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**Review of the SDC's
Proposed Accessibility Standard for Transportation
Ministry of Community and Social Services
Accessibility Directorate of Ontario**

PART ONE: RESPONDENT PROFILE INFORMATION

General Info

Contact First Name: Kim

Contact Last Name: Steele

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Are you an individual or are you submitting feedback on behalf of an organization?
Organization.

Organization

If you are an organization, complete this section.

Organization name: Multiple Sclerosis Society of Canada

Primary or Head office location: Toronto, Ontario

Approximately how many employees does your organization have in Ontario?
The MS Society has approximately 180 employees in Ontario. This number may increase or decrease slightly throughout the year, based on seasonal and/or temporary employees.

Is your organization primarily Ontario-based?
The Multiple Sclerosis Society of Canada is a national health charity that supports research to find the cause, prevention and cure for MS, that provides services and programs for persons with MS and their families and caregivers, and that educates the public about the disease.

The Ontario Division and national offices are co-located in Toronto, and there are 42 local chapters, extending the Society's reach into bigger and smaller communities throughout the province. There are 7 divisional offices of the Society throughout the country, with the Ontario Division being the largest, having the most employees and clients than any other division.

Are you a representative association or disability interest group?

Yes.

If yes, please describe what particular type of stakeholder, membership or group that you are representing:

- Disability - multiple sclerosis

The Primary clients of the MS Society of Canada are people who are:

- Living with a diagnosis of MS
- Waiting for a diagnosis with respect to MS
- Close to a person with MS, such as family and friends
- Caregivers to a person with MS, who may also include family and friends

In addition to serving its primary clients, MS Society volunteers and staff also provide information and support to health professionals, employers, institutions and students.

Are you a public funded or non-profit organization?

The MS Society of Canada is a non-profit, registered national health charity.

The MS Society is pleased to provide feedback into the proposed Transportation Standard. Given the needs of Ontarians with disabilities and among those affected by MS, the establishment and enforcement of this standard – as well as other accessibility standards - is vital. Accessible transportation is paramount to helping Ontarians with disabilities actively participate in their communities, in the work force, in their hobbies and passions, and in life in general.

The MS Society applauds the Government of Ontario, the Ministry of Community and Social Services, the Accessibility Directorate of Ontario, and the Accessible Transportation Standards Development Committee for the leadership and commitment they have shown in advancing accessibility in Ontario. With this in mind, the MS Society provides the following feedback to the proposed Accessible Transportation Standard.

1. What do you like or dislike about the proposed standard?

The proposed standard is comprehensive and, for the most part, clear, understandable, and thoughtful. The MS Society greatly appreciates the clarity provided through the requirement that providers and operators of passenger transportation services not charge passengers with a disability a:

- a) higher fare than passengers without a disability, for the same trip at the same time of day; or
- b) fee for the stowage of assistive devices. (Section 4.4 – *Fares and fees*)

This does much to clarify that protect people with disabilities should not charged differential fees, something that is alluded to in the Ontario Human Rights Code but which is unclear. People with disabilities have sometimes had to challenge providers and operators, particularly those from private transportation services such as taxis, on the issue of price. This clause makes it clear that differential fees are against the law.

However, there are some areas of the standard that require additional thought, particularly in terms of how this standard interacts with other standards and in the areas of evaluation and enforcement.

Infrastructure and Built Environment Standard

The Built Environment Standard and Transportation Standard overlap in the area of infrastructure required to support use of accessible fixed route transit services. Yet neither standard addresses the issues of bus pads or bus shelters.

This is a serious oversight. Accessible buses cannot be used by people with disabilities if there is not appropriate infrastructure to ensure users and their mobility devices (for example, wheelchairs) can safely board and de-board buses.

Also, if the expectation is that wheelchair users will board the bus in the front and de-board by the rear door, then bus pads need to be the length of the bus.

Overlap with Information and Communications Standard

Section 5.4 *On-board announcement of stops and connections*, requires that:

The transportation provider shall ensure that operators audibly announce, through verbal or electronic means, all destination points or stops for services that do not require pre-booking.

The phrase “electronic means” is not clear here. Both electronic verbal (for persons who are blind or visually impaired) and electronic visual (for person who are deaf or hard of hearing) are required. All passengers would likely appreciate having both means available, and it is likely that both will be required by the Information & Communications Standard.

