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Windsor, Ontario February 6, 2013

A meeting of the **Windsor Bicycling Committee** is held this day commencing at 5:00 o'clock p.m. in Room 407, 400 City Hall Square East, there being present the following members:

Kari Gignac, Chairperson  
Councillor Alan Halberstadt  
Neil Campbell  
Charles Griffiths  
Walter Manney  
Nicole Noel  
Charles Pope

**Guests in attendance:**

Kim and Brian Tucker

**Also present are the following resource personnel:**

Mike Clement, Manager, Parks Development  
Cathy Copot-Nepszy, Windsor-Essex County Health Unit  
Constable Mike Jurilj, Windsor Police Services  
Jennifer Leitzinger, Transportation Planning Engineer  
Karen Kadour, Committee Coordinator

**1. CALL TO ORDER**

The Chairperson calls the meeting to order at 5:00 o'clock p.m. and the Committee considers the Agenda being Schedule "A" **attached** hereto, matters which are dealt with as follows:

**2. ADDITIONS TO THE AGENDA**

Moved by N. Campbell, seconded by W. Manney,  
That Rule 3.3 (c) of the *Procedure By-law 98-2011* be waived to add the following addition to the Agenda:

5.7 – Consideration of Shared Pathways for E-Bike Usage

Carried.

**3. DECLARATIONS OF CONFLICT**

C. Pope discloses an interest on Item 5.7 as he is an e-bike retailer.

#### 4. MINUTES

Moved by Councillor Halberstadt, seconded by C. Pope,  
That the minutes of the Windsor Bicycling Committee at its meeting held October  
17, 2012 **BE ADOPTED** as presented.  
Carried.

#### 5. BUSINESS ITEMS

##### 5.7 Consideration of Shared Pathways for E-Bike Usage

The “draft” report of the Transportation Planning Engineer entitled  
“Consideration of Shared Pathways for E-Bike Usage” is distributed and *attached* as  
Appendix “A”. J. Leitzinger refers the members to the table in the report that identifies  
the 29.1 km of existing multi-use trails within the public right-of-way.

In response to a question asked by the Chairperson for a definition of “public  
right-of-way”, J. Leitzinger responds the public right-of-way is City owned property used  
for public transportation purposes.

N. Campbell advises the city should strategize to accommodate more e-bikes.  
The Chair remarks the “draft” report could possibly be the catalyst for more on-road bike  
lanes.

M. Clement refers to the “Multi-use Trail Width” noted in the “draft” report and  
the following information is provided:

- The recommended width for one-way travel for a bicycle on a multi-use trail is 1.5 m as identified in the Transportation Association of Canada (TAC) guidelines (3m for two-way traffic), which is consistent with the City of Windsor BUMP.
- Using e-bikes within the existing trail width is not consistent with the BUMP intended use for multi-use trails as e-bikes are equipped with an electric motor. In order to widen the trails to accommodate e-bikes within their own space, the standard existing trail width of 3.0 meters would have to be doubled to 6.0m (19.68 feet).
- Widening the existing trails would require a total reconstruction including the relocation of trees, benches, bollards, lights, signage and drainage infrastructure to provide the recommended 60cm setback from obstructions. The entire pathway (old and new) would need to be paved to avoid cold joints which result in a trip hazard and drainage issues. There are limited opportunities where sufficient space is available to achieve this objective.

- The average cost to construct one linear meter of asphalt trail at a 3.0m width is \$130.00. The cost to widen the existing trails to 6m and repave all 29.1 km of our existing trails within the right-of-way would be approximately \$7,566,000 exclusive of removal costs. Alternatively, providing e-bikes with a totally separate 3m trail on these routes would result in capital costs of \$3,783,000. Both scenarios would effectively double the on-going operational costs for maintenance, pavement markings, signage and snow removal without extending the trail network into un-serviced areas.

Further discussion ensues, and the following salient points are made:

- Quality Way Street – perfect fit for e-bike riders
- Suggestion that Administration provide a list of public right-of-way areas where e-bike riders may ride (at no cost)
- Twenty of the multi-use trails identified in the “draft” report are less than 1 km. long.
- Develop an e-bike policy.
- Rather than spend \$7.5 million on widening bike paths, utilize these funds to increase on-road bike lanes

Constable M. Jurilj states e-bike riders do not require a driver’s license so there is no consequence in issuing a ticket. He indicates Windsor Police Services does not have the authority to issue tickets along the riverfront as this area is parkland and not a highway.

N. Campbell suggests a working group be established to assist Administration in developing policies, strategies and e-bike friendly routes for e-bike riders in Windsor. C. Pope volunteers to Chair this working group.

- Moved by Councillor Halberstadt, seconded by C. Griffiths,
- I. That Traffic By-law 9148 **BE AMENDED** as follows:

Part VII, REGULATIONS RE: BICYCLES

25(3) No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail, trail).

- II. That the City Solicitor **BE DIRECTED** to prepare the necessary documents to amend the by-law.
- III. That the City of Windsor request that on behalf of Ontario Municipalities that the Association of Municipalities of Ontario (AMO) encourage the Provincial government to review regulations surrounding Power Assisted Bicycles (e-bikes).

And further, that the following comments provided by the Windsor Bicycling Committee **BE ADDED** to the “draft” report of the Transportation Planning Engineer entitled “Consideration of Shared Pathways for E-Bike Usage”:

- Provide clarification of the public right-of-way
- Provide a list of trails for e-bikes
- Encourage the City of Windsor to improve on-street lanes
- Integrate e-bikes into the City's policy
- Public outreach/safety campaign for e-bikes
- Administration to investigate the cost of an awareness campaign for e-bikes and to report back to City Council with the findings.

