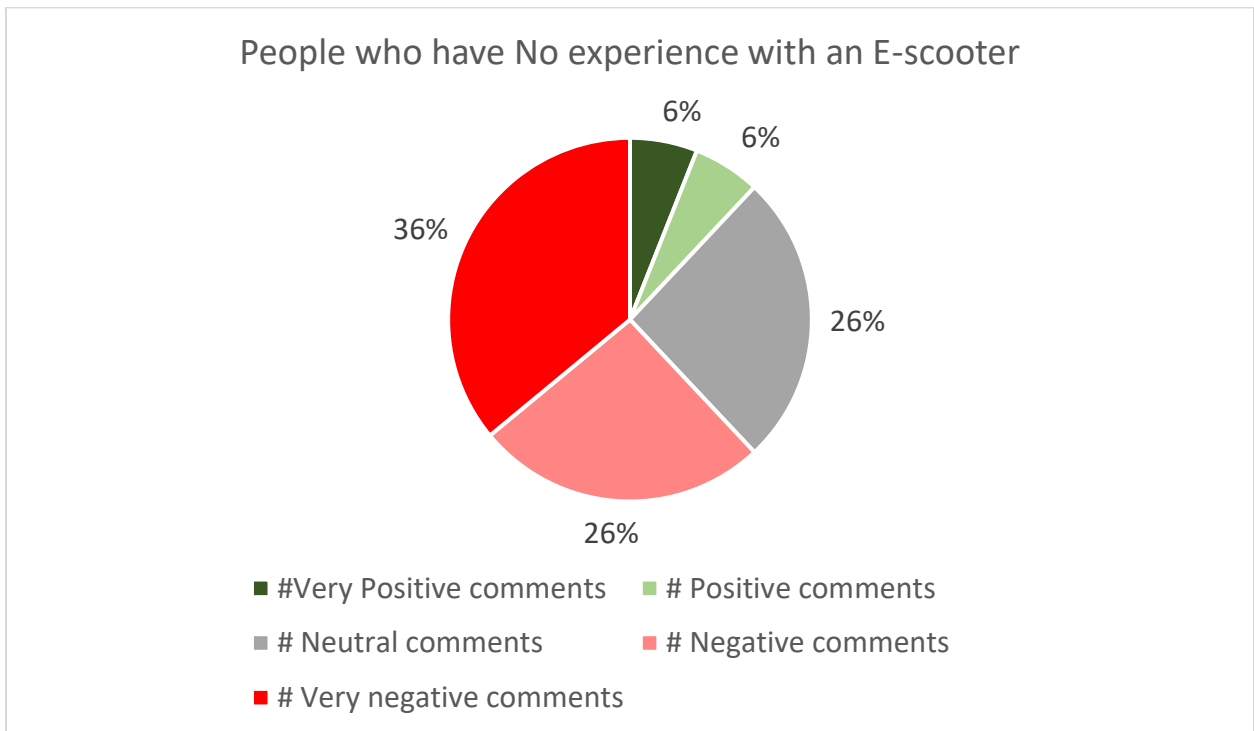
With respect to people who have seen an e-scooter; but have not ridden and do not plan to own one, Very Positive and Positive comments were received from 22% with Very Negative and Negative comments being larger at 60%.

The reverse occurred for respondents who have seen and plan to own an e-scooter, but have not ridden one (figure on next page); Very Positive and Positive comments remained high at 76% and Very Negative and Negative comments were 8%.



3. People without any experience (have neither seen nor used e-scooter share program)

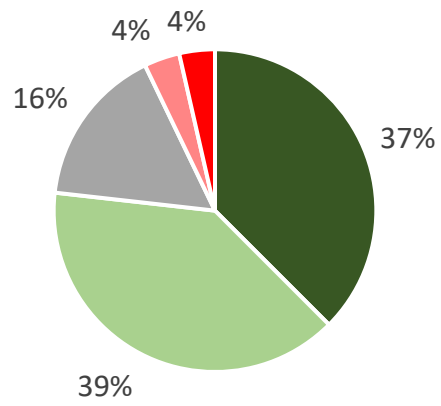
This group constitutes people who have never seen or ridden an e-scooter.



With respect to people without any experience, Very Positive and Positive comments were received from 12% with Very Negative and Negative comments being larger at 72%.

With respect to people without any experience but plan to own an e-scooter (figure on next page), Very Positive and Positive comments were received from 76% with Very Negative and Negative comments being larger at 8%.

People who plan to own an e-scooter; but have not seen or ridden one



- #Very Positive comments
- # Positive comments
- # Neutral comments
- # Negative comments
- # Very negative comments

APPENDIX C

City Service Area and Partners E-scooter Key Points

The following table is a synopsis of the points raised by those City service areas and City partner organizations who were asked to comment on an e-scooter discussion guide and feedback questions.

Service Area and Divisions/Sections	Summary of Key Points, Questions and Comments
Risk Management	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • Safety for all users of the road/sidewalk and pathways is the ultimate goal. <p>Shared:</p> <ul style="list-style-type: none"> • Limiting use to specific facilities, locations, speeds and penalties for misuse seem to be the way forward. • Starting as a pilot project, can adjust and modify accordingly if any challenges develop.
Transportation Planning & Design	<p>Personal:</p> <ul style="list-style-type: none"> • Restrict from sidewalks like bikes. • Allow on streets posted at 50km or less, bike lanes and cycletracks. • If speed is regulated, allow on pathways and Thames Valley Parkway (TVP). <p>Shared:</p> <ul style="list-style-type: none"> • Service area should be core neighbourhoods and University to leverage the presence of safe cycling facilities and short trips. • No restrictions on streets posted at 50 km or less, bike lanes or cycletracks. Restrict speed on pathways and TVP to 15 km/hr. • Docked scooters would be ideal system. • Do they reduce emissions by shifting car trips? This needs to be studied. • Note that there is a reduced # of students at Western in summer.
Road Operations	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • No change in service level. No bare pavement in winter. <p>Shared:</p> <ul style="list-style-type: none"> • Service provider handles all operations.
Legal Services	Preliminary observations provided on both personal and shared e-scooter programs.
Anti Racism Anti Oppression	<p>Personal:</p> <ul style="list-style-type: none"> • Have already heard from residents about potential impact, speed and disruption that these scooters have had in the community. • Keeping them off sidewalks vital for community safety. <p>Shared:</p> <ul style="list-style-type: none"> • Will be vital that the pilot ensures adequate reporting and removal of e-scooters that prevent community mobility. • City needs to ensure adequate community feedback for challenges. • The placement of parked scooters with a gendered, accessibility and equity lens will be vital. Parking should be in well lit and clear areas with curb cuts. The location

Service Area and Divisions/Sections	Summary of Key Points, Questions and Comments
	<p>of e-scooter parking should also consider safety concerns.</p> <ul style="list-style-type: none"> • Understanding who uses e-scooters, how they use them, and who may not be using them and why will be vital. • An analysis of usership from an equity perspective. What is the demographic most likely to benefit from the program? • Who are stopped most frequently for violations and how this may impact usership?
Municipal Compliance	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • Don't have authority to stop e-scooters on pathways/TVP. • Anticipate complaints regarding abandoned scooters, use of scooters in non-permitted areas and speed of scooters on established pathways. • Needs to be clarity on jurisdiction and resourcing when planning for anticipated complaints and expected compliance responses.
Parks Planning and Operations	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • City currently receives complaints that the pathways cannot handle the current volume of use, and the existing pathway system is not designed to accommodate additional motorized uses. • Expanding the range of users could trigger the need for significant city-wide investment (depending on scale and scope) to expand the multi-use pathway system and TVP beyond its existing footprint, which would need to incorporate all applicable studies and approvals. • This expansion may be possible in some areas but will prove impossible in other sections, which could fragment the system. • User conflict a concern. • Thames Valley Parkway and other multi-use pathways are designated as a "recreational trail" and from a legal perspective, are maintained to a different standard than City sidewalks which are a higher standard than the pathway system. We would not want to trigger a higher service standard in order to accommodate for the safe use of e-scooters. Such a change in designation would result in significant operational, cost, and legal ramifications. <p>Personal:</p> <ul style="list-style-type: none"> • Concerns have been raised with regard to user conflict between pathway users who are walking or running vs those who are cycling or on scooters. • Restrict use from public parks (including all multi-use pathways multi-use paths (MUPS) and TVP). • Challenge we face is that there is only so much capacity the system can sustain. <p>Shared:</p> <ul style="list-style-type: none"> • Preference is that use is restricted in all public parks (MUPS and TVP). • If it were implemented, does this service area consider where the limits land on pathways? Are there natural / safe stopping points at the limits of the area? If restricted,

Service Area and Divisions/Sections	Summary of Key Points, Questions and Comments
	<p>how would the Thames Valley Corridor be incorporated into this service as a non-permitted zone?</p> <ul style="list-style-type: none"> • Prefer docked system, not located in parks. • Concerns with introducing e-scooters to parks, especially if they will not be docked as they will be left scattered throughout parks causing significant maintenance and operational issues.
Planning and Development	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • <i>The London Plan</i> policy 310 states that “Mobility choices such as transit usage, walking, and cycling all require physical activity. This physical effort exerted in active forms of mobility is an excellent way to keep children, adults, and seniors physically fit and generally healthier. However, to reasonably expect people to choose these forms of mobility, we need to offer viable and attractive mobility options. This will happen only if we are deliberate in the way that we plan our mobility infrastructure.” • The London Plan policy 313 states that, “Through the plans and actions we take to design and build our mobility infrastructure, we will: 7. Provide strong linkages between key origins and destinations within our city including the Downtown, Transit Villages, employment areas, major institutions, and major open spaces. <p>Personal:</p> <ul style="list-style-type: none"> • To ensure personal e-scooters are a viable transportation option, we would like to see as few restrictions on their use as possible. Enforcement difficult. <p>Shared:</p> <ul style="list-style-type: none"> • Suggest some extensions in service area. • As few restrictions as possible. • Do not have a strong preference for docked or dockless. • Our strong preference is for dedicated parking to occur within vehicle parking spaces, either on-street or in City lots. • Provide more details on preferred locations for docking/charging stations. • Talked to Detroit BIA about their scooter share program and incentives for users.
Tourism London	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • Dedicated parking spaces, public education, safe locking and parking places. <p>Personal:</p> <ul style="list-style-type: none"> • Restrictions should be similar to the restrictions in place for cyclist. Allow on dedicated bike lanes, cycle tracks, multi-use pathways, TVP, etc. <p>Shared:</p> <ul style="list-style-type: none"> • Locations where visitors can access them. Provide examples. • Expand outside of downtown if successful. • Should use be restricted at city parks or areas where there is high pedestrian traffic? e.g., restrict to perimeter when Victoria Park festivals. • Docked preferred.

