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Don't Introduce Electric Scooters to Toronto, Since A City Staff Report Shows They Create Dangers to Public Safety and Accessibility for People with Disabilities

Accessibility for Ontarians with Disabilities Act Alliance Brief to the City of Toronto Infrastructure and Environment Committee on Proposal to Allow Electric Scooters in Toronto
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1. Introduction and Summary

The AODA Alliance calls on the City of Toronto and its Infrastructure Committee to categorically reject the proposal before its July 9, 2020 meeting to take steps towards permitting electric scooters (e-scooters) in Toronto. The City of Toronto and its Infrastructure and Environment Committee should instead focus 100% of their time on the horrific COVID-19 crisis that now engulfs us all. If the Committee feels it must do something short of an outright rejection of e-scooters, it should simply direct City staff to do more research on the harms that e-scooters have caused in places where they are allowed.

The non-partisan [AODA Alliance](#) has played a leading role in raising serious disability safety and accessibility concerns with e-scooters. To learn more about the AODA Alliance's advocacy efforts to protect people with disabilities and others from the dangers that e-scooters pose, visit its [e-scooters web page](#).

The detailed and well-researched [June 24, 2020 City of Toronto Staff Report](#) on e-scooters shows that to allow e-scooters in Toronto will endanger public safety, send both e-scooter riders and innocent pedestrians to our hospital emergency rooms, require significant new law enforcement efforts and impose new financial burdens on the taxpayer to cover added costs that e-scooters will trigger. The Staff Report also shows that e-scooters do not bring the great benefits for reduced car traffic and pollution that the corporate lobbyists for e-scooter rental companies claim.

The Staff Report's detailed analysis supports only one conclusion, namely that e-scooters should not be allowed. Yet despite all e-scooters harms and dubious benefits, the Staff Report proposes instead (without convincing explanation) that the City take steps towards conducting

a pilot with e-scooters, deferring a decision to early 2021. This may be because the City has been subjected to relentless pressure from corporate lobbyists for e-scooter rental companies, who are the driving force behind this issue.

In the face of the dangers from e-scooters that the Staff Report reveals, the Report only says that the action it recommends "...reduces the likelihood of e-scooter risks to riders, impacts on people with accessibility needs, community nuisance, and liability to the City..." The Staff Report does not claim that these dangers would be eliminated, or even that they would be substantially reduced. It only says that those risks would be "reduced." That could be a mere microscopic reduction. Torontonians--especially those with disabilities--deserve better protection.

The City of Toronto should not conduct a "pilot project" with e-scooters to find out how they will work out. The Staff Report shows from the experience with e-scooters elsewhere that the problems that e-scooters present have already been borne out in practice. Moreover, to run a "pilot project" on Torontonians is to conduct a human experiment on them, without their consent, knowing that e-scooters present dangers to public safety and accessibility for people with disabilities. It is wrong to experiment on non-consenting human beings, and especially those who are vulnerable.

It is good that the Staff Report does not recommend actually unleashing e-scooters on Toronto now, with the COVID-19 crisis nearing the end of its fourth month, with no end in sight. With the COVID-19 pandemic working such havoc on our society, Toronto and its residents have far greater priorities to contend with than meeting the needs of those who want to race around this city on e-scooters.

It is unfair for the City of Toronto and its Infrastructure Committee to be bringing this issue forward in the middle of the COVID-19 crisis. City Council and Committee meetings are not open to the public to physically attend. Members of the public are struggling to cope with the multiple pressures that they face, compounding over the past 16 weeks. At the start of July, many are trying to just get something of a holiday, if possible. For its part, the AODA Alliance is overloaded with issues on which to advocate for people with disabilities during the COVID-19 crisis. For the City of Toronto to force us to divert our volunteer advocacy efforts to this e-scooter issue now is just one more unfair hardship.

If the City of Toronto Infrastructure and Environment Committee is looking for a new and important priority agenda item to address, it should work comprehensively on making Toronto's infrastructure fully accessible to people with disabilities. The Accessibility for

Ontarians with Disabilities Act requires Toronto, including its infrastructure, to become accessible to people with disabilities by 2025, under 4.5 years from now. Toronto is not anywhere close to being on schedule to reach that goal.

