

Consultation paper: Phase II of the Accessible Transportation for Persons with Disabilities Regulations (ATPDR)

Comments from Dorothy Macnaughton

(Removed)

It would have been helpful to have the questions in a separate document (plain text) so that I did not have to copy and paste them into a separate document.

As someone with vision loss, I have travelled by air, train, bus and ferry throughout Canada and in the U.S., the UK and Sweden.

Mostly, living in Sault Ste. Marie, I fly using a small transportation provider or by bus, primarily within Ontario. I have flown Bearskin Airlines which is quite small, has very little room and no washrooms or flight attendants.

Absolutely, the best customer service I have received from an airline has been with Porter Airlines. To me, training of staff is very important. It needs to be done right and if it is, it makes one's travel experience so much more easy and comfortable. It takes away the stress and uncertainty that can arise when one is not sure where you are or how to get to where you need to go.

My comments are bolded, beneath the questions.

1. Unique Characteristics of 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 may be physically unable to provide adequate room for a service animal or large mobility device. In that case, there should be exemptions.

However, if they are able to, I feel they should be held to the same requirements as the large transportation providers. Universal design principles should be considered essential when enacting transportation regulations.

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?

One year - the sooner the better. And, as pointed out in your consultation materials, many of the small transportation providers are already meeting many or all of the requirements.

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?

Cost is a challenge for smaller companies and for those businesses operating terminals if they want to become more accessible. In the case of terminals, there may be expensive renovations necessary.

What solutions would help address these challenges?

The government should offer meaningful financial incentives to businesses willing to retrofit their terminal facilities or to purchase accessible vehicles.

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

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?

Yes, it should. Otherwise, people who require this accommodation in order to travel will be at a disadvantage due to their disability. This is not only inequitable, but a denial of their human rights.

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?

Perhaps some kind of policy could be agreed upon by Canada and at least some other countries' air travel regulators. If information is communicated to people with disabilities, they are more likely to travel with those companies.

3. Should 1p1f apply to small transportation providers?

Yes.

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?

This would be good, but only if ESAs are trained by an accredited organization and the person can prove their animal is appropriately trained. They would also need to provide proof of the need for the animal by a registered professional.

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)?

Only certain species.

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.

No - too complicated and open to misinterpretation.

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?

Same criteria for all. See Question 1.

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?

Yes, the same requirements, with exemptions for very small size or seating capacity of the aircraft, rail car, bus or ferry, relative to the size of the ESA. For example, some larger service animals would not fit in a Bearskin airplane.

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? **Yes.**

If so, what limit? **One.**

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.
 - **Certainly the first point should apply, as well as authorized certification that the ESA has been trained.**
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?
 - **The same notice as above.**
9. Should transportation providers be permitted to require that ESAs be tethered, leashed, harnessed, and/or enclosed within a travel carrier? **Yes.**

Would any of these requirements prevent travellers from using ESAs therapeutically?

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?

Yes, however, again only animals that are properly trained and certified; also animals that fall into the category of acceptable.

4. Planning and Reporting Obligations under the Accessible Canada Act (ACA)

a) Accessibility Plans

Questions

The requirements of accessibility plans should be aligned with the ACA.

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)?

12 months

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

Yes.

b) Feedback Process

I agree that "a required feedback process should potentially include the following elements:

The method(s) the transportation provider offers for providing feedback, such as in-person discussions, written submissions, and/or audio submissions;

The timing for the submission of feedback; and

Alternative formats for documents related to the 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?

It should follow the process outlined above.

Meaningful feedback is not only "to ensure that members of the disability community have an opportunity to provide transportation providers with meaningful feedback", but also that people who have provided feedback know there is a mechanism for the transportation provider to respond to and solve the person's concerns.

Therefore, the feedback mechanism must allow for:

- a non-judgemental way for the person to provide feedback on the plans and particularly on barriers they have encountered - stating the facts
- a specified contact person for the feedback
- an indication of how and when the person's comments or concerns will be addressed
- a final confirmation from the contact person to explain how the person's concerns have been appropriately and satisfactorily addressed, in a timely manner.

