

DRAFT ONLY

Brief to the Ontario Transportation Standards Development committee on Revisions to the 2011 Ontario Transportation Accessibility Standard Enacted under the Accessibility for Ontarians with Disabilities Act

From the Accessibility for Ontarians with Disabilities Act Alliance and ARCH Disability Law Centre
July 21, 2017

I. Introduction

A. Overview

In this brief, the Accessibility for Ontarians with Disabilities Act Alliance (AODA Alliance) and ARCH Disability Law Centre (ARCH) jointly present 58 concrete, workable, and much-needed revisions needed to strengthen Ontario's 2011 Transportation Accessibility Standard that was enacted under the Accessibility for Ontarians with Disabilities Act (AODA).

In 2011, the Ontario Government enacted the Integrated Accessibility Standards Regulation (IASR) under the Accessibility for Ontarians with Disabilities Act. It included accessibility requirements for transportation, information and communication and employment. In this brief, we refer to its provisions regarding the accessibility of transportation as the 2011 Transportation Accessibility Standard.

B. Who Are We?

The AODA Alliance is a voluntary non-partisan coalition of individuals and organizations. Our mission is: "To contribute to the achievement of a barrier-free Ontario for all persons with disabilities, by promoting and supporting the timely, effective, and comprehensive implementation of the Accessibility for Ontarians with Disabilities Act." To learn about the AODA Alliance, visit: <http://www.aodaalliance.org>

The AODA Alliance is the successor to the Ontarians with Disabilities Act Committee. The ODA Committee advocated for over ten years for the enactment of strong, effective disability accessibility legislation. To learn about the ODA Committee's history, visit: <http://www.odacommittee.net>

ARCH Disability Law Centre is a specialty legal clinic dedicated to defending and advancing the equality rights of persons with disabilities in Ontario. ARCH is a not-for-profit charitable organization whose staff report to a volunteer elected Board of

Directors, at least half of whom are people with disabilities. ARCH engages in litigation, law reform and policy work, community legal development and public legal education. To learn more, visit: <http://www.archdisabilitylaw.ca>

C. Overview of this Brief

In this brief, we identify the deficiencies with the 2011 Transportation Accessibility Standard. We analyze the 2016 Transportation Standards Development committee's recent draft recommendations, which were offered for public comment on May 19, 2017. Where needed, we offer our recommendations on how they can be strengthened. We then turn to deficiencies with the 2011 Transportation Accessibility Standard which the Transportation Standards Development committee's recommendations did not address. We offer recommendations on how to address those deficiencies.

Appendix 1 sets out a list of all the recommendations that this brief includes. Appendix 2 describes deficiencies in the 2011 Transportation Accessibility Standard identified in the 2014 final report of the Mayo Moran AODA Independent Review. Appendix 3 analyzes the contents of the 2015, KPMG report for the Ontario Government on accessibility barriers in transportation in Ontario. Appendix 4 provides more detailed recommendations on accessibility requirements for public transit stations and stops that should be included in the Transportation Accessibility Standard.

D. Deficiencies in the 2011 Transportation Accessibility Standard Broader Look

The first step in an effective review of the 2011 Transportation Accessibility Standard is to identify what that accessibility standard is supposed to achieve, to assess how well it is doing at achieving that goal, and then to identify how and why it is falling short, if at all.

The AODA's goal is to ensure that Ontario becomes accessible to people with disabilities by 2025. Therefore, the goal of a Transportation Accessibility Standard must be to ensure that transportation services in Ontario become accessible to people with disabilities no later than 2025.

This goal is critically important. Accessible transportation promotes independence and people with disabilities' ability to take part in employment, education, recreation, and social activities, as well as being able to buy goods and get access to services like health care. Accessible transportation is essential for the inclusion of people with disabilities in our communities and for things people without disabilities daily take for granted.

Many people with disabilities live at or below the poverty line. Many cannot afford their own car. Many cannot drive due to their disability. Transportation services, whether public or private, are, for all practical purposes, their "car".

Before the 2011 Transportation Accessibility Standard went into effect, transportation services in Ontario were replete with many disability accessibility barriers. Over a decade ago, the Ontario Human Rights Commission released a comprehensive study of accessibility problems facing persons with disabilities who try to use public transit. It found that Ontario's public transit system is replete with barriers impeding persons with disabilities. It recommended, among other things, that new standards be enacted for transit accessibility. The Ontario Human Rights Commission's Report on Public Transit Accessibility Barriers is available at <http://ohrc.on.ca/en/consultation-report-human-rights-and-public-transit-services-ontario>

E. Major problems with the Current 2011 Ontario Transportation Accessibility Standard

The current 2011 Ontario Transportation Accessibility Standard has significant shortcomings. Revisions to that accessibility standard should aim to correct these problems. We summarize these problems as follows:

1. Over six years after the 2011 Transportation Accessibility Standard went into effect, progress towards full accessibility has been far too slow. There are less than 7.5 years to go before 2025. Yet transportation services are still not fully accessible to people with disabilities. In many respects they fall far short.

The 2011 Transportation Accessibility Standard will not ensure that transportation in Ontario becomes fully accessible to people with disabilities by 2025. Even if all transportation organizations fully comply with its requirements and time lines, this will not ensure that transportation will become fully accessible by 2025, or ever.

2. The 2011 Transportation Accessibility Standard does not cover all the known recurring disability accessibility barriers in transportation in Ontario.

3. Where the 2011 Transportation Accessibility Standard does address a known accessibility barrier, its requirements are too often too weak or too vague. Its exemptions and exceptions are too broad. This all falls short of meeting the accessibility requirements of the Ontario Human Rights Code.

4. The 2011 Transportation Accessibility Standard takes an erroneous approach to equality and accessibility for people with disabilities, by permitting "equivalent services" at times, rather than requiring equal services. The Ontario Human Rights Code requires people with disabilities to receive equal services. An approach of unequal access appears to be tolerated if transit providers feel they are providing something they call equitable access.

5. The time lines for action required under the 2011 Transportation Accessibility Standard are often too long. They permit unjustified delays in providing accessibility in

transportation to people with disabilities. It allows transportation providers to create new disability accessibility barriers for too many years.

Further indication that there are significant problems with the 2011 Transportation Accessibility Standard can be gleaned from two major reports, prepared at the request of the Ontario Government:

a) The 2014 final report of the second Independent Review of the AODA, conducted by Mayo Moran. The Government was required to appoint this AODA Independent Review. In Appendix 2 to this brief, we summarize that report's key contents and findings as they relate to the accessibility of transportation in Ontario.

b) The August 2015 report on KPMG on transportation accessibility barriers. We analyze the key contents and findings in that report in Appendix 3 to this brief.

Our recommendations build on the key findings and contents in those reports, and on our own analysis and research.

F. Summary of Our Analysis of the Transportation Standards Development committee's May 19, 2017 Draft Recommendations for Amendments to the 2011 Transportation Accessibility Standard

We commend the Transportation Standards Development committee for identifying some of the ways that the 2011 Transportation Accessibility Standard needs improvement and for seeking ways to improve it. However, the draft recommendations that the Transportation Standards Development committee has circulated for public feedback are substantially insufficient to remedy the insufficiencies in the 2011 Transportation Accessibility Standard. Even if the Ontario Government adopted all the Transportation Standards Development committee's draft recommendations, this would not ensure that transportation in Ontario becomes fully accessible to people with disabilities by 2025, or ever. Indeed, even if the Ontario Government adopted all those draft recommendations, this would not lead to a substantial improvement in the accessibility of transportation services in Ontario. This is because:

1. The Transportation Standards Development committee's draft recommendations do not identify or address many of the inadequacies in the 2011 Transportation Accessibility Standard. They fail to address key problems with transportation services in Ontario or with the 2011 Transportation Accessibility Standard identified in the discussions or findings of the 2014 final report of the Mayo Moran AODA Independent Review or the 2015 KPMG report to the Ontario Government on transportation accessibility.

2. In many cases, where the Transportation Standards Development committee's draft recommendations identify an ongoing problem with the accessibility of transportation services in Ontario six years after the 2011 Transportation Accessibility Standard was

enacted, the reforms that it recommends are too weak and will not solve the problem identified.

3. In several places, the Transportation Standards Development committee recommends efforts at better educating people with disabilities, as a solution to accessibility problems they face. Yet the core reason why disability accessibility barriers remain in transportation in Ontario is not because passengers with disabilities are insufficiently educated on what they need to do to obtain accessible transportation services. These accessibility barriers remain because transportation organizations have not acted quickly enough to remove and prevent the accessibility barriers that remain in transportation services.

4. In some places, the Transportation Standards Development committee's draft recommendations incorrectly propose to shift to others, such as the Ontario Government, responsibilities which properly lie with those who provide transportation services in Ontario.

G. Summary of Our Recommendations

This brief makes 58 detailed recommendations about the work of the Transportation Standards Development committee. We urge it to:

1. Ensure that the aim of the Transportation Standards Development committee's review assesses whether the 2011 Transportation Accessibility Standard will ensure that transportation services in Ontario will become fully accessible to people with disabilities by 2025.
2. Ensure that the Transportation Standards Development committee hears directly from passengers with disabilities about the disability accessibility barriers they face in transportation, eg. by holding public forums on accessible transportation.
3. Ensure that the Ontario Government keeps its 2007 election promise to provide a fulltime staff resource person for the disability sector representatives on an AODA Standards Development Committee.
4. Ensure that the Government keeps its 2007 election promise that Transportation Standards Development committee members will get to separately vote on each recommendation, clause-by-clause.
5. Withdraw its draft recommendation that would shift responsibility to people with disabilities and to other levels of government to ensure that people with disabilities do not buy mobility devices that do not fit the vehicles that transportation organizations have chosen to use.

6. Not recommend the creation of any new barriers to face people with disabilities, such as an obligation to acquire a provincial card to authorize them being accompanied by a support person on a public transit service.

We recommend that the 2011 Transportation Accessibility Standard should be amended:

a) To designate its purpose as ensuring that transportation services in Ontario become fully accessible to people with disabilities by 2025.

b) To increase the number and size of mobility devices to be accommodate on public transit vehicles.

c) To require transportation organizations to effectively inform people with disabilities about the sizes of mobility devices that their vehicles can now accommodate.

d) To shorten time lines for action in the Transportation Accessibility Standard and in the Transportation Standards Development committee's draft revisions to it.

e) To provide that when people with disabilities are permitted to use a support person on a transportation organization's services, they should be able to obtain documentation from that transportation organization, confirming that this has been permitted. That documentation should be accepted by any other Ontario transportation organization as authorizing their use of a support person.

f) To require public transit providers to provide a service to assist passengers with disabilities to navigate transit stations, on a same-day call-ahead basis.

g) To provide substantially stronger guarantees and penalties for violations such as refusals to accommodate the use of service animals in transportation services, including stiff penalties for first time violations.

h) To require transportation organizations to announce to passengers at a transit station, in advance of boarding, about pre-boarding accommodations for passengers with disabilities.

i) To require that all transportation organizations that are obliged to make route stop announcements must:

i) Conduct monthly self-audits of pre-boarding and on route announcements;

ii) Make these audits promptly available on the transportation organization's website and to set strict minimum privacy requirements for any para-transit service's policy on collection and disclosure of private passenger information.

iii) Electronically file these audit reports with the Accessibility Directorate of Ontario on a quarterly basis, which the Accessibility Directorate of Ontario should make available on a publicly-accessible and searchable website.

10. To set comprehensive universal design requirements that exceed the Ontario Building Code, and that meet the Ontario Human Rights Code ,for the built environment of transit stations and stops, including for new ones to be constructed, renovated ones, and existing ones that are undergoing no major renovations.

To set stronger lighting, colour contrast and accessible signage requirements for public transit vehicles, stations and stops.

11. To require larger municipal transit authorities to develop, deploy and update fully accessible mobile apps to enable all users, including all people with disabilities, to know the nearby bus schedule, the location and identity of nearby stops and routes, and to navigate inside transit stations.

12. To ensure that grab bars, handholds, handrails and stanchions in public transit vehicles have no protruding ends.

13. To delete the category of "conditional eligibility" for paratransit services.

14. To require an appeal decision regarding eligibility for paratransit services, to be rendered within 14 calendar days of the appeal being filed.

15. To repeal any reference to and to eliminate any authorization of the "family of services" retrenchment on paratransit services, that lets a public transit provider force a paratransit passenger to take part of their ride on paratransit and the rest on conventional transit.

16. To ban any transit organization from double-charging people with disabilities when part of a ride is on the conventional service and part of the ride is on a paratransit vehicle, with stiff penalties imposed on both the transit organization and the individual who tries to impose a double charge, including for a first violation.

17. To require public transit providers to regularly announce on their public address systems that no passenger with a disability should ever be charged a double fare, and providing a hotline number and email to report any such violations.

18. To require the provision of same day service on paratransit, with 2 hours advance notice, or, if rejected, to substantially narrow any exemptions from this requirement.

19. To require transportation organizations, who require medical documentation to qualify for paratransit, to cover the cost of that medical documentation, in order to

remove this transportation barrier, particularly for people with disabilities with limited financial means.

20. To specify that all taxis in each municipality must be accessible by 2025, and that each municipality must take all required steps, to be included in their accessibility plans, to ensure that this goal is reached. This should include, among other things, requiring each municipality to:

a) Give a priority or preference, when issuing permits for new taxicabs, to applicants who undertake that the new taxicab will be accessible, on the understanding that they are permitted to carry any passenger, whether or not he or she has a disability, and

b) In consultation with any special transportation services provider in the community, consider using accessible taxi services as an option for providing specialized transportation services under this Act.

(c) Annually identify progress made toward meeting the need for accessible taxicabs in its status report required under the AODA.

(d) Where the Accessibility Advisory Committee of a municipality is of the opinion that sufficient progress towards fully accessible taxicabs in the community has not been made, it may ask the council of the municipality to develop additional strategies to promote a sufficient increase in the number of accessible taxicabs in the community, and the council of the municipality shall review the sufficiency of the strategies, and report on the result of this review to its accessibility advisory committee, and to the public, including via a posting on its website.

21. To strengthen requirements for a taxi to display in an accessible format the taxi's registration and identification information.

22. To require accessibility training for taxi drivers, and for those who drive for ride-sharing services like Uber, at the time of obtaining or renewing a license, with this requirement to go into effect immediately upon or shortly after enactment of revisions to this accessibility standard.

23. To increase the percentages of accessible parking spots for parking facilities associated with transit stations.

24. To require permanent streamlined cross-jurisdictional paratransit services along the lines of those temporarily provided in the Greater Toronto Area during the Toronto 2015 Pan/ParaPan American Games.

25. To require each public transit provider to now make public a commitment to achieve accessible public transit as soon as possible, and in any event, no later than 2025.

26. To require each transportation organization to:

a) Create a 7.5 year multi-year plan, listing all the steps needed to ensure its transportation services become accessible to passengers with disability by 2025, and its plans to take all these steps in time to reach that goal;

b) Implement that plan;

c) Post this multi-year plan on its website, make it available to the public in an accessible format on request, and submit it electronically to the Accessibility Directorate of Ontario for posting online on a searchable data base;

d) Annually report on its progress in fulfilling that plans' requirements, and indicating whether it is on schedule for reaching the goal of accessible transportation services by 2025, and

e) Post these annual reports on its website, and in an electronic filing with the Accessibility Directorate of Ontario, which will post them online in a searchable data base.

27. To strengthen the requirement for each public transit provider to hold an annual public forum on accessible transit.

28. To require public transit providers to take and document specified proactive steps to ensure the maintenance of equipment and facilities, as well as all vehicles, needed to ensure accessible transit, such as escalators and elevators.

29. To provide concurrent both audio and video announcements in transit stations.

30. To more effectively ensure the accessibility of electronic kiosks in transit stations and stops.

31. To more effectively provide for safety of people with disabilities during emergencies on public transit systems.

32. To require public transit providers to provide in transit stations, raised line, tactile maps with accessible text and braille, near the main entrance at every station.

33. To better implement and enforce the public's compliance with priority seating for people with disabilities on public transit vehicles.

34. To require every municipality to have accessible vehicles for persons with disabilities, which are available for public transit regardless of the passenger's purpose for their trip.

35. To prohibit public transit providers from requiring that a conventional transit passenger or paratransit passenger be accompanied by a support person. The public

transit provider should instead have in place an effective means to receive and convey to its paratransit driver, pre-issued instructions on a passenger's destination, in the case of a passenger who cannot themselves communicate their destination.

36. To require public transit providers to implement readily achievable measures to enable passengers with disabilities who use service animals to be able to meet the animal's need to relieve itself, whether by providing nearby relief areas within a transit station, or by providing a fee waiver if the passenger must leave the station for the animal to relieve itself.

37. To set strong requirements for the accessibility of subway, train and LRT, cars, including a requirement that they properly line up with a subway platform. This should apply to both new and existing vehicles.

38. To set accessibility requirements for public transit platforms. These should ban the use of the center platform design for a public transit station, unless a safe solid shoreline is provided for persons with vision loss, at a designated distance away from the platform's edge.

39. To require readily-achievable accessibility retrofits of public transit vehicles unless they are slated to be removed from service in the next five years.

40. To strengthen requirements for the provision of accessible school bussing services for students with disabilities.

41. To impose comprehensive accessibility requirements on ridesharing services like Uber, operating anywhere in Ontario, that at least include and build upon those enacted in Toronto and in some U.S. cities.

II. Recommendations Concerning the May 19, 2017 Draft Recommendations of the Transportation Accessibility Standard

The Transportation Standards Development Committee produced 23 draft recommendations for reform in the name of ensuring accessibility of transportation in Ontario for people with disabilities. We here provide our analysis on each of them, and offer our recommendations regarding them. Later in this brief we provide additional recommendations to address issues that the Transportation Standards Development committee's draft recommendations don't cover.

A. General

1. Purpose of the Transportation Accessibility Standard

The Standards Development Committee's draft Recommendations state:

"Transportation Standards under the set out requirements to help transportation and public transit providers as well as municipalities, universities, colleges, hospitals and school boards make their transportation services and vehicles accessible to people with disabilities."

This significantly understates and harmfully dilutes the Transportation Accessibility Standard's goal. As stated earlier in this brief, the Transportation Accessibility Standard's goal should be to ensure that transportation in Ontario becomes fully accessible to people with disabilities by 2025.

Expanding on this concern, the Standards Development Committee's draft Recommendations state:

"The requires the review of each accessibility standard five years after it becomes law to determine whether the standard is working as intended and to allow for adjustments to be made as required."

That substantially understates the goal of this mandatory review of the 2011 Transportation Accessibility Standard. This review's purpose is to ascertain whether the Transportation Accessibility Standard is working sufficiently to ensure that transportation becomes fully accessible to people with disabilities by 2025, the AODA's goal. This Review should recommend improvements, if needed, to ensure that the Standard will achieve that goal.

It is not sufficient for the Standards Development Committee to just ask if the Transportation Accessibility Standard is working "as intended". By that lesser measure, the Transportation Accessibility Standard would be fine, and would need no improvements, if it led transportation organizations to do whatever the 2011 Transportation Accessibility Standard spelled out, even if that left transportation in Ontario full of disability accessibility barriers, now and even after 2025.

The draft recommendations' opening remarks suggest a possible misunderstanding of the goal of AODA accessibility standards, and the duties of obligated organizations. . The draft recommendations state:

"In undertaking the review, the Committee considered a variety of possible solutions and tactics, including non-regulatory approaches in order to strike the right balance between protection and advancement of public interests and administrative burden imposed on regulated sectors."

Transportation providers in Ontario have a duty to achieve accessibility under the Ontario Human Rights Code, and in the case of public sector transit providers, the Canadian Charter of Rights and Freedoms. "Administrative burdens" on transportation providers, and especially public sector ones, cannot of themselves, justify a failure to

remove and prevent accessibility barriers. The simple existence of an administrative burden on transportation organizations does not justify an indefinite failure to accommodate the needs of passengers with disabilities. An obligated organization must prove that removing or preventing that accessibility barrier would cause the obligated organization an undue hardship, a tough test to meet.

It is commendable that the Standards Development Committee seeks public input on whether the long-term objective of the Transportation Accessibility Standard is sufficient. It for the reasons set out above, it is not sufficient.

We therefore recommend that:

#1: The Transportation Accessibility Standard should be amended to state that its objective is to ensure that transportation in Ontario becomes accessible to people with disabilities by 2025.

B. Conventional Transit

1. Sizes of mobility devices

The Standards Development Committee's draft recommendations state:

"The Committee recommends that the province coordinate outreach to ensure that mobility device consumers are aware of the space limitations on public transit vehicles and have the necessary information to help them choose a mobility device that best fits their needs."

That recommendation incorrectly shifts the responsibility to remove or prevent an accessibility barrier away from transportation organizations. It erroneously shifts it onto people with disabilities and to other public sector organizations. It is the responsibility of transportation organizations to ensure that their vehicles are flexible enough to accommodate the mobility devices that people with disabilities need to use. It is not the duty of people with disabilities to make their needs or their mobility aids fit the vehicles which transportation organizations have decided to purchase.

The 2011 Transportation Accessibility Standard provides for two or more allocated transportable mobility aids and spaces on the conveyance, each having a minimum clearance of 1220 mm by 762 mm. It is well-known and predictable that technology and the needs of persons with disabilities change over time. As such, accessible seating and space for mobility devices on public transit vehicles should also mirror that anticipated change and growth over time. A public transit vehicle, bought at substantial cost using public money, should be designed to meet the needs of passengers, including those with disabilities, well into the future, anticipating and allowing for future developments.

