

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Accessibility Advisory Committee	Priority:	<input type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Yasmyn Belle, Accessibility and EDI Coordinator, Legislative Services, ybelle@cobourg.ca	Meeting Type:	Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	October 18, 2023		
Report No.:	Legislative Services-132-23		
Submit comments to Council			

Subject/Title: Transit Accessibility Plan

RECOMMENDATION:

THAT the Accessibility Advisory Committee receives the staff report from the Accessibility and EDI Coordinator for information purposes; and

FURTHER THAT the Accessibility Advisory Committee provides recommendations to Council on how to make the current OnDemand Transit system more accessible for the 2024 fiscal year.

1. STRATEGIC PLAN

The Town of Cobourg is committed to prioritizing the imperative need for accessibility for Persons with Disabilities in the province of Ontario. In this regard, the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*, in conjunction with the Town's comprehensive Multi-Year Accessibility Plan (MYAP), serves as a guiding framework to ensure the continual enhancement of accessibility throughout Cobourg.

The MYAP, structured around six (6) key focus areas, explicitly addresses Transit and Training, Education, and Awareness, thereby reflecting a multifaceted approach to accessibility enhancement. These focus areas encompass strategies for eliminating attitudinal, organizational, systemic, architectural, physical, and

communication and technology barriers, all of which closely align with the principles laid out in the AODA.

In line with the principles of both the AODA and the MYAP, the Town of Cobourg has taken a proactive step by establishing an Accessibility Advisory Committee. This committee is entrusted with the responsibility of offering informed guidance and recommendations to Council on matters pertaining to the overarching objective of ensuring equitable access to essential community services for individuals with disabilities.

Presently, the foremost priority for the Town of Cobourg is to bring its services and infrastructure into compliance with the AODA standards. The ultimate aspiration is to elevate these services and infrastructure to a gold standard, wherever feasible, while maintaining fiscal responsibility within the resources available to the Town of Cobourg.

2. PUBLIC ENGAGEMENT

The Town of Cobourg consistently tracks feedback from shared rides. Shared rides refer to more than one passenger on board.

From January 1st, 2023 to October 15th, 2023. The average ride rating out of 5 was 4.79%.

In addition, the average direct trip duration is 6.4 minutes, with the average actual duration of 10.9 mins.

3. PURPOSE

The objective of this report is to provide the Accessibility Advisory Committee (AAC) with a comprehensive overview of the current accessibility initiatives within the OnDemand Transit System and Wheels Service Specialized Transit System. Furthermore, this report aims to inform both the AAC and Council of the existing barriers inherent to these transit systems and how the Town of Cobourg intends to address and resolve these barriers that might impede compliance with the *Accessibility for Ontarians with Disabilities Act (AODA)* and the *Integrated Standards for Accessibility and Regulation (ISAR)*.

For the sake of clarity, the following barriers, along with their definitions, have been identified by the AAC as areas in which they seek detailed insights from the Town regarding our strategies to ensure the complete compliance of the current transit systems with provincial regulations, as well as their accessibility to residents of the Town of Cobourg:

- **Systemic:** Pertains to institutional policies, procedures, or practices that may inadvertently lead to discrimination and hinder full participation.

- **Attitudinal:** Encompasses behaviors, perceptions, and assumptions that result in discrimination against Persons with Disabilities, often stemming from a lack of understanding or awareness.
- **Physical/Non-Physical:** Encompasses both physical, tangible barriers, such as architectural elements, and non-physical hindrances that obstruct access.
- **Structural:** Refers to obstacles related to the design and layout of physical spaces, including elements like stairs, doorways, and room layout.
- **Customer Service:** Encompasses barriers that might arise from suboptimal interactions or service provision, which can impede accessibility.
- **Visual/Non-visual:** Pertains to barriers concerning visual or non-visual elements that impact accessibility.
- **Cognitive/Intellectual:** Involves barriers associated with learning or cognitive disabilities that affect accessibility.
- **Informative and Communicative:** Relates to barriers that emerge from inadequate communication or information exchange, often failing to accommodate sensory disabilities.

The AODA and the MYAP currently address five of the aforementioned barrier categories:

1. **Attitudinal:** Behaviours, perceptions, and assumptions that discriminate against Persons with Disabilities. These barriers often emerge from a lack of understanding.
2. **Organizational or Systemic:** Policies, procedures, or practices that unfairly discriminate and can prevent individuals from participating fully in a situation. They are often put into place unintentionally.
3. **Architectural or Physical:** Elements of buildings or outdoor spaces that create barriers to Persons with Disabilities. These relate to design elements such as stairs or doorways, layout of rooms, or width of sidewalks.
4. **Communication:** Occur when sensory disabilities, such as hearing, seeing, or learning disabilities, have not been considered. These barriers relate to both the sending and receiving of information
5. **Technology:** A device or technological platform is not accessible to its intended audience and cannot be used with an assistive device.

Technology can enhance the user experience, but it can also create unintentional barriers for some users.

Many of the barriers identified by the AAC can be categorized within one of these five established barriers. Hence, for the purpose of this report, Staff will reference the AODA and MYAP recognized barriers to ensure the report's alignment with provincial mandates, thus maximizing its efficiency.

The Town of Cobourg delegates its booking services to RideCo and its transit services to Century. In this arrangement, the Town of Cobourg maintains oversight of various aspects, including:

- **Infrastructure:** This encompasses the management of transit shelters and stops.
- **Contracts:** The Town manages the contracts for third party service providers. These service providers oversee drivers, training, technological customer service, bookings and hiring of staff.
- **Customer Service:** The Town oversees customer service outside of booking services; this includes feedback, complaints and resolutions.
- **Wheels Services:** This involves the application and review process for Wheels Services.
- **Purchases of Buses:** The Town handles the procurement of buses as well as the maintenance of the buses.
- **Communications:** The Town manages communication efforts for service changes, delays, and emergencies.

It is important to note that the Town of Cobourg does not possess full control over the implementation of best practices within the contracted services. Nevertheless, it maintains a constructive working relationship with RideCo and Century, allowing for collaborative efforts to enhance accessibility service standards and foster more inclusive transit services.

Upon reviewing this comprehensive report, Council has directed Staff and the AAC to present recommendations for enhancing transit accessibility and any budget considerations pertinent to the 2024 fiscal year.

4. ORIGIN AND LEGISLATION

Accessibility for Ontarians with Disabilities Act (2005)

The *Accessibility for Ontarians with Disabilities Act (AODA)* addresses accessibility in transit as part of its commitment to creating a more accessible Ontario. The Act sets out specific requirements and standards for improving accessibility in the transportation sector. These standards are detailed in the *Integrated Accessibility Standards Regulation (IASR)*, which is one of the five accessibility standards established under the AODA.

