

1. How to apply ATPDR provisions to small transportation providers – with adjustments to reflect their unique operating realities;

## Questions

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

None.

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?

2 years.

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?

Whether deemed large or small transportation providers, private bus carriers tend to face the same economic and physical conditions.

Often these carriers have buses that are older and were manufactured at a time when there were fewer or different technical standards for accessibility, e.g. buses with narrow aisles, small doors, and lack of kneeling features.

Private carriers serve passengers at many different types of locations, from intermodal publicly owned and controlled terminals with customer service staff, to locations such as gas stations, restaurant parking lots, bus shelters, and signed roadway stops where the driver is the only customer service representative. Safety, cost, convenience, and available amenities limit the safe stopping options available to private carriers in many rural communities.

2. Whether or not to apply the One Person, One Fare (1p1f) requirement to international travel and to 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?

We believe all bus modes both national and domestic should offer 1p1f.

For travel originating from or within Canada, Greyhound Canada Transportation ULC currently offers 1p1f service to persons with a disability, whether they require a Service Animal, a Personal Care Attendant, or a second seat.

However, interline carriers in the United States may not offer 1p1f.

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?

No response.

3. Should 1p1f apply to small transportation providers?

Yes. To have a seamless customer service experience, all carriers should be consistent.

### 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?

The carrier will have the option to refuse the ESA.

When assessing an ESA accessibility request, the carrier will consider the safe operation of the motorcoach and the safety and comfort of the other passengers. Upon acceptance, an accessibility reference number for the trip will be issued to the passenger.

The animal will remain within a travel carrier, kept within the passenger's space at all times.

The passenger will be responsible for the ESA at all times. Neither the driver nor other staff will carry or otherwise handle the ESA under any circumstances.

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)?

Yes, the carrier will have the right to refuse an ESA on the basis of its species.

ESAs do not undergo a recognized training program and are not certified service animals.

Accordingly, ESAs should travel within a travel carrier. The passenger will need to commit that the ESA will not behave aggressively at any time or the ESA will be refused for transport.

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.

The carrier will have the right to refuse an ESA on the basis of its habits and behaviour, age, size, allergen risk, etc.

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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?

The bus mode will not accommodate any animal larger than a professionally trained and certified service dog.

ESAs will ride only in the passenger area of the bus and not in the baggage compartment.

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?

Small buses with lower revenue generating capacity will not be required to accept any ESA that requires a separate seat.

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?

With reasonable exceptions and subject to the approval of the carrier (e.g. animals of small size kept within one travel carrier), no more than one service dog and/or ESA per passenger will be accepted on a bus.

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.
  - o 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.

The passenger will provide medical documentation to the carrier from a regulated and certified health care practitioner attesting to the passenger's disability and requirement for the ESA.

- This documentation will be provided at the time of the ESA accessibility request.
- The passenger will also produce the documentation to the driver or other staff upon request.

ESAs do not undergo a recognized training program and are not certified service animals. As part of the ESA accessibility request, the passenger will submit a completed ESA form including the following statements and acknowledgements:

- The ESA will remain within the travel carrier at all times. The passenger will not remove it from the travel carrier, except to allow it to relieve itself in a designated area.
- The animal will not need to relieve itself except at passenger rest stops as designated by the carrier on their published trip schedules, in designated relief areas;
- The animal will not develop motion sickness;
- The animal will not behave aggressively at any time, including barking, snarling, lunging, etc.;
- Any aggressive activity will result in the ESA's refusal for transport
- The passenger will be responsible for the ESA at all times and accepts all liability for the ESA's actions.

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?

Passengers who wish to bring an ESA on their trip will make an accessibility request with the carrier with the same 48h advance notice as currently applies to wheelchair, service dog, and other accessibility bookings.

**The ESA accessibility is separate from the ticket purchase process.** In order to take advantage of advance purchase discounts and avoid disappointment if a trip sells out, the passenger is recommended to purchase their ticket **before** filing their ESA accessibility request.

The ESA accessibility request will be accompanied by the medical documentation and the completed ESA form as set out above.

Upon acceptance, an accessibility reference number for the trip will be issued to the passenger.

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 travellers from using ESAs therapeutically?

Because ESAs do not undergo a recognized training program that mitigates their potential risk to the driver and other passengers, the carrier may require that the ESA be enclosed within a travel carrier.

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?

The carrier will refuse a service animal that is too large for a single seat. In the United States, miniature horses are accepted. We do not want this in Canada. Service cats will be secured within a travel carrier.

