



August 16, 2007

The Honourable Madeleine Meilleur
Minister of Community and Social Services
Province of Ontario
80 Grosvenor Street, Hepburn Block 6th Floor
Toronto, Ontario
M7A 1E9

Dear Madam Minister:

Re: Industry Response - Initial Proposed Transportation Standard

The Ontario public transit industry is on record as supporting the principles of the Accessibility for Ontarians with Disabilities Act (AODA) and is committed to helping build a fully accessible Ontario by 2025. This commitment is predicated on providing clear, measurable and fiscally sustainable progress in providing accessible public transit services, while balancing the needs of all customers.

The industry's commitment is evidenced by:

- 1) Significant progress over the last 10 years (a period which represented very difficult economic times) in dealing with issues of accessibility. For example, in the ten year period from 1995 to 2005, the proportion of Ontario's conventional transit bus fleet that is accessible grew from 0 to 55%.
- 2) Participation of 5 public transit service representatives on the Transportation Standards Development Committee (T-SDC).
- 3) Establishment of an industry Resource Team in support of the T-SDC members. The Resource Team was comprised of 26 representatives from across the Province covering specialized, conventional, commuter bus and rail services as well as the Canadian Urban Transit Association, the Ontario Public Transit Association (previously Ontario Community Transportation Association) and the Association of Municipalities of Ontario.
- 4) A one day industry wide workshop to provide the transit industry with the proposed Transportation Standard, during which each component section of the Standard relating to the provision of accessible public transit services was reviewed in detail, including how each section should be assessed in terms of operational and cost impacts.

On balance, when viewed in its entirety, we believe the public transit service section of the Standard constitutes a reasonable approach. This view recognizes the following considerations:

- 1) The recognition in the Standard of an Ontario best practice with reference to the concept of a family of accessible public transit services versus simply adopting the historic view of delivering conventional transit and para transit as separate and distinct services.
- 2) The Standard offers service providers flexibility, working in concert with their advisory committees and other stakeholders to determine how best to address the issues of accommodation with respect to accessible public transit service delivery in their communities. This flexibility recognizes the unique differences and capacities of municipalities and the corresponding challenges each will have in addressing the Transportation Standard, as well as all common standards to be developed under the AODA.

- 3) The Standard provides a variety of implementation timeframes, noting the 5 year assessment period provides the opportunity to ensure reasonable and measurable steps are taken by the Province, municipalities and service providers toward attaining the overall goals of the AODA.
- 4) The Standard and associated implementation timeframes address all disabilities collectively, in a fair and equitable manner which will result in better, more accessible services for communities at large versus the focused, one-off approach resulting from Ontario Human Rights complaints, which often result in resources being allocated to addressing the needs of one specific disability.

While the industry is generally supportive of the Transportation Standard, there remain a number of issues that warrant comment and consideration. In terms of specific comments regarding the Standard requirements as currently drafted, such comments will be identified in responses from individual service providers. The industry's commentary will focus on issues that apply equally to the Transportation Standard as well all common standards and/or the standard development process.

- 1) It is our view that all common and sector specific standards developed under the AODA be harmonized. The current standard development process provides for a phased introduction of the respective standards, which further underlines the critical need for harmonization. The challenge of harmonization would be mitigated if all standards were finalized and reconciled prior to becoming legislation. This requirement is supported by the need to:
 - provide a clear link or interdependency of the standards, e.g. compliance requirements under the Transportation Standard will be impacted by a requirement under the Built Environment Standard, e.g. accessibility standards relating to sidewalks, passenger amenities etc. which have a direct impact on providing accessible public transit services.
 - ensure consistency (or reconciliation) of "class" definitions for respective standards
 - ensure consistency in compliance dates for linked standards
 - ensure consistency in terms of terminology, definitions, requirements and presentation for all standards, for example the existing difference in definitions in separate standards for persons or items having the same role, i.e. "personal care attendant" per the Transportation Standard versus "accessibility support person" per the Customer Service Standard
 - ensure consistency in the many potential compliance reporting and administrative tasks that will be associated with the common and sector specific standards
 - consider the cumulative financial impact of all standards, particularly in determining compliance dates and class definitions, and the expected resulting need to prioritize competing standards.
- 2) Similar to the reconciliation and/or harmonization of the standards as a collective, the standards should be harmonized with related existing legislated requirements/standards, e.g. Ontario Building Code, Highway Traffic Act, Ontario Human Rights Code. Reconciliation of competing requirements and/or inconsistent enforcement processes should not be left to the judicial process to be determined after the Standards are legislated.
- 3) The process for assessing/determining compliance with all standards must be defined. There has to be a clear understanding of what the process entails by those expected to comply, prior to the standards coming into force.
- 4) Compliance with the standard has to be balanced against the issues of :
 - safety; and,
 - fiscal capacity, competing demands for resources, local priorities and current initiatives, and the requirement to comply with all common standards as well as sector specific standards.
- 5) We believe there is a need to develop and distribute "standard interpretation guidelines" for each standard prior to being adopted into regulation. Guidelines are critical to ensuring consistent understanding, clarification and application of all standards, particularly with respect to how each standard relates to other accessibility standards, existing legislation and diverse operating environments. As such, the proposed interpretation guidelines should only be developed with input and participation from the respective stakeholders. The transit industry is pleased to take a lead role

in the development and distribution of “standard interpretation guidelines” as they relate to the provision of accessible public transit services, and looks forward to Provincial support in this effort.

- 6) We question whether the related Transportation Standard Readiness Assessment and Estimated Cost Report accurately assesses the true cost and related impacts associated with Standard compliance. Based upon a representative sample of detailed costing completed by individual member transit systems (services) from across the Province, the estimated incremental cost of \$290 million for public transit services is significantly understated, with the actual incremental cost being approximately \$500 million or 1.7 times higher than provided in the report. Further, the post 2025 annual ongoing cost is estimated at \$16 million per year. While referencing the importance of investing in accessibility (a position not in dispute), the document does not comment on the cumulative impact of having to comply with common and sector specific standards, and the current and planned investment in accessibility over and above those components identified as incremental cost. Further, the comparison of the incremental cost to planned industry expenditure could create expectations that are not sustainable. The projected expenditures to furthering accessible public transit services will require long term sustainable funding.

Specific to the funding issue, municipalities are currently faced with a significant “fiscal imbalance”. Present cost pressures exceed the capacity of the municipal property tax base. In light of the current fiscal realities facing municipalities, it is essential that any new legislated standards creating a requirement beyond that which is currently planned and timed, be accompanied by new, dedicated and sustainable funding. Without such funding it will be very difficult for transit systems to implement the provisions of the standards without some degradation of service.

In closing, thank you for the opportunity to provide input to the Standard development process. We are eager to continue the partnership that has been established during the standards development process and look forward to working with your Ministry to bring the standards into place. Should you have any questions regarding the above comments, we would ask that you contact either Béatrice Schmied of OPTA at 905-271-6663, schmied@octa.on.ca or Michael Roschlau of CUTA at 415-365-9800, ext 104, roschlau@cutaactu.ca

Sincerely,



Larry Ducharme
Chair, Ontario Committee
CUTA



David Onodera
Chair, OPTA

Cc. - Honourable Donna Cansfield – Minister of Transportation
- Doug Reycraft.- President – Association of Municipalities of Ontario
- Accessibility Directorate of Ontario