Carried.

C. Pope discloses an interest and abstains from voting on the matter.

### **5.1 2013 Windsor Trail Map**

J. Leitzinger reports 9 of the 10 advertising spots on the 2013 Windsor Trail Map have been purchased.

### **5.2 WBC Promotional Items**

The discussion regarding the purchase of WBC promotional items is deferred until after the 2013 Operating Budget deliberations of City Council.

### **5.3 St. Angela School Initiative Update**

Councillor Halberstadt states Bike Smart (Kingsville) has agreed to loan bicycles to St. Angela School for a period of 5-6 weeks.

### **5.4 Bike the Bridge 2013 Event**

The Chairperson advises the Bike the Bridge 2013 event will be held on June 9, 2013.

Councillor Halberstadt explains in a recent meeting held with representatives from Michigan Trails that any profit realized from the Bike the Bridge event will be equally shared with the WBC and Michigan Trails. In order to fundraise, the Terms of Reference must be amended to include a clause for such an undertaking. The following clause is suggested:

*“Coordinate partnership funding by collecting funds from organizations (derived from various events) with any surplus funds that may be collected to be utilized towards cycling infrastructure, supplies and equipment (i.e. bicycle racks).”*

Moved by C. Pope, seconded by C. Griffiths,



That the Revised Terms of Reference for the Windsor Bicycling Committee to allow for fundraising initiatives **BE APPROVED**.  
Carried.

**5.5 CAN-BIKE Program**

The Chairperson advises the CAN-BIKE Program will be offered at the Children's Safety Village.

**5.6 Bike to Work**

The Chairperson refers to the San Francisco Bike to Work event to be held on May 9, 2013. She notes events such as team bike challenges and commuter of the year awards are included in the event. She states additional information relating to the San Francisco Bike to Work event will be provided.

**6. COMMUNICATION**

The Windsor Star Editorial article authored by Councillor Halberstadt dated January 25, 2013 entitled "More bike lanes badly needed" is received for information.

Councillor Halberstadt requests Administration provide the balance of the Bikeways Development Fund and how the funds are being utilized. J. Leitzinger will provide this information at the next meeting.

**6. DATE OF NEXT MEETING**

The next meeting will be held at the call of the Chair.

**7. ADJOURNMENT**

There being no further business, the meeting is adjourned at 6:35 o'clock p.m.

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CHAIRPERSON

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**COMMITTEE COORDINATOR**

**AGENDA**  
and Schedule "A"  
to the minutes of the  
**Windsor Bicycling Committee** meeting held  
**Wednesday, February 6, 2013**  
at 5:00 o'clock p.m.  
Room 407, 400 City Hall Square East



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1. **CALL TO ORDER**

2. **DECLARATIONS OF CONFLICT**

3. **MINUTES**

Adoption of the minutes of the meeting held October 17, 2012 – *(previously distributed)*

4. **BUSINESS ITEMS**

4.1 **2013 Windsor Trail Map**

Discussion regarding the placement of an ad in the 2013 Windsor Trail Map (\$500 for a 2 ¾" x 3 ¾" ad, \$1000 for a 2 ¾" x 8" ad.

4.2 **Discussion regarding the purchase of WBC Promotional Items**

Promotional items may include bells, lights, fluorescent elastic arms bands, safety products.

4.3 **Update on the St. Angela School Initiative**

Bike Smart (Kingsville) has agreed to loan bicycles for the St. Angela School initiative.

4.4 **Bike the Bridge 2013 Event**

The Bike the Bridge Event will be held on June 9, 2013.

4.5 **CAN-BIKE Program**

The Children's Safety Village will be offering a CAN-BIKE Program.

4.6 **Bike to Work**

Discussion to determine the logistics of the Bike to Work Event.

5. **COMMUNICATION**

Windsor Star Editorial article authored by Councillor Halberstadt dated January 25, 2013 entitled "More bike lanes badly needed" – *attached*.

6. **DATE OF NEXT MEETING**

To be determined.

7. **ADJOURNMENT**



**DRAFT**

*Item No.*

**THE CORPORATION OF THE CITY OF WINDSOR  
Environment, Transportation & Public Safety Standing Committee  
Admin Report – Environment Transportation**



**MISSION STATEMENT:**

*"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"*

|  |                                    |
|--|------------------------------------|
| <b>LiveLink REPORT #:</b>                                  | <b>Report Date:</b>                |
| <b>Author's Name: Jennifer Leitzinger</b>                  | <b>Date to Standing Committee:</b> |
| <b>Author's Phone: 519 255-6247 ext. 6002</b>              | <b>Classification #:</b>           |
| <b>Author's E-mail:<br/>jleitzinger@city.windsor.on.ca</b> |                                    |

**To: Environment, Transportation & Public Safety Standing Committee**

**Subject: Consideration of Shared Pathways for E-Bike Usage**

**1. RECOMMENDATION: City Wide:  Ward(s): \_\_\_\_\_**

I. THAT Traffic By-Law 9148 **BE AMENDED** as follows:

Part VII, REGULATIONS RE: BICYCLES

25 (3) No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail, trail).

