

Riding Electric Scooters in Toronto is Dangerous and Must Remain Banned – For Toronto To Allow E-scooters Would be to Knowingly Create New Disability Accessibility Barriers Against People with Disabilities

AODA Alliance brief to the City of Toronto

March 30, 2021

Mayor Tory and Toronto City Council must not unleash dangerous electric scooters in Toronto. Riding e-scooters in public places in Toronto is now banned. It remains banned unless Council legalizes them. The pressure to allow e-scooters is relentlessly being advanced by corporate lobbyists for the wealthy and well-financed [e-scooter rental industry](#). Torontonians, including Torontonians with disabilities, need Mayor Tory and City Council to stand up to the corporate lobbyists, and to stand up for vulnerable people with disabilities, seniors, children and others whom e-scooters endanger.

The AODA Alliance submits this brief to the City of Toronto in opposition to the proposal to lift the ban on riding e-scooters in public places in Toronto. It should remain illegal for e-scooters to be ridden in public, whether on a rental e-scooter or a privately-owned e-scooter.

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](#).

This issue will likely be on the agenda at the April 28, 2021 meeting of the Toronto Infrastructure and Environment committee. We ask City staff to incorporate this brief's findings and recommendations in its forthcoming report to The Toronto Infrastructure and Environment Committee and the Toronto City Council as a whole.

1. Summary of this Brief - Don't Allow E-scooters in Toronto

Toronto should not lift the current ban on riding e-scooters in public places, whether permanently or for a pilot project. For Toronto to allow people to ride e-scooters, whether ones they own or rent, would knowingly and seriously endanger the safety of people with disabilities, seniors, children and others. It would knowingly create new accessibility barriers against people with disabilities. This would fly in the face of the [Accessibility for Ontarians with Disabilities Act](#) and the guarantees to people with disabilities in the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code. Here are key incontrovertible facts overwhelmingly established by objective City staff reports and by public feedback:

1. Having been forewarned, for the City of Toronto to lift the ban on e-scooters in light of the dangers they pose, as documented in this brief, would expose the City to major claims for knowingly endangering Toronto's residents and knowingly creating new accessibility barriers against persons with disabilities. For the City of Toronto to do so knowingly is the same as doing so intentionally.
2. E-scooters will cause an increase in personal injuries, including serious personal injuries to innocent pedestrians and e-scooter riders, burdening Toronto's overburdened hospital emergency rooms. E-scooters are a silent menace, ridden by unhelmetted, untrained, unlicensed and uninsured riders.
3. If Toronto allows e-scooters, but bans them from sidewalks, experience in other cities shows for certain that e-scooters will nevertheless regularly be ridden on Toronto sidewalks. This endangers innocent pedestrians. Toronto lacks the law enforcement capacity to effectively police new rules regarding e-scooters, such as a ban on riding or parking them on sidewalks.
4. If Toronto permits e-scooters, this will create new serious accessibility barriers impeding people with disabilities. This will happen especially in public places like sidewalks where they will be left strewn about, as in other cities that permit e-scooters. They will be a tripping hazard for blind people. They will block accessible paths of travel for people using wheelchairs. Toronto already has far too many accessibility barriers in public places such as sidewalks. E-scooters would make this even worse.
5. Toronto City staff found no other city that has found an effective way to permit and regulate e-scooters and to effectively enforce those regulations.

6. To lift the ban on e-scooters will invariably place new financial burdens on the taxpayer. The maximum amount cannot be quantified in advance. This will include added health care costs due to e-scooter injuries, cost of added infrastructure to accommodate e-scooters, added law enforcement costs, added regulatory and monitoring costs, and other liabilities triggered by e-scooters.

7. Toronto's mayor and City Council have received strong united opposition to e-scooters from the disability community, reflecting the needs of vulnerable people with disabilities ,seniors and children. This includes two successive compelling unanimous resolutions against e-scooters by the Toronto Accessibility Advisory Committee, strong opposition by many respected disability community organizations, passionate deputations against e-scooters by every person with a disability presenting to City Council committees that have invited deputations on this topic, and emails and phone calls to the mayor and City Council members from many people with disabilities and their supporters.

8. On [July 28, 2020](#), City Council directed City staff to research disability community concerns with e-scooters. City staff's research further validated and documented disability community concerns with e-scooters. City staff explored options for addressing these concerns and found that there are no workable solutions that are safe and that avoid the creation of new accessibility barriers. The e-scooter rental industry's proposed solutions would impose significant cost burdens on the public. They would not effectively solve these public safety and disability accessibility concerns.

9. It is disturbing that on [July 28, 2020](#), almost half of City Council voted to oppose City Staff conducting research on disability concerns with e-scooters. Had those dissenting Council members succeeded, the important new information that City staff has revealed would never have come to light, to the serious detriment of people with disabilities.

10. In disregard of these serious dangers, a relentless push for e-scooters in Toronto is mounted by corporate lobbyists for the Canadian arm of international e-scooter rental companies such as Lime and Bird. They unleashed an extensive, well-financed and well-connected lobbying feeding frenzy at City Hall. Some City Council members told the AODA Alliance that this is one of the biggest, if not the biggest corporate lobbying blitz now underway at City Hall. An [AODA Alliance report](#) documented that between June 2018 and October 2020, the e-scooter corporate lobbyists had fully 1,384 contacts at City Hall, including 94 with the mayor's office.

11. Substantially eviscerating their credibility on this issue, this brief documents that the e-scooter corporate lobbyists have made a number of false, exaggerated, misleading and/or transparently meritless claims to support their pressure for Toronto to lift the ban on e-scooters and let them expand their market. If Toronto allows e-scooters, the e-scooter rental companies will be laughing all the way to the bank, while members of the public, including vulnerable people with disabilities, seniors and children, will be sobbing all the way to the hospital.

12. The e-scooter corporate lobbyists' entire campaign is based on the erroneous assertion that rental e-scooters will significantly reduce traffic and pollution, because instead of driving, people will take public transit, and then rent an e-scooter to ride the last mile to their destinations. Yet data from City staff and from the corporate lobbyists themselves shows that the vast majority of e-scooter rides are *NOT* taken to connect to public transit. They thus won't reduce traffic or pollution. Indeed a proportion of e-scooter renters use an e-scooter *instead of* walking or taking public transit. Moreover, for e-scooters to be effective for this "last mile", Toronto must be inundated with thousands of e-scooters, so one is available whenever a rider wants one. This exacerbates city clutter and disability barriers.

13. The public use of e-scooters in Toronto should remain banned in any form, whether privately owned the by the rider, or rented e.g. through a shared e-scooter program. The AODA Alliance opposes any e-scooter rental program, whether run by the e-scooter rental companies directly or by the City of Toronto e.g. through its Bike Share program.

14. The AODA Alliance agrees with the Toronto Accessibility Advisory Committee, which called on City law enforcement to enforce the current ban on e-scooters. If someone now illegally rides an e-scooter, City Council should mandate law enforcement to confiscate that e-scooter.

15. The fact that Toronto earlier approved some other shared economy activities, like Uber ride sharing, should not mean the e-scooter corporate lobbyists get a free pass here. Any prior approval of ride-sharing, for example, did not take into account the dangers that e-scooters pose. Each shared economy proposal should be assessed on its own strengths and dangers. Rejecting e-scooters does not preclude City Council from approving other shared economic activities, where it adjudges them safe and appropriate.

16. We seek the leadership of Toronto Mayor John Tory. We need him and all City Council to stand up for people with disabilities, seniors, children and others endangered by e-scooters. We need Mayor Tory and City Council to stand up to the e-scooter corporate lobbyists.

2. The Proof is Overwhelming - E-Scooters Endanger Personal Safety and Accessibility for People with Disabilities, Seniors, Children and Others.

Overwhelming evidence shows that allowing e-scooters in Toronto will endanger the safety of the public, including vulnerable people with disabilities, seniors, children and others. They will also create new accessibility barriers in a city that is already full of too many disability barriers.

a) Two Strong Resolutions of the Toronto Accessibility Advisory Committee

These concerns are strongly supported by two unanimous motions of the Toronto Accessibility Advisory Committee. Those resolutions were passed on [February 3, 2020](#) and February 25, 2021. The latter reads:

“The Toronto Accessibility Advisory Committee communicate to the Infrastructure and Environment Committee and City Council, for consideration with the next staff report on electric kick scooters, that:

1. The Committee does not support the use of any electric kick-scooters (e-scooters) in the City of Toronto; and request that a ban prohibiting their use in all public space remain in place without any exceptions, as they:

- a. create a general safety hazard in the public realm for all Toronto residents;
- b. add further barriers for the elderly and persons living with disabilities;
- c. are poorly enforced when illegally used due to insufficient enforcement resources;
- d. further encumber pre-existing inadequate infrastructure.

