



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.1.6
Regional Council
July 9, 2024

TO: Mayor Savage and Members of Regional Council

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: June 4, 2024

SUBJECT: Amendments to By-law M-300 to Enable Shared Micromobility Pilot Program

ORIGIN

July 11, 2023 Regional Council Motion (Item 15.1.2)

MOVED by Councillor Smith, seconded by Councillor Mason.

THAT Halifax Regional Council:...4. Direct the Chief Administrative Officer to implement a shared micromobility pilot project as per the proposed implementation approach described in the Discussion section of the staff report dated June 15, 2023;

5. Direct the Chief Administrative Officer to prepare amendments to By-law M-300 ("Part B") to develop new regulations and supporting implementation tools to regulate the shared micromobility pilot project and return to Council for approval.

MOTION PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Motor Vehicle Act, RSNS 1989, c 293

305B The council of a municipality may make by-laws

- (a) regulating the use of electric kick-scooters on sidewalks, shared-use sidewalks, municipal highways, bicycle lanes, trails or in other public areas in the municipality that are not public highways;
- (b) prescribing the maximum allowable speed for the operation of electric kick-scooters, including prescribing different maximum speeds for different areas, roads or paths, or types of road or path;
- (c) regulating the use of privately owned and rented electric kick-scooters;
- (d) restricting the operation of electric kick-scooters during certain times of the year;
- (e) restricting the operation of electric kick-scooters when certain weather conditions are occurring or are expected to occur;
- (f) regulating the parking, docking or storage of electric kick-scooters;
- (g) creating offences and prescribing penalties for the violation of by-laws made under this Section.

RECOMMENDATION ON PAGE 2

Halifax Regional Municipality Charter, SNS 2008, c 39

188(1) The Council may make by-laws, for municipal purposes respecting...

- (c) persons, activities and things in, on or near a public place or place that is open to the public;
- (d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances ...
- (e) transport and transport systems;
- (f) businesses, business activities and persons engaged in business;

191 Without limiting the generality of Section 188 but notwithstanding the Motor Vehicle Act, the Council may, by by-law, regulate vending, any class of vending, mobile vendors and the placement of vending machines on the streets of the Municipality;

319(4) The Council may, by by-law, ... (b) prohibit any person from using any vehicle or apparatus on a sidewalk in the Municipality;

324(2) The Council may, by by-law, regulate encroachments upon, under or over streets, including stipulating the period of time an encroachment may remain and the entering into of agreements, including terms and conditions, for particular encroachments.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt By-law M-301, Amending By-law M-300, the *Micromobility By-law*, as set out in Attachment 2 to this report.

BACKGROUND

In July 2023, Regional Council approved By-law M-300 Respecting Micromobility which enabled the use of electric kick scooters (e-scooters) in HRM and regulates the places where e-scooter use is permitted and excluded as well as speed limits and other factors to promote safe use for all users of the street. At the same time, Regional Council also approved an approach to regulating businesses operating short-term rental of e-scooters and bicycles within the right-of-way and on HRM property and the implementation of a two-year shared micromobility pilot program.

A request for proposals (RFP) to identify up to two private companies to provide bicycle/e-bike and e-scooter share services for the pilot program is being issued in early summer 2024. The successful proponent(s) will enter into an agreement with HRM to fully deploy a shared micromobility system by April 1, 2025.

The approved approach to regulating the business of shared micromobility and the design of the pilot program was informed by HRM's Shared Micromobility Readiness Study, input from various HRM business units, and the experiences of comparable jurisdictions in Canada.

DISCUSSION

Update on Timing of Pilot Program

The report, [Regulation of Electric Kick-scooters and Shared Micromobility Services](#), dated June 15, 2023, proposed a target to launch the two-year pilot program in 2024. This target has since been revised to April 1, 2025, though partial launch of the system in 2024 will be considered if proposed and deemed feasible by HRM and the successful proponent(s). Staff expect to have the proponent(s) selected by the end of summer 2024. The pilot program will be allowed to operate for two full seasons which will extend the timeline to November 30, 2026, with a potential extension into 2027 if HRM and the successful proponent(s) agree to operate the shared bicycle/e-bike fleet in the winter. The revised timeline for launch of the system is due to the time required to evaluate the benefits of an RFP/contract approach compared to a licensing approach, seek and respond to feedback on the RFP and related documents from multiple HRM business units, and hire the Shared Micromobility Project Manager, which is still pending.

