

# PILOT PROJECT ELECTRIC KICK- SCOOTERS

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Ontario Traffic Counsel Symposium

March 5, 2020



# Where did it start?

October 2, 2018

## NEWS RELEASE

### ***Lime launches first electric scooters in Canada***

WATERLOO, ON – Lime, the leading micro-mobility company, has officially launched its Lime-S e-scooters in Canada, in what is the first electric scooter share pilot program introduced in the country.




# Supported by the City of Waterloo

“The City of Waterloo is committed to encouraging and enabling alternate forms of transportation that appeal to a wide spectrum of our residents. E-scooters have become a popular option in many other communities and I’m pleased that we are the first Canadian city to pilot a broad use of this mode of transportation.” - City of Waterloo Mayor, Dave Jaworsky



# LIME Scooter Pilot Project

## City of Waterloo- October 2018

- An e-scooter pilot project was undertaken from April 1, 2019 through to August 12, 2019.
  - The scooters were limited to approximately 5.5kms of infrastructure and was extended on May 28, 2019 to include the main campus of the University of Waterloo. Waterloo's route was confined to the Laurel Trail between Waterloo Park Promenade and the David Johnston Research and Technology Park.
  - The pilot started on April 1, 2019 with 100 e-scooters deployed, with an additional 50 e-scooters added on May 28, 2019.
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# LIME Scooter Pilot Project

## City of Waterloo - October 2018

### Lime E-Scooter Pilot (City of Waterloo) Key Points:

- First pilot in Canada in Waterloo
- High level of interest from other Canadian municipalities re: Waterloo's experience
- Weather and geo-fencing reduced ridership
- Plan to heavily sign pilot area to help address confusion and public information
- Investigating stats for how many users are leaving the geo-fence area
- Exploring options to use bus stops as scooter parking locations, and to allow scooters on road and along MUPs/MUTs.
- 20-30% of pilot users related to tech and other employment, the remainder are university students

# Signed e-scooter route Waterloo

**“E-scooters may be allowed in Ontario now, but they won’t solve our traffic woes.”**

MATT BUBBERS  
SPECIAL TO THE GLOBE AND MAIL  
PUBLISHED JANUARY 1, 2020



# LIME Scooter Pilot Project

## City of Waterloo - October 2018

. "Where Waterloo approved the Lime Scooters

The pilot operated until November 30, 2018, and again from April 1 to September 30, 2019.

One complaint against the business model is that the scooters are dock less, meaning they can be parked anywhere on private or public property, including sidewalks. But according to the city's report to council, the scooters can only be left in designated parking locations identified by blue signs, and "e-scooters will be removed from the pilot route each evening and will not operate during winter/poor weather events

***E-scooter abandonment issues have cities scrambling to get problem under control***

***'The scooters cluttering the streets, some of them getting destroyed, this is part of a disruption that we're kind of as a sector, as an industry, trying to sort out'***



A Lime e-scooter left on the sidewalk in Old Montreal.  
*Christinne Muschi/National Post*

# Designated parking area - Waterloo

*Canadian Press - November 27, 2019*



# E - Scooter abandoned on sidewalk at Waterloo Library



# ...in reality...

Scooters were regularly left outside the geo-fenced area due to there not being a “shut down” control governed on the vehicles and many were simply left on public sidewalk areas.



BY KEVIN NIELSEN GLOBAL NEWS

Posted October 2, 2018 4:05 pm

# Media coverage...issues

## **Scooter suit won't stop Lime's Waterloo pilot project**

**A class-action lawsuit from  
eight plaintiffs in the U.S.  
alleges "gross negligence" by  
e-scooter companies.**

***("Three plaintiffs allege e-  
scooter riders crashed into  
them from behind, "resulting in  
severe injuries" )***

News Oct 25, 2018 by [James Jackson](#) Waterloo  
Region Record

Earlier this month, the city approved the partnership with Lime, one of the e-scooter companies named in the lawsuit alleging "gross negligence" resulting in numerous injuries.

Ryan Mounsey, senior economic development adviser with the city, said "Waterloo conducted a thorough review of the business before council approved the pilot Oct. 1, and implemented several policies to ensure it is safe".



# What is occurring elsewhere...?

“More pressing, however, are the issues of safety. **E-scooter companies encourage users to wear a helmet but most riders don’t.** They also strongly advise that users follow local road-traffic safety rules but municipalities have been slow to adapt their current rules to these new vehicles, leaving riders confused about where and how they can ride.”

