


AGENDA INFORMATION

- ☒ Regular Meeting
☐ Other:

Date: February 22, 2021
Date: _____


Dept.
Manager

GM/
Director


CAO

**The District of North Vancouver
REPORT TO COUNCIL**

February 9, 2021
File: 09.3900.20/000.000

AUTHOR: Genevieve Lanz, Deputy Municipal Clerk

SUBJECT: **Bylaws 8489, 8490 and 8491: Street and Traffic Bylaw, Fees and Charges Bylaw and Bylaw Notice Enforcement Bylaw Amendments – E-bike Share**

RECOMMENDATION:

THAT "District of North Vancouver Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8489, 2021 (Amendment 22)" is ADOPTED;

AND THAT "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8490, 2021 (Amendment 71)" is ADOPTED;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8491, 2021 (Amendment 59)" is ADOPTED.

BACKGROUND:

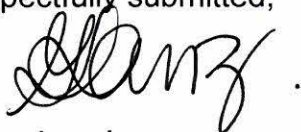
Bylaws 8489, 8490 and 8491 received First, Second and Third Readings on February 8, 2021.

The bylaws are now ready to be considered for Adoption by Council.

OPTIONS:

1. Adopt the bylaws;
2. Give no further Readings to the bylaws and abandon the bylaws at Third Reading; or,
3. Rescind Third Reading and debate possible amendments to the bylaws.

Respectfully submitted,



Genevieve Lanz
Deputy Municipal Clerk

**SUBJECT: Bylaws 8489, 8490 and 8491: Street and Traffic Bylaw, Fees and Charges
Bylaw and Bylaw Notice Enforcement Bylaw Amendments – E-bike
Share**

February 9, 2021

Page 2

Attachments:

1. Bylaw 8489
2. Bylaw 8490
3. Bylaw 8491
4. Staff report dated January 13, 2021

REVIEWED WITH:		
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS
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<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services
<input type="checkbox"/> Review and Compliance	_____	<input type="checkbox"/> Planning
External Agencies:		
		<input type="checkbox"/> Library Board
		<input type="checkbox"/> NS Health
		<input type="checkbox"/> RCMP
		<input type="checkbox"/> NVRC
		<input type="checkbox"/> Museum & Arch.
		<input type="checkbox"/> Other:

The Corporation of the District of North Vancouver

Bylaw 8489

A bylaw to amend Street and Traffic Bylaw 7125, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8489, 2021 (Amendment 22)".

Amendments

2. Street and Traffic Bylaw 7125, 2004 is amended by:

- 2.1 adding the following definitions to section 302 in alphabetical order:

Cycle means a device having any number of wheels that is propelled by human power and on which a person may ride but does not include a play vehicle;

E-Bike Share Permit means a permit issued by the Municipal Engineer under section 743 of this bylaw;

E-Bike Share Service means a legal entity whose business is to provide access to a fleet of E-Bikes for a fee;

E-Bike Share Zone means the area or space on a roadway designated by a Traffic Control Device and established for the exclusive use of a specified E-Bike Share Service;

E-Bike or Motor Assisted Cycle means a type of cycle:

- (a) with two or three wheels to which pedals or hand cranks are attached that allow for the cycle to be propelled by human power;
 - (b) on which a person may ride;
 - (c) to which is attached an electric motor that has an output not exceeding 500 W;
 - (d) that meets the other criteria prescribed under the *Motor Vehicle Act*, RSBC 1996, c. 318, the *Motor Vehicle Act Regulations* and the *Motor Assisted Cycle Regulation*, all as may be amended or replaced.

Inter-Municipal Bike Share Program means an E-Bike share program to

facilitate the operation of E-Bike Share Services in the District and other municipalities that is jointly operated by the District with other partnering municipalities;

Motor Assisted Cycle Regulation means the *Motor Assisted Cycle Regulation*, BC Reg 151/2002;

Motor Vehicle Act Regulations means the *Motor Vehicle Act Regulations*, BC Reg. 26/58;

2.2 deleting section 516 and substituting the following:

516. The Municipal Engineer may direct the placement of Traffic Control Devices to designate a portion of a Highway as a Loading Zone, Passenger Zone, Commercial Loading Zone or E-Bike Share Zone and to define the rights, duties and obligations of traffic with respect to that zone.

2.3 inserting the following as section 520A after section 520:

520A. No person shall stop, stand or park a vehicle in an E-Bike Share Zone except for the purpose of loading or unloading persons or materials.

2.4 deleting "without a valid and subsisting Highway Use Permit issued by the District pursuant to this Bylaw" at the end of section 702 and substituting "without a valid and subsisting Highway Use Permit or E-Bike Share Permit issued by the District pursuant to this Bylaw."

2.5 deleting section 716 and substituting the following:

716. Except as set out in sections 406, 707 – 715, 742 and 744, a person must not undertake any construction or planting on a Highway except as specifically authorized by a Highway Use Permit, Highway Construction and Planting Permit, E-Bike Share Permit or other District approval and, without limiting the foregoing, a person must not do any of the following on a Highway:

2.6 inserting the following after section 742:

E-Bike Share Services

743. The Municipal Engineer may issue an E-Bike Share Permit to an E-Bike Share Service where the Municipal Engineer is satisfied that the E-Bike Share Service has received approval through an Inter-Municipal Bike Share Program.

744. The Municipal Engineer may establish and designate Geo-fenced Areas for use by the holder of an E-Bike Share Permit and the permit holder will, at its own expense, install such pavement markings and signage as approved by the Municipal Engineer to identify the Geo-fenced Area or, if installed by the District, will reimburse the District for such costs.
745. The Municipal Engineer may, by directing the placement of Traffic Control Devices, regulate and control the operation of E-Bike Share Services within a Geo-fenced Area, including the speed of E-Bikes and the regulation or prohibition of parking of any E-Bikes within a Geo-fenced Area.
746. A person or legal entity may only operate an E-Bike Share Service with a valid E-Bike Share Permit and in accordance with all of the conditions of such permit and the requirements of this bylaw.
747. A person must not operate or park an E-Bike contrary to the regulations in any Traffic Control Device.
748. The holder of an E-Bike Share Permit may deploy a fleet of E-Bikes in any location where parking is permitted and where authorized by the Municipal Engineer for the purpose of making E-Bikes available to reserve for use.
749. Successful applicants for the E-Bike Share Permit must pay the E-Bike Share Permit fee and the security for performance fee set out in the Fees and Charges Bylaw 6481, as amended from time to time, prior to being issued a permit. The security for performance is refundable, less any deductions in accordance with section 747.
750. The Municipal Engineer may deduct the following fees from the security for performance fee:
- 750.1 **E-Bike retrieval fee:** all costs incurred by the District (including staff time plus an administrative fee of 15%) related to the retrieval of any E-Bike owned or operated by an E-Bike Share Service; and
- 750.2 **E-Bike impoundment fee:** \$50 per E-Bike plus \$1 per day for storage. If the E-Bike Share Service fails to retrieve the E-Bike after 30 days, the District will recycle the E-Bike and charge any recycling costs incurred.

If the fees imposed under section 750 exceed the total of the security for performance, the District is authorized to charge fines

and fees directly to the E-Bike Share Service, to require payment of an additional security for performance, or to cancel the Permit.

- 2.7 amending section 1201 by adding "(including but not limited to an E-Bike)" after "Any chattel, obstruction or vehicle".

READ a first time February 8th, 2021

READ a second time February 8th, 2021

READ a third time February 8th, 2021

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8490

A bylaw to amend Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8490, 2021 (Amendment 71)".

Amendments

2. Schedule F of Fees and Charges Bylaw 6481, 1992 is amended by inserting the following new fees and charges in the table immediately following the fee for Highway Construction and Planting Permit:

E-Bike Share Permit Application Fee*	\$250.00	
E-Bike Share Permit Fee*	\$40.00	Paid annually; Per E-Bike deployed (not including E- Bikes in storage)
*These fees waived if paid to other municipality in inter-municipal E-bike share program		
E-Bike Security for Performance	\$10,000.00	

READ a first time February 8th, 2021

READ a second time February 8th, 2021

READ a third time February 8th, 2021

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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The Corporation of the District of North Vancouver

Bylaw 8491

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8491, 2021 (Amendment 59)".

Amendments

2. Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by inserting the following violations for the Street and Traffic Bylaw 7125, 2004 in numerical order:

Street & Traffic Bylaw 7125, 2004						
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
520A	Park in E-Bike Share Zone	50	40	80	NO	N/A
746	Operate E-Bike Share Service contrary to permit	50	40	80	NO	N/A
747	Operate E-Bike contrary to Traffic Control Device	50	40	80	NO	N/A

READ a first time February 8th, 2021

READ a second time February 8th, 2021

READ a third time February 8th, 2021

ADOPTED

Mayor

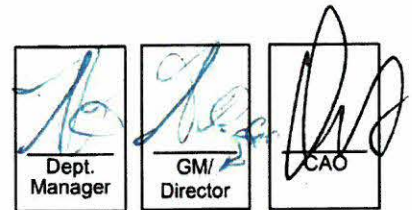
Municipal Clerk

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Municipal Clerk

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AGENDA INFORMATION	
<input type="checkbox"/> Regular Meeting	Date: _____
<input type="checkbox"/> Other:	Date: _____



**The District of North Vancouver
REPORT TO COUNCIL**

ATTACHMENT 4

January 13, 2021
File: 16.8620.01/025.000

AUTHOR: Zachary Mathurin, North Shore Mobility Options Coordinator

SUBJECT: Proposed Bylaw Amendments to Enable E-Bike Share

RECOMMENDATION:

THAT "Street and Traffic Bylaw 7125, 2004, Amendment Bylaw 8489, 2021 (Amendment 22)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8490, 2021 (Amendment 71)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8491, 2021 (Amendment 59)" is given FIRST, SECOND, and THIRD Readings;

AND THAT the E-Bike Share Permit be implemented on a pilot basis for two years from the time of permit issuance;

AND THAT staff be directed to limit the number of permits the District jointly issues with participating North Shore municipalities to one E-Bike Share operator during the pilot.

