

Accessibility for Ontarians with Disabilities Act Alliance Update

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Say No to a Shared Electric Scooter Program – The City of Mississauga Should Stand Up for People with Disabilities and Stand Up to the E-Scooter Corporate Lobbyists

AODA Alliance's Brief to Mississauga City Council's General Committee

Via email: Dayna.obaseki@mississauga.ca

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1. Introduction and Summary

We ask Mississauga to protect all vulnerable people, especially people with disabilities and seniors, whose safety is endangered if Mississauga proceeds with the city staff recommendations to be presented to the City Council's General Committee on June 15, 2022.

City staff propose that Mississauga adopt a sharing program for e-scooters and e-bikes, but not a bike share program. It would be far more appropriate to begin by adopting a bike share program (with which we have no objection). Mississauga should defer or reject a shared e-scooter program.

Please stand up to e-scooter corporate lobbyists! Stand up for the many people who don't want to be injured by e-scooters. 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 the Mississauga General Committee should do with the June 9, 2022 Mississauga staff report on micromobility.
- Explain in detail why the Mississauga staff report is seriously flawed, and should not be approved in its present form.

In short, Montreal and Toronto have wisely rejected e-scooters. So should Mississauga. Toronto rejected e-scooters after a careful study of their dangers for people with disabilities, seniors and others. Mississauga city staff need to give this topic the serious investigation it deserves, not the lip service given in the Mississauga staff report.

It is stunning that Mississauga city staff reject the idea of a bike share program. Bikes would provide the safest and healthiest option for the public, and would create the fewest environmental issues (as opposed to e-scooter batteries creating harmful land fill). City staff not only embrace e-scooters, the vehicle option with the greatest proven record of harm, but they call for the dockless kind, rather than only allowing docked e-scooters (which would reduce some of the problems that e-scooters create). The Mississauga staff report parrots the e-scooter corporate lobbyists' talking points, when the public needs those dubious talking points to be subjected to careful and skeptical scrutiny.

Mississauga City Council will consider this issue on June 15, 2022, the 60th anniversary of the establishment of the Ontario Human Rights Commission. Mississauga must affirm and fully respect the human rights of vulnerable people with disabilities, seniors and others, by not approving the city staff recommendation to implement a shared e-scooter program. To approve that city staff recommendation is to create serious new accessibility and safety barriers against people with disabilities. Mississauga already has too many disability barriers. It must not create any more.

If an e-scooter pilot is approved, the AODA Alliance will urge travellers and conference planners to absolutely avoid choosing Mississauga as a destination, because Mississauga has chosen a course of action that creates new accessibility barriers and endangers people with disabilities. We will encourage voters in the fall election to press candidates to oppose e-scooters as a danger to people with disabilities, and to evaluate candidates on that basis.

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 its [e-scooters web page](#).

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

An e-scooter is a silent motor vehicle. Where allowed, 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, unhelmetted joy-rider.

In cities allowing e-scooters, [rental 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](#). Those reports are far more thorough on these issues than is the June 9, 2022 Mississauga staff report. 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, including Mississauga's, that has replicated, improved upon, or in any way refuted the objective research on this issue conducted by Toronto City staff.

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.

Last year, Toronto City Council commendably voted unanimously not to allow e-scooters. 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.

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, one of the cities that Mississauga staff examined. The Mississauga staff report inexplicably and inexcusably does not share this detailed damning evidence with Mississauga City Council.

The February 2022 report to Ottawa City Council by Ottawa city staff 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, even though both 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"

This sampling of 25 media headlines further illustrates the kind of injuries that Mississauga 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

A strong call for e-scooters not to be allowed comes from a broad spectrum of voices from Ontario's disability community. 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.

3. Beware a Feeding Frenzy by E-scooter Rental Companies' Corporate Lobbyists

We have no doubt that well-funded e-scooter corporate lobbyists have been trying to get the ear of Mississauga and its City Council. We have elsewhere seen those corporate lobbyists in action in city after city. Their claims and their promises should be viewed with a great deal of skepticism.

