

Objectives

Part VII of the ATR addresses the terms and conditions of carriage of persons with disabilities and requires air carriers to provide various services to travelers with disabilities in order to allow them to access the federal transportation system without encountering obstacles.

The following proposed amendments are designed to remove undue obstacles to the mobility of persons with disabilities consistent with the Agency's mandate in support of Canada's national transportation policy.

WestJet fully supports the objectives as stated above. WestJet has made making our network more accessible a priority and continues to do so acknowledging more can still be done.

WestJet is proud to be the first Canadian airline that released a corporate social responsibility (CSR) report adhering to the Global Reporting Initiative's (GRI) guidelines.

The 2014 report (<https://www.westjet.com/assets/wj-web/documents/en/about-us/2014-responsible-growth-en.pdf>) shows WestJet's continued commitment to the economic, environmental and social wellbeing of the communities we operate in. Above all, we are committed to enriching the lives of everyone in WestJet's world and believe this report is an accessible reflection of that.

WestJet was the first major commercial Canadian air carrier to voluntarily remove all nut products from its complimentary and purchased food items on board. Furthermore for a period of time maintained auto-injector epinephrine pens on board all aircraft in its fleet to enhance mitigation measures for persons with severe allergies.

We are proud of our caring reputation and this is reflected in the overall number of complaints against the carrier on a per passenger basis and we look forward to reducing this number on a per passenger basis going forward.

All this to say we believe WestJet is making a best effort to satisfy all types of consumers to the best of our ability. The economic benefit generated by these efforts is just another reason why there is adequate incentive to ensure consumer's rights are protected and WestJet remains committed to ensuring we remain a world class leader in this regard.

Overview

The following represents WestJet's response to the proposed amendments along with responses to the specific questions posed by the Agency with respect to the selected proposals and initiatives designed to support the regulatory modernization effort.

The response is presented in the order the items were listed in the consultation document.

Approach to modernizing the accessibility standards

Although the Agency monitors the implementation of the codes and actively promotes compliance with them through education and outreach, there is no certainty that the standards will be met and there is no legal mechanism to address non-compliance.

WestJet Response: WestJet remains unconvinced moving from the present practice of voluntary codes to regulation will materially enhance the effectiveness of the programs and services available to the traveling public with regards to accommodation for persons with disabilities.

Setting standards and allowing service providers to meet those standards in creative and innovative ways has, in WestJet's opinion, been very effective at enhancing access in a manner that did not present an undue obstacle for persons with disabilities or an undue hardship for the carrier to accommodate in most cases.

There is always room for improvement, however, moving to a prescriptive regulatory regime as evidenced by the US DOT Part 382, has proven to be a considerable financial burden on the aviation industry, far more than what would likely have been imposed through a standards based approach.

That said if the CTA intends to proceed with introducing a comprehensive accessibility related regulatory regime, WestJet's request is to ensure the regulations remain standards based with as much flexibility and latitude as possible for carriers to achieve the stated standard.

Overly prescriptive regulations not only are costly and rigid to implement, but also stifle creative and dynamic solutions which are essential particularly in terms of meeting the needs of persons with disabilities.

Within the consultation document the following items were proposed to add to the applicable regulations.

Part VII of the ATR:

- Providing sufficient space for service animals.
- Ensuring that persons with disabilities are provided with the seating that best meets their needs.
- Recognizing that some aircraft are unable to carry mobility aids that do not fit through the door of the cargo hold.
- Providing an orientation of the aircraft for persons who are blind or partially sighted.
- Ensuring that small aids and assistive devices remain with the passenger if their use is needed during a flight.

PTR:

- An update to the scope of the regulations to exclude:

2016 Proposed ATR Regulatory Amendments

- air carriers that transport less than 10,000 revenue passengers annually;
 - air terminals that are not part of the NAS;
 - rail carriers in respect of commuter rail services provided by the carrier and tourist rail carriers; and,
 - extra-provincial ferry operators that exclusively use vessels of less than 1,000 gross tonnes.
- Prescribing a three-year time frame for refresher training.

WestJet Response: WestJet has no objections to these specific proposed amendments as they generally reflect industry best practices. More detailed comments for each specific amendment identified above are provided at the end of this response.

WestJet understands the Agency is considering converting the technical provisions in the codes, (e.g.: provisions incorporated from the Canadian Standards Association's B651 standard, *Accessible Design for the Built Environment*), into regulations while keeping the more objectives-based provisions in the codes of practice. While we understand this approach provides prescriptive regulatory provisions making requirements very clear for regulated entities and ensures these requirements can be enforced, WestJet cautions a wholesale migration from code to regulation. This applies to all codes and associated comments below.

It is sincerely hoped this transition process involves full and meaningful engagement of industry and consumers to ensure what transfers from code to regulation makes sense and is practical and cost effective when implemented.

Issues common to all modes of transportation

The new accessibility regulations could be structured in a way that recognizes that, regardless of the mode of transportation, carriers and terminals are expected to provide many of the same services to persons with disabilities throughout a passenger's journey – from check-in to arrival at destination.

