



Consultation on Requests for Temporary Exemptions from the Accessible Transportation for Persons with Disabilities Regulations

February 12, 2021

Attn: Scott Streiner, Chair and CEO, Canadian Transportation Agency
15 Eddy Street, 17th Floor
Gatineau, Quebec J8X 4B3

Dear Mr. Streiner,

Please find below the CNIB Foundation's responses to the above noted consultation. We have reviewed the seventeen English language submissions and are providing our comments.

CNIB recognizes the pressure the drastic economic downturn is having on the transportation sector and the entire economy and we appreciate the difficulties being faced by industry. However, many of these regulations are not new and will not cause undue hardship.

Section 9: Accessible Websites

Of the seventeen English language submissions which we reviewed, only the St. Johns and Prince George airports provided evidence, in CNIB's opinion, which would warrant granting a conditional extension.

St. Johns - "The Airport Authority has also made contact with our website provider to meet the Level AA conformance in the Web Content Accessibility Guidelines. The cost to meet the requirement would be minimum of \$9,375, which is not currently within our budget."

Prince George - "The website is at 99% completion with a minor delay on some of the coding forms and we are expected to be fully compliant by January 25, 2021."

Prince George has provided the agency and the public with real meaningful timelines by which they hope to meet the ATRPD expectations.

CNIB recommends the agency require all transportation service providers to provide similar disclosure and accountability.

Section 10: Public Announcements Within Terminals

Of the seventeen exemptions put forward, CNIB Foundation recommends this exemption is not unreasonable, providing transportation service providers are required to provide detailed plans and timelines as to how they will meet the ATRPD in the future.

Should this exemption be granted, appropriate assistance must be made available to passengers who are blind or partially sighted while waiting for departures. Service providers are operating with skeleton staff due to decreased travel – however, even with skeleton crews, passengers who require ground assistance must be offered assistance without causing undue barriers or having their dignity compromised.

Navigating Canadian terminals will look very different in the coming months and years. The National Airlines Association of Canada has detailed the many regulatory expectations being imposed on their members. While CNIB understands the economic challenges being faced by industry, we believe that accessible announcements are even more important in a COVID and post-COVID world.

Travelers with disabilities need access to information in formats and mediums that are accessible now more than ever. When normal activities begin to resume, information about passenger health and safety requirements must not be provided only through signage or formats not accessible to people with sight loss or who have other perceptual disabilities.

One example of an innovative approach adopted by the Toronto Pearson Airport is making available virtual agents through AIRA, a service that virtually connects people who are blind or partially sighted with trained live agents. This facilitates independent navigation through Canada's largest and busiest terminal using a mobile device. CNIB recommends that other federally regulated terminals will also implement similar innovative solutions.

CNIB recommends that the agency grant extensions to terminal operators regarding Section 10 requirements, but only with the provision that tangible and realistic plans are instituted to ensure that information is available in formats accessible to all travelers.

Section 11: Automated Self-Service Kiosks

Some Canadian terminals have begun to deploy accessible self-serve kiosks. However, the devices procured by many Canadian terminal operators have not adopted the CSA standard cited in the regulations, including major airports like Calgary and Toronto.

Instead, the interface of these kiosks seems to be one developed outside of the guidance provided through the standard specified in the ATRPD.

CNIB supports requests by industry to replace current devices with accessible devices but we would strongly encourage operators to follow closely the CAN/CSA-B651.2-07 (R2017) standard. CNIB is in support of a delayed coming into force as set out by the Greater Toronto Airport and the National Airport Alliance of Canada, but only if replacement devices follow more closely the standard cited in the ATRPD.

Additionally, CNIB is concerned about the possible use of touchless biometric devices that rely on retinal scans, like what is currently being used in the United Kingdom. As with any new technology, biometrics must be carefully considered before being adopted – without careful consideration, they may introduce new barriers for travelers who are blind. Simply put, just because biometrics are available does not warrant full scale adoption.