[A 2020 AODA Alliance report on e-scooter corporate lobbyists](#) provides a penetrating insight into their activities. It documented through a public lobbyists' registry that Toronto City Hall was absolutely *inundated* by a well-funded feeding frenzy by the corporate lobbyists for the e-scooter rental companies. We heard from several at Toronto City Hall that this was the biggest corporate lobbying campaign then underway. It is unfortunate that all Ontario cities don't have a comparable registry.

It is a long-standing, time-tested and important public safety requirement that motor vehicles are only permitted when the motor vehicle and the driver are properly licensed, when the driver has undergone mandatory training, where the vehicle is subjected to thorough national safety technical standards, and where both the driver and vehicle are insured. These important safeguards are needed to protect public safety. In the case of e-scooters, all these safeguards are missing.

The e-scooter corporate lobbyists are trying to get Ontario cities to let them duck all these safeguards. Those corporate lobbyists want to make money on e-scooter rentals, laughing all the way to the bank as seriously injured vulnerable pedestrians sob all the way to hospital emergency rooms. They have falsely claimed over and over that the City can approve e-scooters

at no cost to the City or the public. The Mississauga staff report implicitly echoes this bogus claim.

4. Don't Use Mississauga Residents and Visitors as Involuntary Guinea Pigs in a Dangerous Human Experiment with E-Scooters

Mississauga should not run the proposed e-scooters pilot project. That pilot would expose people in Mississauga, both residents and visitors, to serious injuries if not deaths without their consent, just to see if shared e-scooters are a good idea. Experimenting on the public, when the risks are so serious, is demonstrably immoral. The corporate lobbyists seek a “pilot” as an obvious pretext to establish a market for their product, and to get a foot in the door. People with disabilities in Ottawa have made an impassioned plea to Ottawa City Council to stop using them as guinea pigs in their e-scooter experiment.

E-scooter corporate lobbyists have argued that the COVID-19 pandemic has been a great time to start allowing e-scooters. This only piles hardship upon hardship for society’s most vulnerable. For the past two years, people with disabilities have already suffered serious disproportionate hardships due to the COVID-19 pandemic – hardships that are now perpetuated in the "new normal" facing Ontarians.

5. A Ban on Sidewalk e-scooter Riding is No Solution

The Mississauga staff report concedes that there would need to be measures to protect vulnerable people with disabilities and others:

"Any future deployment of a micromobility service will need to address the needs of vulnerable road users and people with disabilities."

However, that report does not suggest that any city has effectively achieved this. The report vaguely states:

"Measures to address these needs could include technology to limit sidewalk riding, parking enforcement, and education and incentive programs delivered by service providers."

The 2021 Toronto staff report said it found no city anywhere that has figured out how to effectively achieve this. The Mississauga staff report does not identify a city that has effectively

done so, nor does it mention, much less answer, the important Toronto staff report. Mississauga City Council needs and deserves better than that.

The Ottawa data recited above proves that Ottawa, to which the Mississauga staff repeatedly points, obviously has failed abjectly in this regard. That is why Ottawa's Accessibility Advisory Committee has called for a halt to Ottawa's pilot with e-scooters.

There is absolutely no verified proof that effective technology exists that reliably prevents e-scooters from being ridden on sidewalks or left strewn on sidewalks. The Mississauga staff report points to no e-scooter model that is on the road today and that has such features. It does not identify any objective, independent test that shows that any such technology, had it existed, has actually worked. It names no city where such technology is deployed. It recites no objective, independent verification that it effectively prevented e-scooters' twin dangers to safety and accessibility for vulnerable people with disabilities and others.

The e-scooter corporate lobbyist sales pitch is all that city staff appears to have to support that claim. The staff report does not disclose this. Had such technology existed and been objectively proven to work, those corporate lobbyists would have presented it to us and Mississauga by now.

6. What We Propose

In an effort to be constructive and helpful, the AODA Alliance asks Mississauga City Council to take these steps at its June 15, 2022 meeting.