Here are some key provisions and requirements related to transit under the AODA:

Accessible Transit Services: The AODA requires public and specialized transportation providers to ensure their services are accessible to individuals with disabilities. This includes public transit systems, such as buses, subways, and streetcars, as well as specialized transportation services for individuals with disabilities.

Accessible Transit Vehicles: Public transit providers are required to make their vehicles accessible. This includes features like low-floor buses, ramps or lifts, securement systems for wheelchairs, priority seating, and other accommodations to facilitate boarding, riding, and exiting for individuals with disabilities.

Information and Communication: Public transit providers must ensure that information related to transit services is accessible to all passengers. This includes providing information in accessible formats such as braille, large print, and electronic formats. Transit authorities are also required to provide accessible public announcements on vehicles and at stations.

Training: The AODA mandates that transit staff, including drivers and customer service personnel, receive training on how to interact with and assist passengers with disabilities. This training is designed to enhance their ability to provide assistance and ensure a respectful and inclusive environment for all passengers.

Alternative Services: In cases where traditional public transit is not accessible or feasible for individuals with disabilities, the AODA requires that alternative accessible transportation services be provided.

Maintenance and Upkeep: The AODA also addresses the maintenance and repair of accessible features on transit vehicles to ensure that they remain in working order.

Service Animals and Support Persons: Transit providers are required to allow individuals with disabilities to bring their service animals and support persons on transit vehicles or into transit facilities.

The AODA standards and requirements for transit are subject to ongoing development and may change over time. The Act is committed to a goal of achieving a fully accessible Ontario by 2025, and as such, the standards may evolve to reflect new developments and technologies that enhance accessibility. Transit authorities and providers are expected to comply with these standards to

ensure that public transportation in Ontario is accessible to all residents and visitors, regardless of their disabilities.

IASR

The Integrated Accessibility Standards Regulations works with the AODA to outline specific accessibility benchmarks that need to be met to be deemed AODA compliant. In direct relation to transportation services, the ISAR provides a comprehensive set of regulations for both conventional and specialized transit (**see attached excerpt**).

5. BACKGROUND

The Town of Cobourg currently employs an OnDemand transit system to facilitate public transportation. This OnDemand comingled transit system offers the convenience of booking trips through multiple channels, including smartphones for self-service bookings, computer access, and telephone support for direct interaction with a live agent. OnDemand Transit represents a shared-ride public transportation service that operates without a fixed schedule or prescribed route. The optimization of bus travel is achieved through computer software, responding to rider trip requests on a first-come, first-served basis. Users have the flexibility to request trips in advance (up to one week) or on the same day.

It is crucial to emphasize that the term "On-Demand" does not imply immediate service. Riders will be presented with multiple trip options to choose from, and the actual wait time may vary depending on the time of day.

To enhance the efficiency of the service, riders are strongly encouraged to book return trips simultaneously when scheduling their pick-up. If riders anticipate needing approximately an hour to complete their task upon reaching their destination, they should coordinate the return trip accordingly. This practice helps reduce the potential for extended wait times, particularly during peak service hours.

The decision to transition from a fixed-route to an On-Demand came from a Council resolution made on May 9th, 2022 (resolution attached). It is important to understand the respective responsibilities of the Town of Cobourg, Century, and RideCo in managing the On-Demand system. This shift to On-Demand transit implies that rides must be reserved in advance, offering residents the flexibility to be picked up and dropped off at more than 184 (physical and virtual) locations across the community. In addition, the Wheel Service is tailored to individuals with disabilities, and those eligible for this service can access various benefits upon completing the required application.

Following consultations with our Transportation Supervisor and a representative from the Ministry for Seniors and Accessibility, the Town of Cobourg is reassured that its compliance with both the *Accessibility for Ontarians with Disabilities Act* (AODA) and the *Integrated Accessibility Standards Regulation (IASR)* are up-to-date. However, it is important to acknowledge that mere compliance differs from achieving the gold standard. The Town of Cobourg is dedicated to ongoing efforts to enhance transit accessibility, always working within our available means to meet the evolving needs of our community.

6. ANALYSIS

In response to the barriers identified by the AAC, the Town of Cobourg has undertaken a series of initiatives to address these issues while ensuring compliance with the AODA IASR. Below is a summary of the Town's efforts and their status in relation to the identified barriers:

Attitudinal Barriers: Cobourg's transit operations are outsourced to Century Transportation, encompassing dispatching, drivers, and mechanics. While striving for inclusivity, it's essential to recognize that the Town lacks full control over workforce aspects such as hiring, discipline, and remuneration of drivers and dispatchers. Complaints requiring investigation are reported to the contractor, and the Town then communicates the findings to the customer, often in collaboration with our software company.

Organizational/Systemic Barriers: Dispatchers and driver services are contracted out with an emphasis on providing top-tier customer service. The Town diligently manages customer service complaints, actively reviewing, investigating, and responding to complainants in a timely manner.

To improve communication with riders, Cobourg Transit has enhanced its outreach through various platforms, including social media, updated websites, posters at transit shelters, and rider notifications via the application. Additionally, as part of our customer service best practices, individuals can visit any Town of Cobourg building for staff assistance in accessing On-Demand telephone services.

The Town of Cobourg understands the challenge posed by limited access to funding, particularly for individuals living with disabilities. It is evident that restrictions in access to essential technologies, such as phones and the internet, coupled with potential financial barriers related to fare affordability, present substantial impediments to equitable participation.

While these multifaceted challenges extend beyond the scope of compliance-driven mandates, the Town of Cobourg is strongly committed to working with the community to find solutions and break down these deeply rooted barriers.

Recognizing that access to basic needs is a critical social services issue, the Town of Cobourg is dedicated to facilitating connections between individuals, both those living with disabilities and those who are able-bodied, and the crucial resources available within the community. Our commitment to this ongoing effort underscores our dedication to improving accessibility for all residents, ensuring that systemic challenges do not hold anyone back.

The AAC could consider recommending a subsidized fare program to help alleviate cost-related barriers in the current transit system for Council's consideration. Furthermore, the AAC could explore collaboration with the County to pool

resources, providing support to individuals in accessing essential services and other subsidy programs.

Communication Barriers: The Pickup On Demand application offers service notifications to smartphone users, allowing the Town to convey crucial information to riders, such as service changes, stop adjustments, hour modifications, and weather alerts. Dispatching services provide similar information to those who call in. Service updates are regularly disseminated through the Town's website, social media channels, and transit shelters.

In case of compromised service levels, the contractor proactively informs riders via calls or text messages. For Wheels (origin to destination) riders, an emergency backup transportation service is available through an agreement with Community Care Northumberland when the Town's contractor is unable to fulfill bookings.

Technology Barriers: The bus booking system app complies with AODA web accessibility standards, and the Town of Cobourg also offers an alternative mode of accessible booking through its call station. Dispatchers are available to assist all riders throughout the operation's hours.

