



REQUEST FOR DECISION

MEETING DATE: May 8, 2023

TITLE: C-1261-23 - Traffic Bylaw Amendment - Proposed E-Scooter Agreement

DIVISION: City Manager's Office

SUMMARY:

The City is considering a proposal from Bird Canada to implement a pilot e-scooter program within Spruce Grove similar to what they offer in other municipalities. This would require an amendment to the Traffic Bylaw. As part of the public input process, a non-statutory public hearing is proposed.

PROPOSED MOTION:

THAT first reading be given to C-1261-23 - Traffic Bylaw Amendment - Electric and Motorized Scooters.

THAT a non-statutory Public Hearing on the implementation of a pilot e-scooter program within the City of Spruce Grove be scheduled for the June 12, 2023 Regular Council meeting at 6 p.m. in Council Chambers at 315 Jespersen Avenue.

BACKGROUND / ANALYSIS:

Bird Canada has approached the City with a proposal to set up a shared e-scooter business in Spruce Grove. Shared e-scooters have become an increasingly popular micro mobility option in many municipalities across Alberta and Canada. They typically operate from April to October although some municipalities allow year-round use.

The proposal from Bird Canada would require several amendments to the City's Traffic Bylaw. These amendments would require that a rental e-scooter business adhere to any permit issued

by the Province of Alberta and that no person shall operate an e-scooter on public property unless in accordance with all authorizations, rules, regulations, or policies enacted by the City.

A summary of the key amendments to the Traffic Bylaw are as follows:

- Under Section 1 Definitions - “Electric or Motorized Scooter”, “Trail”, and “Pathway” have been added.
- Section 15 Miscellaneous - stipulates that a permit is required for the operation of shared e-scooters on public lands, that shared e-scooters not be operated contrary to any permits, authorizations, agreements, or other conditions, and where shared e-scooters are permitted to operate.
- Schedule 1 Fines - the unauthorized and unsafe use of shared electric e-scooters has been added.

The Proposed Traffic Bylaw Amendment and the Traffic Bylaw - Redline are attached.

Alberta Traffic Safety Act

An exemption is required as e-scooters are not registerable vehicles as defined by the *Alberta Traffic Safety Act* (the “Act”). Bird Canada has already received exemption from the Province to operate e-scooters in a manner not otherwise permitted under the Act. If Bird Canada were to receive permission from the municipality to operate in Spruce Grove, Bird will notify the Registrar of Motor Vehicles to have the City of Spruce Grove added to the exemption (attached).

Documentation must be provided verifying municipal support for each municipality that the applicant is operating within. Bird Canada already holds permits to operate in Edmonton, Calgary, Airdrie, Red Deer, Okotoks, St. Albert, Leduc, and Medicine Hat. The permit holder must ensure that the e-scooters are being used in accordance with all the rules issued by the local municipality and the conditions contained in the Provincial exemption.

Micromobility Systems Supply Agreement

The City has negotiated a draft Micromobility Systems Supply Agreement with Bird Canada, which subject to approval of the Traffic Bylaw Amendments by Council, puts the terms and conditions for the operation of shared e-scooters in Spruce Grove. It is not part of the Bylaw but takes the form of an operating agreement between the City and Bird Canada which can be modified by the City from time to time.

Key Points from the Micromobility Systems Supply Agreement

1. The Agreement allows for a pilot project starting June 15, 2023 and ending November 30, 2023. At the end of the pilot, the City can then assess whether to continue and if so, what amendments are needed. Pilot trials are typically sole source and if successful, the municipality can decide to implement a competitive process to secure an operator(s) for a longer-term agreement.
2. The Agreement limits the operation of shared e-scooters to sidewalks, trails, and pathways. Otherwise, they are not permitted to operate on public lands. The minimum age to operate a shared e-scooter is 16 years.
3. As part of the Agreement, the City identifies zones where shared e-scooter use is either prohibited or limited as a “slow-go” zone. These zones are “geo-fenced” where the shared e-scooter will power down. For example, the City Centre would be “geo-fenced” during construction and then accessible on completion. Areas can also be “geo-fenced” as a “no-park” zone to prevent riders from being able to end a trip in a certain area(s) of the permitted operating area for shared e-scooters.