REASON FOR REPORT:

The purpose of this report is to introduce bylaw amendments that will enable the District to participate in an electric bicycle (e-bike) share pilot with other North Shore municipalities.

SUMMARY:

Participation in an e-bike share pilot in partnership with participating North Shore municipalities is enabled through proposed amendments to the following bylaws:

- Street and Traffic Bylaw 7125, 2004
- Fees and Charges Bylaw 6481, 1992
- Bylaw Notice Enforcement Bylaw 7458, 2004

BACKGROUND:

At the February 4, 2019 workshop, Council supported recommendations from the INSTPP process directing staff to collaborate with City of North Vancouver (CNV) and District of West Vancouver (DWV) staff on the development of an e-bike share program. Following an initial attempt to identify an appropriate third-party vendor to operate a system through an RFP in 2019 that resulted in no award, staff from all three North Shore municipalities began developing a permitting and licensing framework to enable supportive conditions for third-party e-bike share operators.

As outlined in the October 29, 2020 information report to Council entitled "Update on E-Bike Share Planning Efforts", attached to this report as Appendix A, the permitting framework jointly developed by tri-municipal staff is comprised of:

1. **Bylaw amendments** to authorize the permit and business license, and create enforcement mechanisms in the following bylaws:
 - a. Street and Traffic Bylaw 7125, 2004 (see Appendix C);
 - b. Fees and Charges Bylaw 6481, 1992 (see Appendix D);
 - c. Bylaw Notice Enforcement Bylaw 7458, 2004 (see Appendix E);
2. **Permit Guidelines** to outline the application process and the District's preferred operating requirements for the selected operator regarding safety, operations, insurance, liability, and enforcement (see Appendix B); and
3. **E-Bike Share Policy** - an administrative policy outlining the goals and expectations of e-bike share services that staff will use to assess applications and monitor performance.

This framework would provide the District and participating North Shore municipalities with flexibility in negotiating with operators during the application process and setting permit conditions for operations. The bylaw amendments are the primary enabling tool and would be implemented on a **pilot basis for two years, beginning approximately in spring 2021**. At the conclusion of the pilot period, staff may recommend that the bylaws be amended, repealed, or expanded. This regulatory model is common in many jurisdictions in North America, including Kelowna, Calgary, and Montreal and is also favoured by industry due to being familiar administrative process across jurisdictions.

In December 2020, CNV Council adopted enabling bylaws for the e-bike share pilot, and e-bike share application process will open on January 20, 2021. The window to receive applications from operators will remain open for four weeks, and DNV and DWV staff will be part of the official review process owing to the tri-municipal nature of the pilot. Should Council adopt the enabling bylaws attached to this report, staff anticipate the timing will allow for CNV and DNV to coordinate permit issuance at the conclusion of the application process. At the time of writing, DWV will remain engaged with CNV and DNV on the pilot's progress but has no immediate plans to pursue Council adoption. DWV could join the pilot at a later date should its Council adopt the enabling bylaw amendments.

Street and Traffic Bylaw amendments to support e-bike share

New and Updated Definitions

The proposed amendments to the Street and Traffic Bylaw, No. 7125 include new and updated definitions for e-bikes, including minimum performance specifications based on BC's Motor Assisted Cycle Regulation, and to authorize the new permit and parking zones detailed below (see Appendix C).

New E-Bike Share Permit

Staff propose creating a new street use permit using our existing authority in the Street and Traffic Bylaw, No. 7125 (see Appendix C). This new permit will allow staff to review applications received by CNV on our joint behalf based on DNV's preferred operational requirements outlined in the supporting Permit Guidelines (see Appendix B). The primary purpose of the permit is to authorize an e-bike share operator to establish and use e-bike share zones, explained later in this report, located on municipally-owned public space.

Creation of the new street use permit category will allow staff to require detailed plans covering safety, operations, parking and staging, data sharing, and liability obligations from prospective operators as outlined in the Permit Guidelines. As with other street use permits, the single operator selected for the permit will be required to provide proof of valid commercial and liability insurance. CNV plans to open applications on January 20 and that the application period will close on February 17, 2021.

Related amendments in the Fees and Charges Bylaw, No. 6481 introduce the fees associated to the permit, which are highlighted in Table 1 below (see Appendix D).

Table 1: E-Bike Share Permit Fees

Fee reason	Cost	Frequency	Notes
Permit Application	\$250	Once	Paid upon submitting a complete Permit application form.
E-Bike Share Permit	\$40 + GST per e-bike deployed	Annual	The fee is based on the total number of deployed e-bikes. Additional e-bikes in storage that are kept in reserve are not part of the active fleet.
Security for Performance	\$10,000	Once	Non-recurring, refundable minus deductions. Paid to each participating municipality.

The permit application fee will help offset the administrative cost associated with reviewing applications and is not refundable in the event an applicant is unsuccessful.

The E-Bike Share Permit fee will be based on the size of the active e-bike fleet, which is the number of e-bikes deployed and available for rental by the public. There is a minimum of 120 e-bikes available during the peak season of May-September, inclusively. Staff propose to set

the fee at \$40 per e-bike for the whole North Shore, which is comparable with fees in other jurisdictions in Canada. Should an operator seek to expand the fleet, which will be subject to staff approval, the operator will pay the E-Bike Share Permit fee for each additional e-bike. E-bikes kept in storage for re-balancing, equipment or battery swaps, or in reserve for future fleet expansions will not count for the purpose of charging the E-Bike Share Permit fee. It is expected that CNV will act as the central permitting authority on behalf of participating municipalities and will collect the required permit fees. In that case, DNV will collect its share of permit fee revenues from CNV. This revenue will help offset administrative costs associated with data analysis and reporting, as well as occasional monitoring by staff.

The permit conditions contained in the Permit Guidelines will form the basis of staff monitoring and enforcement. Should staff need to respond to an issue following failure by the operator to act, costs to DNV and any additional penalties may be charged against the Security for Performance. The remaining balance in the Security for Performance is refundable at the end of the two-year pilot, which is intended to incentivize the operator to respond to issues in an appropriate and timely manner. Similar strategies have yielded a high level of compliance from operators in other jurisdictions, such as UBC.

New E-Bike Share Zone

Staff propose introducing a new type of zone in the Street and Traffic Bylaw, No. 7125 called an 'e-bike share zone' in the public right-of-way which will allow DNV to designate reserved areas for e-bike share parking and staging (see Appendix C). E-bike share zones may be located on municipal infrastructure such as DNV streets and public spaces and will be marked using traffic control devices such as pavement markings and signage. The operator selected for a permit will be expected to cover all costs associated with establishing e-bike share zones, including materials and labour.

The Permit Guidelines contain the minimum standards for e-bike share zones, including sizing information, permitted materials for pavement markings, signage positioning and required information for display. As part of the application process, operators are expected to outline potential locations for e-bike share zones for consideration. Final locations will be negotiated with the operator selected for a permit prior to launch.

Introducing business licensing fees to allow inter-municipal operations

Staff propose adding "E-Bike Share Services" to the inter-municipal business licence (IMBL) schedule as an eligible business type in the Fees and Charges Bylaw, No. 6481 (see Appendix D). Staff anticipate the operator selected for a permit will obtain the IMBL from CNV and the revenue will be shared based on the existing IMBL provisions.

Enforcement measures to ensure compliance by the operator and the public

The proposed amendment to the Bylaw Notice Enforcement Bylaw, No. 7458 introduce violations associated with the operation of the e-bike share zones as well as penalties for the selected operator for non-compliance with permit conditions, with minimal fine levels that match those adopted by CNV (see Appendix E).

EXISTING POLICY:

Transportation initiatives in the DNV are generally guided by the Transportation Plan, adopted by Council in 2012. A goal under Transportation Demand Management is to implement strategic and practical measures to make walking, cycling and transit viable options to driving. Launching an e-bike share pilot was endorsed as a DNV priority at the INSTPP Council workshop on February 4, 2019. DNV's Community Energy and Emissions Plan also recommends implementing bike share as a measure for achieving long-term emissions reductions.

ANALYSIS:

Timing/Approval Process:

CNV plans to launch applications during the week of January 20 and collect applications for four weeks. Tri-municipal reviews will occur after the application period ends and it is during this time staff anticipate Council will consider the bylaw amendments outlined in this report. This timeline would allow DNV staff to jointly issue a permit with CNV in winter or spring 2021, with e-bike share services launching in the spring or early summer. The pilot start date would be determined by the permit date; the pilot would last for two years.

Concurrence:

Staff from the District's Engineering, Parks, and Facilities department developed the bylaw amendments outlined in this report, with input from the District's Solicitor, Community Planning, and Manager of Bylaws. Staff have also worked with colleagues at the CNV and DWV. These departments and colleagues from neighbouring municipalities will continue to be involved in reviewing permit applications, implementing, and monitoring e-bike share services.

