

Additional Obligations Specific to Transportation Organizations¹ in Ontario



2012 MANAGING THE WORKPLACE
Labour & Employment Seminars

July 1, 2011

Conventional Providers²

- **Fares:** prohibition on higher fare or fees for persons with disabilities or storing mobility aids
- **Storage of Mobility Aids:** no charge/fee for storage of a mobility aid
- **Pre-boarding Announcements:** upon request, verbal announcements of route, direction, destination or next major stop
- **On-board Announcements:** audible verbal announcements of all destination points or available route stops
- **Accessibility, Rail Cars:** at least one car per train accessible for persons with mobility aids

Specialized Providers³

- **Origin to Destination Services:** provide origin to destination services that accommodates the abilities of the passenger

Other Transportation Services

- **School Transportation:** ensure integrated accessible school transportation or alternative accessible transportation options available to students
- **Hospitals, Colleges, and Universities:** if provide transportation services, shall, upon request, provide accessible services
- **Ferries:** public sector ferries under provincial jurisdiction must comply with sections 2.1-2.4, 2.11-2.13, and 3 of the Code of Practice entitled *Ferry Accessibility for Persons with Disabilities*

Municipalities and Taxicabs

- **Fares:** prohibition on higher fare or fees for persons

January 1, 2012

Conventional² & Specialized³ Providers

- **Availability of Information:** make information available on accessibility equipment and, upon request, provide the information in accessible format
- **Emergency Preparedness & Response Policies:** establish, implement, maintain and document emergency preparedness and response policies that account for persons with disabilities

Conventional Providers²

- **General Responsibilities:**
 - upon request, use lifting devices, ramps, etc
 - ensure adequate time allowed for persons with disabilities to board and be secured, an upon request, provide aid to the person
 - assist with storage of mobility aids
 - allow person with disability to travel with a medical aid

Conventional Providers (cont.)

- **Transit Stops:** ensure persons with disabilities are able to board at a safe location if designated stop is unsafe or inaccessible
- **Storage of Mobility Aids:** stored, if possible, within reach of the person using the aid, and if not stored safely in baggage and returned
- **Courtesy Seating:** clearly marked courtesy seating and information for the public about the purpose of courtesy seating

Specialized Providers³

- **Companions and Children:** must allow, companions and children of the person with a disability to travel with them if space and appropriate safety restraints are available

Municipalities and Taxicabs

- **Accessible Format:** make available vehicle registration and identification information in an accessible format

January 1, 2013

Conventional² & Specialized³ Providers

- **Conventional Providers Accessibility Plans:** identify process for customer feedback and hold at least one annual public meeting involving people with disabilities
- **Specialized Providers Accessibility Plans:** identify process for estimating demand and identify ways to reduce wait times
- **Equipment Failures:** describe in accessibility plans, procedures for dealing with accessibility equipment failures

Conventional Providers²

- **Alternative Transportation:** except where not practicable to do so, if person with disability is unable to use conventional transportation, must provide alternative accessible transportation
- **Service Disruptions:** where disruption is known ahead of the trip, make available alternate accessible transportation and ensure availability of alternate arrangements are communicated

Specialized Providers³

- **Fare Parity:** where a transportation service provider provides both specialized and conventional transportation services, there must be fare parity across the services
- **Payment Options and Fare Structure:** where a transportation service provider provides both specialized and conventional transportation services, the same fare structure and payment options are available and there must be alternative options for persons with disabilities
- **Visitors:** make specialized transportation services available to visitors if they would qualify for such service in their jurisdiction
- **Coordinated Services:** facilitate connections between their services and the conventional services in adjacent jurisdictions
- **Hours of Service:** where a transportation service provider provides both specialized and conventional transportation services, the specialized transportation services



