**Electric Kick Scooters Pilot Project**

There is good news for Ontarians that bought an e-scooter on Black Friday or that anticipate one under their Christmas or Holiday Tree. The Government has filed Regulation 389/19 Pilot Project – Electric Kick – Scooters that become effective January 1, 2020.

Not so fast though “Scooter Boy / Girl / Person” these new modes of transportation are prohibited on a highway, sidewalk, trail, path or walkway or in a public park or exhibition ground unless it’s operation is permitted by and in accordance with the Regulation and a municipal by-law. This is a five-year pilot that is revoked on November 27, 2024.

According to the Regulation, an “Electric kick – scooter” means a vehicle that has,

1. Two wheels placed along the same longitudinal axis, one placed at the front of the kick-scooter and one at the rear,
2. A platform for standing between the two wheels,
3. A steering handlebar that acts directly on the steerable wheel, and
4. An electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour

Also, according to the Regulation, an electric kick scooter is not a motor vehicle under the Highway Traffic Act. The Regulation, however, note Sections 140 and 144 of the Act apply to an electric kick-scooter as if the electric kick-scooter were a bicycle.

There are some other key restrictions to note:

* Operators must be at least 16 years of age or older and anyone under 18 must wear a helmet. Operators will have to stay off the sidewalk, must keep away from and travel at the same speed as proximate pedestrians.
* Where bicycle lanes exist on a highway, an electric scooter shall only be operated in the bicycle lanes.
* The maximum speed is 24 km/h and must come to a full stop within nine metres when the brakes are applied.
* In addition, an e-scooter must have an operable horn or bell to sound to notify cyclists, pedestrians or others of an approach and must have a lighted lamp displaying a white or amber light at the front and display a red light at the rear when operating at any time from on-half hour before sunset to one-half hour after sunset or at any other time there is insufficient light or weather conditions.
* The scooter must not have a seat, pedals, a basket, an enclosure or have wheels more than 430 millimetres and must not weigh more than 45 kilograms (including the weight of the battery). No person operating an e-scooter must not carry any other person, cannot tow another person, vehicle or device, must not tow or be towed, must be operated in a standing position, not carry any cargo and not be left in a location that is intended for the passage of vehicles or pedestrians.
* An electric scooter shall have one or more electric batteries that are the sole source of power to the motor and the motor cannot propel the scooter if the accelerator is released or the brakes are applied.

Any municipality that participates in this pilot may be required to report to the Minister, if requested, on the use of e-scooters in their municipality.

Overall, the OTC Active Transportation Committee is pleased with the Regulations and the ability for municipalities to control the e-scooter use through by-laws. The OTC will continue to be engaged with its membership throughout the pilot and where appropriate advocate for improvements.

There are several other items for municipalities to review within the Regulations that primarily pertain to enforcement. The full regulations can be found at [ontario.ca/laws/regulation/r19389?search=Scooters](http://www.ontario.ca/laws/regulation/r19389?search=Scooters). The MTO Best Practice Guide can be found on the OTC website at www.otc.org/communications/

As an example of how OTC members are working to incorporate e-scooters into their active transportation plans, the City of Mississauga is developing a framework to outline how shared micromobility services such as bike share or e-scooter share could be operated in the city. An initial report outlining in-depth research and “state of the industry” findings was presented to Council in October 2019. The report anticipated the Province’s announcement, since Mississauga staff provided comments to the Ministry of Transportation on the e-scooter pilot proposals in September.

“We’ve been closely monitoring the rapid growth of shared e-scooter services in cities around the world,” noted Matthew Sweet, Manager of Active Transportation for Mississauga. “We can benefit from information and experiences from other jurisdictions. As we move forward with developing our plans for micromobility services for the city, it’s exciting to know that we have the ability to consider e-scooters along with bikes and e-bikes. We look forward to exploring how we can expand transportation options for our residents while ensuring road safety remains a top priority.”

Sweet further noted that while the pilot is welcomed in the context of the City’s micromobility plans, there are some areas of the pilot that require further detail, such as the reporting metrics that the Ministry will be interested in receiving data on. The City’s current project timeline for the micromobility studies will likely preclude adopting a local by-law to permit e-scooters until later in 2020.