

# DI7.3.3

**Submitted by David Lepofsky,  
Chair, Accessibility for Ontarians  
with Disabilities Act Alliance,  
on behalf of 11 organizations**

January 22, 2020

To: Hon. Premier Doug Ford  
Via Email: [premier@ontario.ca](mailto:premier@ontario.ca) [Doug.ford@Pc.ola.org](mailto:Doug.ford@Pc.ola.org)  
Room 281, Legislative Building  
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And to: All Members of the Ontario Legislature

And to: The Mayors and Councils of All Municipalities in Ontario

Copy to: The Hon. Raymond Cho, Minister for Accessibility and Seniors  
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777 Bay St  
Toronto, ON M7A 1S5

And copied to:  
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## **I. Introduction**

The undersigned community organizations and groups ask the Ontario Government and Ontario municipalities to take the actions listed below to protect the public, and especially Ontarians with disabilities, from the danger to public safety and the accessibility of their communities that is created by the Ontario Government's new regulation on electric scooters (e-scooters). This regulation lets municipalities choose to permit people to use e-scooters in public.

On November 27, 2019, the Ontario Government announced a new regulation. It lets Ontario municipalities allow the use of e-scooters for a pilot of up to five years. An e-scooter is a motor vehicle that a person rides standing up. It can be very quickly throttled up to fast speeds of at least 24 KPH. It is silent even when ridden at fast speeds.

This Ontario regulation lets e-scooters be ridden on roads as well as sidewalks. It does not require a rider to have a driver's license, or to have training in the e-scooter's safe use or in the rules of the road. It does not require the e-scooter's driver or owner to have insurance.

The e-scooter model does not have to be certified as safe by the Canada Safety Association or other recognized certifying body. The e-scooter need not have a vehicle license, or display a license number, that could help identify the vehicle in the case of an injury.

The Ontario Government said that this pilot is to study use of e-scooters. However, the regulation has not required a municipality that permits e-scooters to study their impact, or to report any study to the public. There has been no showing why five years is needed.

## **II. E-Scooters Endanger Public Safety, Especially for People with Disabilities**

Unlicensed, untrained, uninsured people racing on silent e-scooters in public places, including sidewalks, endanger the public, and especially people with disabilities. Ontarians with disabilities and others will be exposed to the danger of serious personal injuries or worse. Pedestrians cannot hear silent e-scooters racing towards them. This is especially dangerous for people who are blind or have low vision or balance issues, or whose disability makes them slower to move out of the way.

In jurisdictions where they are allowed, e-scooters present these dangers. Ontario does not need a pilot to prove this. In an August 30, 2019 [CityTV report](#), the Ontario Government stated that it had compromised between protecting public safety on the one hand, and advancing business opportunities and consumer choice on the other, when it first designed its proposal for a five-year e-scooter pilot.

## **III. E-Scooters Will Create New Accessibility Barriers for People with Disabilities**

The new Ontario e-scooter regulation will also lead to the creation of serious new accessibility barriers against accessibility for Ontarians with disabilities. In jurisdictions where e-scooters are allowed, e-scooters are frequently left lying in public, strewn around sidewalks and other public places.

Leaving e-scooters on sidewalks is central to the plans of at least some businesses who want to rent e-scooters in Ontario, according to a [September 10, 2019 Toronto Star article](#). The companies that rent e-scooters to the public provide a mobile app. Using that app, anyone can pick up an e-scooter, rent it, ride it to their destination, and then leave it in a random place on the sidewalk or other public place for another person to later pick it up and rent it.

For people who are blind, deafblind or have low vision, e-scooters can be a serious and unexpected tripping hazard. There is no way to plan a walking route to avoid them. They should not have to face the new prospect of e-scooters potentially lying in their path at any time.

Leaving e-scooters randomly on sidewalks also creates a serious, unpredictable new accessibility barrier for people using a wheelchair, walker or other mobility device. An e-scooter can block them from continuing along an otherwise-accessible sidewalk. People with disabilities using a mobility device may not be able to go up on the grass or down onto the road, to get around an e-scooter blocking the sidewalk. Sidewalks or other public spaces should not be made available to private e-scooter rental companies as free publicly-funded parking spaces.

Under the Charter of Rights, the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act, the Ontario Government and municipalities are required to prevent the creation of new accessibility barriers against Ontarians with disabilities. As the 2019 [final report](#) of the most recent Independent Review of the AODA's implementation, by former Lieutenant Governor David Onley revealed, Ontario is behind schedule for becoming accessible by 2025. The [Onley report](#) found that Ontario remains a province full of "soul-crushing barriers". The introduction of e-scooters will create new barriers and make this worse.

#### **IV. Measures In Place Don't Effectively Remove These Serious Dangers to Public Safety and Disability Accessibility**

The Ontario Government's November 27, 2019 announcement of its new e-scooter regulation did not refer to any disability concerns. The Government announced some restrictions on use of e-scooters. However, those measures do not effectively address the serious concerns raised here.

The Government lists some optional recommended "best practices" for municipalities. Those don't remove the dangers to public safety or accessibility for people with disabilities. In any event, no municipality is required to implement them.