Financial Impacts:

Staff expect any shared service operator to absorb all program costs, including equipment, operating, and promotional costs. Revenue from permit fees will help offset staff time associated with administration and enforcement.

Liability/Risk:

As with other street use permits, the holder of an e-bike share permit will be required to provide evidence of holding the appropriate commercial and liability insurance for their business activities in DNV. The selected operator will also be required to comply with all conditions and requirements of the e-bike share Permit Guidelines, which cover rider education, safety, operations, parking, and data collection and sharing. Riders will be required to comply with provincial helmet regulations and the operator will be responsible for informing and enforcing helmet-wear. The operator will be the primary contact for all concerns and issues, and most costs to DNV for responding to issues will be paid by the operator through the Security for Performance.

Social Policy Implications:

A bike share program can improve accessibility to transportation services and promote active transportation which supports wellness and healthy communities. Applicants will have to

include an equity program as part of the application process and service; this is an opportunity to improve accessibility for some users.

Environmental Impact:

Emissions related to the Transportation sector currently make up 52% of all emissions in DNV. The primary source of these emissions are derived from the use of single-occupant vehicles and existing travel behaviour. To meet DNV's GHG reduction targets a shift toward more active transportation trips is required. Bike share also helps to address first- and last-mile challenges associated with transit. Enabling these shifts to transit and cycling can have a positive environmental impact; studies have found that roughly 20% of all bike share trips in other cities would have been made by automobile.

Public Input:

North Shore staff previously engaged with stakeholders such as the North Vancouver Chamber of Commerce and North Shore HUB prior to the RFP process. Following the cancellation of the RFP, North Shore staff consulted with industry to understand their perspective on the process, which helped inform adjustments to some features of the e-bike share pilot requirements including fees and the relationship workflow between the municipalities and the operator. Staff also sought feedback from the Advisory Committee on Disability Issues, while CNV staff consulted with their Integrated Transportation Committee as well. Once the pilot has launched, staff will be involved in ongoing program monitoring including by conducting user surveys to assess its quality and success.

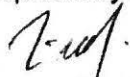
Conclusion:

Council's adoption of the proposed enabling bylaw amendments outlined in this report would facilitate the DNV joining the participating North Shore municipalities in a joint e-bike share pilot program. This would make it possible for an E-Bike Share permit to be issued to a qualified operator in the coming months and for that operator to launch operations in spring or early summer 2021.

Options:

1. Give the bylaws First, Second, and Third Readings; (RECOMMENDED)
2. Refer the bylaws back to staff; or,
3. Give no Readings to the bylaws.

Respectfully submitted,



Zachary Mathurin
North Shore Mobility Options Coordinator

Attached documents include the following:

- Appendix A: Information Report to Council dated October 29, 2020, entitled "Update on E-Bike Share Planning Efforts";
- Appendix B: E-Bike Share Permit Guidelines
- Appendix C: Street and Traffic Bylaw 7125, 2004, Amendment Bylaw 8489, 2021 (Amendment 22)
- Appendix D: Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8490, 2021 (Amendment 71)
- Appendix E: Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8491, 2021 (Amendment 59)

REVIEWED WITH:


<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
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<input type="checkbox"/> Parks	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services	_____		
<input type="checkbox"/> Review and Compliance	_____	<input type="checkbox"/> Planning	_____		

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☐ Info Package

Date: November 5, 2020


 Dept.
Manager


 GM/
Director


 CAO

The District of North Vancouver INFORMATION REPORT TO COUNCIL

October 29, 2020

File: 16.8620.01/025.000

AUTHOR: Zachary Mathurin, North Shore Mobility Options Coordinator**SUBJECT:** Update on E-Bike Share Planning Efforts**REASON FOR REPORT:**

The purpose of this report is to update Council on staff efforts to attract third-party electric bicycle ("e-bike") share operators to the District of North Vancouver (DNV) and the North Shore.

SUMMARY:

In spring 2019, DNV partnered with the City of North Vancouver (CNV) and the District of West Vancouver (DWV) on a request-for-proposals (RFP) for an e-bike share program for the North Shore. In summer 2019, tri-municipal staff agreed to cancel the RFP with no award due to concerns about the bids received shared by CNV's legal counsel. Following the cancellation of the e-bike share RFP, DNV staff have continued to engage with colleagues in CNV and DWV to develop a permitting and licensing framework to manage and support third-party operators of shared e-bike fleets across the North Shore. The change in approach from an RFP to a permitting framework is based on industry feedback staff received after the RFP, consultation with jurisdictions in Canada with similar systems such as Kelowna and Calgary, and due to its flexibility in allowing staff to negotiate with prospective operators to deliver e-bike share that meets the needs of the North Shore and DNV.

Staff have prepared enabling bylaw amendments to the Street and Traffic Bylaw, the Fees and Charges Bylaw, the Business Licence Bylaw, and the Bylaw Notice Enforcement Bylaw; a goal-oriented policy to guide implementation; and guidelines and conditions for operations that are intended to support an e-bike system across the North Shore. This framework would be implemented on a pilot basis for two years from the launch of operations. CNV Council will be considering the enabling changes and bylaw amendments in November 2020 with the aim of being able to begin reviewing applications and issuing a permit in late 2020 or early 2021. CNV is moving forward first due to its role as the North Shore's regional town centre and the level interest signaled by the industry. Based on conversations with industry stakeholders, this timeline would allow e-bike share operators to launch by spring or summer 2021.

In parallel to CNV moving forward, DNV staff are drafting the enabling changes to our bylaws and plan to bring them to Council for consideration in Q1 2021. This would allow DNV to participate in the e-bike share pilot as a full partner from the launch of services in spring or summer 2021. DNV staff acknowledge it is possible proposals may not immediately include DNV upon launch, but this permitting and licensing framework positions DNV to respond to proposals and e-bike share service expansions.

BACKGROUND:

Prior efforts to attract e-bike share

In 2018, a key finding and recommended action that resulted from the INSTPP process was the creation of an e-bike share program to support active trips in the DNV and on the North Shore through partnering with our neighbouring municipalities. At the February 4, 2019 workshop, Council supported the recommendations as a DNV priority and staff began collaborating with CNV and DWV staff on a RFP to establish an e-bike share program. Attempts to identify an appropriate third-party vendor to operate a system through the 2019 RFP process were unsuccessful. While the tri-municipal partnership received bids on the RFP, each posed issues according to CNV legal counsel which resulted in staff cancelling the RFP with no award.

Beginning in fall 2019, staff from all three North Shore municipalities began developing a permitting and licensing framework to enable supportive conditions for third-party e-bike share operators. A permitting framework would provide staff with flexibility in negotiating with operators during the application process and setting permit conditions for operations. This regulatory model is common in many jurisdictions in North America, including Kelowna, Calgary, and Montréal and is also favoured by industry due to being familiar administrative process across jurisdictions.

Overview of e-bike share planning framework

The key elements of the proposed e-bike share planning framework are:

1. Enabling bylaw amendments to authorize the permit and business license, and create enforcement mechanisms. These bylaw amendments are forthcoming and will affect the Street and Traffic Bylaw, the Fees and Charges Bylaw, the Business Licence Bylaw, and the Bylaw Notice Enforcement Bylaw.
2. E-Bike Share Policy, which will outline the goals and expectations of e-bike share services that staff will use to assess applications and performance evaluation.
3. Permit Guidelines, which will outline the application process and the third-party operators' permit conditions staff expect operators to meet regarding operations, insurance, liability, safety, and enforcement.

The permitting and licensing framework is ultimately envisioned to be a model for coordinated management and regulation of e-bike share services across the North Shore. To this end, the permitting framework was developed collaboratively with staff at the CNV and

DWV. The framework is being brought to the CNV Council for consideration in November, as the City's density and position as the Regional Urban Centre makes the logical first phase of any shared mobility system. DNV staff will bring forward the enabling amendments soon after to participate in the permitting process and be prepared for any proposal to launch in the District or expand in a subsequent phase of the pilot. Should CNV be in a position to receive and review applications prior to DNV or DWV fully adopting and joining the e-bike share framework, staff from both Districts will still be able to participate in the review and provide feedback on applications. The final decision to issue a permit will remain with CNV and any of the other North Shore municipalities that have fully adopted the framework by that time.

Overview of e-bike share permit process

The E-Bike Share Permit Guidelines will detail the minimum operating requirements for e-bike share, including device staging and parking, safe use on streets, liabilities and obligations, equity and sustainability practices, and data sharing. Applications will be evaluated based on the level of detail provided and their capacity to meet the requirements established in the Permit Guidelines and ability to achieve the goals outlined in the Policy. Providers will need to complete an application form and submit the following additional information:

- Detailed description of their e-bike with an emphasis on its safety and performance;
- Detailed operations and maintenance plans covering parking and staging, device relocation and rebalancing, maintenance standards, customer education, safety, payments, data sharing, and sustainability and equity measures.

The proposed framework has multiple benefits for both the municipalities and prospective operators, including: a simplified application process, flexibility for the municipalities to respond to issues and adjust permit conditions to reflect what staff observe through monitoring, and clear delineation of the municipalities' and operators' roles and obligations regarding operations, enforcement, and liability. The policy and permit framework does not guarantee that operators would be interested in applying once the framework is adopted. However, it positions DNV and, eventually, our North Shore partner municipalities, to be ready to review and accept applicants in the future.