Service Area and Divisions/Sections	Summary of Key Points, Questions and Comments
	<ul style="list-style-type: none"> • Parked in a high visibility, well lit area which potential cameras for security; high traffic areas; near LTC stops. • Need to ensure they not impeding on pedestrian traffic. • Great option for travelers to city.
Downtown London	Shared surveys with membership. No further comments at this time.
London Police Service	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • Theft and abandonment issue. <p>Personal:</p> <ul style="list-style-type: none"> • Enforcement big issue to deal with. Who is enforcing? Ask needs to be detailed. <p>Shared:</p> <ul style="list-style-type: none"> • Less concerned about shared services.
Middlesex London Health Unit	Not able to comment as resources tied up with the pandemic. Provided Public Health Ontario resources.
London Transit Commission	<p>Personal and Shared:</p> <ul style="list-style-type: none"> • Restricted on sidewalks like bikes. <p>Shared:</p> <ul style="list-style-type: none"> • Preference for docked.
Western University	<p>Note: Participation on Western property in the provincial pilot is not up to the City of London.</p> <p>Personal and Shared:</p> <ul style="list-style-type: none"> • Not a high priority since pandemic. • Have a shared space hierarchy • COVID affecting how students use transit. • By-law enforcement on campus. <p>Personal:</p> <ul style="list-style-type: none"> • Currently, no policies for campus. Treated as a bike until there are too many and they need a policy. • More scooter use observed. <p>Shared:</p> <ul style="list-style-type: none"> • Geofencing on campus an option • Prefer docked system • Interested in looking at agreement.

Sent: Wednesday, June 8, 2022 11:00 AM

To: CWC <cwc@london.ca>

Subject: [EXTERNAL] Requesting to make a delegation to the London Civic Works Committee on June 21, 2022 re e-scooters

I hereby apply to make a delegation to the London Civic Works Committee on June 21, 2022 on the subject of electric scooters.

May I obtain the London City staff report and recommendations as soon as possible in an accessible format? MS Word is an accessible option. Pdf is NOT an accessible format.

Please confirm that you received this.

David Lepofsky CM, O. Ont

Chair Accessibility for Ontarians with Disabilities Act Alliance

Twitter: @davidlepofsky

Accessibility for Ontarians with Disabilities Act Alliance

United for a Barrier-Free Society for All People with Disabilities

Web: www.aodaalliance.org

Email: aodafeedback@gmail.com

Twitter: @aodaalliance

Facebook: www.facebook.com/aodaalliance/

Say No to All Electric Scooters in London, Whether Privately-Owned or Rented – Protect Vulnerable People with Disabilities, Seniors, Children and Others from the Dangers E-Scooters Create

AODA Alliance's Brief to London City Council's Civic Works Committee

Via email: cwc@london.ca

June 20, 2022

1. Introduction and Summary

The AODA Alliance strongly commends and supports the London staff report recommendation that London not proceed with a shared e-scooter pilot, in which riders can rent an e-scooter. We applaud the London city staff conclusion that:

“With the concerns about safety, equity and accessibility, an e-scooter share program should not be permitted at this time.”

Instead, we recommend that London enforce the law in Ontario, which prohibits anyone from riding an e-scooter in public places in London.

London has a legal duty not to create new safety and accessibility barriers for people with disabilities. London must bring itself to a state of being accessible to people with disabilities by 2025. This is a requirement of the [Accessibility for Ontarians with Disabilities Act](#), implementing the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. It is not optional. To legalize any e-scooter rider would create new disability safety and accessibility barriers. That would fly in the face of these important laws.

Please Stand up for the many people who don't want to be injured by e-scooters. We ask London to protect all vulnerable people, especially people with disabilities and seniors, whose safety is endangered if London legalizes riding a privately-owned e-scooter in public, as city staff recommends in its report to be presented to the City Council's Civic Works Committee on June 21, 2022.

In this brief, we:

- Explain why e-scooters pose twin dangers to safety and accessibility for vulnerable people with disabilities, seniors, children and others.
- Offer constructive recommendations on what London's Civic Works Committee should do with the June 15, 2022 London staff report on micromobility.

Montreal and Toronto have wisely rejected e-scooters. So should London. Toronto categorically rejected e-scooters, whether rented or privately-owned, after a careful study of their dangers for people with disabilities, seniors and others.

We have no objection to London creating a bike share program. We add that nothing should be done that restricts people with disabilities from using a disability mobility device that assists with their mobility.

The non-partisan grassroots [AODA Alliance](#) advocates to tear down the many accessibility barriers impeding over 2.6 million Ontarians with disabilities. We have played a leading role across Ontario in raising serious disability safety and accessibility concerns with e-scooters. To learn more about the AODA Alliance's advocacy efforts to protect people with disabilities and others from the dangers that e-scooters pose, visit our [e-scooters web page](#).

2. The Serious Twin Dangers that E-Scooters Create for Vulnerable People with Disabilities, Seniors, Children and Others

An e-scooter is a silent motor vehicle. A joy-rider with no license or training can rocket on a silent e-scooter at 20 kph or faster. E-scooter riders and innocent pedestrians can get seriously injured or killed. See a [CBC report](#) on e-scooter injuries suffered in Calgary. See also a disturbing collection of [25 news reports](#) on e-scooter injuries in communities that allow them. (Headlines set out below).

The silent menace of e-scooters especially endangers vulnerable seniors and people with disabilities, such as people who are blind or who have low vision or balance issues, who have mobility issues, or whose disability makes them slower to scramble out of the way. A blind pedestrian can't know when a silent e-scooter races toward them at over 20 kph, driven by a fun-seeking unlicensed, untrained, uninsured, unhelmeted joy-rider.

Especially in cities allowing shared e-scooters, [e-scooters, left strewn around public places, create new mobility barriers to accessibility](#) for people using a wheelchair, walker, or other mobility device. For people who are blind, deafblind or who have low vision, this is a serious, unexpected, terrifying and dangerous tripping hazard.

Toronto City staff produced two excellent, balanced, objective and detailed reports on e-scooters, [one in June 2020](#) and [one in April 2021](#). Taken together, the Toronto staff reports showed that to allow e-scooters will endanger public safety, send e-scooter riders and innocent pedestrians to hospital emergency rooms, require significant new law enforcement efforts, and impose new financial burdens on the taxpayer to cover added costs that e-scooters trigger. Those Toronto City staff reports also showed that e-scooters do not bring the great benefits for reduced car traffic and pollution that relentless corporate lobbyists for e-scooter rental companies claim.

We have found no City staff report by any other Ontario municipality that has replicated, improved upon, or in any way refuted the objective research on this issue conducted by Toronto City staff. It is especially important that the Toronto city staff reports address dangers posed by e-scooters, whether privately-owned or rented.

E-scooters especially endanger public safety and accessibility for people with disabilities and others on sidewalks. The two Toronto City staff reports, referred to above, show that in cities where e-scooters are allowed but banned on sidewalks, they are nevertheless regularly ridden on sidewalks. Here again, this is not limited to rented e-scooters.

Last year, Toronto City Council commendably voted unanimously not to allow e-scooters, whether privately-owned or rented. It did so after it directed City staff to study the impact of e-scooters on people with disabilities. The Accessibility Advisory Committees of Toronto, Hamilton, London, and Ottawa have all strongly recommended that their respective City Councils not allow e-scooters. People with disabilities have given deputation after deputation to Toronto, Ottawa and Mississauga City Councils, saying that e-scooters should be banned.

There is overwhelming Ontario-based proof that e-scooters pose these twin dangers for vulnerable people with disabilities, seniors and others. It comes directly from Ottawa, among other places. The February 2022 Ottawa city staff report showed that according to a survey that Ottawa staff conducted after two years of piloting e-scooters, there was a major problem with e-scooter riders riding on sidewalks and leaving e-scooters strewn on sidewalks. Both of these activities were forbidden. The Ottawa staff report states:

"79% of all survey respondents encountered sidewalk riding, of which:

67% did not report to City, providers or police

64% felt uncomfortable and unsafe"

"83% of all survey respondents encountered mis-parked e-scooters (up from 69% in 2020), of which

77% left them where they were

Approx. 16% reported them to the City or to the e-scooter providers"

A sampling of 25 media headlines further illustrates the kind of injuries that London must expect to inflict on its residents and visitors, if it green-lights the city staff proposal as it relates to e-scooters:

1. Altercation between e-scooter riders and occupants of vehicle before fatal stabbing in downtown Ottawa, police say
2. Vernon woman spent two days in hospital after being struck by rental scooter
3. National pedestrian safety campaign backs Chorley mum's petition for stricter e-scooter laws after daughter hit
4. Italy debates electric scooter safety after teenager dies in accident
5. E-scooters: Sister of six-year-old boy who had skull fractured by teenage rider calls for under-21 ban
6. Woman who can 'barely dress' herself after being hit by e-scooter lashes out
7. Paris police search for two e-scooter riders after pedestrian killed
8. Child taken to hospital following e-scooter collision
9. Moment teenager on an e-scooter almost ploughs into a lorry while riding on the WRONG side of the road
10. Three-year-old girl left with 'life-changing' injuries after collision with man riding e-scooter
11. Electric scooters drive accident epidemic as young man, 20, latest to die in collision

12. Teen e-scooter rider pleads guilty in incident which caused pedestrian severe brain injuries
13. Girl's jaw and gums had to be realigned after accident with e-scooter; rider arrested
14. Canterbury woman struck by electric scooter suffers two broken limbs
15. E-scooter casualties in London soar by 570% as number of pedestrians hurt DOUBLES in a year - putting pressure on Sadiq Khan over rental trial scheme
16. 79-year-old woman in hospital after being knocked down by a scooter
17. Actress Lisa Banes dies after being hit by scooter in Manhattan
18. E-scooter drivers endanger other road users significantly more than cyclists
19. He broke his bones, now no one wants to be liable: An e-scooter accident shows dangerous legal gaps
20. E-Scooter riders have little, if any, protection in case of injury or accident
21. Bronx man dies after falling off e-scooter hitting head on ground
22. Man seriously hurt in Clifton e-scooter crash
23. Moment passengers evacuated as e-scooter 'explodes' at London Tube station
24. Oxford e-scooter crash involving pushchair leaves man and child injured
25. Dental injuries on the rise thanks to e-scooter use: study by U of A prof

The strong call for e-scooters not to be allowed comes from a broad spectrum of respected voices in Ontario's disability community. For example, back on January 22, 2020, over two years ago, [an open letter](#) to the Ontario Government and all municipalities from eleven major

disability organizations called for e-scooters not to be allowed. This included both rented and privately-owned e-scooters.

It is entirely predictable that if any e-scooter riding is permitted in public places in London, they will be ridden on sidewalks, even if London bans sidewalk riding. We know this from the experience in city after city that permits e-scooters, but bans them from sidewalks. An e-scooter rider predictably would prefer to ride where they can on a sidewalk, rather than the road. On the road, they are in danger of being hit by a car. On the sidewalk, they avoid that danger. On the road, they are in danger of having their e-scooter wheels get caught in a pothole. On the sidewalk, there is less of a danger. On the road, cars will be permitted to travel faster than the e-scooter is allowed to drive. On the sidewalk, pedestrians will never walk faster than an e-scooter can.

These disability dangers are not limited to e-scooters that are ridden on the sidewalk. When vulnerable people with disabilities cross a street, they and others are endangered by a silent e-scooter racing at them on the road. The same goes for innocent pedestrians walking on a trail through a park.

3. Wrong for London to Legalize and Reward Dangerous Illegal Conduct

The London staff report states that at present, there are people who ride e-scooters in London, and that a bylaw should therefore be passed to permit this. If people are now riding e-scooters in public places in London such as roads, sidewalks, park trails or bike paths, that conduct is currently illegal. E-scooters are banned by provincial legislation from public places in Ontario, except where a municipality permits them by bylaw. London has not permitted them under any circumstances.

The London staff report's reason for recommending this appears to be that there are "many" people in London who now ride e-scooters, and that it is an efficient way to travel. The report states:

"This option recognises that personal e-scooters are already in use in London, they provide an efficient transportation option for many Londoners, and they should be recognised in municipal by-laws."