We do not recommend that the size of mobility devices be directly or indirectly regulated. Those regulated sizes may become obsolete over time. Rather, transportation providers in Ontario must be flexible. They should acquire vehicles that can be adapted as necessary to meet the accommodation needs of persons with disabilities as technology changes and new devices become available. By increasing the number of mobility devices that a public transit vehicle must be able to accommodate, this will also provide more flexibility in the size of the mobility devices that can be accommodated. If a vehicle has space for four mobility devices, then three extra-large ones can there be accommodated.

Moreover, it is the responsibility of transportation organizations themselves, and not that of other organizations such as the Ontario Government, to inform their passengers about this topic.

We therefore recommend that:

#2: The Standards Development Committee should directly consult people with disabilities on the size of mobility devices that public transportation vehicles need to be able to accommodate, and should recommend revisions to the Transportation Accessibility Standard, to ensure that any new vehicles can accommodate those mobility devices.

#3: The Transportation Accessibility Standard should be amended, as further addressed below, to increase the number of mobility devices to be accommodate on public transit vehicles, in order to enable those vehicles to accommodate the largest mobility devices on a trip e.g. when some of the other reserved spots are not needed by other passengers using mobility devices.

#4: The Transportation Accessibility Standard should be amended to provide that any new public transit vehicle should be designed with flexibility to enable it to accommodate different configurations of mobility devices, as the design of those devices evolves.

#5: The Standards Development Committee should withdraw its draft recommendation that would shift responsibility to people with disabilities and to other levels of government to ensure that people with disabilities do not buy mobility devices that do not fit the vehicles that transportation organizations have chosen to use.

#6: The Transportation Accessibility Standard should be amended to require transportation organizations to effectively inform people with disabilities about the sizes of mobility devices that their vehicles can now accommodate.

2. Training on the use of conventional transit

The Standards Development Committee's draft recommendations state:

"The Committee recommends that the Transportation Standards be amended to require conventional transit providers to make available information on the use of their services, within one year of the revised standard taking effect."

This amendment can be helpful. However, transportation organizations should not need a full year after the enactment of revisions of the Transportation Accessibility Standard to begin to make available information on the use of their services. Those revisions are themselves at least one year away. The AODA has been on the books for over 12 years. Any public transportation organization should have already made this information available to people with disabilities, in the interests of proper customer service. If they have not, then making it available should not take more than two months to start. Those organizations, who no doubt closely follow the recommendations of the Transportation Standards Development committee, should already be acting on this now, simply because it is good service.

We therefore recommend that:

#7: Transportation organizations should be required to make information available on use of their services for people with disabilities immediately on passage of revisions to the Transportation Accessibility Standard.

Note: See below for related recommendations on providing on-site assistance to people with disabilities in transit stations.

3. Identification of support persons

The Standards Development Committee's draft recommendations state:

"It is proposed that, by December 31, 2020, the province implement and manage a universal identification card for persons with disabilities to be used as proof that an individual is in receipt of an eligible benefit or requires support.In the interim, the Committee encourages the province to conduct public outreach and education to persons with disabilities and to transit providers in order to provide clarification on their rights and responsibilities regarding providing/requesting proof of need for a support person."

This draft recommendation would incorrectly shift transportation organizations' duty to others, such as to the Ontario Government. Transportation organizations have the duty to properly train their own employees on their obligations. That includes their duties regarding passengers with disabilities who are accompanied by support persons. Transportation organizations have a duty to supervise their own employees, to ensure that these rights are respected.

It would be wrong to create a new accessibility barrier, to require people with disabilities to obtain a provincial certification card before they can be accompanied on public transit by a support person at no charge. It would impose unfair added burdens on people with disabilities who need a support person. This would impose added hardships on the poor, the elderly and those living in more remote areas. For those with temporary conditions, a support person may be immediately needed. The delay in getting provincial approval could work hardships on them.

An AODA accessibility standard cannot be used to create new accessibility barriers. New accessibility barriers should not be created in the name of making it more administratively convenient for public transit providers.

A universal card qualifying people with disabilities for all benefits, not just certain transit services, wrongly assumes that the same disability qualification applies to each and every benefit. Yet different disability benefits and services typically have different qualifications. To qualify for use of a service animal is not the same as to qualify for bringing a support person on a public transit vehicle, or to qualify for a particular social assistance disability benefit.

We therefore recommend that:

#8: The Standards Development Committee should not recommend the creation of any new barriers to face people with disabilities, such as an obligation to acquire a provincial card to authorize them being accompanied by a support person on a public transit service.

We propose a better approach to this issue. Once one Ontario transportation organization permits a passenger to be accompanied by a support person, then all other Ontario transportation organizations should similarly accept that the person is so qualified. A person with a disability should not have to re-prove this need to each transportation organization.

We therefore recommend that:

#9: The Transportation Accessibility Standard should be amended to provide that when people with disabilities are permitted to use a support person on a transportation organization's services, they should be able to obtain documentation from that transportation organization, confirming that this has been permitted. That documentation should be accepted by any other Ontario transportation organization as authorizing their use of a support person.

4. Accessible seating and mobility aid spaces

And

5. Proportion of accessible seating and mobility aid spaces on trains and subways

The Standards Development Committee's draft recommendations state:

"The Committee discussed whether there should be a greater proportion of accessible seating and mobility aid spaces on trains and subways. The Committee recognized that procurement of vehicles happens within the confines of the North American marketplace, and the current requirements are in line with the Americans with Disabilities Act (ADA), which is also a global best practice for transit vehicles."

And

" The Committee recommends that education and outreach solutions be developed to increase public awareness on the use of accessible seating and mobility aid spaces."

The Standards Development Committee's draft recommendations also state:

"Item 5: Proportion of Accessible Seating and Mobility Aid Spaces on Trains and Subways
The Committee recommends no amendments or changes to the existing Transportation Standards regarding the proportion of accessible seating and mobility aid spaces."

In fact, the 2011 Transportation Accessibility Standard needs to be strengthened in this area. We respectfully disagree with a view that Ontario's requirements should be treated as sufficient if they align with the Americans with Disabilities Act, or if they accord with current North American vehicle manufacturers' market trends.

In the case of such huge purchases, and the years it takes to get orders filled, it is reasonable for Ontario to set higher requirements for accessibility here, as needed, and not to treat them as pre-dictated by the manufacturers in the North American market. In the 2014 Ontario election, Premier Wynne promised that public money would never be used to create new disability accessibility barriers. Premier Wynne's May 14, 2014 letter to the AODA Alliance, setting out your Government's 2014 accessibility election pledges, is available at <http://www.aodaalliance.org/strong-effective-aoda/06132014.asp> Moreover the Supreme Court's ruling a decade ago in Council of Canadians with Disabilities v. ViaRail (2007) 1 S.C.R. 650 emphasizes the importance of procuring accessible vehicles when new public transit vehicles are purchased. In any event, there

is a growing international demand for accessible transit vehicles as accessibility laws expand around the world.

If this draft recommendation's proposed "education" is aimed at employees of transportation organizations, transportation organizations are already obliged to train their own employees. If the Standards Development Committee's proposal aims at educating people with disabilities, this should be included in the earlier recommendation regarding transportation organizations providing information to people with disabilities on their services.

As noted earlier, it would be incorrect to approach this issue on the basis that it is the duty of people with disabilities to make their needs, and their related mobility devices, conform to the public transit vehicles that transportation organizations have decided to purchase. It is the duty of public transit organizations to ensure that their public transit vehicles meet the needs of people with disabilities.

As Ontario's population ages, the number of people requiring accessible public transit will increase. As such, our public transit vehicles should be designed today to meet the foreseeable increased demands of the future.

We therefore recommend that:

#10: The Transportation Accessibility Standard should be amended to

- a) Require a minimum of four spaces for mobility devices on each public transit subway car, bus, streetcar, or other public transit vehicle.
- b) set space requirements for each mobility device that are larger than those to which the current Transportation Accessibility Standard is limited, and that will accommodate the spectrum of mobility devices now on the market or reasonably anticipated.

6. Accessible seating for persons with vision loss

The Standards Development Committee's draft recommendations state:

"The Committee recommends that partnerships between providers and community agencies should be established to provide training and/or training materials to support people with visual disabilities who require accessible seating."

Assistance for navigating public transit systems or stations, or for learning to do so, can be very helpful for people with disabilities, such as people with vision loss. The responsibility to provide this should rest with the relevant transportation organizations. As the KPMG report noted, in some jurisdictions this service is provided by public transportation organizations. We also understand that the SkyTrain and other related train services in Vancouver provide such a service. A passenger with a disability can

call ahead and have a transit employee meet them curbside and guide them through the transit station. This service should be provided in Ontario as well.

We therefore recommend that:

#11: The Transportation Accessibility Standard should be amended to require public transit providers to provide a service to assist passengers with disabilities to navigate transit stations, on a same-day call-ahead basis.

7. Service animals

The Standards Development Committee's draft recommendations state:

"The Committee recommends that education and outreach solutions be developed to increase public awareness on service animals including ways to safely transport the animal."

If this draft recommendation relates to efforts aimed at educating employees of transportation organizations, those transportation organizations already have that duty. If this draft recommendation relates to educating people with disabilities who use service animals, educating them is not the role of an AODA accessibility standard.

The Standards Development Committee correctly noted the ongoing problem that transportation organizations still have occasion to refuse to serve or accommodate people using service animals. The Standards Development Committee's draft recommendations state:

"The Committee reviewed the current requirements with respect to service animals, and it was found that in the cases reviewed, all were in contravention of existing requirements. As such, the Committee determined that additional education with respect to the existing requirements is required."

Those violations have been illegal in Ontario for four decades. The fact that violations persist, shows that we need more than further education of transportation organizations and of the public. Ontario needs both stronger provisions and much stronger enforcement.

We therefore recommend that:

#12: The Transportation Accessibility Standard and related enforcement regulations should be revised to provide substantially stronger penalties for violations such as refusals to accommodate the use of service animals in transportation services, including stiff penalties for first time violations.

#13: The Transportation Accessibility Standard should be revised, so that a refusal of service to a person with disabilities accompanied by a service animal should be presumed to be a violation absent proof to the contrary.

8. Pre-boarding and on-board requirements

The Standards Development Committee's draft recommendations state:

"The Committee recommends that education and outreach, including courtesy campaigns, should be developed to improve priority boarding situations for persons with disabilities."

Improvements in providing pre-boarding services are always welcome. The responsibility to improve these services should be placed on transportation organizations. They are right at the scene. They can focus their message on the very people who are directly affected. It is far more inefficient and ineffective to try to blanket the entire province with publicity, hoping it reaches the narrow population that needs to receive it.

For many years, airports around the world have provided pre-boarding for people with disabilities and parents with small children. This has not been a significant problem for other passengers. The challenges of tight airline schedules, high airport security, and large numbers of passengers have not precluded this from being effectively carried out.

We therefore recommend that:

#14: The Transportation Accessibility Standard should be amended to require transportation organizations to announce to passengers at a transit station, in advance of boarding, about pre-boarding accommodations for passengers with disabilities.

9. Pre-boarding and on-board requirements

The Standards Development Committee's draft recommendations state:

"The Committee recommends an amendment to the Transportation Standards, effective immediately when the revised standard takes effect, requiring transit providers to show progress on meeting their pre-boarding and on-board announcement requirements as part of the annual status report on their multi-year accessibility plans. The Committee also recommends that this item be highlighted for consideration during the next scheduled review."

We agree that significant improvement is needed in this area. In Toronto, The Toronto Transit Commission has for over a decade been required to provide monthly reports of its compliance with Human Rights Tribunal orders that require it to consistently

announce all subway, bus and street car stops. This extensive monitoring has been an important part of legal efforts, to ensure a high level of TTC compliance.

In contrast, for the rest of Ontario, people with disabilities have to either file individual human rights complaints whenever a public transit provider fails to announce a route stop, or must hope for the Ontario Government to start to properly enforce the Transportation Accessibility Standard. Yet Government enforcement has been substantially inadequate. We have no indication from the Government that it has taken any steps to monitor or enforce the duty of transportation organizations to make stop announcements, over the six years since the 2011 Transportation Accessibility Standard has required these announcements. We have received anecdotal feedback to the effect that the delivery of route stop announcements on public transit systems around Ontario, outside Toronto, is inconsistent.

We know that public transit providers were initially reluctant about including route stop announcements in the 2011 Transportation Accessibility Standard. In the initial recommendation of the Transportation Standards Development committee over a decade ago, it recommended that public transit providers be given 18 years to start providing those stop announcements.

We therefore recommend that:

#15: The Transportation Accessibility Standard should be amended to require that all transportation organizations that are obliged to make route stop announcements must:

- a) Conduct monthly self-audits of pre-boarding and on route announcements;
- b) Make these audits promptly available on the transportation organization's website

And

- c) Electronically file these audit reports with the Accessibility Directorate of Ontario on a quarterly basis, which the Accessibility Directorate of Ontario should make available on a publicly-accessible and searchable website.

10. Reporting on accessibility at transit facilities, stops and shelters

The Standards Development Committee's draft recommendations state:

"The Committee recommends an amendment to the Transportation Standards, effective immediately when the revised standard takes effect, requiring municipalities and transportation providers to report on and show progress made to improve accessibility at transit facilities, stops and shelters based on their service offerings and community need as part of the annual status report on their multi-year accessibility plans."

It is good that the Standards Development Committee turned attention to the need to ensure the accessibility of transit stations and stops. However, what it recommended falls far short of what is needed.

Transportation services are of little or no use to people with disabilities who cannot get into, and safely and independently navigate around, transit stations or stops. Now, transit stations and stops around Ontario far too often lack an accessible built environment.

All the 2011 Transportation Accessibility Standard provides is as follows:

" 78. (1) Any municipality that provides conventional transportation services shall consult with its municipal accessibility advisory committee, where one has been established in accordance with subsection 29 (1) or (2) of the Act, the public and persons with disabilities in the development of accessible design criteria to be considered in the construction, renovation or replacement of bus stops and shelters.

(2) Every municipality to which subsection (1) applies shall identify planning for accessible bus stops and shelters, including any steps that will be taken to meet the goal of accessible bus stops and shelters, in its accessibility plan required under Part I.

(3) Where a municipality has entered into arrangements with a person respecting the construction of bus stops and shelters in its jurisdiction, the municipality shall ensure that the person participates in the consultation and planning as described in subsections (1) and (2).

(4) Municipalities shall meet the requirements of this section by January 1, 2013."

The 2011 Transportation Accessibility Standard did not require any actual changes to existing transit stations or stops. It did not specify detailed accessibility requirements for new transit stations or stops. It left it to each municipality to reinvent the same accessibility wheel, at great cost to the public and great burden to people with disabilities across Ontario. The AODA's aim is to avoid such wasteful burdens, by setting province-wide accessibility standards that let obligated organizations know what they have to do. .

Unless the 2011 Transportation Accessibility Standard is strengthened to effectively address this, a fully accessible transportation system in Ontario will not be achieved.

The current Transportation Standards Development committee referred to the fact that responsibility for transit stations and stops can be the responsibility of transportation organizations or municipalities. The Standards Development Committee's draft recommendations state:

"The Committee discussed the joint responsibility of transit providers and municipalities for transit stops and facilities and the difficulties in making them accessible based on existing infrastructure in some communities."

No matter which local government organization is responsible for a particular transit station or stop, these nevertheless must be made fully accessible to people with disabilities.

We believe that seven years ago, the original Transportation Standards Development committee may have left this issue to the Built Environment Standards Development Committee. However, the Government never enacted sufficient built environment accessibility standards generally. It enacted none pertaining specifically to the transportation sector.

The 2013 reforms to the Ontario Building Code on accessibility of the built environment are inadequate. In 2012-13, the Government refused the AODA Alliance's request to set specific requirements for high-traffic facilities like transit stations. Moreover, the Ontario Building Code does not deal with retrofit of existing buildings which are undergoing no major renovations.

Similarly, under the AODA, the Government only enacted very limited built environment requirements for "public spaces". These were mainly outside venues like recreation trails, public parking, and sidewalk curbs. That accessibility standard did not set requirements needed for the entire built environment in transit stations or stops, new or old.

An accessibility standard must specify specific action to be taken to remove and prevent recurring disability accessibility barriers. The Standards Development committee's draft recommendations merely seek to have transportation organizations periodically report on progress. People with disabilities need more than that..

We therefore recommend that:

#16: The Transportation Accessibility Standard should be revised to set comprehensive universal design requirements that exceed the Ontario Building Code, and that meet the Ontario Human Rights Code ,for the built environment of transit stations and stops, including for new ones to be constructed, renovated ones, and existing ones that are undergoing no major renovations. These should include measures set out in Appendix 4.

11. Technical requirements on signage

The Standards Development Committee's draft recommendations state:

"The Committee recommends that a list of tools and resources on best practices for signage be developed and/or be made available to help to reduce barriers for persons with disabilities. In addition, the Committee requests public feedback on signage solutions to improve accessibility for persons with visual disabilities."

The Integrated Accessibility Standards Regulation now provides:

" 58. (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured on or after January 1, 2013 to which this section applies display the route or direction of the transportation vehicle or its destination or next major stop.

(2) For the purposes of subsection (1), the signage displaying the route or direction or destination or next stop may include pictograms or symbols, but the signage must,

- (a) Be visible at the boarding point;
- (b) Be consistently located;
- (c) Have a glare-free surface; and
- (d) Be positioned to avoid shadow areas and glare.

(3) Every conventional transportation service provider shall ensure that the signage displaying the route or direction or destination or next stop,

- (a) Is consistently shaped, coloured and positioned, when used in the same type of transportation vehicle to give the same type of information; and
- (b) Has text that,
 - (i) Is high colour-contrasted with its background, in order to assist with visual recognition, and
 - (ii) Has the appearance of solid characters.

(4) This section applies in respect of the following:

- 1. Transit buses.
- 2. Motor coaches.
- 3. Streetcars.

4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail."

The 2011 Transportation Accessibility Standard imposes unacceptably vague and thus weak requirements to promote the use of well-contrasted signage and lighting for the benefit of persons with low vision. These don't incorporate in every instance the needed, measurable and specific standards on the degree of contrast that must be used.

The lighting levels required are far too low. This is problematic for persons with low vision, and likely, for many if not most passengers. The level of lighting at each position here regulated needs to be augmented to a minimum of 100 Lux. The 100 lux is in keeping with the Canada Standards Association elevator standard and is also found in the annex of CSA's B65.1 Accessible Design and the Built Environment for the landing sill on elevators.

On signage, the Transportation Accessibility Standard does not specify size or style of fonts for intended viewing distances or the type of font to be used. We recommend the use of upper and lower case letters that are sans serif. The size of fonts should be specifically detailed.

We therefore recommend that:

#17: The Transportation Accessibility Standard should be amended to substitute 100 lux for 20 lux for lighting levels (in all areas it addresses).

#18: The Transportation Accessibility Standard should be amended to require that on signage,

a) Lettering be in sans serif

b) The size of fonts should harmonize with CSA's B65.1 viewing distance chart in clause 4.5.3.3: Viewing distance, 2.5 meters - font size 100 millimeter - example, external route sign viewed from street.

Viewing distance, 2.3 meters - font size 75 millimeters - example, internal line transfer information.

Viewing distance, 1.5 meters - font size 50 millimeters - example, route information on display map.

New technology can be helpful in this context. For example, TTC has installed GPS technology on all its transit vehicles. It would be easy to develop a fully accessible, free mobile app that could assist passengers with vision loss and learning disabilities know where a bus is, and where a bus stop is. Inside building, a growing range of products are available for providing indoor navigation supports, accessed through mobile apps.

We therefore recommend that:

#19: The Transportation Accessibility Standard should be amended to require larger municipal transit authorities to develop, deploy and update fully accessible mobile apps to enable all users, including all people with disabilities, to know the nearby bus schedule, the location and identity of nearby stops and routes, and to navigate inside transit stations.

12. Grab bars, handholds, handrails or stanchions

The Standards Development Committee's draft recommendations state:

"The Committee recommends an amendment to the Transportation Standards, to include language around "no protruding ends" to the existing accessibility requirements for grab bars, handholds, handrails or stanchions, as one of the technical requirements."

We agree with this recommendation.

We therefore recommend that:

#20: The Transportation Accessibility Standard should be amended to ensure that grab bars, handholds, handrails and stanchions in public transit vehicles have no protruding ends.

13. Technical transportation standards to better support persons with vision loss

The Standards Development Committee's draft recommendations state:

"The Committee discussed additional technical Transportation Standards to better accommodate persons with visual disabilities in larger transit vehicles such as minimum standards for lighting, colour/brightness contrast standards, and standards for stairs and handrails. It was concluded through consultation with guest speakers that the Transportation Standards contained requirements that met or exceeded global best practices."

We disagree. The AODA does not require Ontario to simply meet or exceed requirements or best practices on accessibility in force in other places. What the AODA requires are accessibility standards that will ensure full accessibility.

We do not know with whom the Standards Development Committee consulted, or what options from other jurisdictions or best practices those speakers considered. As noted earlier the Transportation Accessibility Standard has standards for persons with vision loss that are both too vague and too low.

