

**Submitted by email to the Canadian Transportation Agency**

**Subject:** DT submission :: Phase II – Consultation on the Accessible Transportation for Persons with Disabilities Regulations (ATPDR)

**(Removed)**

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## **1. Small Transportation Providers**

*Questions*

Q.1.1: In extending the ATPDR to small transportation providers, what modifications to regulatory requirements, if any, are needed?

**A.1.1: FEW if any. Try to get away from the 'small' v 'large' paradigm definition you attempt to use - it's merely a loop-hole to some**

Q.1.2: 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?

**A.1.2: 12 months; this isn't complicated!**

Q.1.3: 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?

**A.1.3: of course there are; climate/weather factors and limited ,or less, access to certain resources and right-on-time deliveries - yada yada yada; the solutions will present themselves - dont try to prescribe solutions, these service providers have intellect and capacity to seek and provide solutions, give them a chance .. I've worked in remote settings and know that innovation comes from problems**

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

## Questions

Q.2.1: Should the 1p1f requirement apply to transportation to and from Canada? If so, should it apply to both Canadian and international transportation providers?

**A.2.1: YES. YES to ALL. Universal Solutions and Universal Regulations to ALL to provide Universal Design and Accommodations. There is not discrimination across borders, on land, on sea or in the air.**

Q.2.2: 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?

**A.2.2: Authorities having Jurisdiction (AHJs) do HAVE Jurisdiction of their 'air space' and use of such. This is not a 'virtual' reality discussions here. Airlines that operate in Canada do have to comply with Canada Rules and Regulations, Statutes and Best Practices - this isn't complicated. Some may try to complicate this but it really isn't a complicated issue. Enforcement may be a little difficult but quite frankly the market will influence compliance (not the opposite as some may suggest). These Accessibility requirements are NOT imposing on anyone but rather liberating to ALL. This is universal Design not Barrier-Free' Design. I can argue easily against any case that suggests this can't be done for ALL air travel within Canada. I would even go so far to say that we MUST (and NEED) to comply with the USA better.**

Q.2.3: Should 1p1f apply to small transportation providers?

**A.2.3: YES [the premise of defining 'small' v 'large' is somewhat false in that it is better to look at usage and type of service; its like trying to suggest UBER is small because it uses small passenger cars and VIA Rail is large because it uses rail cars - I would content that UBER transports far MORE people than VIA rail does and has significant capacity to comply with any transportation regulation .. I'm not suggesting they are regulated by CTA - I'm merely showing the comparison of small v large capacity .. but I wouldn't put aside the need to regulate small vehicle passenger transportation service providers like UBER within the CTA portfolio]**

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

#### *Questions*

Q.3.1: What do you think about a potential requirement for transportation providers to accept ESAs? What conditions, if any, should apply?

**A.3.1: Current measures are adequate - in fact, we are too lenient at present. Perhaps more importantly we need to ENFORCE the existing Rules and PUNISH those who cheat - with FAKE ESAs and FAKE Service Dogs .. the FRAUD Factor is a PROBLEM (my daughter is visually impaired and has a guide dog, the dog is fully certified with the Lions Canine Vision DogGuide School her in Oakville and they travel for her work, they have many good experiences but they also have many stories of problems with transportation service providers and also with fake service animals compromising the work that her guide dog is doing - we've discussed this with CTA authorities and they said they're working on improvements!]**

Q.3.2: 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)?

**A.3.2: yes ONLY accept certain animals for ESAs : dogs, cats, rabbits, all in carriers except for larger dogs; but all subject to certain key criteria including evidence of need and evidence of ESA qualities and capacity**

Q.3.3: 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 behaviour, that pose a high allergen risk, or do not fit in a travel carrier or on the floor at a traveller's feet.

**A.3.3: have species limit AND key criteria; the more prescriptive for the ESA the better .. the service dog has prescriptive measures so why shouldn't the ESA [also we're really going too far out on this ESA nonsense - I support ESAs, my daughter had one, but we ONLY traveled once on one flight only with the ESA - ESAs should only be necessary IF no other alternatives present themselves; there are many alternatives and we need to manage this ESA push carefully, it has already gone too far to compromise the REAL service dogs who are doing the real life saving work**

Q.3.4: 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?