At the same time, the regulations could contain provisions to reflect the services that are mode-specific, which are expected to be relatively few. Some of these mode-specific services could include: assistance moving in and out of a wheelchair tie-down on board a rail car; assistance moving from a car deck to upper passenger decks on board a ferry; and assistance accessing a relieving area for a passenger's guide dog.

WestJet Response: WestJet is not opposed to these proposed amendments however it is good to see the CTA recognizes there are unique conditions across the various modes. For the example identified above for transfers, the extremely restricted space in an aircraft creates unique challenges for air carriers and there are many aviation specific complexities to consider. Solutions used for other modes may not be feasible or practical for airlines to apply and latitude must be built into the regulations to allow for these realities.

The use of mechanical lifts is one possible solution to facilitate transfers inside aircraft cabins but there are weight and space limitations. Furthermore, in the case of manual transfers, there are safety considerations for the employees as well as the person being transferred and in some cases attendants for the person with a disability may or may not be in a position to assist, that may or may not be present for other modes of transportation.

All of these conditions need to be factored in and ideally dealt with through robust and meaningful government and industry consultation when considering prescriptive regulatory guidance across multiple modes of transportation.

Communication

The Code of Practice: Removing Communication Barriers for Travellers with Disabilities (Communication Code), first published in 2004 and recently updated following consultations with the AAC, sets out accessibility standards developed to improve the communication of transportation-related information for persons with disabilities in respect of the various modes of travel. The standards apply to both terminal operators and carriers.

WestJet Response: WestJet has no objections to the proposed amendments and migration into regulation as appropriate.

Training

The PTR require that transportation service providers, including both carriers and terminal operators, train their staff and contracted personnel, within a certain period of time, on how to assist persons with disabilities. (for example, persons who make policies or procedures with respect to persons with disabilities need to receive such training).

The PTR also require that employees and contractors who provide physical assistance to persons with disabilities receive training appropriate to their jobs (for example, assisting with mobility aids through doors and level changes; transferring a person between their mobility aid and a seat; guiding a person who is blind, etc.).

WestJet Response: WestJet has no objections to these proposed amendments and migration into regulation as appropriate. The code has proven to be a useful guide and the intent is to ensure those with direct access to the traveling public and in particular persons with disabilities, (and those who prepare the policies who guide these employees / agents of the carrier), have a good understanding of and sensitivity to the challenges and unique circumstances persons with disabilities experience when traveling through the Federal Transportation Network.

Prescribing a three-year time frame for refresher training is reasonable.

No additional suggestions for this proposed amendment at this time.

International air services

Part VII of the ATR currently only applies to domestic flights using aircraft with 30 or more seats. Given that air transportation is global, the Agency is considering extending the requirements reflected in Part VII to international services operated by Canadian carriers and possibly by foreign carriers as well.

WestJet Response: WestJet supports, in principle, extending requirements to include foreign carriers where it makes sense to do so. As the Agency has recognized there needs to be a mechanism in place where if regulatory requirements are extended to foreign carriers, those carriers can apply for exemptions where Canada's regulations are in conflict with their own home country regulations.

While the concept of equality is appealing in terms of cost and / or competitive advantage / disadvantage, the complexities of extending a unique 'Canadian' regime to encompass foreign carriers serving Canada can be onerous on the industry in general.

The preferred concept, understanding the challenges associated with such a concept, would be universal regulatory application. That is the regulatory regimes that a global air carrier would be exposed to would be more or less aligned such that compliance with the intent of one regulatory regime would meet the same intent and obligations of the other regulatory regimes.

Understanding there are fundamental differences between the EU and say US regimes, to the extent Canada's regime can align with the common denominator of these regimes would be the best case scenario. In this way not only is there a more seamless experience for consumers, but compliance for the carriers becomes far more manageable and cost effective.

Respecting jurisdictional and sovereignty considerations, as a minimum, to the extent Canada and the US can align the regulatory regimes in terms of consumer protection and accessibility related regulatory guidance, where it makes sense to do so, the more efficient and effective the overall operational experience will be for all stakeholders.

With respect to the question of impact to WestJet if the regime was applied to foreign carriers versus not applied, if we use the OPOF program as an example, while economically it would level the playing field, it would be extremely difficult, due to questions of jurisdiction, to impose such an obligation on a foreign carrier who operates to Canada.

A more practical application would be to apply regulations where there is already alignment – such as there is today for safety certification where mutual recognition is acknowledged and there is equivalency in programs even though how the standard is achieved may vary between regimes. This not only streamlines operational efficiency but also provides the governments assurances there is mutual acceptance of standards. This goes a long way to universal regulatory application.

Where there is no alignment, such as OPOF, exceptions should be built into the regulatory requirements for foreign carriers serving Canada, similar to how US regulations for denied boarding compensation do not apply in Canada for flights to the US.

In closing WestJet maintains the OPOF program remains an industry anomaly and is unique relative to other regulatory regimes where an air carrier's revenue is directly and negatively impacted by a legally binding decision. In other jurisdictions, the carrier has the discretion to extend accommodations to persons with disabilities who require attendants or require additional seating due to obesity without being compelled to incur an economic hardship in terms of the air fare charged for any seating related accommodation. The unlevelled playing field and economic and competitive disadvantage this creates vis a vis our global competitors is obvious.

