



**Council of Canadians  
with Disabilities**

A VOICE OF OUR OWN

**Conseil des Canadiens  
avec déficiences**

CETTE VOIX QUI EST LA NOTRE

## **CCD RESPONSE TO THE**

**Questions from**

**CTA Consultation Paper:**

Phase II of the Accessible Transportation for Disabled Persons Regulations

February 28, 2020

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## **1. Small Transportation Providers**

### **Questions**

#### **1. In extending the ATPDR to small transportation providers, what modifications to regulatory requirements, if any, are needed?**

Small transportation providers must comply with the spirit of the Accessible Transportation Regulations, regardless of the size of the carrier, the equipment, the terminal or the ground crew resources.

All parties, transportation carriers, terminal operators, CATSA, etc. must have an accessibility plan. There must be policies and procedures, in place, to govern safe and accessible travel of all passengers, some of whom may be persons with disabilities. Regardless of the type or severity of the individual's disability(ies), every person has the right to travel without delay, harassment or discrimination. This means that a traveler with a mobility, sensory, mental health, medical or any combination of disability, regardless of travelling alone or with a support person, service animal or both, must be able to access the travel experience without discrimination, harassment, hassle, or feel degraded solely because of their disability.

CCD disagrees with the exception provisions, sections 44, 45, 46 and 47 giving large air carriers a loophole to avoid carriage of mobility or accommodation devices that may be considered large or awkward. With these provisions open to small carriers, the entire air transportation industry could become, once again, a barrier for Canadians with disabilities to travel by air. The Statute is written where a service provider wants to deny service to a person with a disability, the service provider must show that to do so is an undue hardship. These sections are an invitation to air carriers to violate the protected human rights of persons with disabilities. The undue hardship standard already exists in law, and provides a legal justification for not meeting accessibility needs of a person with a disability. These sections of the regulation create additional, new ways to justify failures to accommodate. This is unnecessary and also undermines the goals of the regulations and their legislation (the Accessible Canada Act). It is the view of CCD that these sections should be deleted and only a reference to undue hardship, to be proven by the service provider, to be the exception to the provision of accommodation for travelers with disabilities.

CCD holds the view that these sections are unnecessary and also undermines the goals of the regulations and their legislation (the Accessible Canada Act).

A traveler with a disability, requires the process in place, whereby they call a reservation agent (regardless of mode of travel), identifies their travel plans, identifies that they are a traveler with a disability and what accommodation, if any, is required. Appropriate notes must be included on the reservation file, recorded by the reservation agent. Those requiring knowledge of travelers with a disability, shall be so informed by the reservation system.

Given that small transportation providers may not be as “willing” to view accessibility as important as do larger carriers, due to budget constraints and so on, the ATPDR should try as much as possible to make these carriers be “barrier free”. If the ATPDR does not focus on this, CCD’s concern would be that these carriers will not take the initiative themselves to take the regulations seriously.

**2. What would be the appropriate time frame for small transportation providers to come into compliance with requirements (e.g., 1, 2, or 3 years)? Do any requirements in particular require more time?**

To begin with, two years seems to be a sufficient amount of time for small transportation providers to develop a plan and write a report on how they intend on complying with the ATPDR requirements. Thereafter, a maximum of one year to put their plans into action.

**3. Are there any special accessibility-related challenges with small operators in any mode of travel in the federal network (airlines, tourist railway companies, bus operators, ferry operators) and the terminals that serve them, particularly in remote or northern areas of Canada? What solutions would help address these challenges?**

In rural and Northern communities access to transportation faces many barriers. These barriers did exist in urban areas decades ago, but most barriers have been removed over time. It is the position of CCD that in rural and Northern communities barriers to accessible transportation can, for the most part, be removed by using the lessons learned and methodologies used in urban areas.

**2. One Person, One Fare for International Travel and Small Transportation Providers**

The principle of one person / one fare has been carefully outlined in the CTA decision. In the current Regulations these principles were extended to all domestic travel in Canada. This action does recognize the accommodation requirements of persons with disabilities travelling internationally who require the assistance of another person in order to meet their daily needs.

When a person with a disability requires the assistance of another person to meet their daily needs, that requirement for accommodation does not disappear when the person with a disability crosses the border of Canada to another country.

It is the position of CCD that all flights and all carriers, must adopt the principle of one person / one fare.