Proposed Amendments to By-law M-300

The report dated June 15, 2023 proposed adding at a later date a “Part B” to By-law M-300 that would regulate all aspects of operating shared micromobility services in HRM. However, for at least the duration of the pilot, staff are instead proposing to regulate most aspects of the services through the agreement(s) with the successful proponent(s). This approach maintains flexibility to respond quickly to issues that may arise early in the pilot, as compared to the process to seek Regional Council approval for additional amendments to M-300. Upon completion and evaluation of the pilot, adding regulatory provisions to M-300 will be considered.

The proposed amendments to M-300 will prohibit operators that are not part of the pilot program from operating. These amendments have a planned effective date of December 1, 2024, which will allow staff to work with the successful proponent(s) to begin the pilot program for the 2025 season.

One of the proposed amendments is the addition of a definition of “shared micromobility services”. The definition references a key characteristic of shared micromobility services – the option for a user to begin or end their short-term rental on Municipal property – to identify the types of businesses that will be regulated through the by-law. The definition does not include traditional bicycle rental businesses that typically require rentals to begin and end on private or non-Municipal property.

FINANCIAL IMPLICATIONS

The cost implications to HRM are largely related to additional staff resources to oversee the pilot project, which would include contract administration, data analysis, monitoring, and evaluation of the pilot project. There are expected one-time capital costs, which include e-scooter parking hubs and additional bike parking. A range of known and potential costs were identified in the staff report dated June 15, 2023.

Based on the system launch date of April 1, 2025, known and potential costs have been revised and are identified in Table 1.

Table 1: Estimated Costs of Pilot Program

	2024/25	2025/26	2026/27
Capital Costs			
Additional bicycle parking & e-scooter parking hubs	\$75,000	\$75,000	\$15,000
Truck purchase & operation (potential)		\$100,000	
One to two e-bikes for enforcement (potential)		\$5,500 - \$11,000	
Total capital costs	\$75,000	\$180,500 - \$186,000	\$15,000
Operating Costs			
Program Manager (1-2 FTEs)	\$110,600	\$110,600 - \$220,000	\$110,600 - \$220,000
Compliance Officers (1-2 FTEs, potential)		\$90,000 - \$180,000	\$90,000 - \$180,000
Truck rental (potential)		\$6000	\$6000
Vehicle repair & maintenance (potential)		\$500 - \$2,500	\$500 - \$2,500
Total Operating Costs	\$110,600	\$207,100 – \$408,500	\$222,100 - \$408,500
Total Costs	\$185,600	\$387,600 - \$594,500	\$237,100 - \$423,500

Funding for the 2024/25 program costs are available in the Public Works Operating and Capital accounts.

Ideally, some of these costs would be offset by revenues generated through fees paid by the successful proponent(s) to HRM. The revenues collected would depend on fee structure agreements made with the

private companies. Through the RFP process, operators have been asked to propose a fee structure that balances HRM's goal of generating revenue to offset costs with HRM's other goals and objectives for the pilot, including a sustainable system. There would likely be revenue from fines as well which would offset the costs outlined above.

Costs associated with the pilot program will be included in future years proposed operating and capital budgets.

RISK CONSIDERATION

The risks associated with providing shared micromobility services in HRM were considered in the staff report dated June 15, 2023. The risks associated with the proposed amendments to By-law M-300 include:

- No successful proponent is identified through the RFP process. This risk will be mitigated by setting an effective date (December 1, 2024) for the by-law amendments that allows time for a second procurement process and/or time to return to Regional Council with further amendments to the By-law.
- There is a risk that unsuccessful RFP proponents, who would be prohibited from operating shared micromobility services on HRM property beginning on the effective date, would bring legal action against HRM for restrictive trade practices. This risk is being mitigated by following open and transparent procurement and by-law amendment processes, setting an effective date that allows operators time to prepare for upcoming changes to regulations, and planning additional changes to regulations informed by the outcomes of the two-year pilot program.

COMMUNITY ENGAGEMENT

Public and stakeholder engagement was completed in 2019 as part of HRM's Shared Micromobility Readiness Study. No further engagement has been initiated.

ENVIRONMENTAL IMPLICATIONS

This project is supportive of the sustainability objectives of the municipality as it aims to make sustainable, low-carbon transportation options more convenient and accessible for everyday transportation purposes.

ALTERNATIVES

That Halifax Regional Council:

1. Refuse to adopt By-law M-301, amending By-law M-300. This is not recommended;
2. Adopt By-law M-301, amending By-law M-300, subject to modifications. This may require a supplementary staff report.

