

**That Traffic Bylaw 9148 BE AMENDED as adopted by Council
at its meeting held July 23, 2012 by
M318-2012 and M319-2012**

/AA
Windsor, Ontario July 23 2012

REPORT NO. 68 of the
ENVIRONMENT & TRANSPORTATION STANDING COMMITTEE
of its meeting held June 27, 2012

Present: **Councillor Hatfield, Chair**
 Councillor Halberstadt
 Councillor Payne
 Councillor Sleiman

Regrets: **Councillor Valentinis**

That the following recommendations of the Environment and Transportation Standing Committee **BE APPROVED:**

Moved by Councillor Payne, seconded by Councillor Sleiman,
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” 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

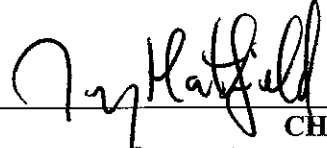
AND

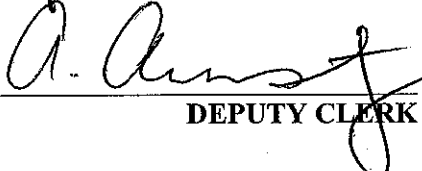
THAT Windsor Police Services **BE ADVISED** of these by law amendments for enforcement as resources allow.

Carried.

Clerk's Note: The report authored by the City Engineer dated May 12, 2012 entitled "By-law Regulations RE: Power Assisted Bicycles (e-bikes)" is attached as background information.

Livelihood 15995, ST2012


CHAIRPERSON


DEPUTY CLERK

NOTIFICATION:				
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THE CORPORATION OF THE CITY OF WINDSOR
Environment & Transportation Standing Committee – Administrative Report

**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"

LiveLink REPORT #: 15995 ST2012	Report Date: May 12, 2012 (PW#3367-06/14/12:ebr)
Author's Name: Josette Eugeni	Date to Standing Committee: June 27, 2012
Author's Phone: 519 255-6247 ext. 6418	Classification #:
Author's E-mail: juegeni@city.windsor.on.ca	

TO: Environment & Transportation Standing Committee

SUBJECT: Bylaw Regulations RE: Power Assisted Bicycles ("e-bikes")

1. RECOMMENDATION: City Wide: Ward(s):

The following is recommended for consideration by the Committee and Council:

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

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- 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:

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AND

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

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

In October of 2009, the Province of Ontario introduced new legislation permanently allowing the use of power-assisted bicycles commonly referred to as "E-bikes" on Ontario roads and highways where conventional bicycles were permitted. This legislation introduced the following requirements regarding the operation of E-bikes in order to increase rider safety:

1. The maximum weight of an E-bike is limited to 120 kilograms.
2. A maximum braking distance of nine metres is required.
3. Modifications of an E-bike's motor to enable power-assisted speeds greater than 32 km per hour is prohibited.
4. All operators must be at least 16 years of age, wear approved bicycle or motorcycle helmets and follow the same traffic laws that apply to bicyclist such as keeping as close to the right edge of the road as possible.

The increased safety requirements resulted from input obtained from various key stakeholders during a three year E-bike pilot program. The Provincial Legislation also delegates Municipal authority in passing By-laws specific to E-bikes, including prohibiting their use on municipal roads, sidewalks, multi-use trails, and bike lanes under their jurisdiction.

E-bike usage within the City of Windsor at the time of the noted three year pilot program was minimal, as such a true understanding of the effects of allowing their usage on City sidewalks and trails was not known at the time the new legislation was enacted. The recommendation on the regulation of E-bike usage is being brought forward by administration based on new information which has become available since this time.

A number of concerns have been reported to Administration and to City Councillors regarding the presence of E-bikes on multi-use trails and sidewalks.

3. DISCUSSION:

The increase in the popularity of E-bikes continues to raise a number of safety concerns relating to users of sidewalks and multi-use trails within the City of Windsor. Pedestrians rely on the use of sidewalks for safe travel. The introduction of other users such as cyclists, in-line skaters and E-bikes inherently increases the chances of conflicts with pedestrians. The low noise emissions and increased traveling speeds associated with the operation of E-bikes present additional concerns.

