

## 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: City's Response to MTO Electric Kick-Scooter Pilot  
Extension**

**Date: November 12, 2024**

## Recommendation

That on the recommendation of the Deputy City Manager, Environment & Infrastructure, with respect to the provincial Ministry of Ontario (MTO)'s proposed extension of the Electric Kick-Scooter pilot:

- a) the attached comments to the Ministry of Transportation provided on September 26<sup>th</sup>, 2024 (Appendix A) **BE RECEIVED** for information at the Municipal Council meeting on November 26<sup>th</sup>, 2024;
- b) the attached proposed by-law amendment (Appendix B) **BE INTRODUCED** at the Municipal Council meeting to be held on November 26<sup>th</sup>, 2024, to amend By-law A.-8344-62, Electric Kick-Scooter and Cargo Power-assisted Bicycle By-law, to come into force and effect on November 26<sup>th</sup>, 2024 for one year, to extend the pilot project for Electric Kick-Scooters to November 27<sup>th</sup>, 2025 as the Province has filed a Regulation allowing a pilot extension of up to five years; and
- c) Civic Administration **BE DIRECTED** to report back to Committee and Council in March 2025, on the electric kick-scooter (personal and shared services) data gathering, engagement, and enforcement work completed between May 2023 and December 2024.

## Executive Summary

Recently, the Province of Ontario, through the Ministry of Transportation Ontario (MTO), extended the Electric Kick-Scooter Pilot Program by five years to November 27<sup>th</sup>, 2029. Input from participating municipalities and the public was sought over a 30 day period, with a deadline of September 27<sup>th</sup>, 2024 to receive comments. The extension enables the MTO to gather additional data to support its review and analysis of electric kick-scooters, providing a clearer understanding of the program's impact and guiding future policy decisions.

Civic Administration submitted the attached comments during the comment period (Appendix A). It included three points:

- Support for the pilot extension for both personal electric kick-scooters and shared electric kick-scooter services as a way to continue to provide this transportation mode as an option, while continuing to study the program's outcomes.
- Request that the MTO provide further details to municipalities on pilot goals and expectations for the duration of the pilot program extension.
- Encourage MTO to consider other safe and appropriate micromobility vehicles not included in any ongoing pilot program.

If Council wished to extend the Electric Kick-Scooter pilot project beyond November 27, 2024, Council would have to pass an amending by-law to amend the Electric Kick-Scooter and Cargo Power-assisted Bicycle Pilot Project By-law (see draft in Appendix B).

Civic Administration is proposing the By-law be extended by one year, to November 27, 2025. It could be prolonged on an annual basis until the Pilot ends November 27, 2029. This would allow for annual review of collision data.

## Linkage to the Corporate Strategic Plan

Municipal Council continues to recognize the importance of providing transportation options and the need for a more sustainable and resilient city in its 2023-2027 Strategic Plan for the City of London. Specifically, London's efforts in transportation demand management and active transportation address the following areas of focus:

- Reconciliation, Equity, Accessibility and Inclusion
- Safe London for Women, Girls, and Gender-Diverse and Trans People
- Wellbeing and Safety
- Economic Growth, Culture, and Prosperity
- Mobility and Transportation
- Climate Action and Sustainable Growth
- Well-Run City

The CEAP was approved by Council in April 2022 following the declaration of a climate emergency in 2019. The CEAP's Area of Focus 4 – Transforming Transportation and Mobility includes the following action:

*2 f. Review and determine types and appropriate level of support for micro-mobility (e.g., bike share) services.*

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Pertinent to this Matter

Relevant reports that can be found at [www.london.ca](http://www.london.ca) under Council meetings include:

- February 22, 2023, Electric Kick-Scooter and Cargo Power-assisted Bicycle Pilot Project By-law and By-law Amendments, Report to Civic Works Committee (CWC), Item 2.3
- June 21, 2022, Participation in Provincial E-scooter Pilot, Report to Civic Works Committee (CWC), Item 4.2

#### 1.2 Purpose

The purpose of this report is to share the comments that Civic Administration submitted to the provincial Electric Kick-Scooter pilot proposed extension as posted on the Environmental Registry of Ontario (ERO). The timeline to submit comments did not allow for Council direction.

If Council wishes to extend the permission for a further year (to November 27, 2025) to use Electric Kick-Scooters on certain highways (not sidewalks) and trails, paths and walkways or in a park (but not Hiking trails and Environmental Significant Areas and natural parks), Council will need to pass the attached amending by-law, contained in Appendix B.