We therefore recommend that:

#21: The Transportation Accessibility Standard should be amended to include comprehensive, detailed technical accessibility requirements for persons with vision loss in transit stations, vehicles and stops, including, as examples:

a) Tactile walking surface indicators should be located at all unprotected drop-off edges on transit platforms and ferry docks.

b) Tactile walking surface indicators should be installed on the full width of the drop-off.

c) The base surface should be level with or not more than three millimeters above the surrounding surface.

d) The depth of the tactile walking surface indicators should be 610 mm to 650 mm.

e) Tactile walking surface indicators should have the following specifications:

(i) The height of the flat-topped domes should be 5mm +/- 1mm.

(ii) The diameter of the top of the flat-topped domes should be between 12 mm and 20 mm.

(iii) The diameter of the lower base of the flat-topped domes should be 10 mm +/- 1 mm more than the diameter of the top.

(iv) The distance between the bases of adjacent domes should be a minimum of 15 mm.

(v) The spacing between adjacent flat-topped domes should be adjusted depending on the size of the domes, as shown in the table below. The larger the individual domes, the farther the space between them:

Top diameter of flat-topped domes (mm): 12, 15, 18, 20

Spacing between the centres of adjacent domes (mm): 55 to 61, 57 to 63, 60 to 61, 63 to 68

f) Stairs on ferries and in transit stations should have a detectable warning surface located at the top of all stairs. The texture of the detectable warning should :

i) be 70% colour contrasted from the surrounding surface and run the full width of the stairs;

- ii) Have a depth of 920 mm;
- iii) Commence one tread depth from the edge of the stair.
- iv) Be the same texture and dome dimension as the tactile walking surface indicator used on ferry docks.

g) Transit stations and stops should have directional way-finding including tactile walking surface indicators.

h) Detailed lighting and colour contrast requirements should be specified and should be sufficient to accommodate the needs of people with low vision.

C. Specialized transit

14. Eligibility for specialized transit

The Standards Development Committee's draft recommendations state:

"The Committee recommends no amendments to the existing Transportation Standards regarding eligibility requirements for specialized transit.

Because organizations are not required to switch to the three categories of eligibility until the beginning of 2017, the Committee believes that this should be revisited after implementation of the three categories, during the next Transportation Standards Review or earlier, and that the province should track outcomes."

The 2011 Transportation Accessibility Standard provides:

" Categories of eligibility

63. (1) Every specialized transportation service provider shall have three categories of eligibility to qualify for specialized transportation services,

(a) Unconditional eligibility;

(b) Temporary eligibility; and

(c) Conditional eligibility.

(2) For purposes of eligibility for specialized transportation services, specialized transportation service providers shall categorize persons with disabilities as follows:

1. A person with a disability that prevents them from using conventional transportation services shall be categorized as having unconditional eligibility.
 2. A person with a temporary disability that prevents them from using conventional transportation services shall be categorized as having temporary eligibility.
 3. A person with a disability where environmental or physical barriers limit their ability to consistently use conventional transportation services shall be categorized as having conditional eligibility.
- (3) A specialized transportation service provider may deny requests for specialized transportation services to persons who are categorized as having temporary eligibility or conditional eligibility if the conventional transportation service is accessible to the person and the person has the ability to use it.
- (4) Specialized transportation service providers shall meet the requirements of this section by January 1, 2017. "

The Standards Development Committee found that there are real inconsistencies around Ontario. The Standards Development Committee's draft recommendations state:

"The Committee learned that all specialized transit providers in Ontario have eligibility criteria for riders to become eligible for specialized transit in one form or another, although the criteria, and the method of assessing eligibility, may vary widely.

The Transportation Standards are silent on how transit providers should determine eligibility. This has resulted in inconsistent criteria being applied across specialized transportation systems around the province."

We respectfully disagree with the Standards Development Committee's draft recommendation. People with disabilities should not have to wait until 2023 or later, for reforms in this area. That is when the likely next review of the Transportation Accessibility Standard will begin. By then, the AODA's 2025 deadline for transportation to become fully accessible will be a scant two years away. It will be too late to fix paratransit qualifications and application processes, in time for the AODA's 2025 deadline for full accessibility.

The Transportation Accessibility Standard's known deficiencies need to be fixed now. The 2011 Transportation Accessibility Standard had set the absurdly long 2017 deadline for the new paratransit eligibility criteria to begin. Public transit providers have known for many years what was upcoming.

Quoted above, s. 63 of the 2011 Transportation Accessibility Standard provision sets out categories of eligibility for para-transit services. We are very concerned that one of those categories that it permits is "conditional eligibility". To repeat, section 63(2)(3) defines this as:

"3. A person with a disability where environmental or physical barriers limit their ability to consistently use conventional transportation services shall be categorized as having conditional eligibility."

Section 63(3) gives a public transit provider sweeping discretion to pick and choose when a person may ride para-transit, and when he or she can be forced to try to use the conventional transit system. Section 63(3) states:

"(3) A specialized transportation service provider may deny requests for specialized transportation services to persons who are categorized as having temporary eligibility or conditional eligibility if the conventional transportation service is accessible to the person and the person has the ability to use it."

People with disabilities who are relegated to that class will never know on any particular day whether the transit authority will deem them eligible to use para-transit. People with disabilities require certainty, so they can organized their day.

We therefore recommend that:

#22: Section 63 of the Transportation Accessibility Standard should be amended to delete the category of "conditional eligibility" for paratransit services.

It is good that s. 64 gives an applicant a right of appeal if they are refused eligibility for paratransit services. However s. 64(6) provides as follows:

"(6) A specialized transportation service provider shall make a decision on an appeal with respect to eligibility within 30 calendar days after receiving the complete appeal application, but if a final decision is not made within the 30 days, the applicant shall be granted temporary eligibility until a final decision is made."

This provision gives the independent appeal process fully 30 days to decide an appeal, once it is filed. That is far too long. These appeals will not be complicated. They should not take that long to decide.

We therefore recommend that:

#23: Section 64(6) of the Transportation Accessibility Standard should be amended to require an appeal decision regarding eligibility for paratransit services, to be rendered within 14 calendar days of the appeal being filed.

Section 64(8) of the Transportation Accessibility Standard provides as follows:

"(8) A specialized transportation service provider shall have policies respecting the collection, use and disclosure of personal information collected for purposes of determining eligibility under this section."

This provision requires the para-transit system to have a policy on collection and disclosure of passenger private information. However it does not set any minimum requirements for that policy. Under that provision, it would be acceptable for a para-transit system's policy to permit posting of passengers' deeply private medical information on the internet for the world to see.

We therefore recommend that:

#24: Section 64(8) (for Ontario residents) and 67(4) (for visitors) of the Transportation Accessibility Standard should be amended to set strict minimum privacy requirements for any para-transit service's policy on collection and disclosure of private passenger information.

15. Origin-to-destination services

The Standards Development Committee's draft recommendations state:

"The Committee recommends no amendments to the Transportation Standards regarding origin-to-destination services. The province should continue to monitor this to see if any challenges arise."

We respectfully disagree. Amendments are needed now. There are serious concerns with the current provisions. These provisions permit the fundamentally flawed "family of services" approach to serving people with disabilities. The power to do so was included in the 2011 Transportation Accessibility Standard at the request of the transit sector. The 2011 Transportation Accessibility Standard provides:

"Origin to destination services

68. (1) every specialized transportation service provider shall provide origin to destination services within its service area that takes into account the abilities of its passengers and that accommodates their abilities.

(2) Origin to destination services may include services on any accessible conventional transportation services.

(3) For the purposes of this section, origin to destination services refers to the overall package of transportation services that allows a specialized transportation service provider to provide, in a flexible

way, transportation services in a manner that best meets the needs of persons with disabilities.

(4) Specialized transportation service providers shall meet the requirements of this section by July 1, 2011."

At the core of the 2011 Transportation Accessibility Standard is the "family of services" concept. It flies in the face of equality for passengers with disabilities. While dressed up in the Transportation Accessibility Standard in softened language, it in effect gives public transit authorities sweeping discretion to provide for passengers with disabilities however they choose, without ensuring true equality of service.

This can let public transit providers cancel pre-existing door to door services for persons with disabilities in favour of door to closest transit hub services. Persons with disabilities must then take conventional transit for the rest of the way.

This ignores many aspects of living with a disability. Examples of possible problems include: the size of a mobility device; changes in weather; rush hour or other popular times of travel; possible separation of a person with a disability from their support person; difficulty in finding a seat if you are a person with invisible or episodic disabilities; the impact of chemicals or chemically based products on persons with environmental or chemical sensitivities; severe allergies; or the very nature of a disability that can make it impossible to use conventional transit for any period of time.

There is a risk that public transit providers' decision makers who consider a person's eligibility for family of services can be rigid in the application of eligibility criteria. If this "family of services" regime were to be permissible at all, letters from health care practitioners about the dangers to one's health of this mode of service should be sufficient for someone to keep themselves out of the "family of services" regime, and to maintain their fulltime access to para-transit services.

A serious concern with this part of the 2011 Transportation Accessibility Standard was identified in the 2014 final report of the Mayo Moran AODA Independent Review, as follows:

"Similar difficulties were reported with a number of elements of the transportation standards. A case in point is the provision on "origin to destination services", which permits specialized transportation providers to offer an overall package of services to people with disabilities and which may include service on accessible conventional services. Some disability stakeholders consider this provision obscure, while others believe it creates an "escape hatch" that allows transit operators to deliver services as they wish."

We understand that municipalities have implemented, or are looking into, this "family of services" approach to transportation for people with disabilities. Experiences with that

approach to date have been problematic for people with disabilities. It has authorized backsliding on providing accessible transit to people with disabilities. The AODA and accessibility standards enacted under it were not meant to lead to reductions or backsliding on accessibility for people with disabilities.

An example of this "family of services" approach illustrates the problem. ARCH has heard that a young woman using a respirator was told she was no longer to be allowed to use para-transit in her community. Before then, she was taken from her home to her school via para-transit, with the trip taking about 30 - 40 minutes, depending on traffic. After she was told she was no longer eligible for para-transit services, a para-transit vehicle would pick her up at her home, and drive her for approximately 30 minutes to the main transit station hub. She was then expected, in her scooter, to get on the regular bus with her attendant.

Because she was going to school, her schedule was during rush hour, and she was frequently separated from her attendant service provider. This had a very negative impact on her attendant being able to suction her. There were more than a few emergencies. When the weather changed from fall to winter, the impossibility of this mode of transportation for her became blatantly obvious. She was extremely sensitive to cold and wet weather, including snow. She would be dropped off (quite some time after her 30 minute drive to the transit hub) at a bus stop. She was expected to cross the street and get another bus that stopped at a shopping mall. She was frequently very ill.

Her doctor wrote numerous letters on her behalf. Yet the municipality would not change its eligibility decision until ARCH became involved. Had the "family of services" retrenchment of accessible services not have been adopted under the Transportation Accessibility Standard, this woman would not have had to undergo this ordeal.

We therefore recommend that:

#25: The Transportation Accessibility Standard should be amended to repeal any reference to and to eliminate any authorization of the "family of services" retrenchment on paratransit services, that lets a public transit provider force a paratransit passenger to take part of their ride on paratransit and the rest on conventional transit.

16. Multiple fares

The Standards Development Committee noted concerns that some transportation organizations might wrongly charge people with disabilities multiple fares for a single route, if part of that route is provided on a paratransit vehicle and the other part of the route is provided on the conventional service. The Standards Development Committee suggested that this may not be frequent. We do not know if that Committee comprehensively canvassed users to find out their experiences.

This risk may be a result of the move towards the seriously problematic "family of services" approach to serving people with disabilities, addressed earlier. Elimination or substantial reduction of the family of services practice would similarly reduce the risk of double-charging people with disabilities.

The Standards Development Committee's draft recommendations state:

"The Committee believes this is best addressed as an operational challenge by transit providers. The Committee recommends that non-regulatory approaches be adopted to build awareness, such as educational materials or outreach."

We respectfully disagree. Proactive measures should be enacted now to prevent this. This is the responsibility of major public transit providers, which are themselves part of municipal governments. They have had ample time to ready themselves to prevent double-charging of any passengers with disabilities. Current provisions are proven to be insufficiently strong. The duty of a public transit provider not to double-charge passengers with disabilities should be obvious. Stronger measures are needed.

We therefore recommend that:

#26: The Transportation Accessibility Standard should be amended to ban any transit organization from double-charging people with disabilities when part of a ride is on the conventional service and part of the ride is on a paratransit vehicle, with stiff penalties imposed on both the transit organization and the individual who tries to impose a double charge, including for a first violation.

#27: The Transportation Accessibility Standard should be amended to require public transit providers to regularly announce on their public address systems that no passenger with a disability should ever be charged a double fare, and providing a hotline number and email to report any such violations.

17. Booking requirements

The Standards Development Committee appears to recognize several significant barriers in the paratransit booking process. The Standards Development Committee's draft recommendations state:

"The Committee discussed the pre-booking process often required to use specialized transit services. These include the requirement to book far in advance, barriers to spontaneous travel, delays experienced by both the client and the provider, and penalties for no-shows and cancellations."

The Standards Development Committee did not recommend mandatory substantive action to remove these known recurring accessibility barriers. The Standards Development Committee's draft recommendations state:

"The Committee recommends that transit providers develop education and outreach solutions so that they can better communicate their policies and procedures to customers."

When it comes to public transit, people with disabilities who must use paratransit continue to languish in second class status at the hands of public transit providers. Passengers who can use the conventional transit system can spontaneously take a public transit ride whenever they wish, simply by checking the transit schedule and arriving on time to catch the next bus, streetcar or subway. They don't have to decide on their plans the day before. They can spontaneously adjust their ride en route, add destinations along the way, all so long as they can get to the bus they need on time, or can wait for the next scheduled bus.

The 2011 Transportation Accessibility Standard does not effectively address this. It does not even guarantee same day service to people with disabilities. The solution to this recurring problem is not to better inform people with disabilities about the second class status they must endure on paratransit.

Section 71 of the 2011 Transportation Accessibility Standard provides:

" 71. (1) Every specialized transportation service provider shall, where the specialized transportation services require reservations,

(a) Provide same day service to the extent that it is available; and

(b) Where same day service is not available, accept booking requests up to three hours before the published end of the service period on the day before the intended day of travel."

This provision is seriously flawed. It only assures same day service "where available." This is a loophole the size of the Canadian Shield. It does not even guarantee a ride if booked the day before. In contrast, conventional transit riders usually just have to consult the bus schedule and then wait at a bus stop for a few minutes for a ride they don't even have to book in advance.

Because para-transit services cannot be accurate about their arrivals and departures, paratransit passengers too often are late for appointments, for work, for school, for all activities of daily living that people without disabilities take for granted. How many times will an employer accept the "excuse" that "Para-transit was late again"? How many professors or teachers will be generous when class participation counts towards a final grade. There must be a better way to book services, particularly regular or repeating ones throughout all municipalities. Imagine if you decided to have dinner with friends and go to a movie on a Friday night? If you have a disability you are precluded from doing that, because para-transit has to be booked well in advance. Imagine a friend

getting tickets to a concert or sports event for your favorite performer or team. But you can't go because no para-transit vehicles are available to take you.

A person who responded to ARCH's consultation had a very dangerous narrative to share. As a result of her disability, she had to go to emergency services at a hospital one night. She could not find an accessible taxi through any of the major service providers. She ended up having to go out of her way to find an accessible subway station. When she was finished with her appointment in the emergency department, she then had to try to find a way home. Once again, she could not get an accessible taxi to pick her up. Moreover, the subway had closed. She was stranded for three hours, waiting for the subway system to re-open. This type of situation could have deadly consequences for a person with a disability.

There is no reason we know of, driven by actual vehicle capacity, that requires paratransit services not to ensure same day service. Public transit providers should have been able to achieve more than what s. 71 provides, in the 3.5 years since this provision went into effect on January 1, 2014. With expanded availability of accessible taxis, and the ability of public transit providers to retain private taxis to address paratransit services, it should be realistic to provide same day service.

If there were to be an exception to the same day ride guarantee (which we dispute), it should be far narrower and circumscribed. Paratransit services could ensure far more availability if they were to contract for accessible taxis and ridesharing services where demand exceeds the supply of paratransit vehicles.

We therefore recommend that:

#28

a) Section 71 of the Transportation Accessibility Standard should be amended to require the provision of same day service on paratransit, with 2 hours advance notice.

b) If Recommendation (a) above is not accepted, then as a less acceptable alternative, section 71(1) of the Transportation Accessibility Standard should be amended to provide:

"71. (1) Every specialized transportation service provider shall, where the specialized transportation services require reservations, provide same day service, either via vehicles operated by that service or by accessible taxis or accessible ridesharing services, for which that specialized transportation service contracts, when booked at least five hours in advance, and provide assured service if booked the day prior, except where it is demonstrably impossible to provide the same-day service due to unexpected harsh inclement weather.

Section 71 of the 2011 Transportation Accessibility Standard also provides:

" (2) A specialized transportation service provider to whom subsection (1) applies shall provide accessible means to accept reservations."

That provision does not ensure that a qualified passenger will be able to get through on the phone to book a para-transit ride without excessive delays, such as have been reported to us, particularly in Toronto..

We therefore recommend that:

#29: Section 71(2) of the Transportation Accessibility Standard should be amended to provide:

"(2) A specialized transportation service provider to whom subsection (1) applies shall provide accessible means to accept reservations, and shall ensure that phone calls to book the service during regular operating hours will be answered by an individual operator within 5 minutes."

18. Fees for medical forms

The Standards Development Committee's draft recommendations state:

"The Committee recommends this item be forwarded to the forthcoming Health Care Standards Development Committee."

Because of recurring disability accessibility barriers in the conventional transit services, some people with disabilities must use paratransit. Transportation organizations can insist on receiving medical documentation to qualify. This can become an impediment. The cost of getting that documentation can also become an impediment, which is created by the request of transportation organizations to have medical documentation.

This is an accessibility barrier in transportation. It should be addressed by the Transportation Accessibility Standard. It should not be referred to the Health Care Standards Development Committee. The Health Care Standards Development Committee has ample to do, dealing with all the disability accessibility barriers in Ontario's entire health care system.

We therefore recommend that:

#30: The Transportation Accessibility Standard should be amended to require transportation organizations, who require medical documentation to qualify for paratransit, to cover the cost of that medical documentation, in order to remove this transportation barrier, particularly for people with disabilities with limited financial means.

D. Duties of municipalities that license taxicabs

19. On-demand accessible taxicabs

And

20. Side-entry taxicabs

The Standards Development Committee's draft recommendations state:

"The Committee recommends an amendment to the Transportation Standards, effective immediately after the revised standard takes effect, which requires municipalities, as part of the review of their multi-year accessibility plan, to consult with the public, persons with disabilities and their accessibility advisory committee. In addition, municipalities should be explicitly required to identify progress made towards meeting the need for on-demand taxicabs as part of the annual status report on their multi-year accessibility plans."

And

"The Committee recommends no amendments to the existing Transportation Standards regarding side-entry taxis."

The 2011 Transportation Accessibility Standard provides as follows:

" Duties of municipalities, accessible taxicabs

79. (1) Every municipality shall consult with its municipal accessibility advisory committee, where one has been established in accordance with subsection 29 (1) or (2) of the Act, the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required in the community.

(2) Every municipality shall identify progress made toward meeting the need for on-demand accessible taxicabs, including any steps that will be taken to meet the need, in its accessibility plan required under Part I. O. Reg. 191/11, s. 79 (2).

(3) Municipalities shall meet the requirements of this section by January 1, 2013.

(4) In this section,

“accessible taxicab” means an accessible taxicab as defined in section 1 of Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Persons) made under the Highway Traffic Act.

Duties of municipalities, taxicabs

80. (1) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs are prohibited,

(a) from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and

(b) from charging a fee for the storage of mobility aids or mobility assistive devices.

(2) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs place vehicle registration and identification information on the rear bumper of the taxicab.

(3) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.

(4) The information in subsection (2) shall meet the requirements of subsection 58 (3).

(5) Municipalities described in this section shall meet the requirements in this section,

(a) By July 1, 2011, in respect of subsection (1); and

(b) By January 1, 2012, in respect of subsections (2) and (3)."

We commend the Transportation Standards Development committee for in effect recognizing that improvement is needed to ensure accessibility of taxi cabs for people with disabilities. However, the Committee's draft recommendations fall far short of what is needed. They would not ensure that taxi cabs become accessible by 2025, or ever. Similarly, ss. 79 and 80 of the 2011 Transportation Accessibility Standard are far too weak. They too will not ensure that Ontario will have fully accessible taxi service in 2025, or ever.

The Committee's draft recommendation, like the existing provisions on this topic in the Transportation Accessibility Standard, is not in essence an accessibility standard within the meaning of the AODA. As noted earlier, an accessibility standard should specify

what disability accessibility barriers need to be removed, and by when. It should relieve each municipality and each taxi cab owner from having to figure out what they must do in this regard, and by when.

The KPMG Report identified this as a priority area. It identified other jurisdictions that are well ahead of Ontario.

With under 7.5 years left to reach full accessibility, the Transportation Accessibility Standard should require each municipality to take all the specific steps needed to ensure that there will be fully accessible taxi service in each community by 2025. If London England can do it, so can Ontario.