The UN *Convention on Rights of Persons with Disabilities* protects the right of mobility of persons with disabilities within and between States.

In Canada, the *Accessible Canada Act* creates new accessibility requirements that organizations that fall within its scope have to meet. In respect of transportation, one could say that the ACA in Canada, aims to ensure a barrier-free transportation system by creating accessibility requirements that transportation providers must meet. The next step would be, in accordance with the UN CRPD, for Canada to protect the right of Canadian travelers with disabilities mobility between States.

## Questions

### **1. Should the 1p1f requirement apply to transportation to and from Canada? If so, should it apply to both Canadian and international transportation providers?**

Definitely, the 1p1f should apply to both Canadian and international transportation providers. Aside from monetary reasons, airlines state that they are not necessarily responsible to assist passengers' with disabilities in an event of an emergency. Therefore, this is a crucial reason why the 1p1f should apply to both domestic and international travel.

The UN CRPD establishes the right of mobility of persons with disabilities. Therefore, the CTA by imposing 1P1F on all international flights to and from Canada, regardless of the Carrier, would be implementing Canada's obligations under the CRPD for travelers with disabilities to and from Canada.

### **2. Achieving consistent approaches to accessibility for international air travel requires discussions and cooperation among many jurisdictions. Given this, it may not be possible to achieve the goal of completely barrier-free international travel through the CTA's regulations. What strategies -- as a complement or an alternative to changes to CTA regulations -- could be pursued to help remove barriers to Canadians with disabilities when they fly to or from other countries?**

The UN CRPD may assist depending on the country regulating the air carrier. Countries who have signed the CRPD have the same obligations as Canada to implement protection of the rights contained therein. The CTA can certainly promote the fact that by implementing the CTA accessible travel Regulations on all international flights, they are complying with the requirements of Canada to protect the rights of travelers with disabilities between states.

CTA can eliminate baggage fees, when the baggage is required for the transport of equipment or goods necessary for the accommodation of the traveler's disability. That is, baggage that is directly related to the accommodation requirements of a person with a disability shall have no attached fees.

### **3. Should 1p1f apply to small transportation providers?**

Understandably smaller transportation providers may not have the economic resources or stability of larger carriers and they tend to charge fees for everything, just to remain viable. This being said, it does not change the principles under which 1p1f were established. In the event where small aircraft are the only option, the type of solutions for accommodations may be varied, but this does not and cannot change the principles under which 1P1F was ordered, as the person with the disability is not able to change their disability and their requirement for necessary accommodations for daily needs will still remain. The carrier must be held to the undue hardship tests established by Canadian Courts.

CCD does recognize that in rural and Northern communities, the resources may not be available to remove all or many barriers to accessible transportation. This may be one area where government could step up and provide one time grants to create accessible transportation in a manner that would be sustainable.

CCD takes the position that internationally, like domestically, a person traveling with a service dog, the service dog travels with the person with a disability, in the cabin of the aircraft, without any additional charges. Depending on the size of the service dog, the seat next to the person with a disability is left empty in efforts to provide additional space for the service dog on the floor. These provisions must be provided on all flights leaving airports in Canada, regardless of the destination.

### **3. Emotional Support Animals and Service Animals Other than Dogs**

#### **Questions**

**1. What do you think about a potential requirement for transportation providers to accept ESAs? What conditions, if any, should apply?**

There is a great deal of confusion as to what constitutes an emotional support animal (ESA), not only in Canada but also internationally. It is the position of CCD that if this term is to be used in Canada, it must be clearly defined. In some countries and some organizations in Canada, ESA refers to any animal that accompanies a person but is not a guide dog or to assist the handler with limitations resulting from physical disabilities. The definition must recognize that many trainers of service dogs train service dogs to mitigate the effects of psychiatric disorders, detection of symptoms of medical disorders, and other limitations of disabilities for which dogs can be trained. ESAs tend to be pets that are not trained for mitigating the effects of one's disability nor are trained to be in public space with all the responsibilities that go along with having an animal in public space. Any definition must include the requirement for the handler to be a person with a disability and for the animal to be specifically trained to be in public space and to mitigate, in some way, the limitations caused by the handler's disability. This does not limit the handler from self-training their animal, but suggests that the handler, even when self-training their ESA, are required to have their ESA evaluated and certified by a third party.