A draft [Operation Zone Map](#) has been prepared by Bird Canada showing which zones have been “geo-fenced” and the deployment areas where the shared e-scooters will be staged. This map is live and will be updated on a continuing basis in response to consumer demand and any issues identified by the City.

4. For every operational month, the permit holder must provide aggregated data to Alberta Transportation in a manner which does not breach individual privacy. The data must be provided within 10 days from the end of the month. The data must include but is not limited to mechanical incidents and safety incidents (date, time, location of incident, and brief description). After the term, Bird Canada must submit a report to the City which provides the data requested by the City to assess the program.
5. Shared e-scooters can be parked anywhere not prohibited in the street furnishings zone or otherwise in a manner that does not impede access or pedestrian traffic. Where shared e-scooters are parked in unauthorized areas, Bird Canada shall remove mis-parked shared e-scooters within 2 hours of being notified by a member of the public or City staff. In the event that Bird Canada fails to remove mis-parked shared e-scooters within the 2-hour period, the City may proceed with the removal and shall recover the costs from Bird Canada.
6. As part of the Agreement, Bird Canada provides full indemnity to the City for any causes of action (injury or damage) arising from the operation of a shared e-scooter. Bird Canada would be required to obtain general liability insurance and have the City named as an additional insured.

The draft Micromobility Systems Supply Agreement is attached.

OPTIONS / ALTERNATIVES:

1. Defer further consideration of e-scooters.
2. This RFD contains a recommendation to have a non-statutory public hearing. As the issue is specific to a pilot project which will end on November 30, 2023, it may be preferable to defer the public hearing until after the conclusion of the pilot project and a determination by the City on whether a shared e-scooter program should continue. The advantage of doing the pilot first is that will provide actual experience and data on the performance of the program for both the public and the City.

CONSULTATION / ENGAGEMENT:

The proposed shared e-scooter program was presented to the Community Road Safety Advisory Committee (CRSAC) on November 16, 2022. The CRSAC was divided with two members present opposing the program and three members present supporting a pilot program. If Council and the City proceed with a pilot program, the Committee asked that their input be sought before any decision is made on this becoming a permanent program.

A presentation was made by Bird Canada at the Committee of the Whole Meeting on January 19, 2023, and direction was provided by Council to move forward with the shared e-scooter proposal for consideration.

IMPLEMENTATION / COMMUNICATION:

Municipalities usually start by allowing operations on a pilot basis (one or two years) and then assess whether to continue and if so, amending any conditions where needed. Pilot trials are typically sole source and if successful, the municipality can decide to implement a competitive process to secure an operator(s) for a longer-term agreement.

A robust communications plan will be needed to support the introduction of shared e-scooters and that information, rules and regulations, and FAQs be easily accessible on the City's website.

IMPACTS:

A shared e-scooter program creates another micro mobility option for residents and visitors. It is an increasingly popular transportation option which has been enabled in many municipalities across Canada including Alberta. This option is affordable and environmentally friendly.

It is important that the company permitted to operate a shared e-scooter business be held accountable to the conditions set out in the operating agreement with the City.

It is important to note that privately owned scooters are not permitted with the implementation of this pilot. They are not approved through Provincial legislation. The City has and will continue to enforce these on a complaint basis. To date, Enforcement Services has received very few complaints with private scooters. If increased complaints are received, the City would review and potentially shift its response from reactive to proactive enforcement as required.

FINANCIAL IMPLICATIONS:

Assuming that a pilot shared e-scooter program is successful, the City could consider charging an administrative fee in the future that could be used to designate “Share & Go” Parking Zones and any other expenses incurred by the City.