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Comments from Greater Toronto Airports Authority to Canadian Transportation Agency regarding consultation paper – Phase II of the Accessible Transportation for Person with Disabilities Regulations (ATPDR)

Thank you for the opportunity to provide a submission on the Canadian Transportation Agency's (CTA) Phase II of the Accessible Transportation for Persons with Disabilities Regulations (ATPDR). Our understanding is that following this consultation the CTA will release draft regulations and we look forward to being able to provide feedback on the draft regulations.

The consultation paper is divided into four main areas: Small Transportation Providers, One Person One Fare, Emotional Support Animals, and Planning and Reporting Obligations under the Accessible Canada Act. The Greater Toronto Airports Authority (GTAA) will be providing comments related to each section except Small Transportation Providers.

The GTAA supports the CTA's vision to ensure 'no passenger is left behind' and an equitable experience for passengers with disabilities. The GTAA works alongside numerous organizations at Toronto Pearson that collectively work to deliver passengers a seamless experience by co-developing an accessible airport travel journey with advocacy groups for persons with disabilities.

It is important to note that the Phase I consultation and implementation of the ATPDR regulations, and Royal Assent of the Accessible Canada Act only occurred within the last year. Airports and airlines require time to adjust, assess the impact of and plan for the implementation of the first Phase of the regulations, which come into effect in June 2020. While GTAA is ready to engage in discussions with the CTA regarding Phase II regulations, it is important to keep in mind that we are currently in the midst of ensuring compliance with the requirements of the Phase I regulations. The CTA must provide the industry with time to digest the Phase I regulations, its implementation, and time for



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the CTA to determine the efficacy of its new regulations on the travel of passengers with disabilities. Rushing into additional requirements could hamper overall efforts to ensuring the best possible experience for persons with disabilities travelling to, from, and within Canada.

One Person, One Fare application to international air transportation

The current application of one person, one fare (1p1f) is an established practice for domestic operations. Domestic air carriers currently provide seating for a support person or attendant for persons with disabilities, where applicable, as well as for a large service dog (if required), or additional space to accommodate a person's disability. While air carriers have been adhering to this approach since 2008 for domestic flights, ATPDR has now extended that approach to all modes of transportation.

It is however difficult to see how the CTA could impose 1p1f on air travel for routes to and from Canada. While a laudable goal, as the CTA itself acknowledges that "many of the rules around air travel are established through multilateral work under the International Civil Aviation Organization (ICAO), as well as bilateral agreements between jurisdictions." Many of those air transport agreements (ATAs) prohibit interference in pricing for air carriers from outside of Canada. To impose a 1p1f requirement on domestic carriers only would cause market distortions and should be pursued with caution as this unfairly penalizes Canadian carriers who would be subject to these regulations and its associated impact.

An alternative is to create provisions where a support-person is seated directly adjacent to the passenger with a disability, where safely and operationally permissible.

Emotional Support Animals and Service Animals other than Service Dogs

Under the ATPDR, transportation providers are required to accept service animals to accompany person with disabilities. The GTAA supports the right of persons with disabilities who have a need to travel with a trained service animal. The GTAA has provided terminal facilities to accommodate this need.

While the trend has been to bring in more emotional support animals (ESAs) for the therapeutic value that they may provide to the travelling passenger, this increase has a potential impact on airport operations and on the safety of workers and passengers.

If there are not proper rules around leashing and restraint of ESAs, then the travelling public and workers at airports are at risk. At Toronto Pearson, untrained "ESAs" have attacked other passengers, created unsanitary conditions by relieving themselves in



various areas of the terminal, interfered with trained working dogs (like canines used by government agencies) or certified service animals, and have caused issues at restaurants searching for food from their owner and other patrons. The possibility of such incidents increases as the use of ESAs increases.

If the CTA is to pursue allowing ESAs through regulation, the GTAA recommends that controls must be placed on the owners and handlers of ESAs; for example, that ESAs be kept in animal carriers while in the airport to mitigate bites, lunging or bumping into workers, passengers and others (which may cause people to lose balance and fall), altercations with other animals including service animals, and running freely. Incidents such as these are likely to result in claims or lawsuits against airport operators and their partners. Furthermore, a medical note should be required for any person travelling with an ESA to ensure that the appropriate people are able to use an ESA. To continue to ensure passenger and worker safety ESAs should be limited to dogs

If the number of ESAs increases without regulation, then sanitation in airports could become a significant issue. Dedicated crews may be required to ensure cleanliness at airports along with the impact to current duties of airport employees, some of whom may have allergies. The number of service animal relief areas may need to be increased and the presence of some animals may pose an allergy risk to passengers and workers.