2. E-Scooters Endanger Public Safety Causing Injuries and Deaths

Even before the COVID-19 pandemic, our hospitals and emergency rooms were backlogged, resulting in the scourge of hallway medicine. The COVID-19 pandemic has imposed unprecedented added demands and pressures on our health care system, including our hospitals.

The Staff Report's analysis amply shows that if e-scooters are allowed, this will lead to an increase in personal injuries, both to e-scooter riders and innocent pedestrians. Of course, this will create additional demands and pressures on over-burdened hospital emergency rooms. The Staff Report states:

“The City has a Vision Zero commitment to eliminate serious injuries and fatalities resulting from roadway crashes, particularly around six emphasis areas including pedestrians, school children, and older adults. Replacing car trips with e-scooter trips presents an opportunity to address some road safety issues if e-scooters produce a net safety benefit, especially for these groups. A 2020 International Transport Forum study notes that the risk of hospital admission may be higher for e-scooter riders than for cyclists, but that there are too few studies to draw firm conclusions. While not comprehensive, the emerging evidence of the health impacts associated with e-scooter use warrants a cautious approach to mitigate risks to e-scooter riders, pedestrians, and the City. Some of the findings are below.

New e-scooters users are most likely to be injured with 63 percent of injuries occurring within the first nine times using an e-scooter. (CDC and City of Austin)

A comparison of serious injury rates between Calgary's 2019 shared e-scooter pilot and Bike Share Toronto suggests riding a shared e-scooter is potentially about 350 times more likely to result in a serious injury than riding a shared bike on a per km basis, and about 100 times more likely on a per trip basis. This includes a limited sample size, differing definitions for serious injuries, different city contexts (e.g., Calgary allowed e-scooter riding on sidewalks, whereas bicycle riding is not allowed on sidewalks in Toronto) and serious injuries may decline over time as people gain experience riding e-scooters.

(Montréal reported few e-scooter injuries for its 2019 pilot, however, it is unclear whether and how data for serious injuries was gathered.) Calculations are based on: 33 ER visits requiring ambulance transport over three months (Jul to Sep 2019) in Calgary for e-scooter-related injuries with a reported 750,000 trips, and average trip length of 0.9km; and 2,439,000 trips for Bike Share Toronto, with 3km average trip length, over 12 months in 2019, and no serious injuries (e.g., broken bones, head trauma, hospitalization) but attributing one for comparison purposes. Further data collection and studies of injuries are needed on a per km basis, by type of trip (i.e., recreational versus commuting, facility type), and by injury type.

The fatality rate for shared e-scooter users is potentially nine to 18 times the rate of bike share-related deaths in the U.S., based on a news report in the Chicago reader.

Head trauma was reported in nearly one third of all e-scooter-related injuries in the U.S. from 2014 to 2018 – more than twice the rate of head injuries to bicyclists. In a City of Austin study in 2018 over three months, 48 per cent of e-scooter riders who were hurt had head injuries (91 out of 190), with 15 per cent (28 riders) experiencing more serious traumatic brain injuries.

Falling off e-scooters was the cause of 80 percent of injuries (183 riders); 20 percent (45 riders) had collided with a vehicle or an object, according to a 2019 UCLA study of two hospital ERs in one year. Just over eight per cent of the injuries were to pedestrians injured as a result of e-scooters (11 hit by an e-scooter, 5 tripped over a parked e-scooter, and 5 were attempting to move an e-scooter not in use).

Hospital data will be key to track injuries and fatalities by type and severity, especially for incidents where no motor vehicle has been involved (e.g., losing control) or for a trip and fall involving improperly parked e-scooters. As an ICD-10 code (international standard injury reporting code) specific to e-scooters will not be implemented in Canada until at least spring 2021, a reliable method to track serious e-scooter related injuries and fatalities presenting at hospitals is currently not available.”

“Finally, the risk of injury for new users is high, and could put additional burden on local hospitals and paramedics at this time. For the reasons above, City staff do not recommend permitting e-scooters in ActiveTO facilities in 2020.”

“Cities that initially allowed e-scooters on sidewalks have since banned them due to safety issues (pedestrian deaths and injuries), e.g., France, Spain, Singapore and San

Diego; and other jurisdictions such Ottawa's National Capital Commission have banned e-scooters on mixed use trails/paths.