1. To advance the goal of micro-mobility, we have no objection to Mississauga implementing a Bike Share program using conventional bicycles. If that program is to include electric bikes (e-bikes), these should not be permitted to carry cargo. They should only operate with some amount of human powering. Mississauga should first pilot a Bike Share program. After that, the City could consider whether there is any need to expand this to include other kinds of vehicles. E-scooters may prove entirely unnecessary, given their added costs and dangers. Take one step at a time.
2. Nothing should prevent people with disabilities from using their mobility devices, including powered mobility devices, as an accommodation to their disability.
3. Mississauga City Council should reject outright the proposal to establish a shared e-scooter program. If it does not now reject this outright, it should at a minimum send the issue back to

city staff to fully investigate and report on the dangers that e-scooters create for vulnerable people with disabilities, seniors, children and others, the impact of e-scooters in other cities, and the objectively proven effectiveness of any suggested solutions to these dangers. This investigation should also include the danger to vulnerable people with disabilities, seniors and others when e-scooters are ridden on the road, e.g. when a pedestrian is crossing a street and won't know that an e-scooter is silently racing right at them.

City staff should be directed to widely consult with people with disabilities, seniors and others. This should include direct in-person or virtual consultations by senior Mississauga staff, such as the director of transportation services. It should not be left to an on-line survey. The public is inundated with online surveys. It should not be sub-delegated to lower level public servants.

4. If, despite all these dangers and strong disability-based opposition, Mississauga City Council wants to go ahead with the city staff proposal for a shared e-scooter program, the staff recommendations should be amended to add all of the following:

a) No contract for deploying e-scooters should be eligible for approval unless there is a specific vote on it by Mississauga City Council. The specific model of e-scooter must be publicly demonstrated in advance of that vote, to an independent panel from the disability community, including a representative of the AODA Alliance. The e-scooter model must be independently verified to be 100% incapable of being ridden on any sidewalk at any time, and of being misparked. There should also be a requirement that each e-scooter model will constantly emit an audible 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.

b) 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 rental company. The e-scooter rental company should not be allowed to replace it as part of its fleet.

c) Absolutely no enforcement authority or responsibility should be delegated to any e-scooter rental company, because they are in a clear, serious and irremediable conflict of interest. They are the worst group to be assigned with any enforcement responsibilities. City Council should categorically reject the staff recommendation that would give any enforcement role to e-scooter companies.

d) During a pilot, if there is any non-compliance reported, the pilot should be immediately suspended, pending a report to City Council with recommended program revisions to eliminate this danger.

e) 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 shared e-scooter program should be permitted until and unless that budget is approved by City Council.

f) Each e-scooter rider should be required to carry valid liability insurance equal in value to that required of motor vehicles.

g) Each e-scooter rental company should have automatic strict vicarious liability for any injuries or losses caused to any member of the public by an e-scooter rider. It should be left to the e-scooter companies to try at their own expense to recover from the actual e-scooter rider who caused the injury or loss.

h) Mississauga should enact very strict penalties for improper e-scooter riding, far more than \$75 to \$100 for a violation. No pilot should begin until and unless those stiff penalties are enacted and widely publicized.

i) Contrary to the Mississauga staff report, dockless e-scooters should be strictly forbidden. To allow them increases the danger of their being left strewn about on sidewalks as a tripping hazard.

j) It is entirely insufficient to leave it to e-scooter rental companies to pick up abandoned e-scooters within 15 minutes of being reported as misparked. This shifts an unfair burden on the public, including those tripped by e-scooters, to have to figure out how to report this to the right law enforcement. Most will not know they can or should. Ottawa's February 2022 staff report, quoted above, confirmed that most who saw improper e-scooter use never reported it. Moreover, even if left lying on the sidewalk for 15 minutes, they remain a terrifying and intolerable tripping hazard for vulnerable people with disabilities.