**2. Should transportation providers be required only to accept certain species/animal types as ESAs (e.g., dogs, cats and rabbits)? Or should transportation providers be required to accept all species excluding a few (e.g., insects and snakes)?**

CCD takes the position that air carriers are not and cannot be put in the position of determining if an animal is a trained service animal or able to mediate the symptoms of a diagnosed medical condition, as a psychiatric support animal.

It is difficult to define what is a psychiatric/emotional support animal. What works for one person as a support/emotional animal, might not work for another.

Yes, the transportation providers should accept various animals and species, as long as the species presents no threat to others in the same public space.

With the above being said, there must be clear/strict guidelines put in place, that are easily understood, provide the safety of all in the public space and protect the equipment of the service provider. The current CTA Regulations do require the handler of an emotional support animal to provide verification from their mental health practitioner that the handler does have a mental health diagnosis and the animal is required for the handler to travel. CCD takes the

position that making such a requirement is a violation of the individual's protected rights, both under human rights and the individual's privacy rights.

Only animals trained to be in public space, (dogs, cats, rabbits, etc.) should be allowed to remain in the cabin of an aircraft beside their owner. The owner must be responsible for and in the control of, the animal's behavior at all times. For a person seeking to travel with an ESA, the CTA may want to consider the provision of the ESA to remain in a carrier when size permits and the ESA is not specifically required to be in direct contact with the handler in order to provide the required support. The individual's medical professional may be required to describe the portions of the treatment plan for their patient where the ESA becomes involved. The medical professional would require a reminder that they are not to disclose the prognosis or diagnosis of their patient when describing the involvement of the ESA.

All other species (insects, birds, horses, etc.) should be kept/contained in a carrier at all times.

**3. As an alternative to a species-based approach, would it be preferable to have a criteria-based approach for the acceptance of ESAs? The criteria for carriers to accept or refuse to transport an animal could include habits of the species, age, size or the potential allergy trigger to that the animal may create. For example, they could refuse to accept animals that gnaw, whose young age is likely to result in unacceptable behavior, that pose a high allergen risk, or do not fit in a travel carrier or on the floor at a traveler's feet.**

Allergies are a factor that all transportation carriers are currently addressing and do have provisions in place to ensure that the person with the allergy is unlikely to come into contact with the allergens. There are allergies to animals, insects, birds and reptiles. Transportation providers have had policies and there are Canadian Court and CTA decisions which should address or guide such provisions. Unlike food allergies, which can be seriously life threatening, allergens to animals are not life threatening.

The importance of the ESAs is to accommodate passengers' with disabilities, but, paramount must be the safety of all passengers. The emotional support animal must be behaved. Animals can be unpredictable, but bad or aggressive behavior cannot be tolerated, in a confined space or for a prolonged period of time. ESAs or service animals need to be monitored prior to being given clearance for carriage. If the service providers' agents observe bad or aggressive behavior, then that agent must be directed to request the appropriate documents from the handler and the handler must be told of the observations leading to such an inquiry.

CCD has concerns respecting moving to a model of selection for carriage that leaves the determination to front-line employees. Certification is a process whereby the animal is evaluated by an expert to a standard, to which the animal is trained. Certification tends to be documented and those documents can be reviewed by front-line employees to ensure that the animal has been evaluated to be in public space and for the tasks necessary for the handler to be able to attend in public space. The process of certification takes the liability of making the decision out of the hands of the carrier and places that liability, where it should be, in the hands of experts that do the evaluation. Certification makes more sense in respect of protecting the rights of persons with disabilities and the safety of all, in public space and using a transportation system intended to be used by the travelling public.

**4. Should all transportation providers be required to accept the same types of ESAs or should there be differences based on the mode of transportation (air, rail, marine, or bus)? If you think there should be differences based on mode, what differences?**

Absolutely, the entire transportation system, all carriers and all modes, must be mandated to carry all service animals and psychiatric support animals, if the handler can provide proof of the training through certification, short of undue hardship. In the case of emotional support animals (ESAs), it is CCD's position that there is no clear definition of ESAs and until it is clear that such an animal is safe to be in public space, they should not be in public space. The criteria, for certification of service animals, psychiatric support animals and emotional support animals, must be an accountable third-party process, to ensure through evaluation that does meet standards able to distinguish between animals that are and are not able to be safe in public space and do and do not mitigate the limitations resulting from the handler's disability(ies).