“Last month **a high-profile e-scooter fatality in Britain**, the first one in the country, heightened safety concerns. Emily Hartridge, who died after colliding with a truck, was an incredibly popular YouTube and Instagram influencer with a large following and more than 300,000 subscribers. It’s illegal to ride e-scooters on British roads or even on the sidewalk, but those who ignore the rule usually only receive a warning from police. Since Ms. Hartridge’s death, police have cracked down on illegal riding and have fined more than 100 e-scooter riders in London”.

*FIONA TAPP GLOBE AND MAIL PUBLISHED AUGUST 8, 2019*

# What is occurring elsewhere...?

*“We got e-scooters in Calgary this summer. They’re fun, but they go faster than you think. They also get left in the middle of the sidewalk, nobody wears a helmet and I’ve seen people get out of the bar and hop on them. I’m wondering what happens if one of them hits a pedestrian. Do they have insurance?” – Ian, Calgary*

“E-scooter insurance doesn’t necessarily cover riders if they hurt someone, often just the company and the city.”



JOHN MACDOUGALL/AFP/Getty Images

# What is occurring elsewhere...?

**Electric scooters were to blame for at least 1,500 injuries and deaths in the US last year**

*“An investigation by Consumer Reports has revealed that there have been at least 1,545 accidents in the US involving electric scooters over the past year”.*

Isobel Asher Hamilton  
Feb 6, 2019

*“At least eight people in the U.S. have died while using a rentable e-scooter since the fall of 2017, Consumer Reports has confirmed”.*

By Ryan Felton - June 03, 2019



# What is occurring elsewhere...?

Mar 19, 2019 - 01:19 pm

## CDC analyzes scooter safety, finds drunk driving

CDC | ELECTRIC SCOOTERS | USA



The Center for Disease Control and Prevention has launched the first-ever study of electric scooter accidents. The preliminary results show that 98 per cent of electric scooter accident patients were not wearing a helmet.

48% had a blood alcohol level above the legal limit and 52% tested for illicit substances. Looks like it isn't quite the vehicle that has been acting as a safety hazard, but instead lax attitudes of drivers possibly not entirely recognizing that this is, indeed, a vehicle in traffic deserving of all the deference of other traffic-bound vehicle. Shocker.

[cnbc.com](https://www.cnbc.com)

Author: [Chris Randall](#)



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# What is occurring elsewhere...?

## Drunk riding fuels call for Oktoberfest curbs on e-scooters

Germany legalized the use of e-scooters in the hope they may help reduce the carbon footprint of urban areas. Politicians in Munich are calling for the use of e-scooters to be restricted during Oktoberfest in response to number of people being caught using the newly-legal vehicles while drunk.



*Photograph: Annegret Hilse/Reuters*

# What is occurring elsewhere...?

## Dozens of arrests in Copenhagen for drunk scooter driving

🕒 8 July 2019

f 🗨️ 🐦 ✉️ Share



Danish police have arrested 28 people in Copenhagen for riding electric scooters while under the influence of drugs and alcohol.

# Excerpts from Ontario Regulation 389/19 Highway Traffic Act



## Definitions

1. (1) In this Regulation, “electric kick-scooter” means a vehicle that has,
- (a) two wheels placed along the same longitudinal axis, one placed at the front of the kick-scooter and one at the rear,
  - (b) a platform for standing between the two wheels,
  - (c) a steering handlebar that acts directly on the steerable wheel, and
  - (d) an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometers per hour;
- “public park” means a provincial park or land designated by a municipality for use as a park. (“parc public”)

**(2) An electric kick-scooter is deemed NOT to be a *motor vehicle* under the Act.**

(3) Despite subsection (2), any municipal by-law that governs or prohibits the operation of a motorized vehicle applies to an electric kick-scooter unless the by-law provides otherwise.

# What is a ‘Motor Vehicle’ within the HTA?

“motor vehicle” includes an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;

# Is an electric “Kick Scooter” a vehicle within the HTA?

Yes...



