

<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation Committee	<b>14 July 2020</b>
<b>Subject:</b> City of London Corporation participation in e-scooter trials	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For decision</b>
<b>Report author:</b> Giacomo Vecia, Department of the Built Environment	

### Summary

As part of their e-scooter review and in response to reduced public transport capacity as a result of the COVID-19 crisis the Government has fast-tracked legal processes to allow 12-month trials of rental e-scooter schemes to take place as soon as possible.

The City Corporation does not currently have a formal position on e-scooter use. In response to the Government's acceleration of rental e-scooter scheme trials officers have reviewed our position in consultation with the City of London Police.

Research on rental e-scooter scheme risks and benefits in other global cities suggest these schemes have the potential to encourage significant modal shift and provide a viable non-car alternative to public transport that meets social distancing requirements. Given this, officers believe that the City Corporation would benefit from participating in a City of London or multi-borough rental e-scooter trial, provided we are satisfied with all final guidance issued by the Department for Transport (DfT) and all final trial criteria and terms proposed by Transport for London (TfL).

At the time of writing the DfT has stated that they are likely to provide specific construction regulations that all e-scooters will need to meet to be used in trials. These regulations include having speed limiters and vehicle identifiers. Only users with driver's licenses will be permitted to ride rental e-scooters in trial areas.

As far as possible officers will seek to ensure trial criteria and terms include:

- a. Ensuring e-scooters are parked in designated parking bays
- b. Strongly encouraging or mandating helmet use while riding
- c. Having visible unique vehicle registration numbers for identifying e-scooters
- d. Ensuring sufficient insurance is held by any scheme operator

TfL are also preparing a draft outline proposal for a multi-borough or London-wide e-scooter trial. City officers will review this proposal when it becomes available. TfL have indicated that the draft proposal criteria and terms currently include:

- a. Limiting the number of operators in any trial area to three
- d. Ensuring that vehicles are deployed or parked to not cause obstructions

- e. Allowing boroughs to identify no-go and “go-slow” areas

The deadline for participating in trials is likely to be before the next meeting of this Committee on 8 September. Final DfT guidance and London Councils and TfL criteria are not yet available. It is recommended that the agreement of the terms of the trial be delegated to the Chief Officer in consultation with the Chair and Deputy Chairman of the Planning & Transportation Committee and the Chairman and Deputy Chairman of the Streets & Walkways Sub-Committee.

Should Members decide to participate in a trial a report will be brought to the September meeting of the Planning and Transportation Committee outlining any delegated decisions, agreed trial criteria and terms and a monitoring plan to capture trial key performance indicators and data.

### **Recommendation(s)**

Members are asked to:

- Agree that the City of London Corporation should participate in a rental e-scooter trial, subject to the terms of that trial meeting the City Corporation’s requirements.
- Delegate the agreement of the terms of the trial to the Chief Officer in consultation with the Chair and Deputy Chairman of the Planning & Transportation Committee and the Chairman and Deputy Chairman of the Streets & Walkways Sub-Committee.
- If required by DfT guidance, agree to permit rental e-scooters that are not part of any trial that the City Corporation is participating in to travel through the City of London.

### **Main Report**

#### **Background**

1. Electric scooters (or e-scooters) are not currently legal for use on public highway the UK. The Government has committed to reviewing the legality of e-scooters but have not suggested a date for this review to be completed by.
2. As part of their e-scooter review and in response to reduced public transport capacity as a result of COVID-19 the Government has fast-tracked legal processes to allow 12-month trials of rental e-scooter schemes to take place as soon as possible. On 9 May the Transport Secretary indicated that he wishes to bring the date of these trials forward to this summer as part of Central Government’s broader COVID-19 response.
3. The Department for Transport (DfT) have provided more information on their high-level goals for e-scooter trials, which include:
  - a. Responding to COVID-19 and the need to support reduced local transport capacity
  - b. Building a robust evidence base around the safety and wider impacts of e-scooter use