### 2.0 Discussions and Considerations

The City opted into the pilot program for personal use of electric kick-scooters on March 7<sup>th</sup>, 2023. This involved passing a new by-law, the Electric Kick-Scooter and Cargo Power-assisted Bicycle By-law. The City also amended the Streets By-law, Traffic and Parking By-law, Parks and Recreation By-law, and Administrative Monetary Penalty System (AMPS) By-law to include electric kick-scooters.

City staff conducted counts of electric kick-scooters and observations on their use for the first season after the by-law came into effect. Staff implemented an awareness campaign, including e-scooter regulations, benefits of using e-scooters, and rules of the road. Education and awareness continue at levels that can be sustained with existing resources.

In addition to submitting City comments to the Province, City staff also shared the opportunity to connect with Londoners through social media, with the Integrated Transportation Community Advisory Committee and with other local advocacy groups.

## **2.1 Risk Management**

While electric kick-scooters offer many benefits, their use on city roads and pathways poses a liability risk for the City. Poor road conditions such as potholes, uneven surfaces, and debris can lead to accidents, potentially holding the City accountable for not maintaining safe roads. The City's maintenance strategy adheres to Ontario's Minimum Maintenance Standards (MMS) Regulation 239/02, which primarily focuses on municipal highways, including road surfaces and sidewalks. Although the regulation does not specifically address electric kick-scooters, the standards indirectly impact riders since they use the same roadways and pathways. Amendments to the MMS specific to electric kick-scooters may be considered if significant losses occur during the pilot program.

The Electric Kick-Scooter Pilot Program provides specific guidelines for municipalities regarding the use and regulation of electric kick-scooters. These guidelines include requirements for design, safety features, and operational rules, which municipalities must enforce to ensure the safety of all road users, including electric kick-scooter riders, and they serve as a reasonable level of risk control measures.

In addition to these requirements, the City is collecting data, including accident reports and claims information. Standardized incident coding with the London Police Service and London Health Science Centre is in place to evaluate liability impacts and inform future policy or pilot project adjustments. These data will support the City's risk management by providing insights into the safety and usage patterns of electric kick-scooters over time.

## **2.2 Potential By-law Amendment**

The City's Pilot Project by-law provisions for Electric Kick-scooters are scheduled to be repealed on November 27<sup>th</sup>, 2024. This date is in line with the Province's original revocation date of Ontario Regulation 389/19 "Pilot Project – Electric Kick-Scooters".

The Province has extended its Electric Kick-Scooter pilot project (by filing a new Regulation). There is no obligation on a municipality to extend the pilot project locally. If Council wishes to continue to permit personal electric kick-scooters on some City property, the City's Electric Kick-Scooter and Cargo Power-assisted Bicycle By-law could be amended to allow the continued use of Electric Kick-Scooters on some City property. The attached draft by-law (Appendix B) could be introduced, if Council wishes, to continue the permission to use Electric Kick-Scooters on certain City property, for a further year, until November 27<sup>th</sup>, 2025.

With the Province's extension of its Electric Kick-Scooter pilot project, the City's Electric Kick-Scooter and Cargo Power-assisted Bicycle By-law needs to continue to reflect the provincial regulations for electric kick-scooters.

## **3.0 Financial Impact/Considerations**

There are no financial considerations at this time.

## 4.0 Next Steps

City staff will continue to connect with other municipalities participating in the provincial pilot, learn from shared electric kick-scooter services, and participate in MTO-led meetings.

City staff will present a report to Committee and Council in March 2025 with Electric Kick-Scooter Pilot findings and learnings between May 2023 and December 2024. This report will also include Civic Administration comments on participating in future years of the provincial pilot.

## Conclusion

City staff submitted the comments in Appendix A. Based on the local experience so far, comments were supportive of the Ministry of Transportation's proposal to extend the Electric Kick-Scooter Pilot by five years to allow for more data collection and learnings.

The amending by-law (Appendix B) also presented in this report will ensure that the use of e-scooters in London continues to follow provincial regulations for the next year. A future report to Committee and Council would be required to amend for additional years.

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Manager, Energy & Climate Change

**Prepared and Submitted by:** Jay Stanford, MA, MPA, Director  
Climate Change, Environment & Waste Management

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

Appendix A City of London Response to Proposed Extension of Provincial Electric Kick-Scooter Pilot

Appendix B A by-law to amend the Electric Kick-Scooter and Cargo Power-assisted Bicycle  
By-law A.8344-62

## **Appendix A**

### **City of London Response to Proposed Extension of Provincial Electric Kick-Scooter Pilot**

#### **City of London's Position**

On March 7, 2023, the City of London (the City) opted into the e-scooter pilot program to allow the use of personal e-scooters on roads, bike lanes, and multi-use paths. The City recognizes that e-scooters can play a role in achieving emissions reduction goals outlined in its Climate Emergency Action Plan as well as mode share targets set in the Mobility Master Plan (under development). Permitting e-scooters for personal use provides Londoners with an additional, affordable transportation option to get to their destination or to connect to other transportation modes without driving.