**A.3.4: there are many factors that should influence the means and mode of transportation one chooses - that should be the primary approach by the traveller - it's the traveler that has the issue NOT the transportation provider .. and no I don't think we should have a variety of ESA types**

Q.3.5: 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?

**A.3.5: ESA rules for ALL (no small v large variance)**

Q.3.6: In the United States, enforcement action is not taken if an airline refuses to transport more than three service animals for one traveller, 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?

**A.3.6: MAX ONE "Service" Animal .. MAX ONE "ESA"**

Q.3.7: 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 traveller 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 traveller requires the animal to travel, for medical reasons, as indicated by a health care practitioner who is treating the traveller and confirms that the traveller has a disability and needs the animal to travel for disability-related reasons;

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

**A.3.7: Supporting documentation should comply with the Provincial, State or Federal Jurisdiction of the outbound, originating, place of travel (hence it will address itself for return travel points) and as you know the good provinces have good laws which define service animal/dog. The highest possible standard**

**should apply to service animals. Yes documentation must be provided by the traveler before and during the travel to the transportation provider. The same must apply for ESAs, but as I had shared and believe, we need to be much more stringent on ESAs and expect similar high quality and authentic documentation. (as for relief areas and other needs of service dogs - we have a long way to go on this - few airports have proper accommodations - and I believe Airport Authorities have sufficient funds to properly service ALL travelers including those with service dogs - and they don't - its a disgrace - i have several stories regarding this]**

Q.3.8: 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?

**A.3.9: Why would ESAs be treated differently? If you are going to consider ESAs - with legitimate documentation, which fit into the prescriptive criteria - then yest they need to provide all documentation on time as required. The burden of proof for ESA MUST be very high if not higher than service dogs! [people who see my daughter - who is blind, but doesn't "look" blind may even doubt her legitimacy and her guide dog's legitimacy and this is a consequence of so many ESAs and FAKE service dogs]**

Q.3.10: 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 travellers from using ESAs therapeutically?

**A.3.10: YES indeed! No, these are not limitations of use by the traveler with his/her ESA - this 'petting' thing is nonsense. Of course, holding caressing and petting can enhance the experience someone may get with their ESA but the primary value is the ESAs presence with them. Most legitimate genuine people with ESAs value the safety and health of their ESAs and know that their ESAs are safer when cared for in a safe secure manner on a trip - the people who play with their ESAs are frauds. They may suggest or even vehemently state that their 'truth' is that they 'must' touch and caress to get the 'health' and 'care' they need to 'safely' travel .. yada yada hog wash!**

Q.3.11: 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?

**A.3.11: NO. Let's stop complicating things .. service dogs do work - they are purposeful and serve their handlers for safety and health reasons. ESAs have somewhat extended the 'spectrum' and now we have problems! I'd rather we spend some time addressing service dogs in-training!**

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

##### **a) Accessibility Plans**

###### *Questions*

Q.4.a.1.1: 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)?

**A.4.a.1.1: ASAP. 12 months is sufficient. This is NOT rocket science! Fro most of them they already have their docs, and the rest is copy-aste.**

Q.4.a.1.2: Should the timing of publication be consistent with that required under any other federal laws, such as the Employment Equity Act?

**A.4.a.1.2 NO. This is a TRANSPORTATION issue. Don't complicate things more. Just hope we're in compliance and in step with USA.**

##### **b) Feedback Process**

###### *Questions*

Q.4.b.1.1: 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?

**A.4.b.1.1: Give them 4 months or you CTA do it for them. I do think we're maybe hoping and expecting too much form some of them. Even the big airlines don't ever ask much of their targeted audience - my daughter has flown with AC a dozen times last year (with her guide dog) and she's had good trip and less good trip. Not once has AC ever reached out to her for her 'feedback'.**

Q.4.b.1.2: Should the publication date of the feedback process be the same as for the initial accessibility plan?