7. What's Wrong with the Mississauga Staff Report? – Lots!

Mississauga staff should deliver a balanced, objective, report on micro-mobility that effectively informs Council about all the issues at stake and the key evidence bearing on those issues. The Mississauga staff report did not do so. City Council should send this issue back to city staff, to

return after it has properly researched and fully reported on the impact of its proposals on vulnerable people with disabilities, seniors, children and others.

a) Report Misses Key Disability Concerns

The Mississauga staff report acknowledges some disability concerns with e-scooters. However, it too often waters them down, describes them in vague unconvincing terms, and buries them far down in its report. It almost always calls them accessibility issues, often without flagging them as safety issues as well. This subtly dilutes and downplays them, in the same way as the e-scooter corporate lobbyists do.

On the ninth page of the 10 page report, some of the disability concerns were outlined. However, it does not present the full picture. The proposed strategies to mitigate these concerns are already proven elsewhere not to work. The Mississauga staff report states:

"Accessibility Concerns

The Accessibility Advisory Committee (AAC) and the broader accessibility community have raised significant concerns with the potential introduction of shared micro-mobility services in Mississauga, in particular with the introduction of shared e-scooters, but many of their concerns are also related to system and governance model options."

Our concerns relate to our safety and not just to the important issue of accessibility. Our concerns cannot be eliminated by the choice of how the program will be governed and operated.

b) City Staff Excessively Dazzled by "Micromobility"

The Mississauga staff report, like several reports from transit officials in other Ontario cities, appears to be smitten, if not dazzled, by the term "micro-mobility." This seemingly modern innovation is embraced as "the wave of the future." Harmful options like e-scooters are swept along with the tide, without taking seriously their dangers. The report gives lip service to some disability concerns. However, as a totality, it gives them short shrift. It in effect treats vulnerable people with disabilities and the new barriers they will face as insufficiently important to get in the way of bull-doing into an e-scooter program.

In fact, the concept of micro-mobility is not new or innovative. Bicycles have been around for centuries. Other cities have had bike share programs for years. The Mississauga staff report offers no proof that it cannot achieve its transportation objectives through expansion of the use of bicycles, including a bike-share program.

c) City Staff Didn't Study Harmful Impact of E-Scooters on Vulnerable People with Disabilities

The Mississauga staff report did not study or report on the harmful impact of e-scooters in other cities that have allowed them. It was not studied in the City staff review of ten selected communities. This was an inexcusable omission, even after we extensively raised our disability accessibility and safety concerns with City staff and with the Mississauga Accessibility Advisory Committee. The City staff report states:

"Ten cities were identified for an in-depth peer review: Toronto, Vancouver, Hamilton, Kelowna, Calgary, Seattle, Washington (DC), Portland, Minneapolis, and Philadelphia. These systems were selected to cover a range of vehicle types, governance models and system models currently in use in a variety of urban contexts, providing a breadth of examples to help inform the evaluation in Mississauga.

This review covered operator retention, enforcement activities, expansion approaches, level of municipal oversight required, and equitable access to services. The findings from the review helped to inform the evaluation of the vehicle type, system and governance models."

The City staff did not alert City Council that staff had found no city that found a way to ensure that they do not create the new safety and accessibility dangers that have been proven to exist when e-scooters are allowed. They should have alerted City Council to this.

The Mississauga staff report never explains why Mississauga should undertake a shared e-scooter pilot without first studying the impact of e-scooters on safety and accessibility for vulnerable people with disabilities, seniors and others in the cities that have allowed e-scooters. It makes no sense to gratuitously and recklessly expose Mississauga residents and visitors to the dangers of e-scooters, and to inflict the costs on the taxpayer, without first taking the obvious, simple, and far less costly step of studying this impact in cities which have already exposed their residents and visitors to e-scooters.

d) Safety and Accessibility Not Even Identified as Program Goals

The report does not even identify the important goal of ensuring public safety and disability accessibility as an objective for conducting a pilot in this area. This is entirely missing when the Staff report stated:

"Pilots are an effective tool commonly used by peer cities for introducing shared micro-mobility programs to gauge the level of interest and uptake, gather data, test deployments, and determine the extent to which shared micro-mobility can contribute to transportation and city-building goals."

e) Report Inaccurately Claims that this Proposal Has No Financial Implications for the City of Mississauga

The Mississauga staff report is fatally inaccurate where it says that there are no financial implications if Mississauga adopts this proposal. The staff report states:

"There are no financial impacts resulting from the adoption of the recommendations in this report."

