

implement, enforce and evaluate efforts. The City would also typically explore partnerships with other municipalities in the Capital Region in order to collaboratively develop and implement projects that offer consistent, predictable and safe experiences for the thousands of residents who travel between municipal borders each day.

The City submitted an expression of interest and initial application in order to learn more about the process, roles and requirements. The role of the Province is focused largely on establishing an applicable regulation, defining technical device and user requirements, and enabling local government and First Nation participation. The model relies on local government resources to plan, implement and evaluate each pilot and is not supported by dedicated in-kind or financial provincial funding.

Based on program timelines and requirements, the City's current priorities and existing resource levels, staff are recommending initiating planning for a second call to the Pilot Program for implementation in 2021. The scope would likely focus on reduced default speed limits on local streets as well as allowing the use of new mobility devices within municipal boundaries in partnership with other local governments in the region. Project details and corporate resource requirements will be brought forward for Council's consideration as a part of the 2021 Financial Planning process.

PURPOSE

In November 2019 the Province of BC announced its intention to amend Motor Vehicle Act legislation by enabling the development of regulations for pilot programs with Municipalities and Treaty First Nations. This report provides an overview of the Motor Vehicle Act Pilot Program process and requirements for the City of Victoria to successfully and sustainably participate in this program.

BACKGROUND

Municipalities have authority to regulate the use and enforcement of traffic on roads through their streets and traffic bylaw under the context of the "parent" provincial legislation. The Motor Vehicle Act was developed in 1957 and while amendments such as penalties for distracted or impaired driving or equipment requirements for cyclists have been made over the years, a comprehensive review of the Act has not been undertaken in decades. With the increasing pace of innovation within the mobility landscape, the applicability and suitability of the current provincial legislation is increasingly being tested.

For several years, numerous local governments in BC have been seeking a fulsome update to the MVA in order to better reflect the current mobility environment. In 2017 the Mayor, on behalf of the City, requested a formal update and modernization to the Act to address gaps in the legislation and better define rules to support vulnerable road users such as pedestrians and cyclists. In 2018, a UBCM motion formally endorsed the call for such an update but at this time this has not occurred and there are no indications from the province of plans to do so. This is still considered as an outstanding and important project for the Province to initiate.

The Province of BC has recently established a new process to allow for pilot projects under the Motor Vehicle Act for Municipalities and treaty First Nations to understand how to better regulate matters related to active transportation that are currently not provided for or addressed under the Act. The outcomes of the Pilot Program process may influence permanent changes to legislation in the future.

The first pilot “call”, announced in January 2020, focuses solely on the use of electric scooters and other zero emission motorized personal mobility devices (herein referred to as micro-mobility devices). It appears that this topic was identified as a priority as there has been recent growth in this mobility sector along with industry desire to see enabling legislation in place.

Micro-mobility technologies typically transport one person at a time and have technical features, operating functions and requirements comparatively similar to an e-bicycle. Micro-mobility devices that are defined under this pilot do not include electric wheelchairs or three-wheeled sit-down mobility scooters that are commonly used by people with disabilities.

Examples of micro-mobility devices are shown below:

		
<p><i>Electric kick scooter</i></p>	<p><i>Electric hover board</i></p>	<p><i>Electric unicycle</i></p>

Micro-mobility devices are not currently legally allowed to be operated anywhere in British Columbia, however, are appearing more frequently on roads, bike lanes, sidewalks and trails. The cost of these devices is typically much less than an electric bicycle and are compact for easy indoor storage. They can be an attractive, affordable and convenient form of transportation and will likely play an increasing role in urban mobility in the years ahead.

Micro-mobility devices can be owned by individuals or accessed through businesses which rent them out, like a bike rental business or car share model. The short-term rental model is offered in several cities around the world with mixed success. In order to facilitate shared micro-mobility device rentals outside of established, traditional storefront businesses that are zoned for rentals (eg: digitally through an app), the City would also need to introduce a new business licence bylaw and procurement process to establish clear regulations and expectations for operators. This work can be advanced in 2020 to accommodate devices that are already approved under the Act (eg: bicycles and electric bicycles) with language that enables other approved devices if and when they are supported for use in the City of Victoria. New business licencing programs for new mobility devices were identified as a strategy in GO Victoria and will be the subject of a future staff report.

ISSUES AND ANALYSIS

In order to learn more about the pilot project process and assess resourcing requirements, in early 2020 the City submitted an expression of interest to the Province. The initial application helped to get better understanding of provincial timelines, requirements, accompanying resources and responsibilities to participate.

All pilot projects have a maximum duration of three years to promote the goals of research and evaluation. The provincial model requires each participating municipality to define their own scope under the pilot theme. Under the micro-mobility pilot, for example, this means different devices can

be approved for use in different jurisdictions with the potential for completely different user rules and expectations on the road.

