



May 6<sup>th</sup> 2019  
File: 1350-30

**Honourable John Horgan**  
Premier of British Columbia  
Government of British Columbia

**Honourable Claire Trevena**  
Minister of Transportation and Infrastructure  
Government of British Columbia

Dear Premier Horgan and Minister Trevena,

We write to respectfully request the Ministry of Transportation and Infrastructure for an exemption from the Motor Vehicle Act to permit the City of Kelowna to Pilot the operation of electric scooters on public roadways, in a manner similar to the existing operation of bikeshare systems throughout British Columbia.

Shared low-speed electric standup scooters are a new type of service that has provided safe, sustainable, and low-cost "last-kilometre" transportation to tens of millions of riders across North America. In doing so, they have reduced carbon emissions, relieved congestion, and made streets safer by eliminating car trips from the road.

However, British Columbia's Motor Vehicle Act does not define and therefore bans the low-speed electric scooters used by such systems. This lack of definition has created confusion over how these low-speed devices should be regulated, causing British Columbia cities to fall behind in adopting this next generation transportation option.

#### **Precedent**

The Government of British Columbia has adopted the CleanBC plan with a focus on clean transportation. Through CleanBC, the Ministry of Transportation and Infrastructure is creating an Active Transportation Design Guide that includes low-speed electric scooters in the draft planning considerations for designs of new active transportation facilities in the province.

The low-speed electric standup scooters operated in scooter-share systems go by many names (e.g., "e-scooters", "motor assisted scooters"), but share the following common characteristics:

- They weigh less than 50 kilograms;
- They have two or three wheels and handlebars;
- They do not have pedals, and instead are designed to be stood upon while riding;
- They are solely powered by human power and an electric motor of no more than 500 watts; and
- Their maximum speed is no more than 32 kilometers per hour on level ground.



Although low-speed electric scooters are a relatively new technology, many states in the United States have already incorporated them into their motor vehicle codes.<sup>i</sup> Most have chosen to regulate them similar to bicycles or electric bicycles, e.g.:

- Registration, certificates of title, etc. are not required;
- Brakes and nighttime lights are required, but not other equipment or inspection requirements; and
- Permitted to travel where bicycles are allowed to travel, e.g., on roads, bicycle lanes, and bicycle paths, but not limited-access highways

We believe regulating these devices like bicycles and electric bicycles is a sensible approach that minimizes confusion. Indeed, such a regulatory structure would mirror how British Columbia currently defines and regulates electric bicycles, which are operated in a similar manner to low-speed electric standup scooters. This approach is also the easiest for operators to understand while setting reasonable expectations for drivers, pedestrians, and others sharing the road with such devices.

### Benefits to British Columbians

Data from early adopter cities in the United States such as Portland, Kansas City, Austin, and San Jose have demonstrated the wide range of benefits scooter-share systems provide to cities. In particular, scooter-share systems have been shown to be:

**SAFE:** every safety study of scooter-share systems conducted by cities have shown them to be as safe as or safer than bicycling:

- In Austin, TX, staff found scooter share had fewer injuries per trips than electric and non-electric bikeshare<sup>ii</sup>
- Personal bike trips have been found to be less safe than bikeshare trips for a variety of reasons including safety in numbers effects, equipment design and presence of safe infrastructure where use is concentrated;<sup>iii</sup>

**SUSTAINABLE:** relieving congestion and reducing carbon emissions by replacing car trips:

- In Portland, Oregon, for instance, suggests that over 230,000 car trips were eliminated by scooters in just 4 months;<sup>iv</sup>

**COMPLEMENTARY:** filling a vital last-kilometre niche between walking and bicycling, frequently combined with public transit,<sup>v</sup> and linked to an increased utilization of bikeshare systems;<sup>vi</sup>

**INCLUSIVE:** popular among all demographics, but particularly among those for whom transportation options have remained out of reach;<sup>vii</sup>

**RESPONSIBLE:** operating with respect to pedestrian rights-of-way, and being parked responsibly.<sup>viii</sup>



**Conclusion**

Scooter-share systems can help Kelowna reach our community's transportation, safety, and sustainability goals at a low public cost. A pragmatic regulatory structure for such systems has already been developed and applied with success in other jurisdictions. Allowing Kelowna to pilot the operation of dockless scooter-share systems will allow British Columbia to continue to be a sustainable transportation leader, setting an example for other provinces to follow.

As such, we respectfully request that the Ministry issue guidance permitting low-speed electric scooters in Kelowna, in general compliance with local and provincial regulations for bicycles as an exemption from the Motor Vehicle Act.

Yours very truly,

Colin Basran  
MAYOR

<sup>i</sup> See, e.g., California Vehicle Code § 21220 et seq.; Minnesota Statutes 2018 § 169.225; 2017 Oregon Revised Statutes § 814.510 et seq.; Utah Code § 41-6a-1115; Washington Rev. Code § 46.61.710.

<sup>ii</sup> Austin Mobility Committee of Council, "DOCKLESS MOBILITY PROGRAM UPDATE", available at <http://www.austintexas.gov/edims/document.cfm?id=307564>.

<sup>iii</sup> Martin, Elliot, et al. "Bikesharing and Bicycle Safety." Mineta Transportation Institute, 16 Jan. 2018, [transweb.sjsu.edu/research/bikesharing-and-bicycle-safety](http://transweb.sjsu.edu/research/bikesharing-and-bicycle-safety).

<sup>iv</sup> Willamette Week, "Portlanders Took Nearly 700,000 Scooter Rides During the City's Pilot Program", available at <https://www.wweek.com/news/2018/11/22/portlanders-took-nearly-700000-scooter-rides-during-the-citys-pilot-program/> (698,880 trips completed in four months); Portland Bureau of Transportation, "2018 E-SCOOTER PILOT User Survey Results", available at <https://www.portlandoregon.gov/transportation/article/700916> (34% of scooter riders would have taken a personal car or TNC if a scooter was not available).

<sup>v</sup> In Portland, OR, 27% of scooter riders reported using a scooter to access public transit. Portland Bureau of Transportation, "2018 E-SCOOTER PILOT User Survey Results", available at <https://www.portlandoregon.gov/transportation/article/700916>.

<sup>vi</sup> Willamette Week, "Portland's E-Scooters Didn't Squelch Bike Share Use. In Fact, They Might Have Helped.", available at <https://www.wweek.com/news/2018/11/26/portlands-e-scooters-didnt-squelch-bike-share-use-in-fact-they-might-have-helped/>.

<sup>vii</sup> In Portland, OR, 45% of scooter riders reported never biking, 78% had never used the local bikeshare system, and 43% had annual incomes of 50,000 dollars or less. Portland Bureau of Transportation, "2018 E-SCOOTER PILOT User Survey Results", available at <https://www.portlandoregon.gov/transportation/article/700916>. See also Wired, "Not Just Tech Bros: E-Scooter Fans Are Surprisingly Diverse", available at <https://www.wired.com/story/electric-scooter-share-demographics-report-study-populus/> (finding scooters especially popular among women and low-income riders).

<sup>viii</sup> In San Jose, CA, 97% of scooters were well-parked: standing upright, placed on the edge of the sidewalk, and not blocking pedestrian access. Mineta Transportation Institute at San Jose State University, "Life of the Dockless: E-Scooter Parking in San José", available at <http://transweb.sjsu.edu/press/Life-Dockless-E-Scooter-Parking-San-Jos%C3%A9>.