The Toronto city staff's June 2020 report amply demonstrated that to allow e-scooters will inflict new costs and financial burdens on the taxpayer. The AODA Alliance proposes that these burdens should not be inflicted on the public, especially after our society has suffered the crushing financial impact of the COVID-19 crisis. If more public money were now to be spent, it should not be on the costs that Mississauga would have to shoulder due to the introduction of e-scooters.

The commendable June 2020 Toronto staff report (which the Mississauga staff report does not mention or refute) stated:

"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 percent 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.”

“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 burdens 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.”

“FINANCIAL IMPACT:

Funding and resources required in various programs for the following will be included as part of future budget submissions for consideration during the budget process to address the financial and additional staff resources required to: manage implementation, operational, and enforcement issues of e-scooters in Toronto; and the resolution of e-scooter issues, including, but not limited to, injury/fatality and collision investigations and data collection and tracking (e.g., in consultation with health agencies and/or academic partners, Toronto Police Services, and others), further standards development for e-scooter device design, and consultations on proposed by-law changes with accessibility and other stakeholders.”

The June 2020 Toronto staff report showed that e-scooter rental companies take active steps to dodge any liability for the damage that their e-scooters cause. It also showed that the insurance industry does not have the insurance products needed in this area. City staff explored the possibility of injury claims being covered by The Motor Vehicle Accident Claims Fund. That fund is financed by the taxpayer. That option would again let e-scooter rental companies reap the profits while the taxpayer covers the consequent costs. The June 2020 Toronto staff report stated:

“E-scooter sharing/rental companies typically require a rider to sign a waiver, placing the onus of compensating injured parties on the rider. Riders are left financially exposed due to a lack of insurance coverage and if unable to pay, municipalities will be looked to for compensation (e.g., in settlements and courts). Claims related to e-scooter malfunction have been reported by the media (such as in Atlanta, Auckland, New Zealand and Brisbane, Australia). In

2019, a Grand Jury faulted the City of San Diego for inadequate regulation and enforcement of e-scooter sharing companies. By opting in to the Pilot, the City will be exposed to claims associated with improperly parked e-scooters as evidenced by lawsuits filed by persons with disabilities and those injured by e-scooter obstructions (such as in Minneapolis and Santa Monica, California).

The insurance industry does not currently have insurance products available for e-scooter riders. In Fall 2019, City staff explored whether the Motor Vehicle Accident Claims Fund could be expanded or if a similar kind of fund in principle could be created to address claims where e-scooter riders or non-users are injured and their expenses are not covered by OHIP, nor by other insurance policies (e.g., homeowner's or personal auto). Further research and consultation would be needed to look into these considerations.

It will be critical to ensure that insurance evidenced by e-scooter sharing companies will cover their operations for all jurisdictions operated in (e.g., all cities nationally or internationally). Further, there needs to be full indemnification for the municipality by e-scooter sharing companies, and not limitations in their indemnification contracts.”

The Mississauga staff report includes extensive financial number crunching on some topics. However, there is a stunning lack of costing regarding enforcement. The staff report's appendix does not take into account the cost of effectively enforcing bans on sidewalk riding and abandoning e-scooters on the sidewalks. No city has gotten that right. It also does not take into account the cost of injuries suffered by innocent pedestrians and e-scooter riders, which the taxpayer must bear.

The staff report's appendix (but not the report itself) acknowledges the reality that there will be enforcement costs. However, it does not quantify them or talk about what enforcement is needed to ensure public safety, accessibility and compliance. The staff report's appendix vaguely states:

"There is a risk that privately owned and operated services will require high levels of enforcement to maintain order on public rights of way, particularly if there are multiple operators. To properly enforce local regulations (or terms in a sole-source agreement), the City will need to invest resources in oversight and enforcement. The additional enforcement responsibilities could be funded through a portion of the permit application fee, as well as from fines collected for each enforcement action (fees would be determined by the licensing department on a cost recovery basis)."