To further enhance service, the Town is developing a Request for Proposal (RFP) for transit service and vehicle maintenance. The proposed limited fixed route, as part of this RFP, aims to complement the existing On-Demand model, addressing peak booking times and providing last-minute travel options.

Architectural/Physical Barriers: In 2021, the Wheels Service Application underwent a review, eliminating the requirement for health care professionals to complete a portion of the Wheel Application every three (3) years. An updated renewal application focuses on key client information.

The Town of Cobourg has installed Incline Assist Q'Straint winch systems on all Town-owned buses, easing the boarding process for riders with scooters or wheelchairs. This feature will be installed on each new bus purchased by the Town of Cobourg. Additionally, the Town conducted training sessions for drivers, led by We-Fix-U, to ensure safe and proper handling of mobility aids.

The majority of transit stop infrastructure is accessible, including all shelter locations. However, some areas require improvements, such as curb cuts and concrete pad placement. Cobourg Transit is also addressing stops within residential boulevards, considering potential stop relocations if suitable alternatives exist. Staff proposes allocating annual funds for transit stop improvements.

The ongoing challenge of a driver shortage that has persisted since early 2021, adversely affecting our transit services. Regrettably, the contractor presently lacks an adequate number of drivers to fully support our operations during all service hours, necessitating the utilization of only three buses during regular operating hours. This ongoing issue is a priority in ensuring our services are sustainable and

accessible and we are currently working with Century to address and mitigate the impact of this persistent driver shortage on our transit services.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

Council has requested recommendations and budget considerations, and look to consult with the AAC as well as the Transportation Supervisor and Director of Public Works to help inform the best budget recommendations to Council

8. CONCLUSION

In conclusion, this report has provided a thorough assessment of the current accessibility initiatives within the OnDemand Transit System and Wheels Service Specialized Transit System in the Town of Cobourg. The primary objectives were to offer transparency to the Accessibility Advisory Committee and the Council regarding the existing barriers within these transit systems and the strategies in place to address these challenges, ensuring alignment with the *Accessibility for Ontarians with Disabilities Act (AODA)* and the *Integrated Standards for Accessibility and Regulation (ISAR)*.

The report has delved into the various categories of barriers identified by the AAC, and we have found that many of these can be aptly categorized within the AODA and MYAP recognized barriers, reinforcing our commitment to compliance with provincial mandates. We are dedicated to ensuring accessibility for all residents and are actively working to eliminate these deeply rooted systemic issues.

With a comprehensive understanding of the barriers and the strategies outlined in this report, the Town of Cobourg is well-positioned to continue enhancing transit accessibility through the contract re-negotiation process in late 2023/early 2024. We remain committed to making Cobourg's transit systems as inclusive and accessible as possible.



Moved By	BRIAN DARLING	Resolution No.:
Last Name Printed	DARLING	157-22
Seconded By	AARON BURCHAT	Council Date:
Last Name Printed	BURCHAT	May 16, 2022

WHEREAS at the Committee of the Whole Meeting on May 9, 2022, Council considered a Memo from the Director of Public Works regarding the On-Demand Transit Pilot Results;

NOW THEREFORE BE IT RESOLVED THAT Council direct Staff to implement a Fully On-Demand Transit Service, which is Option 1 of the "On-Demand Transit Pilot Results", and;

FURTHER THAT Council approve the purchase of two Small Arboc 8m Specialty Vehicles (Report: Type B) at an approximate cost of \$160,000.00 each for a total cost of \$320,000.00, with a total Municipal contribution of \$85,344.00 (26.67%), and through Metrolinx, monitor the possibility of purchasing a hybrid version of the Type B vehicle; and,

FURTHER THAT Council approve ending the hours of operation at 9:00 pm, a reduction of 1 hour, for an approximate savings of \$20,000.00 annually (Report: option i): and,

FURTHER THAT Council authorize Staff to renegotiate the transit operations contract with the current provide for the remaining two (2) years to realign contract fees with the approved transit service option and vehicle types that is not to exceed the 2023/2024 fees of the current contract

PART IV TRANSPORTATION STANDARDS

DEFINITIONS

Definitions

33. In this Part,

- “bus” means a motor vehicle designed for carrying 10 or more passengers and used for the transportation of persons; (“autobus”)
- “commuter rail” means a class of rail-based transportation, which is multi-unit, used for public passenger transportation purposes, operated between an urban area and its suburbs and is provided on designated lines between stations; (“train de banlieue”)
- “conventional transportation service provider” means a designated public sector transportation organization described in paragraph 5 of Schedule 1 that provides conventional transportation services that operate solely within the Province of Ontario; (“fournisseur de services de transport classique”)
- “conventional transportation services” means public passenger transportation services on transit buses, motor coaches or rail-based transportation that operate solely within the Province of Ontario and that are provided by a designated public sector transportation organization described in paragraph 5 of Schedule 1, but does not include specialized transportation services; (“services de transport classique”)
- “inter-city rail” means a class of rail-based transportation, which is multi-unit, used for public passenger transportation purposes and is intended for express service covering long distances with routes connecting two or more distinct or major locations; (“train interurbain”)
- “light rail” means a class of rail-based transportation, which is multi-unit, used for public passenger transportation purposes, provided on designated lines between stations and is intended for light loads and fast movement; (“train léger sur rail”)
- “motor coach” means a class of bus of monocoque design, designed to provide intercity, suburban or commuter passenger transportation service and equipped with baggage storage that is separate from the passenger cabin; (“autocar”)
- “rail-based transportation” means any single or multi-unit passenger transportation vehicle operating exclusively on rail by a public transportation organization described in paragraph 5 of Schedule 1, and includes streetcars, light rail vehicles, subways, commuter rail and inter-city rail; (“moyen de transport ferroviaire”)
- “specialized transportation service provider” means a designated public sector transportation organization described in paragraph 5 of Schedule 1 that provides specialized transportation services that operate solely within the Province of Ontario; (“fournisseur de services de transport adapté”)
- “specialized transportation services” means public passenger transportation services that,
- (a) operate solely within the Province of Ontario,
 - (b) are provided by a designated public sector transportation organization as described in paragraph 5 of Schedule 1, and
 - (c) are designed to transport persons with disabilities; (“services de transport adapté”)
- “streetcar” means a class of rail-based transportation designed to operate on a highway, as defined in the *Highway Traffic Act*; (“tramway”)
- “subway” means a class of rail-based transportation, which is multi-unit, designed to operate on a grade separated from highways, as defined in the *Highway Traffic Act*, and provides service on designated lines between stations; (“métro”)
- “support person” means, in relation to a person with a disability, another person who accompanies the person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities; (“personne de soutien”)

“taxicab” means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip and that is licensed as a taxicab by a municipality; (“taxi”)

“transit bus” means a class of bus which, while operated on a highway, as defined in the *Highway Traffic Act*, is designed and intended to be used for passenger transportation. (“autobus urbain”) O. Reg. 191/11, s. 33; O. Reg. 413/12, s. 5.