The City has been advised that at this time, the MVA pilot would be wholly undertaken by the applying municipality and that there are no dedicated resources available from the Province to support participation. Local governments may apply for funding under the Active Transportation Grant Program to support efforts, however timing of this grant program is not currently in sync with the MVA Pilot Program. This grant program is also currently the only source of active transportation infrastructure funding available from the Province of BC so 'competes' with other municipal proposals for crosswalks, transit shelters, pathways, sidewalks, bike parking and bike lanes. While road safety partners such as ICBC have grant programs to support infrastructure, there are no current funding streams to support MVA pilot projects.

The pilot program requires municipal leadership for planning, implementation, monitoring, enforcement, outreach and assessment. All associated liability and reputational risk associated with any pilot is also borne by the municipality. Communications will largely be the responsibility of the participant community. The Ministry of Transportation & Infrastructure will provide general information and a set of frequently asked questions on their website and will also explore information sharing with ICBC to educate road users. All monitoring, reporting and dissemination of pilot outcomes to inform future legislative changes is also the responsibility of the local government.

In addition to project management and planning within the Transportation Division, any MVA pilot would require the involvement and resources from Legislative Services, Legal Services, Victoria Police, and Bylaw Services as well as support from Engagement and Procurement. Some of the specific issues for the City to consider for any pilot under the Act include:

- The scope and design of the project (what specifically is being assessed) and length of the pilot and how this impacts other work plans and capital budget
- Where the pilot will be allowed (roads, pathways, multi-use trails, bike lanes etc.)
- Required municipal bylaw changes, including bylaws for fees and fines
- The availability of resources and supports from the Province of BC or other road safety partners like ICBC or BCAA
- The participation by other municipalities in the Capital Region.
- Requirements for police enforcement.
- Requirements for communications and road user education/awareness programs.
- Requirements for any capital investments and associated maintenance costs.
- Requirements for data collection and evaluation processes
- Potential legal and reputational risk

Within this context, the City is obliged to ensure that any participation is sustainable, can be effectively resourced and represents the best alignment with the mobility priorities identified within GO Victoria, the City's Sustainable Mobility Strategy. In the absence of any dedicated resources from the Province, the City does not have the resources to develop and effectively sustain a pilot.

Unfortunately, due to confidentiality agreements, the Province is unable to share details on which other local governments in BC that intend to move forward with the first pilot. Staff have confirmed that the District of Saanich, the District of Oak Bay and the Capital Regional District (CRD) have not submitted applications at this time. Municipalities such as Kelowna and Vancouver are planning on moving applications forward although delays due to COVID-19 priorities may impact roll out. The District of Saanich has expressed interest in working with other municipalities, including the City of Victoria, on a project for the second pilot opportunity this fall for implementation in 2021.

The Ministry of Transportation & Infrastructure is moving forward with developing a regulation for the micro-mobility pilot in Quarter 3, 2020. All pilot participants must be approved by Cabinet within the regulation, so municipalities do not have the opportunity to simply opt in when they are ready. As such, interested municipal governments need to confirm their intentions to participate, including a formal Council motion, if they would like to proceed with the first call.

Accessibility Considerations:

The City's draft Accessibility Framework identifies the importance of reducing barriers and providing more travel options for people with disabilities. Exploring options to enable people using electric wheelchairs and mobility scooters to travel outside of the sidewalk may be something that the City wants to consider under the Pilot Program. As a part of any future scoping exercise, the City would want to engage with people who have lived experience to determine risks and benefits of including these types of devices within future MVA pilot projects.

Financial Plan Considerations:

The required staffing and financial resources to participate in a Motor Vehicle Act Pilot Program were not contemplated in the 2020 Financial Plan. With more fulsome exploration, recommendations can be made to Council through the 2021 Financial Plan process to participate in a second pilot opportunity. This will more accurately consider required inter-departmental resources, the ability to collaborate with other municipalities, any changes in the level of support provided by the Province and the most effective pilot evaluation methods, potentially in partnership with academic institutions and the CRD.

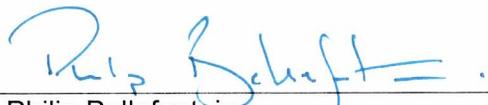
NEXT STEPS:

Staff will evaluate resource requirements and liaise with neighbouring municipalities to develop a pilot project scope for a future call that supports road safety objectives in a manner consistent with the goals of GO Victoria and Council's Strategic Priority on reduced speed limits. An associated corporate resource assessment will be brought forward as a part of the 2021 financial planning process for Council's consideration.

Respectfully submitted,



Sarah Webb
Manager, Sustainable Transportation
Planning & Development



Philip Bellefontaine
Acting Director, Engineering & Public
Works



Report accepted and recommended by the City Manager:

Date: May 15, 2020