



Canadian
Transportation
Agency

Office
des transports
du Canada

Canadian Transportation Agency's Regulatory Modernization Initiative

Accessible Transportation

Response from Prince George Airport Authority

Making Transportation Efficient and Accessible for All

Canada 

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Background

On May 26, 2016 the Agency formally launched an initiative to review and modernize the full suite of regulations it is responsible for administering. Many of these regulations date back 20 or 25 years and need updating to reflect changes in user expectations, business models, and best practices in the regulatory field.

The Regulatory Modernization Initiative will be anchored in three goals:

- Ensuring that industry's obligations are clear, predictable, and relevant to a range of existing and emerging business practices.
- Ensuring that the demands associated with compliance are only as high as necessary to achieve the regulations' purposes.
- Facilitating the efficient and effective identification and correction of instances of non-compliance.

Current legislative and regulatory context

The [*Canada Transportation Act*](#) (the CTA) gives the Agency the responsibility for ensuring that persons with disabilities obtain access to Canada's federal transportation network by eliminating unnecessary or unjustified barriers. One way the Agency achieves this goal is by developing and administering accessibility standards that apply to the transportation network under federal jurisdiction.

Under [*subsection 170\(1\)*](#) of the CTA, the Agency may make regulations to eliminate undue obstacles in the transportation network under federal jurisdiction. For example, the Agency may regulate:

- the design, construction or modification of means of transportation and related facilities and premises and their equipment;
- signage;
- the training of personnel interacting with persons with disabilities;
- the tariffs, rates, fares, charges and terms and conditions of carriage of persons with disabilities; and,
- the communication of information for persons with disabilities.

To date, the Agency has implemented two sets of regulations:

- [*Air Transportation Regulations \(ATR\), Part VII*](#)
- [*Personnel Training for the Assistance of Persons with Disabilities Regulations*](#) (PTR)

and six codes of practice:

- [Aircraft Accessibility for Persons with Disabilities](#)
- [Carriage by Rail of Persons with Disabilities](#)
- [Ferry Accessibility for Persons with Disabilities](#)
- [Removing Communication Barriers for Travelers with Disabilities](#)
- [Passenger Terminal Accessibility](#)
- [Accessibility of Non-National Airports System Air Terminals](#)

The Agency has also completed consultations on a new code of practice regarding accessibility for aircraft with less than 30 passenger seats.

Scope of modernized accessibility standards

As part of its Regulatory Modernization Initiative, the Agency is considering creating a single comprehensive set of accessibility regulations.

The regulations would apply to all modes of transportation under the Agency's jurisdiction i.e.: travel by air, and extra-provincial rail, ferry and bus services and to terminals located in Canada. The regulations could also apply to entities whose operations are integral to the federal transportation network.

More specifically, the Agency's preliminary thinking is that the regulations should apply to:

- Canadian air carriers' domestic operations using aircraft with 30 or more passenger seats. Additionally, the Agency is contemplating including international air services using aircraft of this size operated by Canadian air carriers and possibly by foreign air carriers as well (see section on international air services below).
- Rail carriers that operate extra-provincial passenger services, with the exception of smaller operations including commuter and tourist rail.
- Ferry operators that operate extra-provincial passenger services using vessels of more than 1,000 gross tonnes.
- Intercity bus operators that operate extra-provincial passenger services.
- Terminals that:
 - are part of the National Airports System (NAS)¹;
 - serve rail carriers operating an extra-provincial service, with the exception of those that serve only commuter and tourist rail carriers;
 - serve ferry operators operating an extra-provincial ferry service using vessels of more than 1,000 gross tonnes; and,

¹ The NAS comprises 26 airports in the national, provincial and territorial capitals and airports with annual traffic of 200,000 passengers or more. Currently, the 26 NAS airports serve 94% of scheduled passenger traffic in Canada and serve almost all interprovincial and international air services.

