

Accessibility for Ontarians with Disabilities Act Alliance

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Say No to All Electric Scooters in London, Whether Privately-Owned or Rented – Protect Vulnerable People with Disabilities, Seniors, Children and Others from the Dangers E-Scooters Create

AODA Alliance's Brief to London City Council's Civic Works Committee

Via email: cwc@london.ca

June 20, 2022

1. Introduction and Summary

The AODA Alliance strongly commends and supports the London staff report recommendation that London not proceed with a shared e-scooter pilot, in which riders can rent an e-scooter. We applaud the London city staff conclusion that:

“With the concerns about safety, equity and accessibility, an e-scooter share program should not be permitted at this time.”

Instead, we recommend that London enforce the law in Ontario, which prohibits anyone from riding an e-scooter in public places in London.

London has a legal duty not to create new safety and accessibility barriers for people with disabilities. London must bring itself to a state of being accessible to people with disabilities by 2025. This is a requirement of the [Accessibility for Ontarians with Disabilities Act](#), implementing the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms. It is not optional. To legalize any e-scooter rider would create new disability safety and accessibility barriers. That would fly in the face of these important laws.

Please Stand up for the many people who don't want to be injured by e-scooters. We ask London to protect all vulnerable people, especially people with disabilities and seniors, whose safety is endangered if London legalizes riding a privately-owned e-scooter in public, as city staff recommends in its report to be presented to the City Council's Civic Works Committee on June 21, 2022.

In this brief, we:

- Explain why e-scooters pose twin dangers to safety and accessibility for vulnerable people with disabilities, seniors, children and others.
- Offer constructive recommendations on what London's Civic Works Committee should do with the June 15, 2022 London staff report on micromobility.

Montreal and Toronto have wisely rejected e-scooters. So should London. Toronto categorically rejected e-scooters, whether rented or privately-owned, after a careful study of their dangers for people with disabilities, seniors and others.

We have no objection to London creating a bike share program. We add that nothing should be done that restricts people with disabilities from using a disability mobility device that assists with their mobility.

The non-partisan grassroots [AODA Alliance](#) advocates to tear down the many accessibility barriers impeding over 2.6 million Ontarians with disabilities. We have played a leading role across Ontario 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 our [e-scooters web page](#).

2. The Serious Twin Dangers that E-Scooters Create for Vulnerable People with Disabilities, Seniors, Children and Others

An e-scooter is a silent motor vehicle. A joy-rider with no license or training can rocket on a silent e-scooter at 20 kph or faster. E-scooter riders and innocent pedestrians can get seriously injured or killed. See a [CBC report](#) on e-scooter injuries suffered in Calgary. See also a disturbing collection of [25 news reports](#) on e-scooter injuries in communities that allow them. (Headlines set out below).

The silent menace of e-scooters especially endangers vulnerable seniors and people with disabilities, such as people who are blind or who have low vision or balance issues, who have mobility issues, or whose disability makes them slower to scramble out of the way. A blind pedestrian can't know when a silent e-scooter races toward them at over 20 kph, driven by a fun-seeking unlicensed, untrained, uninsured, unhelmeted joy-rider.

Especially in cities allowing shared e-scooters, [e-scooters, left strewn around public places, create new mobility barriers to accessibility](#) for people using a wheelchair, walker, or other mobility device. For people who are blind, deafblind or who have low vision, this is a serious, unexpected, terrifying and dangerous tripping hazard.

Toronto City staff produced two excellent, balanced, objective and detailed reports on e-scooters, [one in June 2020](#) and [one in April 2021](#). Taken together, the Toronto staff reports showed that to allow e-scooters will endanger public safety, send e-scooter riders and innocent pedestrians to hospital emergency rooms, require significant new law enforcement efforts, and impose new financial burdens on the taxpayer to cover added costs that e-scooters trigger. Those Toronto City staff reports also showed that e-scooters do not bring the great benefits for reduced car traffic and pollution that relentless corporate lobbyists for e-scooter rental companies claim.