As well, **the issue of fonts and signage has not been addressed**. Some fonts make it almost impossible to distinguish between the alphanumeric characters l1l. 1 = number ‘1’one. l = letter small ‘L’. l = letter capital ‘i’. For example, the Times New Roman font would not be a good font to use for signage and for electronic displays of information such as upcoming bus stops and train stops. **It is unclear if this will be dealt with in the Information and Communications Standard. Signage is also dealt with to some extent in the Built Environment Standard. There should be reconciliation between these three standards.**

Monitoring, Evaluation, and Enforcement

As with the other standards created-to-date, there is not much discussion in the proposed Transportation Standard about monitoring, evaluation, and enforcement. Section 7.2, *Accessible public transit policy and planning*, provides a good example of why this discussion is important:

The transportation provider shall establish, implement, maintain and document an accessible public transit plan that includes policies, procedures and performance measures that ensure the provision of equivalent transportation services to all passengers.

This section further requires that an accessible transportation advisory committee, the majority of which is comprised by people with disabilities, shall oversee the development and implementation of municipal transportation plans. However, it is unclear who will oversee the development, implementation, and enforcement of evaluation and performance measures to documenting vehicle provider and/or operator poor performance (intentional or otherwise):

For example:

- a) stopping bus past the bus pad so person using a wheelchair cannot board/de-board the bus. (Bus operators are not allowed to back up.)
- b) starting bus too quickly before passengers using a wheelchair or other mobility device have time to secure themselves and their equipment.
- c) Operator rudeness.

It is therefore unclear who would be at fault in these situations: the provider, the operator, or both the provider and the operator (as should be the case). Moreover, it is unclear who would make the judgement call if the requirements of the standard are breached: would this be the municipality, the accessible transportation advisory committee, the Accessibility Directorate of Ontario, or another body?

Finally, how would any of these bodies know that a problem existed if it was not brought to their attention through a customer complaint? Customer complaints should not be the basis of compliance as many customers may not complain out of fear of retribution, lack of information on how to register a complaint, or simply not having the time to launch a formal complaints process.

Attention must be paid to compliance of the Transportation Standard and other standards. It is important that clarity on monitoring, evaluation, and enforcement before the Transportation Standard becomes law. To not do so may put people with disabilities in a difficult position of having to monitor, evaluate, and enforce the standard themselves.

2. Is the proposed standard clear and understandable?

Terms and Definitions

Throughout the Standard there is reference to “the provider”; however, there is **no definition of whom the term “provider” refers to. Provider should be defined in Section 2, “Terms and Definitions”.**

Without this definition the term is confusing. For example, it is unclear whether it refers to municipalities, transportation providers (for example, Toronto Transit Commission or Yellow Taxi), or individuals who operate vehicles. **Likewise, there is no definition of the word “operator”, which should also be defined and clarified in Section 2.**

As well, the term “registrant” (pp. 29-30) is not defined and should be.

Finally, Section 7.2 calls for transportation providers to:

*...establish, implement and maintain the accessible public transit plan in consultation **with an upper or lower tier** municipal accessibility or accessible public transit advisory committee that includes a majority of persons with disabilities or their representatives.*

It is unclear what “upper and lower tier” refers to here. It is also unclear how this body will interact with the already existing municipal accessibility committees established under the AODA.

3. What are your views about the scope and application of the proposed standard?

Provided that the above mentioned terms are defined, the scope and application does appear to be clear, inclusive, and extensive.

4. What will be some of the potential positive or negative effects on your organization?

The MS Society is not a transportation provider and therefore will not be directly impacted by the proposed Transportation Standard. However, our members, clients, and stakeholders across Ontario will benefit from improved accessible transportation, particularly if given the assurance that compliance of the standard will be monitored, evaluated, and enforced.

5. Are the requirements of the proposed standard appropriate in terms of scope, application, technical feasibility and timelines for implementation?

There is concern among the MS Society's stakeholders that fourteen years is too long with respect to retrofitting vehicles. **The Government of Ontario should consider providing incentives to transportation providers who wish to lead the way on retrofitting and building more accessible systems in accordance with the standard.**

Financial assistance could be offered to those providers that improve their systems in accordance with the standard *in advance* of the prescribed deadlines. An extension of - or the creation of a fund similar to - the *Enabling Change Partnership Fund* would do much to provide transportation providers with the financial means and technical guidance and advice to implement the standard sooner rather than later.

The MS Society appreciates the opportunity to provide feedback into the proposed Accessible Transportation Standard. Thank you.