CONVENTIONAL AND SPECIALIZED TRANSPORTATION SERVICE PROVIDERS, GENERAL

Availability of information on accessibility equipment, etc.

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. O. Reg. 191/11, s. 34 (1).

(2) Conventional transportation service providers and specialized transportation service providers shall, upon request, provide the information described in subsection (1) in an accessible format. O. Reg. 191/11, s. 34 (2).

(3) REVOKED: O. Reg. 165/16, s. 8.

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. O. Reg. 191/11, s. 35 (1).

(2) REVOKED: O. Reg. 165/16, s. 8.

Accessibility training

36. (1) In addition to the training requirements set out in section 7, conventional transportation service providers and specialized transportation service providers shall conduct employee and volunteer accessibility training. O. Reg. 191/11, s. 36 (1).

(2) The accessibility training shall include training on,

(a) the safe use of accessibility equipment and features;

(b) acceptable modifications to procedures in situations where temporary barriers exist or accessibility equipment on a vehicle fails; and

(c) emergency preparedness and response procedures that provide for the safety of persons with disabilities. O. Reg. 191/11, s. 36 (2).

(3) Conventional transportation service providers and specialized transportation service providers shall keep a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided. O. Reg. 191/11, s. 36 (3).

(4) REVOKED: O. Reg. 165/16, s. 8.

Emergency preparedness and response policies

37. (1) In addition to any obligations that a conventional transportation service provider or a specialized transportation service provider has under section 13, conventional transportation service providers and specialized transportation service providers,

(a) shall establish, implement, maintain and document emergency preparedness and response policies that provide for the safety of persons with disabilities; and

(b) shall make those policies available to the public. O. Reg. 191/11, s. 37 (1).

(2) Conventional transportation service providers and specialized transportation service providers shall, upon request, provide the policies described in subsection (1) in an accessible format. O. Reg. 191/11, s. 37 (2).

(3) REVOKED: O. Reg. 165/16, s. 8.

Fares, support persons

38. (1) No conventional transportation service provider and no specialized transportation service provider shall charge a fare to a support person who is accompanying a person with a disability where the person with a disability has a need for a support person. O. Reg. 191/11, s. 38 (1).

(2) It is the responsibility of a person with a disability to demonstrate to a transportation service provider described in subsection (1) their need for a support person to accompany them on the conventional or specialized transportation service and to ensure that the appropriate designation for a support person is in place. O. Reg. 191/11, s. 38 (2).

(3) REVOKED: O. Reg. 165/16, s. 8.

Transition, existing contracts

39. Where a conventional transportation service provider has, on June 30, 2011, existing contractual obligations to purchase vehicles that do not meet the requirements of sections 53 to 62, the transportation service provider may honour the existing contract. O. Reg. 191/11, s. 39.

Transition, existing vehicles

40. (1) Conventional transportation service providers are not required to retrofit vehicles that are within their fleet as of July 1, 2011 in order to ensure that the vehicles meet the accessibility requirements of sections 53 to 62. O. Reg. 191/11, s. 40 (1).

(2) If a conventional transportation service provider modifies a portion of a vehicle to which subsection (1) applies in a way that affects or could affect accessibility on or after July 1, 2011, the transportation service provider shall ensure that the modified portion meets the requirements of sections 53 to 62. O. Reg. 191/11, s. 40 (2).

(3) Where subsection (2) applies and the modification is with respect to matters referred to in section 53, 55, 57 or 61 or subsection 62 (2), the conventional transportation service provider does not have to meet the requirements of those provisions if the modifications would impair the structural integrity of the vehicle or the mobility aid accessible rail car. O. Reg. 191/11, s. 40 (3).

CONVENTIONAL AND SPECIALIZED TRANSPORTATION SERVICE PROVIDERS, ACCESSIBILITY PLANS

Accessibility plans, conventional transportation services

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. O. Reg. 191/11, s. 41 (1).

(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. O. Reg. 191/11, s. 41 (2).

(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. O. Reg. 191/11, s. 41 (3).

(4) REVOKED: O. Reg. 165/16, s. 8.

Accessibility plans, specialized transportation services

42. (1) Specialized transportation service providers shall, in their accessibility plans,

- (a) identify the process for estimating the demand for specialized transportation services; and
- (b) develop steps to reduce wait times for specialized transportation services. O. Reg. 191/11, s. 42 (1).

(2) REVOKED: O. Reg. 165/16, s. 8.

Accessibility plans, conventional and specialized transportation services

43. (1) Conventional transportation service providers and specialized transportation service providers shall, in their accessibility plans, describe their procedures for dealing with accessibility equipment failures on their respective types of vehicles. O. Reg. 191/11, s. 43 (1).

(2) REVOKED: O. Reg. 165/16, s. 8.

CONVENTIONAL TRANSPORTATION SERVICE PROVIDERS, GENERAL

General responsibilities

- 44.** (1) Conventional transportation service providers shall,
- (a) deploy lifting devices, ramps or portable bridge plates upon the request of a person with a disability;
 - (b) ensure that adequate time is provided to persons with disabilities to safely board, be secured and deboard transportation vehicles and that assistance be provided, upon request, for these activities;
 - (c) assist with safe and careful storage of mobility aids or mobility assistive devices used by persons with disabilities; and
 - (d) allow a person with a disability to travel with a medical aid. O. Reg. 191/11, s. 44 (1).
- (2) Conventional transportation service providers shall, upon request, make information on the matters referred to in subsection (1) available in an accessible format. O. Reg. 191/11, s. 44 (2).
- (3) REVOKED: O. Reg. 165/16, s. 8.
- (4) In this section,
- “medical aid” means an assistive device, including respirators and portable oxygen supplies. O. Reg. 191/11, s. 44 (4).

Alternative accessible method of transportation

- 45.** (1) Except where not practicable to do so, a conventional transportation service provider that does not provide specialized transportation services shall ensure that any person with a disability who, because of his or her disability, is unable to use conventional transportation services is provided with an alternative accessible method of transportation. O. Reg. 191/11, s. 45 (1).
- (2) Subsection (1) does not apply where specialized transportation services are provided by a specialized transportation service provider in the same jurisdiction where the conventional transportation service provider provides transportation services. O. Reg. 191/11, s. 45 (2).
- (3) REVOKED: O. Reg. 165/16, s. 8.

Fares

- 46.** (1) No conventional transportation service provider shall charge a higher fare to a person with a disability than the fare that is charged to a person without a disability where the person with a disability uses conventional transportation services, but a conventional transportation service provider may charge a lesser fare for a person with a disability. O. Reg. 191/11, s. 46 (1).
- (2) Conventional transportation service providers that do not provide specialized transportation services shall make available alternative fare payment options to persons with disabilities who cannot, because of their disability, use a fare payment option. O. Reg. 191/11, s. 46 (2).
- (3) REVOKED: O. Reg. 165/16, s. 8.

