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To: [Infrastructure and Environment](#)
Subject: [External Sender] Submitting AODA Alliance brief to Toronto's Infrastructure and Environment Committee on electric scooters for June 5, 2023 meeting
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Please find attached the brief which the , AODA Alliance submits to the , Infrastructure and Environment Committee for its June 5, 2023 discussion of electric scooters. Please ensure that it reaches all members of the Committee as soon as possible and please post it on line. We consent to it being publicly posted.

Could I trouble you to confirm that you have received this.Thanks for all your help.

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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 Infrastructure and Environment Committee of the City of Toronto
June 1, 2023

Toronto City Council must not unleash the silent menace of dangerous electric scooters in Toronto. Riding e-scooters in public places in Toronto is now banned. It remains banned unless Council legalizes them.

Toronto City Council exhaustively debated this issue two years ago, and wisely voted unanimously to say no to e-scooters. This issue should not be re-opened now.

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 City Council to once again 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 Infrastructure and Environment Committee of the City of Toronto in opposition to the proposal from Councillor Paul Ainslie 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. If anything, we need that ban effectively enforced, and not cast aside.

For the past four years, 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 be on the agenda at the June 5, 2023, meeting of the Toronto Infrastructure and Environment committee. We ask the Infrastructure and Environment Committee to reject any proposal to re-open the e-scooters issue. If there is any chance that this issue might be re-opened, we ask the Infrastructure and Environment Committee to defer any consideration of that proposal to a future meeting, where people with disabilities will have more than a mere 7 days to try to take part in this proceeding. It is reasonable to expect that the e-scooter corporate lobbyists had advance knowledge that this issue was about to be raised once again.

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 Toronto 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 unhelmeted, untrained, unlicensed, and uninsured riders.
3. If Toronto allows e-scooters, but bans them from sidewalks, experience in other cities overwhelmingly 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. In exhaustive reports prepared in 2020 and 2021, 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. Councillor Ainslie provides no evidence to show that there is now some miracle cure to a problem that has plagued other cities that allow e-scooters, and that answers all the data and analysis set out below, especially as provided by Toronto City staff.

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. In 2020 and 2021, Toronto's 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. Nothing has changed to warrant a re-opening of this issue, and burdening vulnerable people with disabilities and seniors with having to again fight this battle.

9. 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 have told the AODA Alliance in the past that this is one of the biggest, if not the biggest corporate lobbying blitz they had seen at the time 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.

10. 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.

11. 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.

12. 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.

13. We once again seek the leadership of all City Council to stand up for people with disabilities, seniors, children and others endangered by e-scooters. We need 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 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.

It is very disturbing that this issue is being raised at the Infrastructure and Environment Committee before the new Toronto Accessibility Advisory Committee holds its first meeting, which we understand to take place on June 12, 2023. If this issue is to be considered at all, we respectfully propose that Councillor Ainslie should first take it up with the Toronto Accessibility Advisory Committee before deciding to bring it to the Infrastructure and Environment Committee.

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.

1. Altercation between e-scooter riders and occupants of vehicle before fatal stabbing in downtown Ottawa, police say
2. Vernon woman spent two days in hospital after being struck by rental scooter

3. National pedestrian safety campaign backs Chorley mum's petition for stricter e-scooter laws after daughter hit
4. Italy debates electric scooter safety after teenager dies in accident
5. E-scooters: Sister of six-year-old boy who had skull fractured by teenage rider calls for under-21 ban
6. Woman who can 'barely dress' herself after being hit by e-scooter lashes out
7. Paris police search for two e-scooter riders after pedestrian killed
8. Child taken to hospital following e-scooter collision
9. Moment teenager on an e-scooter almost ploughs into a lorry while riding on the WRONG side of the road
10. Three-year-old girl left with 'life-changing' injuries after collision with man riding e-scooter
11. Electric scooters drive accident epidemic as young man, 20, latest to die in collision
12. Teen e-scooter rider pleads guilty in incident which caused pedestrian severe brain injuries
13. Girl's jaw and gums had to be realigned after accident with e-scooter; rider arrested
14. Canterbury woman struck by electric scooter suffers two broken limbs
15. E-scooter casualties in London soar by 570% as number of pedestrians hurt DOUBLES in a year - putting pressure on Sadiq Khan over rental trial scheme
16. 79-year-old woman in hospital after being knocked down by a scooter
17. Actress Lisa Banes dies after being hit by scooter in Manhattan
18. E-scooter drivers endanger other road users significantly more than cyclists
19. He broke his bones, now no one wants to be liable: An e-scooter accident shows dangerous legal gaps
20. E-Scooter riders have little, if any, protection in case of injury or accident

21. Bronx man dies after falling off e-scooter hitting head on ground
22. Man seriously hurt in Clifton e-scooter crash
23. Moment passengers evacuated as e-scooter 'explodes' at London Tube station
24. Oxford e-scooter crash involving pushchair leaves man and child injured
25. Dental injuries on the rise thanks to e-scooter use: study by U of A prof

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

An impressive number of respected community organizations around Ontario 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 in the Past Have Raised 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 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. 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 to 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 Have Exhaustively Confirmed the Safety Dangers and New Accessibility Barriers that E-Scooters Would Create in Toronto

In 2020 and 2021, two written City staff reports confirmed 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 Chicago reader.

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

Falling off e-scooters was the cause of 80 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.”

* “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.”

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.

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.”

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.

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 supported 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.

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 into 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 lawsuits 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 Endanger 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 ample 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 had 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.

A 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.

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. Our political leaders have emphasized that public safety is their number one priority. That should be the case here. 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 kickstand (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 absurd idea 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, but only if the sound is loud enough to overcome all major street noises like construction, loud traffic, and leaf blowers. 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.

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 conceded 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).

For decades, our society has regulated motor vehicles far more extensively than bicycles. 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.