We therefore recommend that:

#31: The Transportation Accessibility Standard should be amended to specify that all taxis in each municipality must be accessible by 2025, and that each municipality must take all required steps, to be included in their accessibility plans, to ensure that this goal is reached. This should include, among other things, requiring each municipality to:

a) give a priority or preference, when issuing permits for new taxicabs, to applicants who undertake that the new taxicab will be accessible, on the understanding that they are permitted to carry any passenger, whether or not he or she has a disability, and

b) In consultation with any special transportation services provider in the community, consider using accessible taxi services as an option for providing specialized transportation services under this Act.

(c) Annually identify progress made toward meeting the need for accessible taxicabs in its status report required under the AODA.

(d) Where the Accessibility Advisory Committee of a municipality is of the opinion that sufficient progress towards fully accessible taxicabs in the community has not been made, it may ask the council of the municipality to develop additional strategies to promote a sufficient increase in the number of accessible taxicabs in the community, and the council of the municipality shall review the sufficiency of the strategies, and report on the result of this review to its accessibility advisory committee, and to the public, including via a posting on its website.

Section 80(2) of the 2011 Transportation Accessibility Standard makes inadequate provision for taxicabs to have their license registration information available in an accessible way for passengers with disabilities.

We therefore recommend that:

#32: Section 80(2) of the Transportation Accessibility Standard should be amended to provide:

"(2) Any municipality that licences taxicabs shall ensure that owners and operators of taxicabs shall place vehicle registration and identification information on

(a) The rear bumper and adjacent to both rear entrance doors of the taxicab, and

(b) In Braille and large type on the back of the front passenger seat of the taxicab, in plain view and reach of a person sitting in the back seat thereof."

21. Training for taxicab drivers

The Standards Development Committee's draft recommendations state:

"The Committee recommends an amendment to the Transportation Standards, effective two years from the date the revised standard takes effect, to call for municipalities to require, at the time of license issue or renewal, taxicab driver training for standard taxicabs, with prescriptive elements.

The Committee also suggests that this training could be offered through the Ontario college system or training organizations approved by the responsible municipality.

The Committee recommends that the aforementioned modifications need to apply to all service providers in Ontario, not just those licensed by the municipality, and as such, encourages the province to continue to investigate and determine a mechanism to ensure same."

We agree that accessibility training is needed for taxi drivers. We, like the Standards Development Committee, would include within this those who drive for ride-sharing services like Uber.

We do not agree that this requirement should only go into effect two years after revisions to the Transportation Accessibility Standard are enacted. Those who need to know of this requirement can now be put on notice that it is forthcoming.

We therefore recommend that:

#33: The Transportation Accessibility Standard should be amended to require accessibility training for taxi drivers, and for those who drive for ride-sharing services like Uber, at the time of obtaining or renewing a license, with this requirement to go into effect immediately upon or shortly after enactment of revisions to this accessibility standard.

22. Accessible Parking Spaces

The Standards Development Committee's draft recommendations state:

"The Committee recommends that this issue be put forward to the Standards Development Committee that undertakes the next review of the Design of Public Spaces standards."

More needs to be done for accessible parking near transit stations. These should not await a 2018 review of the Public Spaces accessibility standard. That again comes far too close to the AODA's 2025 deadline for Ontario to reach full accessibility.

If higher numbers of accessible parking spots are to be required for transit stations, these should be enacted now as part of the Transportation Accessibility Standard. They should not await another Standards Development Committee which may well decline to consider different percentages for public transit stations.

We therefore recommend that:

#34: The Transportation Accessibility Standard should be amended to increase the percentages of accessible parking spots for parking facilities associated with transit stations, setting specific ratios.

23. Coordination between specialized transit services

The 2011 Transportation Accessibility Standard provides:

"Co-ordinated service

69. (1) Where specialized transportation services are provided in adjacent municipalities within contiguous urban areas, the specialized transportation service providers shall facilitate connections between their respective services.

(2) Specialized transportation service providers to which subsection (1) applies shall determine the accessible stops and drop off locations in the contiguous urban areas that have specialized transportation services.

(3) Specialized transportation service providers shall meet the requirements of this section by January 1, 2013."

The Standards Development Committee's draft recommendations state:

"Based on the information provided, the Committee determined no further action with respect to standard modification was required."

We respectfully disagree. People with disabilities can still encounter unacceptable barriers when trying to take a paratransit ride across jurisdictional lines.

Commendably, the Ontario Government developed a streamlined service between Toronto and certain neighbouring communities in July-August 2015, to accommodate people with disabilities travelling across municipal lines to the sites of the 2015 Toronto pan/ParaPan American Games. This was a model that should have been retained and extended. However, instead, the Ontario Government inexplicably and unjustifiably terminated that new service shortly after the end of the Toronto 2015 Games. This flew in the face of the Government commitments that the Games would leave a lasting legacy of improved accessibility for people with disabilities.

We therefore recommend that:

#35: The Transportation Accessibility Standard should be amended to require permanent streamlined cross-jurisdictional paratransit services along the lines of those temporarily provided in the Greater Toronto Area during the Toronto 2015 Pan/ParaPan American Games.

E. Transportation Standards Development Committee's Final thoughts

24. Addressing attitudinal barriers

The Standards Development Committee's draft recommendations state:

"The Committee recommends that the province take an active role in the development and outreach of increased guidance for obligated organizations to assist in the promotion of a cultural shift towards an accessible and inclusive society. Any guidance materials developed should support the Ontario Human Rights Commission's policy, Policy on Ableism and Discrimination Based on Disability, released in June 2016."

We agree with the Transportation Standards Development committee that attitudinal barriers too often still persist among some within transportation organizations. We do not believe that a provincial "awareness-raising campaign" will create the change that is needed. We have already had 12 years of Ontario Government "awareness-raising" programs. That strategy has proven to be insufficient.

A considerably stronger and more effective Transportation Accessibility Standard is needed to specify what specific actions transportation organizations must take. Effective enforcement should drive home real and significant consequences for failing to take required action. There is no excuse for any public transit provider, part of the public sector, still needing a "culture change" in the year 2017.

We therefore recommend that:

#36: Efforts should focus on substantially strengthening the Transportation Accessibility Standard's detailed barrier-removal and prevention requirements, and on substantially

strengthened enforcement, rather than focusing efforts on raising awareness, particularly among public transit providers which are public sector governmental organizations.

III. Our Additional Recommendations Beyond the Areas that the Transportation Standards Development committee Addressed

Our preceding recommendations are tied to and arise from the draft recommendations the Transportation Standards Development committee circulated for public comment on May 19, 2017. Beyond them, we add the following recommendations. These pertain to issues that the preceding discussion did not cover completely or at all.

A. Proceedings of the Transportation Standards Development Committee

25. Transportation Standards Development Committee Should Hold Open Consultations with People with Disabilities

It would greatly help the current Transportation Standards Development committee if it were to hold face-to-face consultations with transit passengers with disabilities, and hearing about their front-line experiences. Their lived experience can bring credibility and a reality check on laws, policies and practices that impact on passengers with disabilities. A person from one of ARCH's community consultations said "lived experience should trump everything else".

The Standards Development Committee's current period of gathering written feedback from the public, while helpful, is no substitute for hearing from people with disabilities face-to-face. The AODA Alliance and ARCH both have extensive experience, working with the disability community in both contexts.

It is evident from the text of the Committee's recommendations that it has had some "guest speakers" present to it. However, the Committee has not issued a broad invitation to people with disabilities to speak directly to that Committee. We, the AODA Alliance and ARCH would ourselves welcome an opportunity to do so.

The TTC's experience with holding annual accessible transit public forums on accessible transit over the past decade is very instructive. At TTC's annual public forums, there has been a huge gap between the presentations by TTC staff on how many accessibility improvements have been made on the one hand, and the feedback at these forums from passengers with disabilities on the many disability accessibility barriers at TTC they still face. Senior TTC staff have each year concluded each meeting by thanking the public for feedback offered, and by issuing a strong commitment to act

on the feedback received. This proves the value when public transit leaders hear directly and in person from people with disabilities.

TTC will likely hold its annual accessible transit forum this fall. As one step, the Transportation Standards Development committee should arrange to attend it and hear the public feedback gathered there. In the past, hundreds of transit passengers from the Greater Toronto area have taken the time to gather at these events, and have shared an impressive range of feedback, straight from their hearts.

We therefore recommend that:

#37: The Transportation Standards Development committee should hold a series of public forums on accessible transportation, to enable people with disabilities to share their experiences face-to-face, and to describe the transportation accessibility barriers they experience.

#38: The Transportation Standards Development committee should attend the forthcoming TTC 2017 Public Forum on Accessible Transit, likely in the 2017 fall..

26. Government's Promise to Provide Disability Sector Representatives on the Transportation Standards Development committee with a Full Time Staff Support Person

In Premier Dalton McGuinty's [September 14, 2007 letter to the AODA Alliance](#), the Ontario Government set out its 2007 election promises on disability accessibility. In that letter, the Ontario Government promised that it would hire "a full-time staff member to help bring the disability community's voice to the table." It was the experience of disability sector representatives on the earlier Transportation Standards Development committee from 2006 to 2009 that led us to seek and obtain the foregoing 2007 election pledge from the Ontario Government.

It is our understanding that this was not provided to the Standards Development Committee that conducted the recent review of the Customer Service Accessibility Standard. We do not know if the Government kept this promise vis a vis the work of the current Transportation Standards Development committee.

We therefore recommend that:

#39: If the Government has not already done so, it should immediately provide the disability sector representatives on the current Transportation Standards Development committee with a full time staff support person, in accordance with its September 14, 2007 election promise, , to assist them in ensuring that the needs of people with disabilities are effectively represented and presented there.

27. Duty of Standards Development Committee to Vote on its Recommendations Clause-by-Clause

There is no indication in the May 19, 2017 draft recommendations of the Transportation Standards Development committee that its members were given the chance to vote on the recommendations one at a time, clause-by-clause. In the 2007 election, the Ontario Government promised in writing that this would be provided to each Standards Development Committee. We had requested that Government commitment because we had learned that on earlier Standards Development Committees, some disability sector representatives complained that the Standards Development Committee or its chair had confronted them with an unfair "all or nothing" and "take it or leave it" vote on the recommendations they would bring forward.

In his [September 14, 2007 letter to the AODA Alliance](#), setting out the Liberal Party's election commitments on disability accessibility, Premier Dalton McGuinty pledged as follows:

"We will commit to a number of steps to ensure that we continue to build an accessible and inclusive society. These include:

...

- Allowing the standard development committees to vote on individual clauses, to be put forward for the proposed standards."

Premier McGuinty's September 14, 2007 letter to the AODA Alliance is available at <http://www.aodaalliance.org/strong-effective-aoda/09142007.asp>

This Government promise was meant to allow for the recording of diverse and dissenting views among Standards Development Committee members. It would also let sector representatives propose and record alternative recommendations, which the public could learn about even if they were voted down.

It is possible that the current Transportation Standards Development committee was offered that option, but that all members were completely unanimous in support of each draft recommendation. It is also possible that none of the members of the Standards Development Committee wanted to propose anything else. However, we need to know if this promise was kept, and if not, why not. We want to ensure that when the Transportation Standards Development committee votes on its final recommendations, its members will be afforded the chance to vote clause-by-clause, as the Government promised.

We therefore recommend that:

#40: The Transportation Standards Development committee should make public whether its members were afforded the option of voting, clause-by-clause, on its draft recommendations. If so, a record of the votes should be made public. If not, the public should be told why this promise was not kept.

#41: The Transportation Standards Development committee should ensure that when its members' give their final vote on its recommendations to be presented to the Government, members are allowed to vote clause by clause on any recommendations that are brought forward for a vote, with a record made public on that voting.

B. Further Needed Amendments to the 2011 Transportation Accessibility Standard

28. Require Each Public Transit Provider to Make an Organizational Commitment to Ensure Fully Accessible Public Transit Services As Soon as Possible, and No Later Than 2025

It is important for each public transit provider to make a public commitment to ensure accessible transit as soon as possible, and in any event, no later than 2025.

There is no logical reason to have to wait until 2025 given the importance of transportation in the lives of persons with disabilities. The requirements in the Customer Service Accessibility Standard regarding accessible customer service policies do not include the foregoing.

We therefore recommend that:

#42: The Transportation Accessibility Standard should be amended to require each public transit provider to now make public a commitment to achieve accessible public transit as soon as possible, and in any event, no later than 2025.

29. Adopting and Implementing Organizational Plans to Reach full Accessibility by 2025

There are now under 7.5 years left for each transportation organization to ensure that its transportation services become fully disability-accessible by 2025. It is helpful that the existing Integrated Accessibility Standards Regulation requires certain transportation organizations to make multi-year accessibility plans. However, as now designed, those plans will not ensure that each transportation organization' plans now to take all the actions needed to reach full accessibility by 2025.

It is important that each transportation organization now develop a 7.5 year plan in which the organization identifies all that needs to be done to reach full accessibility by 2025. Their plan should then map out plans to take all that required action. The public should have ready access to these plans. They should be filed with the Accessibility Directorate of Ontario, posted online, and posted by the Accessibility Directorate of Ontario on a public searchable online data base. That would let the public monitor whether all the needed actions have been planned for to ensure that transportation accessibility is achieved by 2025.

We therefore recommend that:

#43: The Transportation Accessibility Standard should be amended to require each transportation organization to:

- a) create a 7.5 year multi-year plan, listing all the steps needed to ensure its transportation services become accessible to passengers with disability by 2025, and its plans to take all these steps in time to reach that goal;
- b) Implement that plan;
- c) Post this multi-year plan on its website, make it available to the public in an accessible format on request, and submit it electronically to the Accessibility Directorate of Ontario for posting online on a searchable data base;
- d) annually report on its progress in fulfilling that plans' requirements, and indicating whether it is on schedule for reaching the goal of accessible transportation services by 2025, and
- e) Post these annual reports on its website, and in an electronic filing with the Accessibility Directorate of Ontario, which will post them online in a searchable data base.

30. Annual Public Meetings on Accessible Transit

Since 2013, each public transit provider has had a duty under the 2011 Transportation Accessibility Standard to hold a public meeting or forum on accessible transit. The Transportation Accessibility Standard provides:

" 41. (1) In addition to the accessibility plan requirements set out in section 4, in their accessibility plan, conventional transportation service providers shall identify the process for managing, evaluating and taking action on customer feedback.

(2) Every conventional transportation service provider shall annually hold at least one public meeting involving persons with disabilities to ensure that they have an opportunity to participate in a review of the accessibility plan and that they are given the opportunity to provide feedback on the accessibility plan.

(3) If the provider of conventional transportation services also provides specialized transportation services, the transportation service provider shall address both types of transportation services in its accessibility plan.

(4) Transportation service providers shall meet the requirements of this section by January 1, 2013."

As noted earlier, in Toronto, the TTC has held accessible transit public forums every year since 2008. These were initially required by a Human Rights Tribunal of Ontario order in *Lepofsky v. TTC #2*. Even though TTC vigorously argued against having to hold these forums, it is commendable that TTC later voluntarily agreed to continue to hold these public forums annually, after the 3 year human rights order expired. TTC has made commendable efforts at ensuring that accessibility features are included in these public forums.

On the AODA Alliance's recommendation, the Government included this requirement for all public transit providers in the 2011 Transportation Accessibility Standard. We have no information on how many other Ontario public transit authorities, beyond TTC, have complied with this requirement. We have no indication that the Ontario Government has monitored or enforced compliance with this requirement.

We also know that TTC's public forums were more effective when all the people who sit on the TTC Commission (its governing board) were required to attend. Since that 2007 Human Rights Tribunal of Ontario order expired, many if not most TTC Commissioners did not attend these forums, even though their public forums were scheduled by the TTC itself, months in advance.

We therefore recommend that:

#44: The Transportation Standards Development committee should survey Ontario's public transit providers to find out how many of them have held the required annual public accessible transit meetings each year since 2013, as the Transportation Accessibility Standard requires.

#45: The Transportation Accessibility Standard should be amended to:

a) Require the members of the governing board and senior management team of each public transit provider to attend the annual accessible transit public forum required under s. 41 of the Transportation Accessibility Standard.

b) Require each transportation organization to ensure that these public forums are fully accessible for all people with disabilities.

c) Require each public transit authority to post on its website an advertisement or announcement of its forthcoming annual accessible public transit public forum, and to post a report after the fact summarizing the contents of that meeting, including which members of its governing board and senior management team did or did not attend, and

d) Require each public transit authority to electronically file the report referred to in (b) above with the Accessibility Directorate of Ontario, which shall post these online on an accessible and searchable data base.

31. Maintenance of Public Transit Facilities Needed to Ensure Transit Accessibility

It is not sufficient for public transit providers to have equipment and facilities that facilitate accessible transit. That equipment and those facilities must be maintained in good working order at all times. It is not sufficient to merely try to react once they break down. There should be sufficient effort to ensure they are maintained in good working order, to minimize break-downs.

The 2011 Transportation Accessibility Standard provides as follows:

" 34. (1) All conventional transportation service providers and specialized transportation service providers shall make available to the public current information on accessibility equipment and features of their vehicles, routes and services.

(2) Conventional transportation service providers and specialized transportation service providers shall, upon request, provide the information described in subsection (1) in an accessible format.

(3) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of this section by January 1, 2012.

Non-functioning accessibility equipment

35. (1) If the accessibility equipment on a vehicle is not functioning and equivalent service cannot be provided, conventional transportation service providers and specialized transportation service providers shall take reasonable steps to accommodate persons with disabilities who would otherwise use the equipment and the transportation service provider shall repair the equipment as soon as is practicable.

(2) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of this section by July 1, 2011."

The Standard is quite weak. If accessible transportation breaks down, "reasonable steps" should be taken to fix the problem "as soon as is practicable". By contrast, regulations under the Americans with Disabilities Act require that obligations for maintenance and repair of transportation **facilities** and equipment must be maintained in proper working order. For example, see FTA C4710.1, Chapter 3, Section 37.161.

Ontario needs a greater emphasis on the constant obligation on service providers to maintain the quality and operational effectiveness of accessibility features on transit vehicles.

Moreover the Americans with Disabilities Act speaks to the maintenance of facilities which are a missing focus of the AODA. FTA C1410.1, Chapter 3, Section 37.161(a) states:

(a)Public and private entities providing transportation services shall maintain in operative condition those features of facilities and vehicles that are required to make the vehicles and facilities readily accessible to and usable by individuals with disabilities. These features include, but are not limited to, lifts and other means of access to vehicles, securement devices, elevators, signage and systems to facilitate communications with persons with impaired hearing or vision.

We therefore recommend that:

#46: The Transportation Accessibility Standard should be amended to require public transit providers to take and document specified proactive steps to ensure the maintenance of equipment and facilities, as well as all vehicles, needed to ensure accessible transit, such as escalators and elevators. This should include a requirement to regularly post online and file with the Accessibility Directorate of Ontario reports on rates of their break-down and time taken to repair them. The Accessibility Directorate of Ontario should post these reports on a public, online, searchable data base.

31. Public announcements

In public transit stations, important information is often provided to passengers through audible public announcements, or on display screens, or via electronic kiosks. Each of these can present disability accessibility barriers. People with vision loss may not be able to read the screens. People with hearing loss may not be able to hear the spoken announcements. It is important to ensure that there is always an equally-easy and accessible way for people with hearing loss, vision loss, or other relevant disabilities to get the same information as quickly and easily.

We therefore recommend that:

#47: The Transportation Accessibility Standard should be amended to require that:

a) Audible public announcements in transit stations must be provided in both audio and visual formats, in all passenger and staff areas. This includes such things as audible announcements of information concerning departure delays; gate assignments; and schedule or connection changes. Announcements should be of good quality, in plain language, with clear enunciation and spoken slowly with repetition.

b) In transit stations, where information is provided to passengers and the public via screens or electronic kiosks, the same information should be made available in an accessible format at the same time, and with equal ease of access, such as via audible announcements.

c) Where monitors displaying transit information for passengers are placed above eye level, the size of text to distance viewing should be specified. The monitor's location should ensure a seated person using a bench or mobility aid will be able to read them easily. The information displayed on the monitors should use plain language. Where electronic signage is within touching range, the monitor should include an intercom link with a help button and braille so that a user who cannot read the signage or understand what they are seeing can push the help button and speak to a staff person to be told the information being displayed.

d) All electronic signage should be at appropriate heights, to be specified in the Transportation Accessibility Standard, using fonts, colour contrast and letter sizes to be specified in the standard, and using plain, clear language.

32. Public Transportation Ticket machines and Electronic Kiosks

Public transit providers increasingly deploy electronic kiosks as means for purchasing transit tickets or paying transit fares. Primary among these in Ontario has been the Presto Smart Card, developed by the Ontario Government around 2010, and gradually rolled out.

In 2010, the AODA Alliance played the leading role in exposing the fact that the Presto Smart Card was not designed with proper accessibility features, despite Government accessibility commitments. The AODA Alliance investigated this failure, made it public and sought Government intervention to stop the deployment of Presto until this was resolved. Far from stopping it, the Government kept on using its formidable pressure to press public transit providers to adopt the Presto Card, even though its accessibility problems were not resolved. We have received complaints about its deployment.

The June 21, 2017 AODA Alliance Update included:

" On November 30, 2009, CBC Radio Toronto's Metro Morning program aired an interview with an official of Metrolinx, an Ontario Government agency that leads strategy for public transit in the Greater Toronto area. The official proudly announced a new smart card that they are testing out on Toronto-area public transit services. The smart card is being developed by Presto System, an organization that is part of the Ontario Government. This smart card system would let passengers load money on the smart card and then use it to pay transit fares on various public transit systems.

