

Accessibility Advisory Committee Report

6th Meeting of the Accessibility Advisory Committee

June 24, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance PRESENT: J. Menard (Chair), T. Eadinger, D. Haggerty, N. Judges, P. Moore, K. Pereyaslavskaya, B. Quesnel, P. Quesnel, D. Ruston and K. Steinmann and J. Bunn (Committee Clerk)

ALSO PRESENT: L. Livingstone; E. Conway, A. Husain, S. Maguire, P. Masse, J. Michaud, L. Sanders, C. Saunders, J. Skimming and M. Stone

ABSENT: M. Bush, A. McGaw and J. Teeple

The meeting was called to order at 3:02 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Southwest Optimist Park Playground

That it BE NOTED that the presentation, dated June 24, 2021, from J. Michaud, Parks Planning and Design, with respect to the Southwest Optimist Park Playground, was received; it being noted that verbal delegations from J. Michaud and J. Elliott, with respect to this matter, were received.

2.2 SoHo Thames Valley Corridor - Natural Playground and Park Redevelopment

That it BE NOTED that the presentation, dated June 24, 2021, from E. Conway, Park Planning and Design, with respect to the SoHo Thames Valley Corridor Natural Playground and Park Redevelopment, was received; it being noted that verbal delegations from E. Conway, K. Preston and L. Williams, with respect to this matter, were received.

3. Consent

3.1 5th Report of the Accessibility Advisory Committee

That it BE NOTED that the 5th Report of the Accessibility Advisory Committee, from its meeting held on May 27, 2021, was received.

3.2 Municipal Council resolution from its meeting held on May 25, 2021, with respect to the 4th Report of the Accessibility Advisory Committee

That it BE NOTED that the Municipal Council resolution, from its meeting held on May 25, 2021, with respect to the 4th Report of the Accessibility Advisory Committee, was received.

3.3 Notice of Planning Application - Zoning By-law Amendment - 755-785
Wonderland Road South (Westmount Mall)

That it BE NOTED that the Notice of Planning Application, dated May 27, 2021, from C. Parker, Senior Planner, with respect to a Zoning By-law Amendment related to the properties located at 755-785 Wonderland Road South (Westmount Mall), was received.

4. Items for Discussion

4.1 Electronic Scooters (E-Scooters)

That the following actions be taken with respect to E-Scooters in the City of London:

- a) the revised attached comments, outlining the opinions of the Accessibility Advisory Committee with respect to E-Scooters in the City of London BE FORWARDED to the Civic Administration for consideration; and,
- b) the Civic Administration BE REQUESTED to engage in external feedback acquisition in a public forum to solicit feedback on this matter.

4.2 Accessibility Advisory Committee Terms of Reference

That the attached comments, outlining the opinions of the Accessibility Advisory Committee with respect to Accessibility Advisory Committee Terms of Reference, BE FORWARDED to the Civic Administration to be considered as part of the Advisory Committee Review.

4.3 (ADDED) Summer Meeting Date

That it BE NOTED that the next meeting of the Accessibility Advisory Committee will be held on August 26, 2021.

5. Adjournment

The meeting adjourned at 4:44 PM.

Given the information that we have received, in addition to both lived experience and the examples set by Canadian municipalities such as Montreal and Toronto, the City of London's Accessibility Advisory Committee is unable to support the City's participation in a pilot project allowing electronic scooters (e-scooters) in public.

While the majority of our concerns are specific to challenges that these scooters pose to members of the accessibility community, they are complemented by a lack of proven benefit that would set the foundation for further discussion. The supposed environmental benefits, as proven in a North Carolina study looking at e-scooter user behaviour, are spurious at best. These e-scooters are not being used by those forsaking vehicles, but rather are generally used by those who normally walk or bike to destinations -- both of which are far more ecologically responsible forms of transportation.

And we have yet to broach the topics of injury liability, potential for theft and the related replacement costs, and additional enforcement costs that the City would be forced to absorb to meet even the minimum safety and accessibility thresholds we would expect.

So with little to no benefit, yet so much risk, we see no reason to move forward with this project. As per the City of London's Diversity and Inclusion Policy states, the City is committed to "removing system barriers to accessibility and access as experienced by our community by listening and responding to the voices of those who are marginalized."

Our "marginalized" community is expressing these concerns in advance in order to prevent the establishment of a system barrier, and we hope that prevention carries just as much weight as after-the-fact remediation efforts.

Our concerns are as follows:

- E-scooters are often discarded in locations away from their designated areas. As staff have suggested that these scooters are intended for last-kilometer traffic, one could make a reasonable assumption that they will be left on sidewalks and doorways that represent the end of that destination. That "reasonable assumption" is further reinforced by the examples of cities like Montreal, where pilot projects were ended due to this behaviour.
- Discarded e-scooters pose a risk to those with visual challenges, mobility challenges, and who use wheelchairs. Unexpected obstacles on the sidewalk, boulevard, or even along the street can pose trip-and-fall hazards for people with visual challenges, and they can effectively block people in wheelchairs, people pushing strollers, or those using walkers from progressing down pedestrian walkways.
- E-scooters are silent and pose a risk to those with visual and auditory challenges. If ridden on the sidewalk, they are an unexpected vehicle on a pedestrian-first pathway.