- c. Informing any longer-term policy decisions Government may make on e-scooter legality in the UK
4. The DfT has released a draft e-scooter trial guidance document which provides an indicative outline methodology. That draft guidance also suggests trials can commence after legislation is laid and passed in parliament early this summer and until the end of August. A full list of the final regulations alongside the process for applying to host a trial will be included in the DfT's formal guidance expected to be published by end of June.
5. While draft guidance has been circulated, TfL has informally communicated to officers that the DfT may make additional changes to the draft guidance prior to its formal publication. At the time of writing officers have incorporated all information from draft guidance and informal discussions into this report. Should any details of the draft guidance materially change, then officers will circulate a note ahead of the Committee meeting to inform Members of those changes along with any impacts on our recommendations.
6. The City Corporation does not currently have a formal position on e-scooter use. In response to the Government's acceleration of rental e-scooter scheme trials officers have reviewed our position in consultation with the City of London Police.
7. Research on rental e-scooter scheme risks and benefits in other global cities suggest these schemes have the potential to encourage significant modal shift and provide a viable non-car alternative to public transport that meets social distancing requirements. Given this, officers believe that the City Corporation would benefit from participating in a City of London or multi-borough rental e-scooter trial, provided we are satisfied with all final guidance issued by the Department for Transport (DfT) and all final trial criteria and terms proposed by Transport for London (TfL).
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9. The trial could also help inform Corporation policy and possible representations on and consultations to future legislation to legalise e-scooters for general use.

### **Overview of e-scooters**

10. While e-scooters have never been legal on UK public highways and pavements they are currently legal in an increasing number of countries across the globe. E-scooter use has increased exponentially in the past decade as advances in battery life and charging speed have reached vehicle markets and commercial availability has increased.
11. In countries where e-scooters are legal there is evidence they enable more people to make short- to medium-length journeys without using a car and encourage longer-term modal shift away from private cars.
12. As with dockless cycle hire schemes little to no infrastructure is required for rental e-scooter schemes. This poses similar benefits and risks to dockless cycle hire schemes including reduced implementation costs and potential risk of obstruction of pavements and streets.
13. Concerns have also arisen around the safety of travelling by e-scooter. There is some evidence suggesting users of e-scooters may be at higher risk of injury or

casualty than other road users on comparable vehicles, such as e-bikes and mopeds, in areas with higher speed limits. Research on e-scooter collisions and casualties has found that:

- a. e-scooter users are most likely to suffer serious injuries in a collision when a motor vehicle is involved,
  - b. a higher than average proportion of e-scooter accidents involve drink driving at night by the e-scooter user
  - c. incidences of collisions between e-scooter users and pedestrians is low and when they do occur injuries are more minor
14. The DfT are satisfied that vehicle construction and other measures to mitigate safety risk are sufficient to legalise rental e-scooters for use in trials across the UK. Officers are therefore of the view that a rental e-scooter trial in the City should not be prevented on the grounds of safety risk.
15. Overall, while e-scooters are a relatively new mode of transport in many cities, they are an efficient, convenient and green mode of private transport that potentially has a place in London's transport system.

### **Rental e-scooter trials**

16. The DfT have indicated that local authorities may be able to set local criteria and terms for their trials through detailed procurement exercises. These local requirements will then be compared with higher-level DfT legal requirements. All trials will ultimately be approved by the Secretary of State through Administrative Orders which will allow trials to begin.
17. To authorise the use of e-scooters, the DfT needs to be satisfied that the trials will deliver robust evidence. This includes:
- a. local authorities seeking agreement and alignment between various tiers of local authority
  - b. local authorities and operators considering costs and funding mechanisms for trials, as funding may not be available from the DfT
  - c. ensuring the size of trial areas be as large as possible to create better sample sizes for analysis
  - d. ensuring vehicles used in trials are safe, of a good standard, undergo regular servicing, and that there are measures to maintain appropriate hygiene
  - e. signing data sharing agreements with operators that collect enough data for evaluation of trial outcomes
18. The DfT has stated that they are likely to provide specific construction regulations that all e-scooters will need to meet to be given vehicle special orders for use in trials. These regulations include having:
- a. Speed limiters (likely to be between 12.5mph and 15.5mph maximum)
  - b. Vehicle identifiers
  - c. Retracting stands