Technical standards

The codes of practice contain provisions which are very technical in nature, including some that prescribe the size of spaces and the precise nature of features and facilities designed to accommodate persons with disabilities.

Technical standards for air carriers are set out in the Agency's Code of Practice: Aircraft Accessibility for Persons with Disabilities for Fixed-Wing Aircraft with 30 or More Passenger Seats (the Air Code).

WestJet Response: WestJet supports migrating the technical standards into regulations with the caveat that enforcement is standards based and not prescriptive in nature. The carrier should be provided the latitude to meet the standard through a variety of means at the discretion of the carrier.

Failure to enforce in this manner is precisely what drives unnecessary costs into the carriers operations. One solution for all is rarely the most practical or useful particularly in the area of accessibility and arguably for consumer protection in general.

Understanding the mutually desired goal is to enhance the experience for guests with disabilities, or for all travelers in general, allowing the carrier the discretion to determine the most efficient and cost effective approach will inspire innovation and will ultimately result in a higher quality more sustainable solution than seeking compliance to the letter of the standard.

The series of questions provided in the consultation document with respect to compliance with the existing Air Code guidance and the associated invitation for alternate Code provisions, and the CTA's request for suggestions to enhance access for persons with visual or hearing impairments, or management of battery powered mobility devices, pre-approval of equipment, etc., would be better dealt with through formal consultations with all relevant stakeholders present including the CTA, industry representatives and representatives from the special needs advocate groups and associations to ensure there is a full and open dialogue on the many complexities that arise from addressing these matters.

The existing Advisory Committee established by the CTA seems to be a more appropriate forum for this discussion.

Systemic issues

In addition to addressing systemic accessibility issues through the existing regulations and codes of practice, a number of issues have been addressed through the Agency's complaint adjudication process.

This results in two significant issues: for persons with disabilities, an inconsistent level of accessibility as accommodation policies can vary amongst service providers; and, for service providers subject to Agency decisions, an uneven playing field given their competitors are not required to implement the corrective measures ordered by the Agency.

WestJet Response: WestJet concurs with the existence of the issues identified above. To address the 'uneven playing field' and inconsistent experience issues, modifying the CTA's approach to decisions to broadly apply decisions to all industry players would likely resolve this, however at considerable cost.

It is WestJet's position unintended consequences would result. For example, using the OPOF program as an example, the impact could be in terms of increased cost to industry potentially resulting in higher airfares, (to compensate for the lost revenue from no fare seating for persons of size / and or attendants), as well as further exasperation of the competitive disparities vis a vis the international aviation environment. A more appropriate solution would be to remove the onerous obligations of the OPOF program on the existing entities.

It needs to be recognized air carriers are not unlike persons with disabilities in the sense there is a spectrum of products, services and personalities, (guest experience and corporate culture), just as for persons with disabilities there is a range of abilities, constraints and varying levels of confidence and independence.

To suggest the broad brush 'one solution fits all' approach is a better way than the current 'case by case' or situational approach, is highly debatable.

The continuous impact to training, changes in policies and procedures, ongoing technology enhancements and development costs, and changes to products and services, to mention a few, just to comply with universally applied legally binding decisions would likely be an unreasonable economic hardship on the industry.

Understanding the inconsistent experience that consumers have as a result of the existing approach, carriers currently have the latitude to manage their guest experience as a competitive advantage and even a core competency. This allows the carrier the discretion to use their guest experience to differentiate themselves from their competition. Allow market forces to determine if their approach is economically successful by virtue of allowing the carrier to make those investments in enhancing accessibility independent of government intervention.

2016 Proposed ATR Regulatory Amendments

To ensure there is an acceptable standard of care the government's role, in consultation with industry and consumers advocates, is to set the standard to ensure minimum requirements are met while the carrier is free to determine how that standard is delivered based on their unique resources and constraints and corporate objectives.

With respect to the specific questions on the OPOF program and universal application, WestJet has assessed the proposed solution to refund fares for additional seating whenever there was an empty seat at time of departure, and initial findings suggest this option is not currently feasible due to system constraints.

In short there are significant system limitation to capture a refund for a ticket that is already flown. For obvious reasons, the system is designed to transfer funds from flown revenue from the liability side of the ledger to the asset once the aircraft departs. Operationally once a ticket has moved into 'used' status the tracking and manipulation of the ticket becomes problematic on a number of levels.

Significant development of reservation systems, internal data management systems and finance related system controls and processes would need to be developed to even ascertain the feasibility of such an approach and fundamentally the concept could result in a threat to revenue control compliance and other control related concerns.

Sadly the OPOF program will remain extremely challenging to address by virtue of the fact it directly impacts a carrier's revenue and seat inventory. Situations such as allergies, to be discussed next, do not have such fundamental challenges.

The OPOF decision is an outlier from known regulatory regimes and is inconsistent with globally accepted accommodation protocols for persons of size and / or persons who require attendants when traveling on commercial airlines.