**A.4.b.1.2: NO .. its all about "NOW" and ASAP .. don't extend this any longer**

##### **c) Progress Reports**

## Questions

Q.4.c.1.1: When should first progress reports related to the Accessibility Plan be due?

**A.4.c.1.1: within 3 months of initiation (monthly internal and quarterly external)**

Q.4.c.1.2: How frequently should progress reports be required thereafter (e.g., every year or every two years)?

**A.4.c.1.2: (monthly internal and quarterly external)**

## **d) Publishing and Providing Documents**

### *Questions*

Q.4.d.1.1: What should the publication requirements be?

**A.4.d.1.1: you've done a good job with this CTA process and docs .. this is a good model**

Q.4.d.1.2: 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?

**A.4.d.1.2: website, like you've done here**

Q.4.d.1.3: Should specific accessibility standards be met when posting the content, as provided in the ATPDR ?

**A.4.d.1.3: like you've done here**

Q.4.d.1.4: Should a telephone number, email address, and a third party's telephone number for telephone relay or video relay service be provided – which is also consistent with requirements in the ATPDR – to enable persons with disabilities to contact transportation providers regarding these publications?

**A.4.d.1.4: like you've done here**

Q.4.d.1.5: 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?

**A.4.d.1.5: sure, why not**

Q.4.d.1.6: Some small transportation providers may not have a website. Given this, what would be an acceptable alternative to publishing a document?

**A.4.d.1.6: you host their info, give them a portal account**

Q.4.d.1.7: 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?

**A.4.d.1.7: this is a matter withing provincial/state AHJs .. her the AODA will attempt to put them into compliance (although little enforcement), and Best Practices and good business practice will lead them with their choices [if you need to mandate them to know how to convey information with their clients then they're in the wrong business] - don't complicate things - enforce the CTA and ATPDR stuff - let them do the rest**

Q.4.d.1.8: 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?

**A.4.d.1.8: sure .. how bout they spend less time in alternate languages and stick to the 2 official languages and then your list .. but really, do you have to TELL them how to communicate???**

#### **e) Variations in Regulatory Application**

##### *Question*

Q.4.e.1.1: What modifications, if any, would be appropriate for small transportation providers? For example, additional time for preparing required documents may be appropriate.

**A.4.e.1.1: None**

#### **f) Minimizing Duplication**

##### *Questions*

Q.4.f.1.1: 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.

#### **A.4.f.1.1:**

Q.4.f.1.2: Would the same publishing deadlines facilitate reporting with CTA and ESDC?

**A.4.f.1.2: no one cares, we care about universal design and accessibility and best practices and compliance with the AHJs and client service and the like .. IF we're too fixed on how to facilitate 'reporting' we're missing the prize here!**

#### **g) Guidance Material**

##### *Questions*

Q.4.g.1.1: Is the draft guidance material on the feedback process useful?

**A.4.g.1.1: sure, offering guidance is useful indeed, they all look for guidance so they know better how to comply - but at times they see it as a minimum standard - the lowest hanging fruit - so be mindful that guidance does not breed innovation**

Q.4.g.1.2: What CTA guidance material, if any, would be helpful in implementing planning and reporting obligations and ensuring documents are relevant for persons with disabilities?

**A.4.g.1.2: anything that helps them think beyond the bottom line but rather on added value propositions and having them know that YOU, CTA, will ensure that their 'competitors' will have similar obligations and comply - they all want a FAIR deal**

#### **Annex A - Large Transportation Providers**

<https://otc-cta.gc.ca/eng/consultation-paper-phase-ii-accessible-transportation-persons-disabilities-regulations#AnnexA>

#### **Annex B – Small Transportation Providers**

<https://otc-cta.gc.ca/eng/consultation-paper-phase-ii-accessible-transportation-persons-disabilities-regulations#AnnexB>

#### **Accessibility Standards**

<https://www.otc-cta.gc.ca/eng/accessibility#standards>

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