2. The Committee recommends that City Council request the Toronto Police Services Board, the General Manager, Transportation Services, and the Executive Director, Municipal Licensing and Standards to consult with accessibility stakeholders to:

- a. develop a public education campaign to effectively convey the existing by-laws on the prohibition of e-scooters use in all public spaces;

b. actively scale up city-wide enforcement of the by-law prohibiting use of e-scooters in all public spaces.”

It is especially important for Toronto Mayor John Tory and City Council to pay heed to these unanimous strong resolutions. This is because the Accessibility for Ontarians with Disabilities Act (AODA) requires cities like Toronto to create such municipal accessibility advisory committees. They exist in order to alert municipal governments to important areas where priority action is needed on accessibility for people with disabilities. This includes, among other things, action needed to prevent the creation of new accessibility barriers. If a municipal government creates a new accessibility barrier after it was warned not to do so by its accessibility advisory committee, that government will be acting in a deliberate, intentional and harmful way, contrary to the AODA's goal.

[b\) Media Coverage Objectively Documents Serious Harms Caused by E-scooters](#)

Here is a sampling of media coverage objectively documenting the harms and injuries that e-scooters can cause.

*E-scooter hit-and-run crash leaves pedestrian, 65, seriously injured in hospital in Greater [Manchester, UK](#)

*Woman left with brain injury after being hit by e-scooter when getting off bus [in Auckland](#) court hears

*Six e-scooter riders before courts for intoxicated riding - [UK pilots](#)

*According to the [Edmonton Journal](#), in Edmonton 94 percent said they saw e-scooters used on sidewalks, 68% said more enforcement needed.

*The [Washington Post reported](#) on January 11, 2019 that a 75-year-old man in San Diego tripped over an e-scooter. He was taken to hospital, "where X-rays revealed his knee was shattered in four places". The article quotes Wally Ghurabi, medical director of the Nethercutt Emergency Center at the UCLA Medical Center in Santa Monica. Ghurabi said, "I've seen

pedestrians injured by scooters with broken hips, multiple bone fractures, broken ribs and joint injuries and soft tissue injuries like lacerations and deep abrasions." The article also reports incidents involving pedestrians in Dallas, where a 32-year-old man was "left with scrapes on his knee and face, as well as a deep gash above his right eye that required seven stitches", and Cincinnati, where a 44-year-old woman incurred approximately \$1000 in medical expenses after being "throw [n]...to the ground" — both following collisions with e-scooters.

*[Euronews](#) reported on June 18, 2019, that Paris intended to implement speed limits and parking restrictions for e-scooters following its "first death on an electric scooter". The French transport minister also announced a nationwide ban on e-scooters on sidewalks, effective September. A week prior to the announcements, a 25-year-old man riding an e-scooter had died after being hit by a truck. The report details other incidents, involving both riders and bystanders. In Sweden, "a 27-year-old man died in a crash while riding one of the electric vehicles in May". In Barcelona, "a 92-year-old woman died in August 2018 after she was run over by an e-scooter — making it the first case of a pedestrian being killed by the electric vehicle".

*On July 26, 2019, [CBC News](#) reported that since e-scooters became available in Calgary, "Calgary emergency rooms have seen 60 patients with e-scooter-related injuries". The report added that "[a]bout a third of them were fractures and roughly 10 per cent were injuries to the face and head". These figures have triggered a study by the University of Calgary.

*[The Guardian](#) reported on August 11, 2019 that Paris had experienced its third e-scooter-related death in four months: "A 30-year-old man has been killed after being hit by a motorbike while riding his e-scooter on a French motorway." The report went on to state that "[t]he scooter rider was not wearing a helmet and was reportedly travelling in the fast lane when the motorbike hit him from behind", despite the fact that "[u]sing scooters on motorways is banned in France". Moreover, "The day before the accident, a 27-year-old woman suffered serious head injuries after falling from an e-scooter she was using in a cycle lane in Lyon. A few days earlier a 41-year-old man had been seriously injured after falling from his e-scooter in Lille." Finally, the report provided details on another, earlier e-scooter-related death in France: "An 81-year-old man died after he was reportedly knocked over by an e-scooter in Levallois-Perret, a Parisian suburb, in April."

*[CityNews](#) reported on August 13, 2019, as part of a short survey of European regulations, that "German police say seven people have been seriously injured and 27 suffered minor injuries in scooter accidents since mid-June, saying most were due to riders behaving carelessly."

*In [Austin](#), an article from 2019 states that almost half of the 190 e-scooter injuries in a three-month period were injuries to the head and 15 percent were traumatic brain injuries. Less than 1 percent of injured riders were wearing helmets.

*In [San Antonio](#), wheelchair users complain of e-scooters being left on sidewalks and ramps; these present a danger to individuals who rely on wheelchairs for mobility. The article notes that the e-scooters create profound obstacles for disabled people who are simply trying to get to work or run daily errands.

*An article entitled "[Sharing the sidewalk: A case of E-scooter related pedestrian injury](#)" published in the American Journal of Emergency Medicine in June 2019 cites multiple studies corroborating the occurrence of pedestrian injuries: one from Israel found that, while pedestrians were 8.4% of the patients admitted for e-bike- and e-scooter-related injuries, they "were more severely injured; compared to electric scooter riders and electric bike riders, pedestrians have higher rates of head, face, and neck injuries; traumatic brain injuries; and hospital stays lasting more than a week".

c) Major Disability Organizations Unite in Opposition to Allowing E-Scooters

An impressive number of respected community organizations have voiced the same safety and accessibility concerns especially for people with disabilities and seniors. They have called for e-scooters not to be allowed. A [January 22, 2020 Open letter](#) in opposition to e-scooters in Ontario cities like Toronto has been co-signed or endorsed by the Accessibility for Ontarians with Disabilities Act Alliance, March of Dimes of Canada, the Canadian National Institute for the Blind, the ARCH Disability Law Centre, Spinal Cord Injury Ontario, the Ontario Autism Coalition, the Older Women's Network, the Alliance for Equality of Blind Canadians, Guide Dog Users of Canada, Views for the Visually Impaired, Citizens With Disabilities – Ontario and Canadians with Disabilities of B'nai Brith Canada.

d) All deputants with Disabilities Addressing City of Toronto Committees on E-scooters Raise Serious Safety and Accessibility Objections

Safety and accessibility concerns led every deputant with disabilities and their supporters, speaking at City of Toronto Committee meetings on this issue, to insist that e-scooters must not be allowed in Toronto. This was the unanimous message from all people with disabilities and their supporters who have addressed the Toronto Accessibility Advisory Committee on [February 3, 2020](#) or February 25, 2021, and who addressed the Toronto Infrastructure and Environment Committee on July 9, 2020.

For example, at the February 25, 2021 Toronto Accessibility Advisory Committee meeting, a very long meeting for that Committee, Disability presenters at the meeting were unanimous in voicing total opposition to e-scooters in any form or on any basis in Toronto. John Rae, a blind person over the age of 70, spoke for the Alliance for Equality of Blind Canadians. He described e-scooters as an e-menace to people with disabilities and seniors. He said that any deployment or testing of e-scooters would be a new disability barrier, flying in the face of the Accessibility for Ontarians with Disabilities Act. He said Toronto, including its sidewalks, have been becoming less accessible to persons with vision loss. E-scooters will make this worse. This is an issue of pedestrian safety.

Edward Rice, speaking for B'nai Brith Canada, showed disturbing pictures from Fort Lauderdale Florida, where from a year before, when in a two block area, there were fully 25 e-scooters strewn about the sidewalk. He uses a mobility device. He had to ask strangers to move these out of the way so he could travel on the sidewalk. He called this "embarrassing and humiliating".

John Mosa, Melanie Marsden and Andrea Hatala together spoke for the GTA Disability Coalition, a network of different disability organizations. They, like Mr. Rice, cited a study of increased emergency room visits in Calgary due to e-scooter use. In Toronto this would compound the discrimination which people with disabilities risk in hospital during COVID-19 due to the Ontario Government's critical care triage protocol. They identified the barriers to people with disabilities that e-scooters pose, because they are silent and can be difficult to avoid, and because they can be a tripping hazard and mobility barrier on sidewalks. They endorsed the AODA Alliance's call for e-scooters to be banned, for there to be no e-scooter pilot, and for police to enforce the ban on e-scooters against those now riding them.