Transit stops

- 47.** (1) Conventional transportation service providers, in respect of transportation vehicles to which this section applies, shall ensure that persons with disabilities are able to board or deboard a transportation vehicle at the closest available safe location, as determined by the operator, that is not an official stop, if the official stop is not accessible and the safe location is along the same transit route. O. Reg. 191/11, s. 47 (1).
- (2) In determining where a safe location may be situated for the purposes of subsection (1), the conventional transportation service provider shall give consideration to the preferences of the person with a disability. O. Reg. 191/11, s. 47 (2).
- (3) Conventional transportation service providers shall ensure that operators of their transportation vehicles promptly report to an appropriate authority where a transit stop is temporarily inaccessible or where a temporary barrier exists. O. Reg. 191/11, s. 47 (3).
- (4) This section applies in respect of the following:
1. Transit buses.

2. Motor coaches.
3. Streetcars. O. Reg. 191/11, s. 47 (4).
- (5) REVOKED: O. Reg. 165/16, s. 8.

Storage of mobility aids, etc.

48. (1) Every conventional transportation service provider shall, if safe storage is possible, ensure that mobility aids and mobility assistive devices are stored in the passenger compartments of its transportation vehicles within reach of the person with the disability who uses the aid or device. O. Reg. 191/11, s. 48 (1).

(2) If safe storage of mobility aids and mobility assistive devices is not possible within the passenger compartment and the vehicle is equipped with a baggage compartment, a conventional transportation service provider shall ensure that mobility aids and mobility assistive devices are stored in the baggage compartment of the vehicle on which the person with the disability is travelling. O. Reg. 191/11, s. 48 (2).

(3) Every conventional transportation service provider shall ensure that operators of its transportation vehicles secure and return mobility aids and mobility assistive devices in a manner that does not affect the safety of other passengers and does not cause damage to the aid or device, where the mobility aid or mobility assistive device is stored in the baggage compartment of the vehicle. O. Reg. 191/11, s. 48 (3).

(4) No conventional transportation service provider shall charge a fee for the storage of a mobility aid or a mobility assistive device. O. Reg. 191/11, s. 48 (4).

(5) 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. O. Reg. 191/11, s. 48 (5).

(6), (7) REVOKED: O. Reg. 165/16, s. 8.

Priority seating

49. (1) Every conventional transportation service provider shall ensure that there is clearly marked priority seating for persons with disabilities on its transportation vehicles and that the priority seating meets the standards set out in this section. O. Reg. 191/11, s. 49 (1); O. Reg. 165/16, s. 9 (1).

(2) The priority seating for persons with disabilities shall be located as close as practicable to the entrance door of the vehicle. O. Reg. 191/11, s. 49 (2); O. Reg. 165/16, s. 9 (1).

(3) The priority seating for persons with disabilities shall be signed to indicate that passengers, other than persons with disabilities, must vacate the priority seating if its use is required by a person with a disability. O. Reg. 191/11, s. 49 (3); O. Reg. 165/16, s. 9 (1).

(4) Every conventional transportation service provider shall develop a communications strategy designed to inform the public about the purpose of priority seating. O. Reg. 165/16, s. 9 (2).

(5) 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. O. Reg. 191/11, s. 49 (5).
- (6) REVOKED: O. Reg. 165/16, s. 9 (3).

Service disruptions

50. (1) Where a route or scheduled service is temporarily changed and the change is known in advance of the commencement of the trip, conventional transportation service providers shall,

- (a) make available alternate accessible arrangements to transfer persons with disabilities to their route destination where alternate arrangements for persons without disabilities are inaccessible; and
- (b) ensure information on alternate arrangements is communicated in a manner that takes into account the person's disability. O. Reg. 191/11, s. 50 (1).

(2) 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. O. Reg. 191/11, s. 50 (2).

(3) REVOKED: O. Reg. 165/16, s. 10.

Pre-boarding announcements

51. (1) Every conventional transportation service provider shall ensure that there are, on request, pre-boarding verbal announcements of the route, direction, destination or next major stop. O. Reg. 191/11, s. 51 (1).

(2) Every conventional transportation service provider shall ensure that there are electronic pre-boarding announcements of the route, direction, destination or next major stop on its transportation vehicles and that these announcements satisfy the requirements set out in section 58. O. Reg. 191/11, s. 51 (2).

(3) 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. O. Reg. 191/11, s. 51 (3).

(4) Conventional transportation service providers shall meet the requirements of subsection (1) by July 1, 2011 and the requirements of subsection (2) by January 1, 2017. O. Reg. 191/11, s. 51 (4).

On-board announcements

52. (1) Every conventional transportation service provider shall ensure that there are audible verbal announcements of all destination points or available route stops on its transportation vehicles while the vehicle is on route or while the vehicle is being operated. O. Reg. 191/11, s. 52 (1).

(2) Every conventional transportation service provider shall ensure that all destination points or available route stops,

- (a) are announced through electronic means; and
- (b) are legibly and visually displayed through electronic means. O. Reg. 191/11, s. 52 (2).
- (3) For the purposes of clause (2) (b), visual displays of destination points or stop information shall satisfy the requirements set out in section 58. O. Reg. 191/11, s. 52 (3).
- (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. O. Reg. 191/11, s. 52 (4).
- (5) Conventional transportation service providers shall meet the requirements of subsection (1) by July 1, 2011 and the requirements of subsections (2) and (3) by January 1, 2017. O. Reg. 191/11, s. 52 (5).

CONVENTIONAL TRANSPORTATION SERVICE PROVIDERS, TECHNICAL REQUIREMENTS

Requirements re grab bars, etc.

53. (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles to which this section applies that are manufactured on or after January 1, 2013 are equipped with grab bars, handholds, handrails or stanchions that are provided where appropriate at,

- (a) locations where passengers are required to pay fares;
- (b) each mobility aid securement position;
- (c) each priority seating area intended for use by persons with disabilities; and
- (d) each side of any entrance or exit used by persons with disabilities. O. Reg. 191/11, s. 53 (1); O. Reg. 165/16, s. 11.

(2) With respect to all transportation vehicles to which this section applies, every conventional transportation service provider shall ensure that grab bars, handholds, handrails or stanchions located at an entrance or exit used by a person with a disability are accessible from ground level and are mounted so that they are inside the vehicle when the doors are closed. O. Reg. 191/11, s. 53 (2).