19. The DfT has also indicated that the use of e-scooters on pavements will not be allowed. E-scooters will only be made legal on carriageways, in dedicated cycle lanes and in shared cycle/pedestrian spaces.
20. As rental e-scooters will continue to be classed as motor vehicles during trials, requirements to have the correct type of insurance and driver's license will continue to apply. It will be required that e-scooters be covered by a motor vehicle insurance policy and that e-scooter users will have a category AM, A1, A2, A or B license. Officers are working with the DfT and TfL to understand what kinds of insurance policies will be required under the legislation and whether they will be required to cover third-party liability.
21. Given the need to establish trials swiftly, the DfT has asked those authorities interested in participating trials to begin drafting trial criteria and terms and start engaging with potential operators as soon as possible.
22. The DfT have indicated that local authorities will likely have significantly more power to manage and regulate rental e-scooter schemes compared to dockless cycle hire schemes should they wish to participate in a trial. Operators will be required to enter into contractual-like agreements with local authorities which will then be reviewed and approved by the DfT and Secretary of State for Transport.
23. The DfT have also suggested it will be possible for local authorities to end or exit trials early if necessary.
24. It is not yet clear whether users of rental e-scooter schemes will be allowed to travel through non-trial areas. Officers recommend that, regardless of whether the City Corporation participates in a trial, Members agree to allow rental e-scooter travel through the City. This would allow rental e-scooter users participating in other trials in London to travel through the City but not begin or end journeys in the Square Mile.
25. Participating in these trials will give the City Corporation more opportunity to shape future e-scooter policy and ensure that future e-scooter use is fit for purpose for the City. While the intention is to run trials for 12 months the DfT have indicated that the legality of e-scooter use is being reviewed in tandem with the trials and that e-scooters may be legalised following the trial period.
26. The DfT will likely look to local authorities participating in trials when informing the legality of e-scooter use in the UK. Participating in these trials would likely help inform any future submissions or responses associated with the DfT's regulatory review of e-scooter use.

### **Potential e-scooter trial criteria and terms**

27. The City Corporation has prepared a comprehensive list of criteria and terms for Dockless Cycle Hire (Appendix 1). It is the intention that these criteria and terms be adapted and applied for rental e-scooter schemes were the City to undertake our own trial or participate in any joint trials with London boroughs. As far as possible officers will seek to ensure trial criteria and terms include:
  - a. Ensuring e-scooters are parked in designated parking bays
  - b. Managing the distribution and deployment of e-scooters to minimise street clutter and negative impacts on other street users

- c. Sharing data on trips and usage to inform policymaking and improve dockless vehicle schemes
  - d. Ensuring any operator is an accredited London Living Wage Employer
  - e. Strongly encouraging or mandating helmet use while riding, including through the use of incentives for users, if deemed safe and hygienic in light of the potential for shared helmets to transmit COVID-19
  - f. Having visible unique vehicle registration numbers for identifying e-scooters participating in the trials
  - g. Ensuring sufficient insurance is held by any scheme operator to protect themselves, users and the City from any damages
28. Certain powers, such as the ability to mandate helmet use, are still being reviewed by the DfT and TfL to ensure that they are enforceable and practical given concerns around shared helmet use during COVID-19. If confirmation is received ahead of Committee then officers will circulate a note to inform Members.
29. Officers will look to identify new e-scooter parking bays around the City for the purposes of the trial. In some cases, existing temporary or permanent dockless cycle parking bays may be partially converted to e-scooter parking bays or shared dockless vehicle parking bays where demand for e-scooters is likely to be high.
30. DfT draft guidance has stated that where trial areas include and involve several tiers of local government, the Department's preferred approach is for a lead authority to be agreed. In most cases it is expected that the lead authority will have strategic oversight across all local trial areas.
31. Officers believe it would be best to enter into a joint trial with adjacent boroughs if possible. Should a multi-borough trial take place in London, the scope of trial coordination would need to be agreed by all participating boroughs as soon as possible.
32. TfL and London Councils are aiming to provide a co-ordinating function for any multi-borough trials, ensuring consistency, commercial procurement expertise and IT system support.
33. TfL are also preparing a draft outline proposal for a multi-borough or London-wide e-scooter trial. City officers will review this proposal when it becomes available. TfL have indicated that the draft proposal criteria and terms currently include:
- a. Limiting the number of operators in any trial area to three
  - b. Using dynamic capping to ensure an appropriate maximum number of rental e-scooters in the trial area at all times
  - c. Giving operators a target time of three hours and a maximum time of 24 hours to remove or repark any vehicle parked outside of an agreed parking space
  - d. Ensuring that vehicles are not deployed or parked in a manner that inhibits access to dropped kerbs, crossing, or creates and access, safety or pedestrian crossing visibility issues

- e. Allowing boroughs to identify no-go and “go-slow” areas (where the maximum speed is reduced)
  - f. Extending minimum vehicle standards to include having a means of notifying operators in real-time when a vehicle has been knocked over (when parked) or otherwise moved outside of a rental area
34. The deadline for participating in trials is likely to be before the next meeting of this Committee on 8 September. Final DfT guidance and London Councils and TfL criteria are not yet available. It is recommended that the agreement of the terms of the trial be delegated to the Chief Officer in consultation with the Chair and Deputy Chairman of the Planning & Transportation Committee and the Chairman and Deputy Chairman of the Streets & Walkways Sub-Committee.

