

## THE MUNICIPALITY OF LAMBTON SHORES

**Report 16-2021**

**Council Meeting Date: April 13, 2021**

**TO:** Mayor Weber and Members of Council  
**FROM:** Steve McAuley, Director of Community Services  
**RE:** Low-Speed Vehicles

**RECOMMENDATION:**

**THAT** Report DCS 16-2021 regarding Low Speed Vehicles be received.

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### **SUMMARY**

This report outlines the requirements for the operation of low speed vehicles under the current pilot project being conducted by the Province of Ontario.

### **BACKGROUND**

At the February 9<sup>th</sup>, 2021 regular Council meeting, Council received a request from two members of the public requesting that Lambton Shores permit the operation of low-speed vehicles (LSV) within the municipality. As a result of this request the following resolution was passed:

*THAT staff prepare a report and sample by-law on allowing Low Speed Vehicles on roads in Lambton Shores. Carried*

LSV are a specific type of vehicle that historically have been prohibited from operating within Ontario. Under a ten (10) year provincial pilot project that commenced July 1, 2017, LSV are permitted to operate within municipalities where a by-law has been passed authorizing their use.

LSV are generally described as electric vehicles designed to run at a maximum speed of 40km/hr, and are typically used for short vehicle trips in an urban area. Operation of these vehicles are typically restricted to lower speed roads and are not permitted to operate on a highway. LSV are considered by many to be an environmentally friendly alternative to a full passenger vehicle.

The rules regarding both the technical requirements of the vehicles and the operation of these vehicles are contained in O.Reg. 215/17: Pilot Project – Low-Speed Vehicles.

Under the current requirements of the Regulation, the compulsory vehicle safety features are summarized as follows:

LSV must include:

- headlights
- turn signal lamps
- mirrors
- parking brake (but no specifications)
- maximum speed capability of 40km/h
- Odometer
- Speedometer
- Windshield defrosting & defogging system and
- Occupant compartment doors

LSV must meet the following standards:

- VSS 115 - Bear a Vehicle Identification Number, which provides a way to track ownership and identify recalls
- CMVSS 205 - Meets glazing requirements for a windshield, and
- CMVSS 209 - Have seat belt assemblies present, with no requirement for seat belt anchorages

In addition to the above noted vehicle requirements, the vehicles must be registered at one of two Service Ontario locations, both located in the Toronto area. Drivers must also carry liability insurance in the amount of \$5M, medical and catastrophic insurance in the amount of \$2M and non-catastrophic insurance in the amount of \$1M.

The operational constraints of LSV are also identified in the Regulation and are summarized as follows:

- Low speed vehicles drive at a maximum speed of between 32 km/h and 40 km/h and may not be modified to drive faster than 40 km/h
- Low speed vehicles are only allowed on roads with a speed limit of up to 50 km/h if permitted by municipal by-law, and are allowed to be driven through an intersection where the speed limit of the cross street is not greater than 60km/h
- Only LSVs that meet the federal motor vehicle standards for the low-speed vehicle class and have the compliance label affixed are eligible to participate in the pilot
- Slow moving vehicle sign must be attached to the rear of the vehicle
- Current Highway Traffic Act (HTA) rules apply to the driver/vehicle owner
- Drivers are required to have a full G class driver's licence or higher
- Low speed vehicles are subject to Ontario's mandatory seat belt requirements
- The vehicle must not be driven while carrying a child passenger younger than eight years old
- Low speed vehicles are prohibited from being used for an Ontario driver's licence road test

- No sidecars or trailers are permitted for use on a low speed vehicle

The above noted requirements are contained in the current version of O.Reg 215/17, however the Province did post for comment the following proposed changes to the Regulation:

1. Lower the insurance requirements for LSVs to a minimum of \$1M in third-party liability insurance, \$65,000 for non-catastrophic injuries and \$1M for catastrophic injuries.
2. Increase the intersection crossing speed to not greater than 80 km/h, where there is a traffic signal, stop sign or roundabout.
3. Remove the requirement for LSVs to have doors.
4. Remove the limit on the number of occupants allowed in an LSV as long as there are the required number of seating positions

While these proposed changes were posted on the Ontario Regulatory Registry, with comments being received until April 7, 2021, no decisions regarding the proposed changes has been published as of the writing of this report. Whether or not there will be an impact on the operation of LSV's in Lambton Shores as a result of this review is not known at this time.

An example of a typical LSV is shown in Figure 1.