- serve intercity bus operators operating an extra-provincial passenger service.
- Entities whose operations are integral to the federal transportation network (e.g.: Canadian Air Transport Security Authority and Canada Border Services Agency).

Approach to modernizing the accessibility standards

The new regulations would draw on the existing regulations, i.e. Part VII of the ATR and the PTR, and the recent proposed amendments to these regulations that were developed following extensive consultations with the Agency's Accessibility Advisory Committee (AAC). The key proposed amendments for each set of regulations are noted below (see the attached documents for full details on the proposed regulatory amendments to the ATR and PTR).

Part VII of the ATR:

- Providing sufficient space for service animals.
- Ensuring that persons with disabilities are provided with the seating that best meets their needs.
- Recognizing that some aircraft are unable to carry mobility aids that do not fit through the door of the cargo hold.
- Providing an orientation of the aircraft for persons who are blind or partially sighted.
- Ensuring that small aids and assistive devices remain with the passenger if their use is needed during a flight.

PTR:

- An update to the scope of the regulations to exclude:
 - air carriers that transport less than 10,000 revenue passengers annually;
 - air terminals that are not part of the NAS;
 - rail carriers in respect of commuter rail services provided by the carrier and tourist rail carriers; and,
 - extra-provincial ferry operators that exclusively use vessels of less than 1,000 gross tonnes.
- Prescribing a three-year time frame for refresher training.

Although the Agency does not anticipate the need for many changes to Part VII and the PTR beyond what is already contemplated by the above-noted proposed amendments given the previous extensive consultations with the AAC, the Agency welcomes further comment on these regulations.

The Agency's approach could also include converting portions of the Agency's codes of practice into regulations.

Since the mid-1990s, the Agency has relied on codes as the principal means of addressing accessibility issues on a systemic basis. In contrast to the regulations administered by the Agency, the codes are voluntary and not legally binding on transportation service providers. Rather, they contain minimum accessibility standards which carriers and terminal operators are expected to meet and encouraged to exceed.

A lot has changed since the mid-1990s. Travel, especially by air, has become more and more global, interconnectivity between modes of travel has increased, and the demand for travel, including by persons with disabilities, has increased in all sectors. It is essential that Canada's accessible transportation standards reflect these new realities and meet the growing demand for a consistent and reliable level of accessibility within the federal transportation network. Although the Agency monitors the implementation of the codes and actively promotes compliance with them through education and outreach, there is no certainty that the standards will be met and there is no legal mechanism to address non-compliance.

Against the backdrop of the Government's commitment to introduce federal accessibility legislation, additional regulations designed to ensure the accessibility of the federal transportation network would seem appropriate.

In light of the above, the Agency is considering converting the technical provisions in the codes (e.g.: provisions incorporated from the Canadian Standards Association's B651 standard, *Accessible Design for the Built Environment*) into regulations while keeping the more objectives-based provisions in the codes of practice. This approach recognizes that prescriptive regulatory provisions make requirements very clear for regulated entities and ensures these requirements can be enforced.

Many of the codes of practice have recently been updated following consultation with the AAC which would facilitate the creation of new regulatory provisions. As with the proposed amendments to Part VII and the PTR, the Agency welcomes further comment on the provisions in the codes.

Issues common to all modes of transportation

The new accessibility regulations could be structured in a way that recognizes that, regardless of the mode of transportation, carriers and terminals are expected to provide many of the same services to persons with disabilities throughout a passenger's journey – from check-in to arrival at destination. At the same time, the regulations could contain provisions to reflect the services that are mode-specific, which are expected to be

relatively few. Some of these mode-specific services could include: assistance moving in and out of a wheelchair tie-down on board a rail car; assistance moving from a car deck to upper passenger decks on board a ferry; and assistance accessing a relieving area for a passenger's guide dog.

Underpinning all of these services would be the need to communicate with persons with disabilities in an accessible manner and to ensure that carrier and terminal personnel are properly trained to provide disability-related assistance.

