



## REQUEST FOR DECISION

**MEETING DATE:** May 23, 2023

**TITLE:** C-1261-23 - Traffic Bylaw Amendment - e-Scooters - Second and Third Reading

**DIVISION:** City Manager's Office

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### 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. First reading of Bylaw C-1261-23 - Traffic Bylaw Amendment - e-Scooters occurred on May 8, 2023.

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### PROPOSED MOTION:

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

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

THAT the implementation of a pilot shared e-Scooter program within the City of Spruce Grove as per the Micromobility Systems Supply Agreement with Bird Canada Inc. be approved.

### 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 by Council, puts the terms and conditions for the operation of a pilot shared e-scooter program in Spruce Grove. The Supply Agreement is not part of the Bylaw but takes the form of an operating agreement between the City and Bird Canada.

### Key Points from the Micromobility Systems Supply Agreement

1. The Agreement allows for a pilot project starting June 1, 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 and maximum speed is capped at 25 kilometers per hour.
3. 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 certain areas such as parks and trails.
4. An initial [Operation Zone Map](#) has been prepared with 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.
5. 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 of the Supply Agreement, Bird Canada must submit a report to the City which provides the data requested by the City to assess the program.
6. 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 two 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 two-hour period, the City may proceed with the removal and shall recover the costs from Bird Canada.
7. 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. On conclusion of the pilot project, the City can assess the results and obtain public input to determine whether a shared e-Scooter program should continue or if any changes are required.

## **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.

A copy of the Bird Canada presentation is attached.

## **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 micromobility 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.

The status of privately owned e-Scooters does not change as these are not legal vehicles under the Alberta Traffic Safety Act. Bird Canada has an exemption under the Act to operate a shared e-scooter program subject to approval by the local municipality. To date, Enforcement Services has received very few complaints related to the use of privately owned e-scooters. The City will continue to monitor the situation and will respond on a complaint basis. 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.