The fact that there are some in London who are breaking the law does not mean that London and its law enforcement officials should simply give up on the law. We have break-ins every year. The solution has been to step up law enforcement, not to throw up our hands and legalize break-ins.

The report provides no objective evidence of how many people are now illegally riding e-scooters in London. Even if there are "many", we would not be inclined to legalize break-ins because many people are now committing break-ins.

The report's description of e-scooter travel as efficient disregards its danger for vulnerable people with disabilities, seniors and others. Those dangers call into question the efficiency of e-scooters as a mode of transportation.

The solution to illegal riding of e-scooters in London is to effectively enforce the current law, rather than passing a bylaw to permit and reward this dangerous activity. As noted above, e-scooters create dangers for vulnerable people with disabilities, seniors, children and others.

It may be that London has never effectively informed the public that it is illegal to ride an e-scooter in London. If so, then some members of the public may well be buying and then riding an e-scooter, not knowing that this is illegal and dangerous to vulnerable people with disabilities, seniors and others. London should do outreach to the public to let them know that it is illegal to ride e-scooters on public property in London. London should call on any stores selling e-scooters to give their customers fair notice that they cannot ride them in public in London.

4. Before Taking Any Steps to Legalize a Person Riding a Privately-Owned E-Scooter, London Should First Investigate Problems Created for Vulnerable People with Disabilities, Seniors and Others Where a Municipality Has Permitted People to Ride a Privately-Owned E-Scooter

Before London considers approving the recommendation in the London staff report to legalize riding a privately-owned e-scooter, London staff should be directed to thoroughly investigate and report back to London City Council on the dangers that e-scooters create for vulnerable people with disabilities, seniors, children and others in cities that allow a person to ride a privately-owned e-scooter. For example, Mississauga amended its bylaws in 2020 to permit a person to ride a privately-owned e-scooter in certain public places. On June 15, 2022, the General Committee of Mississauga City Council received deputations from the public about e-scooters. Several disability community members there told Mississauga not to allow shared rental e-scooters. Debutants also said that Mississauga should never have allowed privately-ridden e-scooters in the first place.

As well, during the June 15, 2022 meeting of Mississauga City Council's General Committee, some Council members expressed concerns about their encounters with e-scooters appearing out of nowhere and almost hitting them. We emphasize that that pertains to a community that allows a person to ride a privately-owned e-scooter.

5. Major Additional Enforcement Problems Would Be Created if London Allows Privately-Ridden E-Scooters

It is possible for London to enforce an outright ban on riding e-scooters in public places, if it allocates needed resources for this. If law enforcement has reliable eyewitness evidence that a person rode an e-scooter on a road, sidewalk, public path or other public property, they can be prosecuted for this.

On the other hand, there are serious additional enforcement problems created if London does as staff recommends, namely permitting a person to ride a privately-owned e-scooter, but prohibits a person from riding a rented e-scooter. To successfully prosecute a person for riding a rented e-scooter, London would have to prove beyond a reasonable doubt the identity of the person who was riding the e-scooter, and that it was a rented e-scooter, not one they personally own. London will not have ready access to reliable evidence of whether the e-scooter was privately-owned or rented. For example, unlike cars, there is no public mandatory regime for registering one's ownership of an e-scooter. There is no obligation to display a license plate on an e-scooter, akin to that required for a car.

As such, a ban on rental e-scooters risks being effectively unenforceable. Clever entrepreneurs will find ways to rent e-scooters to interested people. If this is not highly visible, or if London's law enforcement considers this a low priority, they may well expect to get away with it. As it is, there is a demonstrated willingness by some to flaunt the law, as shown by the fact that some people ride e-scooters in public in London now, even though that is completely illegal.

Moreover, if rental is not allowed, but private ownership is allowed, what will London do with a person who lends their e-scooter to a second person. Is it to be perfectly legal if that second person uses it at no charge, but will take action if there is a charge? How will London ever know? How can police effectively enforce this? Here again, the clear rule that is much more effectively enforceable is a simple ban on riding e-scooters, pure and simple.

6. If London Allows Privately-Owned E-Scooters, the E-Scooter Rental Corporate Lobbyists Will Try to Leverage This to Back London Into Permitting Rental E-Scooters.

The relentless e-scooter corporate lobbyists will argue that if e-scooters can be privately owned, why shouldn't people be free to rent them? For those corporate lobbyists, this will simply be the thin edge of the wedge that they will aim to exploit. London City Council should avoid being backed into a corner.

7. Hard to Regulate the Features of Privately Owned E-Scooters

There are different models of e-scooters. There is no national safety standards or certification for them. Privately-sold e-scooters are capable of speeding far faster than the maximum provincial speed limit. If London allows privately-owned e-scooters, rather than banning them altogether from public places, London will have nothing in place to ensure that the models sold and driven in London cannot exceed the provincial speed limit, maximum weight and other requirements. Here again, the law will simply be unenforceable, especially if London does not allocate a massive amount of money to e-scooter law enforcement.

8. London should Impose These Mandatory Requirements If It Allows Privately-Owned E-scooters to be Ridden in Public Places

If, despite the foregoing, London chooses to amend its bylaws to allow a person to ride a privately-owned e-scooter in public places, then London should include in that bylaw substantial mandatory requirements, including all of the following:

1. Every e-scooter rider should be required to carry mandatory liability insurance for injury, death or property damage that they cause, at least equal to the coverage required of motor vehicle owners or drivers.
2. Every rider of any age should be required to wear a helmet while riding an e-scooter. Ontario only requires this for 16 to 18 year old people. London can and should require it of all e-scooter riders.
3. There should be a mandatory zero-tolerance requirement for any e-scooter left strewn on a sidewalk. The e-scooter should be confiscated and disposed of, at the expense of the e-scooter owner. Private individuals should be able to remove and dispose of such e-scooters.
4. If there is any non-compliance reported regarding sidewalk riding or other such issues impinging on safety or accessibility, the pilot should be immediately suspended, pending a report to City Council with recommended program revisions to eliminate this danger.
5. Before any bylaw can be approved or considered to legalize riding a privately-owned e-scooter, city staff should be required to present to City Council for its approval a budget for substantially increased law enforcement, to ensure that e-scooters do not create new disability barriers or safety threats. No e-scooter program should be permitted until and unless that budget is approved by City Council.
6. London should enact very strict penalties for improper e-scooter riding, far more than \$75 to \$100 for a violation. No pilot with privately-owned e-scooters should begin until and unless those stiff penalties are enacted and widely publicized.

7. No one may ride an e-scooter unless they own the e-scooter, and have proof of ownership in their possession, which police and other law enforcement officials should be entitled to ask for.

8. An e-scooter should not be permitted to be ridden in public unless the owner has had the e-scooter certified by an authority which London approves, to the effect that:

a) The e-scooter cannot operate at a speed higher than 15 KPH.

b) The e-scooter has effective working breaks.

c) Whenever it is powered on, the e-scooter emits a continuous warning sound sufficient for vulnerable pedestrians to hear an approaching e-scooter, even when there is significant traffic, construction or other ambient noise. Pedestrians should be able to hear this sound on a busy, noisy urban street, when the e-scooter is still far enough away that the pedestrian can still dodge it in time. The City of London should pre-approve that sound quality and volume, through a public approval process that includes the London Accessibility Advisory Committee, the AODA Alliance and other disability organizations that are interested in this issue.

9. Concerns with the London staff report

We are very appreciative of London staff recommending against a pilot with rental e-scooters. This is far preferable to the harmful position taken by city staff in Mississauga, Hamilton and Ottawa, to name a few.

We disagree, however, with the London staff report's statement that allowing privately-owned e-scooters has no financial consequences for London. The taxpayer will have to shoulder increased demands on the health care system. London will have to deploy additional law enforcement resources, especially to be able to prove whether an accused was riding an e-scooter they own or one they have rented. To implement the conditions that are essential, as listed above, will impose burdens on London staff.

The London staff report incorrectly questions the views of people who oppose e-scooters. The report states:

"The majority of respondents in the group with no experience with an e-scooter had negative or very negative impressions (see Figure 3). Since this group of people do not have direct experience with an e-scooter, their negative impression may be suggestive of 'fear of the unknown' or the impact of media stories on people's perception."

Given the small number of people who took part in the London online survey (around 800 or less), and the lack of any showing that it is representative of the public, there is no basis for drawing any such conclusion. The AODA Alliance has obtained feedback over the period of almost three years since the Ontario Government first opened the e-scooter topic. We have

received overwhelming opposition to e-scooters, based on people experiencing them in cities where they are allowed, or in cities like Toronto where they are banned but unlawfully ridden in public. We have been very publicly active and visible on this topic for almost three years. The London staff report does not reflect that in its analysis.

The London staff report is wrong where it seems to suggest that London really can do nothing about privately-owned e-scooters, leading to their conclusion that this should be legalized. The report states:

"The key consideration with the provincial e-scooter pilot is that it applies to both personal and shared e-scooters. They need to be dealt with separately as the City has no control over the availability of e-scooters for personal purchase and use. They are already being used in London. These scooters cannot be regulated like e-scooter share vehicles."

There are two major errors here. First, as noted earlier, London can simply leave in place the ban on e-scooters, and can effectively enforce the ban. As well, if London wishes to allow privately-owned e-scooters to be ridden in public, it can impose restrictions on them beyond those which Ontario has mandated. Ontario has done nothing to preclude this.

It is good that the London staff report recognizes that e-scooters present accessibility and safety concerns as well as other concerns. It is also good that this appears to contribute to London staff recommending that London not proceed with allowing rental e-scooters. However, with great respect for the London staff, their report makes no sense when it comes to the same accessibility and other dangers created by e-scooters that are privately-owned. The London staff report states:

"Concerns of safety, accessibility and equity are valid as evidenced in other municipalities. For personal e-scooters, it is up to the rider to be conscientious. For e-scooter share services, the design of the service must take into account who would benefit the most, who is the system designed for, how to ensure equitable access, and whose mobility and accessibility is being affected by their use."

It is not good enough for London to simply leave it to the riders of privately-owned e-scooters to "be conscientious." Experience in city after city shows that too often, they are not. Moreover, they aren't required to have insurance to cover the harm and injuries they inflict. There is no evidence that e-scooter riders who rent their e-scooter lack conscientiousness, but if the e-scooter is privately-owned, we can trust them to be conscientious.

10. Concluding thoughts - London Should View with Great Skepticism the Conduct of Ontario Cities that Have Allowed E-Scooters

As noted earlier, it is very commendable that the London staff report recognizes that e-scooters present accessibility and safety dangers. Toronto City Council unanimously rejected e-scooters in any form, because of their accessibility and safety dangers for people with disabilities, seniors and others. This came after Toronto City Council had directed Toronto city staff to investigate the dangers that e-scooters pose for people with disabilities, and the options, if any, for preventing these. Toronto city staff ultimately reported back to City Council that e-scooters do present these dangers, and that there are no effective measures for preventing them. Here again, this was not limited to rental e-scooters.

In contrast, the very same disability concerns have been ignored, downplayed or marginalized by city staff in some other cities. It was not even mentioned in the staff report to Brampton City Council which recommended an e-scooter pilot. Hamilton is proceeding with an e-scooter pilot even though its Accessibility Advisory Committee has called on that city not to do so. Ottawa is proceeding with a third year of e-scooters, despite strong opposition from Ottawa's Accessibility Advisory Committee and people with disabilities in Ottawa. On June 15, 2022, Mississauga's General Committee received a staff report, calling for a shared e-scooter pilot. That report seriously downplayed and marginalized disability concerns. None of these cities have disproven the detailed evidence in the two Toronto city staff reports on point.