Communication

The *Code of Practice: Removing Communication Barriers for Travellers with Disabilities* (Communication Code), first published in 2004 and recently updated following consultations with the AAC, sets out accessibility standards developed to improve the communication of transportation-related information for persons with disabilities in respect of the various modes of travel. The standards apply to both terminal operators and carriers.

As indicated above, the technical aspects of the Communication Code could be included in the proposed regulations. For example, transportation service providers could be expected to ensure that their websites are accessible per the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines, and that their automated self-service kiosks and signage meet the applicable CSA accessibility standards.

For a list of potential technical provisions for communication, see Appendix A.

1. Please provide your views on the incorporation, in regulations, of the technical standards currently in the Communication Code referenced in Appendix A.

[Prince George Airport Authority \(YXS\) response:](#)

[In principal, PGAA \(we\) can agree with the Removing Communication Barriers for Travellers with Disabilities: Code of Practice. In practicality, small airports have space limitations and are challenged with limited funds to incorporate all of these provisions](#)

Training

The PTR came into effect in 1995. The PTR require that transportation service providers, including both carriers and terminal operators, train their staff and contracted personnel, within a certain period of time, on how to assist persons with disabilities.

The PTR require transportation service providers to ensure that employees and contractors who provide transportation-related services and who may be required to interact with the public or to make decisions in respect of the carriage of persons with disabilities receive a level of training appropriate to the requirements of their function

(for example, persons who make policies or procedures with respect to persons with disabilities need to receive such training).

The PTR also require that employees and contractors who provide physical assistance to persons with disabilities receive training appropriate to their jobs (for example, assisting with mobility aids through doors and level changes; transferring a person between their mobility aid and a seat; guiding a person who is blind, etc.).

Another area of required training is with respect to the handling of mobility aids.

Although the Agency held extensive consultations with the AAC on proposed updates to the PTR in 2013, the initiative was still in the regulatory process when there was a change in government. As such, the Agency is considering including the proposed updates (see attached) in the new, comprehensive regulations, in addition to expanding the scope of the training provisions to include extra-provincial bus carriers and terminals.

1. Do you have any comments regarding the previously-proposed amendments to the PTR?

Prince George Airport Authority (YXS) response:
Training every three years is sufficient.

2. Are there any additional requirements related to training that you think should be addressed in a new regulation?

Prince George Airport Authority (YXS) response:
It is extremely difficult for an airport to ensure that a contractor (staff) is compliant. We can require them to be compliant but is way too onerous to ensure.

Technical standards

As noted above, the codes of practice contain provisions which are very technical in nature, including some that prescribe the size of spaces and the precise nature of features and facilities designed to accommodate persons with disabilities. Details regarding these provisions are reflected below, by mode.

Terminals

The Agency's *Code of Practice: Passenger Terminal Accessibility* (Terminal Code) sets out accessibility standards for air terminals within the NAS and rail and ferry terminals with 10,000 or more passengers embarking and 10,000 or more passengers

disembarking in each of the two preceding calendar years (except rail terminals limited to commuter or tourist services, which are excluded).

The Agency is considering incorporating the prescriptive standards in the Terminal Code into the proposed regulations. For example, regulations could include the requirement to provide accessible boarding bridges, platforms, or gangways that meet applicable CSA B-651 standards; relieving areas for service animals; and accessible washrooms.

For a comprehensive list of the technical provisions in the Terminal Code, see Appendix F.

In terms of compliance with the proposed technical standards for each of the modes of transportation, the Agency is considering a requirement for carriers and terminals to obtain the Agency's approval for planned acquisitions of new equipment and major retrofits as well as for the construction of terminals and major renovations which would reasonably be expected to impact access by persons with disabilities.

1. Please describe in detail, any significant difficulties that you may have in meeting any of the provisions set out in the Terminal Code (e.g. physical considerations in S. 1; facility considerations in section 2; service considerations in section 3)?