Jennifer Griffith, a blind woman who uses a guide dog, described Toronto as an increasingly dangerous and inaccessible city. Her example of dangers are construction sites in the city that she has to try to safely navigate through or around. She described the fear she would face each time she goes out in public if she faces the danger of silent e-scooters injuring her. She would not have heard of a proposal for an e-scooter pilot, had it not been for the AODA Alliance.

Ron Redham is a 60 year old person with a disability who lives in Etobicoke and walks with canes. Having gradually learned how to use canes after having to use a wheelchair, He asked Toronto not to send him and others back on the rehabilitation burdens that he had to go

through. He doesn't want to end up in a wheelchair again. He said in Montreal, 80% of scooters were parked illegally, resulting in them littering the downtown. This led to an early cancellation of their pilot project.

Paul Michaels is from B'nai Brith Canada, a national human rights organization. He has two family members with cerebral palsy. They asked him to share with the Committee their fear that they could not readily maneuver out of the path of an oncoming e-scooter or around a group of e-scooters.

Adam Cahoon said he gets hateful looks when he uses his power wheelchair at full speed, around 8 KPH or so. He said e-scooter can go over double his speed, making him feel especially vulnerable.

On February 25, 2021, several members of the Toronto Accessibility Advisory Committee also described serious safety and accessibility dangers that e-scooters pose for people with disabilities. For example, a member of Toronto Accessibility Advisory Committee said that deafblind persons would be especially vulnerable.

e) Toronto City Staff Confirm the Safety Dangers and New Accessibility Barriers that E-Scooters Would Create in Toronto

Two written City staff reports confirm that e-scooters endanger public safety, including safety for vulnerable people with disabilities, seniors, children and others. They will also create new disability accessibility barriers, even if banned on sidewalks. This is confirmed in the City staff's June 24, 2020 report to the Toronto Infrastructure and Environment Committee, and the City staff's February 25, 2021 presentation to the Toronto Accessibility Advisory Committee.

The City staff's June 24, 2020 report to the City's Infrastructure and Environment Committee included these findings:

* "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.”

* “Vision Zero Road Safety – Risks with E-scooters

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 per cent 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 Chicagoreader.

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 per cent of injuries (183 riders); 20 per cent (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.”

* “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.”

* “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.”

* “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.”

* “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.”

After City Council directed City staff on July 28, 2020 to do further research on the disability concerns regarding e-scooters, City staff did further research. This further research reinforced the public safety and accessibility concerns addressed above. None of the City staff’s new information refuted or reduced the concerns about the dangers that e-scooters present as raised by disability advocates and others. The City staff’s further research did not support a conclusion that these concerns have been or could be effectively eliminated.

The City staff’s February 25, 2021 presentation to the Toronto Accessibility Advisory Committee included

* “According to the UDV (German Insurers Accident Research) in January 2021, e-scooter riders are 4 times more (or 400% more) likely than bicyclists to injure others, due to e-scooters being illegally ridden on sidewalks.

– In 21% of e-scooter incidents with personal injury, the victim is not the rider, but another road user. This is due in part to e-scooters being ridden on sidewalks 60% of the time when they should be on the road or bike lane.

According to Austria’s Kuratorium für Verkehrssicherheit (KFV) in October 2020, 34% of 573 e-scooter riders observed at several Vienna locations illegally rode on the sidewalk.

– Even if there was a bike path, 23 percent preferred the sidewalk. If there was only one cycle or multi-purpose lane, 46 percent rode on the sidewalk. If there was no cycling infrastructure, 49 percent rolled illegally on the sidewalk.”

* “Canadian context – City of Calgary

- No bike share. Only rental e-scooters allowed in Alberta.
- Allows e-scooter riding on sidewalks.
- 43% of 311 requests about bad behaviour or conflicts with pedestrians; 42% parking concerns. (total of 769 requests over the pilot period)
- Now allowing e-scooter use on some roads to reduce sidewalk riding issues. Added slow speed zones and 30 parking zones (2.5% of riders ended trips in parking zones; 10% of the e-scooter fleet was deployed to the parking zones).
- E-scooters to return via the procurement process. Lowered fleet cap from 2,800 (2020) to 1,500 (2021). Will require licence plates for enforcement.
- “Likely that e-scooters have the highest rate of injury per transportation mode” but less severe. 43% of EMS e-scooter injuries required surgery (double that of EMS bicycles at 21%). 37% of severe e-scooter injuries had suspected intoxication.
- 1,300 e-Scooter-related ER visits during the pilot period but may be over-inclusive of other devices referred to as scooters. 75 required ambulance transport, 5% were pedestrians injured.

Canadian context – City of Ottawa

- No bike share. Personal use and rental e-scooters allowed on roads with max 50km/h limit, bike lanes, and trails/paths that are not National Capital Commission multi-use paths.
- Lowered max. speed to 20km/hr for e-scooters from the permitted 24km/hr under the provincial pilot. 8km/hr for slow zones, e.g., transit malls/stations.
- Piloted a fleet of 600 e-scooters with 3 vendors in 2020. Will increase the fleet cap to between 1,200 and 1,500 for 2021 and expand outside the Greenbelt (suburban area).
- 76% of e-scooter riders surveyed used e-scooters for recreation; 2% to connect to transit (COVID-19 context)
- Will pilot in 2021 via procurement process. Staff labour costs not included in cost-recovery. Considering designated parking areas. 69% of all survey respondents reported encountering improperly parked e-scooters.
- No injury data collection with hospitals and not likely for 2021 given the pandemic.
- Accessibility stakeholders were consulted and raised concerns about sidewalk riding and improper parking, especially barriers for persons with low vision or no vision.”

Despite all the overwhelming evidence that demonstrates e-scooters ‘dangers, the two lead e-scooter rental companies, Bird and Lime, together have campaigned for e-scooters in Toronto in effect as if none of that evidence is true. For example, Bird tried to convey an impression that e-scooters pose no additional danger to public safety, if allowed, and are simply the same as bikes. This defies logic. Unlike bikes, an e-scooter, ridden for the very first time by an utterly inexperienced rider, can silently race faster than 20 kph in seconds, powered by an onboard motor. The faster a vehicle’s speed on impact with an innocent pedestrian, the greater the force applied, and the risk of consequential injury.

Lime has made even more exaggerated claims. It repeatedly told the February 25, 2021 Toronto Accessibility Advisory Committee meeting that rental e-scooters, if allowed, will *improve* public safety, stating:

“The OECD says in their widely, the most extensive report in the world on micro-mobility that road users will be safer, all road users, if e-scooter and bicycle trips replace travel by car or motorcycle.”

Lime would thus have Toronto believe that the public is at greater danger now, because e-scooters are not allowed. To support this extreme claim, Lime in substance argued that cars are more dangerous to pedestrians than are e-scooters. Is it just a coincidence that this claim

serves the economic interests of the e-scooter corporate lobbyists in getting as many e-scooters on the road as possible, claiming in effect that the more e-scooters that are deployed, the safer we all will be?

Of course, cars are much bigger and heavier than e-scooters. They can go much faster than e-scooters. As such, a car can cause greater injuries when it hits a pedestrian.

Lime's claim rests on fatally flawed premises. First, no one is contemplating banning cars from the road, and replacing them with e-scooters. Second, cars, unlike e-scooters, are not routinely driven on sidewalks, where pedestrians expect and deserve to be able to walk in safety, unthreatened by *any* motor vehicles. Third, as addressed further below, in cities where e-scooters are allowed, they have not been proven to materially reduce the amount of car traffic on the road.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, the City got a unique opportunity to assess the clash between City staff who say that e-scooters create new safety dangers on the one hand, and e-scooter corporate lobbyists who claim that e-scooters will improve public safety, on the other. Committee members asked both e-scooter corporate lobbyists and City staff to address the clash in the data that each relied upon.

When the answers of City staff and the e-scooter corporate lobbyists are assessed together, the only plausible conclusion is to reject the corporate lobbyists' claims that e-scooters improve public safety, rather than endangering public safety. City Council is strongly encouraged to prefer the City staff findings. This is so in light of the fact that City staff, acting in the tradition of professional public servants, have provided unimpeachable objective data. In sharp contrast, the e-scooter corporate lobbyists's have a strong economic motive to exaggerate their claims. As is further documented later in this brief, they also have a disturbing track record of false, exaggerated and misleading claims that brings their credibility into question.

Lime Canada conceded that if a city council saw the information about the impact of e-scooters that City staff presented at the February 25, 2021 Toronto Accessibility Advisory Committee meeting, they would vote against e-scooters. Lime also conceded at that meeting that the highest priority risk areas are parking compliance, compliance with not riding on sidewalks, and riding while intoxicated. We emphasize that all those three areas bear directly on creation of new safety dangers and disability accessibility barriers.