This all comes after the Ontario Government completely disregarded serious disability concerns when it passed regulations in 2019 that allow municipalities to run an e-scooter pilot. It was evident in that case, and in cities that have approved rental e-scooters, that they were acting at the behest of the e-scooter rental companies' corporate lobbyists.

Across Ontario, vulnerable people with disabilities, seniors and others who are at risk of serious injury due to e-scooters deserve greater concern and respect. The best way for that to be achieved is to leave in place the ban on e-scooters, and to effectively enforce that ban.

From: Wayne Antle
Sent: Thursday, June 9, 2022 9:57 AM
To: CWC <cwc@london.ca>
Subject: [EXTERNAL] London Civic Works Committee Meeting

Hi

I would like to speak at your June 21 meeting. I lead the Ottawa-Gatineau chapter of the Alliance for Equality of Blind Canadians, and I would like to share our experience with e-scooters in Ottawa. These have operated in Ottawa over the past two years, and they have posed serious safety concerns for all vulnerable pedestrians. I would welcome the opportunity to share my experience with you.

My contact information is below:

Wayne Antle
President, Ottawa-Gatineau Chapter
Alliance for Equality of Blind Canadians (AEBC)

From: Wayne Antle

Sent: Tuesday, June 21, 2022 8:50 AM

To: Pascual, Audrey <apascual@london.ca>

Subject: [EXTERNAL] Re: ZOOM - Civic Works Committee - June 21, 12:00PM

Unfortunately, I will not be able to make this meeting this morning. Therefore, you can remove me from your delegation request list.

Sorry for the short notice.

Wayne Antle

From: Chris Schafer
Sent: Thursday, June 16, 2022 6:29 PM
To: ppmclerks <ppmclerks@london.ca>
Subject: [EXTERNAL] Bird Canada: Delegation Request (Civic Works - June 21st)

Hi,

I would like to register to speak to the Civic Works Committee on June 21st re Item 4.2 Participation in Provincial E-scooter Pilot.

I will share a presentation deck with your Office by the end of day Friday (June 17thO).

Please confirm. Thank you.

Chris Schafer
Vice President, Government Affairs
Bird Canada
www.birdcanada.co

Hello, London



2022

About Bird Canada

Bird Canada Inc. is a “first kilometre / last kilometre” electric scooter and bike sharing company dedicated to bringing affordable, environmentally friendly transportation solutions to Canadian municipalities.

We are a Canadian owned and operated venture that provides—in conjunction with Bird Rides Inc. in the United States—electric scooter and bike sharing programs globally.

Bird is in over 350 cities worldwide. In Canada, we are currently active in 7 cities across Alberta and Ontario. We are excited to launch in several new cities across Canada in 2022.

Calgary
Edmonton
Okotoks
Red Deer
St. Albert
Ottawa
Windsor
Medicine Hat
Leduc



Our evolution as mobility pioneer



BirdZero

2018

BirdOne

2019

BirdTwo

2020

BirdThree

2021

BirdBike

2021



Confidential and Proprietary

Introducing Bird Three

Features of Shared E-scooter

Battery	36 V, 21.0 Ah 10S6P
Charge Time	5.8 hrs
Range	35 miles
Braking	Regen; Drum (front), disc (r)
Wheels	10" pneumatic
Top Speed	15 mph
Dimensions	47.7 in. x 19.3 in. x 46.8 in.
Lights	Front / Rear LEDs

Throttle-Brake Interlock

Automatic safety actions to protect against accidentally holding the throttle.

Dual Wiper Throttle

Automotive-grade functional safety and guaranteeing absolute speed-control accuracy

Enhanced Lighting

Anti-Theft Encryption

Enhanced encryption keeps our riders safe and helps deter theft

Autonomous Damage Sensors

Self-reporting damage sensors and automotive-inspired diagnostic technology

Status Indicator

Dynamic Stability Control Steering (DSCS)

Stabilizes out-of-control, sudden or erratic movements, guards against unsafe turns or over-corrections.

Seamless Screws

Protection against injury and theft with no exposed screws

Puncture-Proof Tires

10" tires feature puncture-proof tech, higher traction, and decreased vibration.

Industry's Longest-Lasting Battery

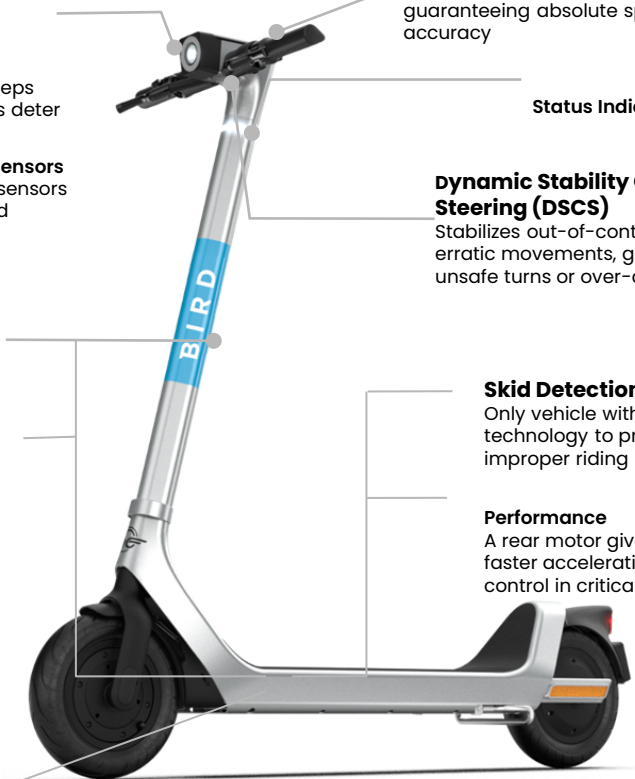
Automotive-grade battery management system. Largest, safest, only operator with IP68 integrated battery

Skid Detection

Only vehicle with skid detection technology to prevent improper riding behavior.

Performance

A rear motor gives Bird Three faster acceleration and more control in critical situations.



Tip Detection Technology

Anti-Tip Kick Stand

With a dual anti-tipping kickstand, this Bird stands on its own two feet.

Performance

AEB brings the vehicle to a stop in the event of a brake failure.



Smart Geofencing



Geo-zone technology

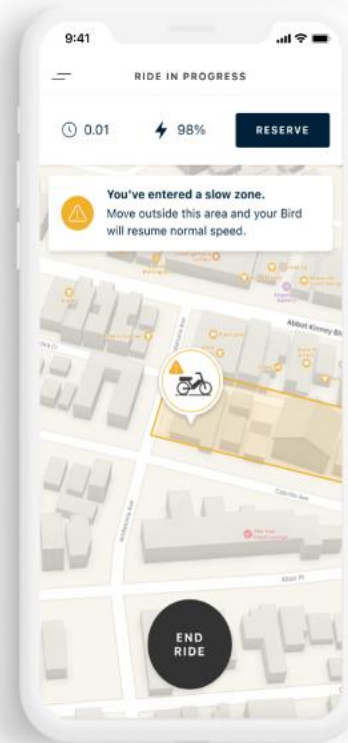
All vehicles are tracked with GPS.

When riders enter a designated geo-zone, vehicles follow set rules.

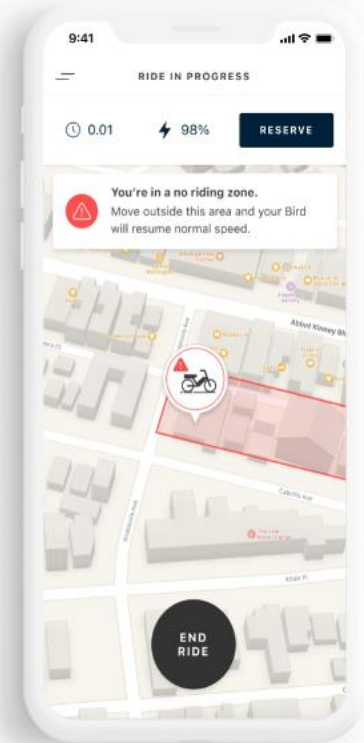
Vehicles will slow down or stop, and riders are notified by a vehicle sound and an in-app notification.

*Most Canadian cities have set scooters to a maximum of 20 km/h and slow down zones for highly pedestrianized areas of the City are generally set at 15 km/h.

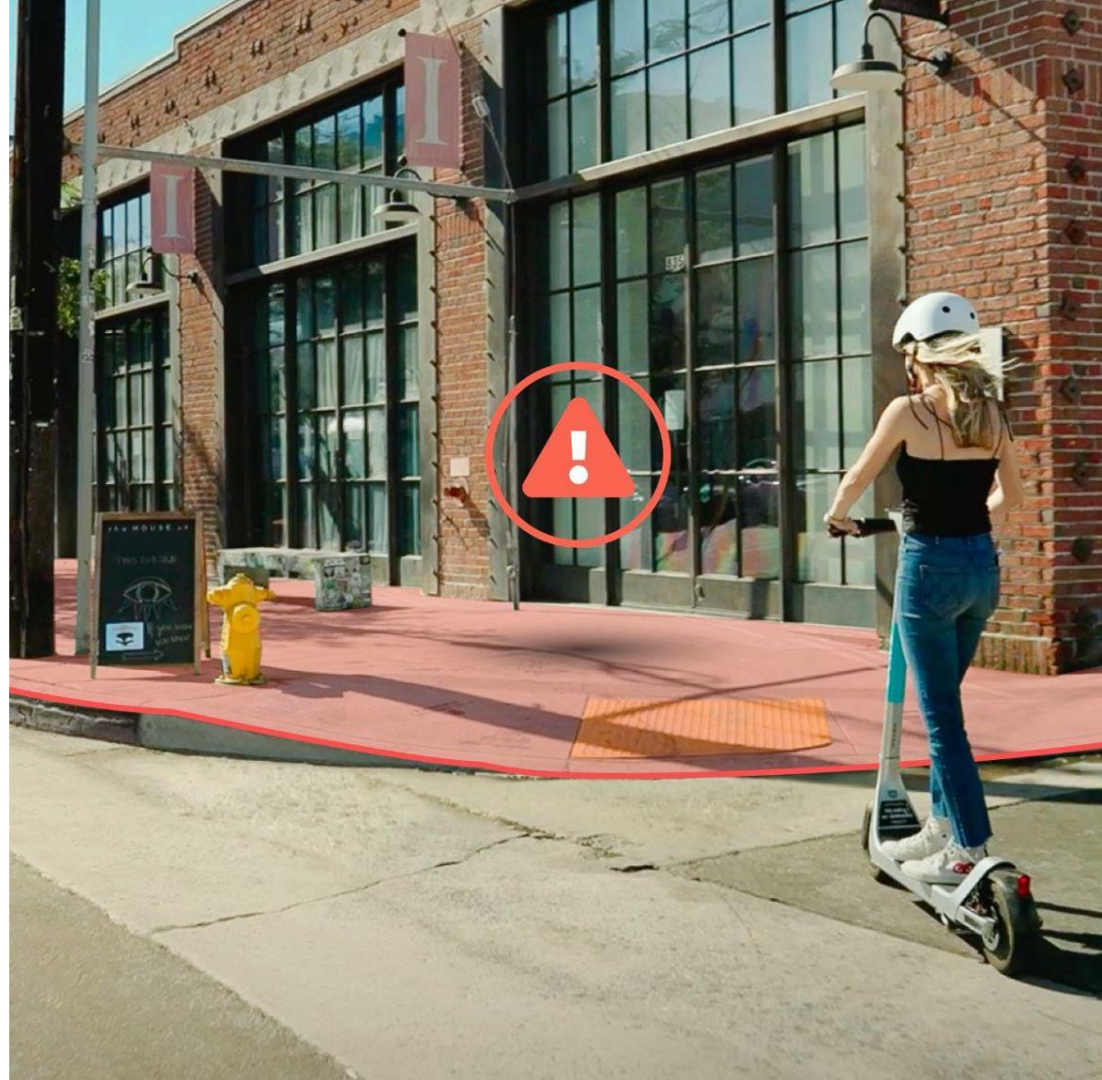
Slow Zone



No Ride Zone and/or No Park Zone



Smart Sidewalk Protection



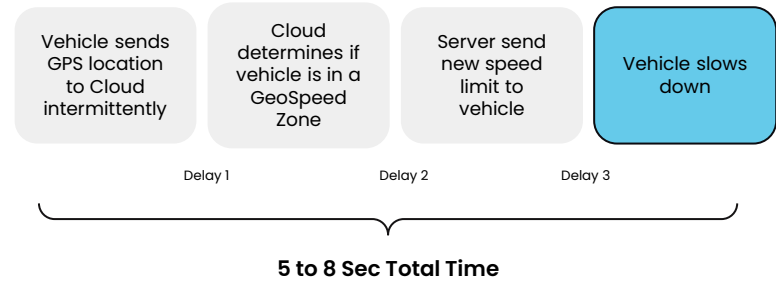
Introducing: The Sensor Fusion Microchip