E-scooters have been prohibited also from mixed use paths or in parks because of the intermixing with people and children on foot, who are slower, and also making unpredictable movements when using public space for leisure and recreational purposes. In cities such as Berlin, Paris and Tel Aviv, where e-scooters are permitted for operation on roads or bike lanes, and not sidewalks, there have been compliance and enforcement issues with these rules. Some cities (such as Atlanta) and countries (such as the UK) have accelerated bicycle infrastructure projects after e-scooter fatalities, and in anticipation of expanding micro mobility. In May 2020, the UK announced a £250 million emergency active travel fund - the first stage of a £2 billion investment supporting cycling, walking and bus-only infrastructure.”

“Paris and Singapore banned e-scooters from being used on sidewalks. This ban occurred as a result of pedestrian deaths from e-scooter collisions on sidewalks.”

“In the City of Austin, 63% of injuries occurred within the first nine rides of using an e-scooter. About 50% are head injuries and 35% are fractures. Less than 1% wore helmets. (Centers for Disease Control & Prevention and City of Austin)”

“In Chicago, 10 pedestrians were sent to the emergency room after being hit by e-scooter users in their 4 month pilot project. There were a total of 192 emergency room visits related to e-scooters in these 4 months.”

As well, the PowerPoint that City staff presented at the February 3, 2020 meeting of the City of Toronto’s Accessibility Advisory Committee noted these statistics from Calgary:

“Calgary mid-pilot report for period approx. July to mid-October 2019:

- 33 ER visits requiring ambulance rides, one of these was a pedestrian; 677 ER visits total”

3. E-Scooters Endanger Safety and Accessibility for People with Disabilities

The Staff Report also shows that e-scooters endanger safety and accessibility for people with disabilities. It states:

“E-scooters pose a risk to people with disabilities due to their faster speeds and lack of noise. Cities that have allowed e-scooters have observed a high incidence of sidewalk riding by riders, whether permitted or not on sidewalks. Parked e-scooters, especially when part of a dockless sharing system, can pose trip hazards and obstacles. Seniors, people with disabilities, and those with socio-economic challenges could face negative outcomes if injured in a collision or fall. Solutions to enforcement and compliance are still in their infancy.””

“Accessibility for Ontarians with Disabilities Act (AODA)

Persons with disabilities and seniors have considerable concerns about sidewalk and crosswalk interactions with e-scooter users, as well as concerns regarding trip hazards and obstructions from poorly parked or excessive amounts of e-scooters. The Toronto Accessibility Advisory Committee, a body required under the AODA, recommends that City Council prohibit the use of e-scooters in public spaces, including sidewalks and roads. In other jurisdictions outside of Ontario, some legal action has been undertaken against municipalities by persons injured as a result of e-scooter sidewalk obstructions, as well as by persons with disabilities.”

The Staff Report’s recommendations to take steps towards allowing e-scooters in Toronto are directly contrary to the strong, unanimous recommendation to the City of Toronto by the statutorily-mandated Toronto Accessibility Advisory Committee. As the Staff Report notes, that Committee recommended that e-scooters not be allowed in Toronto. The Staff Report states:

“On February 3, 2020, the Toronto Accessibility Advisory Committee recommended City Council prohibit e-scooters for use in public spaces including sidewalks and roads, and directed that any City permission granted to e-scooter companies be guided by public safety, in robust consultation with people living with disabilities, and related organizations serving this population.””

The City staff’s PowerPoint, presented to the February 3, 2020 meeting of the City of Toronto Accessibility Advisory Committee also identified this feedback that the City had received:

“Key Stakeholder Feedback So Far

- Accessibility / persons with disabilities groups
- Visually-impaired/blind cannot hear or see e-scooter riders, trip hazards with e-scooters, collisions and near collisions/friction on sidewalks and serious injuries from losing balance and falling, no insurance, challenges with enforcement / claims

- Pedestrian-related – walkability, friction on sidewalks, trip hazards, collisions”

The Staff Report’s recommendations to take steps towards allowing e-scooters in Toronto are also totally contrary to the strong recommendations of 11 disability organizations in the January 22, 2020 open letter sent by the AODA Alliance to the mayors and councils of all Ontario municipalities, set out in this brief’s appendix.