Despite those major admissions, to support its claims that e-scooters will improve public safety rather than endangering it, Lime and Bird referred to a [report from the International Transport Forum ITF of the OECD](#) at the same Toronto Accessibility Advisory Committee meeting. However, City staff correctly pointed out several critical features of that report that controvert the corporate lobbyists' reliance on and claims about it.

First, that [report](#), which the corporate lobbyists called an "OECD report", was not in fact endorsed or approved by the OECD. To the contrary, it is labelled as a Corporate Partnership Board Report. City staff explained that the corporate partnership board includes e-scooter manufacturers and e-scooter rental companies. The report includes a pivotal disclaimer that:

"Funding for this work has been provided by the ITF Corporate Partnership Board" and "It has not been subject to the scrutiny of ITF or OECD member countries and does not necessarily reflect their official views or those of the members of the Corporate Partnership Board."

Second, Bird claimed that the International Transport Forum of the OECD had concluded that a road fatality is not significantly more likely when using a shared standing e-scooter rather than a bicycle, and that the risk of an emergency department visit for an e-scooter rider is similar to that for cyclists. In response, City staff explained that on page 10 and 20 [of the report](#), it says that the hospital rate may be higher for e-scooters, that hospital admissions related to e-scooter incidents may be higher. It is clear that [the report](#) does not prove or support the e-scooter corporate lobbyists' claims about it. When City staff met with the e-scooter rental industry on January 20, 2021, City staff were very clear in stating that they do not consider, given the research seen, that the risk profile of e-scooters is merely the same as bikes.

3. E-scooters Won't Materially Reduce Road Traffic, Pollution or Climate Change

E-scooter corporate lobbyists make unsubstantiated claims that to allow e-scooters would materially reduce road traffic and combat pollution and climate change. This lies at the heart of their argument in favour of Toronto permitting e-scooters. For example, Lime told the Toronto Accessibility Advisory Committee on February 25, 2021 that e-scooters can save "a ton of car trips". It turns out that these claims are untrue.

The corporate lobbyists argue that e-scooters would reduce traffic on the roads and reduce pollution because instead of taking a car to their destination, they would ride public transit to get near their destination, and then rent an e-scooter to ride the last mile from transit to their destination, or to ride the first mile from their destination back to public transit. Eviscerating this claim is the fact that most e-scooter renters do not use e-scooters to connect to transit. The February 25, 2021 City staff presentation to the Toronto Accessibility Advisory Committee indicated that in the Ottawa fall 2020 e-scooter pilot, a survey revealed that only 2% of e-scooter riders did so to connect to public transit. As well, the City staff's June 24, 2020 report to the Toronto Infrastructure and Environment Committee showed that e-scooters are not mainly used to replace car trips:

“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 per cent 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/ridehail/taxi, which still represents a minor shift away from motorized vehicular use.”

Even Lime's presentation that day only claimed that 20% of their trips are connections to transit. Therefore, fully 80% of e-scooter rides are not for that purpose, even on the most generous statistical claims from the e-scooter industry.

Making this worse, the corporate lobbyists' claims supporting e-scooters would require Toronto to be flooded with e-scooters. For e-scooters to serve their supposed benefit as a means to connect to public transit in lieu of car rides, people would have to be assured before they leave home that there will always be an e-scooter waiting for them to rent, conveniently available as soon as they get off public transit, to ride that last mile to their destination. Similarly, When they leave their destination to go back home, they'd need an assurance that there would be a rental -scooter waiting for them right there, available ride the first mile back to transit on their way home.

There would therefore have to be a huge number of e-scooters scattered all over Toronto, just in case someone wants to rent them. Short of that, a person has no assurance that they can rely

on this mode of travel. Without that assurance, they won't know if they can get to their destination on time.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, City staff and the e-scooter corporate lobbyists' presentations, together, show without contradiction that the e-scooter companies do not prefer having e-scooters parked at fixed docking stations, such as those now allocated for Bike Share bikes. Rather, they prefer for a rider to be able to leave an e-scooter on Toronto's sidewalks, tied to a fixed object. City staff told the February 25, 2021 Toronto Accessibility Advisory Committee meeting that docking stations have the advantage of reducing the tripping hazards, sidewalk clutter and accessibility barriers that are created when e-scooters are parked on the sidewalk.

City staff explained that Bike Share corrals are typically 500 meters apart. The e-scooter corporate lobbyists want e-scooters to be within as little as 300 meters to each other. No doubt, this is because the closer be the e-scooter is to a potential renter or market, the more likely the customer is to opt for their product. Of course, the bigger the flood of e-scooters scattered around Toronto, the better it is for the e-scooter industry's profits. However, this also makes the new barriers against people with disabilities and the safety dangers to them even more prolific.

This all means that there must be a massive urban blight of e-scooters, akin to that seen in some other cities, for this supposed benefit of reduced traffic and pollution to work. So speculative a benefit is hardly worth the proven harms e-scooters cause.

4. Allowing E-scooters Would Impose Significant New Financial Burdens on the Taxpayer

City staff reports amply support the inevitable conclusion that to lift the ban on e-scooters in Toronto would impose significant but as-yet unquantifiable financial burdens on the taxpayer. This includes among other things, health care and litigation costs arising from personal injuries caused by e-scooters, the cost of creating and maintaining infrastructure to accommodate e-scooters, the cost of enforcing the laws regulating e-scooters if enacted, the cost of City regulating e-scooters, collecting data and monitoring e-scooter use and e-scooter companies. At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, City staff reported that The City's insurance and risk management people believe that there would be significant costs to the City if a pilot were to be held. The costs to the City of allowing e-scooters would

include costs of claims, cost of police enforcement, cost of City Transportation staff dealing with litter issues enforcement, the cost of City data collection and the cost of staff monitoring and providing oversight. Insurance and risk management is finding it difficult to come up with a specific dollar amount for these costs. This resoundingly disproves the e-scooter corporate lobbyists' false claims at the July 9, 2020 Toronto Infrastructure and Environment Committee that there would be no additional costs to the City.

COVID-19 has already imposed massive new costs on Toronto, and on Ontario. Toronto is in no position to suffer these added new additional e-scooter costs. If Toronto can afford to spend more now on Toronto's infrastructure and environment, it should be spent to reduce the many accessibility barriers facing people with disabilities. It should not be spent to create new disability barriers, as e-scooters would cause.

The June 24, 2020 City staff report to the Infrastructure and Environment Committee found:

"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 per cent 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.

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)."

Beyond the foregoing, the City of Toronto could expose itself to major damages claims if people get injured by e-scooters. As amply documented throughout this brief and on the AODA

Alliance's [e-scooters web page](#), Toronto has ample basis to know that e-scooters present proven safety and disability accessibility dangers. For Toronto to expose Torontonians to e-scooters once it has been alerted to these dangers, injured parties can be expected to claim greater damages. This is because Toronto thereby knowingly endangered its residents and knowingly created new disability accessibility barriers. The City could not credibly defend itself by claiming that it had no idea that it was creating these dangers by allowing e-scooters at the behest of the e-scooter corporate lobbyists.

5. No Effective Insurance Solutions Are Now Available

It has been a fundamental requirement of public policy for decades that the public should be assured that there is sufficient insurance in place to cover those who are injured by motor vehicles. That is why driving a car without proper insurance is an offence.

This is an issue which has not been solved for e-scooters, a form of motor vehicle. The City staff's June 24, 2020 report included:

“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.”

The City staff's February 25, 2021 presentation to the Toronto Accessibility Advisory Committee said that there would be a need for insurance to cover injuries both to the e-scooter rider and an injured pedestrian. We would add that there would also be a need for insurance to cover damage to property due to e-scooter use, and injuries and property loss due to motor vehicle accidents caused by e-scooter use e.g. if a car needs to swerve to avoid an e-scooter, and ends up in a collision causing personal injuries, death and/or property loss.

The City staff February 25, 2021 presentation concluded in substance that no acceptable insurance solutions for the needs that the City staff identified are now established. Solutions that the industry proposed are not sufficient. For example, the industry proposed that a fund be established to cover losses due to e-scooters. City staff were not satisfied that revenues

from a fee to be imposed on each e-scooter ride could cover the funds needed for claims and for the infrastructure that would have to be set up to administer such a new claims fund.

We add that whatever be worked out regarding insurance, the e-scooter rental companies should be assigned first and primary liability for any injuries or losses that are caused to anyone by the use of their vehicles. If they want to make their product available in Toronto, in order to make profits, they should shoulder the costs that are caused to others by the use of their product.

In Ontario, a car's owner is primarily liable for injuries or losses caused by the car, and not just the driver. There is no reason to exempt the e-scooter rental companies from that wise approach. Otherwise, it gives a massive undeserved financial windfall for the e-scooter rental companies.

