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Chief Customer and
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Dear Mr Irvine

Regulation 28 report: Report to prevent future deaths – Fatima Abukar

I write on behalf of Transport for London ('TfL') and the Mayor of London with regard to the Senior Coroner's Prevention of Future Deaths ('PFD') report dated 14 December 2022 following the inquest arising from the death of Fatima Abukar. I am personally very sorry to hear of the tragic death of Fatima Abukar and wish to express my sincere condolences and those of TfL to the family and friends of Fatima. TfL and the Mayor of London were not interested persons at the inquest and have not previously been contacted in relation to this tragic incident.

The Regulation 28 report refers to three areas of concern being:

1. *"Evidence in this inquest confirmed that since 2019, there have been 8 recorded fatalities involving e-scooters in London and 31 in the country at large. At the time of her death Ms Abukar was riding a privately owned e-scooter on a public highway. Despite the ubiquity of such devices on London's streets, riding them on public roads is unlawful.*

Whereas approximately 4000 unlawfully used scooters were seized by the Metropolitan Police Service in 2021, only 1100 were confiscated in 2022. The reduction is attributable to a change in policy introduced in November 2021. An inverse correlation exists between the rate of legal enforcement and the rate of deaths caused by e-scooters. The number of deaths in Q1 & 2 of 2022 is more than double that of Q1 & 2 of 2021.
2. *Ms Abukar died due to traumatic head injuries. Riders of legally authorised scooters (those hired from licenced operators) are not required to wear head protection.*
3. *Some manufacturers and retailers of e-scooters in England and Wales provide consumers with written warnings about the illegal use of e-scooters, others do not. Where such warnings are present, often they are not prominent."*

This is the response from both TfL and the Mayor of London. In London, as with other parts of the UK, it is illegal to use privately-owned e-scooters on public roads.

TfL and the Mayor want to explore new, environmentally friendly forms of transport that can be used to reduce road congestion in London. However, it is recognised that any alternatives must be safe for both users and non-users alike.

Since June 2021, TfL has been running a rental e-scooter trial which has been approved by the Department for Transport ('DfT') and is part of a national programme of trials intended to inform any legislative approach to altering the legal status of these vehicles which the Government may choose to pursue. Anonymised data from the rental scheme is being used to assess how e-scooters could make a positive contribution to transport in London.

Rental e-scooters are the only way to legally ride an e-scooter on public roads or in other public places within London, and this is limited to specific boroughs. Since the trial launched, it has expanded to cover ten boroughs, there are more than 500 designated parking locations and the total fleet is now over 4,500 e-scooters.

The DfT has provided updated guidance which allows existing trials in the UK to be extended to 31 May 2024, enabling local authorities to continue to test the vehicles in a safe and legal way. The e-scooter rental trial is part of a wider effort by TfL, London Councils, London boroughs and the Government to enable people to use new and greener forms of transport.

TfL is working closely with the relevant London borough councils and has made Traffic Regulation Orders to allow the use of e-scooters on TfL cycle tracks within the participating boroughs. It is illegal to ride any e-scooter on the pavement however, and to do so carries the risk of fines and prosecution. This could include a £300 fixed penalty notice, six penalty points on a rider's driving licence for riding with no insurance, and seizure of the e-scooter.

The current phase of the trial is expected to run until Autumn 2023. Through the competitive procurement process for the new phase of London's rental e-scooter trial which is currently under way, operators for the second phase (to 31 May 2024) will be selected on their ability to meet strict safety requirements and high operating standards. For example, rental e-scooters must have specific safety features installed including speeds limited to 12.5mph and lights that are always on throughout any rental (see further safety features below).

Safety is TfL's priority. The trial will help TfL to better understand how e-scooters can be used safely in London and how we should develop policy. London's learnings and data from the trial will help to shape national legislation in the future. TfL is taking a number of steps to ensure that anyone using a rental e-scooter rides safely and follows the rules of the road as well as guidance from the rental operator. DfT's national standards include requirements for all vehicles to be identifiable by their unique number plates vehicles, to have kick-stands, as well as strict parking requirements to prevent them from being trip hazards when not in use. TfL's safety standards go beyond the DfT's national standards and include:

- Riders must be 18 or over and hold at least a provisional driving licence
- The speed limit of trial e-scooters is capped at 12.5mph (as opposed to the national maximum of 15.5mph, which is often the speed that e-scooters available for private purchase can reach). They will automatically reduce speed to 8mph in 'go slow' areas. The trial e-scooters also come to a safe stop in 'no-go' zones to ensure they can be ridden safely
- All first-time riders must do mandatory training on how to ride safely in London
- The trial e-scooters are maintained to a high level and have large wheels to help navigate road surfaces more easily
- Lights at the front and rear of the vehicles are always on throughout any rental
- In the procurement for the second phase of the trial, a minimum wheel size has been added to the vehicle specification.

TfL and operators also provide safety guidance and tips on how to ride rental e-scooters safely and avoid serious injury to any road users. This includes encouraging all riders to use protective equipment while using e-scooters including wearing a helmet. The wearing of helmets is not required by DfT for the trials, however.

Reports of poor rider behaviour are taken seriously and the operators have warned or banned more than 200 people to date.

In addition, in the lead up to Christmas, with the expected increase in the sale of private e-scooters, [REDACTED], London's Walking and Cycling Commissioner, and Metropolitan Police Service ('MPS') Commander, [REDACTED], jointly wrote to retailers to remind them of their duty to make customers aware of the law regarding the use of private e-scooters. TfL and the MPS have also jointly run a communications campaign to raise public awareness that private e-scooters are illegal.

In 2022, the Government announced plans to create a new vehicle category in legislation, in which e-scooters would be included. TfL would welcome such legislation which has the potential to make important improvements to the safety of private e-scooters, which are not presently constructed to any regulatory standards. We hope the legislation enabling this will be introduced without further delay.

TfL continues to work with the MPS, and City of London Police ('CoLP') to engage with users of privately-owned e-scooters and, where necessary, the MPS and CoLP will use their enforcement powers to help keep Londoners safe.

We will continue to monitor the data from the rental e-scooter trial and support the introduction of legislation to ensure the safety of private e-scooters.

Yours sincerely

[REDACTED]

[REDACTED]

Chief Customer and Strategy Officer