- **Grab Bars, etc.:** construction of grab bars, handholds, handrails or stanchions take into account persons with disabilities and mobility aid
- **Floors and Carpeted Surfaces:** new vehicles must have floors that produce a minimal glare and are slip resistant; and carpeted surfaces are securely fastened
- **Allocated Mobility Aid Spaces:** new vehicles must have adequate mobility aid space
- **Stop Requests and Emergency Response Controls:** new vehicles must have stop requests and emergency controls located throughout, including within reach of mobility aid spaces and courtesy seating locations
- **Lighting Features:** new vehicles must have lights above or beside each passenger access door that illuminate when the door is open
- **Signage:** new vehicles must have signs displaying the route or direction of the vehicle or its destination or next major stop
- **Lifting Devices, etc:** new vehicles must be equipped with lifting devices, ramps or portable bridge plates
- **Steps:** steps on new vehicles must be marked by a colour strip, have surfaces that are slip resistant and that produce minimal glare
- **Indicators and Alarms:** new vehicles must have visual warning lamp indicator and audible warning alarm for ramp, lifting device or a kneeling function
- **Accessibility, Rail Cars:** all new trains must have at least one mobility aid accessible washroom on the accessible rail car

must have, at least, the same hours and days of service as the conventional transportation services

- **Service Delays:** where service provider requires reservations, provide information on the duration of service delays

Other Transportation Services

- **Ferries:** public sector ferries under provincial jurisdiction and manufactured after July 1, 2013 must comply with sections 2.5-2.10 and 2.14-2.19 of the Code of Practice entitled *Ferry Accessibility for Persons with Disabilities*

Municipalities and Taxicabs

- **Duties of Municipalities, generally:**
 - Consult with its municipal accessibility advisory committee, the public and persons with disabilities on accessible design in the construction or renovation of bus stops and shelters
 - Identify in the accessibility plan any steps that will be taken to meet the goal of accessible bus stops and shelters
- **Duties of Municipalities, Accessible Taxicabs:** consult with its municipal accessibility advisory committee, the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required

January 1, 2014

Conventional² & Specialized³ Providers

- **Non-functioning Accessibility Equipment:** reasonable steps to accommodate persons with disabilities who would otherwise use the equipment
- **Accessibility Training:** training, and recodation of the training, of volunteers and employees on safe use of accessibility equipment, acceptable modifications to procedures, and emergency preparedness
- **Fares, Support Persons:** no charge to support person where person with disability requires such person

Specialized Providers³

- **Eligibility Application Process:**
 - determine eligibility of an applicant within 14 days or applicant receives temporary eligibility
 - cannot charge a fee to applicants
 - can order a reassessment of temporarily eligible persons
 - make application and decision available in accessible formats
 - establish independent appeal process
 - make a decision within 30 of receipt of complete appeal package
 - enact policies respecting the collection, use and disclosure of personal information collected for determining eligibility

Specialized Providers³ (cont.)

- **Emergency or Compassionate Grounds:** procedures regarding temporary specialized transportation services earlier than 14 calendar days for emergency, compassionate grounds, or no other accessible transportation services available
- **Booking:** provide same day service where possible and allow booking in an accessible format
- **Trip Restrictions:** not limit the service by restricting the number of trips requested or implementing a policy that unreasonably limits the availability service

Other Transportation Services

- **School Transportation:** in consultation with parents of students with disabilities, identify students before commencement of school year, develop individual school transportation plans and identify and communicate to appropriate parties the roles of each party



January 1, 2017

Conventional Providers²

- **Pre-boarding Announcements:** electronic announcements of route, direction, destination or next major stop
- **On-board Announcements:** electronic announcement and legible, visual electronic display of all destination points or available route stops

Specialized Providers³

- **Categories of Eligibility:** three categories of eligibility to qualify for specialized transportation services, unconditional eligibility; temporary eligibility; and conditional eligibility

Specialized Providers³ (cont.)

- **Fare Parity:** where conventional and specialized transportation services are provided by separate transportation providers in the same jurisdiction, the specialized provider shall not charge more than the highest fare charged for conventional transportation services in the same jurisdiction
- **Hours of service:** where conventional and specialized transportation services are provided by separate transportation providers in the same jurisdiction, the specialized provider shall ensure that it has, at a minimum, the same hours and days of service as any one of the conventional providers

¹ Unlike the other standards under the *AODA*, the regulation does not distinguish between large and small organizations in the transportation sector. Please contact a Heenan Blaikie lawyer to determine if your organization qualifies as an organization that operates in the transportation sector.

² "Conventional Providers" are designated public sector transportation organizations that provide conventional transportation services that operate solely within the Province of Ontario, not designed to transport persons with disabilities

³ "Specialized Providers" are designated public sector transportation organizations that provide specialized transportation services that operate solely within the Province of Ontario and are designed to transport persons with disabilities