The Accessibility Advisory Committee fully supports the development of a multi-modal transportation model for the City of London. We have supported the integration of safely designed bike lanes, but we feel e-scooters have proven to be problematic in other communities and we encourage you to follow the example set by the City of Toronto in not voting to support a pilot project.

If the Toronto example does not suffice, we encourage you to learn from the experiences of other communities, such as Montreal, which shut down their projects specifically as a result of the manifestation of the concerns that we've expressed.

We appreciate that the lobbyist for the vendor has suggested that these concerns can be alleviated through enforcement and technological restrictions that would prevent these devices from accessing sidewalks. But we question at what cost? Who bears both the additional upfront costs and the ongoing residual costs (e.g. enforcement officers? Technological maintenance to ensure that "no-ride" zones are maintained?)

We feel that the risks, both in terms of accessibility, liability, and long-term costs far outweigh any perceived benefit (which, at this point, is restricted to some nebulous "cool factor" for the

downtown, as the environmental benefits are simply non-existent -- especially when one factors in the environmental cost of producing these scooters, and, ultimately, maintaining and replacing them.)

It is our hope that the Civic Works Committee and/or Municipal Council rejects the opportunity to participate in this pilot project.

The committee recommends that the civic administration engages in external feedback acquisition in a public forum to solicit feedback on this matter. This includes both individual community members and representatives of potentially impacted organizations.

Signed,

The City of London's Accessibility Advisory Committee
Letter endorsed at its June 24, 2021 meeting.

The Accessibility Advisory Committee has reviewed the proposed Terms of Reference and has requested the following reinstatements and additions. Some of the items that have been proposed to be removed negatively impact the committee in that they prevent us from fully embracing the scope of the Committee's mandate.

As well, we have included language in the role, mandate, and duties section to reflect the need for accessibility to be looked upon by the "Corporation" as reflective of ableist structures and policies, to better align the committee and the language with the desired inclusive nature of the City's other documentation, including but not limited to, its Diversity and Inclusion policy.

This version is presented as an example of desired edits to the current state. However, we feel that council documentation, as a whole, should embrace Plain Language principles and adhere to the concept of universal accessibility. As it stands, this document scores a 12.8 on the Flesh Reading Ease Scale. The desired score for universal accessibility is 60.

At 12.8, this score is aligned to college graduates and is described as "very difficult to read. Best understood by university graduates." It is also at the high-end of that difficulty scale, on the cusp of Professional -- described as "Extremely difficult to read. Best understood by university graduates."

The Government of Canada in its Policy on Communications and Federal Identity embraces a move to Plain Language communication. Medical and legal organizations throughout North America have been moving towards embracing Plain Language to ensure that content is accessible to all users and that linguistic barriers do not prevent people from accessing and understanding content. And the City of London's communications team has embraced Plain Language in all of its web content.

Universal accessibility is not targeted towards the accessibility community. In fact, universal accessibility supports the needs of all users -- not only those with educational barriers, but also for our growing community for whom English may not be their first language. Universal accessibility promotes writing content in a manner that ensures comprehension, and we strongly recommend that all City of London documentation should be written in a way to promote universal accessibility.

With that, our minimum threshold edits are presented in bold, as follows:

APPENDIX A

Terms of Reference Accessibility Advisory Committee

Role

The role of an advisory committee is to provide recommendations, advice and information to the Municipal Council on those specialized matters which relate to the purpose of the advisory committee **[edit reinstate the following “, to facilitate public input to City Council on programs and ideas and to assist in enhancing the quality of life of the community.”]**

The establishment and role of the Accessibility Advisory Committee is mandated by the Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c 11.
Definitions (AODA 2005)

“the organizations” refers to:

- the City of London and may refer to the City's Agencies, Boards and Commissions, to be determined subject to the Ontarians with Disabilities Act, 2001 (ODA 2001) and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005) and its regulations. It is intended that the Accessibility Advisory Committee shall advise comprehensively upon issues **[add: “that promote the dismantling of existing ableist structures and work to prevent the creation of new ableist structures towards establishing” (remove “for)]** a barrier-free London which may entail forwarding recommendations to the City's Agencies, Boards and Commissions and/or other outside organizations;

“barrier” means:

- anything that prevents a person with a disability from fully participating in all aspects of society because of their disability, including a physical barrier, an architectural barrier, an information or communication barrier, an attitudinal barrier, a technological barrier, a policy or a practice (“obstacle”);

“disability” means:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- a condition of mental impairment or a developmental disability;
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”).