Bird uses a proprietary microchip which fuses real time data about the vehicle (e.g. wheel speed, turning history), with GPS signals to provide richer, more robust vehicle location information and position.

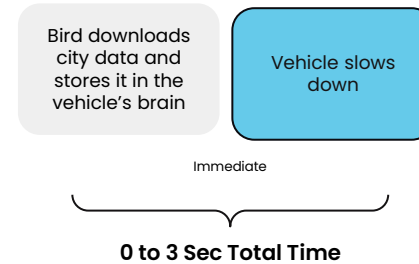
All New: Advanced Vehicle Location System

Our **Vehicle Location System** (VLS) combines downloaded map data with real-time data processing to speed up reaction time up to 4x standard technology.

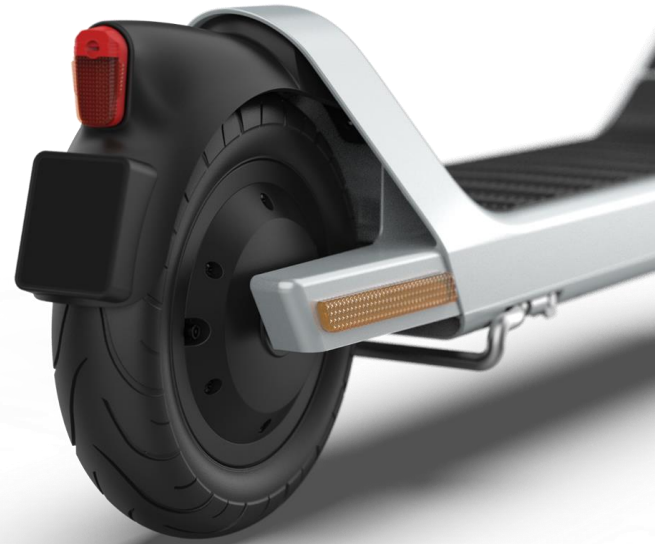
Standard Technology



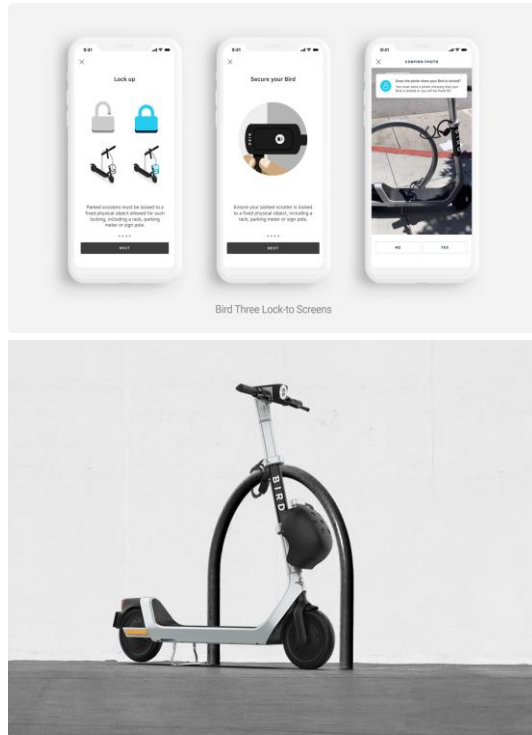
Bird's Geospeed Technology



Parking Strategies



“Lock to” Parking Solution



“Lock to”

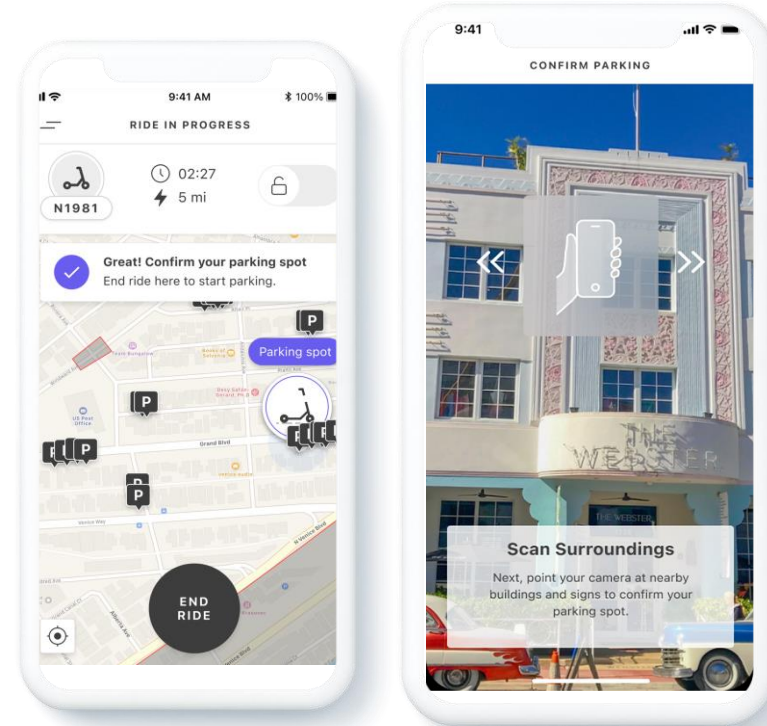
- Shared e-scooters are required to have a lock attached to it like a bicycle lock that is unlocked via an e-scooter share company app.
- At the end of a ride, a rider locks the e-scooter to municipally approved infrastructure - this keeps sidewalks clear and safe
- Upon locking the e-scooter, riders are required to take a photo of the e-scooter locked to a bike rack or permitted infrastructure
- A [study](#) by the San Francisco Municipal Transportation Agency (SFMTA) found that:
 - Complaints about sidewalk riding and improper parking were significantly reduced under the [Shared E-scooter] Pilot
 - The lock-to design addresses major issues with sidewalk clearance and pedestrian safety
- The Chicago Dept. of Transport. [found](#) a 79% decrease in 3-11 complaints-per-day-per-device in 2020 with “lock-to” e-scooters compared to 2019 without this requirement.



Virtual Docks

Virtual Docks use a camera positioning system to verify when a vehicle is parked in a permitted area.

Intelligence software augments GPS Data with video captured by riders prior to parking to confirm the vehicle is parked in an approved location, or **Virtual Dock**.



E-scooter Rider / Public Education



In person Safety Event in Calgary hosted by Bird Canada

Uniformed Bird Canada staff physically patrols on foot key areas of the City identified in collaboration with City staff. To date, **Bird Canada's Safe Streets Team** has had thousands of conversations and interactions with local riders to educate them on local rules in cities in which we operate.



Providing residents an opportunity to test ride an e-scooter at no cost



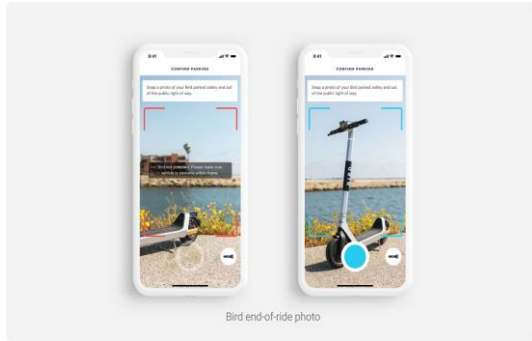
Educating residents on safe and responsible riding including local rules like no sidewalk riding in Ottawa



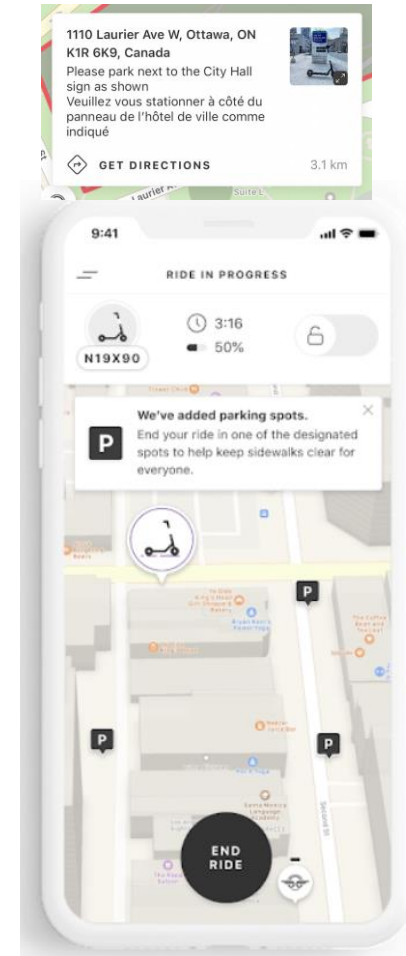
Free helmets given away to local residents

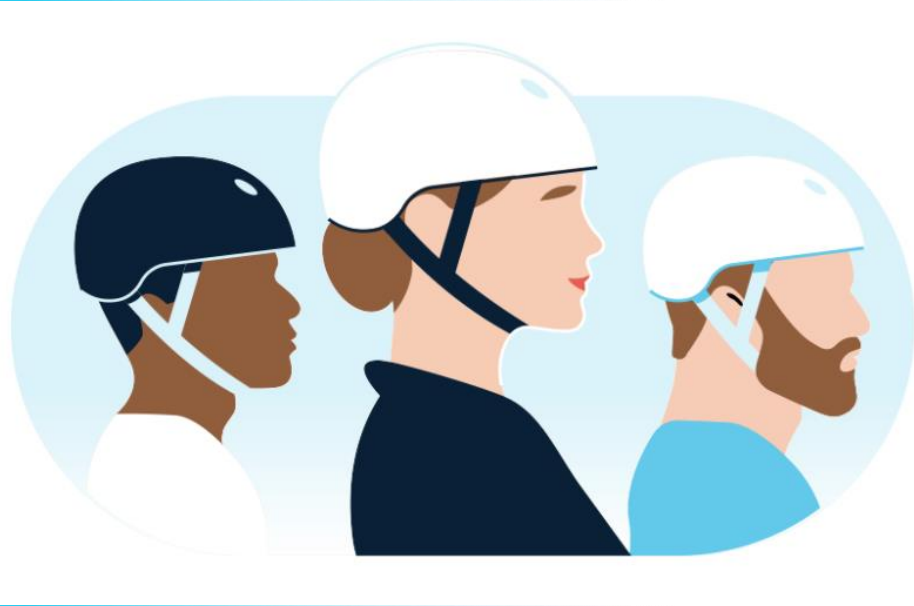


Parking of e-scooters



- ✓ In-app rider education
- ✓ Safe Street Patrols by Bird Canada staff
- ✓ “Preferred Parking” spots with incentives (these are located digitally in-app with instructions for how to locate and park with financial incentive to encourage good parking)
- ✓ Some cities provide supplemental Designated Parking spots that are located throughout the City (i.e. painted box, mat, etc.).
- ✓ End of Ride photos
- ✓ Geo-fencing for no-park zones
- ✓ Warnings, fines, suspensions by Bird Canada for misparking.

