

Janet Lo
Senior Project Manager
Transportation Services, City of Toronto
Toronto City Hall,
100 Queen Street West, 17E
Toronto, ON M5H 2N2
janet.lo@toronto.ca

Dear Janet

Spinal Cord Injury Ontario is deeply concerned with the provincial government's decision to introduce e-scooter regulations in the province of Ontario for all municipalities to implement.

Unlicensed, untrained, uninsured people travelling at high speed on almost-silent e-scooters in public places, including sidewalks, endanger the public and especially people with disabilities. Ontarians with disabilities and others will be exposed to the danger of serious personal injuries or worse.

E-Scooters Will Create New Accessibility Barriers for People with Disabilities

The new Ontario e-scooter regulation will lead to the creation of serious new accessibility barriers for Ontarians with disabilities. In jurisdictions where e-scooters are allowed, they are frequently left lying on sidewalks and other public places. Leaving e-scooters on sidewalks is central to the plans of at least some businesses who want to rent e-scooters in Ontario. According to a September 10, 2019 Toronto Star article, the companies that rent e-scooters to the public provide a mobile app. Using that app, anyone can pick up an e-scooter, rent it, ride it to their destination, and then leave it in a random place on the sidewalk or other public place for another person to later pick up and rent.

For people who are blind, deafblind or have low vision, e-scooters can be a serious and unexpected tripping hazard. There is no way to plan a walking route to avoid them. Leaving e-scooters randomly on sidewalks also creates a serious unpredictable new accessibility barrier for people using a wheelchair, walker, or other mobility device. An e-scooter can block them from continuing along an otherwise-accessible sidewalk. People with disabilities using a mobility device may not be able to go up on the grass or down onto the road, to get around an e-scooter blocking the sidewalk. Sidewalks or other public spaces should not be made available to private e-scooter rental companies as free publicly-funded parking spaces. People with disabilities should not have to face the new prospect of e-scooters potentially lying in their path at any time.

E-scooters are a Violation of Citizen Rights for People with Disabilities

Under the Charter of Rights, the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act, the Ontario Government and municipalities are required to prevent the creation of new accessibility barriers against Ontarians with disabilities. As the 2019 final report of the most recent Independent Review of the AODA's implementation by former Lieutenant Governor David Onley revealed, Ontario is behind schedule for becoming accessible by 2025.

The Ontario Government's November 27, 2019 announcement of its new e-scooter regulation did not refer to any disability concerns. The Government announced some restrictions on use of e-scooters, however those measures do not effectively address the serious concerns raised here.

The Government lists some optional recommended "best practices" for municipalities. Those don't remove the dangers to public safety or accessibility for people with disabilities.

The regulation permits the use of e-scooters on sidewalks if a municipality wishes. It has restrictions on the speed for riding an e-scooter on sidewalks, and on the rider leaving an e-scooter on the ground, blocking pedestrian travel however these are extremely difficult if not impossible to enforce. Municipalities don't have enforcement officers on every sidewalk to catch offenders. When a pedestrian, including a person with a disability, is blocked by an e-scooter abandoned on the sidewalk, there is no way to identify the rider who left it there. A pedestrian who is the victim of a hit and run will find it extremely difficult if not impossible to identify who hit them. E-scooter rental companies are not made responsible for their e-scooters endangering public safety or accessibility.

E-scooters will increase costs for the taxpayer, including hospital, ambulance and law enforcement costs. The Ontario Government has not announced any new funding for municipalities for these costs. Recent news reports confirmed that 300 injuries occurred since the e-scooter launch in Austin, Texas in just 3 months. In Calgary, Alberta 60 cases of brain and other upper extremity injuries occurred in just weeks of the launch.

Our recommendations:

1. If the City of Toronto allows the use of e-scooters, the City should first enact and effectively enforce the following strong mandatory legal requirements for their use.
 - a. Riding an e-scooter on any sidewalk should be strictly prohibited with strong penalties.
 - b. There should be a strict ban on leaving an e-scooter on a public sidewalk or like public location, except in a municipally-approved rack that is located well out of the path of pedestrian travel.
 - c. If an e-scooter is left on a sidewalk or other public place that is not such a rack, it should be subject to immediate confiscation and forfeiture, as well as a strict penalty.
 - d. If e-scooter rentals are allowed, rental companies should be required to obtain a license. They should be liable for loss or injuries caused by any renter of the company's e-scooter.
 - e. If e-scooters are permitted, they should be required to make an ongoing, clearly audible beeping sound when powered on, to warn others of their approaching.
 - f. The speed limit for e-scooters should be set much lower than 24 KPH.
 - g. An e-scooter driver should be required to successfully complete training on its safe operation and on the rules of the road. (on the app)
 - h. An e-scooter company should be required to carry sufficient commercial liability insurance for injuries or damages that the e-scooter causes to others.
 - i. E-scooter drivers of any age should be required to wear a helmet

For more information regarding this submission, contact:

Peter Athanasopoulos
Director, Advocacy
Spinal Cord Injury Ontario
416-422-5644 ext. 260
petera@sciontario.org

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