ATTACHMENTS

ATTACHMENT 1: Showing Proposed Changes to M-300

ATTACHMENT 2: Amending By-law M-301

Report Prepared by: Mark Nener, Supervisor, Active Transportation Planning, Public Works, 902.490.8474

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW M-300
RESPECTING MICROMOBILITY**

BE IT ENACTED by the Council of the Halifax Regional Municipality under the authority of section 305B of the *Motor Vehicle Act*, RSNS 1989, c 293 and section 188 of the *Halifax Regional Municipality*, SNS 2008, c 39, as follows:

Short Title

1. This By-law shall be known as By-law M-300, the *Micromobility By-law*.

Interpretation

2. In this By-law,
 - (a) “bicycle lane” means a marked lane on a roadway designated by a traffic sign for the use by bicyclists;
 - (b) “CAO” means the Chief Administrative Officer of the Halifax Regional Municipality;
 - (c) “electric kick-scooter” means a vehicle that is operated in a standing position and has
 - (i) two wheels placed along the same longitudinal axis, a steerable wheel placed at the front of the vehicle and non-steerable wheel at the rear,
 - (ii) wheels with a diameter of not less than one hundred and eighty-five millimetres and not greater than four hundred and thirty millimetres,
 - (iii) a platform for standing between the two wheels,
 - (iv) a steering handlebar that acts directly on the steerable wheel, and
 - (v) an electric motor not exceeding five hundred watts that provides a maximum speed of thirty-two kilometres per hour;
 - (d) “Executive Director” means the position determined by the CAO to be the head of a department of the Municipality, and who is accountable to the CAO under section 36 of the *Halifax Regional Municipality Charter*;
 - (e) “multi-use pathway” means any three to four metre wide paved or crusher dust trail that forms part of a network intended for walking, bicycling, or other active modes of transportation owned by the Municipality;
 - (f) “Municipality” means the Halifax Regional Municipality;
 - (g) “owner” means **any person or business operating a shared micromobility service** ~~a business offering a shared transport service in which an electric kick-scooter is made available to use or operate for short-term rental~~ in the Municipality;
 - (h) “park” means any land, owned, leased, or controlled by the Municipality, designated or used as parkland, including gardens, playgrounds, sports fields and beach areas;

- (i) "roadway" means that portion of a street or highway between the curb lines or the travelled portion of a street designed for vehicular travel;
- (ia) "shared micromobility service" means any business offering rentals of electric kick-scooters, bicycles, electric bicycles or any other similar devices that allows for a rental to begin or end on Municipal property, and for greater clarity, does not include a business offering rentals that begin and end on private or non-municipal property;
- (j) "sidewalk" means that portion of a street between the curb line and adjacent property line or any part of a street especially set aside for pedestrian travel and separated from the roadway;
- (k) "street" means all public streets, roads, lanes, sidewalks, thoroughfares, bridges and squares, and all curbs, gutters, culverts and retaining walls in connection therewith and without restricting the generality of the foregoing includes the full right of way width; and
- (l) "traffic authority" means the traffic authority appointed by Halifax Regional Council pursuant to section 321(2) of the *Halifax Regional Municipality Charter*.

Application

- 3. This By-law applies to the use and operation of electric-kick scooters in the Municipality.
- 4.(1) Except where permitted by this By-law, the operation of an electric kick-scooter in the Municipality is prohibited.
 - (2) The operation of an electric kick-scooter shall only be permitted on:
 - (a) roadways having a speed limit of 50 kilometers per hour or less;
 - (b) bicycle lanes on any roadway; and
 - (c) multi-use pathways within streets.
 - (3) Where permitted under subsection (2), no person shall operate an electric kick-scooter:
 - (a) at a speed in excess of 25 kilometers per hour on a roadway or bicycle lane;
 - (b) at a speed in excess of 15 kilometers per hour on a multi-use pathway;
 - (c) on a sidewalk; or
 - (d) subject to subsection (4), in a park.
 - (4) The Executive Director responsible for Parks & Recreation may designate parks permitting the use and operation of an electric kick-scooter.
- 5. No person shall park, dock, store or leave an electric kick-scooter on a highway, roadway, sidewalk, trail, path, walkway, exhibition ground or multi-use pathway in such a manner that obstructs the flow of pedestrian, cyclist or vehicular traffic.
- 6. The traffic authority may erect signs fixing the maximum allowable speed of electric kick-scooters where the operation of electric kick-scooters is permitted by by-law.