II. THAT the City Solicitor **BE DIRECTED** to prepare the necessary documents to amend the by-law.

III. That the City of Windsor request that on behalf of Ontario Municipalities that the Association of Municipalities of Ontario (AMO) encourage the Provincial government to review regulations surrounding Power Assisted Bicycles (e-bikes).

**EXECUTIVE SUMMARY:**

N/A

**2. BACKGROUND:**

On June 27, 2012, *Bylaw Regulations RE: Power Assisted Bicycles ("e-bikes")* Committee Report (LiveLink Report # 15995) was presented to the Environment, Transportation & Public Safety Standing Committee.

The following recommendation from the Environment and Transportation Standing Committee was forwarded to Council for consideration:

That Traffic Bylaw 9148 **BE AMENDED** as follows:

**“Power Assisted Bicycle (e-bike)”** shall mean a power assisted bicycle as defined by the Highway Traffic Act, R.S.O. 1990, c. 11-8, as amended.

**“Shared Pathway (multi-use trail, trail)”** shall mean a separate trail or path from which motor vehicles are prohibited and which is for the exclusive use of bicycles and pedestrians (including skaters). Where such a trail or path forms a part of a highway, it is separated from the roadways for motor vehicle traffic by an open space, rumble strip, or barrier.

Part VII, REGULATIONS RE: BICYCLES

- 25 (1) No person shall ride a bicycle, with a wheel or wheels more than sixty centimetres (60 cm.) in diameter, or a Power Assisted Bicycle (e-bike) upon a sidewalk.
- 25 (2) No person shall operate a bicycle or a Power Assisted Bicycle (e-bike) on the E.C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road.)
- 25(2)Bi Subject to Section 25C., no person shall operate a vehicle other than a bicycle or a Power Assisted Bicycle (e-bike) in any lane or portion of a lane designated under Schedule “R” except:
- 25 (3) No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail, trail).

That, the Use, Regulation, and Protection of Parks By Law 200-2002 **BE AMENDED** as follows:

DEFINITIONS 2.1(t) Vehicle includes a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c.H-8*, as may be amended from time to time, and any bicycle, power assisted bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power and includes in-line roller skates and skateboards, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh, or other conveyance of like nature

AND

That Windsor Police Services BE ADVISED of these by law amendments for enforcement as resources allow.

At the July 23, 2012 Council meeting motion M318-2012 was passed with respect to Power Assisted Bicycles on shared pathways.

**M318-2012** That Traffic Bylaw 9148 **BE AMENDED** as follows:

**“Power Assisted Bicycle (e-bike)”** shall mean a power assisted bicycle as defined by the Highway Traffic Act, R.S.O. 1990, c. H-8, as amended.

**“Shared Pathway (multi-use trail, trail)”** shall mean a separate trail or path from which motor vehicles are prohibited and which is for the exclusive use of bicycles and pedestrians (including skaters). Where such a trail or path forms a

part of a highway, it is separated from the roadways for motor vehicle traffic by an open space, rumble strip, or barrier.

Part VII, REGULATIONS RE: BICYCLES

25 (1) No person shall ride a bicycle, with a wheel or wheels more than sixty centimetres (60 cm.) in diameter, or a Power Assisted Bicycle (e-bike) upon a sidewalk.

25 (2) No person shall operate a bicycle or a Power Assisted Bicycle (e-bike) on the E.C. Row Expressway or Dougall Parkway (between Roseland Drive East and Sixth Concession Road.)

25(2)Bi, Subject to Section 25C., no person shall operate a vehicle other than a bicycle or a Power Assisted Bicycle (e-bike) in any lane or portion of a lane designated under Schedule "R"

**THAT**, the Use, Regulation, and Protection of Parks Bylaw 200-2002 **BE AMENDED** as follows:

DEFINITIONS 2.1(t) Vehicle includes a motor vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, c.H-8*, as may be amended from time to time, and any bicycle, power assisted bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power and includes in-line roller skates and skateboards, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child's wagon, child's stroller, child's sleigh, or other conveyance of like nature

AND

**THAT** Windsor Police Services **BE ADVISED** of these by law amendments for enforcement as resources allow.

**In summary, Council prohibited e-bikes on sidewalks and on multi-use trails within the Parks (as governed by the Use, Regulation and Protection of Parks Bylaw).**

A second motion M319-2012 was passed during this Council meeting with respect to Power Assisted Bicycles on shared pathways within the right-of-way and as governed by the Traffic Bylaw.

**M319-2012** That Traffic Bylaw 9148 **BE AMENDED** as follows:

Part VII, REGULATIONS RE: BICYCLES

25 (3) No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail, trail) unless such a multi-use trail has been specifically designated by Council to allow for such activity with a set speed limit of 10 km per hour,

AND FURTHER

**THAT** Administration **REPORT BACK** to Council on appropriate trails to be considered for such activity.

AND

**THAT** Windsor Police Services **BE ADVISED** of these by-law amendments for enforcement as resources allow.

Attempting to reduce speed differential by limiting e-bike speeds to 10km/h has barriers as further outlined in the report.

Administration will be addressing motion M319-2012 in this report. The corresponding traffic bylaw amendments have been postponed pending the resolution of this report.

The Windsor Bicycling Committee made the following 2 recommendations in the form of Committee Reports No. 53 and 54 (attached in Appendix A) at its meeting held on October 17, 2012. These reports are addressed herein.

**Report No 53** requests Council to consider the following two options:

1. Allow e-bikes on multi-use trails that are 12 feet or wider; OR
2. Allow e-bikes on multi-use trails that are 12 feet or wider and further, that e-bikes be permitted on multi-use trails from 7:00am to 7:00pm Monday to Friday (holidays excluded).