[Prince George Airport Authority \(YXS\) response:](#)

[The Agency approval process is not practical due to planning and timing.](#)

2. Please describe any alternative or additional provisions (whether technical standards, facility considerations, service considerations, or other) that you think should be included in the proposed regulations?

[Prince George Airport Authority \(YXS\) response:](#)

[We suggest comprising a working group to review the technical requirements and possible other options so the regulations reflect what are a practical implementation.](#)

3. How do you ensure that persons using service animals can access a relieving area (indoor or outdoor) from the secure side of your terminal?

[Prince George Airport Authority \(YXS\) response:](#)

[Providing a relieving area on the secure side is not practical. We would implement a policy and procedure for YXS airline representatives to assist passenger and the service animal back through the security screening area to the land side relieving area. The airline rep would assist the passenger and service animal through the security process using a priority process.](#)

4. Please provide your views on the incorporation, in regulations, of the technical standards currently in the Terminal Code referenced in Appendix F.

Prince George Airport Authority (YXS) response:

We suggest comprising a working group to review the technical requirements and possible other options so the regulations reflect what are a practical implementation.

5. Describe any policy you have for ensuring the accessibility of new construction or renovations at your terminal facilities.

Prince George Airport Authority (YXS) response: Any new construction or renovations are permitted through the City of Prince George's building permit process for code compliance.

6. What significant challenges, if any, do you think you might face if you are required to obtain the Agency's pre-approval for new construction and renovations which would reasonably be expected to impact access by persons with disabilities to your facilities?

Prince George Airport Authority (YXS) response: Projects will be delayed and the cost of the projects will be increase due to delays.

Systemic issues

In addition to addressing systemic accessibility issues through the existing regulations and codes of practice, a number of issues have been addressed through the Agency's complaint adjudication process. As a tribunal, the Agency can resolve complaints by rendering binding decisions like a court does. Similar to court decisions, the Agency's decisions are only binding on the carriers or terminals named in the complaints. Although other carriers and terminals may choose to implement the same or similar measures ordered in an Agency decision, there is no requirement to do so without a decision that binds them. This results in two significant issues: for persons with disabilities, an inconsistent level of accessibility as accommodation policies can vary amongst service providers; and, for service providers subject to Agency decisions, an uneven playing field given their competitors are not required to implement the corrective measures ordered by the Agency. The Agency sees the Regulatory Modernization Initiative as an ideal opportunity to address these issues.

The Agency is considering addressing the following systemic issues as part of its initiative.

One person, one fare

In 2008, the Agency issued a decision arising from complaints against Air Canada, Air Canada Jazz and WestJet regarding their policies to charge on a per seat basis and

against Gander International Airport Authority regarding its policy to charge airport improvement fees on a per passenger basis. The Agency found that these policies created undue obstacles for persons with disabilities who require additional seating to accommodate their disabilities on domestic flights and for persons with disabilities who travel with attendants in respect of whom an airport improvement fee is charged. Decision No. 6-AT-A-2008 required the carriers and Gander International Airport to amend their policies and procedures to incorporate a one-person-one-fare regime for these persons with disabilities.

The Agency is considering how best to address this systemic issue in respect of each of the modes of federal transportation.

Recognizing the broad range in sizes of operations, differences in markets served, and the related competitive pressures and financial realities that can exist (especially with respect to passenger air travel), the Agency is interested in hearing from stakeholders about options for addressing the issue. These could include a policy whereby qualifying passengers with disabilities are never charged for extra seats required to accommodate their disability or a policy whereby qualifying passengers with disabilities are refunded fares paid for additional seating when it is determined that there were empty seats on their particular trip. Concerning airport improvement fees, an option might be a policy applicable to all airports which does not impose airport improvement fees on attendants.

1. Describe any policy you may have regarding airport improvement fees levied/not levied on attendants accompanying passengers with disabilities.