The planning framework will be implemented on a limited pilot basis in order to better assess potential uptake and manage District efforts

Staff recommend that the e-bike share permit framework be initially implemented as a pilot running for 24 months during which DNV and its partner municipalities would only issue a single permit to one operator. The purpose of the pilot phase is to understand demand for e-bike share services, measure their impacts in the community and the public realm, and manage risks, cost and resource implications for staff to mitigate issues which may be caused by e-bike share services. In the pilot phase, permits would initially be available for e-bike share as it is one of the few forms of shared micromobility with a performance history staff can reference when evaluating the safety of devices proposed for deployment.

Staff are proposing to pilot the introduction of private e-scooters in partnership with the Ministry of Transportation and Infrastructure (MoTI), but e-scooters will not be included in the E-Bike Share Policy. The performance of the private e-scooter pilot will help staff evaluate whether e-scooters, and other device types, may be deployed for shared use in the future.

The planning framework will be enabled through amendments to District bylaws

The permitting process will be enabled primarily through amendments to DNV's Street and Traffic Bylaw to create a new street use permit class to authorize and regulate the deployment and parking of e-bikes on municipal infrastructure. Provincial regulations on how e-bikes are to be used on municipal roadways will apply and staff will evaluate whether there is a need for additional local regulations (including speed restrictions and designating streets, roadways, or facilities permitted for their use in order to safely and effectively manage potential conflicts with other road users).

Additional amendments will be necessary to add e-bike share providers to the business schedule in the Business License Bylaw, to create the appropriate fees in the Fees and Charges Bylaw, and to create penalties for operators under our Bylaw Notice Enforcement Bylaw. These proposed bylaw amendments will be brought back to Council for consideration and approval in Q1 2021.

EXISTING POLICY:

Transportation initiatives in the DNV are generally guided by the Transportation Plan, adopted by Council in 2012. A goal under Transportation Demand Management is to implement strategic and practical measures to make walking, cycling and transit viable options to driving. Launching an e-bike share pilot was endorsed as a DNV priority at the INSTPP Council workshop on February 4, 2019. DNV's Community Energy and Emissions Plan also recommends implementing bike share as a measure for achieving long-term emissions reductions.

ANALYSIS:

Timing/Approval Process:

The e-bike share planning framework involves introducing new definitions, permits, and fees in order to regulate and monitor the e-bike share operator. Based on discussions with the industry about the lead time needed to launch an e-bike share service, staff are targeting Q1 2021 for Council adoption of the enabling bylaw amendments, which would allow for enough time to launch in spring or summer 2021.

Concurrence:

Staff from the DNV's Engineering & Parks department developed the e-bike share planning framework with input from the Municipal Solicitor, Community Planning, Bylaws, and Business Licensing departments. Staff have also worked with colleagues at CNV and DWV. These departments and colleagues from neighbouring municipalities will continue to be involved in implementing and monitoring e-bike share services.

Financial Impacts:

Staff expect any shared service operator to absorb all program costs, including equipment, operating, and promotional costs. Revenue from permit fees will help offset staff time associated with administration and enforcement. While the operator will be expected to cover all costs of installing the parking and staging areas, it is possible that DNV could support this effort by completing some of the work on the operator's behalf and charging them for the work. Pending selection of an operator, additional funding is not expected to be required.

Constraints on DNV operational staff and services resulting from COVID-19 may limit staff's ability to respond to issues associated with any e-bike share service in a timely manner. As such, the proposed e-bike share planning framework is designed to limit potential exposure to risks and other impacts. Staff propose to limit the number of permits to one e-bike operator for ease of monitoring, and to require operators to provide a performance deposit to cover costs to the municipality should the operator not meet the agreed upon terms and conditions. Experience from other jurisdictions has demonstrated that these financial mechanisms are effective in yielding high compliance.

Liability/Risk:

As with other street use permits, the holder of an e-bike share permit will be required to provide evidence of holding the appropriate commercial and liability insurance for their business activities in DNV. Operators will also be required to comply with all conditions and requirements of the e-bike share Permit Guidelines, which cover rider education, safety, operations, parking, and data collection and sharing. Operators will be the primary contact for all concerns and issues, and any costs to DNV for responding to issues will be paid by the operator through the Performance Deposit.

Social Policy Implications:

A bike share program can improve accessibility to transportation services and promote active transportation which supports wellness and healthy communities. Applicants will have to include an equity program as part of the application process and service; this is an opportunity to improve accessibility for some users.

Environmental Impact:

Emissions related to the Transportation sector currently make up 52% of all emissions in DNV. The primary source of these emissions are derived from the use of single-occupant vehicles and existing travel behaviour. To meet DNV's GHG reduction targets a shift toward more active transportation trips is required. Bike share also helps to address first- and last-mile challenges associated with transit. Enabling these shifts to transit and cycling can have a positive environmental impact; studies have found that roughly 20% of all bike share trips in other cities would have been made by automobile.

Public Input:

North Shore staff previously engaged with stakeholders such as the North Vancouver Chamber of Commerce and North Shore HUB prior to the RFP process. Following the cancellation of the RFP, North Shore staff consulted with industry to understand their perspective on the process, which helped inform adjustments to some features of the e-bike share pilot requirements including fees and the relationship workflow between the

municipalities and the operator. Staff also sought feedback from the Advisory Committee on Disability Issues, while CNV staff consulted with their Integrated Transportation Committee as well. Once the pilot has launched, staff will be involved in ongoing program monitoring including by conducting user surveys to assess its quality and success.

Conclusion:

The proposed e-bike share framework is based on widely used regulatory strategies and has the needed flexibility to deliver an e-bike share program for the North Shore. DNV staff intend to bring forward the enabling amendments to our bylaws to Council in Q1 2021, which would allow DNV to participate as a partner ahead of potential service launch in spring or summer 2021.

Respectfully submitted,



Zachary Mathurin
North Shore Mobility Options Coordinator

REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services	_____		



CITY OF NORTH VANCOUVER E-BIKE SHARE PERMIT GUIDELINES

PERMIT APPLICATION GUIDANCE AND REQUIREMENTS

VERSION 1.0

PUBLISHED JAN 20, 2021

city
of north
vancouver

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1. E-BIKE SHARE PERMIT GUIDELINES OVERVIEW

These Permit Guidelines intend to assist Operators in understanding the process for obtaining an E-Bike Share Permit (a "Permit") from the City. **The Permit Guidelines outline the City's preferred requirements relating to operations, parking and staging, data sharing, and compliance and liability for E-Bike Share Permits.** Operators should follow these Permit Guidelines when filling out the Permit application form and preparing the application materials. An E-Bike Share Permit may be issued to an applicant who demonstrates compliance with these requirements.

When a Permit is issued, the specific final requirements for that Permit will be appended as conditions to the Permit. **Failure to meet any of the Permit conditions to the satisfaction of the City could result in fines, suspension of the Permit, or cancellation of the Permit.** A sample of the Permit is available in the application form.

A. COMPONENTS OF THE PERMIT GUIDELINES

The E-Bike Share Permit Guidelines are divided into the following three sections:

SECTION 2 Definitions

SECTION 3 Application guidance for prospective Operators

SECTION 4 Operator requirements

In addition to the E-Bike Share Permit Guidelines, the City expects Operators to familiarize themselves with the contents of the E-Bike Share Policy and the Permit Application before applying.

B. IMPLEMENTATION OF THE E-BIKE SHARE PERMIT

The Policy and Permit Guidelines are in force on a pilot basis. The pilot period of the E-Bike Share program will last 24 months from the issuance of a Permit (the "Pilot Period"). Prior to the start of the Pilot Period, the City will accept applications for the E-Bike Share services. **The City will only issue one (1) permit.**

Prior to the end of the Pilot Period, the City will review and assess the performance and success of the program in delivering E-Bike Share services in the City. At that time, the City may cease or suspend the Policy and Permit or update them to extend the Pilot Period, expand the maximum number of Permits that can be issued to Operators, make the Policy and Permit Guidelines permanent, or make other updates or revisions to the program as necessary for the ongoing success of E-Bike Share in the City.



2. DEFINITIONS

"Broken E-Bike" means an E-Bike that is no longer reasonably safe to operate on public roadways, fails to meet standards of the E-Bike specifications as defined by the City's Street and Traffic bylaw, or is unable to be unlocked by a Customer.

"City" means the municipal corporation of the City of North Vancouver. In the event that another municipality adopts equivalent E-Bike Share programs, the term City will also mean the municipal corporation of that municipality.

"Customer" means a person or corporation that rents an E-Bike from the Operator for any amount of time within the boundaries of the City.

"Data" means the information defined in the Data specifications section of the Permit supplied by the Operator to the City at regular time intervals.

"E-Bike" means a Motor Assisted Cycle as defined by the B.C. Motor Vehicle Act approved by the City for use in a Fleet.

"E-Bike Share" means a service and platform owned and managed by an Operator offering a Fleet of E-Bikes intended for rent by the public for transportation Trips on an on-demand basis, typically accessed through a Mobile App.

"Fleet" means all E-Bikes publicly available to rent by Customers and deployed by an Operator holding a valid Permit.

"Geo-fence" means a virtual boundary between two geographic areas or a virtual perimeter around a geographic area, the location and delineation of which shall be determined by the City for implementation by the Operator in the Mobile App.

"Helmet" means protective equipment which is required to be worn on the head when riding an E-Bike.

"Licence" means a business licence issued by the City to an Operator after approval of the Permit granting the Operator permission to operate an E-Bike Share business in the City for a specific length of time.

"Mobile App (or Application)" means the Operator's software installed on a Customer's phone to connect to the Operator's E-Bike Share service.