1. The City of London supports extending the pilot program for both personal e-scooters and shared e-scooter services as a way to continue to provide this transportation mode as an option, while continuing to study the program's outcomes and inform future policy direction that considers all road users' safety and mobility. It is essential that MTO and participating municipalities develop a more comprehensive approach to collect and analyze data and make an evidence-based decision(s) at the provincial level on the long-term regulation of personally-owned e-scooters.

Rationale - Currently, individual municipalities that have opted into the pilot program can determine some details of the by-law, allowing for potential discrepancies of e-scooter rules across Ontario municipalities. It is key that e-scooter rules are consistent across the province as this mode of transportation is very portable. It is important that e-scooter use is thoroughly evaluated to develop long-term regulation that fits the needs of all road users.

2. The City of London requests the MTO provide further details to municipalities on pilot goals and expectations for the duration of the pilot program extension to gain a better understanding of what is required of municipalities and what municipalities can expect from the MTO.

Rationale - The current pilot program has provided learnings on data collection and analysis needs for MTO to establish a formalized data collection and analysis framework. The MTO should provide details in advance to participating municipalities as to what data will be needed, when it will be needed, and how it will be used and analyzed for decision-making. Additionally, a framework and plan for increased engagement with participating municipalities should be developed to improve collaboration on data collection program improvement.

3. The City of London encourages MTO to consider other micromobility vehicles, either included or not included in other pilot programs, and consider the implications of not including them in the regulation or collecting data on them in the next five years.

Rationale - Micromobility vehicles, including models of e-scooters not included in the current e-scooter pilot (e.g., electric unicycles), continue to be sold and rise in popularity, despite no regulation or formal data collection and analysis program.

By way of an example, we know that MTO is testing golf carts on certain roads on Pelee Island and in Huron-Kinloss. It is also worth noting that golf carts or golf cart-like vehicles are already in use in some North American jurisdictions and others are considering the merits.

**APPENDIX B**  
**A by-law to amend the Electric Kick-Scooter and Cargo Power-assisted Bicycle By-law A.8344-62**

Bill No.  
2024

By-law No. A.-8344-62 ()

A By-law to amend By-law A.-8344-62 entitled, "A by-law to establish a Pilot Project for Electric Kick-Scooters and for Cargo Power-Assisted Bicycles, for use on highways and bicycle lanes, (not sidewalks) in the City of London".

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, c. H.8 ("*Highway Traffic Act*") provides in Part XVI s. 228 that the Lieutenant Governor in Council may by regulation authorize or establish a project for research into or testing or evaluation of any matter governed by the *Highway Traffic Act* or relevant to highway traffic;

AND WHEREAS the *Highway Traffic Act* establishes in section 228(8) that every person who contravenes a regulation made under that section is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$2,500;

AND WHEREAS Ontario Regulation 389/19 entitled "Pilot Project – Electric Kick-Scooters" established a pilot project to evaluate the use and operation of electric kick-scooters, which was to be revoked on November 27, 2024;

AND WHEREAS Ontario Regulation 389/19 was amended as of October 25, 2024 to change the date of the revocation of the regulation from November 27, 2024 to November 27, 2029

AND WHEREAS this Pilot Project prohibits the use of Electric Kick-Scooters on a highway, sidewalk, trail, path or walkway or in a public park or exhibition ground under municipal jurisdiction unless such operation is permitted by the Regulation, and where such operation is permitted by a municipal by-law;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act, 2001*") 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 the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 4, Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act; in paragraph 5, Economic, social and environmental well-being of the municipality, including respecting climate change; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; and in paragraph 10, Structures, including fences and signs;

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

1. Schedule 1 of By-law No. A.-8344-62 is deleted and replaced with the new Schedule 1, attached as Schedule 1 to this by-law.
2. Section 5.1 of By-law No. A.-8344-62 is deleted and replaced with the following new section 5.1:
  - 5.1 (1) On November 27, 2025, section 2.1 of By-law No. A.-8344-62 is amended by:
    - (i) deleting the phrase “an Electric Kick-Scooter or”; and
    - (ii) inserting a new section 2.1.1 as follows:
      - 2.1.1 No person shall operate an Electric Kick-Scooter on municipal property.
  - (2) On November 27, 2025, the entirety of subsection 3.1(1) and subsection 3.1(2) are repealed.
3. This amending By-law shall come into force and effect on November 26, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on November 26, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – November 26, 2024  
Second Reading – November 26, 2024  
Third Reading – November 26, 2024