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YORK REGION TRANSIT UPDATE – PROPOSED TRANSPORTATION STANDARD ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005 (AODA)

The Transit Committee recommends the adoption of the recommendation contained in the following report, September 25, 2007, from the General Manager, Transit:

1. RECOMMENDATION

It is recommended that the Regional Clerk forward this report to the Region's Accessibility Advisory Committee for their information.

2. PURPOSE

This report provides an update on the status of the development of the Transportation Standard pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*.

3. BACKGROUND

Under the AODA, the Province has appointed standards development committees to develop core and sector specific standards. The committees include people with disabilities or their representatives, representatives of industries or sectors, government ministries, and professionals with relevant experience. To date, two standards development committees have been established, one covering "Customer Service," which is one of the core group of standards, and the second being "Transportation," which is sector-specific. The three remaining core standard development committees are to address the following areas:

- Information and Communication.
- Built environment.
- Employment.

The Accessibility Directorate provides management and administrative support and direction to the standards development committees. These committees will make recommendations to the Minister of Community and Social Services once the standards have been reviewed by the public. The Canadian Standards Association (CSA) has been retained to facilitate/assist with the development of the standards.

The adopted standards will set out the measures, policies, practices and other steps needed to remove and prevent barriers for people with disabilities. The standards will

include time periods for implementing accessibility requirements in stages of five years or less, leading to a fully accessible Ontario by 2025.

York Region Transit (YRT) has been involved in this process through the Ontario Public Transit Association. Staff have participated in the review of the draft standard and have provided their feedback through the Ontario Public Transit Association's "transit resource team".

On June 27, 2007, the Province announced that the proposed Transportation Standard would be posted on its website for public review and feedback. The public review process will be open to September 28, 2007. Once the public review period is complete, the Transportation Standards Development Committee will reconvene to consider the feedback. They may make changes to the proposed standard based on that feedback prior to finalizing the proposed standard for submission to the Minister and being adopted into regulation.

4. ANALYSIS AND OPTIONS

4.1 York Region Transit (YRT) Response

In general, YRT supports the Transportation Standard as it is currently proposed. However, there are two key issues that require further clarification and will be needed to assist in the interpretation and implementation of not only the Transportation Standard, but subsequent standards as well:

- All AODA standards need to be consistent in application and compliance. This includes definitions and terminology (eg. Personal Care Attendant in Transportation Standard versus Accessibility Support Person in Customer Service Standard).
- There is a need for clear guidelines in implementing standards, in particular interpretation, in order to ensure consistency in application between the transit agencies and for compliance purposes.

4.2 Transit Industry Response

The Ontario Public Transportation Association (OPTA) has submitted a co-ordinated transit industry response, focusing on how specific requirements of the proposed standard will impact the provision of public transit services in the Province. The Association's submission also notes how all AODA standards need to be harmonized and considered in unison to provide a consistent approach to accessibility issues. The detailed Ontario Public Transit Association's response is attached to this report as *Attachment 1*.

4.3 Association of Municipalities of Ontario (AMO) Response

Similarly, the Association of Municipalities of Ontario (AMO), via the Barrier-Free Working Group, has prepared a response, also attached (see *Attachment 2*), with respect to the public transit issues. The AMO response also deals with other elements of the

transportation standard including those relating to taxi, limousine, and booked services. Some of the AMO's primary concerns relate to the following:

- Support for full accessibility in a reasonable and fiscally appropriate time frame.
- Support for the proposed Transportation Standard as it recognizes the unique differences and/or capacity of municipalities across the Province.
- The need for harmonization of all standards developed under the AODA.
- Compliance with the standard has to be balanced against the fiscal capacity of those expected to comply.
- Similar to the harmonization of all AODA standards, the standards also need to be harmonized with related existing legislated requirements/standards (e.g. Ontario Building Code, *Highway Traffic Act*, Ontario Human Rights Code). Reconciliation of competing requirements should not be left to the judicial process to be determined subsequent to the standards being legislated.
- The process for assessing/determining compliance with all standards has to be defined and communicated.

4.4 AODA Alliance Response

The AODA Alliance is a voluntary collation of individuals and organizations and is the successor to the Ontarians with Disabilities Act Committee. The Alliance has expressed serious concern with the proposed Transportation Standard and is especially critical of what is perceived to be the Standard's lack of "clear, enforceable standards, of what has to be done to remove and prevent these, and to fix far more prompt reasonable timelines..."

4.5 Ontario Human Rights Commission Response

The Ontario Human Rights Commission commends the Ministry for establishing the Transportation Standards Development Committee and its intention to improve accessibility to transportation in Ontario. However, the Commission notes that the proposed Standard needs to be harmonized with the Human Rights Code both in terms of regulation and compliance. The Commission also noted concern with the Standard's 'alternative services' approach, the timelines for implementation of accessibility initiatives, the lack of clarity and specificity of the Standard.

4.6 Relationship to Vision 2026

Regional Council has taken a strategic approach to accessibility planning that is grounded in Vision 2026. One of the guiding principles of Vision 2026 is the notion that accessibility should be inclusive and provide services and facilities to all, regardless of location or personal mobility. This approach has enabled the Region to focus its efforts in a way that supports and balances the needs of all York Region residents.

5. FINANCIAL IMPLICATIONS

YRT made a commitment several years ago to move toward a fully accessible transit system. As such, YRT has already made significant changes to its system with regard to accessibility and our cost estimate for complying with the standard reflects this. YRT estimates a total incremental cost of \$8.3 million (in 2007 dollars) to be spent to achieve full accessibility as prescribed by the Standard by 2025. An additional \$200,000 per year will be spent in maintaining accessibility for the system. The balance of these costs is reflected in upgrading of fareboxes and increasing door-to-door service hours.

As part of the Ontario Public Transit Association's submission, it is estimated for the transit industry as a whole, \$500 million incremental investment will be required within the 2025 timeframe. An additional annual cost of \$16 million is expected to be required for ongoing sustainability of the standard.

6. LOCAL MUNICIPAL IMPACT

The public transit component of the proposed Transportation Standard will be of primary interest to the Region as it has jurisdiction over the provision of transit. The local municipalities will likely be commenting on the section of the standard that relates to the taxi industry, as licensing of that industry is under local municipal jurisdiction.

7. CONCLUSION

As the development of a Transportation Standard progresses, YRT continues to move towards a more accessible system by:

- Purchasing only low floor wheelchair-accessible buses.
- Upgrades to bus stops and terminal facilities to meet accessibility standards.
- Implementation of Computer-Aided Dispatch/Automatic Vehicle Location (CAD/AVL), which provides for audible bus stop announcements and vehicle monitoring.
- Development of a Travel Training program.
- 'Family of services' approach to service delivery which provides for a variety of service options to accommodate all riders, regardless of mobility.

For more information on this report contact Irene McNeil, Manager, Service Planning (Ext. 5628) of the Transit Branch in the Transportation and Works Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)