4. If E-Scooters Are Allowed in Toronto, They Will Be Ridden on Sidewalks Even If That is Forbidden

Any consideration of e-scooters must operate on the premise that e-scooter riders will ride e-scooters on sidewalks, even if this is strictly banned. This contributes to the dangers to the public including people with disabilities. The Staff Report states:

- “Cities that have allowed e-scooters have observed a high incidence of sidewalk riding by riders, whether permitted or not on sidewalks.”
- “Most jurisdictions experienced illegal sidewalk riding by e-scooter users...”
- “E-scooter riders will also likely ride on sidewalks, even if not allowed.”

(from feedback from a focus group of Toronto cyclists)

5. E-Scooters Will Saddle the Taxpayer With Financial Burdens While the E-Scooter Rental Companies Make the Profits

The Staff Report demonstrates that to allow e-scooters will inflict new costs and financial burdens on the taxpayer. The AODA Alliance takes the position that these burdens should not be inflicted on the public, especially after our society has had to suffer the crushing financial impact of the COVID-19 crisis, an impact that is continuing with no end in sight. If more public money were now to be spent, it should not be on the costs that the City of Toronto would have to shoulder due to the introduction of e-scooters.

The Staff Report states:

- * “There is a significant risk that the City may be held partially or fully liable for damages if e-scooter riders or other parties are injured. Transportation Services staff consulted with

the City's Insurance and Risk Management office (I&RM) to understand the magnitude of the City's liability if allowing e-scooters. At this time, loss data is lacking on e-scooters due to generally lengthy settlement times for bodily injury claims. The City has significant liability exposure, however, due to joint and several liability, as the City may have to pay an entire judgement or claim even if only found to be 1 percent at fault for an incident. The City has a \$5M deductible per occurrence, which means the City will be responsible for all costs below that amount. In terms of costs, Transportation Services staff will also be required to investigate and serve in the discovery process for claims."

"If Council were to permit e-scooters to be operated on City streets - without the commensurate resources to provide oversight, education, outreach and enforcement, there would be considerable risks to public safety for e-scooter riders and other vulnerable road users; additional burdens on hospitals and paramedics; impacts on accessibility, community nuisance and complaints; impacts on current initiatives to enhance the public realm for COVID-19 recovery efforts, such as CurbTO and CaféTO; and liability and costs to the City. For the reasons above, staff recommend that personal use of e-scooters not be considered until 2021."

"FINANCIAL IMPACT:

Funding and resources required in various programs for the following will be included as part of future budget submissions for consideration during the budget process to address the financial and additional staff resources required to: manage implementation, operational, and enforcement issues of e-scooters in Toronto; and the resolution of e-scooter issues, including, but not limited to, injury/fatality and collision investigations and data collection and tracking (e.g., in consultation with health agencies and/or academic partners, Toronto Police Services, and others), further standards development for e-scooter device design, and consultations on proposed by-law changes with accessibility and other stakeholders."

The key proponents of e-scooters are the e-scooter rental companies that stand to profit from their use. The Staff Report shows that e-scooter rental companies take active steps to dodge any liability for the damage that their e-scooters cause. The Staff Report also shows that the insurance industry does not have the insurance products needed in this area. City staff explored the possibility of injury claims being covered by The Motor Vehicle Accident Claims Fund. That fund is financed by the taxpayer. That option would again let e-scooter rental companies reap the profits while the taxpayer covers the consequent costs.

The Staff Report states:

“E-scooter sharing/rental companies typically require a rider to sign a waiver, placing the onus of compensating injured parties on the rider. Riders are left financially exposed due to a lack of insurance coverage and if unable to pay, municipalities will be looked to for compensation (e.g., in settlements and courts). Claims related to e-scooter malfunction have been reported by the media (such as in Atlanta, Auckland, New Zealand and Brisbane, Australia). In 2019, a Grand Jury faulted the City of San Diego for inadequate regulation and enforcement of e-scooter sharing companies. By opting in to the Pilot, the City will be exposed to claims associated with improperly parked e-scooters as evidenced by lawsuits filed by persons with disabilities and those injured by e-scooter obstructions (such as in Minneapolis and Santa Monica, California).