Figure 1 – GEM e4 Low Speed Vehicle

In addition to the vehicle and operational requirements in the Regulation, Section 3, Clause 2 states the following:

*3(2) No person shall drive a low-speed vehicle on a highway under the jurisdiction of a municipality except where it is permitted by a municipal by-law.*

Based on the above operational limitations, LSV could be operated in Lambton Shores if Council passes a by-law allowing them. LSV in Lambton Shores would be able to operate in certain urban areas where speed limits permit, however they would virtually be “locked” into those areas based on them being prohibited from operating on any roads with a posted speed greater than 50km/hr. For example, a vehicle operated within the Port Franks Area could never get to Grand Bend or vice versa due to the requirement to travel on roads with speed limits posted at greater than 50km/hr. This fact may limit their usefulness; however travelling within urban areas for short errands etc. may still be attractive to some.

It important to stress that vehicles classified as LSV do **NOT** include golf carts or other off-road vehicles. Golf carts and off-road vehicles do not meet, nor could an individual modify them to meet, the requirements of the Regulation.

In researching the information for this report, OPP Lambton County Detachment Commander, Inspector Avery and Staff Sergeant Stuart from the Lambton OPP detachment were consulted. Both Inspector Avery and Staff Sgt. Ross expressed concerns around both safety and general enforcement related to LSV.

From safety standpoint, their concerns centered around these types of vehicles being inherently less safe than a standard motor vehicle with potential for significant injury should an LSV be involved in a collision with a standard motor vehicle. They noted that these vehicles are smaller and less visible than standard motor vehicles, and will be sharing the roadway with large commercial vehicles and heavy traffic such as that seen in Grand Bend and could result in a catastrophic accident should the vehicles collide.

From an enforcement standpoint, the concerns raised were generally around the potential for the public to confuse LSV with golf carts. As Council is aware, golf carts have increasingly becoming an issue in various parts of Lambton Shores and as a result additional enforcement effort from the OPP has been required. The OPP’s concern is that permitting LSV will only exasperate the problem by confusing some of the public into thinking golf carts are permitted on our roads, which they are not.

While enforcement of the Highway Traffic Act would fall to the OPP, municipal staff would be responsible for issuing parking tickets to LSV for any breach of our Parking By-law as is the case with any other registered motor vehicle.

Staff share the OPP’s concern regarding the confusion by the public between LSV and golf carts and other off-road vehicles. If Council passes a by-law to allow the use of LSV in Lambton Shores, staff would recommend that a public information campaign be launched that would include information distributed through newsletters and social media explaining specifically what an LSV is.

In addition to consulting with the OPP, staff also contacted the Ministry of Transportation to understand if any other Municipalities have elected to permit LSV vehicles as part of the pilot project. While the Ministry indicated that they did not

officially keep a record of who has passed by-laws permitting LSV, they did indicate that they were not aware of any at this point, however noted that they understand others are considering it. Staff's investigation also did not identify any municipalities in Ontario that permit LSV, with the exception of a pilot project being undertaken in Ottawa to evaluate the effectiveness of autonomous LSV being used as a shuttle service within a defined campus area. Outside of Ontario a number of British Columbia and Quebec municipalities do permit LSV under their corresponding provincial legislation.

Staff did reach out to Town of Delta in BC, who passed a bylaw allowing LSV in 2014, to understand their experience with these vehicles. Delta staff indicated that while there was interest from some members of the public when the by-law was passed, they are not aware of any LSV being operated in their jurisdiction to date.

### **ALTERNATIVES TO CONSIDER**

Council is not required to allow LSV in Lambton Shores, as such Council could decide not pass the attached by-law. If Council decides to allow LSV by passing a by-law, it should be pointed out that it would be difficult to rescind such a by-law if some Lambton Shores residents choose to invest an LSV. Having said that, the provincial pilot project ends on July 1, 2027, after which the Province may or may not allow municipalities to permit their operation.

### **RECOMMENDED ACTIONS**

This report presents information related to LSV as requested by Council. Should Council wish to allow the use of LSV in Lambton Shores under the current Provincial pilot project, staff have included the attached by-law for Council's consideration.

### **FINANCIAL IMPACT**

The overall financial impact of LSV with respect to enforcement is unknown at this time; however there is little direct financial impact to Lambton Shores by permitting LSV. The existing communications budgets would allow for a public information campaign to be undertaken to ensure the public understand what LSV are and where they are permitted to operate.

### **CONSULTATION**

Ontario Provincial Police – Lambton Shores Detachment  
Ministry of Transportation  
Town of Delta, BC