**Report No. 54** requests that City Council maintain the speed of 20 kilometres per hour on all signage in city parks for *e-bikes*.

### **3. DISCUSSION:**

#### **E-bikes (Power Assisted Bicycles)**

While e-bikes are considered a bicycle under the Highway Traffic Act, unlike a bicycle, by definition an e-bike can weigh a maximum of (120kg) 265lbs exclusive of its occupant(s) or trailer loads, and be sufficiently powered to operate up to 32km/hr. Advertisements claim that e-bikes can travel 50 km before being charged\*. The scooter style e-bikes are regularly observed being propelled exclusively under electric power.

\*A high capacity pack will store over 500 watt-hours and gets closer to 40-50 km.  
<http://ebikes.ca/faq.shtml>

The following excerpt is from the MTO website regarding e-bikes:

E-bikes are allowed to travel anywhere bicycles are permitted to travel. Any municipal by-law prohibiting bicycles from highways under their jurisdiction also apply to e-bikes. Municipalities may also pass by-laws specific to e-bikes that prohibit them from municipal roads, sidewalks, bike paths, bike trails, and bike lanes under their jurisdiction.

E-bikes, like bicycles, are **not** allowed on controlled-access highways such as 400 series highways, the Queen Elizabeth Way, the Queensway in Ottawa or the Kitchener-Waterloo Expressway, or on municipal roads, including sidewalks where bicycles are banned under municipal by-laws.

Conversely, the Criminal Code considers e-bikes motor vehicles because they can be used without pedaling. The following is also an excerpt from the MTO website regarding e-bikes:

Drinking and driving a motor vehicle is a Criminal Code offence and charges are laid under the Criminal Code of Canada. Under the Criminal Code, the definition of a "motor vehicle" would include an e-bike and anyone operating an e-bike intoxicated could be charged for impaired driving. If convicted, the offender would be subject to the Criminal Code penalties, including a fine or jail time, and a driving prohibition.



## Multi-Use Trails

Multi-use trails are defined in the **Bicycle Use Master Plan 2001** as follows:

*"Multi-use Trail- is any off-road dedicated facility for pedestrians and inline skaters as well as non-motorized vehicles such as cyclists."*

The city currently has over 105km of multi-use trails and paths that vary in width from 2.5m to 4.5m combined within the City Parks and within the road right-of-way. Some park facilities are linear in nature (such as the Ganatchio Trail) and contain multi-use trails that could be easily confused for trails within the right-of-way.

The multi-use trails within the right-of-way and under the jurisdiction of the Traffic Bylaw for consideration to allow e-bike use as directed by Council Motion M319-2012 are 29.1 km in length and are listed below for information in Table 1.

**Table 1: Multi-Use Trails Within the Public Right-Of-Way**

| <b>STREET NAME</b>                 | <b>FROM STREET</b> | <b>TO STREET</b>     | <b>TOTAL (km)</b> |
|------------------------------------|--------------------|----------------------|-------------------|
| BANWELL RD                         | LITTLE RIVER BLVD  | TECUMSEH RD E        | 1.49              |
| CLAIRVIEW AVE                      | MATTHEW BRADY BLVD | DIEPPE ST            | 0.81              |
| DOUGALL AVE                        | SOUTH CAMERON BLVD | GRAND MARAIS RD W    | 0.49              |
| E C ROW AVE E                      | MARENTETTE AVE     | BYNG RD              | 1.45              |
| GRAND MARAIS RD W                  | SOUTH CAMERON BLVD | DOUGALL AVE          | 0.35              |
| GRAND MARAIS RD E                  | WALKER RD          | CENTRAL AVE          | 1.20              |
| HOWARD AVE                         | LENS AVE           | MEMORIAL DR          | 0.14              |
| HOWARD AVE                         | GRAND MARAIS RD E  | DIVISION RD          | 0.84              |
| HURON CHURCH RD                    | RIVERSIDE DR W     | PETER ST             | 0.34              |
| LAKE TRAIL DR                      | HOWARD AVE         | SOUTHWOOD LAKES BLVD | 1.22              |
| LAUZON PKY                         | FOREST GLADE DR    | HAWTHORNE DR         | 1.43              |
| LAUZON PKY                         | MATTHEW BRADY BLVD | HAWTHORNE DR         | 1.37              |
| LAUZON LINE                        | LAUZON PKY         | LAUZON RD            | 0.12              |
| LITTLE RIVER BLVD                  | CLOVER AVE         | BANWELL RD           | 0.89              |
| MCHUGH ST                          | LAUZON RD          | BANWELL RD           | 2.98              |
| MCNORTON ST                        | BANWELL RD         | RADCLIFF             | 0.54              |
| MEMORIAL DR                        | HOWARD AVE         | VIMY AVE             | 0.10              |
| MEMORIAL DR                        | GLADSTONE AVE      | TURNER RD            | 0.76              |
| OJIBWAY PARKWAY                    | BROADWAY ST        | WEAVER RD            | 1.33              |
| PLYMOUTH DR                        | PILLETTE RD        | CENTRAL AVE          | 1.08              |
| QUALITY WAY                        | JEFFERSON BLVD     | LAUZON PKY           | 1.69              |
| RADCLIFF AVE                       | MCNORTON ST        | COBBLESTONE CRES     | 0.68              |
| RUSSELL ST                         | CHEWETT ST         | BROCK ST             | 0.74              |
| SOUTH CAMERON BLVD                 | DOUGALL AVE        | NORTHWOOD ST         | 0.09              |
| SOUTH CAMERON BLVD                 | GRAND MARAIS RD W  | HOWARD AVE           | 0.90              |
| SOUTH NATIONAL ST                  | PILLETTE RD        | JEFFERSON ST         | 1.63              |
| SOUTHWOOD LAKES BLVD               | NORTH TALBOT RD    | NORTH TALBOT RD      | 2.26              |
| TECUMSEH RD E                      | PARENT AVE         | FOREST AVE           | 0.19              |
| TERMINAL ST                        | PARENT AVE         | FOREST AVE           | 0.22              |
| WALKER RD                          | ST JULIEN AVE      | GRAND MARAIS RD E    | 0.33              |
| WALKER RD                          | LEGACY PARK DR     | SOUTH CITY LIMITS    | 0.76              |
| VIRGINIA PARK CRT & RADISSON CRT W | ACADEMY DR         | BRUCE AVE            | 0.63              |
|                                    |                    | <b>TOTAL (km)</b>    | <b>29.1</b>       |