“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

# Excerpts from Ontario Regulation 389/19 Highway Traffic Act



## Roadway use

**5. (1) Where bicycle lanes are provided on a highway, an electric kick-scooter shall only be operated in the bicycle lanes.**

**(2) Despite subsection (1), where the highway is located in a tunnel or underpass, an electric kick-scooter may be operated on a sidewalk in the tunnel or underpass rather than the bicycle lane except where such operation is prohibited by municipal by-law.**

**(3) Where bicycle lanes are not provided on a highway or where the operation of electric kick-scooters in bicycle lanes is prohibited by municipal by-law, an electric kick-scooter shall only be operated,**

**(a) if there is a shoulder on the highway, on the shoulder as close to the right edge of the shoulder as possible; or**

**(b) if there is no shoulder on the highway, on the right side of the roadway as close to the edge of the roadway as possible**

# Ontario Regulation 389/19

## Highway Traffic Act



### Safe operation

7(3) Every electric kick-scooter shall be equipped with a bell or horn which shall be kept in good working order and sounded whenever it is reasonably necessary to notify cyclists, pedestrians or others of its approach.

(4) When operated at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernible at a distance of 150 metres or less, every electric kick-scooter shall carry a lighted lamp displaying a white or amber light at the front and a lighted lamp displaying a red light at the rear.

(5) The lamps referred to in subsection (4) may be attached to the electric kick-scooter or may be carried or worn by the operator on his or her person.



# Ontario Regulation 389/19

## Highway Traffic Act

### General rules regarding operation:

- 8. (1) No person under the age of 16 years shall operate an electric kick-scooter.
- (2) No person operating an electric kick-scooter shall carry any other person thereon.
- (3) No person operating an electric kick-scooter shall tow another person, vehicle or device.
- (4) No person operating an electric kick-scooter shall attach himself or herself to another electric kick-scooter, vehicle or device for the purpose of being drawn or towed.
- (6) No cargo may be carried on an electric kick-scooter.



# Ontario Regulation 389/19

## Highway Traffic Act

### Equipment

9. (1) An electric kick-scooter shall have one or more electric batteries that are the sole source of power to the motor.
- (2) An electric kick-scooter shall **not** have,
- (a) a seat, surface or structure that could be used as a seat;
  - (b) pedals attached to it;
  - (c) a basket attached to it;
  - (d) wheels with a diameter of more than 430 millimetres; or
  - (e) any structure to enclose the electric kick-scooter.
- (3) The weight of an electric kick-scooter, including the weight of the battery but otherwise unladen, shall not exceed 45 kilograms.



# Ontario Regulation 389/19

## Highway Traffic Act

(6) An electric kick-scooter shall not be modified after its manufacture in any way that may result in increasing its power or its maximum speed beyond the limits set out in the definition of “electric kick-scooter”.

(7) The motor of an electric kick-scooter shall cease to propel the electric kick-scooter forward if the accelerator is released or the brakes are applied.

(8) The braking system of an electric kick-scooter must be capable of bringing the electric kick-scooter, while being operated at a speed of 24 kilometres per hour on a clean, paved and level surface, to a full stop within nine metres from the point at which the brakes were applied.



Three men have been arrested for dangerous driving after they were caught riding their electric scooters at speeds of more than 100kmh.

Author: [Rilek1Corner](#) October 27, 2017  
[Singapore](#)

# Ontario Regulation 389/19 Highway Traffic Act



## Helmets

**10.** A person who is under 18 years old shall wear a helmet that complies with the requirements of subsection 104 (1) or (2.1) of the Act when operating an electric kick-scooter.

## Operator to stop for police officer

**11.** Every operator of an electric kick-scooter shall stop when required to do so by a police officer and shall, on the demand of the police officer,

- (a) surrender his or her driver's licence, if he or she has one and has it in his or her possession, for reasonable inspection by the officer; or
- (b) provide the officer with his or her correct name, address and date of birth.



# Ontario Regulation 389/19

## Highway Traffic Act

### Duty to report accident

**12.** (1) Where an electric kick-scooter is involved in an accident with a pedestrian, animal or vehicle that results in personal injury or property damage, the operator of the electric kick-scooter shall forthwith report the accident to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (2).



# Lessons learned from E-bike pilot

**E-biker motored his way to impaired driving charge:**

**OPP**

Megan Gillis- Ottawa Citizen

Updated: September 6, 2018

A Petawawa senior is facing an impaired driving charge plus a ticket for not wearing a helmet after police pulled over a motor-assisted bike Wednesday afternoon.

