

Consolidated Clause in Works Committee Report 1, which was considered by City Council on January 31, February 1 and 2, 2006.

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The Use and Regulation of Segways

City Council on January 31, February 1 and 2, 2006, adopted this Clause without amendment.

The Works Committee recommends that:

- (1) the City of Toronto support the Segway only as a Mobility Assisted Device;**
- (2) the Ministry of Transportation Ontario be requested to expedite the study of the proposed pilot project with respect to Segways;**
- (3) the General Manager, Transportation Services and the City Solicitor be requested to report back to the Works Committee and City Council when the Ministry of Transportation Ontario has completed its pilot project and reports publicly on resulting legislative changes; and**
- (4) this Clause be referred to the Disability Issues Committee with a request that it give consideration to the use of Segways as Mobility Assisted Devices at its next regular meeting, and that the Chair of the Disability Issues Committee advise the Province of the Committee's position in this regard.**

Action taken by the Committee:

The Works Committee:

- (a) requested the City Solicitor to report to the Works Committee on the City of London's legislation for Mobility Assisted Devices and their use on public rights-of-way; and
- (b) received the communication from the City Clerk.

The Works Committee submits the communication (November 8, 2005) from the City Clerk.

City Council on October 26, 27, 28 and 31, 2005, considered this Clause, and referred Item (g), entitled "The Use and Regulation of Segways", contained in this Clause, back to the Works Committee for further consideration.

(g) The Use and Regulation of Segways

The Works Committee received the report from the City Solicitor.

Report (September 8, 2005) from the City Solicitor responding to the request of the Works Committee on April 27, 2005, to report on the use and regulation of Segways in Ontario and other jurisdictions; concluding that:

- (i) the Segway is encompassed within the definition of motor vehicle as found in Ontario's Highway Traffic Act and, according to the Ontario Ministry of Transportation and pursuant to the Act, may not legally operate on a highway in Ontario; and that a highway would include the sidewalk or footpath where the sidewalk or footpath falls within the road allowance; and
- (ii) the Segway would fall within the definition of "vehicle" as found in Municipal Code Chapter 608, Parks, and pursuant to this Chapter currently may be operated on parks' roadways and parking areas that are not public highways, but not in any other area of the park unless authorized by permit.

Recommendation:

It is recommended that the report be received for information.

The Works Committee also considered communications from the following:

- (October 6, 2005) from Councillor Bill Saundercook, Ward 13, Parkdale-High Park;
- (October 6, 2005) from Lis Kilgour;
- (October 6, 2005) from Gerald Nicholson;
- (October 7, 2005) from Azia March;
- (October 6, 2005) from Brent Erb;
- (October 6, 2005) from Ralph Servidio;
- (October 7, 2005) from Rob Bosomworth;
- (October 7, 2005) from Kevin Wilson;
- (October 7, 2005) from Carlos and Katia Garcia; and
- (October 10, 2005) from Rory Sinclair, Chair, Harbord Village Residents Association.

The following persons appeared before the Works Committee:

- Dylan Reid, Toronto Pedestrian Committee, and filed a submission;
- William Brown, and filed a submission;
- Rita Brooks;

- Rhona Swarbrick, and filed a copy of the City's Pedestrian Charter;
- Robyn Reisler, President, and Anthony Piselli, Segway of Ontario, and Matthew Dailida, Manager of State Government Affairs, Segway Inc., and filed a submission; and
- Councillor Bill Saundercook, Ward 13, Parkdale-High Park.

(Report dated September 8, 2005, addressed to the
Works Committee from the City Solicitor)

Purpose:

To report to the Works Committee on the use and regulation of Segways, as requested by the Works Committee at its meeting held on April 27, 2005.

Financial Implications and Impact Statement:

There are no financial implications resulting from the receipt of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

The Works Committee, at its meeting of April 27, 2005, considered a communication dated April 11, 2005, from the City Clerk advising that the Toronto Pedestrian Committee on April 6, 2005, recommended to the Works Committee that Council approve the following motion respecting Segways on sidewalks:

“That the Toronto Pedestrian Committee notes with satisfaction that the City of Toronto Legal Services Division has determined that Segway Scooters, as motor vehicles (as defined by the Ontario Ministry of Transportation), are not permitted on sidewalks or footpaths under Chapter 400 of the former City of Toronto Municipal Code, Section 400-12D(1);

That the Toronto Pedestrian Committee believes that the presence of Segway Scooters and other similar motorized vehicles on sidewalks and footpaths would be detrimental to the safety and free circulation of pedestrians, and to the enjoyment of the walking experience; and

That the Toronto Pedestrian Committee strongly recommends that the City of Toronto continue to prohibit the circulation of Segway Scooters, or other similar motorized vehicles on sidewalks, footpaths or recreational paths.”

