

Appendix 2 – E-Scooters in the City of Toronto

On November 27, 2019, the Province of Ontario announced that it would begin a five-year pilot program to allow electric kick-style scooters (e-scooters) on municipal roads in Ontario, beginning on January 1, 2020. The pilot will be the Province's primary tool in informing the feasibility of a permanent e-scooter framework. It stipulates that local municipalities must amend their existing by-laws in order to opt-in to the pilot.

While minimum safety requirements (speed, operating age, etc.), have been established by the Province, it is the responsibility of participating municipalities to determine all other regulatory requirements.

Many municipalities have chosen to opt-in to the pilot, including the City of Mississauga; however, The City of Toronto decline the option to participate and has since banned the use of privately owned and rented e-scooters within their municipal boundary. In a report to the Infrastructure and Environment Committee on April 14, 2021, City of Toronto staff listed the following key concerns with allowing e-scooters to operate within the City:

- Safety, especially for people living with disabilities and seniors, when encountering 1) e-scooters illegally operating on sidewalks and 2) trip hazards or obstructions from poorly parked or numerous rental e-scooters on sidewalks;
- Lack of city resources for enforcement and the major challenges of enforcing moving violations on sidewalks, parking obstructions and vandalism;
- Problems with indemnification agreements with e-scooter rental companies and liability of e-scooter riders if injured or injuring others; and,
- Lack of insurance and medical coverage, and the significant liability exposure to the City when no other party provides compensation, leading to costs associated with claims, litigation, and settlement.

City of Toronto staff concluded that accessibility barriers, safety concerns, and insurance issues remain unresolved for privately owned and rental e-scooters and recommended that the City not opt-in to the e-scooter pilot.

Response to Key Concerns Raised by the City of Toronto

The City of Toronto consulted with e-scooter industry groups from mid 2020 into early 2021 to inform the report brought to Council in April 2021. At that time, City of Toronto staff felt that the accessibility, safety, and insurance concerns listed above remained unresolved.

Approximately two years have passed since the report was presented to City of Toronto Council. In that time, there have been technological advancements in the e-scooter industry, and learned experiences from other municipalities. City of Mississauga staff believe that the concerns raised in the City of Toronto's report can be addressed using a variety of tools available in the industry today.

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Safety, especially for people living with disabilities and seniors

The City of Mississauga and the City of Toronto have taken different approaches to e-scooters since the introduction of a provincial pilot.

By opting into the provincial pilot, the City of Mississauga has been able to regulate the use of private e-scooters within its municipal boundaries and work to identify any potential conflicts before introducing a shared system. Through online education campaigns, 311, pop-ups on busy trails, and more, staff have engaged with residents to answer questions, listen to concerns, and understand how e-scooters are being used by residents to fill gaps in the City's transportation network.

City staff have also engaged with the Accessibility Advisory Committee (AAC) to ensure the proposed program does not compromise the safety and accessibility of our most vulnerable residents. As a result of that positive engagement, the AAC has provided staff with recommendations for the shared micro-mobility program that have been incorporated into the requirements for a service provider.

Technology in the e-scooter industry continues to evolve. The City of Ottawa has been piloting shared e-scooters for 4 years and has worked closely with their Accessibility Advisory Committee to ensure that safety and accessibility concerns are addressed. The City of Ottawa's Accessibility Advisory Committee reported to Council in February 2023 amending their position to no longer oppose the use of e-scooters. City of Mississauga staff have connected with municipalities that have experience running a shared micro-mobility program to ensure the procurement process incentivise service providers to have the technology and enforcement needed to address any concerns.

Lack of city resources for enforcement

The Shared Micro-mobility Program requires a continued relationship between staff and the service provider(s) to ensure success. The procurement process will incentivise private e-scooter providers to have the technology and enforcement needed to address safety and accessibility concerns. Once the competitive procurement process is complete and the preferred service provider(s) have been chosen, City staff will monitor the roll out closely and meet with the micro-mobility providers regularly to give real-time feedback and ensure corrective action is promptly carried out when needed. The City's Micro-mobility Monitoring and Evaluation Framework will play a key role in ensuring the service provider is meeting the program's goals and objectives.

As seen in municipalities with shared e-scooters, the industry continues to adapt its technology and education campaigns to address safety and accessibility concerns.

A ban on privately owned and rental e-scooters will not lessen the burden of enforcement but place it solely on the City. A privately owned and operated shared micro-mobility system will allow staff to work with providers on the issue of education and enforcement, using technology and shared resources to address any safety and accessibility concerns.

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Staff will also require a security deposit from the service provider(s). While monitoring and enforcement is expected to be handled by the service provider, staff recognize that some intervention may be required if the service provider(s) fails to meet the level of service outlined in the agreement. Should staff be required to intervene, the cost of that intervention (staff time, resources, etc.) will be charged to the service provider and deducted from the security deposit.

Problems with indemnification agreements and liability

Lack of insurance and medical coverage

City of Mississauga staff will require the successful service provider(s) to maintain general liability insurance. Coverage shall consist of a comprehensive policy of public liability and property damage insurance. Staff will require prospective service providers to provide full indemnity against all claims, demands, loss, costs, damages, actions, suits, adjuster fees, or other proceedings.

Staff recognize that there are risks associated with a shared micro-mobility program and have outlined strategies and set requirements for the service provider(s) to mitigate that risk. Enforcement, paired with technology, and a strong communications campaign, will be a major part of building a culture of responsible e-bike and e-scooter usage in the City of Mississauga.