We inquired what steps Metrolinx is taking to ensure that this new technology is fully accessible to persons with disabilities. We set out the

entire chain of emails on this between November 30, 2009 and the present which AODA chair David Lepofsky has had, with the exception of a few emails that dealt with setting up a March 8, 2010 conference call on this topic. The initial exchanges are with Metrolinx. The latter exchanges are with the Presto System, to whom Metrolinx referred us.

In summary, we were given initial commitments that this project, in which the Ontario Government is deeply involved, was dedicated to ensuring accessibility for persons with disabilities. We were told that the project had consulted with persons with disabilities to address this.

Nevertheless, once we got the key officials on the phone to discuss this project on March 8, 2010, we quickly discovered through a few questions that the technology which has been custom-designed and developed, with deep involvement of the Ontario Government and using public money, in fact has barriers impeding persons with disabilities. The full story is set out below. The details of that conference call were confirmed in a March 9, 2010 email from AODA Alliance Chair David Lepofsky to the Presto System, the government-funded organization that is developing this smart card technology. You will also see that the response to our pointing these barriers out was delayed, unhelpful and rather nebulous.

We urge the Ontario Government at the highest levels to intervene in this project immediately to stop the creation of new barriers, with the use of taxpayers' money. Once inaccessible new technology is purchased and installed, it will cost more to retrofit it after the fact to make it accessible."

The June 7, 2011 AODA Alliance Update included:

"On June 6, 2011, the media reported that the City of Toronto was working out, or had worked out, an agreement for the Toronto Transit Commission to adopt the Ontario Government's Presto Smart Card for paying TTC transit fares. Yet we have no word that the Ontario Government has removed the serious accessibility barriers in the Presto Smart Card that can impede transit patrons with disabilities from fully using it on a footing of equality.

We have waged an ongoing campaign to ensure that public money is never used to create new barriers against persons with disabilities. As part of this, last year, the AODA Alliance made public serious concerns about barriers against persons with disabilities in the Presto Smart Card technology, which was custom-designed with public money. We caused the Transportation Minister to revisit this technology, because of these concerns. However, the McGuinty Government did not commit to our request that it halt the roll-out of the Presto Smart Card until the barriers were removed.

Now, on learning of the recent developments in Toronto, the AODA Alliance wrote to the Toronto Mayor, the TTC Chair, and Ontario's Transportation Minister. We asked them to commit that the Presto Smart Card will not be rolled out in the TTC until those barriers are removed and the Presto Smart Card is fully accessible to transit passengers with disabilities. We reminded them of the requirements for ensuring accessibility under the Human Rights Code, the Canadian Charter of Rights, and the new Integrated Accessibility Regulation enacted last Friday under the Accessibility for Ontarians with Disabilities Act."

The Integrated Accessibility Standards Regulation, enacted on June 3, 2011, includes requirements on the accessibility of electronic kiosks which, while helpful, are far too vague. The Integrated Accessibility Standards Regulation provides:

"Self-service kiosks

6. (1) Without limiting the generality of section 5, the Government of Ontario, Legislative Assembly and designated public sector organizations shall incorporate accessibility features when designing, procuring or acquiring self-service kiosks."

People with disabilities need the Transportation Accessibility Standard to include strong, detailed provisions regarding electronic kiosks in public transit. The existing IASR provision, quoted above, is too weak and vague.

We therefore recommend that:

#48: The Transportation Accessibility Standard should be amended to require that:

- a) Electronic kiosks used by any public transit provider should be required to allow a person with a disability to independently use the kiosk.
- b) Where an electronic kiosk meets the requirements of this amendment, the kiosk should be marked with the international symbol of access.
- c) Braille and large print should be placed on the machines, and should include a sequence of activities in a list with a tactile line leading from each item to the location of the activity.
- d) An audio jack should be made available and be the first item on the list of sequence activities for those with both hearing and vision loss, to provide full audio interactive guidance on the kiosk's use.
- e) Approach to the kiosk shall allow for front access with an assistive device such as a wheelchair, using the knee and toe clearances.

- f) Surfaces on the kiosk should be non-glare, matte finishes.
- g) The kiosk should include an intercom link with a help button and braille so that a user who cannot read the signage or understand what they are seeing can push the help button and speak to a staff member.
- h) The kiosk should be designed to enable effective use with a mobile app that is accessible.

33. Accessible Emergency Procedures in Public Transit Stations and Routes

People with disabilities can be put in a position of vulnerable disadvantage when an emergency occurs on a public transit route or in a public transit station. It is important, for example, that announcements regarding an emergency be made in an accessible way for people with communication-related disabilities. It is similarly important for accessible routes be available to exit, and safe refuges be available pending help arriving on the scene.

We therefore recommend that:

#49: The Transportation Accessibility Standard should be amended to require that

- a) A public transit provider should include in any emergency procedures, a plan measures to ensure that emergency announcements (such as fire alarms) are available in an accessible means (e.g. flashing lights for the benefit of persons with hearing loss).
- b) A public transit provider should provide specific disability-related emergency training for transit staff, including the designation of on-duty officials in each station and on each transit route, who has lead responsibility in an emergency for disability-related emergency procedures.
- c) Public transit stations should be reviewed to ensure that there are safe accessible ways to exit in an emergency, and safe refuges for passengers with disabilities who must await help to leave the building or facility.

34. Tactile maps in Transit Stations

Transit stations can display maps to assist the public in finding their way around the station. People with disabilities should also be able to benefit from these, e.g. people who are blind or who have low vision. This need can be met through providing raised-line and large print maps with proper colour contrast.

We therefore recommend that:

#50: The Transportation Accessibility Standard should be amended to require public transit providers to provide in transit stations, raised line, tactile maps with accessible text and braille, near the main entrance at every station. It should identify the main entrance, provide a tactile path from the main entrance to the ticket purchase area then to the transit connection points. It should identify the location of all emergency exit stairs, elevators, washrooms and transit connection points. The design should match the dimensions for access, space and reach of the automated information kiosks.

35. Priority Seating on Public Transit Vehicles

A frequent issue we hear about, also reflected in the 2014 final report of the Mayo Moran AODA Independent Review, was the refusal or inattention paid to those who require priority seating in public transit vehicles, especially in those areas that are designated for persons with disabilities and others. People with canes, walkers, service animals and other supports necessary for their disability have reported that they are often ignored while others occupy seats designed for them. People with invisible or episodic disabilities are in worse positions, especially when they may be experiencing side effects from their medication.

We understand that TTC has tried a courtesy campaign. Though commendable, it has shown little impact, as far as we have heard.

Education of the public about the use of accessible seating and mobility aid spaces does not go far enough. An informed and positive enforcement mechanism requiring people to give up their seats for persons with disabilities, the elderly, women who are pregnant or those with a stroller or other carriages must be considered. Roving TTC staff, such as those who check for proof of payment, could help.

We understand that public transit providers have expressed concerns about involving transit drivers in implementing the priority seating requirement. However, the driver is typically the only transit official on the vehicle. If they do not help implement priority seating, then in effect, it becomes a voluntary measure, rather than an accessibility right. Accessibility for people with disabilities should not be left to the uncertainties of what any specific passenger might voluntarily opt to do on any day. Moreover, a public transit provider cannot abrogate its duties under the AODA or the Ontario Human Rights Code by simply claiming that it does not want to require its employees to fulfil the organization's duties. As is established in *Lepofsky v. TTC #1*, a public transit authority cannot excuse itself from its duty to provide accessibility (there, consistent and reliable audible subway stop announcements) on the grounds that its crews were not consistently complying with the public transit provider's directions.

We therefore recommend that:

#51: The Transportation Accessibility Standard should be amended to require each public transit provider to implement and enforce specific actions to effectively implement priority seating for people with disabilities on public transit vehicles such as:

a) A public transit provider should regularly have audible and visible announcements made on each vehicle, describing the requirement of passengers without disabilities to vacate a priority seating location if requested by a passenger who states that they need the spot due to a disability. This should include an announcement of consequences for a passenger who does not comply, and should reference, where available, that there is video monitoring on the vehicle.

b) In Toronto, the TTC should also be required to make regular announcements each day of this priority seating information in subway stations and on subway trains.

c) Print announcements regarding the priority seating requirement should be posted, where possible, at transit stops.

d) Where any refusal of priority seating occurs on a vehicle and comes to the attention of the driver or other transit employees, they should as soon as possible report this incident to their supervisor. Annual compliance reports under the AODA should include reports on the number and nature of any such incidents.

e) Public Transit providers should be required to instruct their front line vehicle crews and roving onboard staff to take steps, where needed, to ask people to make priority seating available for passengers with disabilities, and to enforce and support the priority seating policy, and to report promptly to the public transit provider in the case of any violations.

36. Rural, Remote and Northern Areas

The issues experienced by people with disabilities living outside major cities or centers are as vast as the geography they cover. Two examples paint a vivid picture of what it is like to have little or no access to transportation.

A woman who lived in a rural area ran a day camp for children with disabilities. Children loved it because it was on a farm, they could play with animals, learn how to feed them, assist with picking crops and other activities. However, a bus from the near-by city would only drop the children off and pick them up twice a week in the summer. The camp time was therefore limited. The next year, service was reduced to one time per week. During that summer, a camper using a wheelchair was dropped off approximately 2 KM from the farm. The camper called the woman who ran the camp in hysterics. Because the farm was in a rural and remote area, there were bears. The camper could see them wandering down a path to the road where she was waiting. The very real danger that the camper was in as a result of a lazy or careless driver could have resulted in her death.

In another case, para-transit was available to persons with disabilities who need to attend medical appointments. However, this service is denied if you want to go to a hair salon or shopping. This is a total denial of inclusion and community participation.

These examples show the vast disparity in the availability of services across the province. Many persons with disabilities provided examples of how living in a rural, remote or northern area has extreme limits on the availability of accessible transit.

Every municipality must have accessible vehicles for persons with disabilities, regardless of their reason for travel. If municipalities invested in and supported fleets of accessible taxis, these issues would not exist.

We therefore recommend that:

#52: The Transportation Accessibility Standard should be amended to require every municipality to have accessible vehicles for persons with disabilities, which are available for public transit regardless of the passenger's purpose for their trip.

37. Barriers in Public Transit Against Persons with Communication Disabilities

ARCH has received information suggesting that a person in Ontario who is non-verbal and has been taking para transit to and from a day program for many years has now been told that he must have a support person on paratransit. According to information ARCH received, the driver in this instance knows him, and where he goes every day. He has a note pinned to his shirt advising where he is to be dropped off in the morning and returned to at night. If this happened as reported to ARCH, this new requirement strips the individual of dignity and independence. It will also cost his already financially marginalized family money to hire a support person.

Public transit providers do not generally require that any passenger on conventional transit be able to effectively communicate. In Toronto many who ride TTC speak languages other than English or French.

Under s. 37.5 (e) of the Americans with Disabilities Act, "An entity should not require that an individual with disabilities be accompanied by an attendant.

In addition, the Canadian Transportation Agency's recent consultations on its Regulatory Modernization Initiative (Summary on Accessible Transportation, June 2017) heard that persons with communication disabilities who wish to travel independently must be accommodated.

We therefore recommend that:

#53: The Transportation Accessibility Standard should be amended to prohibit public transit providers from requiring that a conventional transit passenger or paratransit passenger be accompanied by a support person. The public transit provider should instead have in place an effective means to receive and convey to its paratransit driver, pre-issued instructions on a passenger's destination, in the case of a passenger who cannot themselves communicate their destination.

38. Service Animal Relief Areas

Passengers with disabilities who use a service animal should be able to have their animal relieve itself, without having to exit the station and pay an additional transit fare. This is especially important in the case of travelling on longer routes.

We therefore recommend that:

#54: The Transportation Accessibility Standard should be amended to require public transit providers to implement readily achievable measures to enable passengers with disabilities who use service animals to be able to meet the animal's need to relieve itself, whether by providing nearby relief areas within a transit station, or by providing a fee waiver if the passenger must leave the station for the animal to relieve itself.

39. Procuring New Subway Cars with Accessibility Problems

The Integrated Accessibility Standards Regulation provides:

" Procuring or acquiring goods, services or facilities

5. (1) The Government of Ontario, Legislative Assembly and designated public sector organizations shall incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so.

(2) If the Government of Ontario, Legislative Assembly or a designated public sector organization determines that it is not practicable to incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities, it shall provide, upon request, an explanation.

(3) The Government of Ontario, Legislative Assembly and designated public sector organizations shall meet the requirements of this section in accordance with the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2012.
2. For large designated public sector organizations, January 1, 2013.
3. For small designated public sector organizations, January 1, 2014."

Despite this, since the enactment of the 2011 Transportation Accessibility Standard, the TTC deployed new subway cars with a serious accessibility problem. They do not line

up properly with some subway platforms. This presents a significant safety problem for passengers using wheelchairs. They can fall out of their chair do to this misalignment.

The AODA Alliance has publicly called on TTC not to deploy any further new subway cars until this problem is resolved. As far as we have heard, TTC never agreed to this. This incident involves crating new disability accessibility barriers using public money. As noted earlier, the Wynne Government promised in the 2014 election that public money would not be used to create new disability accessibility barriers.

The spectre of people with disabilities having to sit on a subway platform, watching subways go by until one arrives that has space on an old subway car, is entirely inconsistent with the vision of the AODA. The fact that TTC both created this new barrier and then did not stop the deployment of these new subway cars until it is fixed, is a double contravention of the AODA's goals.

We therefore recommend that:

#55: The Transportation Accessibility Standard should be amended to

- a) Set strong requirements for the accessibility of subway, train and LRT, cars, including a requirement that they properly line up with a subway platform. This should apply to both new and existing vehicles.
- b) Require that before new public transit vehicles are purchased, the chief executive officer and the chair of the public transit provider should be required to sign that they have personally verified the accessibility of the vehicle for people with disabilities.
- c) Require that any contract to procure such public transit vehicles require the vender to remediate any accessibility problems that arise on or after their delivery.
- d) Require that within a public transit provider, there is clear and public accountability for the officials who make decisions regarding the accessibility or lack of accessibility in the procurement of public transit vehicles.

40. Subway and Other Rapid Transit Platforms

The 2011 Transportation Accessibility Standard sets no requirements for the design of platforms in public transit stations, whether bus, subway, train or LRT. Metrolinx has designed many if not most of the Eglinton Crosstown LRT line with a serious accessibility flaw. The AODA Alliance made this public. This problem arose after the enactment of the Transportation Accessibility Standard.

Metrolinx planned to have many if not most stations' platforms positioned in between the tracks, rather than having the tracks in the middle of the station, with the platform at each side. This creates a hazard for people with vision loss, who need a solid safe shoreline to follow.

We therefore recommend that:

#56: the Transportation Accessibility Standard should be amended to set accessibility requirements for public transit platforms. These should ban the use of the center platform design for a public transit station, unless a safe solid shoreline is provided for persons with vision loss, at a designated distance away from the platform's edge.

41. Retrofit of Existing Public Transit Vehicles

The 2011 Transportation Accessibility Standard does not require any accessibility retrofits of any existing public transit vehicles. This is so, no matter how readily achievable those retrofits might be. This is so even in the case of vehicles which will be in service for many future years.

We therefore recommend that:

#57: The Transportation Accessibility Standard should be amended to require readily-achievable accessibility retrofits of public transit vehicles unless they are slated to be removed from service in the next five years.

42. School bussing

It is good that the 2011 Transportation Accessibility Standard included provisions addressing the accessibility of bussing for schools. The Transportation Accessibility Standard provides:

"School transportation

75. (1) This section applies to every school board that provides transportation services for its students.

(2) School boards to which this section applies shall,

(a) Ensure that integrated accessible school transportation services are provided for their students; or

(b) Ensure that appropriate alternative accessible transportation services are provided for students with disabilities, where in the opinion of the board integrated accessible school transportation services are not possible or not the best option for a student with a disability because of the nature of the disability or safety concerns.

(3) School boards to which this section applies shall, in consultation with parents or guardians of students with disabilities,

- (a) Identify students with disabilities before the commencement of each school year or during the school year, based on the needs of the student with a disability;
 - (b) Develop individual school transportation plans for each student with a disability that,
 - (i) Detail student assistance needs for each student with a disability, and
 - (ii) Include plans for individual student boarding, securement and deboarding; and
 - (c) identify and communicate to the appropriate parties the roles and responsibilities of the transportation provider, the parents or guardians of the student with the disability, the operator of the vehicle used to transport the student, appropriate school staff and the student with the disability.
- (4) School boards to which this section applies shall meet,
- (a) The requirements of subsection (2) by July 1, 2011; and
 - (b) The requirements of subsection (3) by January 1, 2014.

(5) In this section, "school board" means a board as defined in subsection 1 (1) of the Education Act; ("conseil scolaire")

"transportation provider" includes an entity or person that has entered into an agreement with a board for the transportation of students under subsection 190 (6) of the Education Act; ("fournisseur de services de transport")

"transportation services" means transportation that a board provides under section 190 of the Education Act. ("services de transport")

These provisions have proven inadequate. The media has covered horrifying stories of school bussing failures, that placed the most vulnerable students with disabilities in danger. For example, a Toronto District School Board student with a significant disability was left alone in a school bus for the better part of the school day, due to the irresponsibility of the driver.

This situation is made all the worse because school boards such as TDSB contract out their bussing to private companies with inadequate school board oversight. The lack of effective AODA enforcement makes this all the worse.

We therefore recommend that:

a) The Transportation Standards Development committee should secure input from the Special Education Advisory Committee of each publicly-funded school board on issues arising in connection with the school bussing services for students with disabilities.

b) The Transportation Accessibility Standard should be amended to strengthen the school bussing requirements, in accordance with feedback the Transportation Standards Development committee will obtain from the Special Education Advisory Committees around Ontario, to, for example:

i) Require school boards to provide timely information students with disabilities and their families about the requirements of the Transportation Accessibility Standard as it relates to school transportation;

ii) Require school boards to carefully monitor and oversee the provision of safe, accessible transportation for students with disabilities;

iii) Designate public accountability for school board officials for approving the accessibility measures in school bussing for students with disabilities, which should be made public on the school board's website and filed with the Accessibility Directorate of Ontario for online posting in a searchable data base.

43. Ensuring Accessibility of Ridesharing Services

As the KPMG report documented, accessibility issues have arisen with ridesharing services. Some jurisdictions outside Ontario, as well as the City of Toronto, have enacted detailed regulations that impose specific accessibility requirements on ridesharing services like Uber. In addition to driver training requirements, addressed earlier in this brief, comprehensive accessibility requirements are needed to cover Ontario.

We therefore recommend that:

#58: The Transportation Accessibility Standard should be amended to impose comprehensive accessibility requirements on ridesharing services operating anywhere in Ontario, that at least include and build upon those enacted in Toronto and in some U.S. cities.

Appendix 1

List of Recommendations in this Brief

Recommendation #1: The Transportation Accessibility Standard should be amended to state that its objective is to ensure that transportation in Ontario becomes accessible to people with disabilities by 2025.

Recommendation #2: The Standards Development Committee should directly consult people with disabilities on the size of mobility devices that public transportation vehicles need to be able to accommodate, and should recommend revisions to the Transportation Accessibility Standard, to ensure that any new vehicles can accommodate those mobility devices.

Recommendation #3: The Transportation Accessibility Standard should be amended, as further addressed below, to increase the number of mobility devices to be accommodate on public transit vehicles, in order to enable those vehicles to accommodate the largest mobility devices on a trip e.g. when some of the other reserved spots are not needed by other passengers using mobility devices.

Recommendation #4: The Transportation Accessibility Standard should be amended to provide that any new public transit vehicle should be designed with flexibility to enable it to accommodate different configurations of mobility devices, as the design of those devices evolves.

Recommendation #5: The Standards Development Committee should withdraw its draft recommendation that would shift responsibility to people with disabilities and to other levels of government to ensure that people with disabilities do not buy mobility devices that do not fit the vehicles that transportation organizations have chosen to use.

Recommendation #6: The Transportation Accessibility Standard should be amended to require transportation organizations to effectively inform people with disabilities about the sizes of mobility devices that their vehicles can now accommodate.

Recommendation #7: Transportation organizations should be required to make information available on use of their services for people with disabilities immediately on passage of revisions to the Transportation Accessibility Standard.

Recommendation #8: The Standards Development Committee should not recommend the creation of any new barriers to face people with disabilities, such as an obligation to

acquire a provincial card to authorize them being accompanied by a support person on a public transit service.

Recommendation #9: The Transportation Accessibility Standard should be amended to provide that when people with disabilities are permitted to use a support person on a transportation organization's services, they should be able to obtain documentation from that transportation organization, confirming that this has been permitted. That documentation should be accepted by any other Ontario transportation organization as authorizing their use of a support person.

Recommendation #10: The Transportation Accessibility Standard should be amended to

a) Require a minimum of four spaces for mobility devices on each public transit subway car, bus, streetcar, or other public transit vehicle.

b) set space requirements for each mobility device that are larger than those to which the current Transportation Accessibility Standard is limited, and that will accommodate the spectrum of mobility devices now on the market or reasonably anticipated.

Recommendation #11: The Transportation Accessibility Standard should be amended to require public transit providers to provide a service to assist passengers with disabilities to navigate transit stations, on a same-day call-ahead basis.