In the end, insurance, even if properly available, does not eliminate or reduce the dangers to the public including people with disabilities, seniors, children or others. It presupposes that members of the public will be injured by e-scooters. They will have to shoulder the hardships and high costs of bringing law suits to recover damages. Money can help, but cannot eliminate the physical pain, the loss of abilities, and the other hardships that a serious personal injury and civil litigation can inflict. It would be wrong to proceed on the basis that so long as there is sufficient insurance in place, there is no need to worry about the dangers to safety and disability accessibility that e-scooters will create.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, Bird complained that third party e-scooter insurance does not exist in North America, that it is not required anywhere else in North America, and that it is not mandated or provided for Bike Share TO. Yet these provide no reason for dismissing insurance issues addressed here, or the need for there to be proper insurance in place. It just gives another compelling reason why Toronto should not lift the ban on e-scooters.

6. A Pilot with E-Scooters in Toronto Would Endangers Public Safety and Disability Accessibility, and Exposes The City to Major Financial Claims

There are times where it is worthwhile for the City of Toronto to conduct a pilot project with an innovation, to see if it is suitable for wider adoption. However, Toronto should not conduct a

pilot project with e-scooters. There are a number of reasons for this. Each, standing alone, is sufficient to reject that idea. Rejecting a pilot here does not mean Toronto is rejecting the idea of ever conducting pilots in other areas of policy that do not present e-scooters' dangers.

It is essential to expose why e-scooter corporate lobbyists press so hard for a pilot. They do so purely for tactical marketing reasons. They want their product on the Toronto streets, to build their market. They want to shift the burden to those opposing e-scooters to have to fight an uphill battle to get e-scooters removed, once entrenched. They want the inertia to favour them. They want the City to invest money in their product's entrenchment, so it will be easier to secure a permanent foothold in this city. They want to point to Toronto to leverage other cities to follow suit.

First, there is no real need for an e-scooter pilot in Toronto. No one has identified an appropriate purpose for an e-scooter pilot. A pilot is conducted to answer specific questions, identified in advance. If the pilot is to ascertain if some people would like to ride e-scooters, we know from other cities that they do. If it is to find out if e-scooters will ride on sidewalks even if banned from sidewalks, we have ample evidence that they do. Indeed we already have first-hand proof that e-scooters are freely and openly ridden on Toronto sidewalks even when they are entirely illegal in Toronto.

If the question to be considered is whether e-scooters endanger public safety and disability accessibility, we have sufficient proof from other cities that they do. There is nothing about Toronto or Torontonians that make these dangers any less than for other cities that have allowed e-scooters. To the contrary, City staff's June 24, 2020 report shows ways in which Toronto presents added problems, if e-scooters are allowed here. It concluded:

"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

per cent of Major Roads and 24 per cent 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.”

Second, it is universally accepted that it is utterly wrong to conduct an experiment on human beings without their consent. This is especially so where it is known in advance that the experiment poses a danger to them. Imagine the liability that a government would risk if it subjected people to a trial COVID-19 vaccine without their consent, to find out if it works and if it has any dangerous side-effects.

An Toronto e-scooter pilot would be a human experiment without the consent of those endangered by it. This is revealed by the City staff's presentation at the February 25, 2021 Toronto Accessibility Advisory Committee meeting. For purposes of gathering data on injuries caused by e-scooters, City staff spoke of collecting data from hospitals before a pilot, during a pilot and after a pilot. City staff explained that the burdens on hospitals during the COVID-19 pandemic precluded their being able to gather the kind of data needed before an e-scooter pilot could begin.

Toronto should not follow Ottawa's reckless conduct. Ottawa conducted a pilot project with e-scooters right in the midst of the COVID-19 pandemic, without putting in place effective measures for tracking injuries. The Ottawa mayor's office told AODA Alliance Chair David Lepofsky on the night before the pilot's approval that if people get injured, they can file complaints. Ottawa unfairly shifted the burden to e-scooter victims to produce evidence of harm they suffered, rather than proactively preventing the harm in advance or ensuring that it is accurately tracked during that pilot.

In these circumstances, if Toronto conducts an e-scooter pilot, it risks facing major financial claims by people injured by e-scooters. As noted earlier, injured victims can be expected to argue, as a factor substantially increasing their right to a large damage award that the City of Toronto decided to subject them to the dangers of an e-scooter human experiment without their consent, having been warned in advance of the safety and accessibility dangers that e-scooters create. That claim for damages would be fortified by the fact that the Toronto Accessibility Advisory Committee twice unanimously recommended against conducting a pilot project with e-scooters, after receiving compelling evidence from multiple sources on the safety and accessibility dangers they pose.

Third, the City staff's June 24, 2020 report shows that in important ways, the proper legal and operational groundwork has not been done at the provincial or federal level, needed for a pilot project. That report concluded:

* "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.”

If Toronto wishes to gather still more information about e-scooters, it should do so without conducting its own pilot experiment on Torontonians, by looking to the personal injuries and disability accessibility barriers that e-scooters created in other cities.

7. E-Scooter Corporate Lobbyists Have Proposed No Effective Solutions that Will Solve the Problems E-scooters Would Create

City Council will want to know if there are “compromises” i.e. solutions that could allow e-scooters while not making Torontonians suffer from their dangers. The AODA Alliance urges that Toronto should not “compromise” on the safety of its residents. Especially during COVID-19, our political leaders have emphasized that public safety is their number one priority. That should be the case here as well. Compromising on accessibility for people with disabilities should be out of the question, especially when it comes to the danger of creating new accessibility barriers that would compound the many barriers that people with disabilities now suffer from in Toronto.

That said, the question remains whether there are solutions that would not compromise on public safety or on the impermissible creation of new accessibility barriers. City staff commendably gave the e-scooter corporate lobbyists an ample open opportunity to present practical solutions to the dangers that e-scooters create, if such solutions exist. City staff held a meeting with 29 representatives of the e-scooter rental companies on January 20, 2021. E-scooter corporate lobbyists also had the chance to bring solutions to the Toronto Accessibility Advisory Committee on February 25, 2021.

e-scooter companies have a strong financial incentive to present workable solutions. This would open up the highly-desirable Toronto market to them. They are well –positioned to try out effective solutions elsewhere, if there are any. This is because they operate e-scooter rental operations in a number of other cities.

Those companies are well-aware of their need to come up with solutions. The disability community has been raising our disability-related concerns regarding e-scooters for over a year and a half. Such concerns have been raised in other cities.

Despite these opportunities, e-scooter corporate lobbyists presented no solutions that would in fact solve the serious dangers that e-scooters pose. The February 2021 written staff report and the staff oral presentation on February 25, 2021 to the Toronto Accessibility Advisory Committee reviewed key solutions that the e-scooter corporate lobbyists presented to City staff. City staff correctly concluded that none effectively solved the problems that e-scooters present, but impose costs on the taxpayer. The February 25, 2021 City staff presentation stated:

““Potential solutions to address e-scooter sidewalk riding

- Protected bike lane/micromobility network and placing e-scooter parking on-street so that trips begin/end off the sidewalk
- Field staff/ambassadors/patrols and enforcement teams
- Visible, unique identifiable plate numbers (licence plates for rental fleets)
- E-scooter sidewalk riding detection technologies* (*emerging technology)

Other proposals to address e-scooter sidewalk riding

- Geofencing pedestrian areas or slow zones
- Education and warnings (by companies) and fines for riders (by police)
- Suspensions/bans on repeat offenders (by companies)
- Decals on sidewalks and signage
- Audible warnings on the device for the rider and pedestrians

Potential solutions to address improper e-scooter parking

- Adequate supply of parking areas (and fleet size caps/reviews)
- Proper parking verification (photo selfies and/or other technologies)
- Field staff/patrols and enforcement teams (1-2 hr service standards or better)
- Braille/tactile and unique identifiable numbers on e-scooters (licence plates for rental fleets)

- Docked stations* like Bike Share Toronto (*dockless preferred or hybrid by companies)

Other proposals for improper e-scooter parking

- Education and incentives (e.g., discounts for proper parking or penalties for repeat offenders by companies; or fines to the companies that are passed onto the repeat offenders)
- “Lock-to” parking mechanism (similar to a bicycle lock)
- Double kick-stand (less likely to topple over); and
- Onboard diagnostics indicating the device has toppled over.
- Photo of e-scooter being locked to a hand railing at steps to an entrance by a man wearing a bicycle helmet and business casual work clothes.
- Photo of e-scooter locked to bicycle parking with a cable. The bike parking is in the shape of a metal loop attached to the sidewalk in San Francisco with a bike lane painted green in the background."