### **Pan-London Dockless Vehicle Byelaw**

35. TfL and London Councils have continued their work on the proposed pan-London byelaw. The byelaw has been drafted to refer to dockless vehicles, which includes e-scooters.
36. The draft byelaw text includes requiring all dockless vehicles to be left (whether by dockless operators or their customers) only in places agreed by the relevant local authority, and makes it an offence for dockless operators to place or allow their vehicles to be parked anywhere other than at a location agreed by the local authority.
37. The Byelaw will support the effective management and operation of rental e-scooters in the City once adopted.
38. The COVID-19 crisis has delayed the adoption of the Byelaw. A timeline for adoption is not currently available. This is unlikely to hinder the effective management and operation of rental e-scooter schemes given local authorities will likely be able to contractually bind operators to meet set criteria and terms. This differs from our limited powers to regulate dockless bike share.

### **Corporate & Strategic Implications**

39. The proposals support the delivery of Corporate Plan Outcome 9: We are digitally and physically well-connected.
40. The City of London Transport Strategy (Proposal 28) sets out our approach to improving cycle hire in the Square Mile. While rental e-scooters schemes technically fall outside the remit of this proposal their benefits and challenges will be similar. The need for designated parking areas is also included in Proposal 17: Keep pavements free of obstructions.
41. The trials will form part of the Future City Streets Programme (Proposal 42).
42. There is a possible reputational risk to the City Corporation if innovative approaches to supporting COVID-19 recovery and increasing sustainable and healthy transport modes are not carefully considered. There are also possible reputational risks if potential adverse impacts of rental e-scooter scheme operations are not carefully managed.

## **Legal implications**

43. The City Corporation has no jurisdiction over the legality of e-scooters. Any trial conducted by the City will be fully compliant with any laws and regulations as set out by the DfT.
44. The trial could also help inform Corporation policy and possible representations on and consultations to future legislation to legalise scooters for general use.

## **Financial implications**

45. At the time of writing the DfT has not indicated whether any funds will be made available to support rental e-scooter trials.
46. The DfT requires local authorities to be realistic in identifying funding mechanisms for trial costs, particularly as COVID-19 has posed a financial challenge to traditional dockless vehicle operators.
47. As with our current approach to dockless cycle hire, we will seek to recoup costs from operators for any trial run by the City. Officers are working with TfL and the DfT to investigate options for charging operator for participation.
48. Costs of deploying additional parking bays for e-scooters will likely be met by existing budgets supporting temporary COVID-19 related interventions.
49. Additional costs will be incurred if the City Corporation has to remove e-scooters deemed to be causing a danger from the streets in default of the operator removing them. Removal and storage costs would be incurred in these circumstances and will be recovered through charging operators for removal.

## **Health Implications**

50. Well managed rental e-scooter schemes have the potential to reduce the number car journeys within central London, and potentially shift journeys from short taxi, private hire and public transport trips, with associated benefits to air quality and public health.
51. E-scooter use can also help people observe social distancing requirements while travelling.
52. Concerns exist around the safety of travelling by e-scooter, with some evidence suggesting users of e-scooters may be at higher risk of injury or casualty than other road users on comparable vehicles such as e-bikes and mopeds in areas with higher speed limits. DfT has deemed this risk to be manageable and mitigatable given its decision to legalise rental e-scooters in the UK.

## **Equality Implications**

53. Any e-scooter activity in the City will be closely monitored to understand impacts on vulnerable road users (e.g. visually impaired, wheelchair users). This is consistent with the public sector equality duty.

## **Conclusion**

54. Based on research of rental e-scooter scheme risks and benefits in other global cities, including modal shift and providing a non-car alternative to public transport that meets social distancing requirements, officers believe that the City Corporation would benefit from participating in a rental e-scooter trial, provided we are satisfied with all guidance and procedures issued by the DfT, TfL and London Councils as a part of these trials. The trial could also help inform Corporation policy and possible representations on and consultations to future legislation to legalise scooters for general use.
55. The deadline for participating in trials is likely to be before the next meeting of this Committee on 8 September. Final DfT guidance and London Councils and TfL criteria are not yet available. It is recommended that the agreement of the terms of the trial be delegated to the Chief Officer in consultation with the Chair and Deputy Chairman of the Planning & Transportation Committee and the Chairman and Deputy Chairman of the Streets & Walkways Sub-Committee.
56. Should Members decide to participate in a trial an update report will be brought to the September meeting of the Planning and Transportation Committee outlining any delegated decisions, agreed trial criteria and terms and a monitoring plan to capture trial key performance indicators and data.