Abandonment Prohibited

- 7. No owner shall permit an electric kick-scooter to be abandoned upon any municipal property.

Information Required on Electric Kick-Scooters

8. **The An owner of an electric kick-scooter shall permanently affix an electric kick-scooter offered for use as a rental with the following information:**

- (1) the name of the owner or business or both; **and**
- (2) a valid published telephone number and address for returning the electric kick-scooter to the owner; **and**
- (3) a unique identification number.

Impoundment

9.(1) Any municipal employee or agent may retrieve and impound any electric kick-scooter abandoned on municipal property.

(2) Within 48 hours, the Municipality shall inform the owner that the electric kick-scooter has been impounded.

(3) An impound fee in the amount set by Administrative Order 15, *Respecting License, Permit and Processing Fees* shall apply to each electric kick-scooter impounded pursuant to subsection (1).

(4) The Municipality shall release impounded electric kick-scooters on the payment of the impound fee pursuant to subsection 9(3).

10.(1) The Municipality may sell or otherwise dispose of any impounded electric kick-scooters not retrieved by the owner within 7 working days following the date of notice.

(2) Notice is deemed to have been served on the third day after it was sent.

(3) All expenses incurred by the Municipality in seizing, removing, impounding, storing and disposing of the electric kick-scooter may be charged and recovered as a debt due from the owner.

Exemption from Encroachment License

10A. Notwithstanding By-Law E-200, the *Encroachment By-law*, an Encroachment License is not required for a shared micromobility service with an agreement with the Municipality under the Municipality's Shared Micromobility Pilot Project to install and operate docking stations and parking corrals in accordance with the agreement.

Penalties

11. A person who contravenes any section of this By-law is liable upon summary conviction to a penalty of not less than fifty dollars (\$50).

12.(1) Notwithstanding section 11, a person who operates a shared micromobility service without an agreement with the Municipality under the Municipality's Shared Micromobility Pilot Program is liable upon summary conviction to a penalty of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000).

(2) Every day during which an offence pursuant to subsection 12(1) continues is a separate offence.

Done and passed this 11th day of July, 2023.

MAYOR

MUNICIPAL CLERK

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of Halifax Regional Council held on July 11, 2023.

Iain MacLean, Municipal Clerk

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW M-301
RESPECTING MICROMOBILITY**

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-law M-300, the *Micromobility By-law*, shall be amended as follows:

1. Amending section 2 by:
 - (a) Amending clause (g) by striking out the words “a business offering a shared transport service in which an electric kick-scooter is made available to use or operate for short term rental” after the word “means” and before the word “in” and replacing it with the words “any person or business operating a shared micromobility service”; and
 - (b) Adding the following clause immediately after clause (i) and before clause (j):
 - (ia) “shared micromobility service” means any business offering rentals of electric kick-scooters, bicycles, electric bicycles or any other similar devices that allows for a rental to begin or end on Municipal property, and for greater clarity, does not include a business offering rentals that begin and end on private or non-municipal property;
2. Amending section 8 by:
 - (a) striking out the word “The” at the beginning of the section and replacing it with the word “An”;
 - (b) striking out the words “of an electric kick-scooter” after the word “owner” and before the word “shall”;
 - (c) adding the words “offered for use a rental” after the word “kick-scooter” and before the word “with”;
 - (d) striking out the word “and” after the semi-colon in subsection (1);
 - (e) striking out the period at the end of subsection (2) and replacing it with a semi-colon and the word “and”; and
 - (f) adding the following subsection immediately after subsection (2):
 - (3) a unique identification number.
3. Adding the following heading and section immediately after section 10:

Exemption from Encroachment License

10A. Notwithstanding By-Law E-200, the *Encroachment By-law*, an Encroachment License is not required for a shared micromobility service with an agreement with the Municipality under the Municipality’s Shared Micromobility Pilot Project to install and operate docking stations and parking corrals in accordance with the agreement.
4. Adding the following sections immediately after section 11:

12.(1) Notwithstanding section 11, a person who operates a shared micromobility service without an agreement with the Municipality under the Municipality's Shared Micromobility Pilot Program is liable upon summary conviction to a penalty of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000).

(2) Every day during which an offence pursuant to subsection 12(1) continues is a separate offence.

5. This By-law shall be effective on and after December 1, 2024.

Done and passed this day of , 2024.

MAYOR

MUNICIPAL CLERK

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of Halifax Regional Council held on , 2024.

Iain MacLean, Municipal Clerk