While we understand and fully support the rationale behind touchless systems, these may create major barriers for people who are blind or partially sighted that rely on tactile access to interact with their environment.

Sections 15 to 23: Training Requirements

CNIB Foundation does not support further delay of this regulation as meeting this requirement would not create undue hardship for industry. The regulations simply set out that personnel receive training within a specified time. While the pandemic will introduce new curriculum, accessibility materials and resources are readily available.

Additionally, CNIB and other members of the Agency's Accessibility Advisory Committee have suggested, training should be delivered by persons knowledgeable of accessibility issues and ideally by those with the lived experience.

Industry has said that the changing landscape created by the pandemic requires continuous personnel training. CNIB recommends that this ongoing training be used as an opportunity to include accessibility awareness using existing material readily available via the Agency's resources. Not using this opportunity to train staff means key personnel have missed out on the opportunity to understand the needs of their customers with disabilities who will continue to travel for pleasure and business.

Section 58: Written Confirmation of Services

Changes have and will continue to be consistent as the pandemic continues; timely, accessible information regarding travel arrangements for passengers with disabilities must not be postponed.

At the current level of travel, the number of passengers who are blind or partially sighted that are traveling is likely minimal. CNIB will only support further delays of Section 58

coming into force if service providers be required to develop processes that will ensure passengers who are blind or partially sighted will receive timely and accessible details about their travel plans and disability related accommodations as soon as travel resumes.

Section 59: Retention of Electronic Copies

CNIB has stated in previous submissions that we do not believe keeping records of travelers with disabilities on file will cause undue hardship. Service providers already maintain loyalty programs operated within secure environments and under the stewardship of trusted entities. Altering these systems to also store copies of medical certificates, guide dog training records etc. should be easily achieved.

CNIB recommends that if not achievable within the time frame specified by the ATRPD that at minimum, service providers make available to the agency detailed plans as to how and when this regulatory expectation will be achieved.

Section 216 – Curbside Assistance

CNIB recommends that terminal operators and service providers engage in regular discussions about curbside service delivery. CNIB recognizes that the fluid nature of transportation will see many changes between today and post-COVID return to normal. However, regardless of how curbside assistance is provided, it remains essential that travelers who are blind or partially sighted know what to expect and how to request assistance. The need for accessible communications of how services can be accessed must be an expectation.

Subsections 227(4) – Provisions Related to Designated Relief Areas

Several Canadian airports have already installed dog relief areas within restricted areas of terminals including Calgary, Toronto and Vancouver. CNIB does not support further delays of this regulatory expectation. Instead, we strongly encourage terminal operators to adopt a ramped approach, ensuring that capital expenditures are budgeted accordingly as the demand for transportation services rebounds. CNIB recommends that transparency and accountability mechanisms are established and that persons traveling with guide or service dogs are aware of which terminals are equipped with relieving areas and how they may be located.

We also encourage terminal operators to review [CNIB's guidelines on indoor and outdoor relieving areas](#). The shower stall like facilities, adopted at many terminals, may be appropriate for smaller dogs but guide dogs tend to be larger breeds.

Conclusion

CNIB recognizes the extreme financial hardships facing transportation service providers. However, as CNIB and other disability stakeholders have stated earlier, the expectations of the ATRPD have been long understood by all stakeholders, especially industry.

Many of the organizations formally requesting further extensions to the ATRPD coming into force have been active contributors to the development of the regulations. Implementation of regulations has been left too late by industry. For example, websites, which consistently undergo updates, should have already been accessible or, as demonstrated by the Prince George Airport, should be close to being accessible. The community of guide dog and service dog users has long been advocating for secure relieving areas, but full deployment has only come because of regulations set out by other countries. CNIB recommends that the Agency assume a strong leadership role in bringing about a federally regulated, accessible transportation network that will be a model for other countries.

Prepared by:

Lui Greco
Manager Regulatory Affairs
The CNIB Foundation