We have found no City staff report by any other Ontario municipality that has replicated, improved upon, or in any way refuted the objective research on this issue conducted by Toronto City staff. It is especially important that the Toronto city staff reports address dangers posed by e-scooters, whether privately-owned or rented.

E-scooters especially endanger public safety and accessibility for people with disabilities and others on sidewalks. The two Toronto City staff reports, referred to above, show that in cities where e-scooters are allowed but banned on sidewalks, they are nevertheless regularly ridden on sidewalks. Here again, this is not limited to rented e-scooters.

Last year, Toronto City Council commendably voted unanimously not to allow e-scooters, whether privately-owned or rented. It did so after it directed City staff to study the impact of e-scooters on people with disabilities. The Accessibility Advisory Committees of Toronto, Hamilton, London, and Ottawa have all strongly recommended that their respective City Councils not allow e-scooters. People with disabilities have given deputation after deputation to Toronto, Ottawa and Mississauga City Councils, saying that e-scooters should be banned.

There is overwhelming Ontario-based proof that e-scooters pose these twin dangers for vulnerable people with disabilities, seniors and others. It comes directly from Ottawa, among other places. The February 2022 Ottawa city staff report showed that according to a survey that Ottawa staff conducted after two years of piloting e-scooters, there was a major problem with e-scooter riders riding on sidewalks and leaving e-scooters strewn on sidewalks. Both of these activities were forbidden. The Ottawa staff report states:

"79% of all survey respondents encountered sidewalk riding, of which:

67% did not report to City, providers or police

64% felt uncomfortable and unsafe"

"83% of all survey respondents encountered mis-parked e-scooters (up from 69% in 2020), of which

77% left them where they were

Approx. 16% reported them to the City or to the e-scooter providers"

A sampling of 25 media headlines further illustrates the kind of injuries that London must expect to inflict on its residents and visitors, if it green-lights the city staff proposal as it relates to e-scooters:

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

The strong call for e-scooters not to be allowed comes from a broad spectrum of respected voices in Ontario's disability community. For example, back on January 22, 2020, over two years ago, [an open letter](#) to the Ontario Government and all municipalities from eleven major

disability organizations called for e-scooters not to be allowed. This included both rented and privately-owned e-scooters.

It is entirely predictable that if any e-scooter riding is permitted in public places in London, they will be ridden on sidewalks, even if London bans sidewalk riding. We know this from the experience in city after city that permits e-scooters, but bans them from sidewalks. An e-scooter rider predictably would prefer to ride where they can on a sidewalk, rather than the road. On the road, they are in danger of being hit by a car. On the sidewalk, they avoid that danger. On the road, they are in danger of having their e-scooter wheels get caught in a pothole. On the sidewalk, there is less of a danger. On the road, cars will be permitted to travel faster than the e-scooter is allowed to drive. On the sidewalk, pedestrians will never walk faster than an e-scooter can.

These disability dangers are not limited to e-scooters that are ridden on the sidewalk. When vulnerable people with disabilities cross a street, they and others are endangered by a silent e-scooter racing at them on the road. The same goes for innocent pedestrians walking on a trail through a park.

3. Wrong for London to Legalize and Reward Dangerous Illegal Conduct

The London staff report states that at present, there are people who ride e-scooters in London, and that a bylaw should therefore be passed to permit this. If people are now riding e-scooters in public places in London such as roads, sidewalks, park trails or bike paths, that conduct is currently illegal. E-scooters are banned by provincial legislation from public places in Ontario, except where a municipality permits them by bylaw. London has not permitted them under any circumstances.

The London staff report's reason for recommending this appears to be that there are "many" people in London who now ride e-scooters, and that it is an efficient way to travel. The report states:

"This option recognises that personal e-scooters are already in use in London, they provide an efficient transportation option for many Londoners, and they should be recognised in municipal by-laws."

The fact that there are some in London who are breaking the law does not mean that London and its law enforcement officials should simply give up on the law. We have break-ins every year. The solution has been to step up law enforcement, not to throw up our hands and legalize break-ins.