In considering the motion of the Toronto Pedestrian Committee, the Works Committee:

- (1) referred the communication from the Toronto Pedestrian Committee to the City Solicitor for a report to the Works Committee on all aspects with respect to the use and regulation of Segways, and the use of Segways in other jurisdictions; and
- (2) suggested that Segway Ontario discuss with the Toronto Pedestrian Committee the concerns expressed in that Committee's communication of April 11, 2005.

Comments:

- (1) Segways on Highways:

The Ministry of Transportation of Ontario ("MTO"), in a publication titled "Two and Three-Wheeled Vehicles in Ontario, Information Update" ("MTO Publication") last modified on January 5, 2005, and found on the MTO web-site, has defined a personal human transporter, otherwise known as a Segway, as a "self-balancing, electric-powered transportation machine designed for one person, with a top speed of 20 km/h." According to the MTO Publication, the Segway is encompassed within the definition of "motor vehicle" as found in Ontario's *Highway Traffic Act* (the "HTA"). According to the MTO Publication, the Segway does not meet Ontario's equipment safety standards for on-road use and as such may not be operated on roads in Ontario.

Subsection 7(1) of the HTA provides that no person shall drive a motor vehicle on a highway unless there exists a currently validated permit for the vehicle, the vehicle displays in the prescribed manner number plates issued in accordance with the HTA or its regulations, and evidence of the current validation of the permit is affixed as prescribed. Staff of the MTO, Legal Services Branch, have advised that the MTO will not currently issue a permit or a plate for Segways. Accordingly, pursuant to the HTA, Segways may not legally operate on a highway.

Pursuant to the definition of highway as found in the HTA, it appears that sidewalks which fall within the road allowance would be deemed to be part of the highway. Accordingly, irrespective of City of Toronto by-laws, currently Segways may not legally operate on City of Toronto sidewalks or footpaths that fall within the City road allowance.

- (2) Current City of Toronto By-laws relating to use on Highways:

There are a number of by-laws of the former municipalities which are still applicable. For example, as referenced in the Pedestrian Committee motion of April 6, 2005, Subsection 400-12D of the former City of Toronto Municipal Code Chapter 400, Traffic and Parking, which is currently in effect, provides that no person shall drive a motor vehicle upon a sidewalk or footpath on a highway except for the purpose of directly crossing the sidewalk or footpath and that no person shall drive a motor vehicle over a raised curb except at a place where there is a ramp or authorized front yard or boulevard parking.

A review of various by-laws of the former area municipalities revealed that the applicable by-law of each of the former Borough of East York and the former Borough of Etobicoke contains the same provisions as found in Chapter 400 mentioned above. These provisions are still in effect. The relevant by-law of the former City of York, former City of Scarborough, former City of North York, and former Municipality of Metropolitan Toronto contains similar provisions to that found in Subsection 400-12D of the former City of Toronto Municipal Code Chapter 400, without the reference to exception at a place where there is authorized front yard or boulevard parking. These provisions are still in effect.

The Segway would fall within the definition of motor vehicle in these various by-laws.

Irrespective of City of Toronto by-laws, however, as indicated above, Segways cannot currently legally operate on City of Toronto sidewalks or footpaths that fall within the City road allowance.

(3) The Use of Segways in City of Toronto Parks:

The Segway would fall within the definition of “vehicle” as found in City of Toronto Municipal Code Chapter 608, Parks. Pursuant to Subsection 608-26B of the Code chapter, unless authorized by permit, and except as provided by Subsection 608-29 with regard to bicycles, no person shall while in a park drive, operate, pull or ride a vehicle except on a roadway or parking area. Given the wording of Chapter 608, Segways currently may be operated on parks’ roadways and parking areas that are not public highways.

The public may apply through the Parks, Forestry and Recreation Division for permits under Chapter 608 for a number of different activities, including allowing vehicles to be operated off the roadways and parking areas, usually for the delivery of goods and services to support an event held in a park, or for repairs and improvements to utilities within a park. Parks’ staff has advised that they have not and would not grant a permit for use of a Segway; however, if Council wishes greater certainty, Chapter 608 should be amended to prohibit Segways from operating in a park anywhere other than on parks’ roadways and parking areas.