The City staff's February 25, 2021 presentation also stated:

“Accessibility Feedback on Proposed Solutions...

Technologies are still emerging and not adequate yet:

- Geofencing and other technologies to prevent sidewalk riding are not sophisticated enough and would only apply to rental e-scooters.
- Docking stations for e-scooters has potential but is still in development.
- Lock-to cables on e-scooters mean they could be locked anywhere (e.g., café fence/railing) including in spots blocking entrance access and paths of travel.
- There is already a lack of bike parking so this would worsen the number of sidewalk obstructions on narrow and cluttered sidewalks.
- If Bike Share Toronto were dockless, there would not be enough bike rings to lock the rental fleet... same for dockless rental e-scooter fleets.

Accessibility Feedback on Proposed Solutions

Not enough city resources for enforcement and infrastructure priorities

- Oversight is very labour- and resource-intensive and depends on enforcement, which is already stretched or non-existent in parts of the City.
- Licence plates on rental e-scooter fleets could help, but this is a reactive tool and would be a drain on city resources to monitor and enforce.
- Bigger priorities for limited city resources.
- Inadequate infrastructure is a bigger priority – not enough sidewalk space or accessible infrastructure; not enough bike lanes/bike lane space; and not enough public transit.
- Importance of other city priorities before allowing something which poses a hazard and a nuisance for pedestrians and persons with disabilities.

Accessibility Feedback on Proposed Solutions

Impacts on seniors and persons with disabilities on sidewalks

- COVID-19 has resulted in challenges for persons with disabilities, their caregivers and pedestrians who use sidewalks as a necessity and not for recreation.
- Allowing e-scooters will pose hazards that affect persons with disabilities, seniors, their caregivers and pedestrians.
- Risk of severe injury for seniors or persons with disabilities if tripping and falling or struck by an e-scooter.
- Inability to identify e-scooter rider because of their speed, and that the person's credit card on the app may not be the person riding the e-scooter."

The e-scooter corporate lobbyists presented no information that refuted the City staff assessment of these solutions. None of the information presented by City staff either in its February 2021 report or their February 25, 2021 oral presentation to the Toronto Accessibility Advisory Committee demonstrated any need to subject Torontonians to these dangers in a "pilot project" to see if they would materialize in Toronto. No information was presented to suggest that Toronto would somehow be exempt from these dangers, if it allows e-scooters.

We add the following, which reinforces the City staff's presentation. Toronto has bike lanes, but it is not a contained network. Moreover, extensive law enforcement would be needed to

ensure compliance. Both creating the network and such law enforcement imposes substantial costs on the public. The public should not be required to build massive new infrastructure to let the e-scooter corporate lobbyists make their profits.

At most such bike paths are described as helpful as encouraging e-scooter riders not to ride on sidewalks. Yet such “encouragement” is no assurance that they will comply.

City staff reported that a proposed solution was to use technology such as “geo-fencing” to prevent e-scooters from riding on sidewalks. Using GPS or other technology, the e-scooter itself would supposedly electronically detect when it is going somewhere where it is not allowed to go. City staff correctly concluded that the technology to do this accurately and reliably simply does not exist. We agree. We add that anyone who uses a GPS for directions know that they are not accurate enough to pinpoint whether an e-scooter is on the sidewalk, or mere inches away on the road.

Even if geo-fencing did work, it would only restrict rented e-scooters and not privately owned e-scooters. Yet both rented and privately-owned e-scooters create dangers to people with disabilities.

Lime said that such sidewalk detection technology could help with reminding riders afterwards. The e-scooter rental company could call the offending rider afterwards. Including those with multiple cases of it. This wrongly relies on e-scooter companies with a conflict of interest to lead this activity. It only addresses the problem after the danger has been created, rather than preventing barriers from being created in the first place. Waiting for multiple infractions does not protect the public from one-time riders. This all presumes without proof that the e-scooter companies can effectively track this.

Another proposal from the industry was to have staff educate e-scooter riders. If these staff are to be provided by the City, that would be an unwarranted cost burden on the taxpayer. Even if these staff were to be provided by the e-scooter companies, there would be no realistic possibility of them being situated all over the city to ensure that they reach all or even most e-scooter riders. E-scooter riders would have no obligation to spend time listening to them. There is no assurance that this education would reach many e-scooter riders, or that it would change their behaviour.

The industry's proposal to require a visible identifiable number to be located on each e-scooter can be partially helpful. However that alone will not materially reduce the problems we have identified.

If an e-scooter rider violates the law, it is not conclusive proof of the rider's identity to identify the number on the e-scooter, even if a victim can accurately identify that number. The e-scooter companies would have to make available to the public their internal records of rentals, account holders and vehicle numbers. Moreover, the e-scooter rider may not be the same person as the name on the account charged for the e-scooter. This alone would not be sufficient assured proof in court to establish the rider's identity.

This is also no solution for pedestrians who see a law-breaking e-scooter from the side or from behind, or where the e-scooter is racing too quickly for the pedestrian to read the identification number. Moreover, offending e-scooter riders will quickly learn to cover up the identification number. This solution also depends on the public financing enough law enforcement to catch and successfully prosecute offenders.

Another measure proposed was to add braille and tactile letters to an e-scooter, to enable a person with vision loss to identify it. This presupposes that a person with vision loss trips over an improperly parked e-scooter, and then gropes all over it to find an accessible braille or raised letter identifier. That in turn presupposes that the victim knows that such labels are available, and is prepared to try this groping. This is, far fetched. It also leaves people with vision loss exposed to the e-scooter tripping hazard in the first place.

Lime Canada proposed to the Toronto Accessibility Advisory Committee on February 25, 2021 that E-scooter rental companies could require renters to photograph how they park an e-scooter, and send the photo to the rental company for monitoring. This provides no real public protection. The renter could move the e-scooter right after sending in that photograph.

Similarly, it would be problematic to rely on rental companies to impose or collect fines. This would lack needed law enforcement public accountability and safeguards. The public would have to trust the e-scooter companies. Law enforcement should never be parcelled out to a private for-profit company that has such an obvious conflict of interest. Moreover, if the fine is retained by the e-scooter company, that would simply add to their profits.

The industry proposed that they could suspend multiple violators from being able to rent an e-scooter. However, this requires the many serious impediments to proving a violation and a violator's identity to first be overcome, e.g. the need for massive increases in law enforcement to detect violators. Moreover, a suspended person could simply use a new credit card to create a new account and then resume riding e-scooters.

The industry's proposal to increase law enforcement would shift more financial burdens to the taxpayer. It also presupposes that if Toronto were to increase its law enforcement spending, e-scooters should be a top priority. We would suggest that there are now other law enforcement priorities that would compete for attention, e.g. ensuring that the public obeys public social distancing requirements during the pandemic.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, Lime conceded that drunk e-scooter riding will require an "enforcement component". It said there are "some tech tools that some of the companies would come up with to help identify an impaired e-scooter driver. The industry could then deny the intoxicated rider a ride. There is no suggestion that this intoxication technology exists, or that it has been effectively deployed anywhere

The industry proposed that it could message riders regarding restrictions on e-scooter use. This assumes that voluntary compliance would be sufficient. There is no indication that this has been tried and worked in other cities. We would not dispense with drivers licenses and the related training in exchange for car companies messaging their customers on where they are permitted to drive their cars.

The industry proposed that sidewalks could be marked with notifications not to ride e-scooters there. City staff correctly noted that this would create visual clutter. There are many kilometers of sidewalks that would require this. We add that here again, the e-scooter corporate lobbyists once again propose shifting major costs to the taxpayer to enable them to make their profits. It also presupposes that those who illegally would ride e-scooters on sidewalks only do so because they didn't know it is forbidden, rather than because they don't have to fear effective law enforcement.

City staff rejected a proposal that e-scooters emit an audible sound. We note that this measure may help somewhat in overcoming the dangers of e-scooters due to their now being silent. However, this would not overcome the dangers when e-scooters are lying on the sidewalk, blocking pedestrians, nor would this prevent injuries when collisions occur. Moreover, these

sounds would have to be loud enough to alert a pedestrian well in advance, so that they can try to evade a fast-moving e-scooter racing towards them.

City staff noted that the industry proposed that e-scooter parking be located on the street, to reduce the chances of them being ridden on the sidewalk. We note that with street parking now at a premium, especially in downtown Toronto where the traffic is often congested, there are harms that would flow from further reducing street parking. From a disability perspective, if any new street parking were to be re-allocated, it should be for more disability parking spots, and not for e-scooters.