Appendix B includes a map depicting the multi-use trails shown in the table above, as well as the bike lanes and signed routes throughout the City.

### **Multi-Use Trail Width**

The average width of the multi-use trails in the system is 3.0m. The recommended minimum width for new trail construction is 3.0m to accommodate trail users, service vehicles and snow removal equipment. In constrained spaces, the existing trails can be 2.5m or less however this is the exception.

The recommended width for one-way travel for a bicycle on a multi-use trail is 1.5m as identified in the Transportation Association of Canada (TAC) guidelines (3m for two-way traffic), which is consistent with the City of Windsor BUMP.

Using e-bikes within the existing trail width is not consistent with the BUMP intended use for multi-use trails as e-bikes are equipped with an electric motor (see definition excerpt herein). In order to widen the trails to accommodate e-bikes within their own space, the standard existing trail width of 3.0 meters would have to be doubled to 6.0m (19.68 feet).

Widening the existing trails would require a total reconstruction including the relocation of trees, benches, bollards, lights, signage and drainage infrastructure to provide the recommended 60cm setback from obstructions. The entire pathway (old and new) would need to be paved to avoid cold joints which result in a trip hazard and drainage issues. There are limited opportunities where sufficient space is available to achieve this objective.

The average cost to construct one linear meter of asphalt trail at a 3.0m width is \$130.00. The cost to widen the existing trails to 6m and repave all 29.1 km of our existing trails within the right-of-way would be approximately \$7,566,000, exclusive of removal costs. Alternatively, providing e-bikes with a totally separate 3m trail on these same routes would result in capital costs of \$3,783,000.

Both scenarios would effectively double the on-going operational costs for maintenance, pavement markings, signage and snow removal without extending the trail network into un-serviced areas.

### **E-bike Use on Multi-Use Trails**

Table 2 is a list of Ontario Communities and their regulations regarding e-bike use on multi-use trails both within parks and within the road right-of-way. Those municipalities prohibiting the use of e-bikes on multi-use trails tend to consider e-bikes as motorized vehicles and have banned them accordingly.

**Table 2: E-Bikes Regulations in Other Communities**

| City    |      | E-bike Use on Multi-use Trails |                              | Notes  |
|---------|------|--------------------------------|------------------------------|--|
|         |      | Within Parks                   | Within the Road Right of Way |  |
| Ajax    |      |                                |                              | Updating policy next year; policies will likely change then.   |
| Guelph  |      |                                |                              | Multi-use trails are within the right-of-way (as well as in locations that wouldn't be either a ROW or a park: they have at least one trail in a rail corridor). E-bikes are permitted on all trails.  |
| London  |      |                                | Unclear in ByLaw             | E-bikes on trails outside the ROW are prohibited by the Parks By-Law. E-bikes on multi-use trails in the ROW are not dealt with explicitly in the City's current By-Laws.  |
| Ottawa  | City | Scooter type prohibited        |                              | <a href="http://ottawa.ca/en/roads_trans/cycling/safety/law/cy_5_1/">http://ottawa.ca/en/roads_trans/cycling/safety/law/cy_5_1/</a>  |
|         | NCC  | Scooter type prohibited        |                              | Currently only one trail in ROW  |
| Toronto |      | Muscular Powered ONLY          | Muscular Powered ONLY        | Bicycles must be propelled only by muscular power in on-road bike lanes and all multi-use trails. E-bikes permitted as long as motor is switched off.<br><a href="http://www.toronto.ca/cycling/e-bikes/">http://www.toronto.ca/cycling/e-bikes/</a> |

**Legend**

|                             |  |
|-----------------------------|--|
| Prohibited                  |  |
| Allowed                     |  |
| Caution – Some restrictions |  |

The following are municipalities that have banned e-bikes in parks and on trails:

- Ottawa (some exceptions, as noted above)
- Sarnia
- National Capital Commission (NCC) (some exceptions, as noted above)
- North Bay
- Brampton
- Oakville
- Burlington
- Toronto (some exceptions, as noted above)
- Markham
- Niagara Parks
- Richmond Hill
- Aurora
- Kitchener
- Brantford

In the majority of circumstances, the municipalities tend to consider e-bikes as motorized and have banned them from parks and trails. They have simply added them to their definition of motorized vehicles.