(4) The Use of Segways in Other Canadian Jurisdictions:

(A) Ontario Jurisdictions:

The appropriate staff were contacted in an attempt to ascertain how Segways are regulated in other jurisdictions. The following is a summary of our informal canvass. The by-laws referred to below address both use on a public highway and on parklands.

As pointed out above, the Segway does not meet Ontario’s equipment safety standards for on-road use and as such currently may not legally be operated on public highways in Ontario, irrespective of what the municipal by-law of another jurisdiction in Ontario provides in regards to their use on public highways.

(i) City of Hamilton:

Similar to the MTO classification of a Segway as a motor vehicle, Hamilton considers the Segway to be a motor vehicle. Hamilton's By-law No. 01-215, "Being a By-law to Regulate Traffic", prohibits motor vehicles from using the sidewalk except for crossing at a proper crossing. Hamilton's by-law also prohibits a motor vehicle from bicycle lanes, bicycle paths and combined bicycle and footpaths.

(ii) City of Mississauga:

Similar to the MTO classification of the Segway as a motor vehicle, pursuant to Mississauga Traffic By-law 555-00, a Segway would be encompassed by the definition of a "motor vehicle". Staff have advised that Mississauga's Traffic By-law 555-00, Section 42, provides that no person shall drive a motor vehicle upon a sidewalk or footpath or designated multi-use recreational trail located on a public highway except for the purpose of directly crossing it, or across a raised curb except where a ramp is provided.

Subsection 12(15) of the Mississauga Parks By-law 186-05 provides that no person shall operate any motor vehicle or any other form of motorized conveyances on a multi-purpose pad or multi-use recreational trail or bicycle trail. Segways fit within the definition of "vehicle" in the Parks by-law and accordingly, Segways are not permitted in Mississauga parks on multi-purpose pathways or in areas intended for non-motorized activities such as basketball, skate boarding, roller blading and street hockey.

(iii) City of Niagara Falls:

A Sergeant with the Niagara Regional Police Service has advised that, in September 2004, he stopped a male operating a Segway on Lundy's Lane and charged the male with Owner Operate Motor Vehicle on Highway – No Insurance, Drive Motor Vehicle No Plate, and Improper Turn. The Sergeant further advised that the case went to trial in July 2005, was heard by Justice of the Peace Spadafora, and that the accused was convicted of the no plate charge. The other charges were stayed pursuant to the request of the charging officer and the Prosecutor. According to the Prosecutor who prosecuted this matter, the Justice of the Peace made it clear that the Segway is a motor vehicle when it is operated on a highway.

(iv) City of Windsor:

Windsor has advised that there is currently nothing in Windsor's by-laws that allows Segways anywhere, with the exception that they are permitted on roadways and parking lots in Windsor's parks.

(B) Other Canadian Jurisdictions:

(i) City of Edmonton:

Segways fall within their provincial legislation's definition of "motor vehicle". Segways lack equipment compliance and cannot operate on highways in Alberta.

Edmonton staff have advised that, pursuant to an Edmonton by-law, no person shall operate a motor vehicle on parkland except on a roadway. However, pursuant to Alberta's provincial legislation, roadway falls within the provincial definition of "highway". As such, Segways also cannot operate in parks in Edmonton.

(ii) City of Calgary:

Notwithstanding Alberta's provincial legislation, Calgary has no firm policy in relation to Segways. Its police service are currently doing research on the matter to help Calgary come up with a policy or to determine whether Calgary needs to adjust some of its by-laws to deal with Segways.

(iii) City of Montreal:

Unfortunately, as of today's date, no-one from Montreal has responded to the City of Toronto's enquiries regarding Montreal's regulation of Segways.

(iv) City of Vancouver:

The Segway would fall within the definition of "motor vehicle" in the British Columbia *Motor Vehicle Act*. Vancouver's current by-law prohibits anyone from riding motorized vehicles on Vancouver sidewalks.

In addition to the above, Vancouver staff have advised that the Segway does not meet provincial safety standards, and as such the Segway is not legally allowed to operate on British Columbia's roads.

Vancouver staff has advised that Vancouver's parks control by-law state that no vehicles are allowed on any grassed areas or footpaths in public parks. Segways are not permitted on sidewalks in parks. Further, any vehicle which is not permitted on Vancouver streets pursuant to British Columbia's *Motor Vehicle Act* is also not permitted on Vancouver parks' roadways.