The report provides no objective evidence of how many people are now illegally riding e-scooters in London. Even if there are "many", we would not be inclined to legalize break-ins because many people are now committing break-ins.

The report's description of e-scooter travel as efficient disregards its danger for vulnerable people with disabilities, seniors and others. Those dangers call into question the efficiency of e-scooters as a mode of transportation.

The solution to illegal riding of e-scooters in London is to effectively enforce the current law, rather than passing a bylaw to permit and reward this dangerous activity. As noted above, e-scooters create dangers for vulnerable people with disabilities, seniors, children and others.

It may be that London has never effectively informed the public that it is illegal to ride an e-scooter in London. If so, then some members of the public may well be buying and then riding an e-scooter, not knowing that this is illegal and dangerous to vulnerable people with disabilities, seniors and others. London should do outreach to the public to let them know that it is illegal to ride e-scooters on public property in London. London should call on any stores selling e-scooters to give their customers fair notice that they cannot ride them in public in London.

4. Before Taking Any Steps to Legalize a Person Riding a Privately-Owned E-Scooter, London Should First Investigate Problems Created for Vulnerable People with Disabilities, Seniors and Others Where a Municipality Has Permitted People to Ride a Privately-Owned E-Scooter

Before London considers approving the recommendation in the London staff report to legalize riding a privately-owned e-scooter, London staff should be directed to thoroughly investigate and report back to London City Council on the dangers that e-scooters create for vulnerable people with disabilities, seniors, children and others in cities that allow a person to ride a privately-owned e-scooter. For example, Mississauga amended its bylaws in 2020 to permit a person to ride a privately-owned e-scooter in certain public places. On June 15, 2022, the General Committee of Mississauga City Council received deputations from the public about e-scooters. Several disability community members there told Mississauga not to allow shared rental e-scooters. Debutants also said that Mississauga should never have allowed privately-ridden e-scooters in the first place.

As well, during the June 15, 2022 meeting of Mississauga City Council's General Committee, some Council members expressed concerns about their encounters with e-scooters appearing out of nowhere and almost hitting them. We emphasize that that pertains to a community that allows a person to ride a privately-owned e-scooter.

5. Major Additional Enforcement Problems Would Be Created if London Allows Privately-Ridden E-Scooters

It is possible for London to enforce an outright ban on riding e-scooters in public places, if it allocates needed resources for this. If law enforcement has reliable eyewitness evidence that a person rode an e-scooter on a road, sidewalk, public path or other public property, they can be prosecuted for this.

On the other hand, there are serious additional enforcement problems created if London does as staff recommends, namely permitting a person to ride a privately-owned e-scooter, but prohibits a person from riding a rented e-scooter. To successfully prosecute a person for riding a rented e-scooter, London would have to prove beyond a reasonable doubt the identity of the person who was riding the e-scooter, and that it was a rented e-scooter, not one they personally own. London will not have ready access to reliable evidence of whether the e-scooter was privately-owned or rented. For example, unlike cars, there is no public mandatory regime for registering one's ownership of an e-scooter. There is no obligation to display a license plate on an e-scooter, akin to that required for a car.

As such, a ban on rental e-scooters risks being effectively unenforceable. Clever entrepreneurs will find ways to rent e-scooters to interested people. If this is not highly visible, or if London's law enforcement considers this a low priority, they may well expect to get away with it. As it is, there is a demonstrated willingness by some to flaunt the law, as shown by the fact that some people ride e-scooters in public in London now, even though that is completely illegal.

Moreover, if rental is not allowed, but private ownership is allowed, what will London do with a person who lends their e-scooter to a second person. Is it to be perfectly legal if that second person uses it at no charge, but will take action if there is a charge? How will London ever know? How can police effectively enforce this? Here again, the clear rule that is much more effectively enforceable is a simple ban on riding e-scooters, pure and simple.

6. If London Allows Privately-Owned E-Scooters, the E-Scooter Rental Corporate Lobbyists Will Try to Leverage This to Back London Into Permitting Rental E-Scooters.