The insurance industry does not currently have insurance products available for e-scooter riders. In Fall 2019, City staff explored whether the Motor Vehicle Accident Claims Fund could be expanded or if a similar kind of fund in principle could be created to address claims where e-scooter riders or non-users are injured and their expenses are not covered by OHIP, nor by other insurance policies (e.g., homeowner's or personal auto). Further research and consultation would be needed to look into these considerations.

It will be critical to ensure that insurance evidenced by e-scooter sharing companies will cover their operations for all jurisdictions operated in (e.g., all cities nationally or internationally). Further, there needs to be full indemnification for the municipality by e-scooter sharing companies, and not limitations in their indemnification contracts.”

6. Stronger Provincial Regulations Needed Before Even Starting with E-Scooters

Even if the City Council were to consider moving forward at all with e-scooters, the Staff Report’s analysis shows that any municipal consideration of this should be deferred until key missing action by the Ontario Government has been taken. The Staff Report shows the need for stronger provincial regulations on e-scooters safety to be enacted as an important precursor to introducing e-scooters. The Staff Report states:

“Although the HTA sets out some e-scooter standards, such as maximum speed and power wattage, due to the nature of urban and suburban conditions such as Toronto's, City staff recommend that the Province strengthen the device standards for greater rider safety. Based on an extensive literature review, items recommended for further Provincial exploration include a maximum turning radius, a platform surface grip, wheel characteristics (e.g., minimum size, traction, tire width), braking and suspension.

In addition, the Province has not established set fine amounts for offences under the HTA e-scooter regulations. Without this in place, for the police to lay a charge in respect of a violation, a "Part III Summons" is required, which means the police must attend court for each charge laid regardless of severity, and a trial is required for a conviction and fine to be set. This may make it less likely that charges are laid. Fines outside of ones the City could set (e.g. e-scooter parking violations, illegal sidewalk riding) would create workload challenges for Police and courts."

"In spite of the Pilot requirement to collect data, there is currently no vehicle type for e-scooters in the Ministry of Transportation's (MTO) Motor Vehicle Collision Report (MVCR) template used by all police services to report collisions. Unless the Province specifies e-scooters are motor vehicles for the purposes of collision reporting, and has a field for this in its template, e-scooter collisions may not be reported reliably and meaningful collision data analysis will not be possible. In Fall 2019, City staff requested that the MTO add e-scooters as a separate vehicle type, but MTO has not yet communicated they would make this change."

"This report also recommends the need for improved industry standards at the provincial and federal levels for greater consumer protection in the purchase and/or use of e-scooters. While staff are aware that e-scooters are being considered as an open-air transportation option, the absence of improved standards and available insurance for e-scooter riders, coupled with lack of enforcement resources, would risk the safety of riders and the public on the City's streets and sidewalks, especially for people with disabilities."

(Among the Staff Report's recommendations)

"3. City Council requests that the Ontario Ministry of Transportation amend the Motor Vehicle Collision Report to add electric kick-scooters as a vehicle type and to treat e-scooters as a motor vehicle for reporting purposes....

4. City Council requests that the Ontario Ministry of Transportation and the Ontario Ministry of the Attorney General establish set fines for violations of O. Reg. 389/19, Pilot Project - Electric Kick-Scooters, and communicate these set fines to Toronto Police Services through an All Chiefs Bulletin.

...

6. City Council requests that the Ontario Ministry of Transportation strengthen its standards and specifications for e-scooters in O. Reg. 389/19, Pilot Project - Electric Kick-Scooters based on the latest best practice research."

7. Substantial Effective Enforcement Would Be Needed But Has Not Been Planned For

The Staff Report repeatedly recognizes the importance of rule enforcement regarding the use of e-scooters. The AODA Alliance adds that it is deeply troubling that the City of Ottawa allocated no additional funds for enforcement during its current pilot with e-scooter and appears to have imposed no fine for law-breakers.

The Toronto Staff Report does not spell out how many enforcement officers would be needed to effectively enforce e-scooter rules if allowed in Toronto, or what this would cost the taxpayer to enforce (including court resources). As noted above, certain key standards are missing which would be important for effective enforcement. The Staff Report states:

“Solutions to enforcement and compliance are still in their infancy.”