2. Should the publication date of the feedback process be the same as for the initial accessibility plan?

Yes.

c) Progress Reports

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

At the end of the first year.

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

Every two years.

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? **Yes.**
 - Should specific accessibility standards be met when posting the content, as provided [in the ATPDR](#) ? **Yes.**
 - 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? **Absolutely.**
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? **Yes.**
3. Some small transportation providers may not have a website. Given this, what would be an acceptable alternative to publishing a document?

Notice should be posted at the transportation provider's facilities, at least one copy in regular print, large print and in braille. When persons with disabilities arrive at that location, they must be told verbally or provided with a print copy to read so that questions can be answered. Also, there could be a message on the phone explaining the availability of this document, upon request.

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?

The person should be able to request the document in an alternate format (see question 5 below) that meets their information or communications needs. The same rules that apply in the ATPDR.

How much time should a transportation provider be allowed to provide it?

Within one month or before that, if practicable. It may take longer to have a document prepared in braille.

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?

All of the above.

e) Variations in Regulatory Application

Question

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

I don't think any modifications would be required. The small transportation providers, however, will need to be properly informed about what appropriate documents are to meet the requirements, and how to prepare them at the time the regulations come into effect.

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.

I agree with most of this, including ideas for future guidance, with one addition:

Annex C – Sample Template for Accessibility Plans

Draft template – accessibility plans

Plan details (the barriers being addressed)

This section would describe:

- The **types** of barriers the plan covers (service barriers or barriers in a policy, program, or practice);
- The area **where** each barrier is. Transportation generally is one area. Depending on the provider, other relevant areas could include:
 - Services for persons with disabilities (includes design and delivery);
 - Program design and delivery;
 - The built environment (this means terminal buildings and planes, ferries, trains, buses);
 - Procurement (goods, services, facilities);
 - Information and communication technologies (IT and CT); and
 - Communications (not IT or CT, but communications about the above areas).
 - **Add: Information**

Annex D – Sample Template for Progress Reports

Draft template – progress reports

Section 1: Introduction

- How the provider consulted persons with disabilities:
- The feedback received; and

- How the provider considered the feedback - vague wording. It should be replaced with something like the following:
- How the feedback was responded to as a result of consulting with the person providing the feedback and how a reasonable solution was agreed upon by both parties

Other

The template could come with some instructions for providers. For example, it could tell them to put reports in a font that is large and easy to read **and to make them available in a plain text format.**

Annex E – Ideas for the Feedback Process

Ways to Give Feedback

I believe the following should be in the regulations, not in the guide, so that no method of feedback is missed:

"Providers let persons with disabilities give their feedback in one or more of the following ways:

- **At meetings with the provider (in-person or by teleconference or videoconference);**
- **By email;**
- **Through the provider's website or social media accounts; and**
- **By mail or phone, especially if the provider has no website or reliable internet."**

Dealing with feedback

I believe the following should be in the regulations, not in the guide, so that providers are required to keep records of the barriers and how they address them.

Providers must:

- Keep a record of all comments they receive, and retain the record for a certain length of time;
- Keep a record of what they do to address comments;
- Summarize the input that identifies barriers;
- Track also accessibility complaints that come through other means;
- Break down all complaints by number and type; and

- Summarize the input they receive about the Accessibility Plan and how it is being implemented.

Alternate Formats

Regulations could include putting all documents in a font that is large and easy to read **and in plain text format.**

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

Guidance Material

Questions

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

Yes. Although some should be included in regulations, in my opinion (see comments above in Annexes)

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?

I agree that these should include "best practices on consulting with persons with disabilities in the preparation of an accessibility plan or progress report; the use of milestones and performance indicators to measure progress; and strategies for identifying barriers."

I also believe transportation providers need good guidance material, such as those suggested, to help them understand, in plain language, their legal responsibilities and other things they can do to make travel easier, less stressful and better for people with disabilities.

Additional Comments:

Nowhere in this document does the CTA require transportation providers, both large and small, to ensure their websites are accessible, as per W3C Accessibility Standards. I believe these regulations should address this inequity. Some people who use screen readers or who may have a learning disability may not be able to access the provider's website at all. This is a huge barrier and must be addressed.