The Mississauga staff report proposes that Mississauga might seek additional funding for its proposal from other sources. The AODA Alliance will actively oppose any such external funding, and will urge others to join in our effort. We will urge government and private sources not to help finance the creation of dangerous new disability barriers in Mississauga.

f) Wrong to Claim Strong Public Support for E-Scooters

Again parroting the e-scooter corporate lobbyists, the report repeatedly claims that there is strong public support for e-scooters. The surveys and public forum to which it refers received responses from a tiny percentage of the municipal public. We have seen no proof that those respondents were aware of the serious dangers that e-scooters create for vulnerable people with disabilities, seniors and others.

g) Bogus Claim Geo-Fencing is Effective Solution

The report's appendix appears to suggest that geo-fencing can constrain misparked scooters. There is no evidence that this is true. GPS technology is not that pinpoint. E-scooter corporate lobbyist have made this bogus claim more than once.

h) Disability Safety Concerns Omitted From Staff Criteria for Evaluating Different Kinds of Vehicles

Further proof that City staff failed to fully consider disability concerns is shown by the report's delineation of staff's criteria to evaluate different micro-mobility devices, namely bikes, e-bikes and e-scooters. The staff report stated:

"Accessibility – Potential impacts on vulnerable road users – Is this vehicle type associated with impacts on vulnerable users of the right-of-way, specifically related to sidewalk riding?"

It was correct to consider the sidewalk riding issue, from a disability perspective. Nonetheless, there are three other important considerations that the staff never evaluated. First, the silent menace of e-scooters creates a danger to pedestrians when ridden anywhere that a pedestrian may walk, such as a path in a park, on a street where there is no sidewalk, or when crossing a street. Second, as noted earlier, mis-parked e-scooters present a dangerous tripping and mobility barrier for people with disabilities when left strewn on sidewalks. Third, as noted earlier, there is no demonstrated effective means for enforcing restrictions on e-scooters use.

i) City Staff's Hybrid Model for E-Scooter Problem Especially Harmful for Vulnerable People with Disabilities and Others

The Mississauga staff report recommends a hybrid model for deploying e-scooters, while conceding that this "may have enforcement problems regarding misparked e-scooters". In fact, from the experience elsewhere such as Ottawa, Mississauga can be certain that it would create this very danger. The report states:

"For the hybrid system model, some challenges relating to improper parking may persist, leading to increased enforcement requirements compared to a dock-based system."

The report thereby proposes that some e-scooters be allowed which are dockless, i.e. that do not have to be docked at a designated fixed dock. It does so even though the report explicitly acknowledges that this creates more problems. This will make it easier for riders to leave their e-scooters strewn about as a tripping hazard on sidewalks.

The Mississauga staff report suggests that there are ways to mitigate problems generally with the **Privately Owned and Privately Operated** governance model. It does not identify this hopeless conflict of interest as a problem, much less as one that needs to be "mitigated". In fact, any conflict of interest must be eliminated, not simply reduced. Mississauga City Council should not green-light this at this stage, in a vain hope that staff will figure out how to solve problems that they have themselves failed to even identify after months of study.

j) Failure to Include Mississauga's Mandatory Duty Not to Create New Disability Barriers In Program Goals

The Mississauga staff report lists major municipal policy aims that the report's recommendations serve. Among them, it does not identify the City's legal duty not to create new safety and accessibility barriers for people with disabilities and the requirement that Mississauga 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. It is essential that this be included in the program goals or aims and mandatory governing criteria or requirements.

k) No Details on Vital Issue of Enforcement

Even though enforcement is an obvious, important and central issue, the Mississauga staff report says nothing about how e-scooter compliance would be enforced, or by whom or at what cost to the taxpayer. Before any further steps are taken to approve a pilot, city staff should be expected to report in detail on this.