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#### 4. Planning and reporting frameworks for transportation providers, pursuant to the Accessible Canada Act, which came into force on July 11, 2019.

### a) Accessibility Plans

In preparing their accessibility plans, transportation providers must describe their policies, programs, practices, and services in relation to the identification and removal of barriers, and the prevention of new barriers, taking into account the [principles of the ACA](#).

Transportation providers must publish their first (initial) plans within one year of the date set by the CTA in the regulations.

They must prepare and publish updated accessibility plans at least every three years, (a) starting from the date the plans were published or (b) a shorter time set by the CTA in the regulations. Regular updates of plans will allow transportation providers to take account of changes in the operating environment, new technologies, lessons learned, and so forth.

#### 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)?

24 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

Transportation providers must establish a process for receiving and responding to feedback about:

1. The manner in which they are implementing their accessibility plans; and
2. The barriers that may have been encountered by persons who use their services.

This process will provide transportation providers with important information regarding on-the-ground realities, allowing them to course-correct as needed. Transportation providers must also use this information to prepare their [progress reports](#).

For example, a required feedback process could 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?

Members of the disability community may supply their feedback via website feedback form, telephone, or email to the carrier.

Greyhound encourages regular trip-, practice- and policy-specific feedback from its customers with accessible needs via telephone, email and web form.

As a participating member to the very first Intercity Bus Code of Practice and its subsequent iterations, Greyhound has been continuously engaged in developing more accessible bus services since 1992.

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

No. These should be separated to allow time for review and potential inclusion.

## Process Reports

Transportation providers must prepare a progress report on the implementation of their accessibility plans. They must consult persons with disabilities in preparing the report, and explain how they did so in the report. As well, the progress report must set out information concerning the feedback they received through their feedback process and how that feedback was taken into consideration.

The CTA's regulations will establish when first progress reports have to be published and how often transportation providers are required to report on progress moving forward.

Transportation providers will need time to implement their accessibility plan; collect, assess, and apply feedback received in the feedback process; and consult with the community of persons with disabilities in preparing progress reports. That said, they should provide reports frequently enough to allow for a timely assessment of the progress being made in removing barriers to persons with disabilities.

## Questions

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

Six months to one year after implementation.

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

Given that the CTA is responsible for monitoring and enforcing the planning and reporting requirements, transportation providers must, by law, notify the CTA when the above documents are published.

In addition to publication, transportation providers must, by law, make their accessibility plans and progress reports available upon request to a person with a disability in an accessible format. For example, transportation providers could be required to make plans available in braille or audio. The ACA requires the CTA to make regulations that prescribe the form and manner of a request made by a person with a disability, as well as what formats must be made available to them.

## 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?

Yes.

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?

Carriers will notify the CTA within 30 days of online publication of the accessibility report with the access information.

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

Acceptable alternatives include email, mail, and telephone contact.

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 carrier will make their best efforts to provide requested information within two to three business days. More time may be required depending upon the complexity of the information request.

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?

The carrier will normally provide requested information by telephone, email and on its website.

Upon request, the carrier will convert documents to large print sent over email.

## e) Variations in Regulatory Application

The regulations will apply broadly to transportation providers across Canada's federal transportation network: airlines; passenger railway companies, marine carriers (ferries), and inter-city bus companies; the terminals that serve them; CATSA; and CBSA.

Some differences in approach may be appropriate based on considerations such as the size of the transportation service provider. For example, a small regional airline with 10 employees might need more time to prepare and update their accessibility plans than a large airline with a staff of 20,000.

### *Question*

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

No response.

## f) Minimizing Duplication

Under separate regulations developed by ESDC, transportation providers will also need to comply with planning and reporting obligations on other accessibility-related matters (employment, for example).

Transportation providers must fully consider and address every aspect related to accessibility that is required under the ACA. However, duplicative reporting can create unnecessary burdens, as well as confusion for the general public.

### 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.

No response.

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

Yes.

## g) Guidance Material

As the ACA has introduced new requirements, the CTA is considering what guidance material, if any, would help to ensure that requirements are clear for transportation providers and that planning and reporting documents are meaningful to persons with disabilities. These may 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; or strategies for identifying barriers.

To provide a clearer idea of the kinds of guides that would be possible, [Annex E](#) sets out ideas for possible guidance on the feedback process.

### Questions

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

Yes.

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?

Summary page including mandatory requirements and deadlines with key links.