“Other key issues raised in the consultations include lack of enforcement and adequate infrastructure; and questions about environmental sustainability, public space and the potential for clutter and safety hazards particularly for people with disabilities.”

“In general, jurisdictions do not have the capacity to enforce compliance. For example, Tel Aviv has a unit of 22 inspectors dedicated to enforcing that e-scooters do not ride on sidewalks. These inspectors are able to issue tickets for sidewalk violations, but only the police have the authority to issue tickets to riders not wearing helmets, as required by law. 21,000 tickets for sidewalk offenses were issued in 2019.”

8. Toronto Is Especially Ill-Suited For E-Scooters

The Staff Report’s contents give additional reasons why Toronto is in reality especially ill-suited for allowing e-scooters. The Staff Report states:

"In addition to the experiences in other jurisdictions, several risk factors are unique to the City of Toronto and play a role in informing the recommended approach to e-scooters:

Streetcar tracks: Toronto has an extensive track network (177 linear kilometres) which poses a hazard to e-scooter riders due to the vehicle's small wheel diameter.

Winter and State-Of-Good-Repair: Toronto experiences freezing and thawing that impacts the state-of-good-repair for roads. A large portion of roads are 40 to 50 years old, with 43 percent of Major Roads and 24 percent of Local Roads in poor condition. Coupled with lack of standards for e-scooter wheels (e.g., traction, size), this makes this particular device more sensitive to uneven road surfaces.

High construction activity: In addition to the city's various infrastructure projects, Toronto has been one of the fastest growing cities with about 120 development construction sites in 2019.

Narrow sidewalks and high pedestrian mode shares in the Downtown Core and City Centres: Most jurisdictions experienced illegal sidewalk riding by e-scooter users, with some business districts saying e-scooters deterred patrons from visiting their previously pedestrian-friendly main streets. This is especially challenging with physical distancing requirements and other COVID-19 recovery programs expanding the use of the City's sidewalks and boulevards."

9. Toronto Should At Least Defer Discussion of E-Scooters Until After the COVID-19 Pandemic Is Over

The Staff Report's analysis supports the conclusion that any actual introduction of e-scooters in Toronto should not take place during the COVID-19 pandemic. The Staff Report states:

"Other cities have suspended e-scooter sharing services until after COVID-19 (e.g., Windsor approved a shared e-scooter pilot in April 2020, but has now deferred its pilot until after COVID-19). Prior to the pandemic, a number of jurisdictions (e.g., Boulder, Honolulu, and Houston) had refused to allow or banned the use of e-scooters due to public safety concerns. Key cities with similar population, urban form, and/or climate have not yet piloted e-scooters such as New York City (Manhattan/New York County ban), Philadelphia, and Sydney, Australia."

"While staff have considered a potential e-scooter pilot on ActiveTO major road closures, it would pose risks to vulnerable road users and leave the City open to considerable liability and risk due to lack of resources for oversight, education and enforcement at this time. A key purpose of ActiveTO is to provide a mixed use space for physical activity for people of all ages for walking, jogging and human-powered cycling. Piloting a new vehicle type that is throttle-powered and can potentially exceed speeds of 24km/hr poses risks to vulnerable road users in such conditions. It could also lead to confusion about which

infrastructure or facilities under ActiveTO are permissible, and this would pose public safety risks that the City does not have resources to manage at this time.”

“If Council were to permit e-scooters to be operated on City streets - without the commensurate resources to provide oversight, education, outreach and enforcement, there would be considerable risks to public safety for e-scooter riders and other vulnerable road users; additional burden on hospitals and paramedics; impacts on accessibility, community nuisance and complaints; impacts on current initiatives to enhance the public realm for COVID-19 recovery efforts, such as CurbTO and CaféTO; and liability and costs to the City. For the reasons above, staff recommend that personal use of e-scooters not be considered until 2021.”

10. E-Scooters Not Shown to Significantly Reduce Road Traffic or Pollution

The corporate lobbyists for e-scooter rental companies claim that if e-scooters are allowed, this will reduce road traffic. The Staff Report shows that e-scooters do not bring the major benefits that the corporate lobbyists claim. The Staff Report states:

“While some mode shift from driving to using an e-scooter has occurred in other cities, the majority of e-scooter trips would have been by walking or public transit (around 60% for Calgary and Portland; and 86% in Greater Paris). For example, 55 per cent would have walked instead of using an e-scooter (Calgary). From a Paris area survey, 44 per cent would have walked, 30 percent would have used public transit, and 12 per cent would have used a bicycle/shared bike; while this study noted that e-scooters had no impact on car equipment reduction, an extrapolation would assume that 14 per cent would have used a car/ride hail/taxi, which still represents a minor shift away from motorized vehicular use.”