Having the carriage and identification of service animals, psychiatric support animals and emotional support animals, (universal), will eliminate confusion and any misunderstandings, of both the carriers and the handlers. For some types of "bad behavior" any liability would be that of the evaluator for certification, who certified that the animal was safe to be in public space.

**5. Should the same requirements for ESAs apply to large and small transportation providers? Should consideration be given to the size or seating capacity of aircraft, rail car, bus, or ferry?**

CCD takes the position that all carriers and all modes of transportation must comply with the spirit of accessibility Regulations. The size of the carrier or the carrier's equipment cannot be the determining factor. The over-riding determining factor must be the protection of the rights

of the individual traveler and the accommodation of the service provider to the point of legally recognized undue hardship.

CCD does recognize that smaller carriers, because of available resources, may have smaller equipment and barriers to accessibility might exist solely as a result of the size of equipment. In such cases, CCD holds the position that such carriers must satisfy the legally recognized undue hardship test and demonstrate that in purchasing non-accessible equipment, the carrier did consider their requirements to ensure their service would be barrier free. And that the equipment purchased was all that the industry provided at the time of purchase. Further, some small service providers have accommodated Canadians with disabilities by talking frankly to the traveler with a disability and jointly resolving the accommodation issues.

**6. In the United States, enforcement action is not taken if an airline refuses to transport more than three service animals for one traveler, including ESAs. In Canada, should there be a limit on the number of service dogs and/or ESAs that persons with disabilities can travel with on-board? If so, what limit?**

CCD takes the position that the number of service animals, psychiatric support animals or emotional support animals a handler with a disability can travel with must be jointly left with the medical professionals and service animal and psychiatric/emotional support animal training professionals. CCD has been made aware that such animals are limited in the number of tasks the animals can be trained for. When the requirements of the individual with disabilities goes beyond the ability of one such animal, other animals are necessary to meet the needs of the handler. In such cases, more than one animal is required and additional animals must be certified for the tasks being required of each animal.

CCD is aware that the norm is one such animal for a handler and more than one animal for one handler is the exception, but there are circumstances where a person with a disability(ies) requires two and on very rare occasions a third animal. These requirements are based on the individual's medical requirements and the limitations of the animals involved. It is CCD's position that in such cases, the medical professionals and service dog trainers provide ample documentation and individual certification for each animal involved. It should not be the place of the service provider to put limits on valid accommodations required short of legally recognized undue hardship.

CCD takes the position that more than one service animal or psychiatric/emotional support animal, for one handler, is an exception and in such cases the carriage of more than one such animal for the handler must be determined on a case by case basis, through appropriate documentation of certification stating that the handler requires more than one animal and each

animal has been evaluated for safe public access along with the specific type of tasks required by each animal.

**7. Under the ATPDR, transportation providers can require a person with a disability travelling with a service dog to provide documentation issued by an organization or person specializing in service dog training. The documentation must identify the person with the disability. It must also attest that the service dog has been individually trained by a specialized organization or person to perform a task to assist that traveler with a need related to their disability.**

**What documentation, if any, should transportation providers be able to request with respect to travel with ESAs with the aim of mitigating health, safety, or fraud concerns? For instance:**

- **that the traveler requires the animal to travel, for medical reasons, as indicated by a health care practitioner who is treating the traveler and confirms that the traveler has a disability and needs the animal to travel for disability-related reasons.**

CCD takes the position that it is best to let the professionals do what they are qualified to do. In the case of service animals, psychiatric support animals and emotional support animals, let those who are skilled in evaluating the ability of the animal with the handler (in other words, the team) make the determination of the animal being a service animal, psychiatric support animals or emotional support animal and to certify their findings, in the form of an identification card for the team. Such identification is all that a service provider requires.

CCD takes the position that, when animals are certified to be a service animal, psychiatric support animal or emotional support animal, the certification ID for the handler and the animal is all that a carrier shall require to verify that the handler is a person with a disability and the animal has been evaluated and certified to be a service animal, psychiatric support animal or emotional support animal.

CCD takes the position to ask questions about the individual's disability or the work that their animal does may violate the privacy of the individual and/or violate the protected rights of the individual.

- **that the animal will not need to relieve itself during transportation, and will not bark, growl, or act aggressively.**

CCD takes the position that if a service animal, psychiatric support animal or emotional support animal has been evaluated and certified to be safe in public space, than the handler has been trained how to maintain control over their animal. However, it is recognized that there are other animals that have not been so certified in public space and those animals can tease, distract or otherwise cause a service animal, psychiatric support animal or emotional support animal to react instinctively to the actions of those animals. It is difficult for a non-trained person to determine which animal was the instigator and which was reacting to what was perceived by the second animal as a threat. In such cases a review of the required documentation, i.e. the certification ID for the animal and handler must be conducted.