The relentless e-scooter corporate lobbyists will argue that if e-scooters can be privately owned, why shouldn't people be free to rent them? For those corporate lobbyists, this will simply be the thin edge of the wedge that they will aim to exploit. London City Council should avoid being backed into a corner.

7. Hard to Regulate the Features of Privately Owned E-Scooters

There are different models of e-scooters. There is no national safety standards or certification for them. Privately-sold e-scooters are capable of speeding far faster than the maximum provincial speed limit. If London allows privately-owned e-scooters, rather than banning them altogether from public places, London will have nothing in place to ensure that the models sold and driven in London cannot exceed the provincial speed limit, maximum weight and other requirements. Here again, the law will simply be unenforceable, especially if London does not allocate a massive amount of money to e-scooter law enforcement.

8. London should Impose These Mandatory Requirements If It Allows Privately-Owned E-scooters to be Ridden in Public Places

If, despite the foregoing, London chooses to amend its bylaws to allow a person to ride a privately-owned e-scooter in public places, then London should include in that bylaw substantial mandatory requirements, including all of the following:

1. Every e-scooter rider should be required to carry mandatory liability insurance for injury, death or property damage that they cause, at least equal to the coverage required of motor vehicle owners or drivers.
2. Every rider of any age should be required to wear a helmet while riding an e-scooter. Ontario only requires this for 16 to 18 year old people. London can and should require it of all e-scooter riders.
3. There should be a mandatory zero-tolerance requirement for any e-scooter left strewn on a sidewalk. The e-scooter should be confiscated and disposed of, at the expense of the e-scooter owner. Private individuals should be able to remove and dispose of such e-scooters.
4. If there is any non-compliance reported regarding sidewalk riding or other such issues impinging on safety or accessibility, the pilot should be immediately suspended, pending a report to City Council with recommended program revisions to eliminate this danger.
5. Before any bylaw can be approved or considered to legalize riding a privately-owned e-scooter, city staff should be required to present to City Council for its approval a budget for substantially increased law enforcement, to ensure that e-scooters do not create new disability barriers or safety threats. No e-scooter program should be permitted until and unless that budget is approved by City Council.
6. London should enact very strict penalties for improper e-scooter riding, far more than \$75 to \$100 for a violation. No pilot with privately-owned e-scooters should begin until and unless those stiff penalties are enacted and widely publicized.

7. No one may ride an e-scooter unless they own the e-scooter, and have proof of ownership in their possession, which police and other law enforcement officials should be entitled to ask for.

8. An e-scooter should not be permitted to be ridden in public unless the owner has had the e-scooter certified by an authority which London approves, to the effect that:

a) The e-scooter cannot operate at a speed higher than 15 KPH.

b) The e-scooter has effective working breaks.

c) Whenever it is powered on, the e-scooter emits a continuous warning sound sufficient for vulnerable pedestrians to hear an approaching e-scooter, even when there is significant traffic, construction or other ambient noise. Pedestrians should be able to hear this sound on a busy, noisy urban street, when the e-scooter is still far enough away that the pedestrian can still dodge it in time. The City of London should pre-approve that sound quality and volume, through a public approval process that includes the London Accessibility Advisory Committee, the AODA Alliance and other disability organizations that are interested in this issue.

9. Concerns with the London staff report

We are very appreciative of London staff recommending against a pilot with rental e-scooters. This is far preferable to the harmful position taken by city staff in Mississauga, Hamilton and Ottawa, to name a few.

We disagree, however, with the London staff report's statement that allowing privately-owned e-scooters has no financial consequences for London. The taxpayer will have to shoulder increased demands on the health care system. London will have to deploy additional law enforcement resources, especially to be able to prove whether an accused was riding an e-scooter they own or one they have rented. To implement the conditions that are essential, as listed above, will impose burdens on London staff.

The London staff report incorrectly questions the views of people who oppose e-scooters. The report states:

"The majority of respondents in the group with no experience with an e-scooter had negative or very negative impressions (see Figure 3). Since this group of people do not have direct experience with an e-scooter, their negative impression may be suggestive of 'fear of the unknown' or the impact of media stories on people's perception."

