Canadian Electric Bicycle Association (CEBA) feedback for new proposals

We have consulted with our members and non members in Ontario and the following represents our view on what should be changed to avoid any further confusion or hiderence to our industry. We believe these proposed changes will encourage the growth of electric bicycles and new emerging ebikes would conform well with the changes. We all agree the type 2 and 3 should be left unchanged regarding licence and insurance with a few changes. Please see our comments and recommendations in bold below. Our major concern is the maximum tire size as this would make most ebike type 1 illegal and be a major blow to our growing industry as well as being contradictory in the strategy to make Ontario green, lower carbon emissions and encourage the growth of electric bikes.

E-Bike Redefinition Proposal Background/Current Status: Under the Highway Traffic Act (HTA), e-bikes are treated as bicycles. The current definition of e-bikes in the HTA captures both conventional bicycle-style e-bikes and larger moped- or motorcycle-style e-bikes within a single class. As of February 19, 2021, Transport Canada has repealed the federal definition of e-bikes. While Ontario’s law remains status quo, this means that e-bikes are no longer being regulated by the federal government.

In response to this change, the Ministry of Transportation (MTO) held stakeholder consultations in May 2019, November 2020 and January 2021 with municipalities, enforcement, industry, retailers and road safety stakeholders to present options on regulating e-bikes going forward. The ministry also posted the proposal for 30 days to the Regulatory Registry and Environmental Registry to seek public feedback. The ministry has collected and analyzed feedback from these channels, resulting in an update to the previous proposal shared. Some of the concerns raised were regarding the safety of larger e-bikes mixing with pedestrians and other vulnerable road users and the current difficulties for municipalities in trying to divide smaller e-bikes from larger e-bikes on their local roads.

MTO is proposing legislative and regulatory amendments to the HTA to remove any reference to the former federal definition of e-bikes and substitute it for a new definition. The definition of an e-bike would be amended to include three specific classes:

1) Type 1 e-bikes: would include only bicycle-style e-bikes

2) Type 2 e-bikes: would include moped-style e-bikes

3) Type 3 e-bikes: would include motorcycle-style e-bikes All three classes of e-bikes would continue to be treated as bicycles (they would not need to be registered or insured, and operators would not require a licence).

Proposed e-bike framework:

Three Classes of e-bikes

: 1) Type 1: Traditional Bicycle Style: E-bikes within this class must have a traditional bicycle style design. This includes a pedal-driven bicycle with a conventional exposed fork-and-frame appearance that does not resemble a motor scooter or motorcycle. This vehicle must meet the following requirements:

***Traditional Bicycle style concerns***

***Currently on Ontario roads we have other types of non-electric bicycles such as family bikes, cargo bike and recumbent bikes that do not look like traditional bicycles. These bikes are safe and currently sold at most traditional bicycle retailers, However the exact same bikes are available in electric bike versions. They may have 3 wheels and not have a traditional front fork or look like a conventional bicycle at all and may cause confusion as some have 3 wheels and would meet the current definition of a type 1 ebike.***

***We strongly suggest a revision to the definition to include these types of ebikes for type 1 ebikes. A possible revision could be open or exposed frame design that does not resemble a scooter style or motorcycle style to clearly define and separate it from type 2 and 3 types.***

 Key Vehicle Requirements:

 i. Maximum weight of 55 kg

 ***We are recommending a minimum 75kg up to 90kg for type 1 only to accommodate current family,cargo,recumbent ebikes and other types as well as having room for emerging ebikes. The current 55kg limit has had a detrimental effect on retailers that sell family and cargo ebikes as their ebikes have become illegal overnight as well as their clients ebikes. The exact same safe family/cargo/recumbent bikes in the non-electric version weighing 75kg to 90kg are road legal and seems the 55kg limit proposed to their electric versions of the same vehicle would limit the full growth and use potential of ebikes as green transportation.***

ii. Maximum assisted speed of 32 km/h

***The 32km/h speed is fine. We are concerned about the terms ``assisted speed” It could be interpreted that ebikes need to be pedaled at all times to be assisted. When elderly riders are fatigued or ebike riders in general are fatigued they may rely on the throttle only to achieve 32km/h. We just want to be proactive and eliminate any future issues or interpretations that may arise and be open for scrutiny. (The above would apply to all 3 classes of ebikes)***

 iii. Twist grip throttles permitted

 2 iv. Maximum engine power – 500 watts

 v. Wheel diameter 350 mm or greater

***“Wheel diameter” is a major concern as some clarity is needed. It does not specify if the diameter is including the tire or just the rim diameter alone. We see the minimum wheel diameter has been removed in this proposal however we feel the maximum should be removed as well. 350mm is 13.78 inches and most traditional bicycle style as well as regular ebikes have 26 inch wheels (660mm) and most bicycles are now shifting to 29 inch wheels (736mm)***

***Ideally removing the wheel restrictions entirely would resolve the current and and future issues as we do not see any restrictions on wheel size for conventional human powered bicycles.***

***(The above would apply to all 3 classes of ebikes)***

 vi. Fitted at all times with pedals that are always operable to propel the bicycle

 Key Operator Requirements:

 i. Minimum operator age – 14

 ii.Helmets required for riders under the age of 18

***We are recommending a helmet be mandatory for all types of ebikes for the operator and passengers regardless of age. We do not see a downside to road safety and the protection.***

 iii. Passengers allowed if there is a seat available - no age restriction

 iv. No driver’s licence, registration or insurance required

2) Type 2: Moped Style: E-bikes within this class must have the appearance of a motor scooter, with a seat and an open frame that may be stepped through and a platform on which the rider’s feet may rest. This vehicle must meet the following requirements:

Key Vehicle Requirements: ***We are content with these requirements for type 2 and 3 ebikes as we had extensively discussed in previous stakeholder meetings and should stay mostly the same with a few changes to the type 1 ebikes and apply the same recommended changes to type 2 and 3 ebikes.(EXCEPT WEIGHT)***

 i. Maximum weight of 120 kg ***(No Change)***

 ii. Maximum assisted speed of 32 km/h ***(please see comments above for traditional bicycle style)***

 iii. Twist grip throttles permitted

iv. Maximum engine power – 500 watts

 v. Wheel diameter 350 mm or greater ***(please see comments above for traditional bicycle style)***

vi. Fitted at all times with pedals that are always operable to propel the bicycle

 Key Operator Requirements: i. Minimum operating age of 16

ii. Helmets required for all riders

 iii. Passengers allowed if there is a seat available – 16+

 iv. No driver’s licence, registration or insurance required

 3) Type 3: Motorcycle Style

• E-bikes within this class must have the appearance of a motorcycle, with a saddle designed to be straddled and a footrest, pedals or pegs where the rider’s feet may remain secure.

• These e-bikes must meet the same requirements as set out for Type 2 e-bikes.

For any questions or concerns regarding our input or any questions regarding the industry we represent we encourage you to feel free to contact us as we can help as we did in the past.

Thank you for considering our input

Michaelangelo Pasquali Cell 905 541 8214

Canadian Electric Bicycle Association info@cebassociation.com