CCD holds the position that a properly trained dog or animal must never demonstrate the type of behavior described above. However, with this being said, when a dog or animal is ill or not able to have the necessary time to relieve themselves, accidents can and will happen. This is why CCD has for years pushed the transport authorities to mandate that service providers include in their operational budget space for service dogs and animals to relieve themselves with this space being appropriately maintained.

CCD holds the position that properly trained service animals, psychiatric support animals and emotional support animals will not under normal circumstances display any aggression. This being said, the word 'normal' does not include teasing, hurting or otherwise mistreating the animal by others. It is proposed that airport security be trained on animal abuse and that they be given the responsibility to warn or charge persons at an airport who abuse any animals on their property.

CCD takes the position that a certified service animal, psychiatric support animal and/or emotional support animal has been trained not to relieve themselves in public space. However, CCD also recognizes that there are some medical conditions with which the animal has no option but to relieve themselves in the first available space. This is why CCD has promoted the provision of relief areas for service animals at all transportation terminals.

CCD also recognizes that a service animal, psychiatric support animal and/or emotional support animal can only hold their waste for a number of hours and therefore the length of travel must be a consideration and provisions made for long trips for the service animal, psychiatric support animal and/or emotional support animal to relieve themselves.

**8. The ATPDR allow transportation providers to require that persons with disabilities provide 48 hours' advance notice prior to departure for most services, including travelling with service dogs. In some situations, they may request up to 96 hours' notice to verify that documentation is in order and authorize an animal for travel. However,**

**they must still make reasonable efforts to provide the service, even if notice is not given.**

- **How much notice would be appropriate with regard to ESAs?**

Advance notice to the carrier by a person with a disability, with or without a service animal, psychiatric support animal and/or emotional support animal, is a violation of the right to travel of a person with a disability. The legal test in such cases is certainly not 'REASONABLENESS' but is 'UNDUE HARDSHIP' on the part of the service provider. However, CCD holds the belief that a person with a disability requiring accommodations during travel, should identify the accommodation need at the time of making reservations. In which case, the reservation agent, should identify to the traveler what if any documentation or other data is required by the carrier in order to provide the requested accommodations.

CCD takes the position that persons with disabilities, like all other travelers, sometimes must travel without notice. In such cases, the carrier must do everything they can to make the urgent travel need take place, as they do for any other traveler. If the service provider claim they cannot provide the accommodations required, then the legal test that must be applied is one of "undue hardship".

**9. Should transportation providers be permitted to require that ESAs be tethered, leashed, harnessed, and/or enclosed within a travel carrier? Would any of these requirements prevent travelers from using ESAs therapeutically?**

CCD takes the position that under normal circumstances, a service animal, psychiatric support animal and/or emotional support animal will be harnessed and/or on a leash, when in public space. While in a specifically designed carrier for the animal, there should not be any harness or tethering. For some handlers the tasks required by a service animal and/or psychiatric/emotional support animal, may be required to be untethered. When the animal is required to be untethered, it is the result of medical conditions and the reasons should be documented either by the medical or training professionals. The service provider must have the right to ask for the documentation when a service animal, psychiatric support animal and/or emotional support animal is not tethered and such descriptions must go to the service or tasks required by the service animal, psychiatric support animal and/or emotional support animal and not to the medical conditions.

**10. Apart from the issue of ESAs, should transportation providers be obligated to accept service animals other than service dogs? If so, should any restrictions apply?**

CCD is aware that the most common service animal, psychiatric support animal and emotional support animal is the canine. CCD also recognizes that canines are not for everybody. Depending on the medical conditions and the handler's circumstances, other species can and do mitigate symptoms of the handler's disability. Transportation providers must know that the animal or species being used as a service animal, psychiatric support animal and/or emotional support animal has been trained, evaluated and certified to be in public space and for the tasks required by the handler. If the animal or species used by the handler has been certified, as canines making the same claim, certification documents must be available for examination by the transportation provider. In such case, where the documents are provided, the transportation service provider should not be able to deny carriage, unless they can meet the undue hardship test.