For the purpose of determining a list of shared pathways appropriate for e-bike use, Administration is inclined to view e-bikes as interpreted by the Criminal Code. Administration took the following factors into account in arriving at this conclusion:

The safety of other shared pathway users

- including children, seniors, walkers, joggers, rollerbladers, persons with personal mobility devices and cyclists

The potential for differential speed conflicts between users

- Council expressed the same concern by recommending a speed reduction to 10km/hr for e-bikes on multi-use trails
- Windsor Bicycling Committee Report No. 54 requested Council consider e-bikes be allowed to operate at 20km/hr on multi-use trails
- Concern has been expressed that scooter style e-bikes cannot be operated at the recommended 10km/hr

The typical purpose of e-bike use

- i.e. commuting purposes, not recreational purposes as reinforced by the Windsor Bicycling Committee request for time limited permissions on non-holiday days in Report No. 53

Additional space requirements to accommodate some e-bike designs

- This was reinforced by the Windsor Bicycling Committee request for width limited permissions (3.66m or 12 feet).
- The City current standard multi-use trail width is 3m (10 feet).
- Trails with widths exceeding the City standard are currently constructed in areas experiencing/projected to experience higher than average volume use

Clarity for users and enforcement regarding allowed/prohibited use

- Qualified permissions will have to be well communicated

Current and projected volume of e-bikes.

- Some literature forecasts 20% compound annual growth in the number of e-bikes sold over the next several years\*\*.
- Windsor Police Services indicated that this will be difficult to enforce

\*\*The Electric Bicycle Market in the United States Will More than Triple by 2018, Forecasts Pike Research, August 1, 2012 retrieved from <http://www.pikeresearch.com/newsroom/the-electric-bicycle-market-in-the-united-states-will-more-than-triple-by-2018-forecasts-pike-research> August 23, 2012.

### **Permission with Explicit Exceptions**

- **Style Based Restrictions**

Some communities selectively permit the bicycle style e-bikes on their multi-use trails. This approach would partially address concerns with respect to weight as the bicycle style units tend to weigh less than the scooter style, although not legally restricted.

- **Muscular Power Restrictions**

Some communities permit the use of e-bikes on their multi-use trails when muscular powered only. This approach would partially address concerns with respect to:

- maintained speed and
- weight.

Requiring an e-bike to be powered by muscular power only would improve its equivalence to a bicycle from a speed perspective and to a lesser degree from a weight perspective. It would be more challenging to use muscular power to operate an e-bike of substantial weight. Should muscular power still be possible, it would result in reduced operating speed as weight increases. The amount of reduction would be contingent on the operator's ability.

- **Combined Restrictions**

Some communities permit bicycle style e-bikes when muscular powered only to operate on their multi-use trails. This approach is somewhat more successful in tackling the concerns of maintained speed and weight for the reasons noted above.

**As per the Cycling Skills, Ontario's Guide to Safe Cycling: *Section 5 Cycling and The Law***

A bicycle is a vehicle under the Ontario Highway Traffic Act (HTA). This means that, as a bicyclist, you have the same rights and responsibilities to obey all traffic laws as other road users. Cyclists charged for disobeying traffic laws will be subject to a minimum set fine and a Victim Surcharge fine of \$20.00 for most offences (please note set fines below are subject to change). See Appendix C.

**Enforcement**

Council is cautioned that Windsor Police Services (WPS) advises that given other community policing priorities, by-law enforcement of e-bike usage is a low priority. As police are the only authority authorized to detain and issue a ticket, they are the only ones able to enforce the by-law. In addition, because e-bikes are not registered, licensed, or insured, the authority of Police are limited to only issuing a fine under the by-law.

Enforcement of any restrictions regardless of a total ban is problematic to the WPS for many reasons:

- The WPS have to do more with less puts enforcement on trails at the low end of the priority scale.
- Access to trails by police motorcycles and cars will be required to do enforcement on trails.
- A partial ban will require signage restricting the activity and makes prosecution more difficult still
- As you can see there is no real difference between a total and partial ban when considering enforcement

As mentioned earlier in the report, Administration recommends the City of Windsor request that on behalf of Ontario Municipalities that the Association of Municipalities of Ontario (AMO) encourage the Provincial government to review regulations surrounding Power Assisted Bicycles (e-bikes). During Ontario's e-bike pilot project, e-bike usage was minimal compared usage today and the e-bike products available have expanded to include scooter style units. As stated in Ontario's Cycling Skills guide operators are not required to hold a driver's licence, to have the e-bike registered or plated or to have motor vehicle insurance. A re-evaluation is required since current practices differ drastically and e-bike usage continues to increase in our community.

**Windsor Cycling Committee (WBC) Report Recommendations**

As noted above and contained within Appendix A, the WBC (whose membership is comprised of 9 volunteer voting members including one e-bike retailer), made 2 recommendations in the form of Committee Reports No. 53 and 54 (attached in Appendix A) at its meeting held on October 17, 2012. These reports are addressed herein.

**Report No 53** requests Council to consider the following two options:

1. Allow e-bikes on multi-use trails that are 12 feet or wider; OR
2. Allow e-bikes on multi-use trails that are 12 feet or wider and further, that e-bikes be permitted on multi-use trails from 7:00am to 7:00pm Monday to Friday (holidays excluded).

None of the communities researched restricted trail use based on available width nor approach the solution with time limited permissions and therefore is not currently recognized as a best practice.

