

Accessibility for Ontarians with Disabilities Act Alliance Update

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Say No to Electric Scooters --The City of Ottawa Should Stand Up for People with Disabilities in Ottawa, and Stand Up to the E-Scooter Corporate Lobbyists

AODA Alliance's Brief to the Ottawa City Council Transportation Committee

Submitted to the City of Ottawa Transportation Committee

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1. Overview and Summary

We urge Ottawa City Council to reject the Ottawa City Staff proposal to conduct a third pilot with e-scooters. Innocent pedestrians with disabilities, seniors, children and others who visit or live in Ottawa should not have to fear the silent menace of an uninsured, unlicensed, untrained, unhelmeted joy rider undetectably racing towards them at 20 kph or abandoning their e-scooter on a sidewalk.

These dangers, again proven during two Ottawa pilots with e-scooters, were more than enough to show that e-scooters are a menace. What City staff wrongly proposes is a third human experiment with e-scooters this year, using Ottawa's residents and visitors as non-consenting human guinea pigs.

The Ottawa City Staff e-Scooters Report argues the very same position advocated by e-scooter corporate lobbyists. It fails to properly protect people with disabilities, seniors and others who are endangered by e-scooters.

Ottawa City Council should stand up for people with disabilities. It should stand up to the e-scooter corporate lobbyists. It should send this issue back to City staff for much more extensive

study and for a new report that effectively protects the safety and accessibility needs of people with disabilities, seniors and others.

The Ottawa City Staff e-Scooters Report is written in a way that clearly downplays the danger to people with disabilities, seniors and others that e-scooters pose. It is clear from the Report as a whole that Ottawa City staff are taken with e-scooters. Their Report devotes much attention to the supposed benefits of e-scooters and the statistics on e-scooter rides. The danger they pose for people with disabilities, seniors and others is mentioned, but largely left to far later in the long report. Many readers may never reach that point in the narrative.

What this lengthy report never does is to explain why Ottawa should continue to allow e-scooters, with all their dangers for people with disabilities, seniors and others, when after two years of effort, no effective strategy or technology has been found, deployed and proven successful to eliminate the known dangers to people with disabilities, seniors and others. This is the most obvious and most important issue. Implicit in the Report's failure to do so is a marginalization and de-prioritizing of the safety and accessibility needs of people with disabilities, seniors and others.

Ottawa already has too many barriers impeding people with disabilities, apart from e-scooters. It cannot afford to make things even worse by again allowing e-scooters. The [Accessibility for Ontarians with Disabilities Act](#) requires Ottawa to become accessible to people with disabilities by 2025, less than three years from now. Ottawa is well behind in meeting that goal. Allowing a third e-scooter pilot would make that even worse.

2. The Debate is Over -- e-Scooters Endanger People with Disabilities, Seniors and Others

The February 2022 Ottawa City Staff e-Scooters Report amply documents that e-scooters create a real danger to the safety of people with disabilities, seniors and others. It also documents that e-scooters create new accessibility barriers for people with disabilities, such as people with vision loss and people with mobility disabilities.

The Report shows how these dangers to pedestrians are especially created by people who ride an e-scooter on a sidewalk, even though sidewalk riding is forbidden. Danger to them is also created when a rider leaves an e-scooter on the sidewalk, in the path of travel. An abandoned e-scooter becomes a tripping hazard and a barrier to mobility for people with mobility disabilities.

It is beyond dispute that e-scooters created these twin dangers during Ottawa's two pilots with e-scooters, in 2020 and 2021. The Report documents these dangers in:

- A strong February 1, 2022, recommendation to Ottawa City Council by Ottawa's Accessibility Advisory Committee, which insists that a third pilot with e-scooters not be held. The Accessibility Advisory Committee based its recommendations on input from the public.
- The results of a survey that Ottawa City staff conducted.
- Complaints received during the 2020 and 2021 Ottawa e-scooter pilots.
- Feedback from Ottawa City staff's accessibility consultation group.
- Written submissions from the CNIB, based on a virtual town hall it held on e-scooters.
- Input from members of Ottawa City Council.
- Feedback that Ottawa City staff received from the Accessibility for Ontarians with Disabilities Act Alliance. The AODA Alliance is a widely recognized non-partisan volunteer coalition that advocates for accessibility for people with disabilities. Our efforts across Ontario on this issue are documented on the AODA Alliance website's [e-scooter page](#).

The Ottawa City Staff Report did not cite any source or study that purported to dispute that these dangers to people with disabilities, seniors and others were in fact created during the two Ottawa e-scooter pilots. The Ottawa City Staff Report confirms that the concerns with public safety and disability accessibility arising out of riding e-scooters on sidewalks and out of improperly parked (i.e., abandoned) e-scooters are the top unresolved problems that need to be addressed.

The levels of complaints about e-scooters reported in the Ottawa City Staff Report unquestionably understate the problem. It reports on levels of complaints received. That unfairly burdens people with disabilities, seniors and others with an expectation to report the dangers they faced. Unquestionably, many members of the public would not even know of this need, or how to do this. In the midst of a distressing pandemic, people have much to contend with beyond reporting e-scooter violations.