## **Appendices**

- Appendix 1 – City of London Corporation Dockless Cycle Hire Trial criteria and terms

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## **Appendix 1 – City of London Corporation Dockless Cycle Hire terms for operational approval**

The City Corporation is looking to approve and support dockless hire schemes who adhere to the following criteria and terms:

1. Operators must be able to accurately locate their bicycles and have redistribution processes in place to move or remove inappropriately parked bicycles within:
  - a. 90 minutes on Mondays to Fridays between 06:00 and 21:00
  - b. 4 hours at any other time

Operators must also be able to remove their bicycles for security reasons at the request of the City Corporation at any time within 90 minutes.

2. Operators must manage operations in a way that minimises traffic impacts and emissions from any operational vehicles. Compliance with FORS accreditation will contribute to this. It is also recommended that Operators comply with ISO 14001:2015.
3. Operators must make their users aware of agreed parking locations and have appropriate means of requiring users to comply with parking requirements and encourage good parking behaviours.
4. Operators must design their bicycles to reduce the risk of vandalism and theft of the bike and of the bicycle falling over.
5. Operators must be committed to encouraging safer behaviours and enabling a more diverse range of people to cycle.
6. Operators must ensure the design of their cycles achieve and maintain ISO 4210:2014 standards for bicycles in the UK, especially regarding part quality and sustainability, safety and engine specifications, including:
  - a. Providing hand-operated brakes arranged left-hand rear and right-hand front
  - b. Providing front and back lights on the bike so it can operate safely in low light conditions BS EN ISO 4210:1-9 The Pedal Bicycles (Safety) Regulations 2010 and Road Vehicle Lighting Regulations 1989
  - c. Providing a rear red reflector and amber/yellow reflectors on the front and rear of each pedal
  - d. Making sure all bicycles have an individually identifiable asset number.

This is not a list of all legal requirements. Operators must make sure they comply with all applicable laws and standards for bicycles in the UK.

7. Operators must ensure their bicycles are always well maintained and safe to ride and have a mechanism to disable any bicycles that are broken or damaged. Operators must also have a Sustainability Policy, including details on reusing and recycling their assets.

8. Operators must have an easy to use reporting mechanism that allows the public and the City Corporation to report bicycles that are damaged, vandalised, or inappropriately parked.
9. Operators must offer 24-hour communication channels. This includes a telephone number that is clearly advertised on their bicycles, website and mobile apps.
10. Operators must not operate in neighbouring boroughs without agreement and promptly remove any bicycles left in those boroughs within a fixed time period as determined by the borough and the City Corporation.
11. Operators must share at least the following data with the City Corporation on a monthly or better basis:
  - a. Origins and destinations of all trips that start or finish in the Square Mile by month in GIS format
  - b. The number of trips per street by month in GIS format
  - c. The number of hires by hour in tabular format
  - d. The number of times bike journeys have been paused or stopped outside of agreed parking areas by month in tabular format
  - e. The number of requests they received from the City Corporation, public, and any other groups to move a cycle
  - f. The number of their cycles parked in the City by hour for the previous week in tabular format
1. Operators must provide us real-time location data of all dockless bikes via an API.
12. Operators must have levels of insurance coverage that meet or exceed the minimum requirements as determined by the City Corporation.
13. The City Corporation may change the maximum number of Bicycles permitted in the Square Mile and close or update approved parking locations at any time.
14. Operators must only deploy bicycles at locations specified by the City Corporation, in numbers for that location determined by the City Corporation, and on dates and at times agreed with the City Corporation
15. Operators must not deploy more than their allocated number of bicycles parked in the Square Mile at any time and remove or redistribute any excess bicycles from our streets within:
  - a. 90 minutes on Mondays to Fridays between 06:00 and 21:00
  - b. 4 hours at any other time
16. Operators must contact neighbouring boroughs and agree with them how they will manage any bikes that are left in their borough.

17. The cost of any additional signage, markings, or infrastructure needed to facilitate Dockless Bicycle Schemes will be borne by the Operator.
18. Operators must not use any City Corporation logos or branding in any way without written permission from the City Corporation.
19. Operators must agree any marketing or public communications with the City Corporation prior to publication.
20. Operators must be accredited with CoMoUK.
21. Operators must be accredited as a London Living Wage employer.
22. Operators must comply with the TfL Code of Conduct and any details of Proposal 28 of the draft City of London Transport Strategy not covered by any other criteria or term
23. The City Corporation may rescind operational approval at any time for failing to reasonably meet any of the listed operational terms. If an Operator has their approval rescinded, they will have 48 hours from the time of our suspension instruction to remove all their bicycles from the City.