As noted herein, the feasibility of providing sufficient additional width to existing multi-use trails is extremely difficult to achieve and has ongoing budget implications in addition to the initial capital cost.

Administration is not supporting restricting e-bike use on the multi-use trails during weekday nights, weekends and holidays and permitting e-bike usage on the multi-use trails during weekday daylight hours.

**Report No. 54** requests that City Council maintain the speed of 20 kilometres per hour on all signage in city parks for *e-bikes*.

- A. As noted during the WBC meeting dated October 17, 2012 and as suggested by Report No. 54, speeds below 20km/hr are difficult to maintain on an e-bike and hampers balance. As per Council M318-2012, e-bike use is prohibited within Parks and therefore the issue of speed is not currently under consideration.
- B. None of our community comparators limited e-bike usage on their multi-use trails with a time restriction. Usage was based on a speed limit of 20km/hr, as also seen in the City of Toronto, NCC Ottawa and the City of Calgary.
- C. Enforcement of speed presents many challenges as noted in the Enforcement section above.

Given the above considerations, Administration is recommending that e-bikes are best suited for on-road usage. This renders the suggested speed limit of 10 km per hour as not applicable.

(WBC and E-Bike Retailer Comments)

#### **4. RISK ANALYSIS:**

In general, the risks associated with e-bikes use on selected multi-use trails (shared pathways) include:

- Increased risk of accidents as a result of differential speed conflicts (e-bike, bicycle, roller blades, walkers, joggers, etc.)
- Injuries to pedestrians or other cyclists as a result of being hit by an e-bike can be significant given their potential speed and weight (120kg or 265 lbs curb weight plus the weight of the e-bike rider and any belongings). As noted insurance is not required.
- In the event of non-compliance with the bylaw, complaints/requests for enforcement will be forwarded to Windsor Police Services. Bylaw enforcement of e-bikes will be considered a low priority over other daily police matters. As a result, there is a significant risk that the above referenced amendment to Bylaw 9148 will be ineffective in resolving e-bike conflicts with other users of shared pathways.
- E-bikes produce very little noise and trail users can easily be startled or even injured if they do not realize that an e-bike is approaching them.

#### **5. FINANCIAL MATTERS:**

The cost to widen the existing trails to 6m and repave 29.1 km of existing trails within the right-of-way would be approximately \$7,566,000. Alternatively, providing e-bikes with a totally separate 3m trail on these same routes would result in capital costs of \$3,783,000.

#### **6. CONSULTATIONS:**

Windsor Police Services  
Windsor Bicycling Committee (WBC)  
E-Bike Retailers

**7. CONCLUSION:**

Administration is recommending to prohibit e-bikes from shared pathways. Several factors were considered in this report in order to arrive at this conclusion and these include the following:.

- The safety of other shared pathway users
- The potential for differential speed conflicts between users
- The typical purpose of e-bike use
- Additional space requirements to accommodate some e-bike designs
  - This was reinforced by the Windsor Bicycling Committee request for width limited permissions (12 feet).
- The City current standard multi-use trail width is 3m (10 feet).
- Additional width, trails are currently constructed in areas experiencing/projected to experience higher than average volume use
- Ability to enforce

Administration further recommends AMO be requested to encourage the Provincial government to review regulations surrounding Power Assisted Bicycles (e-bikes).

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**Jennifer Leitzinger**  
**Transportation Planning Engineer**

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**Mario Sonego**  
**City Engineer**

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**Windsor Police Services**

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**Helga Reidel**  
**Chief Administrative Officer**

(JL)

**APPENDICES:**

- A – Windsor Bicycling Committee Reports No. 53 and 54**
- B – City of Windsor Bike Lanes, Signed Routes & Multi-Use Trails within the Right-of-Way**
- C – Highway Traffic Act Fines**

**DEPARTMENTS/OTHERS CONSULTED:**

**Name:**  
**Phone #: 519            ext.**

**NOTIFICATION :**

| Name                                  | Address | Email Address | Telephone | FAX |
|---------------------------------------|---------|---------------|-----------|-----|
| WBC<br>E-Bike Retailers Assoc.<br>WPS |         |               |           |     |

**REPORT NO. 53**  
of the  
**WINDSOR BICYCLING COMMITTEE**  
of its meeting held  
October 17, 2012  
Room 407, 400 City Hall Square East

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**Present:** Kari Gignac, Chair  
Councillor Alan Halberstadt  
Neil Campbell  
Walter Manney  
Nicole Noel  
Charles Pope

**Regrets:** Charles Griffiths  
Dr. Christopher Waters

Your Committee submits the following recommendation:

Moved by N. Campbell, seconded by W. Manney

That City Council **BE REQUESTED** to consider allowing e-bikes on multi-use trails that are 12 feet or wider;  
OR

That City Council **BE REQUESTED** to consider allowing e-bikes on multi-use trails that are 12 feet or wider and further, that e-bikes **BE PERMITTED** on multi-use trails from 7:00 a.m to 7:00 p.m. Monday to Friday (holidays excluded).

Carried.