CCD takes the position that no species that are harmful or pose a known safety risk to others in public space, should be permitted in public space. Canines must be evaluated to their training to mitigate issues of a person's disability, be under the control of the handler and show no aggression. Other species must be held to the same minimum standards.

#### **4. Planning and Reporting Obligations under the Accessible Canada Act**

##### a) Accessibility Plans

##### **Questions**

##### **1. How much time should transportation providers be given to prepare their initial plans once the regulations are finalized (e.g., 12, 18, or 24 months)?**

CCD takes the position that all transportation providers have been made aware of the development of these Regulations for a few years. Therefore, for a transportation provider to have more than 12 months to draft their accessibility plan should be considered an undue delay.

The above being said, CCD also believes that many of the smaller transportation providers have already put in place many measures to remove barriers to access.

The transportation providers, after the development of their access plans, should have no more than two years to fully implement measures to remove barriers and comply with accessibility Regulations.

##### **2. Should the timing of publication be consistent with that required under any other federal laws, such the *Employment Equity Act*?**

The process of publication of Regulations has the time periods that are reasonable for any party to review and provide comments to assist the development of Regulations. Therefore, CCD takes the position that as much as we would like to see progressive accessibility Regulations - yesterday - the process needs to be followed.

#### b) Feedback Process

##### **Questions**

- 1. What steps should a feedback process include to help ensure that members of the disability community have an opportunity to provide transportation providers with meaningful feedback on their accessibility plans and on the barriers they have encountered?**
- 2. Should the publication date of the feedback process be the same as for the initial accessibility plan?**

CCD takes the position that our motto "Nothing about us without us" states our position that Canadians with disabilities are extremely frustrated with access plans being produced by persons who neither experience or understand what the barriers that must be removed are, let alone be able to put in place solutions that are truly accessible. Therefore, we believe that 12 months should give transportation providers time to consult with individuals and organizations of persons with disabilities and clearly demonstrate in their plans solutions faced by Canadians with disabilities using their transportation services.

CCD also believes that two years after the plans are published is ample time to implement solutions to barriers that will meet the requirements of CTA Regulations and the requirements of travelers with disabilities.

CCD, most importantly, takes the position that transportation service providers must not only consult with persons with disabilities respecting their accessibility plans, but must also include persons with disabilities in the delivery of accessibility to the community.

#### c) Progress Reports

##### **Questions**

- 1. When should first progress reports related to the Accessibility Plan be due?**

The first access plan of a transportation provider needs to establish the time table for: the process to be used to identify all barriers faced by the transportation provider; the identification of barriers that must and can be removed; identification of barriers that cannot be totally removed and course of action to reduce the impact of these barriers; identification of process

for the development of procedures and policies for on-going identification of new barriers and solutions to reduce impact.

**2. How frequently should progress reports be required thereafter (e.g., every year or every two years)?**

A progress report shall be completed on a yearly basis. If not, there must be a penalty imposed in order to enforce the priority to ensure the smooth travel experience for all travelers.

d) Publishing and Providing Documents

**Questions**

**1. What should the publication requirements be?**

**Should the initial and updated accessibility plans – as well as their feedback processes and progress reports – be published in a prominent location, such as a website, mobile website, or mobile application?**

The progress reports shall be available in as many places and formats, as required, to ensure accessibility to all.

**Should specific accessibility standards be met when posting the content, as provided in the ATPDR?**

**Should a telephone number, email address, and a third party's telephone number for telephone relay or video relay service be provided?**

These are minimum standards for accessibility and service providers should meet or exceed these standards.

These are some of the provisions contained in requirements of ATPDR and these are minimum standards that must be met or exceeded.

**2. When should transportation providers be required to notify the CTA? Should it be on the same day they are published, by providing the URL and link?**

**3. Some small transportation providers may not have a website. Given this, what would be an acceptable alternative to publishing a document?**

In today's terminology where publishing includes both print and electronic formats that make the content open to the public. Alternative publishing documents may consist of e-mails,

broadcast media (radio, TV, You Tube, etc.) and pamphlets that could be distributed to clubs, organizations, etc.

**4. What, if any, rules should apply to how a person with a disability can request that a document be provided in an alternate format? How much time should a transportation provider be allowed to provide it?**

The production of material in alternative formats is a complex question as so much depends on the circumstances as to how and why the request is being made. For example:

\* If the requestor is at a check-in counter of a service provider and requires the accessibility policy, it may be available electronically and could be sent via email at that moment to the requestor's email address; or,

\* The requestor could be on the telephone and require the access plan and current progress report and in such a case, the documents would need to be sent to a supplier, Braille returned to the service provider and then delivered to the requestor. This process could take several weeks.

