



RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

PETITION No.: **421-02605**

BY: **MR. IACONO (ALFRED-PELLAN)**

DATE: **SEPTEMBER 19, 2018**

PRINT NAME OF SIGNATORY: **THE HONOURABLE MARC GARNEAU**

Response by the Minister of Transport

SIGNATURE

Minister or Parliamentary Secretary

SUBJECT

TRANSPORTATION

ORIGINAL TEXT

REPLY

Protecting vulnerable road users is a priority for the Government of Canada.

Under the *Motor Vehicle Safety Act* (MVSA) Transport Canada is responsible for regulating the safety requirements for new and imported motor vehicles and motor vehicle equipment. The Act establishes the *Motor Vehicle Safety Regulations* (MVSR), which identify prescribed classes of vehicles and the applicable safety standards. Provinces, territories and municipalities are responsible for driver licensing, aftermarket parts/modifications and vehicle use. They have the authority to limit or prohibit the use of limited-speed motorcycles, power-assisted bicycles or other vehicles on public roads, sidewalks and bicycle path networks within their jurisdictions.

Power-assisted bicycles are excluded from the requirements of the MVSR, provided that they comply with the current power-assisted bicycle definition in the MVSR at the time of initial sale or importation. Among other requirements, the definition requires that power-assisted bicycles must have pedals to be able to be powered by muscular power. Power-assisted bicycles that do not meet the federal definition at initial sale or importation (such as those that do not have pedals) would need to fall under the prescribed class of limited-speed motorcycles. Thus, if a power-assisted bicycle has its pedals removed after its initial sale, it would not meet the current definition of power-assisted bicycles.

When the federal government introduced the definition for power-assisted bicycles in 2001, it completed an extensive review of the factors involved with the use of these bicycles. With regard to the maximum power output, a rating of 500 watts was found to represent a level that well-trained cyclists could maintain for a short period of time. Since the underlying principle of introducing a power assisted vehicle definition was to specify technical parameters that are comparable to the performance of a cyclist, a limit of 500 watts was considered safe and acceptable.

With respect to speed, the review found that riders perceived no benefit in using an electric bicycle if its propulsion assistance were limited to 24 km/h, since this speed is slower than that of a good cyclist, with or without assistance. The Canada Gazette part II publication noted that “given that power-assisted bicycles are heavier than conventional bicycles, greater effort would be required to maintain an acceptable average speed if propulsion assistance were to be limited to 24 km/h, which would discourage the use of this alternative mode of transportation”. As a result of this review, the top speed was set at 32 km/h.

The federal definition of power-assisted bicycles does not preclude the municipalities, provinces or territories from further defining power-assisted bicycles or from setting further restrictions on their use. The municipal, provincial or territorial governments can accept the federal definition as it stands, or add criteria to meet individual needs. The use of certain vehicles may be restricted or even prohibited on public roads, sidewalks and bicycle networks under their regulations.

It is important to note that Transport Canada published a proposal in part 1 of the Canada Gazette on May 19, 2018, for an amendment to the MVSR, which, if implemented, would repeal the definition for power-assisted bicycles. The proposal set a minimum speed for a vehicle to be regulated under the MVSA and attendant Regulations. The proposed minimum speed was 32 km/h. Vehicles that cannot attain this speed in 1.6 km would not be regulated at the federal level. The consultation period for the proposal ended August 2, 2018 and the Department is currently analyzing the responses. If adopted as proposed, the definition of a power-assisted bicycle would be repealed and such vehicles would need to be addressed under the jurisdiction of the provinces, territories or municipalities. Following the Department’s analysis of the comments stemming from the consultation period, the final regulation will be published in the Canada Gazette Part II, which can be accessed at <http://www.gazette.gc.ca/rp-pr/publications-eng.html>.