Moreover, the Report depends in part on complaints that the e-scooter companies themselves disclosed as having received. Here, as in many other contexts, the e-scooter companies are in a serious conflict of interest.

During the past two Ottawa pilots, the City left it to e-scooter companies to handle a proportion of the actual incoming complaints. Thus, the City is dependent on the e-scooter companies for key data on which its report relies. There is no indication that any of those data were independently verified, given the e-scooter companies' conflict of interest.

Beyond the Ottawa City Staff Report, further reinforcing the existence of these dangers is the experience in other cities where e-scooters have been allowed. Toronto City staff submitted two excellent objective and detailed reports to Toronto City Council that document those problems, the [2020 Toronto City Staff Report](#) and the [2021 Toronto City Staff Report](#).

The Ottawa City Staff Report does not address those thorough Toronto reports in its lengthy discussion. It is deeply troubling that Ottawa City staff responsible for the e-scooter pilot had not obtained those reports last fall. They are by far the most thorough review of e-scooter information that we have seen by any Ontario municipality. The AODA Alliance had to alert Ottawa City staff to those reports and provide them. Those Toronto reports have been available to the public online since they were submitted to Toronto City Council.

As well, in addition to Ottawa's Accessibility Advisory Committee, the Accessibility Advisory Committees of Toronto, Hamilton, Mississauga and London have strongly recommended against allowing any e-scooters. The Accessibility for Ontarians with Disabilities Act requires every city with at least 10,000 residents to establish an Accessibility Advisory Committee, specifically in order to alert a municipality to disability accessibility issues. E-scooters are a prime example of this. For Ottawa to proceed to create disability barriers contrary to the strong advice of its own Accessibility Advisory Committee implicates serious concerns under the AODA, the Ontario Human Rights Code and the Charter of Rights.

Over two years ago, on January 22, 2020, fully eleven major disability organizations released an [open letter](#) to all city councils and to the Ontario Government. It urged that e-scooters not be permitted due to the dangers they present for people with disabilities, seniors and others.

It is of great significance that on the eve of Ottawa City Council's 2020 vote that allowed the first e-scooter pilot to be conducted, the AODA Alliance warned the office of Ottawa's mayor of these very dangers. Ottawa's mayor proceeded to support e-scooters despite this warning. What has been experienced in Ottawa since then proves that our warning was correct.

3. The Only Solution – Don't Allow E-Scooters in Public Places in Ottawa

The overwhelmingly obvious solution, and indeed the only solution for Ottawa, is not to allow e-scooters in a third pilot project. This is so because:

- Well before the start of Ottawa's 2020 and 2021 e-scooter pilots, the e-scooter companies knew full well from their experience in other cities that disability safety and accessibility issues are top concerns. They were the reason why Toronto City Council unanimously voted last spring to not allow e-scooters. Yet, despite knowing of this danger, those savvy, well-funded e-scooter companies did not deploy effective

measures in Ottawa that eliminate these serious dangers to people with disabilities, seniors and others.

- The report does not claim that Ottawa City staff has found solutions that are proven to work in Ottawa or anywhere else in the world. The Ottawa City Staff Report states that throughout both the 2020 and 2021 Ottawa pilots, Ottawa City staff has been working with the e-scooter companies and others (including a disability stakeholder group) to try to find ways to eliminate safety and accessibility dangers. For example, working with its disability advisory group, no safe level of sound emission was found for e-scooters that that advisory group considered to be sufficient.
- The e-scooter companies have had their chance! They have always had a strong financial incentive to find solutions to the known dangers. They have ample resources to investigate them. They have had many chances to deploy them in other cities. Yet during both Ottawa pilots, the documented dangers to people with disabilities, seniors and others persisted.

4. The Ottawa City Staff Report's Proposed Changes to the E-Scooter Program Are Much Too Little, Too Late

The Ottawa City Staff Report's proposal for this year does not appear to be substantially better than it was last year. The Report in substance concedes that Ottawa must do more to eliminate these proven dangers to safety and accessibility for people with disabilities, seniors and others. However, the additional measures it proposes are far too weak, and in one case, absurd. For example:

- The Report recommends that each e-scooter have braille and raised letter wording to provide contact information for reporting a complaint. A blind person obviously cannot read that braille on an e-scooter as it illegally races by them on the sidewalk.

If a blind person trips over an e-scooter left on the sidewalk, they are very unlikely to grope around to see if there is braille information on the object over which they just went flying. Ottawa City staff advance this proposal even after we pointed out its obvious absurdity. That typifies how this Report marginalizes and disrespects the safety and accessibility needs of people with disabilities.

- The Report recommends that each e-scooter be required to emit an ongoing sound, because they are otherwise silent. Yet after City staff held meetings with its disability advisory group, no level of sound emission was found that meets the safety needs of people with disabilities. The Report also recognizes that there is no international standard already established for this. Contrary to the Report's suggestion, Ottawa would

not show global leadership by holding a third pilot, again endangering public safety and disability accessibility, while bureaucrats and corporate lobbyists continue pondering options.