“Transportation accounts for about 38% of greenhouse gas (GHG) emissions in Toronto (2017). E-scooters are promoted as a near-zero local GHG transportation option as the electricity grid in Ontario is very low-carbon. A 2019 study based on life-cycle analysis suggests that average greenhouse gas (GHG) emissions per e-scooter mile travelled were half the amount associated with a car, but 20 times than that of a personal bicycle. Suggesting that reliance on e-scooters alone to shift people out of cars and to reduce GHGs and environmental impacts may not be entirely effective. Environmental impacts of e-scooters include disused e-scooters arising from the device's short lifespan, toxic materials from battery waste, and emissions from the manufacturing, shipping, and maintenance of sharing fleets. In May 2020, Jump reportedly scrapped thousands

(possibly 20,000) still functional e-bikes, and in June 2020, an estimated 8,000 to 10,000 Circ e-scooters were scrapped in the Middle East.”

The main reason for allowing e-scooters (beyond the profits of e-scooter rental companies) would be that they are fun to ride. The AODA Alliance proposes that this is hardly a reason to incur the dangers to safety, to accessibility for people with disabilities and the greater financial burdens on the taxpayer. The Staff Report states:

“The key appeal and popularity of e-scooters is that they are fun and convenient, particularly to people under the age of 35. They are often used for recreation and touring, but can also be used as a method of commuting or for taking short utilitarian trips. They reduce effort and sweat from exertion compared to human-powered kick-scooters and bicycles. They also enable people to go farther distances than on foot. A large part of the convenience is that there is no need to search for parking as there is with a car; adding to that e-scooters are easy to access, if folded and carried with the user, or if available through a dockless sharing system where the devices are widely available on the street.”

11. Steps that Must Be Taken If the City of Toronto Nevertheless Allows E-Scooters Despite Their Dangers

If e-scooters are to be allowed, over the many objections and despite all the evidence showing their dangers and lack of proven benefits, these requirements should be mandatory:

- a) Riding an e-scooter on any sidewalk should be strictly prohibited with a very substantial law enforcement presence and with very steep penalties, including a lifetime ban on using e-scooters. A mere fine is insufficient for such dangerous conduct.
- b) The rental of e-scooters should be prohibited with steep penalties for renting an e-scooter.
- 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 far 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, e-scooter rental companies should be liable for loss or injuries caused by any renter of the company’s e-scooter, with no waiver of this liability being permitted.

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. This should not be simply done through a smartphone, where a person can simply click that they read the training materials, even if they did not.

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.

l) A very small number of e-scooters should be permitted in any pilot, such as 250.

m) If e-scooter rentals are to be permitted, a rider must be required to register their own name for each ride, and not merely rely on an app which could be signed up under a friend's name. It should be made easy to identify a rented e-scooter-rider. The identity of the renter should be mandatorily disclosed on request to any person alleging that they were injured by the e-scooter.

n) If e-scooter rentals are to be allowed via a "BikeShare" regime, the law should require that the e-scooter parking stations be located in a place that cannot block accessibility for people with disabilities. (Note: the draft bylaw included in the Staff Report imposes no such requirement)

o) If the City is to take any further steps, it should convene an actual (not virtual) town hall meeting on e-scooters once the COVID-19 pandemic has subsided, to bring together both

people with disabilities and the e-scooter rental companies for a joint public meeting to discuss all issues, at which the City's leadership should be present.

Appendix – January 22, 2020 Open Letter from Major Disability Organizations

Open Letter

January 22, 2020

To: Hon. Premier Doug Ford

Via Email: premier@ontario.ca Doug.ford@Pc.ola.org

Room 281, Legislative Building

Queen's Park

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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

Via email: Raymond.cho@ontario.ca

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And copied to:

The Hon. Caroline Mulroney, Minister of Transportation

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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 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

(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