The CTA should defer regulations in this area until the new ESA regulations in the United States take effect and the CTA has had an opportunity to assess the benefits and shortfalls of pursuing similar regulatory changes. The US is currently the only market that requires carriers to carry ESAs and are in the process of limiting ESAs to only dogs. Moreover, the CTA should establish requirements to certify ESAs as there are currently means to obtain a 'license' for a small fee, making any pet an ESA.

The GTAA supports the need for an ESA, however, would request these animals be crated during its time within the terminals, until such time the animal is trained / licensed appropriately.

Planning and Reporting Obligations under the Accessible Canada Act

Under the Accessible Canada Act (ACA) which came into effect on July 11, 2019, transportation providers are responsible for the development of Accessibility Plans, Feedback Processes, and Progress Reports. The legislation also states that accessibility plans are to be published 12 months after regulations made by the CTA are in force.

The GTAA supports the CTA's presumed intention to increase that requirement to up to 24 months. Transportation service providers should be provided 18-24 months to



establish their initial accessibility plans and annual reporting should be aligned with the company's publicly available annual report. The CTA should not specify the format a report is available, however to ensure there is a means that addresses the various needs of an individual (for example – a printed issue may be in regular print; to avoid braille and large print – a version must be made available digitally through an accessible website). Toronto Pearson has a robust web presence and will be able to publish its plans within the current TorontoPearson.com website. The CTA should also take into consideration that organizations may have well-established feedback (or consultation) strategies to address the needs of all passengers, including persons with disabilities. The CTA should acknowledge these existing feedback mechanisms to satisfy its requirements. The GTAA's current approach of working through advocacy groups establishes a means to create a community-centred solution.

Regarding the questions of whether accessibility plans should be due at the same time as progress reports, it would be more effective to have the release dates staggered to ensure that a focus is on producing a quality plan or report rather than focusing on getting a plan or report out at the same time. Staggering the dates will allow for greater focus on completing each report.

With regards to the overall process of consulting and reporting, we encourage the CTA to take a policy or standards-based approach. This is an approach where the CTA would set the overall policy and objectives that must be met for the accessibility plan, feedback plan, and progress report. It would then be up to each airport to ensure that they meet the stated policy objectives. It is important to note that given the diversity of airports across Canada, airports will take unique approaches to ensure compliance with stated objectives. Simultaneously, common objectives will also drive a level of consistency amongst transportation providers.

Many airports currently have extensive relationships with their local stakeholder communities which include persons with disabilities, accessibility advocacy organizations, stakeholder organizations that promote accessibility and the rights of persons with disabilities. Airports should be allowed to use their existing consultation processes with communities to formulate their accessibility plans and reports. The GTAA works extensively with local communities, in addition to its employees through the Toronto Airport Workers Council (TAWC). The GTAA recently completed, the first of its kind, demographic study of airport workers in conjunction with TAWC.

The GTAA recommends the CTA not be prescriptive in its approach to the development of the accessibility plans, feedback processes, and progress reports. The GTAA asks that the CTA allow airports to determine the best approach, using their current relationships and existing realities, to meet the objectives of the Accessible Canada Act.



Given the nature of some of changes that may be required to ensure barrier free access for passengers and employees, it is recommended that progress reports be published every two years.

Summary

The CTA should establish how they will enforce these requirements on all carriers equally – including international carriers. A focus solely on the domestic carriers creates an uneven playing field and inconsistent passenger experience. Additionally, the CTA should continue to publish guidance material, as the materials provided to airports for the ATPDR was incredibly helpful and should be provided for all changes moving forward.

The GTAA's focus is to ensure that each passenger has an exceptional experience while travelling through the airport. We look forward to working with the CTA to help make that a reality.

Thank you again for the opportunity to provide input into the development of the Phase II regulations. The GTAA is prepared to set up a meeting or call with CTA to further elaborate on our position.

Respectfully Submitted,

A handwritten signature in purple ink, appearing to read 'Atul Sharma'.

Atul Sharma
Manager, Government & Stakeholder Relations