Production of alternative formats has a number of variables that must be taken into consideration when attempting to determine a reasonable delivery time. Many persons with disabilities have the technology to convert an electronic file to the format they require. In which case, the service provider would be best to talk to the requestor about the format and if an electronic file would meet the need, then the time should only be minutes and not weeks.

**5. The communications provisions of the ATPDR include requirements for transportation providers to make information available on request in audio and visual formats; in large print, Braille or an electronic format; and in a format that is compatible with adaptive technology that is intended to assist persons with disabilities. Which alternative formats, regarding the accessibility plans and the progress reports, should transportation providers make available to persons with disabilities?**

This is not a question that has a simple or one or even two answers. A person who is blind cannot be expected to read the printed word no more than a person who is deaf is expected to hear an audio tape.

The best answer that can be provided is that a service provider must have in their possession electronic versions of their documents, reports, policies, procedures, etc. in electronic text, audio and visual formats. By having their documents in these electronic formats, the

production of most alternative formats is as easy as pushing a button. Software conversion programs are available through open sources and for purchase. Therefore, a large or small service provider is able to comply with such communications protocols without any hardship.

#### e) Variations in Regulatory Application

##### Questions

**1. What modifications, if any, would be appropriate for small transportation providers? For example, additional time for preparing required documents may be appropriate.**

#### f) Minimizing Duplication

##### Questions

**1. There might be a few differences between what is required under ESDC's regulations and the CTA's regulations, given the nature of what is regulated (for example, employment versus transportation). With this in mind, Annexes C and D provide templates for the accessibility plans and progress reports related to transportation. These show what sections the CTA could require plans and reports to have, by regulation. Annex E on the feedback process also includes elements that could be required by regulation, as well as ideas for future guidance (discussed below). Please provide comments on the sample templates and feedback elements.**

The sample templates for transportation providers concerns identification and removal of barriers and creating accessibility appears to be feasible and easy to follow.

**2. Would the same publishing deadlines facilitate reporting with CTA and ESDC?**

Having all of the deadlines due approximately around the same time, is a good incentive.

#### g) Guidance Material

##### Questions

**1. Is the draft guidance material on the feedback process useful?**

It is important to emphasize that as many details as possible go into the regulations, rather than the guidance documents. Regulations are what the law requires providers to do. Guidance documents are just best suggestions – providers can follow or not follow them. The Accessible Canada Act gives the CTA a very broad scope in terms of the authority it gives the CTA to create regulations about accessibility plans. (See section 60 of the Accessible Canada Act). The CTA should use this broad mandate to create as prescriptive and strong regulations as possible, rather than leaving important elements to guidance documents, which

transportation providers may or may not follow. For example, regulations must require providers to include the timeline for implementation in their accessibility plan. Leaving a timeline to the guidance documents will yield weak accessibility plans.

It has the potential of being useful if it is used by the service provider. Providing examples of barriers to accessibility and suggestions for finding resolutions for the removal of such barriers should be viewed as helpful by service providers, then such documents could only be beneficial - but cannot be enforced as Regulations.

**2. What CTA guidance material, if any, would be helpful in implementing planning and reporting obligations and ensuring documents are relevant for persons with disabilities?**

This is a complex question as the requirements of service providers and those of persons with disabilities are very different. However, including both service providers and persons with disabilities in the planning process is progressive and the process should be beneficial to all parties. However, they can only be useful if the guidance is followed - they cannot be enforced like Regulations.

Service providers need to know what providing their service in an accessible manner truly means. It certainly does not mean providing their service in the same manner to every person that phones or comes to their counter. It does mean that the specific characteristics of the individual must be a consideration in the service delivery. All the guidance documents in the world will not help a service provider that refused to obtain or follow such documents - content in Regulations can be enforced.

Training of staff may be the most important aspect of delivering an accessible service. Having persons with disabilities involved in the training means that staff are hearing from the persons requiring the service how it is best to deliver the service to them.

CCD has the motto "nothing about us - without us" and unfortunately the CTA cannot include provisions for service providers to engage persons with disabilities to aid them in resolving their accessibility issues and bring down the barriers.