Charles Pope discloses an interest and abstains from voting on the matter as he is an e-bike retailer.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
COMMITTEE COORDINATOR

|                             |
|-----------------------------|
| <b>NOTIFY:</b>              |
| Windsor Bicycling Committee |



**REPORT NO. 54**  
of the  
**WINDSOR BICYCLING COMMITTEE**  
of its meeting held  
October 17, 2012  
Room 407, 400 City Hall Square East

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**Present:** Kari Gignac, Chair  
Councillor Alan Halberstadt  
Neil Campbell  
Walter Manney  
Nicole Noel  
Charles Pope

**Regrets:** Charles Griffiths  
Dr. Christopher Waters

Your Committee submits the following recommendation:

Moved by Councillor Halberstadt, seconded by N. Noel,

**WHEREAS** By-Law Number 200-2002 (A By-law for the use, regulations and protection of Parks) provides the following in Section 7.7 relating to "Speed" -

"Unless authorized by permit, while in a Park no person shall operate:

- (1) any vehicle on a roadway at a speed in excess of the posted limit; or
- (2) a bicycle other than a roadway at a speed in excess of 20 kilometres per hour", and;

**WHEREAS** City Council at its meeting held July 23, 2012 amended the Traffic By-Law 9148 (Part VII, Regulations re: Bicycles as follows:

M319-2012 25(3)"No person shall operate a Power Assisted Bicycle (e-bike) on a shared pathway (multi-use trail) unless such a multi-use trail has been specifically designed by Council to allow such activity with a set speed limit of 10 km per hour, and further, that Administration report back to Council on appropriate trails to be considered for such activity",

**THEREFORE BE IT RESOLVED** that City Council **BE REQUESTED** to maintain the speed of 20 kilometres per hour on all signage in city parks for *e-bikes*.

Carried.

Charles Pope discloses an interest and abstains from voting on the matter as he is an e-bike retailer.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
COMMITTEE COORDINATOR

|                             |
|-----------------------------|
| <b>NOTIFY:</b>              |
| Windsor Bicycling Committee |

## Appendix C

### As per the Cycling Skills, Ontario's Guide to Safe Cycling

The following are key sections of the HTA concerning cyclists.

| HTA Section           | Offence                                  | Description  | Set Fine  |
|-----------------------|--|--|-----------|
| HTA 144/136           | Traffic signals and signs                | Stop for red lights and stop signs and comply with all other signs   | \$ 85.00  |
| HTA 153               | One-ways streets                         | Ride in the designated direction on one-way streets  | \$ 85.00  |
| HTA 147               | Slow moving traffic travel on right side | Any vehicle moving slower than the normal traffic speed should drive in the right-hand lane, or as close as practicable to the right edge of the road except when preparing to turn left or when passing another vehicle.        | \$ 85.00  |
| HTA 142               | Signalling a turn                        | Before turning, look behind you and signal your turn. Cyclists can use their right arm to signal a right turn.   | \$ 85.00  |
| HTA 140(1)<br>144(29) | Crosswalks                               | Yield or stop for pedestrians at crosswalks.   | \$ 85.00  |
| HTA 140(6)/144(29)    | No riding in crosswalks                  | Walk your bike when crossing at a crosswalk  | \$ 85.00  |
| HTA 166               | Streetcars                               | Stop two metres behind streetcar doors and wait until passengers have boarded or departed and reached the curb   | \$ 85.00  |
| HTA 175 (12)          | Stopped school buses                     | Stop for stopped school buses when the upper alternating red lights are flashing.  | \$ 400.00 |
| HTA 62(17)            | Lights                                   | A bike must have a white front light and a red rear light or reflector if you ride between 1/2 hour before sunset and 1/2 hour after sunrise and white reflective tape on the front forks and red reflective tape on rear forks. | \$ 20.00  |
| HTA 75 (5)            | Bell                                     | a bike must have a bell or horn in good working order  | \$ 85.00  |
| HTA 64(3)             | Brakes                                   | a bike must have at least one brake system on the rear wheel. When you put on the brakes, you should be able to skid on dry, level pavement.   | \$ 85.00  |
| HTA 218               | Identification                           | Cyclists must stop and identify themselves when required to stop by police for breaking traffic laws. The police officer will ask you for your correct name and address  | \$ 85.00  |

| HTA Section  | Offence                | Description   | Set Fine |
|--------------|------------------------|---|----------|
| HTA Reg. 630 | Expressways            | Bicycles are prohibited on expressway / freeway highways such as the 400 series, the QEW, Ottawa Queensway and on roads where "No Bicycle" signs are posted   | \$ 85.00 |
| HTA 178(2)   | Passengers             | Passengers are not allowed on a bicycle designed for one person.  | \$ 85.00 |
| HTA 178(1)   | Attaching to a vehicle | You are not permitted to attach yourself to the outside of another vehicle or streetcar for the purpose of "hitching a ride.  | \$ 85.00 |
| HTA 104      | Helmets                | Every cyclist under the age of eighteen must wear an approved bicycle helmet. Parents or guardians shall not knowingly permit cyclists under sixteen to ride without a helmet.  | \$ 60.00 |
| HTA 179      | Dismounted bicyclist   | Cyclists are required to ride on the right-hand side of the road. If you are walking your bike on a highway where there are no sidewalks, you are considered a pedestrian and you should walk on the left-hand side of the road facing traffic. If it is not safe for you to cross the road to face traffic, you may walk your bike on the right-hand side of the road. | \$ 35.00 |

**The following are not considered bicycles and are subject to different rules for use:**

- Limited-speed motorcycles
- Motor-assisted bicycles (mopeds)
- Low-speed vehicles
- Electric and motorized scooters (go-peds)
- Pocket bikes
- Segway Human/Personal Transporters

For more information on the rules of use for these types of vehicles, please visit [www.mto.gov.on.ca](http://www.mto.gov.on.ca).