(v) City of Winnipeg:

Winnipeg has advised that the definition of "motor vehicle" in Manitoba's *Highway Traffic Act* would appear to include Segways but it seems probable that Segways do not comply with the safety standards required of motor vehicles and, as a result, would probably not be allowed to operate on roads. At this point, however, the Province has not taken a formal position on the matter. Winnipeg did note, however, that Manitoba's *Highway Traffic Act* permitted the City as a traffic authority to permit the use of vehicles on public roads even though the vehicles do not meet the requirements of the Act. In terms of the City of Winnipeg, Winnipeg staff advised that there does not appear to be any by-law provision addressing the issue of Segways.

Winnipeg has advised that it is not familiar with and has not had the opportunity to discuss Segways in parks. It will soon begin the process of updating the Winnipeg Parks and Recreation by-law, and will address the issue of Segways as part of that review.

(5) Other Developments which may affect the use or regulation of Segways:

There is currently a Bill before the Legislative Assembly, namely Bill 169, the *Transportation Statute Law Amendment Act*, which would amend the HTA by inserting a new Part XVI (Pilot Projects). This new Part XVI would allow the Lieutenant Governor in Council by regulation to authorize or establish a pilot project for research, testing or evaluation purposes. Pursuant to the proposed provisions, under a project authorized or established by the new Part, persons or classes of persons may be authorized to do or use a thing that is prohibited or regulated under the HTA, the *Dangerous Goods Transportation Act*, the *Motorized Snow Vehicles Act*, the *Off-Road Vehicles Act*, the *Public Vehicles Act* or the *Truck Transportation Act* or to not do or use a thing that is required or authorized by any of those Acts. Also, the proposed provisions provide that an authorization or requirement described in the proposed Part XVI “may be limited to any class of persons, class or type of vehicles, class of equipment, devices or highways, parts of Ontario, time of year or day, activities, matters or any other things” and that a regulation made under this new Part “may regulate the doing of anything or the use of anything or prohibit the doing of anything or the using of anything”. Pursuant to these proposed provisions, the Lieutenant Governor in Council could introduce a regulation to govern Segways and exempt them from the HTA provisions. It should also be noted that, pursuant to the proposed provisions, any regulation that authorizes or establishes a pilot project must provide that it is revoked within 12 years after it is made.

Bill 169 has, however, only currently received second reading and has not yet been passed by the Legislative Assembly.

Conclusions:

The Segway is encompassed within the definition of motor vehicle as found in Ontario’s *Highway Traffic Act*. According to the MTO and pursuant to the *Highway Traffic Act*, Segways may not legally operate on a highway in Ontario. A highway would include the sidewalk or footpath where the sidewalk or footpath falls within the road allowance.

The Segway would fall within the definition of “vehicle” as found in Municipal Code Chapter 608, Parks. Pursuant to Chapter 608, Segways currently may be operated on parks’ roadways and parking areas that are not public highways, but not in any other area of the park unless authorized by permit.

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The Works Committee also considered communications from the following:

- (October 6, 2005) from Councillor Bill Saundercook, Ward 13, Parkdale-High Park;
- (October 6, 2005) from Lis Kilgour;
- (October 6, 2005) from Gerald Nicholson;
- (October 7, 2005) from Azia March;
- (October 6, 2005) from Brent Erb;
- (October 6, 2005) from Ralph Servidio;
- (October 7, 2005) from Rob Bosomworth;
- (October 7, 2005) from Kevin Wilson;
- (October 7, 2005) from Carlos and Katia Garcia;
- (October 10, 2005) from Rory Sinclair, Chair, Harbord Village Residents Association.
- (October 11, 2005) from William E. Brown;
- (undated) from Dylan Reid;
- (October 11, 2005) from Angela Bertoni;
- (October 11, 2005) from Barry Humphrey;
- (December 24, 2005) from Claude Roy, Director, Motor Vehicle Regulation Enforcement Road Safety and Motor Vehicle Regulation Transport Canada
- (November 7, 2005) from Cynthia Booker;
- (November 17, 2005) from Nigel Stuckey;
- (December 9, 2005) from Bill Brunton;
- (January 2, 2006) from Bill Brunton; and
- (January 10, 2006) from Nigel Stuckey.

The following persons addressed the Works Committee:

- Matthew J. Dailida, Director, Regulatory Affairs, Segway Inc.;
- William Brown, and filed a written submission;
- Laughlin Hughes;
- Dylan Reid, Member, Toronto Pedestrian Committee, and filed a written submission;
- Lela Gary;
- Dennis Findlay, President, Waterfront Action, and filed a written submission;
- Nigel Stuckey, and filed a written submission;
- Megan Stuckey;
- Pamela Stuckey;
- Barry Lipton; and
- Councillor Bill Saundercook, Ward 13, Parkdale-High Park.