Allergies

WestJet is grateful the CTA acknowledges the unique conditions that exist on a commercial aircraft vis a vis other modes with respect to management of severe allergy related management.

With respect to the variety of mitigation efforts, policies and procedures implemented to facilitate persons with severe allergies traveling on commercial aircraft, WestJet believes the best forum for this discussion would be through formal consultation with the CTA, relevant consumer advocate associations and representatives and industry stakeholder representatives.

This would a low for a full dialogue on the complexities, limitations and opportunities and would have the best odds of successfully coming to consensus on the most effective mutually agreeable solution going forward.

It should be noted the solutions currently in place, namely re-seating the person with the severe allergy, use of air filtration and the implementation of buffer zones with specific mitigating

actions included, are limited. As the number of travelers with severe allergies continues to increase as well as the variety of allergies the carrier is exposed to, at some point in the near future the carrier will find itself unable to provide sufficient space in the cabin of the aircraft to provide adequate buffer zones for all of the allergy types. Short of a complete prohibition on food / animals, etc. on board, the inability to ensure the existence of an adequately safe distance from the source of a given allergy is likely inevitable.

WestJet believes the question comes down to severity of the traveler's response to the allergy. In order to fully understand this issue we recommend further empirical analysis be conducted. Given the recent launch of the NRC's aircraft cabin test facility in Ottawa where such testing could be performed, further study be executed by the CTA to determine the severity and nature of the risk within the aircraft cabin for a variety of allergens under a variety of circumstances.

Based on the outcome of that analysis we can meet to discuss the true risks and determine effective solutions to address those risks and from these consultations regulatory guidance can be issued.

We believe with traveler's continuing to make best efforts to manage their severe allergies in conjunction with the existing mitigation procedures already in place for commercial airlines today this situation is manageable until these studies are completed.

WestJet would also be open to consultations with the CTA, consumer advocates, and other industry stakeholders to establish industry wide standard until such time as the studies are completed as needed.

Service animals

The Agency is considering expanding the requirements for the acceptance of service animals.

In examining this issue, the Agency may look to see how it is being addressed by other jurisdictions. For example, the U.S. Part 382 regulations are less restrictive than the Part VII provisions in terms of what air carriers can require as proof that an animal is a qualified service animal.

WestJet response: WestJet supports the CTA's consideration of the US DOT Part 382 guidance for a number of reasons. The size and influence of the US market is imprudent to ignore and from an operational perspective the more alignment there is, where it makes sense, the easier it is on the network and consumers alike. Furthermore it could be argued the DOT has become a relative subject matter expert based on the time and resources they have invested in understanding the service animal environment. At the risk of duplicating efforts any attempt to leverage their existing research and analysis would be helpful.

To that end it might be useful to wait until the existing Negotiated Rulemaking process and the associated NPRM on service animals has been concluded.

2016 Proposed ATR Regulatory Amendments

A primary area of discussion has been around the requirements for documentation and species limitations for service animals. The primary issue is and always has been the risk of abuse of carrier's pet program, which has a direct revenue impact by able-bodied persons alleging to be persons with disabilities in order to bring their pet into the cabin as a service animal.

WestJet would support a concept based loosely on varying documentation requirements for 'visible' versus 'invisible' disabilities. While there is some risk of discrimination on this basis, it is not 'disability specific'. For example persons with visible disabilities, such as blindness, quadriplegic, etc., would not be required to submit documentation justifying the presence of a service animal. Persons with cognitive, emotional, or otherwise not visibly discernable disabilities, such as MS, epilepsy, autism, etc., would be required to provide documentation confirming they have a need for a service animal.

For the latter type of traveler would make this attestation at time of booking indicating they have required documentation with the understanding the carrier requires reviewing this documentation and approving acceptance of the service animal before the traveler can travel with their service animal.

In both cases the carrier reserves the ability to require third party documentation from a medical professional who attends the applicant (in person) in the event they are not satisfied the person needs a service animal based on the traveler's verbal assurance and / or the animal's behaviour calls the legitimacy of the animal's status as a service animal into question.

WestJet would welcome the opportunity to participate in CTA sponsored consultations with relevant stakeholders to explore this issue further.

Positioning and seating devices

In recent years, the Agency has received complaints from persons with disabilities regarding difficulties using special seating or positioning devices onboard aircraft.

The Agency is considering a regulation that would require all carriers, regardless of the mode of transportation, to allow passengers who require these devices to accommodate their disability to be able to use them unless this is prohibited by safety rules or would otherwise seriously compromise the person's safety or that of other passengers.

WestJet response: WestJet has no objections to this proposal.

Accessible in-flight entertainment system (IFE)

It goes without saying that passengers with disabilities wish to enjoy in-flight entertainment as much as passengers without disabilities. The reality, however, is that passengers with hearing or visual impairments are often unable to do so as a result of inaccessible technology.