Recommendation #12: The Transportation Accessibility Standard and related enforcement regulations should be revised to provide substantially stronger penalties for violations such as refusals to accommodate the use of service animals in transportation services, including stiff penalties for first time violations.

Recommendation #13: The Transportation Accessibility Standard should be revised, so that a refusal of service to a person with disabilities accompanied by a service animal should be presumed to be a violation absent proof to the contrary.

Recommendation #14: The Transportation Accessibility Standard should be amended to require transportation organizations to announce to passengers at a transit station, in advance of boarding, about pre-boarding accommodations for passengers with disabilities.

Recommendation #15: The Transportation Accessibility Standard should be amended to require that all transportation organizations that are obliged to make route stop announcements must:

- a) Conduct monthly self-audits of pre-boarding and on route announcements;
- b) Make these audits promptly available on the transportation organization's website

And

c) Electronically file these audit reports with the Accessibility Directorate of Ontario on a quarterly basis, which the Accessibility Directorate of Ontario should make available on a publicly-accessible and searchable website.

Recommendation #16: The Transportation Accessibility Standard should be revised to set comprehensive universal design requirements that exceed the Ontario Building Code, and that meet the Ontario Human Rights Code, for the built environment of transit stations and stops, including for new ones to be constructed, renovated ones, and existing ones that are undergoing no major renovations. These should include measures set out in Appendix 4.

Recommendation #17: The Transportation Accessibility Standard should be amended to substitute 100 lux for 20 lux for lighting levels (in all areas it addresses).

Recommendation #18: The Transportation Accessibility Standard should be amended to require that on signage,

- a) Lettering be in sans serif
- b) The size of fonts should harmonize with CSA's B65.1 viewing distance chart in clause 4.5.3.3: Viewing distance, 2.5 meters - font size 100 millimeter - example, external route sign viewed from street.

Viewing distance, 2.3 meters - font size 75 millimeters - example, internal line transfer information.

Viewing distance, 1.5 meters - font size 50 millimeters - example, route information on display map.

Recommendation #19: The Transportation Accessibility Standard should be amended to require larger municipal transit authorities to develop, deploy and update fully accessible mobile apps to enable all users, including all people with disabilities, to know

the nearby bus schedule, the location and identity of nearby stops and routes, and to navigate inside transit stations.

Recommendation #20: The Transportation Accessibility Standard should be amended to ensure that grab bars, handholds, handrails and stanchions in public transit vehicles have no protruding ends.

Recommendation #21: The Transportation Accessibility Standard should be amended to include comprehensive, detailed technical accessibility requirements for persons with vision loss in transit stations, vehicles and stops, including, as examples:

a) Tactile walking surface indicators should be located at all unprotected drop-off edges on transit platforms and ferry docks.

b) Tactile walking surface indicators should be installed on the full width of the drop-off.

c) The base surface should be level with or not more than three millimeters above the surrounding surface.

d) The depth of the tactile walking surface indicators should be 610 mm to 650 mm.

e) Tactile walking surface indicators should have the following specifications:

(i) The height of the flat-topped domes should be 5mm +/- 1mm.

(ii) The diameter of the top of the flat-topped domes should be between 12 mm and 20 mm.

(iii) The diameter of the lower base of the flat-topped domes should be 10 mm +/- 1 mm more than the diameter of the top.

(iv) The distance between the bases of adjacent domes should be a minimum of 15 mm.

(v) The spacing between adjacent flat-topped domes should be adjusted depending on the size of the domes, as shown in the table below. The larger the individual domes, the farther the space between them:

Top diameter of flat-topped domes (mm): 12, 15, 18, 20

Spacing between the centres of adjacent domes (mm): 55 to 61, 57 to 63, 60 to 61, 63 to 68

f) Stairs on ferries and in transit stations should have a detectable warning surface located at the top of all stairs. The texture of the detectable warning should :

i) be 70% colour contrasted from the surrounding surface and run the full width of the stairs;

ii) Have a depth of 920 mm;

iii) Commence one tread depth from the edge of the stair.

iv) Be the same texture and dome dimension as the tactile walking surface indicator used on ferry docks.

g) Transit stations and stops should have directional way-finding including tactile walking surface indicators.

h) Detailed lighting and colour contrast requirements should be specified and should be sufficient to accommodate the needs of people with low vision.

Recommendation #22: Section 63 of the Transportation Accessibility Standard should be amended to delete the category of "conditional eligibility" for paratransit services.

Recommendation #23: Section 64(6) of the Transportation Accessibility Standard should be amended to require an appeal decision regarding eligibility for paratransit services, to be rendered within 14 calendar days of the appeal being filed.

Recommendation #24: Section 64(8) (for Ontario residents) and 67(4) (for visitors) of the Transportation Accessibility Standard should be amended to set strict minimum privacy requirements for any para-transit service's policy on collection and disclosure of private passenger information.

Recommendation #25: The Transportation Accessibility Standard should be amended to repeal any reference to and to eliminate any authorization of the "family of services" retrenchment on paratransit services, that lets a public transit provider force a paratransit passenger to take part of their ride on paratransit and the rest on conventional transit.

Recommendation #26: The Transportation Accessibility Standard should be amended to ban any transit organization from double-charging people with disabilities when part of a ride is on the conventional service and part of the ride is on a paratransit vehicle, with stiff penalties imposed on both the transit organization and the individual who tries to impose a double charge, including for a first violation.

Recommendation #27: The Transportation Accessibility Standard should be amended to require public transit providers to regularly announce on their public address systems that no passenger with a disability should ever be charged a double fare, and providing a hotline number and email to report any such violations.

Recommendation #28:

a) Section 71 of the Transportation Accessibility Standard should be amended to require the provision of same day service on paratransit, with 2 hours advance notice.

b) If Recommendation (a) above is not accepted, then as a less acceptable alternative, section 71(1) of the Transportation Accessibility Standard should be amended to provide:

"71. (1) Every specialized transportation service provider shall, where the specialized transportation services require reservations, provide same day service, either via vehicles operated by that service or by accessible taxis or accessible ridesharing services, for which that specialized transportation service contracts, when booked at least five hours in advance, and provide assured service if booked the day prior, except where it is demonstrably impossible to provide the same-day service due to unexpected harsh inclement weather.

Recommendation #29: Section 71(2) of the Transportation Accessibility Standard should be amended to provide:

"(2) A specialized transportation service provider to whom subsection (1) applies shall provide accessible means to accept reservations, and shall ensure that phone calls to book the service during regular operating hours will be answered by an individual operator within 5 minutes."

Recommendation #30: The Transportation Accessibility Standard should be amended to require transportation organizations, who require medical documentation to qualify for paratransit, to cover the cost of that medical documentation, in order to remove this transportation barrier, particularly for people with disabilities with limited financial means.

Recommendation #31: The Transportation Accessibility Standard should be amended to specify that all taxis in each municipality must be accessible by 2025, and that each municipality must take all required steps, to be included in their accessibility plans, to ensure that this goal is reached. This should include, among other things, requiring each municipality to:

a) give a priority or preference, when issuing permits for new taxicabs, to applicants who undertake that the new taxicab will be accessible, on the understanding that they are permitted to carry any passenger, whether or not he or she has a disability, and

b) In consultation with any special transportation services provider in the community, consider using accessible taxi services as an option for providing specialized transportation services under this Act.

(c) (Annually identify progress made toward meeting the need for accessible taxicabs in its status report required under the AODA.

(d) Where the Accessibility Advisory Committee of a municipality is of the opinion that sufficient progress towards fully accessible taxicabs in the community has not been made, it may ask the council of the municipality to develop additional strategies to promote a sufficient increase in the number of accessible taxicabs in the community, and the council of the municipality shall review the sufficiency of the strategies, and report on the result of this review to its accessibility advisory committee, and to the public, including via a posting on its website.

Section 80(2) of the 2011 Transportation Accessibility Standard makes inadequate provision for taxicabs to have their license registration information available in an accessible way for passengers with disabilities.

Recommendation #32: Section 80(2) of the Transportation Accessibility Standard should be amended to provide:

"(2) Any municipality that licences taxicabs shall ensure that owners and operators of taxicabs shall place vehicle registration and identification information on

(a) The rear bumper and adjacent to both rear entrance doors of the taxicab, and

(b) In Braille and large type on the back of the front passenger seat of the taxicab, in plain view and reach of a person sitting in the back seat thereof."

Recommendation #33: The Transportation Accessibility Standard should be amended to require accessibility training for taxi drivers, and for those who drive for ride-sharing services like Uber, at the time of obtaining or renewing a license, with this requirement to go into effect immediately upon or shortly after enactment of revisions to this accessibility standard.

Recommendation #34: The Transportation Accessibility Standard should be amended to increase the percentages of accessible parking spots for parking facilities associated with transit stations, setting specific ratios.

Recommendation #35: The Transportation Accessibility Standard should be amended to require permanent streamlined cross-jurisdictional paratransit services along the lines

of those temporarily provided in the Greater Toronto Area during the Toronto 2015 Pan/ParaPan American Games.

Recommendation #36: Efforts should focus on substantially strengthening the Transportation Accessibility Standard's detailed barrier-removal and prevention requirements, and on substantially strengthened enforcement, rather than focusing efforts on raising awareness, particularly among public transit providers which are public sector governmental organizations.

Recommendation #37: The Transportation Standards Development committee should hold a series of public forums on accessible transportation, to enable people with disabilities to share their experiences face-to-face, and to describe the transportation accessibility barriers they experience.

Recommendation #38: The Transportation Standards Development committee should attend the forthcoming TTC 2017 Public Forum on Accessible Transit, likely in the 2017 fall.

Recommendation #39: If the Government has not already done so, it should immediately provide the disability sector representatives on the current Transportation Standards Development committee with a full time staff support person, in accordance with its September 14, 2007 election promise, , to assist them in ensuring that the needs of people with disabilities are effectively represented and presented there.

Recommendation #40: The Transportation Standards Development committee should make public whether its members were afforded the option of voting, clause-by-clause, on its draft recommendations. If so, a record of the votes should be made public. If not, the public should be told why this promise was not kept.

Recommendation #41: The Transportation Standards Development committee should ensure that when its members' give their final vote on its recommendations to be presented to the Government, members are allowed to vote clause by clause on any recommendations that are brought forward for a vote, with a record made public on that voting.

Recommendation #42: The Transportation Accessibility Standard should be amended to require each public transit provider to now make public a commitment to achieve accessible public transit as soon as possible, and in any event, no later than 2025.

Recommendation #43: The Transportation Accessibility Standard should be amended to require each transportation organization to:

- a) create a 7.5 year multi-year plan, listing all the steps needed to ensure its transportation services become accessible to passengers with disability by 2025, and its plans to take all these steps in time to reach that goal;
- b) Implement that plan;
- c) Post this multi-year plan on its website, make it available to the public in an accessible format on request, and submit it electronically to the Accessibility Directorate of Ontario for posting online on a searchable data base;
- d) annually report on its progress in fulfilling that plans' requirements, and indicating whether it is on schedule for reaching the goal of accessible transportation services by 2025, and
- e) Post these annual reports on its website, and in an electronic filing with the Accessibility Directorate of Ontario, which will post them online in a searchable data base.

Recommendation #44: The Transportation Standards Development committee should survey Ontario's public transit providers to find out how many of them have held the required annual public accessible transit meetings each year since 2013, as the Transportation Accessibility Standard requires.

Recommendation #45: The Transportation Accessibility Standard should be amended to:

- a) Require the members of the governing board and senior management team of each public transit provider to attend the annual accessible transit public forum required under s. 41 of the Transportation Accessibility Standard.
- b) Require each transportation organization to ensure that these public forums are fully accessible for all people with disabilities.
- c) Require each public transit authority to post on its website an advertisement or announcement of its forthcoming annual accessible public transit public forum, and to post a report after the fact summarizing the contents of that meeting, including which members of its governing board and senior management team did or did not attend, and

d) Require each public transit authority to electronically file the report referred to in (b) above with the Accessibility Directorate of Ontario, which shall post these online on an accessible and searchable data base.

Recommendation #46: The Transportation Accessibility Standard should be amended to require public transit providers to take and document specified proactive steps to ensure the maintenance of equipment and facilities, as well as all vehicles, needed to ensure accessible transit, such as escalators and elevators. This should include a requirement to regularly post online and file with the Accessibility Directorate of Ontario reports on rates of their break-down and time taken to repair them. The Accessibility Directorate of Ontario should post these reports on a public, online, searchable data base.

Recommendation #47: The Transportation Accessibility Standard should be amended to require that:

a) Audible public announcements in transit stations must be provided in both audio and visual formats, in all passenger and staff areas. This includes such things as audible announcements of information concerning departure delays; gate assignments; and schedule or connection changes. Announcements should be of good quality, in plain language, with clear enunciation and spoken slowly with repetition.

b) In transit stations, where information is provided to passengers and the public via screens or electronic kiosks, the same information should be made available in an accessible format at the same time, and with equal ease of access, such as via audible announcements.

c) Where monitors displaying transit information for passengers are placed above eye level, the size of text to distance viewing should be specified. The monitor's location should ensure a seated person using a bench or mobility aid will be able to read them easily. The information displayed on the monitors should use plain language. Where electronic signage is within touching range, the monitor should include an intercom link with a help button and braille so that a user who cannot read the signage or understand what they are seeing can push the help button and speak to a staff person to be told the information being displayed.

d) All electronic signage should be at appropriate heights, to be specified in the Transportation Accessibility Standard, using fonts, colour contrast and letter sizes to be specified in the standard, and using plain, clear language.

Recommendation #48: The Transportation Accessibility Standard should be amended to require that:

- a) Electronic kiosks used by any public transit provider should be required to allow a person with a disability to independently use the kiosk.
- b) Where an electronic kiosk meets the requirements of this amendment, the kiosk should be marked with the international symbol of access.
- c) Braille and large print should be placed on the machines, and should include a sequence of activities in a list with a tactile line leading from each item to the location of the activity.
- d) An audio jack should be made available and be the first item on the list of sequence activities for those with both hearing and vision loss, to provide full audio interactive guidance on the kiosk's use.
- e) Approach to the kiosk shall allow for front access with an assistive device such as a wheelchair, using the knee and toe clearances.
- f) Surfaces on the kiosk should be non-glare, matte finishes.
- g) The kiosk should include an intercom link with a help button and braille so that a user who cannot read the signage or understand what they are seeing can push the help button and speak to a staff member.
- h) The kiosk should be designed to enable effective use with a mobile app that is accessible.

Recommendation #49: The Transportation Accessibility Standard should be amended to require that

- a) A public transit provider should include in any emergency procedures, a plan measures to ensure that emergency announcements (such as fire alarms) are available in an accessible means (e.g. flashing lights for the benefit of persons with hearing loss).
- b) A public transit provider should provide specific disability-related emergency training for transit staff, including the designation of on-duty officials in each station and on each transit route, who has lead responsibility in an emergency for disability-related emergency procedures.
- c) Public transit stations should be reviewed to ensure that there are safe accessible ways to exit in an emergency, and safe refuges for passengers with disabilities who must await help to leave the building or facility.

Recommendation #50: The Transportation Accessibility Standard should be amended to require public transit providers to provide in transit stations, raised line, tactile maps

with accessible text and braille, near the main entrance at every station. It should identify the main entrance, provide a tactile path from the main entrance to the ticket purchase area then to the transit connection points. It should identify the location of all emergency exit stairs, elevators, washrooms and transit connection points. The design should match the dimensions for access, space and reach of the automated information kiosks.

Recommendation #51: The Transportation Accessibility Standard should be amended to require each public transit provider to implement and enforce specific actions to effectively implement priority seating for people with disabilities on public transit vehicles such as:

a) A public transit provider should regularly have audible and visible announcements made on each vehicle, describing the requirement of passengers without disabilities to vacate a priority seating location if requested by a passenger who states that they need the spot due to a disability. This should include an announcement of consequences for a passenger who does not comply, and should reference, where available, that there is video monitoring on the vehicle.

b) In Toronto, the TTC should also be required to make regular announcements each day of this priority seating information in subway stations and on subway trains.

c) Print announcements regarding the priority seating requirement should be posted, where possible, at transit stops.

d) Where any refusal of priority seating occurs on a vehicle and comes to the attention of the driver or other transit employees, they should as soon as possible report this incident to their supervisor. Annual compliance reports under the AODA should include reports on the number and nature of any such incidents.

e) Public Transit providers should be required to instruct their front line vehicle crews and roving onboard staff to take steps, where needed, to ask people to make priority seating available for passengers with disabilities, and to enforce and support the priority seating policy, and to report promptly to the public transit provider in the case of any violations.

Recommendation #52: The Transportation Accessibility Standard should be amended to require every municipality to have accessible vehicles for persons with disabilities, which are available for public transit regardless of the passenger's purpose for their trip.

Recommendation #53: The Transportation Accessibility Standard should be amended to prohibit public transit providers from requiring that a conventional transit passenger or

paratransit passenger be accompanied by a support person. The public transit provider should instead have in place an effective means to receive and convey to its paratransit driver, pre-issued instructions on a passenger's destination, in the case of a passenger who cannot themselves communicate their destination.

Recommendation #54: The Transportation Accessibility Standard should be amended to require public transit providers to implement readily achievable measures to enable passengers with disabilities who use service animals to be able to meet the animal's need to relieve itself, whether by providing nearby relief areas within a transit station, or by providing a fee waiver if the passenger must leave the station for the animal to relieve itself.

Recommendation #55: The Transportation Accessibility Standard should be amended to

- a) Set strong requirements for the accessibility of subway, train and LRT, cars, including a requirement that they properly line up with a subway platform. This should apply to both new and existing vehicles.
- b) Require that before new public transit vehicles are purchased, the chief executive officer and the chair of the public transit provider should be required to sign that they have personally verified the accessibility of the vehicle for people with disabilities.
- c) Require that any contract to procure such public transit vehicles require the vendor to remediate any accessibility problems that arise on or after their delivery.
- d) Require that within a public transit provider, there is clear and public accountability for the officials who make decisions regarding the accessibility or lack of accessibility in the procurement of public transit vehicles.

Recommendation #56: the Transportation Accessibility Standard should be amended to set accessibility requirements for public transit platforms. These should ban the use of the center platform design for a public transit station, unless a safe solid shoreline is provided for persons with vision loss, at a designated distance away from the platform's edge.

Recommendation #57: The Transportation Accessibility Standard should be amended to require readily-achievable accessibility retrofits of public transit vehicles unless they are slated to be removed from service in the next five years.

Recommendation #58: The Transportation Accessibility Standard should be amended to impose comprehensive accessibility requirements on ridesharing services operating anywhere in Ontario, that at least include and build upon those enacted in Toronto and in some U.S. cities.

Appendix 2

Key Findings in the 2014 Final Report of the Mayo Moran Independent Review of the Accessibility for Ontarians with Disabilities Act

Important Findings in the 2014 Mayo Moran AODA Independent Review's Final Report Show a pressing Need to Strengthen the 2011 Transportation Accessibility Standard

The current review of the Transportation Accessibility Standard should take into account the important findings of the final report of the Government-appointed Mayo Moran AODA Independent Review. That Independent Review's final report shows that there is a compelling need to strengthen the AODA accessibility standards, including the 2011 Transportation Accessibility Standard.

The Moran Report called for the AODA's implementation to be strengthened and revitalized. It made important findings and recommendations. These included findings regarding the Transportation Accessibility Standard.

The Moran Report was written over three years after the 2011 Transportation Accessibility Standard went into effect. Its findings and recommendations were based on significant consultations with stakeholders around Ontario, including with the broad disability community.

Here are key findings in the Moran Report that the Transportation Standards Development committee should act on. This brief's recommendations build upon them.

The Moran report received powerful feedback that the AODA has not made a significant difference in the lives of people with disabilities, even ten years after it was enacted. Among other things, the accessibility standards enacted under the AODA (including the Transportation Accessibility Standard) were too weak and unclear. They have too many exemptions

During ten years of implementing the AODA, the Report found that "much good work has been done and considerable learning has taken place." It said there has been "considerable progress."

However the report found that

"The pace of change has been slower than many hoped." It concluded that people with disabilities see the pace of change under the AODA as "agonizingly slow." Momentum on accessibility "seems to have stalled." The Report concluded: "The overall perception is that the pace of change is extremely slow and much remains to be done to achieve the goals under the AODA."

The Report recognized:

“The overall impression from the consultations with persons with disabilities is one of continued support for the AODA, mingled with frustration that its slow implementation has resulted in rather modest change on the ground.”

It concluded:

“The rate of progress is a widespread source of concern.”

It described the experience of people with disabilities by acknowledging that there has been some improvement, but:

“According to many people with disabilities, their day-to-day experience proves we are not on schedule. For example, a presenter in Toronto called the AODA the “Great Disappointment Act” while a speaker in London said we could be facing a lost generation because of the slow rate of change. One called 2025 “a joke” because of continued discrimination; another felt it was a pipe dream. Other participants said they felt frustrated, angry or let down. One asked, “How much longer do we have to wait?” – while another observed that “change is not trickling down – things have not changed for persons with disabilities.””