(3) Every conventional transportation service provider shall ensure that all vehicles to which this section applies meet the following standards:

- 1. The location of grab bars, handholds, handrails or stanchions must be distributed, as appropriate to the vehicle's design, throughout the vehicle to support independent and safe boarding, on-board circulation, seating and standing assistance and deboarding for persons with disabilities.
- 2. Grab bars, handholds, handrails or stanchions must not interfere with the turning and maneuvering space required for mobility aids to reach the allocated space from the entrance.
- 3. Grab bars, handholds, handrails or stanchions must be high colour-contrasted with their background to assist with visual recognition.
- 4. Every grab bar, handhold, handrail or stanchion must,
 - i. be sturdy, rounded and free of any sharp or abrasive element,
 - ii. have an exterior diameter that permits easy grasping by the full range of passengers and sufficient clearance from the surface to which it is attached,
 - iii. be designed to prevent catching or snagging of clothes or personal items, and
 - iv. have a slip resistant surface.

5. Where grab bars, handholds, handrails or stanchions return to a wall or floor, they must do so in a smooth curve.
6. Brackets, clamps, screw heads or other fasteners used on grab bars, handholds, handrails or stanchions must be rounded or flush with the surface and free from burrs or rough edges. O. Reg. 191/11, s. 53 (3).

(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. O. Reg. 191/11, s. 53 (4).

(5) Despite subsection (4), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 53 (5).

(6) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of a type referenced in subsection (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 53 (6).

(7) Subsection (6) does not apply if the installation of the grab bars, handholds, handrails or stanchions would impair the structural integrity of the vehicle. O. Reg. 191/11, s. 53 (7).

Floors and carpeted surfaces

54. (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,

- (a) have floors that produce a minimal glare and are slip resistant; and
- (b) any carpeted surfaces have a low, firm and level pile or loop and are securely fastened. O. Reg. 191/11, s. 54 (1).

(2) 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. O. Reg. 191/11, s. 54 (2).

(3) Despite subsection (2), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 54 (3).

(4) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of a type referenced in subsection (2) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 54 (4).

Allocated mobility aid spaces

55. (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,

- (a) have two or more allocated mobility aid spaces, with each space being a minimum of,

- (i) 1,220 millimetres by 685 millimetres for vehicles designed to have a seating capacity of 24 passengers or less, and
 - (ii) 1,220 millimetres by 760 millimetres for vehicles designed to have a seating capacity of more than 24 passengers; and
- (b) are equipped, as appropriate, with securement devices. O. Reg. 191/11, s. 55 (1).
- (2) Spaces on transportation vehicles that are allocated as mobility aid spaces may be used for other passenger purposes, if not required for use by a person with a disability who uses a mobility aid. O. Reg. 191/11, s. 55 (2).
- (3) 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. O. Reg. 191/11, s. 55 (3).
- (4) Despite subsection (3), subsection (1) does not apply to vehicles that have two or more allocated mobility aid spaces and that are regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 55 (4).
- (5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of a type referenced in subsection (3) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 55 (5).
- (6) Subsection (5) does not apply if the installation of mobility aid spaces would impair the structural integrity of the vehicle. O. Reg. 191/11, s. 55 (6).

Stop-requests and emergency response controls

- 56.** (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 are equipped with accessible stop-requests and emergency response controls that are located throughout the transportation vehicle, including places within reach of allocated mobility aid spaces and priority seating locations. O. Reg. 191/11, s. 56 (1); O. Reg. 165/16, s. 12.
- (2) Accessible stop-requests and emergency response controls must meet the following standards:
- 1. They must provide auditory and visual indications that the request has been made.
 - 2. They must be mounted no higher than 1,220 millimetres and no lower than 380 millimetres above the floor.
 - 3. They must be operable with one hand and must not require tight grasping, pinching or twisting of the wrist.
 - 4. They must be high colour-contrasted with the equipment to which the control is mounted.
 - 5. They must provide tactile information on emergency response controls. O. Reg. 191/11, s. 56 (2).
- (3) With respect to stop-requests, this section applies to the following:
- 1. Transit buses.
 - 2. Motor coaches.
 - 3. Street cars. O. Reg. 191/11, s. 56 (3).
- (4) With respect to emergency response controls, this section applies to the following:

1. Subways.
2. Light rail.
3. Commuter rail.
4. Inter-city rail. O. Reg. 191/11, s. 56 (4).

(5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (3) or (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 56 (5).

Lighting features

57. (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 are equipped with lights above or beside each passenger access door that are constantly lit when the door is open and that illuminate the lifting device, ramp, portable bridge plate or step nosings, as the case may be. O. Reg. 191/11, s. 57 (1).

(2) The light above or beside each passenger access door must,

- (a) when the door is open, illuminate the ground surface for a distance of at least 0.9 metres perpendicular to the bottom step tread or lift outer edge; and
- (b) be shielded to protect the eyes of entering and exiting passengers. O. Reg. 191/11, s. 57 (2).

(3) 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. O. Reg. 191/11, s. 57 (3).

(4) Despite subsection (3), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 57 (4).

(5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (3) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 57 (5).

(6) Subsection (5) does not apply if the installation of the lights would impair the structural integrity of the vehicle. O. Reg. 191/11, s. 57 (6).

Signage

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. O. Reg. 191/11, s. 58 (1).

(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. O. Reg. 191/11, s. 58 (2).

(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. O. Reg. 191/11, s. 58 (3).

(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. O. Reg. 191/11, s. 58 (4).

(5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 58 (5).

Lifting devices, etc.

59. (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 are equipped with lifting devices, ramps or portable bridge plates and that each of them has,

- (a) a colour strip that runs its full width marking the bottom edge and that is high colour-contrasted with its background to assist with visual recognition;
- (b) a slip resistant platform surface; and
- (c) raised edges of sufficient height to prevent a mobility aid from rolling off the edge of the ramp during the boarding or disembarking of passengers. O. Reg. 191/11, s. 59 (1).

(2) 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. O. Reg. 191/11, s. 59 (2).

(3) Despite subsection (2), this section does not apply to vehicles that are equipped with lifting devices, ramps or portable bridge plates and that are regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 59 (3).

(4) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (2) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 59 (4).

Steps

60. (1) Every conventional transportation service provider shall ensure that where transportation vehicles are equipped with steps, the steps meet the following requirements:

1. The top outer edge of each step is marked by a colour strip that is high colour-contrasted with its background, to assist with visual recognition, that runs the full width of the leading edge of the step, excluding any side edge mouldings, and can be viewed from both directions of travel.
2. The steps have surfaces that are slip resistant and that produce minimal glare.
3. The steps have uniform, closed riser heights and tread depths, subject to the structural limitations of the vehicle. O. Reg. 191/11, s. 60 (1).

(2) 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. O. Reg. 191/11, s. 60 (2).

(3) Despite subsection (2), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 60 (3).

(4) Conventional transportation service providers shall comply with the requirements of this section in respect of its vehicles to which this section applies that are manufactured on or after January 1, 2013. O. Reg. 191/11, s. 60 (4).