Moreover, by having e-scooters parked on the street, this would not in any real way reduce the danger of e-scooters being ridden on the sidewalk. An e-scooter rider could simply continue to ride on the sidewalk and then at the end of their ride, park on the street, if permitted.

To address the problems of parking e-scooters, the industry proposed, among other things, providing them with more e-scooter parking locations. This impinges on limited parking spaces already available in Toronto, as noted above. It also shifts yet another cost to the taxpayer, who would be providing free parking for the corporate lobbyists to make their profit.

The option of providing docking stations was discussed. It burdens the taxpayer with providing the space and paying for the docking stations. It adds to urban clutter.

The industry proposed technology to ensure that e-scooters are parked properly. Yet unless there is a huge supply of staff to monitor this, it will not prevent danger to people with disabilities and others before injuries and accessibility barriers impede people with disabilities.

The industry proposed having a patrol team from e-scooter companies to explore and remedy complaints. City staff said that where tried, the minimum service standard has been one to two hours after a violation is reported by the public, especially during a pilot project. We respond that that leaves the danger to pedestrians in place, and only rectifies it after the fact. It also unfairly burdens pedestrians with having to call in complaints, and indeed, with having to know how to do so and at what number. That depends on a chain of events that is not reliable.

Consideration was given for e-scooter companies to provide rate incentives for those who park properly, such as discounts, or rate penalties for those who do not park them properly. That requires someone to effectively police where each e-scooter is parked. The option of fining the e-scooter company directly for improperly parking the e-scooter raised the concern that the e-scooter company could just pass this cost on to the users, rather than it serving to ensure proper parking of e-scooters. Here again, this presupposes that there is the deployment of ample law enforcement deployed all over the city that has time to conduct all the needed enforcement for e-scooters.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, industry representatives gave major priority to the solution of “lock-to”. A cable is attached to the e-scooter so that when parked, it can be locked to a pole or other object. However, this is no solution at all. It still exposes people with disabilities to e-scooters being left all over the place in unpredictable public locations, as new accessibility barriers and tripping hazards. It wrongly converts our sidewalks and other public places into free parking for the e-scooter industry, with the public substantially subsidizing their profits.

Bird claimed at that meeting that the problem of e-scooters being ridden on sidewalks would be dramatically reduced if riders could lock up a rental e-scooter on the sidewalk, using the “lock to” option. It defies logic to argue that this solves the problem of riding e-scooters on sidewalks. A person would ride an e-scooter on a sidewalk, rather than the road, to avoid cars or the many potholes in our roads. Where one can park the e-scooter at the end of the ride does not dictate whether one chooses to ride on the sidewalk rather than the adjacent road en route to one’s destination.

The industry proposed having each e-scooter equipped with a double kickstand to reduce the risk of them falling over when parked. That suffers from the same problems as the lock-to proposal.

Similarly, the industry’s proposal that each e-scooter have an onboard diagnostic mechanism to indicate if the e-scooter has toppled over also has the same deficiencies. It also assumes that the e-scooter companies will flood the city with enough people to immediately remove such an e-scooter before someone trips over it.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, Lime proposed that the industry could share big data with city officials e.g. if there are locations where there

are repeat problems with e-scooters. If this is shown the City might wish to protect the public by creating new infrastructure. By this, it appears to mean that if there is a route where e-scooter riders repeatedly ride on the sidewalk, the City might wish to build a separate path.

By this, the industry concedes the risk of repeat violators. It shifts to the public the financial burden of building new infrastructure to avoid people being injured by e-scooters. It provides no assurance that riders who repeatedly use those sidewalks will stop doing so once a separate bike path is built.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, Lime Canada also says that in the shorter term, this could help focus enforcement on those corridors. That too exposes pedestrians to the dangers of e-scooters, and shifts to the public the cost of additional law enforcement.

At the February 25, 2021 Toronto Accessibility Advisory Committee meeting, Lime claimed that education of riders along with enforcement are “very good tools”. Yet enforcement is a major public cost burden. It starts from the premise that the e-scooter has already caused harm.

We add that Toronto cannot rely on education of riders, since a rider can rent an e-scooter without having to ever speak to a human being from the e-scooter rental company, from whom they could receive that education. Moreover, Lime Canada conceded that education alone is “not enough” to solve the admitted problem of people riding e-scooters on sidewalks. It conceded as well and that there must be “a degree of enforcement” (though it did not specify how much enforcement it conceded to be necessary).

As explained earlier, an e-scooter is a motor vehicle. Nevertheless, Lime’s solution for the problem of bikes creating accessibility barriers when left on sidewalks is to regulate them as if they were non-motorized bikes. Yet that would simply add to sidewalk barriers. In effect, the industry sought the lowest and most permissive degree of regulation possible, with the least accountability.

For decades, our society has regulated motor vehicles far more extensively than bikes. We require the vehicle and driver to each be licensed and insured. We require the driver to complete sufficient training, including safety training under proper supervision, before being

allowed to drive in public. Licenses are gradually graduated for drivers as their experience grows. Vehicles must meet rigorous safety standards. In contrast, the e-scooter rental industry seeks to evade all of those regulations, as if an e-scooter were not a motorized vehicle.

8. E-scooter Corporate Lobbyists' Numerous False, Misleading and Exaggerated Claims Further Show Why Toronto Should Reject Their Dangerous E-scooter Proposals

The e-scooter corporate lobbyists' misleading false and claims, flights of extreme exaggerations and flights of illogic are breathtaking. Toronto Mayor John Tory, City Council and City staff should take their claims with at least a grain ton of salt. They should insist on strong corroboration before accepting any of their claims.

The AODA Alliance's [October 30, 2020 report](#) revealed that these corporate lobbyists have been inundating Toronto City Hall with a huge, well-financed relentless, feeding frenzy of lobbying in the back rooms. Some Councillors have told us that this is one of the biggest, if not the biggest corporate lobbying effort now at City Hall. The AODA Alliance 's October 30, 2020 report on this lobbying feeding frenzy gives insight into why in the midst of the COVID-19 pandemic when other pressing issues should be a priority, Toronto's municipal politicians are so seriously considering unleashing e-scooters in Toronto, despite their amply-documented dangers to people with disabilities, seniors and others.

That report shows that entries in Toronto's official [Lobbyist Registry](#), filling fully 73 pages, reveal that in just the two years from June 2018 to the present, eight e-scooter rental companies and three lobbying firms have documented fully 1,384 contacts with City Hall in person, by phone, by virtual meeting or by email. Among these were at least 112 meetings with City officials and 1,153 emails. These figures only include contacts which corporate lobbyists opted to record in the Toronto Lobbyist Registry during that period.

Amidst this onslaught of corporate lobbyists' approaches were a dizzying 94 contacts with the Mayor's Office, including 10 with Mayor Tory himself, 58 with the Mayor's Senior Advisor, Legislative Affairs Daniela Magisano, 15 with Mayor Tory's Director of Legislative Affairs Edward Birnbaum, 10 with his Chief of Staff Luke Robertson, and 1 with Mayor Tory's Deputy Chief of Staff Courtney Glen. As well, among these documented contacts are 368 contacts with members of City Council, 479 contacts with staff of members of council, as well as 352 contacts

with other City staff, among others (We surmise that the corporate lobbyists may not have reached a few janitors).

Beyond those address earlier in this brief, corporate lobbyists' public presentations in support of e-scooters at the February 25, 2021 Toronto Accessibility Advisory Committee meeting and the earlier July 9, 2020 Toronto Infrastructure and Environment Committee meeting, are replete with the following ten additional falsehoods, exaggerations, and transparently bogus arguments. That they must resort to such meritless arguments to offer further shows that their proposals lack real merit.

As a first example, Bird told the February 25, 2021 Toronto Accessibility Advisory Committee meeting that an important question is whether City Hall continues to ignore the number of e-scooter riders on city streets today, despite the current ban on them, or whether Toronto chooses to regulate this space with "sensible regulations?" It argued that Toronto should lift the ban on e-scooters because some people are now illegally riding privately-owned e-scooters in Toronto.

This falsely suggests that the proper solution to dangerous lawlessness is not to enforce the law, but instead to legalize the dangerous illegal activity. By that reasoning, Canada should lift the ban on unlawful assaults, and regulate assaults instead, since some people illegally assault others. Canada should now lift the ban on heroin and crack cocaine, because some people now illegally use those dangerous drugs.

Instead, the fact that some people are now flouting the law by illegally riding privately-owned e-scooters in Toronto is strong proof that we can expect more flouting of the law by rental e-scooter riders if their use is legalized but banned on sidewalks.