"Operator" means a person or corporation that holds a valid Permit issued by the City and that owns, operates, and maintains an E-Bike Share service.

"North Shore" refers to the area located north of the Burrard Inlet that includes the area contained within the municipal boundaries of the City of North Vancouver, the District of North Vancouver and the District of West Vancouver.

"Permit" means the permit issued to an Operator by the City pursuant to the Street and Traffic Bylaw, No. 6234, granting permission to provide E-Bike Share services within the City. A sample of the Permit is available in the application form.

"Personal Information" means recorded information about an identifiable individual as defined by the B.C. Freedom of Information and Protection of Privacy Act (RSBC 1996, c. 165).

"Policy" means the E-Bike Share Policy that describes the goals and scope of the E-Bike Share program.

"Trip" means a trip on an E-Bike by a Customer, including renting the E-Bike by unlocking it ('Trip start'), travelling for a period of time ('Trip time') and ending the rental by parking the E-Bike in its final parking location ('Trip end').

3. PERMIT APPLICATION GUIDANCE

A. PROCESS

The Permit authorizes the holder to operate E-Bike Share services in the City of North Vancouver. Applicants must complete the Permit application form and submit it to the City along with any additional documents required by the City. The City may request additional information from the Operator to make an evaluation. The City may shortlist applications and conduct interviews with finalists prior to issuing a Permit. Applicants may notify the City their intent to withdraw their application at any time prior to Permit issuance.

The application period begins on January 20, 2021 and ends on February 17, 2021 at 5:00 PM PST. The City may extend the application period if no completed applications are received by the deadline.

An application is considered fully completed when the following are submitted:

- (a) This application form (application cover page);
- (b) All required attachments as listed in the Guidelines;
- (c) E-bike sample for independent testing by the City.

Please note, **an applicant must arrange to provide an E-bike sample** for independent testing by the City when submitting the application materials. Application materials must be submitted in English, by email to bikeshare@cnv.org, in PDF format. There is a 30 MB limit on files submitted via email.

The applicant is not guaranteed the issuance of a Permit and the City may refuse, in its sole discretion, to issue a Permit for any reason, including and not limited to:

- (d) If the Operator has failed to comply with the laws of any other jurisdiction;
- (e) If the Operator is unable or unwilling to agree to any of the terms and conditions of the Policy or the Permit; and,
- (f) If the City for any other reason believes the Operator will be unable to provide safe, equitable or reliable E-Bike Share services.

An applicant who is approved for a Permit must submit the following additional materials and fees before the Permit will be issued:

- (a) **Proof of insurance** meeting the requirements set out in the Policy and in the Permit conditions;
- (b) The **fees** corresponding to the initial Fleet size as outlined in the Fee Schedule;
- (c) The **Security for Performance** as outlined in the Fee Schedule; and,
- (d) Application to the City of North Vancouver for a **Business Licence**, including the required fee.

The evaluation of applications will be based on the criteria set out in *Section 3C – Application Assessment*, which includes the readiness of a potential Operator to deploy its E-Bikes in the City, the Operator's ability to achieve the goals outlined in this Policy, and the quality of the application materials submitted.

As part of the Permit application form, the City requests consent from the potential Operator to share the application package materials with the District of North Vancouver and the District of West Vancouver for the purpose of reviewing the applications and providing feedback to the City. The E-Bike Share Permit is intended to allow Operators to provide E-Bike Share services across the North Shore as outlined below in *Section 3D – Program Expansion and North Shore Coordination*. As such, consulting with the District of North Vancouver and the District of West Vancouver is a key piece of enabling this partnership. Operators will also be asked to consent to sharing application package materials with TransLink to allow planning and coordination around transit services and facilities.

B. REQUIRED INFORMATION AND DOCUMENTS

The Operator must submit the following information and documents for the City to consider an application to be complete. See *Section 4 – E-Bike Share Requirements* for further details on program requirements.

- (a) **Completed Permit application form** (used as the application package cover page);
- (b) **Brief company history and management team background** emphasizing capabilities to manage an E-Bike Share system at a municipal scale, including at least two (2) past client references;
- (c) **Description and images of all E-Bike models that will be used in the Fleet** and evidence that E-Bike models meet or exceed safety standards in the B.C. Motor Vehicle Act, including:
 - i. Detailed description of the E-Bike's dimensions, features, breaking performance, and motor specifications;
 - ii. Detailed description of the E-Bike's locking mechanism;
 - iii. Detailed description of the Helmet wear plan for Customers to ensure compliance with provincial Helmet regulations as outlined in the B.C. Motor Vehicle Act;
 - iv. Detailed description of E-Bike maintenance standards;
 - v. Operator's proposed initial fleet size (minimum of 120 E-Bikes upon launch) and fleet expansion plans, including key performance indicators the Operator will use to inform when expansions may be considered;
- (d) **Operations and maintenance plan**, covering:
 - i. Operator's qualifications for operating an E-Bike Share service;
 - ii. Map of initial service area and any possible or planned service area expansions, including key performance indicators the Operator will use to inform when expansions may be considered;
 - iii. Description of staff team positions and responsibilities for E-Bike Share services and liaising with City staff;
 - iv. Description of E-Bike sanitization activities;
 - v. Description of enforcement activities to ensure Customer compliance with federal, provincial, and City regulations and operating conditions;
 - vi. Description of response protocols and estimated response times for addressing issues arising from Customer and City complaints;
 - vii. Description of digital tools and features to manage E-Bike permissions and Customer behaviour (e.g. geo-fencing capabilities, motor speed control, security controls)
 - viii. E-Bike recharging plan;
- (e) **Parking and relocation plan**, covering:
 - i. Proposed staging and parking locations;
 - ii. Physical description of parking areas and their features;
 - iii. Description of digital tools and features to manage E-Bike share parking locations;
 - iv. Proposed plan and timeline for implementing parking areas prior to service launch;
 - v. Operational parameters for rebalancing E-Bikes to adequately serve the service area;
 - vi. Description of key performance indicators the Operator will use to inform when and where additional parking areas may be considered;
- (f) **Customer education and safety plan**, covering:
 - i. Rules and conditions for Customers using E-Bikes;
 - ii. Customer education and outreach activities;
 - iii. Enforcement and accountability measures for Customers not in compliance with rules and conditions;
- (g) **Customer payments plan**, covering:
 - i. E-Bike Share rental costs and fare rates;
 - ii. Accepted payment methods;
 - iii. Alternatives for those without smartphones and those without a credit card, debit card, or bank account to access the E-Bike Share service;

B. REQUIRED INFORMATION AND DOCUMENTS (CONTINUED)

(h) Data collection and management plan, covering:

- i. Description of Data sharing process including how the Operator will share Data with the City;
- ii. Description of privacy protection measures for Customer Personal Information.

(i) Sustainability plan, covering:

- i. Estimates for E-Bike lifecycle emissions;
- ii. Description of operations emissions reporting plan; and,

(j) Equity plan, covering:

- i. Options for low-income individuals and those with alternate mobility needs; and,
- ii. How geographic equity will be practiced to serve all community members.

C. APPLICATION ASSESSMENT

The City will only consider complete applications from potential Operators that provide all the information required by these Permit guidelines by the end of the open call period. **A complete application includes the Permit application form, the documents listed above in section 3 B – Required Information and Documents, and an E-Bike sample for testing as described in section 3 D – E-Bike Testing.** As part of the application process, the City may develop a shortlist of finalists from the application pool after an initial round of review. The purpose of the shortlist is to conduct interviews with finalists to make a final determination prior to issuing a single (1) permit.

The City reserves the right not to consider an incomplete application, but may, in its discretion, advise applicants of any missing application materials and accept such materials during the open call period to rectify an incomplete application. **The City further reserves the right to reject any application.**

The Operator must demonstrate through its application that it can deliver on the goals and expectations established in the Policy and meet all of the requirements described in the Permit guidelines.

The key criteria the City uses during the application assessment and evaluation are:

EVALUATION CRITERIA	WEIGHT
(a) Whether the Operator is a fit and proper organization for the purposes of providing E-Bike Share services in the City taking into account the experience of the Operator, financial capacity, local presence, reputation, and staffing levels;	15%
(b) The quality of the E-Bike(s) proposed for deployment, specifically demonstrated ability to respond to safety needs in North Shore conditions;	35%
(c) The quality of the information provided in the plans included in the application;	25%
(d) Demonstrated responsiveness to the needs of and benefits to the City community; and,	15%
(e) Quality of proposed value-add program features.	10%