A patrolling Upper Ottawa Valley OPP officer spotted the e-bike at the intersection of Airport Road and Petawawa Boulevard and made a traffic stop, concluding “the driver was under the influence of alcohol,” police said in release Thursday.



# Lessons learned from E-bike pilot

## **Electric bike operator arrested for impaired driving**

CTV Kitchener Published Sunday, May 19, 2019 1:04PM EDT

The operator of an electric bike was one of the impaired driving arrests made by Guelph Police on Saturday.

Officers were first notified in the afternoon that a man was driving an electric bike in an alarming manner.

Police found the man and the bike in the parking lot of a shopping complex and suspected he had consumed alcohol after talking to him.

The man failed a roadside screening test, was placed under arrest, and charged with operate conveyance while impaired and with blood/alcohol 80 plus.



# Lessons learned from E-bike pilot

## Man accused of riding an e-bike while drunk in Mitchell

A 56-year-old West Perth man was arrested for allegedly riding an e-bike while he was drunk in Mitchell.



Beacon Herald staff

[More from Beacon Herald staff](#)

Published on: May 2, 2019 | Last Updated: May 2, 2019 3:56 PM EDT

The Perth County OPP said Thursday officers were called by a concerned citizen around 2 p.m. Tuesday, claiming a man was driving an e-bike erratically. The accused was arrested and taken to Sebringville headquarters for testing.

## E-bike rider charged with careless driving



'Cyclists have the same rights and responsibilities as motor vehicle drivers,' police say

CBC News · Posted: May 25, 2017 12:15 PM ET | Last Updated: May 25, 2017



Provincial police have charged the 18-year-old driver of an e-bike in Parry Sound after a reported collision.

Ontario Provincial Police in Parry Sound, Ont. have charged the 18-year-old driver of an electric bike with careless driving after a reported collision with a parked vehicle on Wednesday.

# What is a “Motor Vehicle” within the Criminal Code of Canada?

## section 2 Definition of motor vehicle

**2. In this Act, motor vehicle means a vehicle that is drawn, propelled or driven by any means other than muscular power, but does not include railway equipment;**

# Definitions (320.11 CC)

- **conveyance** means a motor vehicle, a vessel, an aircraft or railway equipment.
- **operate** means
  - (a) in respect of a motor vehicle, to drive it or to have care or control of it;
  - (b) in respect of a vessel or aircraft, to navigate it, to assist in its navigation or to have care or control of it; and
  - (c) in respect of railway equipment, to participate in the direct control of its motion, or to have care or control of it as a member of the equipment's crew, as a person who acts in lieu of a member of the equipment's crew by remote control, or otherwise.



# Operation while impaired

320.14 (1) Everyone commits an offence who

- (a) **operates a conveyance** while the person's ability to operate it **is impaired to any degree** by alcohol or a drug or by a combination of alcohol and a drug;
- (b) subject to subsection (5), has, within two hours after ceasing to operate a conveyance, a blood alcohol concentration that is **equal to or exceeds 80 mg of alcohol in 100 mL of blood**;

# Impairment

- Any impairment, from slight to great, is sufficient. This is now included in s.320.14 “while the person’s ability to operate it is impaired to any degree”

# Dangerous Driving

- Marked departure from the standard of care of the ordinary driver.
  - Driving wrong side of road? Crossing median?
  - Excessive speed? Tailgating? Swerving between vehicles?
  - Drove off road into ditch, hit a tree, a lamppost, another car?

- Dangerous operation**


- 320.13 (1) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public.

- Operation causing bodily harm**

- (2) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public and, as a result, causes bodily harm to another person.

- Operation causing death**

- (3) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public and, as a result, causes the death of another person.



# Operation while prohibited

- **320.18(1)** Everyone commits an offence who operates a conveyance while prohibited from doing so
  - **(a)** by an order made under this Act; or
  - **(b)** by any other form of legal restriction imposed under any other Act of Parliament or under provincial law in respect of a conviction under this Act or a discharge under section 730.
- **Exception**
  - **(2)** No person commits an offence under subsection (1) arising out of the operation of a motor vehicle if they are registered in an alcohol ignition interlock device program established under the law of the province in which they reside and they comply with the conditions of the program.
- **What is new?**
  - The definition of **operate** now includes care and control
  - Thus finding a disqualified driver in care and control is an offence

# Questions?

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