CNIB Response to CTA Consultation on Requests for Conditional Exemption from the ATPDR

May 9, 2024

# About CNIB

Founded in 1918, CNIB is a non-profit organization driven to change what it is to be blind today. We deliver innovative programs and powerful advocacy that empower people impacted by blindness to live their dreams and tear down barriers to inclusion. Built on the direction and feedback of people who are who are blind, low vision, or Deafblind across Canada, we’re proud to introduce The Way Forward, a new five-year strategic plan that we believe will create lasting change for our community nationwide.

CNIB has worked tirelessly with transportation regulators to ensure federally regulated transportation systems are fully accessible for all passengers, including those who are blind, low vision, or Deafblind. CNIB is a long-standing member of the CTA’s Accessibility Advisory Committee and has participated in numerous consultations to develop the Accessible Transportation for Persons with Disabilities Regulations (ATPDR).

Despite these efforts, there has been a disappointing lack of progress in addressing the barriers faced by blind travelers since the establishment of the ATPDR in 2019. Greater efforts are required by regulators and service providers to ensure the regulations are fully implemented and working as intended to protect the rights of passengers who are blind, low vision, or Deafblind.

# Requests for Conditional Exemptions from the ATPDR by Canadian Air Transport Security Authority (CATSA) and Canada Border Services Agency (CBSA)

CNIB is responding to the requests filed by CATSA on July 6, 2023, and by CBSA on October 23, 2023, for exemptions from ATPDR requirements relating to tactile signage. **CNIB opposes granting CATSA and CBSA conditional exemptions from the requirements of the ATPDR regarding tactile signage for security screening and border clearance.**

On April 10, 2024, the CTA issued a decision letter specifying that it would only consider the conditional exemption from tactile signage requirements listed under paragraph 235(1)(d) of the ATPDR, which states that all signage must meet the requirements set out in clauses 4.5.3 to 4.5.7 of CSA B651-18 on accessible design for the built environment. The CTA also noted that the Standard had been updated, and thus the application will be assessed against the most recent version, CSA B651-23, which includes relevant signage requirements under clause 4.6.

The CTA further highlighted that subsection 170(4) of the *Canada Transportation Act* permits a maximum exemption period of three years.

# ATPDR Requirements Must Be Upheld

The ATPDR represent the most comprehensive and enforceable accessibility obligations for federally regulated transportation service providers. The regulations set out the basic, foundational requirements and standards for barrier-free transportation systems in Canada.

While the alternative measure proposed by CATSA and CBSA may act as a useful complement to tactile signage for some passengers, **it should not be implemented as an alternative to the current regulatory requirement.** Rather, CNIB views the alternative measure as complimentary, to the tactile signage, required by ATPDR.

In 2023, CNIB Access Labs (formerly CNIB Frontier Accessibility) responded to a request from CATSA to provide feedback and recommendations relating to tactile booklets. Four people with lived experience of blindness assessed the booklet’s braille quality, contrast, color, font size, booklet size, and readability. This feedback focused solely on the booklets and did not take into account additional potential solutions. Although this small sample of testers indicated that this could provide a valuable alternative to signage for some people, this sample is not representative of all passengers who are blind, low vision, or Deafblind. Any measures taken to remove barriers for people who are blind, low vision, or Deafblind must be done as an enhancement to the existing regulations, not as an alternative.

Both CATSA and the CBSA assert that the tactile booklet conveys all regulatory signage information in a single point of reference and that this exemption is in the best interest of the public because the tactile booklets would better serve passengers who are blind or have low vision than the current regulatory requirement.

While having access to a tactile booklet could be useful for some passengers, access to information for passengers who are blind, low vision, or Deafblind would be entirely dependent upon customer service staff awareness of and immediate access to booklets which are subject to being lost or misplaced.

CNIB recommends that tactile booklets be made available in addition to meeting ATPDR requirements, and that customer service training be enhanced to ensure that customer service agents tasked with providing support to a passenger who is blind or has low vision conveys all relevant signage information to the passenger.

To reach a truly barrier-free travel landscape for Canadians who are blind, low vision, or Deafblind, all regulators and federally regulated entities must be required to comply with the regulations set out in the ATPDR so that travel is accessible for every Canadian.