D. E-BIKE TESTING

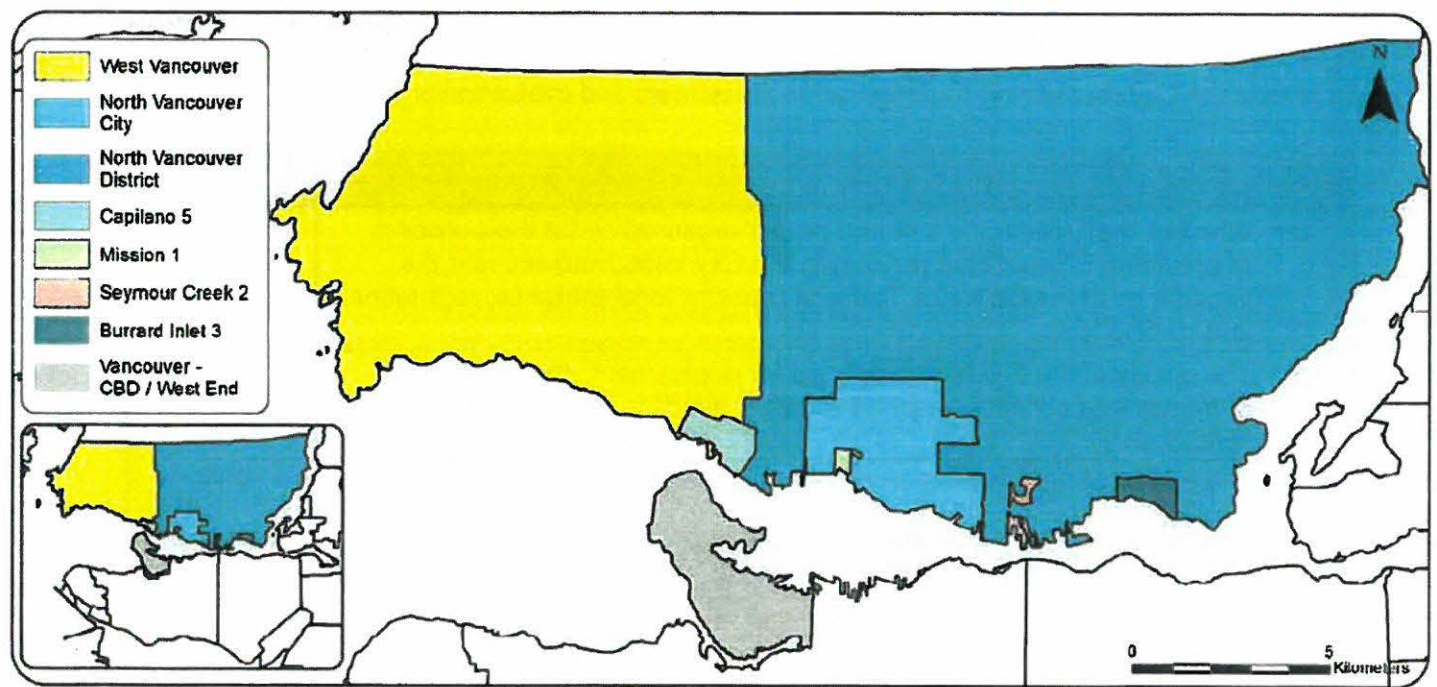
As part of the application package, the City expects potential Operators to demonstrate the E-Bike they propose to use on the North Shore. The demonstration, for the purpose of considering an application complete, consists of providing an E-Bike to the City for testing in North Shore conditions. **The potential Operator must provide a sample E-Bike prior to end of the application period for independent testing by the City.** The City reserves the right to deny a Permit to any Operator who fails to provide an E-Bike sample in a timely manner.

E. PROGRAM EXPANSION AND NORTH SHORE COORDINATION

The Permit Guidelines were developed jointly by staff at the City of North Vancouver, District of North Vancouver, and District of West Vancouver. The City is the first municipality to adopt the E-Bike Share framework, and there is the potential for expansion to these other municipalities on the North Shore. Should the other North Shore municipalities endorse an E-Bike Share framework, references to the City in these Permit Guidelines may be expanded to include the other participating municipalities. Should the program be expanded, it is anticipated that the City will be the central permit receiving authority acting on behalf of the participating municipalities.

Potential Operators should take into consideration the potential for E-Bike Share services and service area expansions to cover parts or all of the North Shore in the application materials they submit to the City. Staff from all three municipalities will participate in the review process.

NORTH SHORE JURISDICTIONAL BOUNDARIES



4. E-BIKE SHARE PROGRAM REQUIREMENTS

A. SAFETY

The Operator is responsible for the safe and secure deployment of E-Bikes in its service area, including all operations and staging activities related to the management of its E-Bike Share service. The Operator is responsible to ensure the safe use of its E-Bikes by Customers on public and private spaces where they are permitted for use, as defined by the City's Street & Traffic bylaw. **The Operator is the first point of contact for issues or complaints related to E-Bike Share operations.**

In addition, the City expects the Operator to meet the following safety requirements:

- (a) The Operator must comply with all applicable federal, provincial and municipal laws, bylaws, and regulations;
- (b) The Operator is responsible for conducting their own due diligence, including reviewing all relevant legislation;
- (c) The Operator must have visible language on each E-Bike, within the Mobile App, and on its website, that requires Customers to follow all relevant laws including Federal, Provincial, and municipal legislation and regulations;
- (d) The Operator is responsible for informing all Customers about all Helmet laws applicable based on E-Bike class and ensuring Customers comply with Helmet requirements;
- (e) The Operator must provide contact information on all E-Bikes and all other communications materials for Customers and members of the public to report a complaint or inquire about the service;
- (f) The Operator must immediately remotely lock down any E-Bike that is inoperable, unresponsive or not safe to operate once notified;
- (g) Once notified of an issue, the Operator should remove any Broken Device from the public right-of-way within 6 hours and remove the Broken Device from the Fleet or have the Broken Device repaired; and,
- (h) The Operator must provide ongoing inspection, maintenance, and cleaning of all E-Bikes.

B. SERVICE AVAILABILITY

The City expects a **minimum of 120 E-Bikes** to be publicly available in the initial Fleet upon launch; the Operator is encouraged to keep additional E-Bikes in reserve. The City expects the Operator to maintain the minimum Fleet size **from May through September inclusively**. The City's preference is to maintain E-Bike Share service availability throughout the year.

The City acknowledges that some forms of E-Bike Share may not be suitable for 24-hour per day use and therefore expects the Operator to establish regular business hours and display them appropriately on all E-Bikes and within the Mobile App.

In addition, the City expects the Operator to meet the following requirements:

- (a) The Operator must inform the City of any changes to the availability of its services at least 10 business days in advance;
- (b) The Operator's Mobile App must be available 24 hours per day for Customer sign up, support requests, and information;
- (c) The Operator must have operations support staff available during regular business hours at minimum, and should have support staff available 24 hours per day;

B. SERVICE AVAILABILITY (CONTINUED)

- (d) The Operator must provide its communications and Mobile App in English and French, and preferably provide other language options, including Farsi, Mandarin, and Cantonese;
- (e) The Operator should make different payment methods available to Customers in addition to those typically found in the Mobile App such as using a pre-loaded balance credit, over the phone, debit transaction, or others deemed feasible; and,
- (f) The Operator should provide at least 1 paid membership account to the City for enforcement purposes and describe the features of the membership to the City.

C. OPERATIONS AND PARKING

The Operator is responsible for informing Customers on how to operate and park E-Bikes properly and in approved locations. The Operator has the responsibility to ensure its operations and its Customers follow the rules of the road.

The City expects the Operator to establish, with approval by the City, designated parking and staging areas that are demarcated physically and virtually through the Mobile App. The City prefers compact parking and staging areas intended for a handful of E-Bikes, but will consider proposals for larger zones at the neighbourhood level in certain circumstances and depending on neighbourhood characteristics. Parking and staging locations and their dimensions must be approved by the City. The City will also allow for the use of lock-to solutions for parking and staging. Operators who use E-Bikes equipped with lock-to capability in their Fleet must provide the City with the means to unlock E-Bikes for no charge.

PARKING AND STAGING AREAS

Parking areas are subject to approval by the City and must, at minimum, meet the following physical parameters:

- (a) Parking areas must accommodate E-Bike(s) standing upright and be sized to accommodate the full size of the E-Bike(s);
- (b) No part of the E-Bike(s) can extend beyond the parking area;
- (c) Parking areas must be delineated with pavement markings showing the boundary of the parking area;
- (d) Pavement markings must be approved by the City and must be one of the following materials:
 - i. Paint;
 - ii. Pavement marking tape; or,
 - iii. Chloroplast seal;
- (e) Parking areas must be identified with a sign that states:
 - i. The name of the Operator and their contact information;
 - ii. The Operator's general rules and instructions on the use of the E-Bike Share service; and,
 - iii. The parking rules that apply to the parking area.



Example of a bike share parking area
Source: City of Bellevue

C. OPERATIONS AND PARKING (CONTINUED)

OPERATING AND PARKING REQUIREMENTS

In addition, the City requires the Operator to meet the following operating and parking requirements:

- (f) The Operator will contribute to all costs associated with establishment and installation of parking areas;
- (g) The Operator must Geo-fence its designated parking areas, no parking, slow zones, and no riding zones, and The Operator is responsible for ensuring Customers are informed on how to use E-Bikes in special zones;
- (h) The Operator must not allow Customers to end a Trip outside of designated parking areas;
- (i) The Operator must have the ability to communicate with Customers to notify them if an E-Bike is outside a parking area at the Trip end and that the Customer is not permitted to end the Trip outside parking areas;
- (j) Any parked E-Bike must remain within designated parking areas and must not obstruct the path of travel of other road users;
- (k) All E-Bikes and parking areas must be marked with the Operator's contact information to allow Customers and members of the public to report obstructive E-Bikes to the Operator;
- (l) All E-Bikes which are not parked properly must be re-parked to the satisfaction of the City Engineer;
- (m) The Operator must re-park E-Bikes not properly parked within 6 hours of a complaint and should strive to respond faster than the maximum timespan;
- (n) The City may remove or re-park any E-Bike parked in violation of the requirements specified or other municipal bylaws at any time and the costs to the City related to such actions will be charged against the Performance Deposit, as outlined in the Fee Schedule;
- (o) If a hazard or lack of legal access prevent an Operator from responding within the times required, the Operator must:
 - i. Remove the E-Bike at the next reasonable opportunity;
 - ii. Bear the removal costs, including reimbursement for any costs to the City; and,
 - iii. Report the location of the irretrievable E-Bike to the City if the Operator cannot safely and legally remove the E-Bike.