(5) Despite subsection (4), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (2) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 60 (5).

Indicators and alarms

61. (1) Every conventional transportation service provider shall ensure that where its transportation vehicles have a ramp, lifting device or a kneeling function, each of them is equipped with a visual warning lamp indicator mounted on the exterior near the mobility aid accessible door and with an audible warning alarm. O. Reg. 191/11, s. 61 (1).

(2) The visual warning lamp indicator and the audible warning alarm must function when the kneeling function, ramp or lifting device is in motion. O. Reg. 191/11, s. 61 (2).

(3) If a ramp or lifting device is being manually operated, no warning lamp indicator or warning alarm is required. O. Reg. 191/11, s. 61 (3).

(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. O. Reg. 191/11, s. 61 (4).

(5) Despite subsection (4), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*. O. Reg. 191/11, s. 61 (5).

(6) Conventional transportation service providers shall comply with the requirements of this section in respect of its vehicles to which the section applies that are manufactured on or after January 1, 2013. O. Reg. 191/11, s. 61 (6).

(7) Despite subsection (6), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section. O. Reg. 191/11, s. 61 (7).

(8) Subsection (7) does not apply if the installation of the warning lamp indicator or warning alarm would impair the structural integrity of the vehicle. O. Reg. 191/11, s. 61 (8).

Accessibility, rail cars

62. (1) Every conventional transportation service provider whose transportation services include light rail, commuter rail or inter-city rail shall ensure that at least one rail car per train is accessible to persons with disabilities who use mobility aids. O. Reg. 191/11, s. 62 (1).

(2) Every conventional transportation service provider whose transportation services include light rail, commuter rail or inter-city rail shall ensure that where washrooms are provided on the rail cars there is at least one mobility aid accessible washroom on the mobility aid accessible rail car. O. Reg. 191/11, s. 62 (2).

(3) REVOKED: O. Reg. 165/16, s. 13.

(4) Conventional transportation service providers shall meet the requirements of subsection (2) by January 1, 2013 with respect to trains that are using rail cars manufactured on or after January 1, 2013. O. Reg. 191/11, s. 62 (4).

(5) Despite subsection (4), where a conventional transportation service provider enters into a contractual obligation to purchase new or used rail cars on or after July 1, 2011, it shall ensure that trains that are using such rail cars meet the requirements of subsection (2). O. Reg. 191/11, s. 62 (5).

(6) Subsection (5) does not apply if the installation of the mobility aid accessible washroom would impair the structural integrity of the mobility aid accessible rail car. O. Reg. 191/11, s. 62 (6).

SPECIALIZED TRANSPORTATION SERVICE PROVIDERS

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. O. Reg. 191/11, s. 63 (1).

(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. O. Reg. 191/11, s. 63 (2).

(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. O. Reg. 191/11, s. 63 (3).

(4) Specialized transportation service providers shall meet the requirements of this section by January 1, 2017. O. Reg. 191/11, s. 63 (4).

Eligibility application process

64. (1) If a person has completed an application for eligibility for specialized transportation services and the person's eligibility has not been determined within 14 calendar days after the completed application is received by the specialized transportation service provider, the person shall be considered to have temporary eligibility for specialized transportation services until a decision on his or her eligibility is made. O. Reg. 191/11, s. 64 (1).

(2) A specialized transportation service provider shall not charge a fee to persons with disabilities who apply or who are considered eligible for specialized transportation services. O. Reg. 191/11, s. 64 (2).

(3) A specialized transportation service provider may require a reassessment of the eligibility of temporarily eligible registrants at reasonable intervals. O. Reg. 191/11, s. 64 (3).

(4) A specialized transportation service provider shall, upon the request of the person requesting specialized transportation services, make available to the requester all of his or her specialized transportation services eligibility application and decision information in accessible formats. O. Reg. 191/11, s. 64 (4).

(5) A specialized transportation service provider shall establish an independent appeal process to review decisions respecting eligibility. O. Reg. 191/11, s. 64 (5).

(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. O. Reg. 191/11, s. 64 (6).

(7) REVOKED: O. Reg. 165/16, s. 13.

(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. O. Reg. 191/11, s. 64 (8).

(9) In this section,

“personal information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*. O. Reg. 191/11, s. 64 (9).

Emergency or compassionate grounds

65. (1) Specialized transportation service providers shall develop procedures respecting the provision of temporary specialized transportation services earlier than in the 14 calendar days referred to in subsection 64 (1),

(a) where the services are required because of an emergency or on compassionate grounds; and

(b) where there are no other accessible transportation services to meet the person's needs. O. Reg. 191/11, s. 65 (1).

(2) A person shall apply for the services described in subsection (1) in the manner determined by the specialized transportation service provider. O. Reg. 191/11, s. 65 (2).

(3) REVOKED: O. Reg. 165/16, s. 13.

Fare parity

66. (1) Where conventional transportation services and specialized transportation services are provided by separate transportation service providers in the same jurisdiction, the specialized transportation service provider shall not charge more than the highest fare charged for conventional transportation services in the same jurisdiction. O. Reg. 191/11, s. 66 (1).

(2) Specialized transportation service providers shall meet the requirements of subsection (1) by January 1, 2017. O. Reg. 191/11, s. 66 (2).

(3) Where a transportation service provider provides both conventional transportation services and specialized transportation services, the transportation service provider shall ensure that there is fare parity between conventional transportation services and specialized transportation services. O. Reg. 191/11, s. 66 (3).

(4) REVOKED: O. Reg. 165/16, s. 13.

(5) Where a transportation service provider provides both conventional transportation services and specialized transportation services, the transportation service provider shall ensure that the

same fare structure is applied to conventional transportation services and specialized transportation services. O. Reg. 191/11, s. 66 (5).

(6) Where a transportation service provider provides both conventional transportation services and specialized transportation services, the transportation service provider shall ensure that the same fare payment options are available for all transportation services, but alternative options shall be made available to persons with disabilities who cannot because of their disability use a fare payment option. O. Reg. 191/11, s. 66 (6).

(7) REVOKED: O. Reg. 165/16, s. 13.

(8) In this section,

“fare structure” means the fare price determined by fare media, such as cash, tickets, passes and bulk quantity discounts and by fare category, such as adults, seniors and students, but does not include promotional fares that a transportation service provider may employ from time to time. O. Reg. 191/11, s. 66 (8).

Visitors

67. (1) Every specialized transportation service provider shall,

(a) make specialized transportation services available to visitors; and

(b) consider as eligible,

(i) visitors who provide confirmation that they are eligible for specialized transportation services in the jurisdiction in which they reside, or

(ii) visitors who meet the specialized transportation services eligibility requirements of the specialized transportation service provider. O. Reg. 191/11, s. 67 (1).