The report's appendix is far too lenient on the issue of details to be required of e-scooter rental companies. It explicitly speaks about privatizing key parts of the e-scooter enforcement function with the for-profit e-scooter rental companies who are in a serious conflict of interest. It does not set requirements that are remotely sufficient to prevent the proven dangers of e-scooters for people with disabilities, seniors and others. The report's appendix states:

"Enforcement Roles and Responsibilities: It is vital for the permit or contract to outline the roles and responsibilities of the operator and of the City in relation to enforcement. Many peer cities allocated much of the enforcement to the operator through the agreements. For example, in Ottawa, operators must have a reporting hotline by phone, email and through the app where users and members of the public can report improperly parked vehicles. The operator must respond to the mis-parked vehicle within one hour. Every vehicle has a printed number on it to identify the vehicle and the company's contact information.

Sidewalk Riding Detection and Disincentives: Permitted operators for motorized micromobility vehicles can be required to have sidewalk riding detection on the vehicles, and issue automated warnings or fines to riders when a significant amount of a trip is spent on a sidewalk. This is done in Kelowna. Data sharing requirements can also be stipulated, including the locations where sidewalk riding is taking place."

I) First Mile, Last Mile Benefit is an Unproven Smokescreen

The report's appendix parrots the e-scooter corporate lobbyists' marketing by claiming without evidence:

"Micromobility is an ideal first and last mile solution for longer distance transit trips, particularly those that use higher order transit like the Mississauga Transitway and GO Rail."

The only way this "first mile, last mile" model has any hope of working is if Mississauga is inundated with a pile of e-scooters everywhere. That of course, is something the e-scooter corporate lobbyists would love. However, it will be a blight for the people of Mississauga.

m) Staff Misses the Point on Equity and Accessibility

It is a painful irony and a slap in the face to people with disabilities that at several points, the report speaks of accessibility and equity, but not as disability-related concerns at all. Instead, these terms are often used in this report to talk about how easy Mississauga residents will be able to conveniently find an e-scooter to ride. This serves the e-scooter corporate lobbyists hunt for profits, since they make more money if Mississauga deploys more of their product.

n) Not Enough to Promise People with Disabilities More Consultations

It is entirely insufficient that the report states that city staff will continue to meet with disability community representatives on "preventing or mitigating" the creation of new barriers. The report states:

"Given the scope and scale of the concerns raised by the accessibility community, staff intend to continue to meet regularly with the Accessibility Advisory Committee and external accessibility advocacy organizations, to proactively seek input from experts and community members to help design and evaluate a shared micro-mobility pilot program, should one be established in Mississauga. An emphasis on ensuring accessibility in any future system and preventing or mitigating the introduction of any barriers into the built environment, will be a major strategic pillar for shared micro-mobility systems in Mississauga."

As noted earlier, Mississauga has a legal duty to create no new barriers. It is insufficient to create and then later try to "mitigate" new barriers. Moreover, consultation with city staff to date has proven frustrating, since the Mississauga staff report only gives disability concerns marginalized lip service. Indeed, the report reads very much like staff want to barrel ahead at full speed with e-scooters, but was anticipating a negative response from the disability community, requiring some token mention in the report.

8. Concluding considerations

The 110 page Mississauga staff report was only made public last Thursday. We only obtained an accessible version of it to start reading on Friday, just five days before the June 15, 2022 meeting of the Mississauga General Committee. City staff refused our request to release this report earlier. They have been working on this for months, if not years. It could have been made available earlier.

It is palpably unfair for the disability community to be called on to respond to this report on such short notice. We are a volunteer coalition. We don't have the massive resources of the e-scooter corporate lobbyists, whose views and desires are amply reflected in this report, and who no doubt will cheer it on. Especially in a municipal election year, we hope that elected City Council members would not wish to condone or tolerate such conduct. The disability community and the wider public deserve a far fairer chance to be heard, especially when city staff have so severely marginalized the accessibility and safety dangers for vulnerable people with disabilities, seniors and others.