2016 Proposed ATR Regulatory Amendments

The Agency wishes to examine the possibility of requiring in-flight entertainment to be accessible (e.g.: by providing closed captioning and described video). This could include looking into whether existing entertainment systems can accommodate these formats and exploring alternatives, such as the use of tablets that contain videos in accessible formats.

WestJet response: WestJet is currently phasing out its seat back IFE system and replacing it with a wireless system that will flow streaming and stored content to each passenger's individual portable electronic device (PED). In addition WestJet provides a limited number of carrier supplied PEDS with stored content (streaming content is not available on these units).

Given this scenario WestJet would support ensuring the IFE system has the ability to pass through all closed captioned and audio described content that is available through normal channels available to commercial airlines.

To the extent the technology is readily available and approved for aircraft use, WestJet would support providing a limited number of fully accessible PEDS that provides stored content that is closed captioned and audio described with a timeline that would be negotiable based on input from aircraft manufacturers, suppliers and federal agencies.

WestJet does not support any retrofitting of existing aircraft in order to achieve a fully accessible IFE nor does WestJet support adding closed caption and descriptive audio to content it receives through normal channels available to commercial airlines.

With respect to new aircraft orders and any associated IFE systems with those new aircraft, at a determined point in the future, WestJet would support ensuring those IFE systems were fully accessible in terms of providing closed captioned and audio described content where that content is available to commercial air carriers through normal channels.

Reporting, monitoring and compliance

The Agency would propose to encourage compliance with any new accessibility regulations by requiring service providers to publish multi-year accessibility plans and report on accessibility-related complaints that they receive.

WestJet response: WestJet is not opposed to providing the CTA with a multi-year accessibility plan however before committing to do so a review of existing complaints and current trends as part of a consultation between the CTA, advocates and industry in terms of where challenges currently exist and trends for possible challenges going forward would be needed before such a multi-year plan would be submitted.

Furthermore, any provision of such a plan would be submitted to the CTA confidentially for compliance purposes only and being forward looking in nature, no enforcement action could be imposed on a carrier for failure to fully adhere to such a plan. If enforcement action were to be taken it would be based on a mutually agreeable standard and agreed upon terms and conditions.

Carriers would have the discretion as to if or how much of such a plan could be disclosed to the public as the plans could potentially reflect material with some degree of commercial sensitivity.

Approach to modernizing the accessibility standards

The new regulations would draw on the existing regulations, i.e. Part VII of the ATR and the PTR, and the recent proposed amendments to these regulations that were developed following extensive consultations with the Agency's Accessibility Advisory Committee (AAC). The key proposed amendments for each set of regulations are noted below.

1. Space for service animals

- amend subsection 149(2) to explicitly state that sufficient space must be provided by the carrier to allow the service animal, which is to remain on the floor and at the passenger's seat, and the passenger to travel safely and without undue discomfort. The rationale for doing so is to eliminate instances where service animal users experience undue discomfort and/or service animals suffer injuries due to insufficient space for the service animal and service animal user.

WestJet comments: WestJet has no objections to the suggested amendment above for space for service animals.

WestJet would suggest additional clarity around the term 'animal user' above. After experiencing challenges developing internal guidance around the service animals in training, we feel additional clarity around "user" should be made to clearly distinguish between a handler, (a person without a disability in the capacity of a an animal trainer who is using the animal for training purposes) and a person with a disability who is actually using the services of the animal to mitigate the impact of a disability.

At present on WestJet service animals in training are permitted on board without fee but in the event additional space is required to accommodate a large or extra-large animal, any additional seating requirements are purchase at the lowest available fare.

2. Seating assignment for persons with disabilities

- add provisions to the ATR to ensure that persons with disabilities are assigned seating that meets their disability-related needs. The proposed amendment takes into consideration last-minute travel and other situations where providing appropriate seating to persons with disabilities is more challenging. Specifically, air carriers will be required to offer free advanced seat selection to persons with disabilities in order to meet their needs consistent with current industry practice; re-assign seats if necessary; and ensure that personnel, including reservation agents, customer service agents, and in-flight staff, are aware of which seats on an aircraft in respect of the flight in question are accessible and for which disability-related needs the seating is appropriate. The proposed

amendment would also ensure that persons with disabilities have input into which seat assignment best meets their needs as seats designated by carriers as “accessible” may not be the most appropriate in all circumstances.

- Proper seat assignment is a commonly requested form of accommodation for persons with disabilities. Without proper seating accommodations, persons with disabilities may find travel more difficult for reasons such as prolonged and excessive discomfort, or even increased risk of injury. An amendment to Part VII would ensure that persons with disabilities receive the most appropriate seating accommodation for their particular needs.

WestJet comments: WestJet supports the concept of priority seating for persons with disabilities as it sets out clear expectations for consumers and provides carriers with some degree of consistent treatment for seat selection for persons with disabilities.

Similarly WestJet does not oppose the concept of waiving pre-seat fees for persons with disabilities even if the guest self-selects a seat different from the seat recommended by the carrier in advance, where the ability to waive pre-seat selection fees is possible on-line, or as available through a call centre.