(2) Every specialized transportation service provider shall develop criteria to determine who falls into the category of visitor for the purposes of this section. O. Reg. 191/11, s. 67 (2).

(3) REVOKED: O. Reg. 165/16, s. 13.

(4) 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. O. Reg. 191/11, s. 67 (4).

(5) In this section,

“personal information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*. O. Reg. 191/11, s. 67 (5).

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. O. Reg. 191/11, s. 68 (1).

(2) Origin to destination services may include services on any accessible conventional transportation services. O. Reg. 191/11, s. 68 (2).

(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. O. Reg. 191/11, s. 68 (3).

(4) REVOKED: O. Reg. 165/16, s. 13.

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. O. Reg. 191/11, s. 69 (1).

(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. O. Reg. 191/11, s. 69 (2).

(3) REVOKED: O. Reg. 165/16, s. 13.

Hours of service

70. (1) Where conventional transportation services and specialized transportation services are provided by separate transportation service providers in the same jurisdiction, the specialized transportation service provider shall ensure that it has, at a minimum, the same hours and days of service as any one of the conventional transportation service providers. O. Reg. 191/11, s. 70 (1).

(2) Where a transportation service provider provides both conventional transportation services and specialized transportation services, it shall ensure that the specialized transportation services have, at a minimum, the same hours and days of service as the conventional transportation services. O. Reg. 191/11, s. 70 (2).

(3) Specialized transportation service providers to which subsection (1) applies shall meet the requirements of subsection (1) by January 1, 2017 and transportation service providers to which subsection (2) applies shall meet the requirements of subsection (2) by January 1, 2013. O. Reg. 191/11, s. 70 (3).

Booking

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. O. Reg. 191/11, s. 71 (1).

(2) A specialized transportation service provider to whom subsection (1) applies shall provide accessible means to accept reservations. O. Reg. 191/11, s. 71 (2).

(3) REVOKED: O. Reg. 165/16, s. 13.

Trip restrictions

72. (1) No specialized transportation service provider shall limit the availability of specialized transportation services to persons with disabilities by,

(a) restricting the number of trips a person with a disability is able to request; or

(b) implementing any policy or operational practice that unreasonably limits the availability of specialized transportation services. O. Reg. 191/11, s. 72 (1).

(2) REVOKED: O. Reg. 165/16, s. 13.

Service delays

73. (1) Every specialized transportation service provider, where the specialized transportation services require reservations, shall provide information on the duration of service delays to affected passengers by a method agreed to by the specialized transportation service provider and passenger. O. Reg. 191/11, s. 73 (1).

(2) For the purposes of this section, a service delay is a delay of 30 minutes or more after the scheduled pick-up time. O. Reg. 191/11, s. 73 (2).

(3) This section does not apply in respect of delays in service that arise during the trip. O. Reg. 191/11, s. 73 (3).

(4) REVOKED: O. Reg. 165/16, s. 13.

Companions and children

74. (1) Every specialized transportation service provider shall allow companions to travel with persons with disabilities if space is available and will not result in the denial of service to other persons with disabilities. O. Reg. 191/11, s. 74 (1).

(2) Every specialized transportation service provider shall allow dependants to travel with a person with a disability who is the parent or guardian of the dependant if appropriate child restraint securement systems and equipment are, if required, available. O. Reg. 191/11, s. 74 (2).

(3) REVOKED: O. Reg. 165/16, s. 13.

OTHER TRANSPORTATION SERVICES

School transportation

75. (1) This section applies to every school board that provides transportation services for its students. O. Reg. 191/11, s. 75 (1).

(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. O. Reg. 191/11, s. 75 (2).

(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. O. Reg. 191/11, s. 75 (3).

(4) REVOKED: O. Reg. 165/16, s. 13.

(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”) O. Reg. 191/11, s. 75 (5).

Public sector organizations

76. (1) Designated public sector organizations described in paragraphs 2, 3 and 4 of Schedule 1 that are not primarily in the business of transportation, but that provide transportation services, shall provide accessible vehicles or equivalent services upon request. O. Reg. 191/11, s. 76 (1).

(2) For the purposes of subsection (1), transportation services do not include campus security services provided by a designated public sector organization described in paragraph 3 or 4 of Schedule 1. O. Reg. 191/11, s. 76 (2).

(3) REVOKED: O. Reg. 165/16, s. 13.

Ferries

77. (1) Designated public sector organizations that operate ferries that are under provincial jurisdiction shall do so in accordance with the Code of Practice entitled “Ferry Accessibility for Persons with Disabilities” (“the Code”). O. Reg. 191/11, s. 77 (1).

(2) REVOKED: O. Reg. 165/16, s. 13.

(3) Designated public sector organizations that operate ferries to which this section applies shall ensure that its ferries that are manufactured on or after July 1, 2013 meet the requirements of sections 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.14, 2.15, 2.16, 2.17, 2.18 and 2.19 of the Code. O. Reg. 191/11, s. 77 (3).

(4) The following sections apply, as of the date set out in the sections, with necessary modifications, to ferries to which this section applies:

1. Section 34 (Availability of information on accessibility equipment, etc.).
2. Section 36 (Accessibility training).
3. Section 37 (Emergency preparedness and response policies).
4. Section 38 (Fares, support persons).
5. Section 44 (General responsibilities).
6. Section 46 (Fares).
7. Section 48 (Storage of mobility aids, etc.).
8. Section 50 (Service disruptions). O. Reg. 191/11, s. 77 (4).

(5) In this section,

“Code of Practice” and “Code” mean the document referred to as a Code of Practice entitled “Ferry Accessibility for Persons with Disabilities”, published by the Canadian Transportation Agency and dated 1999; (“Code de pratiques”, “Code”)

“ferry” means a vessel providing passenger transportation services solely within the province of Ontario, transporting passengers only or passengers and motor vehicles, that may be used by the general public and that weighs 1,000 gross tonnes or more. (“traversier”) O. Reg. 191/11, s. 77 (5).

DUTIES OF MUNICIPALITIES AND TAXICABS

Duties of municipalities, general

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. O. Reg. 191/11, s. 78 (1).

(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. O. Reg. 191/11, s. 78 (2).

(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). O. Reg. 191/11, s. 78 (3).

(4) REVOKED: O. Reg. 165/16, s. 13.

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. O. Reg. 191/11, s. 79 (1).

(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) REVOKED: O. Reg. 165/16, s. 13.

(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*. O. Reg. 191/11, s. 79 (4).

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. O. Reg. 191/11, s. 80 (1).
- (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. O. Reg. 191/11, s. 80 (2).
- (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. O. Reg. 191/11, s. 80 (3).
- (4) The information in subsection (2) shall meet the requirements of subsection 58 (3). O. Reg. 191/11, s. 80 (4).
- (5) REVOKED: O. Reg. 165/16, s. 13.