Given the small number of people who took part in the London online survey (around 800 or less), and the lack of any showing that it is representative of the public, there is no basis for drawing any such conclusion. The AODA Alliance has obtained feedback over the period of almost three years since the Ontario Government first opened the e-scooter topic. We have

received overwhelming opposition to e-scooters, based on people experiencing them in cities where they are allowed, or in cities like Toronto where they are banned but unlawfully ridden in public. We have been very publicly active and visible on this topic for almost three years. The London staff report does not reflect that in its analysis.

The London staff report is wrong where it seems to suggest that London really can do nothing about privately-owned e-scooters, leading to their conclusion that this should be legalized. The report states:

"The key consideration with the provincial e-scooter pilot is that it applies to both personal and shared e-scooters. They need to be dealt with separately as the City has no control over the availability of e-scooters for personal purchase and use. They are already being used in London. These scooters cannot be regulated like e-scooter share vehicles."

There are two major errors here. First, as noted earlier, London can simply leave in place the ban on e-scooters, and can effectively enforce the ban. As well, if London wishes to allow privately-owned e-scooters to be ridden in public, it can impose restrictions on them beyond those which Ontario has mandated. Ontario has done nothing to preclude this.

It is good that the London staff report recognizes that e-scooters present accessibility and safety concerns as well as other concerns. It is also good that this appears to contribute to London staff recommending that London not proceed with allowing rental e-scooters. However, with great respect for the London staff, their report makes no sense when it comes to the same accessibility and other dangers created by e-scooters that are privately-owned. The London staff report states:

"Concerns of safety, accessibility and equity are valid as evidenced in other municipalities. For personal e-scooters, it is up to the rider to be conscientious. For e-scooter share services, the design of the service must take into account who would benefit the most, who is the system designed for, how to ensure equitable access, and whose mobility and accessibility is being affected by their use."

It is not good enough for London to simply leave it to the riders of privately-owned e-scooters to "be conscientious." Experience in city after city shows that too often, they are not. Moreover, they aren't required to have insurance to cover the harm and injuries they inflict. There is no evidence that e-scooter riders who rent their e-scooter lack conscientiousness, but if the e-scooter is privately-owned, we can trust them to be conscientious.

10. Concluding thoughts - London Should View with Great Skepticism the Conduct of Ontario Cities that Have Allowed E-Scooters

As noted earlier, it is very commendable that the London staff report recognizes that e-scooters present accessibility and safety dangers. Toronto City Council unanimously rejected e-scooters in any form, because of their accessibility and safety dangers for people with disabilities, seniors and others. This came after Toronto City Council had directed Toronto city staff to investigate the dangers that e-scooters pose for people with disabilities, and the options, if any, for preventing these. Toronto city staff ultimately reported back to City Council that e-scooters do present these dangers, and that there are no effective measures for preventing them. Here again, this was not limited to rental e-scooters.

In contrast, the very same disability concerns have been ignored, downplayed or marginalized by city staff in some other cities. It was not even mentioned in the staff report to Brampton City Council which recommended an e-scooter pilot. Hamilton is proceeding with an e-scooter pilot even though its Accessibility Advisory Committee has called on that city not to do so. Ottawa is proceeding with a third year of e-scooters, despite strong opposition from Ottawa's Accessibility Advisory Committee and people with disabilities in Ottawa. On June 15, 2022, Mississauga's General Committee received a staff report, calling for a shared e-scooter pilot. That report seriously downplayed and marginalized disability concerns. None of these cities have disproven the detailed evidence in the two Toronto city staff reports on point.

This all comes after the Ontario Government completely disregarded serious disability concerns when it passed regulations in 2019 that allow municipalities to run an e-scooter pilot. It was evident in that case, and in cities that have approved rental e-scooters, that they were acting at the behest of the e-scooter rental companies' corporate lobbyists.

Across Ontario, vulnerable people with disabilities, seniors and others who are at risk of serious injury due to e-scooters deserve greater concern and respect. The best way for that to be achieved is to leave in place the ban on e-scooters, and to effectively enforce that ban.