One caveat would be that while the guest can have input on their seat selection, they would have to select a seat within the seats eligible for the fare paid. In the case of WestJet, a guest could not select a Plus (premium economy) seat if they only paid an economy fare. If the WestJet determines a Plus seat is the most appropriate seating based on their particular disability the carrier can move the guest (and any required attendants) into a Plus seat at no additional charge to the guest or their attendant.

Should the passenger with a disability require a seat other than the one recommended by the carrier for bookings made at least 48 hours from departure, and the requested seat requires a displacement of another passenger, we propose the carrier may first offer appropriate seating on the flight immediately before or after the selected flight (on the same calendar day) if such availability exists. If the requested seat is not available on the other flights, then the accommodation will be made on the originally selected flight up to and including displacing an able-bodied passenger.

Should the guest select a different seat to that assigned by the carrier, displacing another guest to accommodate the guest with a disability's request will only be considered as described above for bookings made at least 48 hours before departure. No other guests will be moved if the booking was made inside of 48 hours and best effort will be made to accommodate the guest with a disability's request.

In any case where the passenger is accommodated on a flight not of their choosing, the Carrier would be required to ensure that the flight price would not be higher than the price of the flight for the original selection.

2016 Proposed ATR Regulatory Amendments

In addition, to the extent it is deemed useful / value adding, WestJet suggests opening a dialogue engaging all stakeholders including special needs advocacy representatives to have an open discussion around what is considered ‘appropriate seating’ for each of the Special Service Remarks (SSRs) identified below.

At the present, the reservation system is making these determinations automatically at time of booking when no seat is pre-selected by the guest based on what WestJet has identified as ‘priority seating for persons with disabilities’. These seats are generally in the forward part of the cabin but not in all cases for all aircraft types.

If the guest with a disability pre-selects a seat on-line we have no ability at this time to automatically waive the fee due to system constraints. This capability is under review. The pre-seat fee can be and is waived if the booking is made through the WestJet call centre.

- BLND
- BLND SVAN
- DEAF
- DEAF SVAN
- ESAN lap-held
- ESAN floor
- ESAN EXST – extra seating required for large / extra-large animal.
- ESAN x 2, e.g. one lap-held and one other assistive animal
- EXST – additional seating required (i.e. OPOF)
- MEDA - WestJet specific / personal cylinder oxygen
- MEDA – other carrier/ medical case) e.g. allergy, require reclined seat, OPOF other carriers, CAREs restraint device
- MEQT– other carriers medical equipment. For example OPD or CAREs restraint device
- OPOF – WestJet specific
- OPOF ATTD – WestJet specific
- PPOC – portable oxygen concentrator

2016 Proposed ATR Regulatory Amendments

- POXY – other carrier/ passenger own oxygen cylinder
- SVAN lap-held
- SVAN – traditional service animal
- SVAN EXST – extra seating required for large / extra-large animal.
- WCHC – wheelchair – carry-on / off. A guest who uses a powered chair or electric wheelchair is generally completely reliant on it to travel even a short distance. This reservation likely includes the SSR code WCHC.
- WCHR - A guest who uses a medical ECV generally requires help to travel medium (e.g. length of a city block) to long distances. This reservation likely includes the SSR code WCHS or WCHR.
- WCHS – see above

3. Carriage of mobility aids

- remove an outdated and arbitrary 60-seat threshold under which carriers operating this size of aircraft are not obligated to carry mobility aids if the aircraft design does not permit them to do so. This threshold has become impracticable as there are instances where aircraft with 60 or more passenger seats are still unable to carry some mobility aids due to their size and the aircraft design, i.e., usually the size of the cargo door. Rather than basing the requirement to carry a mobility aid on an arbitrary number of passenger seats, the proposed amendment would require all aircraft subject to the regulation to carry a mobility aid where the design of the aircraft permits. In situations where the aircraft design does not permit the carriage of a mobility aid, carriers would be required to offer, where possible, an alternative route(s) within their own network in respect of which the aircraft being operated will be able to carry the mobility aid. In such instances, carriers would be required, when offering alternative arrangements, to charge the lesser of the fare for the original flight and the fare for the new flight. In instances where carriers are unable to offer an alternative flight within their own network, they would continue to be required, per paragraph 148(2)(b) of the ATR, to advise the person about transportation arrangements that are available for the mobility aid. However, in addition to advising the person about alternative transportation arrangements available, carriers would also be required to explain, in writing, within 10 business days, in what respects the aircraft's design prevents the mobility aid from being carried.
- The rationale for these amendments is that mobility aids, such as electric wheelchairs, have increased in size - in some cases significantly - which means that not all mobility aids can be carried on an aircraft due to the design of the aircraft; notably, the size of the cargo door. This problem is more common when carriers use smaller aircraft to serve less-populated areas. The proposed amendment is intended to minimize instances where

2016 Proposed ATR Regulatory Amendments

persons using mobility aids are denied travel due to the design of the aircraft preventing carriage of their aid in the cargo hold (i.e. where the aid cannot fit through the cargo hold door).

WestJet comments: No objections and fully support this enhancement.