The regulation permits the use of e-scooters on sidewalks if a municipality wishes. It has restrictions on the speed for riding an e-scooter on sidewalks, and on the rider leaving an e-scooter on the ground, blocking pedestrian travel. However, these are extremely difficult, if not impossible, to enforce. Municipalities don't have enforcement officers on every sidewalk to catch offenders. When a pedestrian, including a person with a disability, is blocked by an e-scooter abandoned on the sidewalk, there is no way to identify the rider who left it there. A pedestrian who is the victim of a hit and run, will find it extremely difficult if not impossible to identify who hit them. E-scooter rental companies are not made responsible for their e-scooters endangering public safety or accessibility.

E-scooters will increase costs for the taxpayer, including hospital and ambulance costs and law enforcement costs. The Ontario Government has not announced any new funding for municipalities for these costs.

The new Ontario regulation leaves it to each municipality to decide whether to allow e-scooters, and if so, on what terms. This requires Ontarians with disabilities to have to advocate to hundreds of municipalities, one at a time, to protect their safety and accessibility in public places. Ontarians with disabilities don't have the resources and capacity for this.

It would not be sufficient for e-scooter rental companies to launch a campaign to urge renters not to leave e-scooters on sidewalks, or for e-scooter rental companies to make it a condition on their mobile app that the user will not leave a rented e-scooter on a sidewalk. People routinely agree to mobile app conditions without reading them. This does not excuse e-scooter rental companies from e-scooters' known dangers.

## **V. Actions We Ask the Ontario Government and Ontario Municipalities To Take**

We therefore ask for the following actions to protect Ontarians with disabilities:

### **(i) Actions We Ask The Ontario Government To Take**

1. E-scooters should not be allowed in public places in Ontario. There should be no pilot project in Ontario because it would endanger public safety and disability accessibility. If the Ontario Government wants to study e-scooters, it should study their impact on public safety and disability accessibility in other jurisdictions that have allowed them.

2. If, despite these concerns, the Ontario Government wants to hold a trial period with e-scooters, it should suspend its new Ontario e-scooters regulation until it has implemented measures to ensure that they do not endanger the public's safety or accessibility for people with disabilities.

3. If Ontario holds an e-scooter pilot, it should be for much less than five years, e.g. six months. The Ontario Government should retain a trusted independent organization with expertise in public safety and disability accessibility to study e-scooters' impact. It should make public the study's findings.

4. If despite these dangers, Ontario allows the use of e-scooters in public in Ontario, the Ontario Government should first enact and effectively enforce the following strong province-wide mandatory legal requirements for their use. Ontarians with disabilities should not have to advocate to each of the hundreds of Ontario municipalities to set these requirements:

a) Riding an e-scooter on any sidewalk should be strictly prohibited with strong penalties.

b) The rental of e-scooters should be prohibited, because the rental business model is based on e-scooters being left strewn about in public places like sidewalks.

c) There should be a strict ban on leaving an e-scooter in a public sidewalk or like public location, except in a municipally-approved rack that is located well out of the path of pedestrian travel. If an e-scooter is left on a sidewalk or other public place that is not such a rack, it should be subject to immediate confiscation and forfeiture, as well as a strict penalty.

d) If e-scooter rentals are allowed, rental companies should be required to obtain a license. They should be liable for loss or injuries caused by any renter of the company's e-scooter.

e) There should be a ban on parking an e-scooter within 250 meters of a public establishment serving alcohol.

f) If e-scooters are permitted, they should be required to make an ongoing clearly audible beeping sound when powered on, to warn others of their approach.

g) The speed limit for e-scooters should be set much lower than 24 KPH, such as 15 KPH.

h) An e-scooter driver should be required to successfully complete training on its safe operation and on the rules of the road, and to get a license.

i) Each e-scooter should be required to have a vehicle license whose number is visibly displayed.

j) An e-scooter's owner and driver should be required to carry sufficient liability insurance for injuries or damages that the e-scooter causes to others.

k) E-scooter drivers of any age should be required to wear a helmet, and not just those under 18.

5. If the Ontario Government does not impose all the safety and accessibility requirements in Recommendation 4 above, then it should pass legislation that empowers each municipality to impose all the preceding requirements.

## **(ii) Actions We Ask Each Municipality in Ontario To Take**

6. To protect the safety of the public, including people with disabilities, and to avoid creating new barriers to accessibility impeding people with disabilities, no municipality should allow e-scooters in their community.

7. If a municipality nevertheless decides to allow e-scooters, it should impose all the requirements in Recommendation 4 above. It should not allow e-scooters for more than six

months as a pilot project, while undertaking the study on their impact on public safety and accessibility for people with disabilities.

In proposing these seven measures, we emphasize that nothing should be done to reduce or restrict the availability or use of powered mobility devices used by people with disabilities, which travel at much slower speeds and which are a vital form of accessibility technology.

Signed,

1. Accessibility for Ontarians with Disabilities Act Alliance
2. March of Dimes of Canada
3. Canadian National Institute for the Blind
4. ARCH Disability Law Centre
5. Spinal Cord Injury Ontario
6. Ontario Autism Coalition
7. Older Women's Network
8. Alliance for Equality of Blind Canadians
9. Guide Dog Users of Canada
10. Views for the Visually Impaired
11. Citizens With Disabilities – Ontario