The Moran Report included these specific findings regarding the accessibility of transportation in Ontario, and the Transportation Accessibility Standard:

a) "Many people with disabilities also underlined the importance of safe and reliable transportation. As one participant noted, if you can't go out to events, your life is totally cut off. Indeed, the Review was told of the difficulty that people with disabilities had in arranging to attend some of the AODA public consultations because of transportation challenges. One participant told the Review that the provincial Aging at Home Strategy will mean just exchanging one form of institutionalization for another if accessible transportation is not part of the picture."

b) "Accessible Transportation

According to many people with disabilities who participated in the consultations, transportation barriers continue to restrict employment and participation in the life of the community. The Review was told that people with disabilities in Toronto are frustrated that many subway stations lack elevators and other accessibility features and that the TTC has declared it does not have the funding to make the final 17 stations accessible by 2025. Moreover there was concern that in at least some stations, the new

subway cars have too wide a gap and too high a step for a wheelchair to get safely onto the platform.

The overall impression from the consultations with persons with disabilities is one of continued support for the AODA, mingled with frustration that its slow implementation has resulted in rather modest change on the ground.

Elsewhere in the province, the Review was told, some 200 standards violations were observed on a regional bus system over a period of six months – mainly a failure to call stops. Able-bodied passengers sometimes refuse to give up courtesy seats to people with disabilities, forcing them to get off and wait for the next bus. The malfunctioning of a wheelchair lift on an intercity bus, which trapped a woman with a disability, was cited as showing the inadequacy of staff training. The point was made that training should include not only how to operate equipment but what to do if it breaks down. Better training was also urged to show drivers how to tie down wheelchairs with straps and to sensitize them not to drive off before people in wheelchairs have backed into their spots safely."

The Moran Report pointed to significant problems with AODA accessibility standards enacted to date. This of necessity includes the Transportation Accessibility Standard. Its key findings on point include:

a) "Both the public and private sectors said they had problems understanding their obligations because the standards are often not clear enough or specific enough about what is required.

The Review was also told that the most confusing standards of all are those concerning accessible websites – even lawyers are said to have trouble with them. For example, the interpretation of where meeting a requirement is “not practicable” should be clarified – specifically concerning the need to convert all documents to accessible formats when a website is refreshed. Advice is also needed on what constitutes a “significant refresh” of a website. As well, it was suggested that the exclusion of intranets (with the exception of the government intranet) seems inconsistent with the Employment Standard that requires accessible formats and communication supports for employees. Similar difficulties were reported with a number of elements of the transportation standards. A case in point is the provision on “origin to destination services”, which permits specialized transportation providers to offer an overall package of services to people with disabilities and which may include service on accessible conventional services. Some disability stakeholders consider this provision obscure, while others believe it creates an “escape hatch” that allows transit operators to deliver services as they wish. As well, it was suggested to the Review that requirements for accessible signage on transit vehicles should be more detailed so each

provider does not have to figure them out on its own. And the status of not-for-profit groups providing transportation is considered unclear, a real concern in small communities."

b) "Proposed Revisions to Current Standards

The Review heard many comments that suggested revisions to existing standards. Various disability groups advocated specific changes to the standards to better reflect the needs of their members and clients. More generally, many participants believed that timelines in the standards are too long, several requirements are weak, little is being done to remove existing barriers and exemptions and exceptions are too broad. One disability stakeholder considered the deficiencies in the IASR so serious that the mandatory review of the Transportation, Employment and Information and Communications standards should begin in 2015 instead of 2016 as currently planned. Many obligated organizations in both the public and private sectors had other concerns, emphasizing that the overall AODA regime is too complex and should be simplified as much as possible.

Members of the disability community emphasized that the five standards in place so far – even if complied with to the letter – will not get us to full accessibility by 2025, or in fact ever."

c) "As well, disability stakeholders took issue with various exceptions that are less exacting than undue hardship under the Human Rights Code. This issue will be addressed later in the section on the AODA's Relationship with Other Legislation."

d) "Transportation

Many transit stakeholders trace problems with the Transportation standards back to the standards development process itself. The Review was told that this became almost a negotiation between the sector and the disability community rather than an effort to identify barriers based on evidence. Moreover, transportation was considered in isolation, resulting in very detailed requirements rather than setting higher-level goals as the other standards do. The Review heard that this process led to problems with the content of the standard.

As an example of a non-evidence-based standard and the problems thereby created, the Review was referred to the provision on free travel for support persons. The standard leaves it up to the transit system – in practice, often the driver – to determine if a support person is needed. As a result, different transit systems in the Greater Toronto Area have different eligibility criteria, undermining the goal of seamless integrated travel across the GTA and the province. This also places a burden on

transit operators. They strongly urged the Government to define criteria for support persons and apply them province-wide.

Many transit stakeholders trace problems with the Transportation standards back to the standards development process itself.

Capacity issues in specialized transit were frequently raised by people with disabilities. The standard requires service providers to estimate demand and develop steps to reduce wait times, but it does not actually guarantee that any action will be taken. People with disabilities from rural areas pointed out that specialized transportation there often takes the form of taxicabs and urged that all taxis should be accessible by 2025."

Appendix 3

Key Findings in the 2015 KPMG Report on Transportation Accessibility Barriers

A. Introduction

In 2015, the Ontario Government hired KPMG to prepare a report on disability accessibility barriers in transportation in Ontario. The final KPMG report is dated August 12, 2015. The contents of the KPMG Report reinforce the need for the 2011 Transportation Accessibility Standard to be substantially strengthened.

The Ontario Government intended that this report would assist in the review of the 2011 Transportation Accessibility Standard. The AODA Alliance and, to the best of our knowledge, the broader disability community, were never consulted by KPMG in the preparation of this report. As such, it does not take into account the front-line experience with disability accessibility barriers that people with disabilities face in transportation in Ontario. Moreover, KPMG oddly did not identify the AODA Alliance as a leader on transportation accessibility, for the Ontario Government to secure input and assistance on this issue. This is so, even though the AODA Alliance have led the non-partisan campaign for accessibility in Ontario since the AODA's enactment. As well, the AODA Alliance is the successor to the Ontarians with Disabilities Act Committee, which led the decade-long campaign to get the AODA enacted.

Nevertheless, the KPMG report includes contents and findings that are important for the Standards Development Committee's review of the 2011 Transportation Accessibility Standard. The discussion and findings in the KPMG report support our call for the 2011 Ontario Transportation Accessibility Standard to be substantially strengthened. The Transportation Standards Development committee's May 19, 2017 draft recommendations do not fully address this need, as our discussion shows later in this brief.

B. Need for New Action on Transportation Accessibility

The KPMG report shows that Ontario cannot rest on any supposition that accessible transit is simply going to come about on its own. The KPMG report found:

"Many jurisdictions have begun to progress towards a more integrated and increasingly accessible forms of accessible transportation. Although progress has been made, demand for such services continues to grow.

The trends and issues identified were:

A need to have cost and fare parity for all users and types of transportation,

More government intervention and a greater number of incentive-based grant and tax reduction programs in order to alleviate costs associated with procuring accessible devices,
Growing demand, reliance and need for specialized services to provide on demand, door to door, service, and, A continued focus on built environment and accessible fleets."

The KPMG Report identified four areas that require more effort or work, or which are emerging trend areas for achieving accessible transportation, namely:

- Priority Issue 1: Private Carriers
- Priority Issue 2: Accessible On-Demand Taxis
- Priority Issue 3: Specialized Transit
- Priority Issue 4: Accommodations

The KPMG Report later summarized the areas where future work is needed, which could include future measures in a Transportation Accessibility Standard:

"This report highlighted emerging trends, issues and priority issues that can be considered moving forward. Many of these issues are not covered by Ontario's current AODA transportation standard. Going forward new research, consultation and possible standard development may need to include:

- Understanding of need for increased specialized services,
- How unlicensed private carriers and private carriers can increase their on-demand services for persons with disabilities,
- How private carriers can be brought in under current AODA, and
- How to incentivize both convention use and innovation in the field of accessible transportation."

Elsewhere, the KPMG report identified key areas for future work, including future expansion of the 2011 Transportation Accessibility Standard:

"Going forward new research, consultation and possible standard development may need to include:
A more in depth understanding of need and the cost and benefits associated with increased specialized services,
How unlicensed private carriers and private carriers can increase their on-demand services for persons with disabilities,
How private carriers can be brought in under current AODA, and,
How to incentivize both conventional use and innovation in the field of accessible transportation."

The KPMG Report shows that there remains a significant need for improvement of accessibility on conventional transit services, despite any progress to date. The KPMG report states:

"The need to build, acquire, retrofit, and adapt conventional transportation remains an issue for many communities. Although, great strides and efforts have been made, major infrastructure, communication, and technology gaps still exist in many communities. According to Ontario's Human Rights Commission, 90% of Ontario transit systems now have a procurement policy in favour of low-floor buses, and lift-equipped and low-floor buses now make up 15% of Ontario's total bus fleet. There are Easier Access features on the majority of the Ontario transit industry's 5600 buses, and there are a growing number of fully accessible bus routes in many Ontario cities. As well, many bus and subway stations have been made more accessible to persons with disabilities through the addition of elevators, accessible washrooms, modified rest benches, and other accessibility features. Ontario's commitment to progress has been mirrored and echoed in other jurisdictions. The trend of introducing and only procuring low rise/ kneeling buses has become a global norm. Although progress has been made, there still exists low and high cost barriers that make it difficult for those with a disability to access conventional transit. These barriers range from built environment challenges (e.g., continuity of width and size of platforms and sidewalks, size of bus shelters, elevators and ramp access) to a lack of trained and available staff to assist with a journey or new technology. Addressing these barriers continues to be a broad public transportation issue."

The KPMG Report demonstrates a need to address accessibility barriers in the new ride-sharing transportation services such as those provided by Uber. The KPMG Report states:

"Currently, there are no international leading practices for regulating these new private carriers. The lack of regulation pose several risks to ensuring accessibility for consumers and protection for all those involved in the transaction. This has led to discrimination against people with a disability. Issues of discrimination and refusal to accommodate users with disabilities in these ride sharing services have led to lawsuits in the US. Concerning the issue that drivers can refuse to allow guide dogs into their vehicles, with no legal penalties, the American Foundation for the Blind has filed a lawsuit against ride-sharing company Uber. There have been further complaints against Uber drivers refusing to pick up people in wheel chairs, not wanting to get their interiors dirty or saying that the wheelchairs will not fit, even though they are collapsible. In 2014 and 2015, three lawsuits were filed in Texas, Arizona, and California against such discrimination. The lawsuits request compliance with the US Americans with Disabilities Act (ADA). Ridesharing companies have previously claimed that because they are technology companies connect people, rather than a private carrier transportation service, they are not within the ADA's jurisdiction."

The KPMG Report also states:

"According to the literature reviewed and public debate taking place, government regulations are needed in ridesharing companies to ensure that accessibility rights are being followed. Currently, there is a lack of transparency in how these companies are complying with disability regulations. Clarity is needed on how people with disabilities will be accommodated and what steps are taken when a driver refused to comply with disability acts."

The KPMG Report also recognized a need for more action in the area of access to taxis and private carriers. The KPMG Report states:

"Priority Issue 2: Accessible On-Demand Taxis

For many people with disabilities, especially those who are unable to drive or use conventional public transport, taxis and private carriers are pivotal means for ensuring mobility. The issue of accessible taxicabs and equitable service is one that most Canadian and international jurisdictions struggle to meet need and address. Different models exist in the jurisdictions reviewed. Some jurisdictions such as London and New York City have mandated dual use fleets, other such as Nova Scotia and New Brunswick have incentivized retrofits and fleet purchase in order for service to be offered. London is the international leader in accessible taxi transportation with a 100 percent accessible fleet of over 21,000 taxis. The 100 percent figure was mandated by the Disability Discrimination Act of 1995 and reached by January 1, 2000.

The literature reviewed and research conducted highlighted that a lack of equitable on-demand transportation exists throughout the world and the demand for accessible on-demand services continues to grow."

The KPMG Report noted that there are ongoing accessibility barriers in transportation. However, in the following passage, KPMG limits the kinds of accessibility barriers it appears to know about. It did not note technology accessibility barriers, as but one example that is missing. In its conclusion, the KPMG Report states:

"Those with a disability or mobility issue often face numerous and substantial barriers to transportation which affect all aspects of their lives. As highlighted in this report, barriers can be physical, communication or attitudinal related or simply unique to the individual's situation or the transportation system one is accessing. Some consequences associated with not having accessible transport leaves those with a disability or mobility issue unable to contribute to society, the economy and most importantly live an independent life. These consequences are well known and governments are making efforts to ensure they do not worsen.

Concurrently, the private sector is also playing a role as more need, advancements and demand are identified."

C. Major Deficiency in the KPMG Report

The discussion in the KPMG Report helpfully shows a number of areas where other jurisdictions are ahead of Ontario in the important area of transportation accessibility. Yet the KPMG report made the false claim, contradicted by the KPMG Report itself, that Ontario is either ahead of or on par with other jurisdictions it has studied, when it comes to the accessibility of transportation services for people with disabilities.

That claim is simply untrue. For example, Ontario lags far behind the US, which has made substantially more progress under the Americans with Disabilities Act. The Transportation Standards Development committee should not place any reliance or weight on KPMG's inaccurate claim about Ontario as compared to other jurisdictions studied.

The KPMG report states:

"This report highlights emerging trends, issues and priority issues that have been identified as the key topics to shape accessible transportation policy in the years ahead. While many of these issues are not covered by Ontario's current AODA transportation standard, research related to the other jurisdictions examined illustrates that Ontario is either a leader or on par amongst its peers."

Later, in its conclusions, the KPMG Report repeats this claim, and adds to it a reference to Ontario measures for compliance that reinforce this conclusion. Yet the AODA Alliance has amply documented a substantial failure of the Ontario Government for several years to keep its promise to effectively enforce the AODA. We know of not a single case of a transportation organization being ordered to pay a dime in AODA monetary penalties. Moreover, in this concluding reiteration of KPMG's claims about Ontario's leadership in this area, it is for the first time qualified. KPMG here notes some instances where another jurisdiction might lead in a specific feature of transportation accessibility. The KPMG Report's passage on point is:

"The research has found that Ontario continues to be a leader in the field of accessible transportation with very detailed standards and a commitment to compliance already in place. In comparing both up and downward forms of government, some gaps exist such as mandating a percentage or use of accessible taxis under municipal license. Based on the research undertaken and the documents reviewed, in addition to Ontario, it appears that only Singapore has a comprehensive accessible transportation standards/policies in place. Other jurisdictions have various regulations, policies and programs to facilitate accessibility and are leaders in specific sub-fields (e.g., London, England - Taxi design

criteria/dual use taxis). Both British Columbia and Manitoba have public commitments in the development process and New Brunswick has begun to implement policies that support their Action Plan."

In reaching its inaccurate conclusion, the KPMG report did not appear to address two important considerations:

1. All the situations where other jurisdictions regulate accessibility features of transportation which Ontario's 2011 Transportation Accessibility Standard does not regulate and
2. The front-line experience of people with disabilities in Ontario as compared to other jurisdictions when seeking accessible transportation services.

For example, Ontario rolled out the Presto Smart Card earlier this decade without ensuring that proper accessibility features were included. Its initial on-site electronic kiosks included no features for a person who cannot read print on an electronic Presto kiosk's screen, due to a disability such as vision loss or dyslexia. In contrast, Chicago's public transit system has for over a decade had a system of fare electronic kiosks with speech output for persons who cannot read print.

In any event, the Ontario Government's duty under the AODA, augmented by the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, is not to simply be as good as other jurisdictions that KPMG studied. The Ontario Government's duty is to lead Ontario to a fully accessible transportation system by 2025. Nothing less meets the legal requirements in the AODA.

We have [elsewhere shown](#) that KPMG reached a similarly incorrect conclusion that Ontario is as good as or better at ensuring accessibility of education for students with disabilities, compared to other jurisdictions studied. We asked both the Ontario Government and KPMG what role the Accessibility Directorate of Ontario (KPMG's instructing client) played in the inclusion of these comparative conclusions in KPMG's reports. KPMG declined to answer. The Ontario Government also declined to answer. The Accessibility Directorate of Ontario told the AODA Alliance that for a response, we must file a Freedom of Information application.

A reasonable if not compelling inference from the incorrect praise of Ontario in KPMG's reports, and in the refusal of both KPMG and the Ontario Government to answer us about this, is that the inclusion of this conclusion in the KPMG reports was influenced by requests by the Ontario Government. At the material time, the Ontario Government was publicly claiming to be a world leader on accessibility, despite the fact that the US is ahead of Ontario on ensuring accessibility for people with disabilities. It is clear from the KPMG report that the Accessibility Directorate of Ontario had a role to play in directing this report's preparation.

The KPMG report's analysis reveals several areas where other jurisdictions do more than does Ontario's 2011 Transportation Accessibility Standard, to advance transportation accessibility. We list these here. Ontario's Transportation Accessibility Standard should be strengthened accordingly in each of these areas. Each of these examples disprove KPMG's claim that Ontario is equal to or better than the other jurisdictions studied, on transportation accessibility.

1. a) Accessibility of the Built Environment in Transit Stations

Contradicting the KPMG Report's claim about Ontario's leadership on transportation accessibility is the report's description of progress on the built environment in New York City transit stations. That progress certainly far exceeds the state of accessibility in TTC subway stations. The KPMG report states:

" New York City, New York - Since 2006, barrier-free facilities to assist the elderly and people with disabilities have been made available within all Mass Rapid Transit (MRT) stations (municipal). All of the existing MRT stations now have at least one barrier-free route with a lift, tactile guidance system, and wheelchair-accessible toilets. With the installation of ramps and additional lifts at 16 MRT stations completed in 2011, more than 85% of existing MRT stations, including the new Circle Line stations, has at least two barrier-free access routes."

The KPMG Report identified jurisdictions in Europe that have achieved universally accessible built environments in their conventional transit systems. We note that TTC, as but one Ontario example, is far from achieving this. The KPMG Report states:

"Many systems are upgrading their built environment and policies in order to accommodate the needs of peoples with disabilities. For example, Berlin, Germany and Gothenburg, Sweden both implemented universally accessible transit systems in the early 2000's."

2. Regulating Ride-Sharing Services

The KPMG Report also documented efforts in California to regulate ride-sharing services to address accessibility needs. There is nothing like this in place in Ontario. The KPMG Report states:

"As noted by the sole checkmark, California (state government) has lead the way in attempting to regulate ride sharing services. Highlights of their policies and intentions are listed below. California required the transportation network companies, which provide paid rides mostly by freelance drivers using their own cars, to submit reports on how they will accommodate disabled users. These reports

were required to be submitted to the California Public Utilities Commission, as part of a 2013 law that legalized ride hailing in California, known as proceeding R.12-12-011.

Experts in disability rights and transportation reviewed these requirements as lacking. The requirements do not stipulate how and when these services will offer wheelchair-accessible vehicles. Disability Rights Advocates in Berkeley founds the plans to be “tentative and don't address the fundamental challenge, which is ensuring enough accessible vehicles to make this transportation system at least minimally accessible for people with mobility disabilities.”

Five companies - InstantCab, Lyft, Sidecar, Tickengo (now renamed Wingz) and Uber - filed disability-access plans with the California Public Utilities Commission. These plans include making the phone apps will have accessibility features and their companies have statements non-discrimination in their policies.

These accessibility plans currently do not have clear plans to offer wheelchair accessible vehicles.”

3. Private Carriers e.g. Airport Shuttles

The KPMG Report documents accessibility provisions of the Americans with Disabilities Act which govern private carriers like airport shuttles. The 2011 Transportation Accessibility Standard has no comparable provisions. The KPMG Report states:

"In the United States, airport shuttle services fall under federal regulation, as part of the Americans with Disabilities Act (ADA). Under the Act, airport shuttle services welcome all individuals with disabilities, including those who are accompanied by service animals. The following table includes the section from the ADA that applies to transportation provided by public accommodations.

The ADA, Section 36.310 - Transportation provided by public accommodations

(a) General

(1) A public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, is subject to the general and specific provisions in subparts B, C, and D of this part for its transportation operations, except as provided in this section.

(2) Examples. Transportation services subject to this section include, but are not limited to, shuttle services operated between transportation terminals and places of public accommodation, customer shuttle bus services operated by private companies and shopping centers, student transportation systems, and transportation provided within recreational facilities such as stadiums, zoos, amusement parks, and ski resorts.

(b) Barrier removal

A public accommodation subject to this section shall remove transportation barriers in existing vehicles and rail passenger cars used for

transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift) where such removal is readily achievable.

(c) Requirements for vehicles and systems

A public accommodation subject to this section shall comply with the requirements pertaining to vehicles and transportation systems in the regulations issued by the Secretary of Transportation pursuant to section 306 of the Act.

The ADA does not require automobiles to be accessible, only other types of vehicles, including vans and buses, must be accessible.

For example, in California the SuperShuttle (private carrier) offers shuttle services in the Los Angeles and Orange Counties to five different airports. The SuperShuttle service says it is fully compliant with the ADA, offering full service to all individuals, including those who are accompanied by service animals and/or use a wheelchair. SuperShuttle does stipulate that for transportation into airports, customers are required to make advanced reservations. When making an accessible reservation, customers should specify whether or not an accessible vehicle is required or if a service animal will be accompanying the customer. The SuperShuttle website has a page outlining its accessibility policies, a representative to direct complaints or concerns to, as well as full contact information for making complaints on ADA compliance with the US Department of Justice.