Mandate

The Accessibility Advisory Committee (ACCAC) shall advise and assist “the organizations” in **[add: “working towards dismantling existing ableist structures, preventing the creation of new ableist structures, and]** promoting and facilitating a barrier-free London for citizens of all abilities (universal accessibility). This aim shall be achieved through the review of municipal policies, programs and services, which may include the development of means by which an awareness and understanding of matters of concern can be brought forward and the identification, removal and prevention of barriers faced by persons with disabilities, and any other functions prescribed under the Ontarians with Disabilities Act,

2001 (ODA 2001), Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005) and regulations.

APPENDIX A

The Accessibility Advisory Committee reports to Municipal Council, through the Community and Protective Services Committee. The Accessibility Advisory Committee is responsible for the following: Duties Required by the Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)

- A. participating in the development and/or refinement of the City of London's Multi- Year Accessibility Plan, which outlines the City of London's strategy to prevent and remove barriers for persons with disabilities;
- B. advising the City of London on the implementation and effectiveness of the City's Multi-Year Accessibility Plan to ensure that it addresses the identification, removal and prevention of barriers to persons with disabilities in the City of London's by-laws, and all its policies, programs, practices and services;
- C. selecting and reviewing in a timely manner the site plans and drawings for new development, described in section 41 of the Planning Act;
- D. reviewing and monitoring existing and proposed procurement policies of the City of London for the purpose of providing advice with respect to the accessibility for persons with disabilities to the goods or services being procured;
- E. reviewing access for persons with disabilities to buildings, structures and premises (or parts thereof) that the City purchases, constructs, significantly renovates, leases, or funds for compliance with the City of London's Accessibility Design Standards (FADS);
- F. Consulting on specific matters as prescribed under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005)

Other Duties

- G. advising "the organizations" on issues and concerns (barriers) faced by persons with disabilities and the means by which "the organizations" may work towards the elimination of these barriers;
- H. annually reviewing and recommending changes to The City of London's Facility Accessibility Design Standards (FADS) and other applicable and related policies including, but not limited to, sidewalk design, traffic signalization, public works etc.;
- I. supporting, encouraging and being an ongoing resource to "the organizations", individuals, agencies and the business community by educating and building community awareness about measures (such as the availability of employment, leisure and educational choices) for improving the quality of life for persons with disabilities, through the removal of physical barriers, incorporation of universal design standards, and education to overcome attitudinal barriers to make London an accessible, livable City for all people.

[Reinstate:

- **i) advising "the organizations" on universal transportation issues and how to enable barrier-free access for persons with disabilities. Issues related to**

universally accessible forms of transportation, conventional transit and taxi services, specialized services such as Para-transit, sidewalk design (curb cuts), traffic signalization, etc. shall be considered;

- **(ii) advising, consulting and reporting findings and recommendations to “the organizations” on matters related to the status of persons with disabilities. The Committee shall be informed on matters of government policy (municipal, provincial or federal) affecting persons with disabilities and shall inform “the organizations” about the impact of these policies on London;**
- **(iii) reviewing and making recommendations on barriers faced by persons with disabilities to existing facilities owned, leased, or operated (in full or part) by the City of London;**
- **(iv) reviewing public works policies and standards (sidewalks, snow removal, etc.) and advising “the organizations” on the accessibility for persons with disabilities;**
- **(iv) coordinating the immediate and ongoing dissemination of information in various formats to the disabled community, etc. and to the public at large regarding issues faced by persons with all types of disabilities and regarding the work undertaken by the Accessibility Advisory Committee; and**

Add

- **v) in accordance with the principles of the City’s Diversity and Inclusion Policy, work with “the organizations” to identify ableist structures, policies, and behaviours, and work towards both dismantling existing barriers and preventing the introduction of new ableist policies and structures.]**

Composition

Voting Members

A maximum of thirteen members consisting of:

- a majority of the members (minimum 7) shall be persons with disabilities as required under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA 2005). The Committee members shall be representative of gender, ethnicity and diverse types of disabilities wherever possible; and
- a maximum of six additional members, as follows:
 - one member (parent) representing children with disabilities; and
 - five members-at-large, interested in issues related to persons with disabilities

it being noted that these additional members may also have a disability.

Non-Voting Resource Group

Non-Voting and Resource members may be engaged as the committee deems necessary.

APPENDIX A

Staff Resources

Staff resources will be allocated as required, however the specific liaison shall be the Supervisor, Municipal Policy (AODA), or designate.

Sub-committees and Working Groups

The Advisory Committee may form sub-committees and working groups as may be necessary to address specific issues; it being noted that the City Clerk's office does not provide resources or support to these groups. These sub-committees and working groups shall draw upon members from the Advisory Committee as well as outside resource members as deemed necessary. The Chair of a sub-committee and/or working group shall be a voting member of the Advisory Committee.

Term of Office

Appointments to advisory committees shall be determined by the Municipal Council.

Conduct

The conduct of Advisory Committee members shall be in keeping with Council Policy.

Meetings

Meetings shall be once monthly at a date and time set by the City Clerk in consultation with the advisory committee. Length of meetings shall vary depending on the agenda. Meetings of working groups that have been formed by the Advisory Committee may meet at any time and at any location and are in addition to the regular meetings of the Advisory Committee.