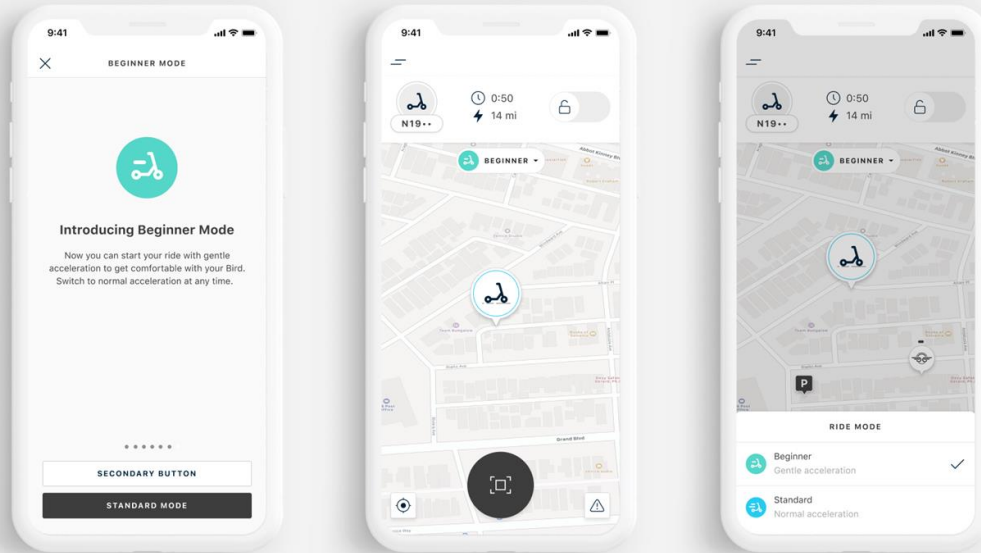




Safety First



Beginner Mode



Bird Beginner Mode



Beginner Mode automatically **softens** a Bird scooter's acceleration, allowing riders to **slowly work their way up** to full speed.

This can be mandated for first # of rides and at a lower maximum speed.

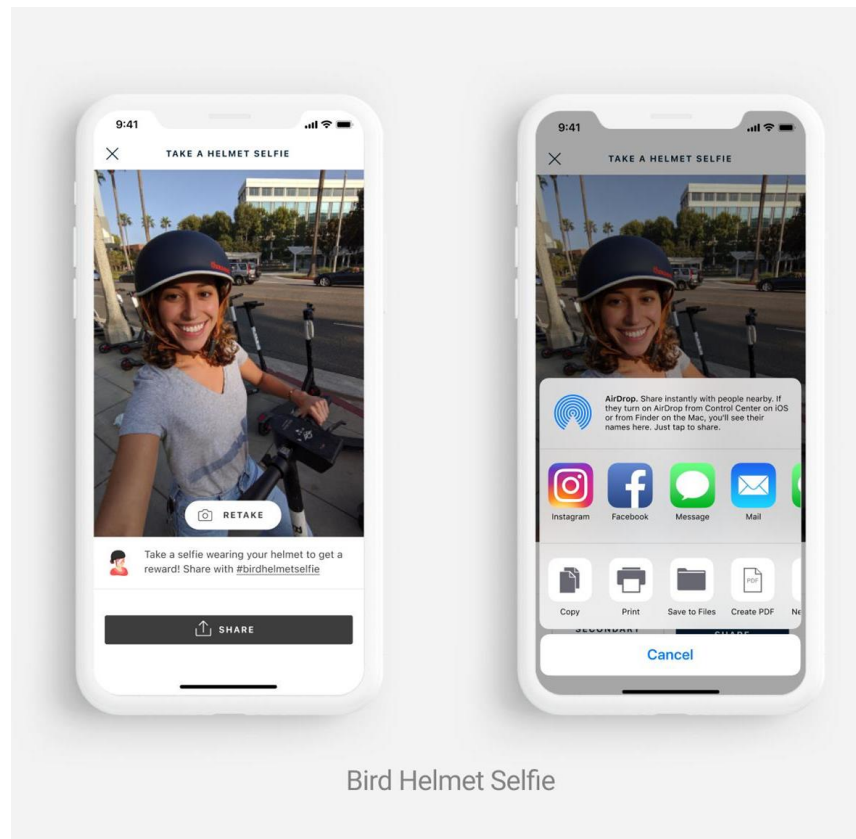


Helmet Selfies

Riders are asked to **take a selfie**.
Riders who demonstrate helmet usage will receive **incentives** such as future ride credits.

AI can also be used to verify personal helmet usage or usage of shared helmet attached to e-scooter.

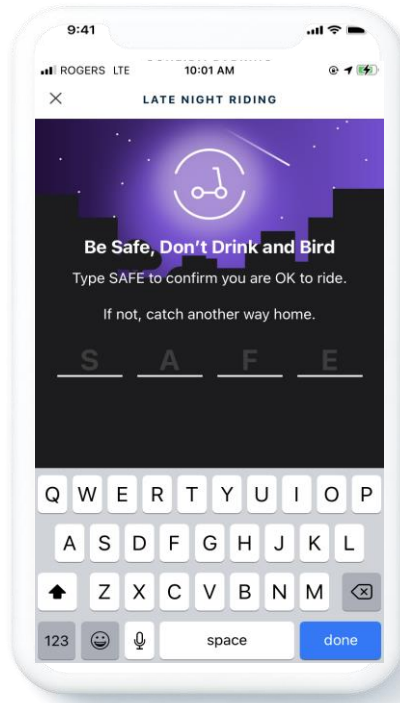
Riders can also share their selfie via social media and include **#BirdHelmetSelfie** to help promote broader adoption and use of helmets.



Bird Helmet Selfie



Safe Start



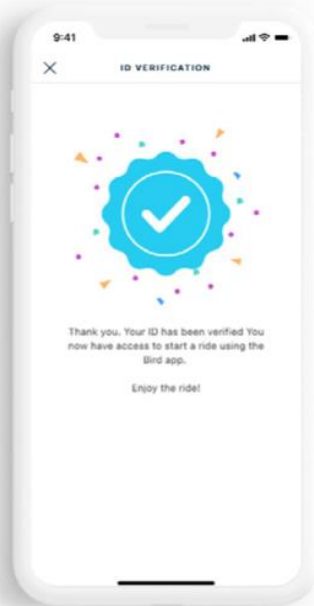
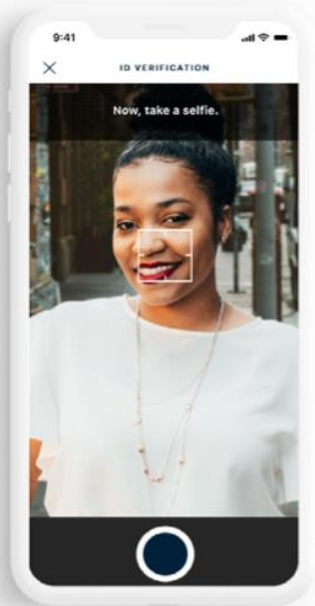
An in-app checkpoint, Safe Start is **designed to discourage** people from riding under the influence.

During late night hours, riders attempting to unlock an e-scooter are asked to verify that they can safely ride by correctly entering a keyword into the app.

Those who are unable to type the keyword correctly are encouraged to choose an **alternative method of transportation**, such as a taxi or ride-hailing service.



ID Verification



Bird in-app ID verification

Bird has zero tolerance for underage riding.

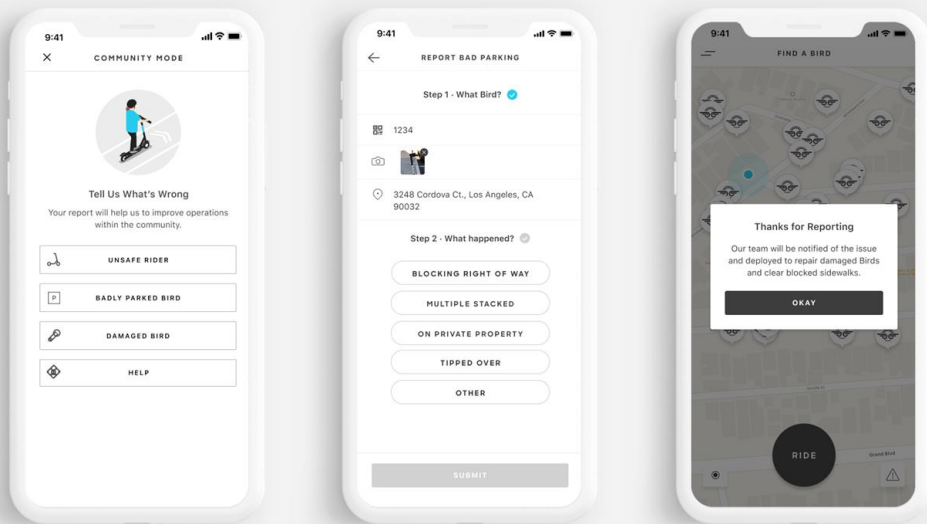
In advance of a new account unlocking a vehicle, an **ID verification** will be completed to verify the rider's age through the Bird App.

Users can provide driver's license, provisional driver's license, passport or other forms of identification.

A **selfie is also used** to ensure that the ID is truly belonging to the rider using it.



Community Mode



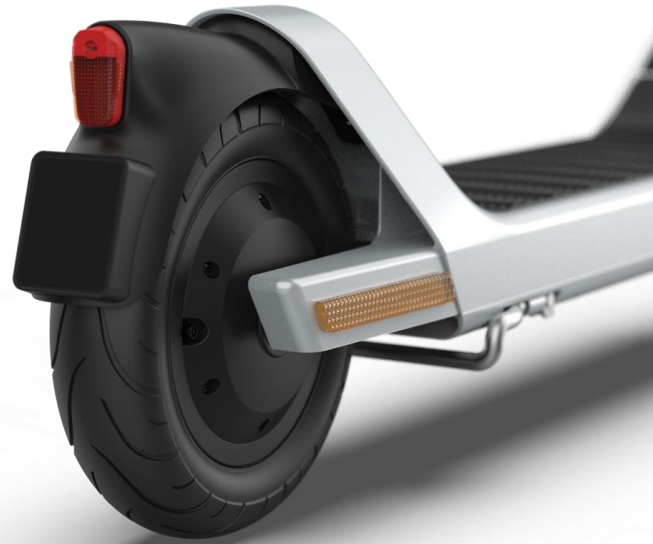
Bird Community Mode help center available to both riders and non-riders

Community Mode is an in-app reporting feature that allows anyone - whether or not they ride Bird - to **report instances where a Bird is parked improperly, damaged, etc.**

These reports help us take appropriate action such as deploying staff to reposition or remove a vehicle, or taking further disciplinary action as needed.