D. INSURANCE AND LIABILITY

LIABILITY

The Operator will be required to indemnify, defend and save harmless the City, its elected officials, employees and agents (the "Municipal Parties") from and against any and all liability, damages, losses, liens, charges, claims, demands, payments, suits, causes of action, proceedings, actions, recoveries and judgments, including without limitation all costs of defending or denying the same (including all legal, expert and consultant fees and disbursements) (collectively, "Claims") which arise out of or result from:

- (a) Any act or omission, negligent or otherwise, of the Operator, its Customers, invitees, employees, subcontractors or agents or others for whom it is responsible at law in connection with the Operator's operation of the E-Bike Share service;
- (b) Any breach by the Operator of the terms, conditions, obligations, requirements, representations and warranties of this Policy, the Permit, or of any bylaw, statute, rule, regulation or policy applicable to the operation of the E-Bike Share service; and,
- (c) Any damage to property or any personal injury, including death, resulting directly or indirectly from the Operator's use or occupation of land for the E-Bike Share service.

D. INSURANCE AND LIABILITY (CONTINUED)

In no event will the Municipal Parties be liable to the Operator or any of its Customers, invitees, employees, subcontractors or agents for any indirect, special, incidental, punitive or consequential damages (including lost profits or revenues) arising out of or in any way related directly or indirectly to the Permit or the operation of the E-Bike Share service.

The Operator releases the Municipal Parties from and against any and all Claims which the Operator may at any time have against the Municipal Parties in respect of the Permit and the rights granted under it and the operation of the E-Bike Share service, except to the extent the same has resulted from the sole negligence of the Municipal Parties.

REQUIRED INSURANCE

The Operator will at the Operator's expense maintain at all times during the Permit period the following insurance:

- (a) Commercial General Liability Insurance with limits not less \$10 million per occurrence, covering all operations of the Operator under the Permit including claims for bodily injury, death and property damage. Such insurance will include a non-owned automobile liability, products and completed operations liability and contractual liability of sufficient scope to include the liability assumed by the Operator under the Permit. Such insurance must:
 - i. Be endorsed to include the City and its administrators, successors, assigns, insurers, officials, officers, employees, servants and agents as additional insureds;
 - ii. Contain a cross liability clause;
 - iii. Be written by insurers licensed to do business in the Province of British Columbia;
 - iv. Contain a waiver of the insurer's rights of subrogation against the City;
 - v. Be primary (and non-contributory) to any insurance maintained by the City;
 - vi. Contain a 30-days written notice of cancellation of or material change to the policy provision;
- (b) Automobile Liability Insurance of not less than \$5 million dollars in any one accident, covering all licensed motor vehicles owned or leased by the Operator and used in connection with the Permit; and
- (c) Workers' Compensation Coverage in respect of all Operator's employees, workers and servants engaged in the operations under the Permit.

Certificates of insurance evidencing the specified insurance must be delivered to the City prior to the issuance of the Permit and subsequent renewals must be delivered to the City not later than 10 days following the expiry of the prior policy.

In the event of any notice of loss, damage, occurrence, accident, claim or suit (collectively "Claim"), the Operator will notify within five (5) business days the insurer and the City of such Claim. The Operator and or the Operator's insurer will assume the defense of any such Claim, including the City's defense. The Operator will be responsible for all costs of the City relating to the defense of the Claim, including the costs of an independent investigator, and ensure that the City is kept apprised of the status of the Claim.

The Operator may not transfer a Permit to any other entity. The Operator must notify within five (5) business days the City of any material changes to the Operator's corporate structure or ownership. Failure to do so will be cause for revocation of the Permit. For purposes of this paragraph, "transfer" will include the sale or other exchange of 50% or more of the ownership or control of the Operator to a third party.

E. DATA SHARING AND REPORTING

The Operator is required to meet the following Data sharing and reporting requirements:

- (a) The Operator must **share all Data** on North Shore operations with the City;
- (b) The Operator must **supply an E-Bike inventory list** to the City complete with each unique identifier number and serial numbers before making any E-Bikes available for rent;
- (c) The Operator must **comply with the Mobility Data Specification (MDS)** (<https://github.com/openmobilityfoundation/mobility-data-specification>) and provide raw information in a format acceptable to the Municipal or City Engineer on Fleet, Trip, location, parking, incident, and maintenance Data that must be secured with a token or authentication that is shared with the City;
- (d) The Operator must provide the City **monthly summary reports on key metrics** as required by the City Engineer;
- (e) The Operator must provide the City **access to a dashboard**, software interface, or Application Programming Interface (API) that shows anonymized real-time information on E-Bike locations and usage (e.g. number of trips on a given E-Bike in the previous 24 hours), condition status, and battery level;
- (f) The Operator must **ensure that E-Bike locations are known**, including when on a Trip, by incorporating a location tracking component into all E-Bikes (this excludes phone-based location services information e.g. Bluetooth technology);
- (g) Raw Data feeds supplied by the Operator must be **consumable by third-party software if the Operator does not maintain its own dashboard** for use by the City or if the City chooses to partner with a third-party partner;
- (h) The Operator and the City will **maintain all Data use rights for at least three (3) years** after the date when the Operator ceases operation in the City;
- (i) **Personal Information will not be shared** with the City or any other entity and the Operator must ensure the privacy and non-disclosure of the Personal Information of its Customers;
- (j) Raw Data consumed through the API by third-party software providers specified by the City must **not be publicly available without consent from the Operator**; and,
- (k) The Operator must **conduct surveys upon request by the City** and include questions from the City in surveys as requested.

I. USER PROTECTIONS

The Operator must ensure Customer Data privacy, including all financial and Personal Information. The Operator inform Customers about how their data will be collected, stored, used, and shared. Any Customer Data collected must not be shared with third parties without express consent from the Customer.

The Operator must provide a written justification to the Customer explaining why it needs access to each type of Customer file (e.g. contacts, camera, photos, location, interaction with other software or apps, etc.).

The Operator must provide Customers with clear, prominent information about what Data will be accessed (e.g. location services, camera, contacts, photos, etc.) and explain how and why Data will be used. Information must not be hidden in longer terms-of-service notifications.

If the Operator has the desire to access such features, the Operator must provide Customers with an opt-in option feature within the Mobile App, where they can agree to provide access to their contacts, camera, photos, files, and other private Data and third-party Data sharing.

F. ENFORCEMENT

In case of emergency or immediate threat to public safety, the City may take any action as deemed necessary to remove the emergency or threat.

If the Operator fails to comply with any of the requirements of the Policy or the conditions of the Permit, in addition to revocation of the Permit, the City may modify the Permit conditions including reducing Fleet sizes and/or adding additional Permit conditions. If the Permit is revoked for failure to comply with the requirements of the Policy or the conditions of the Permit or for any other reason, the Operator must remove its entire Fleet from all City streets, parks and pathways within 30 calendar days of notice, unless otherwise directed by the City. If this is not completed, the City will remove the Operator's Fleet from municipal property and deduct the costs of removal and/or storage from the remaining Security for Performance balance.

Any changes to the Permit will be communicated via email to the address provided at the time of application or other email address provided by the Operator subsequently for notification.

G. FEE SCHEDULE

FEE REASON	COST	FREQUENCY	NOTES
Permit Application	\$250	Once	Paid upon submitting a complete Permit application form.
E-Bike Share Permit	\$40 + GST per E-Bike deployed	Annual	The fee covers the total number of deployed E-Bikes. Operators may have additional E-Bikes in storage that are kept in reserve and therefore not part of the active fleet.
Security for Performance	\$10,000	Once	Non-recurring, refundable minus deductions. Paid to each participating municipality.