We would like to offer to add the following language for your consideration to be more proactive and user friendly for the consumer so they know what constraints exist and what information is required before they book their flights and can make alternate arrangements in advance as needed.

“Carriers shall be required to post the maximum dimensions of the cargo door opening and maximum safe weight allowances (Occupational Health & Safety guidance and aircraft specific limitations), as well as strapping and carriage conditions and restrictions for each aircraft type within their fleet.

In order for the Carrier to reliably determine the ability to transport the requested mobility device passengers are required to provide the Carrier with the dimensions and weight of their mobility aid and any specific transportation requirements (i.e.: battery type, removable components or fragile parts, packing instructions such as "cannot be transported on side" etc.) 48 hours prior to the scheduled time of departure.”

4. Orientation for persons who are blind or partially sighted

- require carriers to provide an orientation to passengers who are blind or partially sighted to familiarize them with their surroundings on an aircraft (e.g. orientation of passenger-operated controls at the seat, layout of the aircraft, etc.). Persons with disabilities generally prefer to travel as independently as possible but, for persons who are blind or partially sighted, this can prove more difficult when they are unfamiliar with their surroundings. This amendment would facilitate independence for these individuals.

WestJet comments: No objections and fully supports this amendment.

5. Transfers to and from a mobility aid

- clarify the regulations to make it clear that, in light of health and safety reasons, a carrier’s obligation during flight is to assist with a transfer between a person's seat and an on-board wheelchair, as opposed to being wholly responsible for the transfer. This amendment is proposed in order to more clearly reflect the evolved industry practice and to reflect the fact that persons who require transfer assistance during a flight travel with an attendant who provides assistance with other functions such as personal care and assistance at their destination and that this attendant provides assistance with transfers.

WestJet comments: No objections and fully supports this amendment.

6. Remaining in a manually operated wheelchair

- clarify that the ability of a carrier to permit a passenger in a manually operated wheelchair to remain in their wheelchair is subject to there being sufficient time before the scheduled departure of the passenger's flight. Part VII currently requires carriers to permit persons in manually operated wheelchairs to remain in their wheelchair until they reach the boarding gate; where facilities permit, until they reach the aircraft door; and, where space and facilities permit, until they reach their passenger seat. However, due to time constraints, it is not always possible to both allow the person to remain in their wheelchair until they reach the boarding gate, door, or passenger seat and ensure that the wheelchair is loaded into the cargo hold without delaying the flight. The ATR does not currently account for these time constraints and, as a result, contains a compliance burden that carriers are not always able to meet.

WestJet comments: No objections and fully supports this amendment.

7. Carriage of small aids and assistive devices

- remove the space limitation for aids and devices that are required in flight. Part VII currently requires carriers to accept small aids and assistive devices (e.g. canes, crutches, braces, prosthesis, ventilators, CPAP machines, etc.) in the cabin if space permits. The current provision does not recognize that some of these aids and devices are required during flight and that these are small and can be easily retained by the passenger at their seat or stowed elsewhere in the cabin and retrieved when needed. It should be noted that the ability of a person with a disability to use a particular aid or device during flight would be subject to safety regulations made under the *Aeronautics Act* and any other relevant safety requirements.

WestJet comments: No objections and fully supports this amendment.

For your reference please see existing guidance in our Flight Attendant Manual in Appendix 1.

8. Enquiring periodically with persons who are not independently mobile

- modify Part VII so that carriers must only enquire periodically about the needs of a person who is in a wheelchair, boarding chair, or any other device in which the person is not independently mobile, while the person is awaiting a flight after check-in or is in transit between flights if this service is requested by the passenger. This is in keeping with the provisions regarding other disability-related services that carriers are required to provide under Part VII and reflects the fact that some passengers may not want this service (and actually take offense to it) yet carriers are nonetheless required to provide it regardless of whether the passenger has requested it or not.

WestJet comments: No objections and fully supports this amendment.

9. Replacement of lost or damaged mobility aids

clarify paragraph 155(4)(b) so that, in instances where a person's mobility aid is damaged during carriage or is not immediately available for the person at destination, a carrier cannot recall a temporary replacement aid until a person is provided with a suitable replacement mobility aid or is reimbursed for the full replacement cost of the aid. This clarification would bring the provision in line with what was intended when it was originally drafted.

WestJet comments: No objections to this amendment.

WestJet offers the following underlined edit to the above text for your consideration:

“clarify paragraph 155(4)(b) so that, in instances where a person's mobility aid is damaged during carriage or is not immediately available for the person at destination, a carrier cannot recall a temporary replacement aid until a person is provided with a suitable replacement mobility aid. If the passenger's mobility aid cannot be repaired or replaced, only then would the carrier be responsible for reimbursing the full replacement cost of the aid. This clarification would bring the provision in line with what was intended when it was originally drafted.”

Conclusion

In closing WestJet would like to thank the CTA for this opportunity to engage in providing feedback on the proposed ATR revisions and the regulatory modernization initiative.

Particularly with respect to the challenge of making commercial air travel more accessible WestJet looks forward to partnering with the CTA to move enhancements forward in a balanced, fair and cost effective manner that neither creates undue obstacles for persons with disabilities, or any traveler in general, without imposing an undue economic or operational hardship on the air carrier.