Accessibility/Seniors

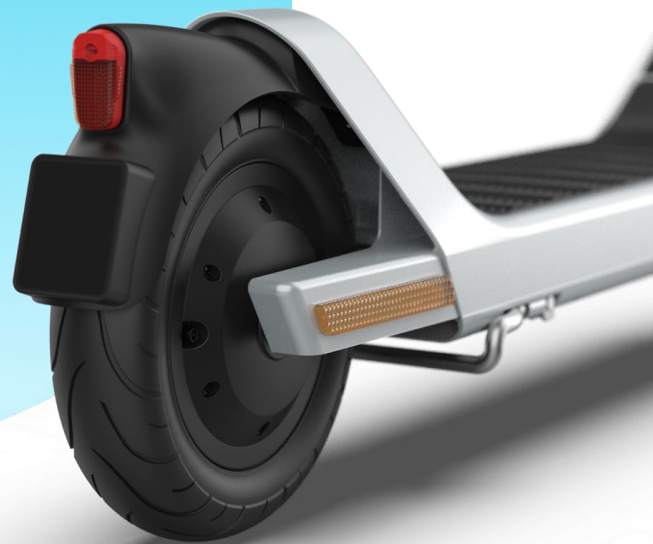


Accessibility/Senior Concerns: How the Shared E-scooter Industry Addresses Them

Accessibility/Senior Concern	Response
E-scooters are too fast	<ul style="list-style-type: none"> ● Cap top speed at 20 km/h / e-scooters have speed governors ● Geo-fence slow down / no ride zones
E-scooters are too quiet	<ul style="list-style-type: none"> ● Mandate noise emission while in service
E-scooters are hard to see	<ul style="list-style-type: none"> ● Mandate high contrast colouring + reflectors ● Province already mandates lights (front & rear)
E-scooters may be ridden on sidewalks	<ul style="list-style-type: none"> ● Mandate anti-sidewalk riding technology on key sidewalks
E-scooters may be misparked	<ul style="list-style-type: none"> ● Mandate parking solution(s): no park zones, in-app “preferred parking zones, or “lock-to” e-scooters, etc.
E-scooters are hard to report	<ul style="list-style-type: none"> ● QR Code reporting and/or in-app reporting available ● Braille and/or Raised Lettering on e-scooters ● Customer support available via TTY relay service
E-scooters can't be enforced	<ul style="list-style-type: none"> ● Daily “Safe Street” patrols by e-scooter company staff ● Mandate 15 minute response times by e-scooter company ● “Licence plates” on e-scooters / fines & bans enforced by company



Thank you.



Chris Schafer, VP Government Relations,
chris.schafer@birdcanada.co

From: Ashfaq (Kash) Husain
Sent: Friday, June 17, 2022 11:37 AM
To: CWC <cwc@london.ca>
Subject: [EXTERNAL] CWC meeting June 21, request for delegation.

Good morning.

I am writing to request delegation status at the June 21 meeting of the Civic Works Committee. I wish to make a presentation regarding the staff report on electric kick scooters.

Furthermore, I request that my presentation be timed towards the end of the other presentations. In particular, should there be any presentations being made by vendors of electric kick scooters, I wish to speak after them. I hope you will be able to accommodate this request.

With warm regards,
Ashfaq

Ashfaq (Kash) Husain

From: Nolan, Tim

To: CWC <cwc@london.ca>

Subject: [EXTERNAL] Civic Works Committee June 21, 2022

Hello

If time permits I, Tim Nolan, would like to delegate to the Committee at its meeting tomorrow June 21, 2022 respecting permission for e-scooters in the City. Please advise.

Thanks you so much.

Tim Nolan

To Chair and Committee Members,

I write in support of the AODA Alliance brief (attached) respecting the use of e-scooters in the City of London. I AM NOT A RESIDENT OF London, though I visit there from time to time. My greatest concern that sidewalks which are intended to permit pedestrians to travel about the City safely is increasingly encroached and occupied by obstacles and new technology for the purposes of transit, mostly in support of business.

London City staff, and Councillors, should be commended for rejecting the use of rental e-scooters on its streets and sidewalks. However, any approval of privately owned and operated vehicles is equally dangerous for pedestrians as these scooters can be used for personal or business purposes, and without license, training, insurance or any other security measures to ensure safety or prevent sidewalk use of these obstacles. E-scooter manufacturers in the staff proposed model cannot possibly control for the myriad of unsafe scooter tracking and warning devices necessary on commercially sold vehicles, and certainly not control for usage by persons of any age.

If you are not compelled to live a life of mobility access by sidewalk, it may be difficult to fully understand about what I write. If you are a casual user of sidewalks you may not fully encounter the barriers identified herein.

As a visually impaired person I need to safely navigate sidewalks and avoid colliding with business sign boards, light posts, garbage and recycling bins, bus shelters, street sign posts, sidewalk restaurants, trees, bike racks, and benches to name but a few. Now with emerging technology I am obligated to avoid robots, e-scooters, and e-tricycles.

How many more new micro mobility devices will I be required to avoid in the future? Cities do not put all these obstacles on roads for good reason, which I am sure are obvious. Why then is it acceptable to place all these obstacles and permit use of these technologies on sidewalks to the peril of pedestrians, particularly vulnerable pedestrians with disabilities or seniors. Vulnerable pedestrians have not the ability to “get out of the way” with less than a moments notice for wayward scooter riders, wayward e-tricycle users and robots that cannot predict or anticipate accidents. There is a reason driver-less vehicles are not fully operating on city streets: the technology is simply not yet good enough to anticipate or prevent accidents. The more micro-mobility devices and e-scooters the City allows on city sidewalks whether rental, commercial or privately owned the greater the propensity will be for accidents, especially in an environment where users are not trained, licensed or insured.

E-scooter manufacturers or sellers are like absentee landlords: as soon as they are permitted to supply the vehicles they will disappear from sight when it comes to liability. The phrase “caveat emptor” is very applicable here: once the sale is made the buyer, like a renter, is on their own and must beware. Unless the City of London can unequivocally control for the “beware” e-scooters should be banned.

There is a good reason why other large municipalities have prohibit e-scooters. There is also a good reason why the province off-loaded responsibility for e-scooters to municipalities. The risk and liability of e-scooters is greater than the benefit. I urge you and your Committee and Council colleagues to think twice about all the potential implications of a decision to permit privately owned and operated e-scooter sellers and riders to operate amok on London’s city streets. I urge you and your London Council colleagues to not make the same mistake as other municipalities, such as Hamilton and Ottawa, by permitting these intrusions to operate on London streets and sidewalks.

Best regards,

Tim Nolan
Hamilton

From: Vincent Lubrano
Sent: Sunday, June 19, 2022 9:14 PM
To: CWC <cwc@london.ca>
Subject: [EXTERNAL] E Scooter and Cargo Bike Pilot

Good Evening,

I am writing you today to give my input on the E Scooter Pilot program for London and the Cargo Bike Pilot

I am in favor of the Cargo Bike Project. These bikes are already in use in other cities to help augment delivery services and can also help other industries such as at home repair services. For instance, bike repair can be offered to a home while not using a fuel burning vehicle like van. Other repair companies could also provide their services without using a van. Electric assist can help anyone to be able to operate a cargo bike of this type.

On e scooters, I am in favor of personal, owner owned scooters being utilized in bike lanes and shared pathways. While I do have concerns for how they are operated currently, my hopes that if they are allowed, an education program for users can be utilized to improve operation. For instance, as someone who rides the TVP every day on my bike and diligently rings my bell when passing walkers, I have never seen a scooter with a bell much less one used. Also, items like helmets are not being utilized. So my suggestion is if they are allowed that there be a provision for rescinding the allowance if bells, helmets and other requirements are not being met.

I am adamantly opposed to any type of e-scooter share program. I have recently been in two cities that have programs, Nashville, TN and Detroit, MI. Both programs exhibit all the pitfalls that are noted in these programs. Scooters are left anywhere and block sidewalks. Operators are inexperienced and operate the scooters in unsafe ways menacing car traffic, pedestrians and themselves. An e scooter program is not like a bike share program. Just about everyone has ridden a bike at some point so to pick up a shared one and ride it properly, is not a surprising act. But hardly anyone has ridden an e scooter and since they are trick to operate in the first place, to expect an inexperienced operator to ride it properly would be a surprise. I am including photos that I took last week in Detroit that demonstrate the clutter and sidewalk accessibility problems the scooters create.

Thank you for your consideration.