[Prince George Airport Authority \(YXS\) response:](#)

[The PGAA Annual Fee Schedule under Airport Improvement Fees states - Passengers departing from the Prince George Airport on unit-toll and charter flights, departing from any location at the airport including the terminal, main apron or the general aviation area are required to pay the Airport Improvement Fee \(AIF\). Passengers departing on charter flights that utilize the Prince George Airport Terminal Building or any other facility are required to pay the Airport Improvement Fee \(AIF\).](#)

[Passengers exempt from the Airport Improvement Fee \(AIF\) are as follows:](#)

- Arriving passengers
- Children under 2 years
- Attendants of persons with disabilities
- Aircraft crew who are on duty in uniform
- Connecting passengers who connect within 4 hours, applies to passengers connecting on the same ticket only
- Passengers on non-revenue generating private aircraft
- Medevac flights

2. Please describe any significant difficulties you would face in implementing a policy to not levy airport improvement fees on attendants accompanying passengers with disabilities.

Prince George Airport Authority (YXS) response:

The PGAA has this process implemented from an airport standpoint hence no issues.

Curbside assistance

The Agency is considering adding a requirement for airports to provide assistance to persons with disabilities from the curb to the check-in area when departing from a terminal and from the general public area to the curb upon arrival at a terminal. Such a requirement would be consistent with [EU Regulation 1107/2006](#) which requires managing bodies of airports to provide curbside assistance to persons with disabilities.

1. Do you currently provide assistance to passengers with disabilities from the curb to check-in, including wheelchair assistance, guiding assistance for passengers with visual impairments, and assistance with luggage? If so, please describe how this works (e.g. how does a person with a disability ask for the service; who provides the service (airport staff; contractor); does it need to be prearranged, etc.).

Prince George Airport Authority (YXS) response:

We do not currently have a curbside assistance program at YXS.

2. If you do not provide this service, please describe any significant challenges you would have in providing this service.

Prince George Airport Authority (YXS) response:

As a small airport, we do not have the funding to support a curbside program.

Reporting, monitoring and compliance

The Agency would propose to encourage compliance with any new accessibility regulations by requiring service providers to publish multi-year accessibility plans and report on accessibility-related complaints that they receive. Accessibility plans provide an opportunity for service providers to demonstrate how they meet accessibility standards, their plans for removing existing obstacles, and strategies for preventing new ones. Complaint statistics can provide insight into obstacles that may exist and thereby inform the Agency's compliance monitoring activities.

1. Please describe any significant challenges you might face in publishing:
 - multi-year accessibility plans; and
 - Reports on accessibility complaints received by your organization.

Prince George Airport Authority (YXS) response:
Publishing accessibility plans and reports may be a challenge due to limited staff levels.

Your input

The matters raised are complex and the Agency needs broad input from its Accessibility Advisory Committee and Canadians. The Agency plans to complete consultations and draft modernized regulations by the end of 2017, and implement the regulations in 2018.

Prince George Airport Authority (YXS) response:
Summary

We want to comply with regulations as well as be fair and provide respectable services to all travellers. Small airports have limited resources (time and money) and normally have a limited number of complaints. When we do receive complaints, such access from our long term parking lot to the airport terminal building (ATB), the cost is prohibitive (\$5 million). As a NAS Airport, we have no access to ACAP, Building Canada Funds or Gas Transfer Tax. Our large capital projects limit our cash.

The Prince George Airport has a number of accessibility initiatives implemented and under review. We will continue to strive to implement accessibility standards or recommendations where practical. Initiative implemented include curbside wheelchair access to the ATB, no AIF for escorts, special parking arrangements offered for disabled persons to park in short term parking with wheelchair access to the ATB, doorsill adaptors access and egress, automated chair riders in our administration area, pet relieving areas on landside, ATB virtual tour on our website, and wheelchair access ramps to the aircraft, to name a few.

It would be prudent for the government to provide funding at the 100% level for small airports, like Prince George, for regulatory enforcement costs.

Sincerely,

John Gibson
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