The Wayne County Airport in Detroit, Michigan is again, fully compliant with the ADA. At the airport, all shuttle buses are equipped with accessible lifts or ramps. However, of the seventeen listed limousine services offered in Detroit, only one provided information on being wheelchair accessible. Similarly, in Chicago, Illinois, accessible private carriers are regulated under the ADA. Accessible buses, minivans, and sedans are outfitted with special medical equipment and comply with all standards including:

- Upright standing
- Hand rails
- Extra wide vehicles
- 2-way radio
- Air conditioners
- Wheelchair lifting devices.

Throughout the US, private carriers are expected to adhere to federal ADA regulations. Other commercial carriers, like taxis, are regulated city by city."

4. Making Taxi Fleets Disability-Accessible

The KPMG Report shows that London England, not Ontario, is the world leader on making its taxi fleet 100% accessible. The KPMG Report states:

"London is the international leader in accessible taxi transportation with a 100 percent accessible fleet of over 21,000 taxis. The 100 percent figure was mandated by the Disability Discrimination Act of 1995 and reached by January 1, 2000."

The KPMG Report also identifies UK provisions on taxi accessibility which, on our own quick comparison, clearly exceed the Ontario 2011 Transportation Accessibility Standard. The KPMG Report states:

"United Kingdom - Licensed taxis in larger cities must be wheelchair accessible. The powers in Part 5 of the Disability Discrimination Act 1995 (DDA) (federal) allow regulations to be made requiring all new land-based public transport vehicles - trains, buses, coaches and taxis - to be accessible to disabled people, including those who need to remain in their wheelchair. "

Similarly the KPMG Report identified specific US cities with accessible taxi fleet requirements. On an instant comparison, these exceed Ontario's 2011 Transportation Accessibility Standard. The KPMG Report states:

"New York City, New York - New York City's Taxi and Limousine Commission (municipal) will expand and mandate that its accessible taxi fleet is fifty percent of the entire fleet by 2020. The City has imposed a 30-cent surcharge to all cab rides to help with the transition to a larger accessible fleet. Taxi operators bringing accessible taxis into service in 2016 will be eligible for grants to subsidize the cost of accessible taxi conversions, with additional funds being made available on an annual basis to defray the higher maintenance costs associated with accessible vehicles. The approved rules also contain a driver training component, providing that all new, incoming taxi drivers who apply for their taxi operator's ("hack") license after June 1, 2014 must receive wheelchair passenger assistance training. All taxi drivers must receive training by the time of their first license renewal after January 1, 2016.

...Washington, DC - Under the DC Taxi Act (District of Columbia), and sedan regulations, each taxi and sedan company with 20 or more taxis in its fleet is required to dedicate a portion of its fleet to wheelchair accessible taxis: at least 6 percent by December 31, 2014; at least 12 percent by December 31, 2016; and at least 20 percent by December 31, 2018. The Commission may withhold license renewals for those companies that do not meet these requirements. However, the Committee calculates that meeting these minimum requirements would only result in 3 percent of the D.C. taxi fleet being accessible by the end of 2018, and so the Committee recommends that the required minimum percentage of accessible taxis in the covered fleets be increased to 30 percent in 2016 and 40 percent in 2018.

Baltimore, Maryland - On December 18, 2012, the Public Service Commission in Baltimore (municipal) that regulates taxi service, proposed that "...permit holders in Baltimore City and Baltimore County that if within six months of its order there are not 25 wheelchair accessible cab (WACs) in the City and five (5) in the County, the Commission will conduct a lottery for permit to bridge the remaining deficiency.

Chicago, Illinois – The city has regulation (municipal) that any single licensee that owns or controls 20 or more licenses must place into service wheelchair accessible vehicles as taxicabs on five percent of its taxicab vehicle fleet.

Montgomery County, Maryland - Montgomery County (county) requires that 8 percent of vehicles in a fleet of 20 or more taxis be wheelchair accessible. Currently, 48 of the 770 licensed taxis are wheelchair accessible."

The KPMG Report identified technical specifications for a taxi to be accessible in Chicago. We note that the Ontario 2011 Transportation Accessibility Standard does not impose this package of requirements. The KPMG Report states:

"Chicago, Illinois - Specifications of all wheelchair accessible vehicles (WAV) to be licensed as taxicabs must be pre-approved by the Commissioner to ensure that the vehicle is in compliance with the Americans with Disabilities Act – Accessibility Guidelines for Transportation Vehicles (federal).

At a minimum, WAVs for use as a licensed taxicab must meet the following standards:

Passengers in wheelchairs must be able to safely and expeditiously enter and exit the vehicle directly from the curb side of the vehicle ("curb-to-curb entry and exit service"),

The curb side of the vehicle for entry and exit of the passenger must be on the passenger / right side of the vehicle,

The taxicab vehicle is equipped with securement devices to ensure that the wheelchair will be safely secured when the vehicle is in motion,

The taxicab vehicle is equipped with "seat belt and shoulder harnesses" to ensure that passengers will be safely secured when the vehicle is in motion,

The taxicab vehicle is capable of transporting at least one passenger using a "wheelchair" as defined in Code of Federal Regulations, title 49 section 37.3,

The taxicab vehicle must have an interior volume index greater than or equal to 160 cubic feet;

The taxicab vehicle must be equipped with an electronically operated back-up alarm that produces an intermittent audible signal when vehicle is shifted into reverse,

The taxicab vehicle must display stickers at least 6 inches by 6 inches in size depicting the universal logo for wheelchairs on the rear window and both side windows, and

A taxicab vehicle that is a post manufacture or after-market mechanical conversion/modification to a wheelchair accessible vehicle must display, in a conspicuous location, a label identifying the vendor/company responsible for performing such work, and that the vehicle meets all requirements of the Americans with Disabilities Act – Accessibility Guidelines for Transportation Vehicles."

The KPMG Report also identified such measures in New York City regulations:

"New York City, New York - Consists of 32 technical specifications for NYC Accessible Taxis (municipal) including that the wheelchair ramp door shall be located on the right side of the accessible taxicab and the accessible taxicab shall have two forward facing wheelchair positions."

The KPMG report documented newer practices for accessible on-demand taxi services in Toronto and two U.S. Cities, but which are not described elsewhere in Ontario. Currently the 2011 Transportation Accessibility Standard does not require the deployment of this approach. The KPMG report states:

"According to the Canadian Urban Transit Association, Canadian municipalities such as Winnipeg, Toronto and Hamilton are using leading practices and software based technology to introduce more efficient and effective practices into their systems and have been adopting assessment based eligibility criteria in order to better control usage by addressing those with the greatest need.

For example, recently in the City of Toronto, New York and Philadelphia, accessible, on-demand metered taxis are being proposed and regulated through municipal licensing. At no cost to the municipality, these cities are introducing by-laws or licensing features for one taxi license moving forward. This means that no longer would there be a difference between what types of vehicle a taxi operator drives, all fleets would need to be dual purpose vehicles in order to get a new taxi license. A primary goal in establishing on-demand at meter rate accessible taxicab service is to ensure equity for all individuals and reduce the cost of government delivered programs."

5. Public Transit Staff Assistance for People with Disabilities Navigating Public Transit Facilities and Services

The KPMG Report documents a service offered in Montreal, which is not offered in comparable Ontario cities like Toronto. This service offers a transit employee who can assist a passenger with a disability to navigate the conventional system on a ride. This would reduce pressure to use the more expensive paratransit system. We understand

that Vancouver also offers a service that may be something like this. The KPMG Report states:

"Montreal, Quebec – Passengers of the Montreal Metro (municipal) can ask to be accompanied by an STM employee who will help the passenger travel from one station to another. If the passenger is alone, they may have trouble managing the gap between the platform and the métro car. An STM companion is trained to help the passenger:
Take the elevator to the platform level,
Enter and exit the first métro car using the portable access ramp, and
Take the elevator to the ticket booth level at his or her destination."

The KPMG Report also describes a somewhat similar but possibly more limited service in Dublin:

"Dublin, Ireland - Dublin Bus (state owned corporation) operates a free travel accompanying system for riders who would like assistance the first few times they travel on a specific route or use public transportation in the greater Dublin area. Potential users are asked to call or email for further information and to set up passenger assistance."

The KPMG Report also states:

"New York, New York - MTA NYC Transit (municipal) is fully committed to the use of buses and subways by New Yorkers with disabilities. With some training, many AAR customers who have mobility or cognitive impairments may be able to ride the bus or subway to work, school, health and recreation facilities, and many cultural institutions. Transit currently sponsors travel training for qualified paratransit AAR customers. Cerebral Palsy Associations of New York State (CPofNYS) is conducting the training under contract with NYC Transit. Trainees master the following skills:

Planning a trip: use of schedules, signs, telephone, information services, and landmarks,

Remembering and following directions,

Traveling safely at all times,

Identifying the correct bus stop, bus, subway station, or subway,

Coping with service disruptions, delays, and emergencies,

Correctly using mobility aids, such as crutches, walkers, wheelchairs, and scooters, and

Requesting information/help from appropriate sources.

In the Netherlands, 100 journey assistants are available to assist persons with disabilities or mobility issues in safely accessing public transportation (federal). Passengers need to apply for the service and once accepted a journey assistant will greet them at a designated meeting area, accompany them on their journey or safely assist them in getting on the

desired mode of transportation. Assistance includes trip planning, ticket purchasing, on and off boarding and familiarizing themselves with stations and services."

6. Accessibility Requirements for Retrofitting Current Public Transit Vehicles

The KPMG report summarizes provisions on transportation in the Americans with Disabilities Act as including the following:

"United States (Federal) Accessibility Specifications for Transportation Vehicles (Federal)

Buses, Vans and Systems

- All vehicles shall provide a level-change mechanism or boarding device (e.g., lift or ramp) and sufficient clearances to permit a wheelchair or other mobility aid user to reach a securement location.

Rapid Rail Vehicles and Systems

New, used and remanufactured rapid rail vehicles, to be considered accessible by regulations in part 37 of ADA, shall comply with this subpart of Part 38 of ADA. Existing vehicles which are retrofitted to comply with the "one-car-per-train rule".

Light Rail Vehicles and Systems

Vehicles intended to be operated solely in light rail systems confined entirely to a dedicated right-of-way, and for which all stations or stops are designed and constructed for revenue service after the effective date of standards for design and construction in §§37.21 and 37.23 of this title shall provide level boarding and shall comply with §§38.73(d) (1) and 38.85 of this part.

Vehicles designed for, and operated on, pedestrian malls, city streets, or other areas where level boarding is not practicable shall provide wayside or car-borne lifts, mini-high platforms, or other means of access in compliance with §38.83 (b) or (c) of this part.

Commuter Rail Cars and Systems

New, used and remanufactured commuter rail cars, to be considered accessible by regulations in part 37 of ADA, shall comply with this subpart of Part 38 of ADA. Commuter rail cars shall provide for level boarding unless structurally or operationally impracticable."

Appendix 4

Detailed Requirements that Should Be Included in the Transportation Accessibility Standard for the Built Environment in Transit Stations and Stops

1. Outside the transit station, the slope of the ground or the exterior surface should be no steeper than the drainage required to clear water.
2. There should be designated snow piling areas on site that is away from paths, stairs, ramps and parking.
3. Shelters, street furniture and equipment (including things like benches, bus flags, tactile accessible signage, garbage receptacles, bike racks, newspaper stands) should be required to never be an obstruction along any routes irrespective if it is within the public or staff areas.
4. Access to buildings and platforms need to ensure the station buildings and platforms are connected in an accessible manner to the adjacent sidewalks streets and any paths with an accessible clear width including passing areas from the site boundary that provides access to all entrances of the buildings.
5. The building and platforms should have design that avoids crossing any vehicle routes. This is important for people who are using mobility assistive devices, as they are lower than standing people and can be in danger of not being seen. People who have hearing loss cannot use the sound of approaching vehicles to warn them when it is safe to cross if they happen to miss seeing the vehicle. People with stability issues find uneven surface a safety concern and can require a longer time to cross tracks as a result.
6. Where crossings cannot be avoided, painted crosswalks with surfaces that are as even as possible connecting to the curb ramps, along with any midway medians or pedestrian refuge islands should be required.
7. Midway medians or pedestrian refuge islands that connect to transit platforms should be level with the crossing to avoid the difficulty of using a curb ramp, to provide a large enough level area but with no curbs should provide detectable attention indicators to mark to division between pedestrians and roadway.
8. Where the length of an accessible route to any destination exceeds 30m, requirements should provide level rest areas that include accessible benches and the clear space for assisted devices. Requirements for specific needs for these rest areas should be clarified as they are not specific in the AODA Design of Public Spaces. Elements such as backrests, armrest, color contrast and the provision of integrated clear floor space for assistive devices and how many of those integrated accessible seating options should be provided at each rest area should be included in the standard.

9. Where steep paths or sidewalks are necessary, requirements should specify that any path greater than 4% should provide both stairs. Steeper slopes should also be designed as ramps.

10. The loading area at station platforms for customers using mobility devices or assistance animals should specify the clear floor space dimensions for the length to accommodate size of a large mobility device like scooters.

11. Station platforms should include tactile directional walking indicators along the full length of the platform to elevators, stairs or other user elements, such as safety areas.

12. Accessible lighting levels should be specified for consistency across the system with additional requirements for all lights not to shine directly into users' eyes. Lighting should be even, avoiding bright and dark areas.

13. Waiting areas along the platform should be required to have the same requirements as the rest areas described for the access to buildings and platforms. Inclusive benches in these waiting areas should include all of the elements previously discussed but also take into consideration the number of clear floor space requirements to include not only people using mobility devices integrated into the seating, but also larger and wider people, people who uses service animals or walkers.

14. Additional space should be available at bench seating in waiting areas to reduce the conflict between people with disabilities and families or caregivers with children using strollers. Requirements should ensure design of these clear floor spaces is not segregated from other seating to allow for assistance persons to sit immediately adjacent. Where space allows, the number of clear floor spaces should allow for two friends or a couple using assistive devices to sit together.

15. Shelters within a station should be connected to an accessible path of travel and have both a level surface within them as well as at all entry points to operate doors.

16. Shelters should have specified requirements for a clear unobstructed view of oncoming transit vehicles.

17. The location of shelters should, as much as possible, be consistent throughout this system in predictable and consistent locations.

18. Signage for shelters should include overhead signage, tactile accessible signage with braille mounted at an accessible height with a glare free surface.

19. Locations for any shelters should be identified on station maps placed in the station near all entry points. The provision and availability of shelters should be included on the service providers website.

20. Audible identification or announcements should be made regularly to notify passengers and users that these shelters are available.

21. If the shelters have doors, doors and the surface inside, outside should be required to be as accessible as entrance doors with power door operators, be color contrasted the shelter.

22. If shelter doors are designed to be left open, the latch side edge should require a high contrasted colour to help people avoid walking into the door edge.

23. Seating and clear floor space for assistive devices in shelters should never block the path of travel to other user elements within the shelter. For example if a shelter has two doors that could be used for an entrance or an exit at opposite ends of the shelter, the path of travel to each exit door should not require anyone using the rest area to have to get up or move to allow someone to pass.

24. Travel information for the transit buses or LRT shall be made through announcements in addition to accessible visual displays of the same information within the shelter.

25. Each shelter should provide the space to turn around at decision points or to allow choice in exits.

26. If shelters are full height glass, requirements should include a color contrast band for safety so that people don't walk into what they think is an opening.

27. Frameless glass panels that provide a door-less entry should require a high color and tonal contrasted cap along the end of each glass panel to ensure the opening is as obvious as possible and easy to find.

28. If the shelter is exposed to the exterior elements and not enclosed on the interior the shelter should provide a roof system that prevents rain snow and ice accumulation at the entrance and around any adjacent path of travel.

29. On Street stops and shelter requirements. There are four elements that the accessibility standard should address including general stop and shelter requirements, boarding and alighting areas, on-street shelters, and street furniture and equipment.

30. Exterior Street stops and shelters should have a paved accessible path of travel from the sidewalk to the stop with a surface slope which only slopes to allow for drainage.

31. Stops should include requirements for accessible street furniture and equipment surrounding the stop and shelter.

32. Stops should include accessibility requirements for bus flags or identification signage, garbage receptacles, bike racks, newspaper stands, etc. to ensure they do not block access to the stop, are colour contrasted and consistent between all stops.

33. No elements should block access to the stop or shelters for people with disabilities or people who are using crutches or canes.

34. Other obstructions that may pose a problem and should be defined within the accessibility standard include dispensers, vending machines, waste boxes, planters, posts, signs, and guy wires.

35. The accessibility standard should include visual and tactile requirements to distinctly identify these stops along the accessible route to make it possible for people who are blind or visually impaired to find.

36. The accessibility standard should address safety issues such as sharp edges or corners on all equipment within pedestrian or staff areas to be avoided or protected so that people or children or those who brush up against the equipment are not hurt.

37. Boarding and alighting areas have several elements that the accessibility standard would help to improve.

38. The loading area for customers using Mobility assistance devices or who have and assistance animal should consider the space needed to make a turn circle or at least consider define the clear length measured perpendicular to the curb that the boarding area is on we're at the vehicle Edge and the clear width measurement parallel to the vehicular route.

39. Signage at boarding and alighting areas should provide visual tactile and lighting to ensure the signage is easy to read under a variety of conditions such as the winter when it gets dark earlier.

40. On-street shelters have slightly different requirements that should be considered including definition of the surface that the shelter is placed on, a clear unobstructed view of oncoming traffic including the public transit vehicles for which the public is waiting.

41. Signage identifying the routes that the shelter serves should provide accessible signage at the entrance to the shelter using the same requirements for the location of signage at interior doors for location and mounting height.

42. Entry points to transit in existing facilities that cannot immediately be made accessible should require accessible directional signage to the closest accessible alternative entrance. Entry points should also include wall mounted accessible tactile signage in addition to the overhead signage. Signage immediately within the entrance that provides information for the services addressed at the station.

43. If the signage relies on information graphics or icons an additional sign should be provided both at the entrance and on the service providers website with a legend for the icons and pictograms used.

44. Signage should also require the use of QR codes which should be connected to a website that provides the same information on the sign that will be usable through accessibility features on smartphones to be accessible to the user's needs.

45. Providing adaptable flexible signage that meets the needs of a variety of users including people who cannot read and use an audible feed reader will help in addition to possibly providing additional languages translated for the signage for visitors or new residents to Canada who do not yet speak English.

46. All staircases on platforms should be required to have tactile directional signage to the accessible alternative exit, for example the direction of the elevator.

47. In the event of an emergency, all elevators should have tactile, accessible signage identifying the location of the closest accessible exit.

48. Where a platform is below grade or above grade without exterior exit access during an emergency, all platforms should provide an Area of Refuge at each exit point for the able-bodied public.

49. Each Area of Refuge should be smoke protected, should provide two-way communication to the Emergency entry point for emergency workers, should be sign to identify it as an Area of Refuge or Area of Rescue, and should have accessible lighting, and accessible rest area bench seating.

50. Each Area of Refuge should have a required number of spaces for people with Mobility disability devices, a minimum of two spaces. The two way communication devices should have accessible controls and signage with instructions of how to use the two-way communication should also be included in braille, and should include a light to indicate receipt of the call for those you cannot hear or hear well, and scrolling text screen for the information being provided through the speaker. A hearing loop system within the area should be provided for people who have hearing aids and use the t-coil switch.

51. Areas of Refuge should be required even if facility is sprinklered and provided it all elevator lobbies as well as at all exit stairs to provide equity in safety and the same travel distance requirements required for able-bodied public and staff

52. Exits should all be accessible with level thresholds.

53. Where level thresholds are not available, directional running man signage should indicate the direction of the accessible exit in addition to able-bodied only exits.

54. At all exit doors, if the exit is not accessible, an accessible sign should indicate the exit is not accessible. The location of the closest alternative.

55. Public circulation stairs and staff circulation stairs not designated as exit stairs should still require all of the accessibility features in the Ontario Building Code, including tactile attention indicators at the top of each entry point to the stair, a continuous set of color contrasted handrails on both side of stairs that wrap around landings unless the landing has an entry point, all handrails with extensions at the top and the bottom that returned to the floor or the wall, and provide color contrasted slip resistant nosing strips along the leading edge of each step and landing to help identify the drop off. The stairs shall not have abrupt underside edges or an open riser between the steps.

56. Open risers should not be allowed as they are a safety concern for many who feel they could fall, or someone could reach them. This is an issue for seniors, children, and people with various types of cognitive disabilities.

57. All staff and public washrooms should be accessible with both individual accessible washrooms and accessible stalls where stalled washrooms are provided, for example in locker rooms.

58. All accessories should be colour contrasted.

59 Sinks, individual washrooms and accessible stalls should provide accessible shelving.

60. One adult change place washroom per facility and where buildings are larger than a certain size, should provide an adult change bench in a universal washroom on every floor. Stalled washrooms should be required to also always include an accessible stall no matter what the distance to the universal or accessible washer might be.

61. All universal washrooms with adult change benches should be identified with signage that indicates the change bench is present. Consider using the Changing Places signage that is being used internationally.

62. Accessible washrooms that provide all the features from the building code but do not include an adult change bench, should be required to have signage indicating the location of the adult change bench on the facility.

63. Universal washrooms with adult change benches should be required to have garbage facilities that are size to accommodate larger diapers.

64. Staff areas should require accessible individual washrooms. In larger facilities staff areas should include at least one washroom with an adult change bench and appropriate garbage facilities.

65. Directional tactile wayfinding indicators should be provided on the floor perpendicular to the Path of travel crossing the corridor to help people find the washrooms.