<u>Municipality</u>	<u>E-Bike use on Sidewalk</u>	<u>E-Bike use on Multi-Use Trails</u>
Ottawa – City Jurisdiction	Prohibited	New Policy under development/review
Ottawa – NCC Jurisdiction	Prohibited	Scooter type E-Bikes prohibited
Toronto	Prohibited	Scooter type E-Bikes prohibited
Guelph	Prohibited	Permitted where bicycles allowed
Sarnia	Prohibited	Scooter type E-Bikes prohibited
Ajax	Prohibited	Prohibited
London	Prohibited	Unconfirmed at time of printing

By putting E-bikes on the roadway there is also concern that this will have a potential to create conflicts between motorists and E-bikes. Police have expressed a concern that until the City's on-road cycling network matures that it may be best for now to leave E bikes on the trails and sidewalks. There is also concern the Windsor Police Services have insufficient resources to enforce these by laws. However it appears that the consensus from other municipalities is that E bikes are best in the roadway.

Based on feedback obtained from councilors, resident's concerns, as well as current practices in other municipalities, Administration is recommending that the use of E-bikes be prohibited on municipal sidewalks and multi-use trails.

E-Bike Use on Sidewalks

E-Bike use on sidewalks can be regulated in the Traffic By Law 9148. It is recommended that a new definition for "Power Assisted Bicycle (e-bike)" be added to the by-law, and "Power Assisted Bicycles (e-bike)" be inserted into Section 25(1), as well as Section 25(2) and Section 25B. In this manner, power assisted bicycles will be prohibited on sidewalks, though allowed in the bicycle lanes, under 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)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:

These changes also require some minor amendments to other sections to prohibit e-bikes on sections of road where bicycles are currently prohibited as noted in the recommendations.

E-Bike Use on Multi-Trail

E-bike use on multi-use trails (shared pathways) within the City right-of-ways can be regulated under the Traffic By-Law 9148. It is recommended that a new definition for Share Pathways (multi-use trails, trails) be added to the by-law and a new regulation to prohibit Power Assisted Bicycles (e-bikes) from the Shared Pathways (multi-use trails, trails) be added as follows under 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).

E-bike use on multi-use trails (shared pathways) within City Parks can be regulated under The Use, Regulation and Protection of Parks By Law 200-2002. Amending the definition of vehicle to include a power assisted bicycle will prohibit their use on multi-use trails. This amendment will be consistent with other sections of this by law which restricts trail speeds, with an upset limit of 20km/hr citywide.

Input from the Windsor Bicycling Committee and the Provincial Offences Prosecution Office will be sought in advance of the Standing Committee Meeting.

4. RISK ANALYSIS:

The unregulated use of E-bikes on City sidewalk and multi-use trails poses various issues and concerns related to liabilities which may result from potential accidents.

5. FINANCIAL MATTERS:

N/A

6. CONSULTATIONS:

Legal Department
Windsor Police Service
Parks & Facilities Department

7. CONCLUSION:

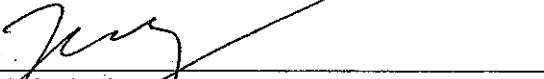
Prohibiting e-bikes (power assisted bicycles) from use on sidewalks and multi-use trails will reduce user conflicts from this infrastructure which is inherent with the speed differential. The use of power assisted bicycles is encouraged on all other facilities permitting bicycles.



Josette Eugeni
Manager of Transportation Planning



Wes Hicks
**Senior Manager, Infrastructure and
Transportation Planning/Deputy City Engineer**



Mario Sonogo
**City Engineer and Corporate Leader –
Environmental Protection &
Transportation**

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED:

Name: Wira H.D. Vendrasco, Deputy City Solicitor/Manager of Legal Services & Real Estate

Phone #: 519-255-6100 ext 6375

Name: Staff Sergeant Mike Kelly – Windsor Police Services

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A. FREDERICK, CHIEF OF POLICE				
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JOHN WOLF, MANAGER OF TRAFFIC OPERATIONS				
WIRA H.D. VENCASCO, LEGAL DEPT				
MIKE CLEMENT, PARKS AND FACILITIES DEPT.				