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Transportation Public Review Feedback
Accessibility Directorate of Ontario
777 Bay St., 6th Floor, Suite 601A
Toronto ON M7A 2J4

Dear Sir or Madam:

The Multiple Sclerosis Society of Canada, Ontario Division, is pleased to provide input to the initial proposed Accessible Transportation Standard. We echo the words of the Transportation Standards Development Committee in its invitation to the public review: "Few things are more important to us in our day-to-day living than being able to get around – get to school, to work, to the supermarket, to the community centre, to the doctor's office, and get back home again."

The proposed standard is a positive step forward, but will need considerable modification to make it truly workable and enforceable. The MS Society is pleased to recommend a number of changes.

The MS Society is pleased the public review period on the proposed transportation standard has been extended until September 28, 2007. This is an excellent step forward to maximize input. We suggest, as well, that a series of public consultations be held this fall or early winter once the transportation standard has been redrafted. This would allow full and public debate on what is the cornerstone of an accessible Ontario.

We are providing our input in two ways. We will provide provision-by-provision comments online. We are also providing a general reaction through this letter.

As noted, the standard has a number of positive features but needs considerable modification. The MS Society agrees with the implicit thrust that accessible public transit services such as Wheel-Trans in Toronto and Para Transpo in Ottawa will be required for the foreseeable future, but that the need for them should decline with the development of truly accessible mainstream public transportation. However, given that public transit services across Ontario are currently characterized by long delays and lack of flexibility, much more needs to be done to make them truly available to Ontarians who must rely on them.

We note, as well, that people who rely on accessible transportation in all of its forms will also need accessible bus shelters, sidewalks and properly enforced no parking zones near bus stops. While these are outside the purview of the transportation standard, they are equally important.

Specific issues

- The timelines for most standards should be shortened considerably and can be done so for the most part without adding to the cost of operating the system. For example, there is no reason why bus, streetcar and subway operators cannot now announce each stop. As well, affixing a sign with the universal symbol of access to accessible vehicles could be accomplished in weeks, rather than the three years specified in the standard.
- The proposed standard's terms and definitions use the word "equivalent" to mean having similar or identical results without providing examples. The MS Society suggests that it should be clearly defined to mean "equal" and not just "similar". The ruling by the Supreme Court of Canada in the decision concerning Via Rail and the usage in the Ontario Human Rights Code provide useful references for expanding the definition of equivalent to mean equal.
- Parts of the standard are written in language that is far too vague. For example, standard 5.36 requires that "The transportation provider shall maintain accessibility-related equipment consistent with manufacturer's specifications." Surely, the more appropriate requirement is that the transportation provider ensures such equipment is maintained in such a way that it is always available for use, as required by legislation and regulation.
- We are troubled by the "opt-out" clause in the form of a "relevant medical exemption" (7.6.1.b and 8.5.1.b), which may allow operators of on-demand taxi services and booked services to refuse assistance to people with disabilities in boarding/de-boarding vehicles. We do not accept shifting the onus from the transportation provider and operator (taxi company and driver) to the person with a disability. It is a reasonable requirement that all taxi drivers will assist in entering a taxi or putting a wheelchair in the trunk. An opt-out also appears to be available to the operator of a single-unit conveyance where boarding/de-boarding vehicles assistance if operator health and safety may be jeopardized (5.19.1). We do not accept the need for this; occupational health and safety protections are provided through separate legislation.
- Retrofitting of current transportation systems receives very little attention in the proposed standards, and only to require transportation providers to develop a policy of how they plan to proceed. This is unacceptable and should be strengthened to require providers to either retrofit existing vehicles or purchase new accessible vehicles in a reasonable time period, up to the maximum 18 years.

- The time frame for new conveyances to provide accessible services is confusing. For example, 5.16.3 provides 18 years for the transportation provider to ensure all new conveyances have signs that achieve the appearance of solid characters. A better requirement would be that all new conveyances (which can be ordered with such a feature) comply immediately and that all such conveyances meet this standard within 5 years.
- Section 6.12 requires transportation providers in adjacent municipalities to facilitate transportation across municipal boundaries. This should be strengthened to include specific deliverables and timelines. "Shall facilitate" is an unacceptably weak requirement for such an important service.
- We are disappointed that the standard does not require a minimum number of accessible taxis. We note that the costing report by Deloitte bases its costing on increasing the number of accessible taxis to 16 per cent of the total fleet – equivalent to the projected societal proportion of persons with disabilities in 2025. Therefore, we recommend that the standard require that 16 per cent of each taxi fleet be accessible.

Please see our provision-by-provision input for more details of our response. Thank you for this opportunity for input.

Yours sincerely,



John Clifford
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and Community Social Action Committee
Multiple Sclerosis Society of Canada
Ontario Division