Similarly, Lime relied heavily on the false dilemma that either people will buy their own e-scooters without speed controls, or we can allow rental e-scooters with speed controls. Yet Toronto has the further option of enforcing the law against riding any e-scooters and confiscating any e-scooter ridden illegally in public. That would resolve the whole problem without a necessity of legalizing either owned or rental e-scooters.

Second, at the February 25, 2021 Toronto Accessibility Advisory Committee meeting, Bird misleadingly described the ban on e-scooters as a “temporary ban”. In fact, the legal ban on e-scooters in Toronto is permanent, unless City Council votes to lift it. Moreover, at present, it can only be lifted for under four years. After that the provincial ban on e-scooters goes back into effect.

Third, Bird told the Toronto Accessibility Advisory Committee on February 25, 2021 that Ottawa’s pilot with e-scooters is the “gold standard” by which Toronto should be guided, as if Ottawa’s experience provides an effective answer to public safety and disability accessibility concerns. Yet Toronto City staff presented earlier at that meeting that Ottawa City staff had not even collected e-scooter injury data. Later at that meeting, CNIB deputed that during the Ottawa pilot, e-scooters were operated unsafely and left in pedestrian clearways throughout the downtown. This caused accessibility barriers and safety hazards. Despite all this, Ottawa is expanding their e-scooter fleet. That means that a key purpose of the pilot, to see their impact on injuries, was disregarded by Ottawa.

CNIB held a public meeting to get feedback from people with vision loss about their experience during the Ottawa e-scooter pilot. It heard alarming stories of safety hazards posed to people with vision loss by e-scooters. There was unsafe operating of e-scooters, regular illegal sidewalk riding of e-scooters and improperly parking e-scooters. 1On a survey about the pilot, 69% of respondents encountered wrongly parked e-scooters. 72% of survey respondents encountered sidewalk riding.

Ottawa City Council nevertheless approved e-scooters for a second pilot despite the staggering data the City itself collected. CNIB warned Toronto not to follow the Ottawa experience. That a leading, e-scooter corporate lobby could point to Ottawa as “the goal standard” shows how dramatically antithetical they are to the vulnerability of people with disabilities.

Lime claimed that in Ottawa, the votes to continue the e-scooter program were nearly unanimous. That only shows the devastating reach of the e-scooter corporate lobbyists.

Fourth, Bird tried to portray e-scooters as an important mobility aid for people with disabilities. The industry tried to appear as if it were advocating in favour of expanded accessibility for people with disabilities when its core business in fact endangers accessibility for people with disabilities.

Lime claimed at the February 25, 2021 Toronto Accessibility Advisory Committee meeting that they embrace the goal of accessibility for people with disabilities. It told that meeting that 8% of their riders have physical disabilities and use e-scooters as “a liberating tool to explore the city”. Yet e-scooters are not viewed as adaptive disability mobility devices in the disability community.

Lime provided no independently-verified objective evidence to support the claim that 8% of e-scooter riders have physical disabilities. They would seem to have no way to verify this, since their rental customers do not interact with Lime staff when renting an e-scooter. Moreover, even if some e-scooter riders have some sort of physical disability, there is no proof of how many, if any, need the e-scooter to meet a disability mobility need. It is important not to confuse a bona fide disability power scooter, in which a person with a disability is seated, and one of Lime’s very different rental e-scooters on which a rider must stand and balance themselves, while travelling much faster than a disability scooter can.

Fifth, Lime made the over-inflated if not bogus claim at the February 25, 2021 Toronto Accessibility Advisory Committee meeting that allowing e-scooter rentals will help with recovery from the COVID-19 pandemic. This is because people will use an e-scooter to go to stores to shop.

Yet e-scooters are not supposed to be used to transport anything other than the person riding it, such as goods bought in stores. It presumes that e-scooter renters can leave their e-scooter scattered anywhere near any store they wish to visit. This threatens the sidewalk litter, accessibility barriers and tripping hazards that e-scooters have presented in other cities like Ottawa. It presumes that those same shoppers would not go shopping, helping out our economy, had it not been for renting an e-scooter. There is no proof that there has been any such surge in economic activity provably linked to e-scooters.

Sixth, an example of misleading use of statistics was Lime’s claim at the February 25, 2021 Toronto Accessibility Advisory Committee meeting that in Calgary, city data shows e-scooter injuries were far, far less than bike injuries. Even if there is such a statistic, it can easily be explained by the fact that there are far fewer e-scooters being ridden compared to the total number of bikes being ridden. Instead, the relevant statistic to use is the number of injuries per kilometer ridden. At that Toronto Accessibility Advisory Committee meeting, Lime and Bird did not use that relevant measure for injuries, when comparing different modes of travel, whether

cars, bikes or e-scooters. They therefore did not account for how many of each kind of vehicle is on the road, or how far they are driven before causing an injury, or the severity of the injury they cause.

Seventh, Lime argued that rental e-scooters have the added protection of in-built speed limits and geo-fencing capabilities, which are not included in e-scooters that people privately buy. As well, as noted earlier, City staff correctly concluded that geo-fencing is not now a reliable technology. As well, to allow rental e-scooters does not assure that people won't also ride privately-owned e-scooters. Lime advanced the false dilemma that either people will buy their own e-scooters without speed controls, or Toronto can allow rental e-scooters with speed controls. Yet there is the further and preferred option of effectively enforcing the ban on riding any and all e-scooters, and confiscating any illegally-ridden e-scooters.

Eighth, Lime claimed at the February 25, 2021 Toronto Accessibility Advisory Committee meeting that there have been no deaths due to rental scooters because they have speed controls. This claim is dubious. It requires proof that a pedestrian, hit by an oncoming e-scooter at 22 KPH, cannot be killed, but one colliding at 30 or 40 KPH can be killed. No proof of such a medical improbability has been provided.

Ninth, Lime made the unsubstantiated claim at the February 25, 2021 Toronto Accessibility Advisory Committee meeting that e-scooters have a much higher parking compliance rate than do cars. Even if this were assumed to be true, the question is not whether to ban cars. It is whether to allow e-scooters which will create new safety dangers and new disability accessibility barriers. Moreover, cars, even when improperly parked, are not typically left strewn about sidewalks as a tripping hazard and accessibility barrier.

Tenth, at the February 25, 2021 Toronto Accessibility Advisory Committee meeting, Lime made the quite exaggerated claim that most major cities outside Toronto had embraced e-scooters, and that unlike Toronto, e-scooters have met with virtually universal acclaim in cities that tried them. This is shown to be misleading, in light of the following information included in the City staff's presentation to the February 25, 2021 Toronto Accessibility Advisory Committee meeting:

“Large Urban Peer Cities

- Peer cities have banned rental/shared e-scooters from downtowns in Chicago and New York City.
- No rental/shared e-scooters yet in places such as:
- Montréal (not for 2021) or Vancouver
- Massachusetts (e.g., City of Boston)
- Pennsylvania (e.g., City of Philadelphia)
- New South Wales (e.g., City of Sydney, Australia)
- Scotland (e.g., City of Edinburgh), The Netherlands (e.g., Amsterdam), and
- Others have banned or since banned them, e.g., Copenhagen (city centre), Houston, San Diego (boardwalk ban), etc.
- NYC (outside of Manhattan only) and Transport for London (UK) pilots not yet underway.”

City staff noted that Montreal, which earlier did a pilot with e-scooters, will not have e-scooters in 2021. Vancouver does not have e-scooters. Hamilton and Mississauga allow privately owned e-scooters. We add that the City of Mississauga Accessibility Advisory Committee recommended that e-scooters not be allowed. We have seen no reason given for Mississauga rejecting that important accessibility recommendation.

City staff noted that London, Waterloo and Windsor are involved in some sort of public consultations on e-scooters which is slowed due to COVID-19. Calgary only allows e-scooter rentals, as is the case for all Alberta. Calgary allows e-scooters on sidewalks, and has no bike share program. Calgary will now allow some use of e-scooters on roads, to reduce sidewalk use.

Calgary staff advised their Council that it is likely that e-scooters have the highest injury rate per transportation mode. 43% of e-scooter injuries that were transported to hospital required surgery, which is twice the rate for bicycle injuries. In Calgary, 37% of e-scooter injuries had suspected intoxication.

City staff also reported that looking at large cities with similar large populations, similar urban densities and similar climate, Chicago and New York City ban rental e-scooters from their downtown areas. There are no rental e-scooters in Montreal, Vancouver, Massachusetts (e.g.

Boston), Pennsylvania (such as Philadelphia), New South Wales (such as Sydney). Melbourne requires an e-scooter to have a maximum power of 200 watts. Most e-scooters require a higher wattage than that. There are no e-scooters in Scotland or the Netherlands. They have been banned in the city centre of Copenhagen, Houston, and San Diego's boardwalk.