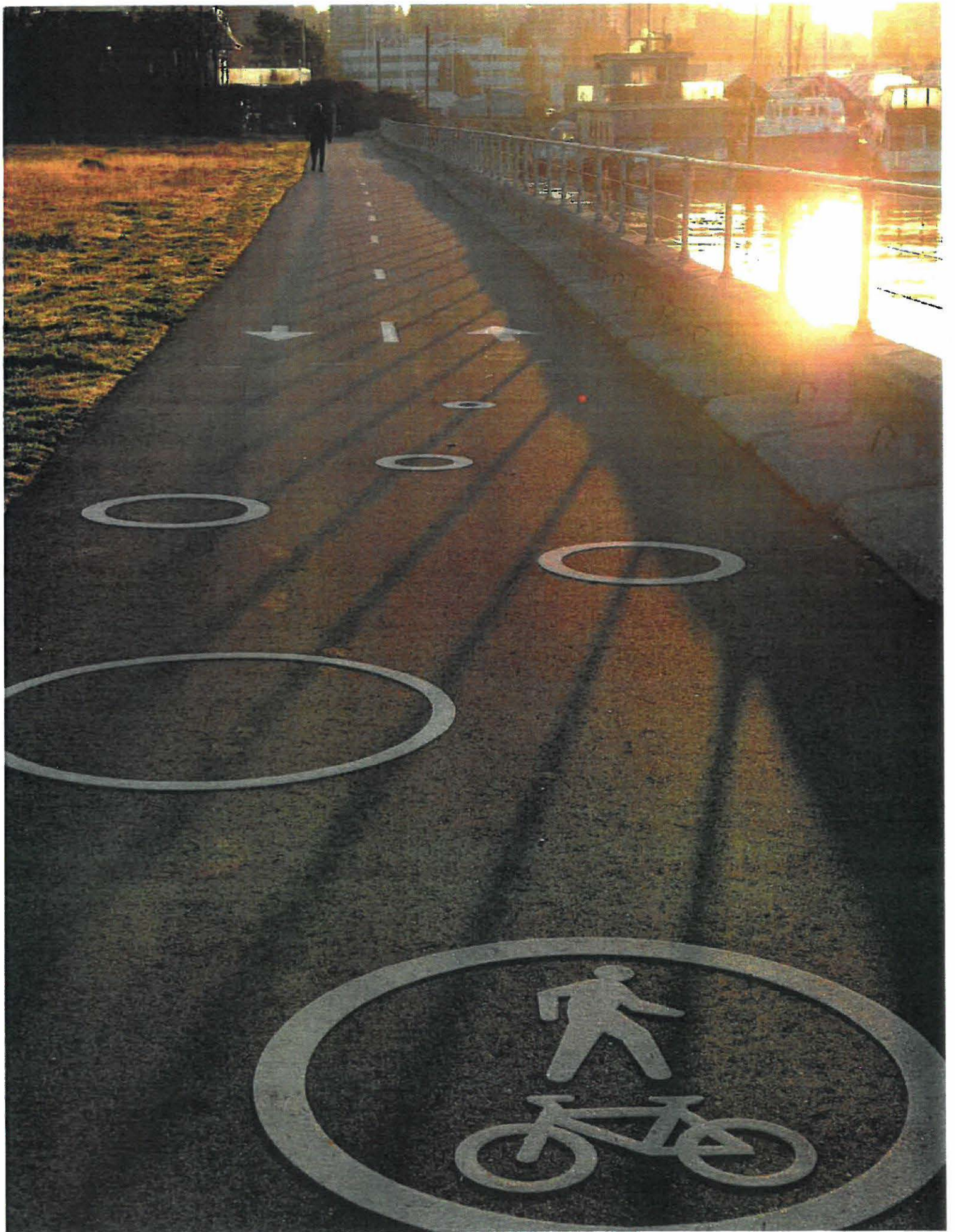
DEDUCTIONS

Fees deducted from Security for Performance

- (a) **E-Bike retrieval fee:** The City will deduct any costs incurred by the City (including staff time plus 15%) related to retrieving any E-Bike; and,
- (b) **E-Bike impoundment fee:** \$50 per E-Bike plus \$1 per day for storage. If the Operator fails to retrieve the E-Bike after 30 days, the City will recycle the E-Bike and charge any recycling costs incurred.

If fees exceed the value of the Security for Performance, the City reserves the right to charge fines and fees directly to the Operator, to require payment of an additional Security for Performance, or to pursue cancellation of the Permit.

Separately, fines for non-compliance with Permit conditions will be charged directly to the Operator. A schedule of all fines is available in the City's Bylaw Notice Enforcement Bylaw, No. 8675



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The Corporation of the District of North Vancouver

Bylaw 8489

A bylaw to amend Street and Traffic Bylaw 7125, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Street and Traffic Bylaw 7125, 2004 Amendment Bylaw 8489, 2021 (Amendment 22)".

Amendments

2. Street and Traffic Bylaw 7125, 2004 is amended by:

- 2.1 adding the following definitions to section 302 in alphabetical order:

Cycle means a device having any number of wheels that is propelled by human power and on which a person may ride but does not include a play vehicle;

E-Bike Share Permit means a permit issued by the Municipal Engineer under section 743 of this bylaw;

E-Bike Share Service means a legal entity whose business is to provide access to a fleet of E-Bikes for a fee;

E-Bike Share Zone means the area or space on a roadway designated by a Traffic Control Device and established for the exclusive use of a specified E-Bike Share Service;

E-Bike or Motor Assisted Cycle means a type of cycle:

- (a) with two or three wheels to which pedals or hand cranks are attached that allow for the cycle to be propelled by human power;
 - (b) on which a person may ride;
 - (c) to which is attached an electric motor that has an output not exceeding 500 W;
 - (d) that meets the other criteria prescribed under the *Motor Vehicle Act*, RSBC 1996, c. 318, the Motor Vehicle Act Regulations and the Motor Assisted Cycle Regulation, all as may be amended or replaced.

Inter-Municipal Bike Share Program means an E-Bike share program to

facilitate the operation of E-Bike Share Services in the District and other municipalities that is jointly operated by the District with other partnering municipalities;

Motor Assisted Cycle Regulation means the *Motor Assisted Cycle Regulation*, BC Reg 151/2002;

Motor Vehicle Act Regulations means the *Motor Vehicle Act Regulations*, BC Reg. 26/58;

2.2 deleting section 516 and substituting the following:

516. The Municipal Engineer may direct the placement of Traffic Control Devices to designate a portion of a Highway as a Loading Zone, Passenger Zone, Commercial Loading Zone or E-Bike Share Zone and to define the rights, duties and obligations of traffic with respect to that zone.

2.3 inserting the following as section 520A after section 520:

520A. No person shall stop, stand or park a vehicle in an E-Bike Share Zone except for the purpose of loading or unloading persons or materials.

2.4 deleting "without a valid and subsisting Highway Use Permit issued by the District pursuant to this Bylaw" at the end of section 702 and substituting "without a valid and subsisting Highway Use Permit or E-Bike Share Permit issued by the District pursuant to this Bylaw."

2.5 deleting section 716 and substituting the following:

716. Except as set out in sections 406, 707 – 715, 742 and 744, a person must not undertake any construction or planting on a Highway except as specifically authorized by a Highway Use Permit, Highway Construction and Planting Permit, E-Bike Share Permit or other District approval and, without limiting the foregoing, a person must not do any of the following on a Highway:

2.6 inserting the following after section 742:

E-Bike Share Services

743. The Municipal Engineer may issue an E-Bike Share Permit to an E-Bike Share Service where the Municipal Engineer is satisfied that the E-Bike Share Service has received approval through an Inter-Municipal Bike Share Program.

744. The Municipal Engineer may establish and designate Geo-fenced Areas for use by the holder of an E-Bike Share Permit and the permit holder will, at its own expense, install such pavement markings and signage as approved by the Municipal Engineer to identify the Geo-fenced Area or, if installed by the District, will reimburse the District for such costs.
745. The Municipal Engineer may, by directing the placement of Traffic Control Devices, regulate and control the operation of E-Bike Share Services within a Geo-fenced Area, including the speed of E-Bikes and the regulation or prohibition of parking of any E-Bikes within a Geo-fenced Area.
746. A person or legal entity may only operate an E-Bike Share Service with a valid E-Bike Share Permit and in accordance with all of the conditions of such permit and the requirements of this bylaw.
747. A person must not operate or park an E-Bike contrary to the regulations in any Traffic Control Device.
748. The holder of an E-Bike Share Permit may deploy a fleet of E-Bikes in any location where parking is permitted and where authorized by the Municipal Engineer for the purpose of making E-Bikes available to reserve for use.
749. Successful applicants for the E-Bike Share Permit must pay the E-Bike Share Permit fee and the security for performance fee set out in the Fees and Charges Bylaw 6481, as amended from time to time, prior to being issued a permit. The security for performance is refundable, less any deductions in accordance with section 747.
750. The Municipal Engineer may deduct the following fees from the security for performance fee:
- 750.1 **E-Bike retrieval fee:** all costs incurred by the District (including staff time plus an administrative fee of 15%) related to the retrieval of any E-Bike owned or operated by an E-Bike Share Service; and
- 750.2 **E-Bike impoundment fee:** \$50 per E-Bike plus \$1 per day for storage. If the E-Bike Share Service fails to retrieve the E-Bike after 30 days, the District will recycle the E-Bike and charge any recycling costs incurred.

If the fees imposed under section 750 exceed the total of the security for performance, the District is authorized to charge fines

and fees directly to the E-Bike Share Service, to require payment of an additional security for performance, or to cancel the Permit.

2.7 amending section 1201 by adding "(including but not limited to an E-Bike)" after "Any chattel, obstruction or vehicle".

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8490

A bylaw to amend Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Fees and Charges Bylaw 6481, 1992 Amendment Bylaw 8490, 2021 (Amendment 71)".

Amendments

2. Schedule F of Fees and Charges Bylaw 6481, 1992 is amended by inserting the following new fees and charges in the table immediately following the fee for Highway Construction and Planting Permit:

E-Bike Share Permit Application Fee*	\$250.00	
E-Bike Share Permit Fee*	\$40.00	Paid annually; Per E-Bike deployed (not including E- Bikes in storage)
*These fees waived if paid to other municipality in inter-municipal E-bike share program		
E-Bike Security for Performance	\$10,000.00	

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

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The Corporation of the District of North Vancouver

Bylaw 8491

A bylaw to amend Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004 Amendment Bylaw 8491, 2021 (Amendment 59)".

Amendments

2. Bylaw Notice Enforcement Bylaw 7458, 2004 is amended by inserting the following violations for the Street and Traffic Bylaw 7125, 2004 in numerical order:

Street & Traffic Bylaw 7125, 2004						
Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount (\$)	A2 Discounted Penalty: Within 14 days (\$)	A3 Late Payment: After 28 days (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
520A	Park in E-Bike Share Zone	50	40	80	NO	N/A
746	Operate E-Bike Share Service contrary to permit	50	40	80	NO	N/A
747	Operate E-Bike contrary to Traffic Control Device	50	40	80	NO	N/A

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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