- The Report's recommendations improperly leave in place the serious problem that the profit-seeking e-scooter companies are given a major role in enforcement. Even though the Report proposes some increase in public enforcement, the e-scooter companies are here again in an obvious, irremediable conflict of interest. During Ottawa's recent trucker occupation, City Council would not have approved a plan of having the police simply refer complaints about the truckers' behaviour to the truckers themselves.
- The Report would require e-scooter companies to have the "newest" technology to prevent sidewalk riding. This begs the vital question whether reliable technology exists. The Report does not stipulate what that newest technology is.
- Just because technology is the "newest" does not mean it is effective and reliable. Up to now, it has not been. We propose that Ottawa City Staff should not come to Ottawa City Council with any proposal to allow e-scooters, given their known dangers, until and unless that technology has been demonstrated to be safe and reliable. Given that the main players are deploying e-scooters in other cities around the world, they should already have been able to prove this newest technology, if it is not a mirage.
- The report would require use of "geofencing." This sounds very cool and cutting edge. However, it does not explicitly purport to use geofencing to keep e-scooters off sidewalks, for which this technology is not suitable. GPS is not accurate enough to detect whether an e-scooter is on the road or is just inches away, on the sidewalk.
- The Report proposes developing some sort of unified form for reporting complaints. That is an ineffectual bureaucrat's solution to a human safety problem. Even worse, the Report proposes discouraging email for reporting complaints. That will create yet another barrier for some people with disabilities.
- The Report recommends that the e-scooter companies be given 15 minutes instead of one hour to remove a wrongly parked e-scooter (e.g., one left on the sidewalk). This is an ineffective cosmetic solution. It will not prevent new barriers. An e-scooter is a tripping hazard if it is left on the sidewalk *for any time at all*. Moreover, the 15 minutes presumably only runs after a complaint is received. If there is no complaint, this toothless time limit is ineffective. It is wrong to burden innocent pedestrians to have to provide free enforcement services, by taking the time to report wrongly parked e-scooter.

- The Report proposes that Ottawa engage only two e-scooter companies, not three. This does nothing to protect people with disabilities, seniors and others. If anything, this measure helps bigger e-scooter companies out-compete their smaller competitors.
- The Report does not recommend requiring that individual e-scooter riders be insured.

5. Other Incorrect Conclusions in the Ottawa City Staff Report

The Ottawa City Staff Report's recommendation to conduct a third e-scooter pilot is also erroneous because it rests on these incorrect conclusions:

- The Report seems to operate on a premise that there are no legal implications or risks for Ottawa. Yet if Ottawa continues to allow e-scooters and takes active part in their deployment, it is exposed to potential liability for deaths or injuries that result.
- The report shows that the City of Ottawa will have to bear substantial new costs, while the e-scooter companies make the profits. The surcharges proposed are not assured to cover all these costs.
- The Report does not fully quantify the added costs to the taxpayer that another e-scooter pilot would entail, especially if effective public enforcement is for the first time to take place. This is especially so in light of the fact that Ottawa's police force is not now resourced to handle any significant new law enforcement burden. The Report states:

" The Ottawa Police Service (OPS) does not have the resources to allocate officers to perform e-scooter enforcement daily."

Recent events surrounding the trucker occupation in Ottawa demonstrates that Ottawa's policing capacity cannot now handle added burdens. If e-scooter riders know the Ottawa Police is not involved, that gives e-scooter joyriders all the more license to ride on sidewalks with impunity.

- The Report's budget proposals purport to charge the e-scooter companies only for so-called direct operating costs of the City. They do not, for example, include the added ambulance and hospital costs inflicted on those injured by e-scooters, which the same taxpayer must bear.

6. Conclusion

Despite all these proven dangers, and the demonstrable insufficiency of new measures that Ottawa City staff propose, the Report ultimately asks City Council to green light a third e-scooter pilot and to let the Ottawa City staff worry about the details. That failed in the last two

pilots to prevent known dangers to people with disabilities, seniors and others. It should not happen again.

It is very commendable that Toronto City Council did not proceed with any e-scooter pilot, before asking City staff to study the impact of e-scooters on people with disabilities. Toronto City Staff thereupon undertook a thorough study and concluded that no workable options exist to protect people with disabilities, including those technology options proposed by the e-scooter corporate lobbyists. Toronto City Council therefore wisely and unanimously said no to e-scooters. People with disabilities in Ottawa deserve no less.

We conclude this brief by noting that it is a painful irony that Ottawa has not made the Ottawa City Staff Report available in an accessible format. That violates the AODA's [Integrated Accessibility Standards Regulation](#) and the Ontario Human Rights Code. Moreover, City Staff provided its Report in pdf format, claiming it was accessible. Yet it is widely known that pdf presents accessibility problems, and that where used, an alternative accessible format such as html or MS Word should also be provided at the same time.

Moreover, as of Friday, February 25, 2022, less than a week before Ottawa's Transportation Committee is to consider e-scooters, the City of Ottawa acknowledged that it could not then provide the City Staff report's supporting documents in an accessible format. Those were only provided less than a day before the March 2, 2022 Transportation Committee meeting, and only in pdf format (which, as just noted, presents accessibility problems). Here again, people with disabilities deserve better.