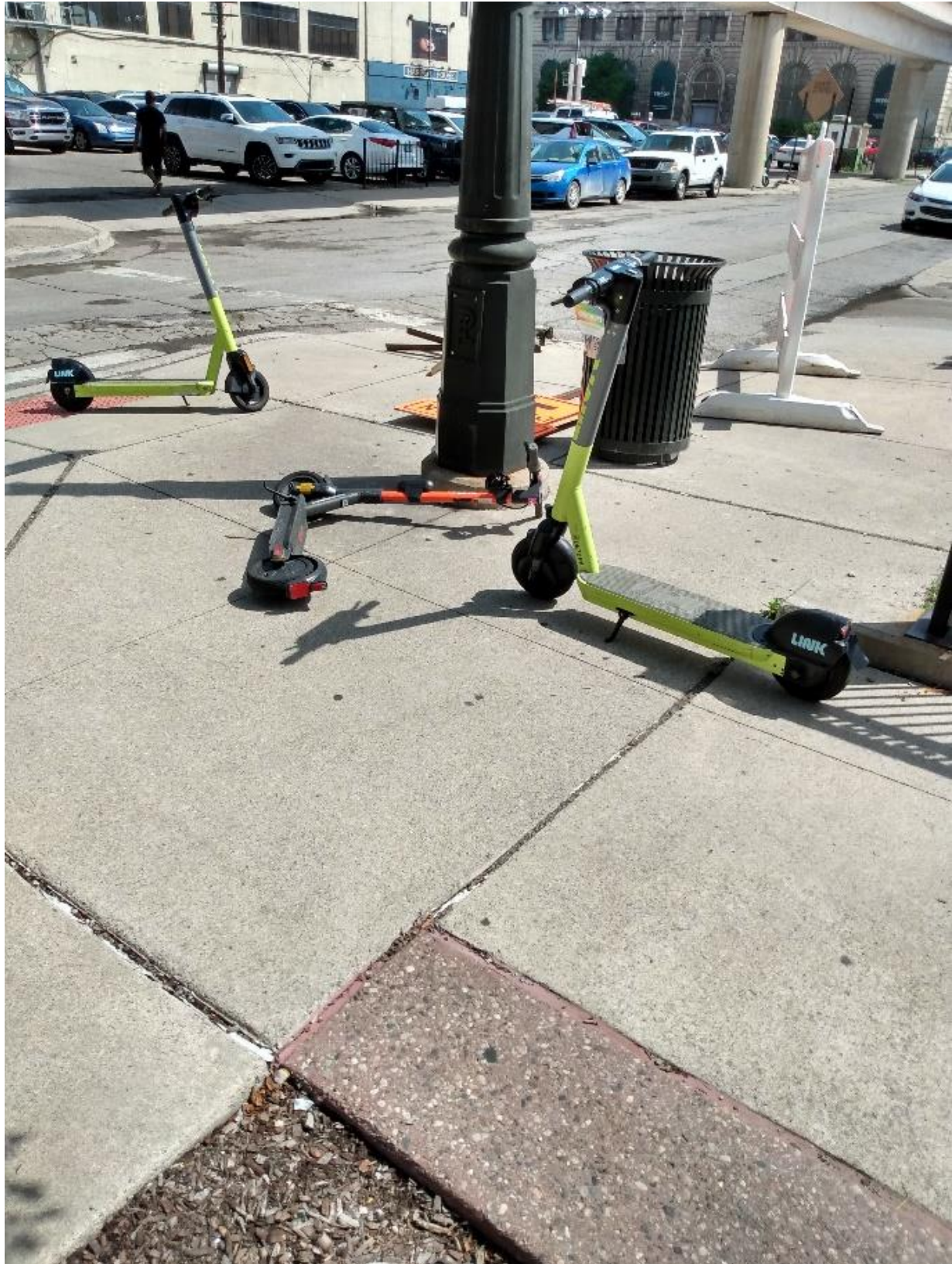
Vincent Lubrano III

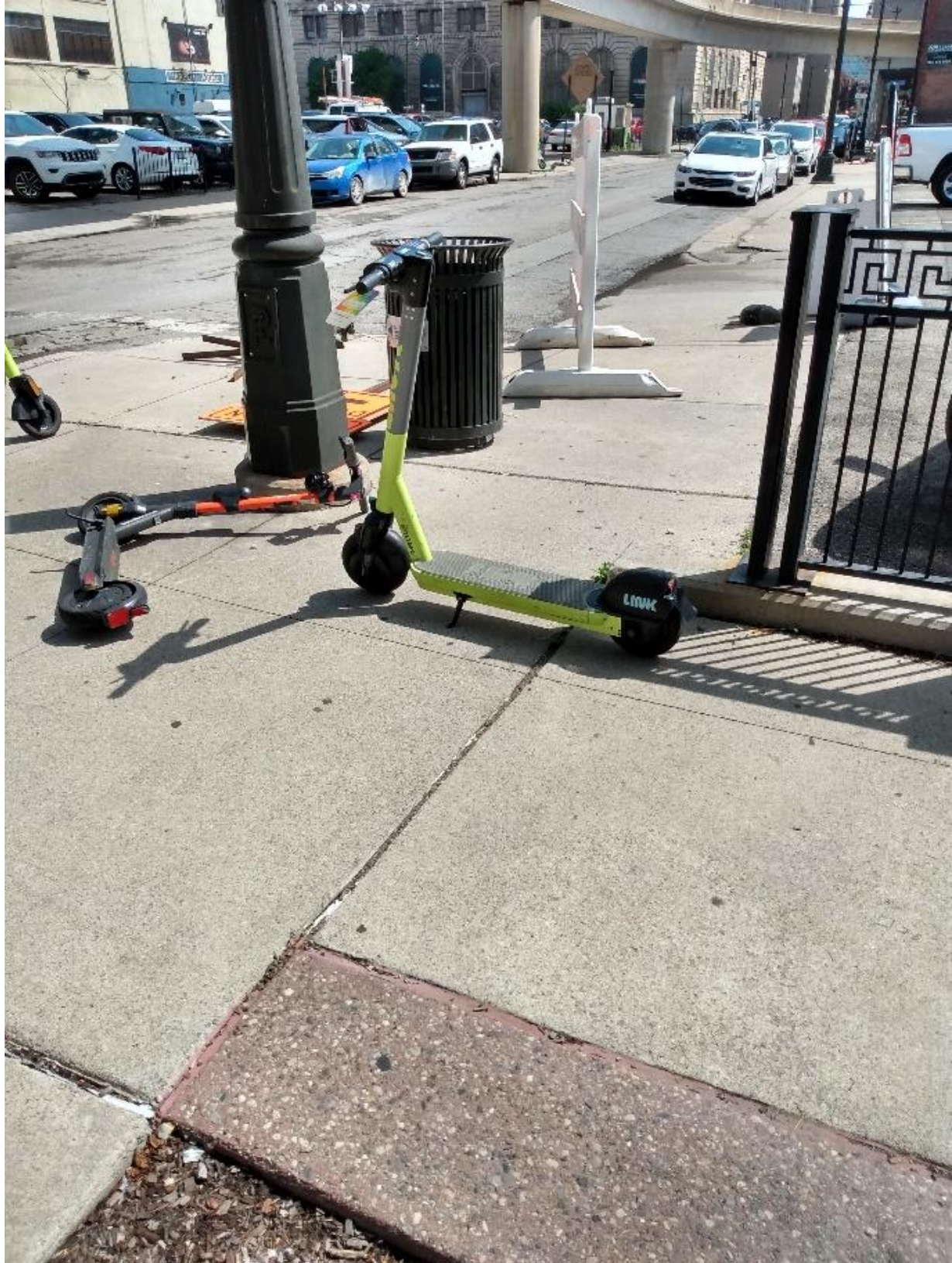












From: Sasha Elford

Sent: Monday, June 20, 2022 8:46 AM

To: CWC <cwc@london.ca>

Subject: [EXTERNAL] March of Dimes Canada re: Provincial E-Scooter Pilot

Good morning,

I am writing on behalf of March of Dimes Canada regarding tomorrow's Civic Works Committee agenda item 4.2 – Participation in Provincial E-Scooter Pilot. March of Dimes Canada has serious concerns regarding the safety and accessibility impacts of e-scooters on London residents with disabilities. We endorse the brief submitted by David Lepofsky on behalf of the AODA Alliance regarding this matter.

Please also find attached our correspondence dated August 2021, outlining our concerns with the proposed pilot project. If possible to bring this correspondence to the committee's attention, that would be much appreciated.

Thank you,

Sasha Elford (she/her/hers)

National Manager, Public Affairs

March of Dimes Canada

10 Overlea Blvd.

Toronto, ON, M4H 1A4

Join us: www.marchofdimes.ca [Facebook](#) [Twitter](#) [YouTube](#)

Support March of Dimes Canada by visiting www.marchofdimes.ca/donate

Text 'DIMES' to 45678 to donate \$5



DEFERRED MATTERS

CIVIC WORKS COMMITTEE

as of June 13, 2022

File No.	Subject	Request Date	Requested/Expected Reply Date	Person Responsible	Status
1.	<p><u>Rapid Transit Corridor Traffic Flow</u> That the Civic Administration BE DIRECTED to report back on the feasibility of implementing specific pick-up and drop-off times for services, such as deliveries and curbside pick-up of recycling and waste collection to local businesses in the downtown area and in particular, along the proposed rapid transit corridors.</p>	December 12, 2016	Q4, 2022	K. Scherr J. Dann	
2.	<p><u>Garbage and Recycling Collection and Next Steps</u> That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, with the support of the Director, Environment, Fleet and Solid Waste, the following actions be taken with respect to the garbage and recycling collection and next steps: ii) an Options Report for the introduction of a semi or fully automated garbage collection system including considerations for customers and operational impacts.</p>	January 10, 2017	Q3, 2022	K. Scherr J. Stanford	
3.	<p><u>Bike Share System for London – Update and Next Steps</u> That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the potential introduction of bike share to London: that the Civic Administration BE DIRECTED to finalize the bike share business case and prepare a draft implementation plan for a bike share system in London, including identifying potential partners, an operations plan, a marketing plan and financing strategies, and submit to Civic Works Committee by January 2020; it being noted that a communication from C. Butler, dated August 8, 2019, with respect to the above matter was received.</p>	August 12, 2019	Q2, 2022	K. Scherr J. Stanford	

File No.	Subject	Request Date	Requested/Expected Reply Date	Person Responsible	Status
4.	<p><u>MADD Canada Memorial Sign</u> That the following actions be taken with respect to the memorial sign request submitted by Shauna and David Andrews, dated June 1, 2020, and supported by Mothers Against Drunk Driving (MADD) Canada:</p> <p>a) the Civic Administration BE DIRECTED to engage in discussions with MADD Canada regarding MADD Canada Memorial Signs and bring forward a proposed Memorandum of Understanding with MADD Canada for Council's approval;</p> <p>it being noted that MADD will cover all sign manufacturing and installation costs;</p> <p>it being further noted that the Ministry of Transportation and MADD have set out in this Memorandum of Understanding ("MOU") the terms and conditions for the placement of memorial signs on provincial highways which is not applicable to municipal roads;</p> <p>it being further noted that MADD provides messages consistent with the London Road Safety Strategy; and,</p> <p>b) the Civic Administration BE DIRECTED to work with MADD Canada to find a single permanent location in London for the purpose of memorials.</p>	July 14, 2020	Q3, 2022	D. MacRae A. Salton	
5.	<p><u>Updates - 60% Waste Diversion Action Plan Including Green Bin Program</u> d) the Civic Administration BE DIRECTED to:</p> <p>i) continue to prioritize work activities and actions that also contribute to the work of the London Community Recovery Network; and,</p> <p>ii) submit a report to the Civic Works Committee by June 2021 that outlines advantages, disadvantages, and implementation scenarios for various waste reduction and reuse initiatives, including but not limited to, reducing the container limit, examining the use of clear bags for</p>	November 17, 2020	Q2, 2022	K. Scherr J. Stanford	

File No.	Subject	Request Date	Requested/Expected Reply Date	Person Responsible	Status
	garbage, mandatory recycling by-laws, reward and incentive systems, and additional user fees.				
6.	<p><u>Green Bin Program Design - Community Engagement Feedback</u></p> <p>That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer the following actions be taken with respect to the staff report dated March 30, 2021, related to the Green Bin Program Design and Community Engagement Feedback:</p> <p>e) the Civic Administration BE DIRECTED to report back at a future meeting of the Civic Works Committee on the outcome of the procurement processes and provide details on the preferred mix of materials to collect in the Green Bin and any final design adjustments based on new information; and,</p> <p>f) the Civic Administration BE DIRECTED to report back to the Civic Works Committee by September 2021 on municipal programs options, advantages, disadvantages and estimated costs to address bi-weekly garbage concerns.</p>	March 30, 2021	Q2, 2022	K. Scherr J. Stanford	
7.	<p><u>3rd Report of the Cycling Advisory Committee</u></p> <p>b) the following actions be taken with respect to a City of London PumpTrack:</p> <p>ii) the Civic Administration BE REQUESTED to report back on the process and fees associated with a feasibility study with respect to the establishment of a pumptrack facility in the City of London; it being noted that the communication, as appended to the agenda, from B. Cassell and the delegation from S. Nauman, with respect to this matter, was received</p>	May 11, 2021	TBD	K. Scherr S. Stafford	
8.	<p><u>Blackfriars Bridge</u></p> <p>That consideration of the Blackfriars Bridge remaining closed to vehicles indefinitely BE REFERRED to a future meeting of the Civic Works Committee in order for the Civic Administration to complete the required usage study as required in the Provincial EA, provide the related report to</p>	November 2, 2021	Q2, 2023	K. Scherr D. MacRae	

File No.	Subject	Request Date	Requested/Expected Reply Date	Person Responsible	Status
	council, and allow for a more fulsome public engagement with respect to this matter.				
9.	<p><u>Speed Reduction Petition - Dingman Drive</u> That the following actions be taken with respect to the speed reduction petition for Dingman Drive dated March 31, 2022 and on file in the City Clerk's Office:</p> <p>b) the matter BE REFERRED to Civic Administration for a traffic study review with a future report, related to this matter, to be presented to the Civic Works Committee.</p>	April 20, 2022	TBD	K. Scherr D. MacRae	