WestJet looks forward to any and all ongoing consultation efforts to resolve the more complex and dynamic aspects of the above proposals and remains, as always, open and available for continued dialogue on these important matters.

Appendix 1: Flight Attendant Manual Reference to in-cabin mobility aids, etc.



CARRY-ON BAGGAGE - PASSENGER: ALLOWANCE			
Type of Carry-on	Allowance per Passenger	Maximum Dimensions (Length x Height x Width)	Stowed or Secured During Taxi, Takeoff, Landing and Turbulence Exceeding Light
<p>Miscellaneous Items Examples include, but are not limited to:</p> <ul style="list-style-type: none"> ■ Duty-free merchandise ■ Earphones ■ Food items for consumption during flight contained in disposable packages ■ Infant care items <ul style="list-style-type: none"> ○ Diaper bags ○ Child restraint systems approved for use ■ Personal clothing items/outwear <ul style="list-style-type: none"> ○ Coats, hats, umbrellas ■ Portable electronic devices and accessories ■ Reading material <ul style="list-style-type: none"> ○ Books, newspapers 	<ul style="list-style-type: none"> ■ Accepted in addition to one <i>Baggage</i> and one <i>Personal Item</i> 	<ul style="list-style-type: none"> ■ Must be able to fit either in an overhead bin or under the passenger's seat in front of them ■ Child restraint systems must be approved for use and must be able to fit on the purchased seat 	<ul style="list-style-type: none"> ■ Stowed; or ■ Secured as long as it meets <i>Securing Requirements</i> in this section, prior to door closure

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Should a flight attendant feel that any item listed above, accepted in addition to the carry-on baggage allowance, is unsafe, the flight attendant will stow it in accordance with the requirements of the Carry-On Baggage Program. This does not apply to the requirements for stowage of items at the emergency exit row(s). Refer to 3A.3.5 *Stowing and Securing Carry-On Baggage*.

3A.3.3.1 SPECIAL PASSENGER ITEMS AND ASSISTIVE DEVICES

The following items are allowed in the cabin at all times, in addition to the carry-on baggage allowances, provided the item is for individual use and can be properly stowed:

- Assistive devices and mobility aids (e.g. braces, canes, crutches, or other similar items)
- Container carrying life sustaining items
- Cremated remains
- Lithium-ion batteries for CMAs in accordance with the Dangerous Goods requirements
- Medication in its original, labeled container
- Passenger-owned oxygen cylinders (with restrictions)
- Passenger-owned wheelchair

(continued)

- o One may be stowed in the cabin per flight, provided the aircraft is equipped with a guest-owned wheelchair stowage unit.
- PMEDs that are battery powered and for individual use; examples include, but are not limited to
 - o BPAP devices; used for conditions such as asthma, COPD, and sleep apnea
 - o CPAP devices; used for conditions such as sleep apnea
 - o Dialysis machines
 - o Nebulizers; used to administer medication in the form of a mist for conditions such as asthma or COPD
 - o POCs
- Syringe or needle for personal medical use (e.g. diabetic syringes, EpiPen®)
- Wearable air purifiers.

Refer to 5A.3 Provisions for Dangerous Goods Carried by Passengers or Crew.

3A.3.3.2 CARRY-ON BAGGAGE ASSESSMENT

Passengers are informed at the time of check-in (either electronic or physical) of the carry-on baggage limits and restrictions. An announcement will be made at the departure gate, prior to boarding a WestJet flight, advising passengers of the acceptable criteria for carry-on baggage. CSAs and flight attendants will visually assess all carry-on baggage to ensure it complies with the quantity and size limitations.

If a passenger attempts to bring on board any other items not considered acceptable as per the Carry-On Baggage Control Program, the passenger will be requested by a CSA or flight attendant to gate-check their additional item(s) which will be delivered to the baggage carousel at the arriving station.

3A.3.3.2.1 Carry-on Baggage Bulk-out

In the event a carry-on bag must be removed from the cabin and checked due to lack of space, known as a cabin bulk-out, or for reasons such as excess or oversized carry-on baggage, the FA will inform the passenger their bag will be gate-checked and carousel-delivered at their arriving station.

FAs will retrieve the *Carry-on Baggage Bulk-out, Oversized & Excess* tag, which has a list of questions on it, and follow the procedure below.

1. Ask the passenger if their bag contains any Dangerous Goods:
 - E- cigarettes/vaporizers
 - Lighters/matches
 - Mercury-based thermometers/barometers
 - O₂ cylinders
 - Spare lithium batteries

If the answer is yes, the item(s) must be removed from the baggage prior to accepting it from the passenger.

2. Ask the passenger if there are any essential items to remove that they require for their flight.
 - Medication
 - Travel documents/passports
 - Keys
 - Personal items

NOTE: Allow the passenger time and space to retrieve any packed personal items.
3. Complete the required flight information on the perforated section of the *Carry-on Baggage Bulk-out, Oversized & Excess* tag.
 - Last name

(continued)

