



Office
des transports
du Canada

Canadian
Transportation
Agency

Canadian Transportation Agency

Regulatory update: ATPDR & ATPRR

Universal Access in Aviation

October 26, 2022

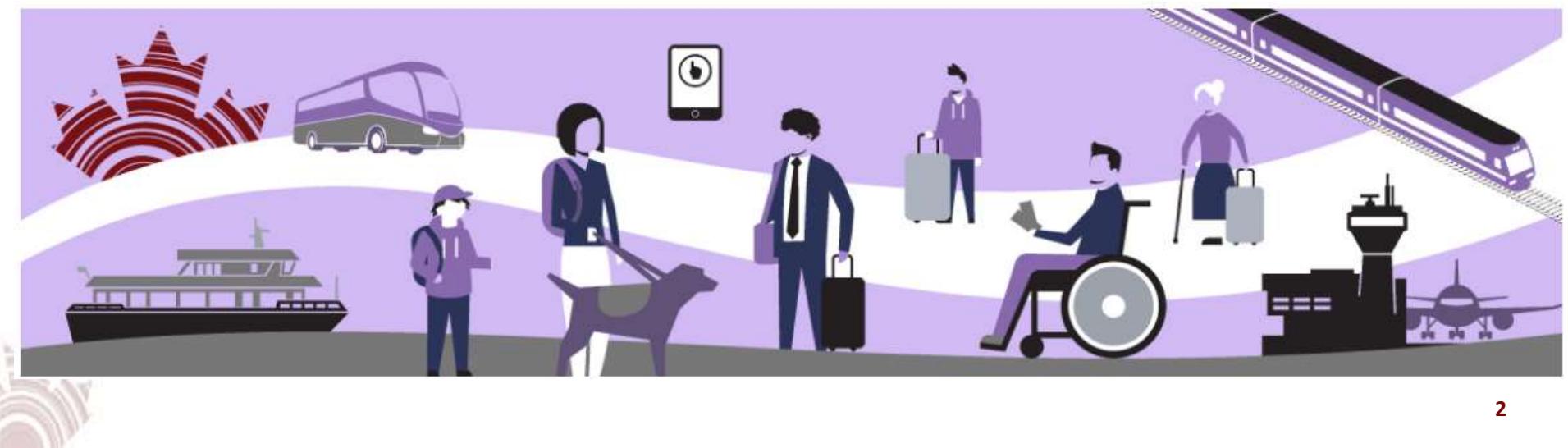


Canada

About the Agency



- The Canadian Transportation Agency (CTA) is Canada's longest-standing independent regulator and tribunal— we've been around since 1904
- Our accessible transportation mandate dates from 1988
- We are responsible for ensuring persons with disabilities have access to Canada's national transportation network by removing undue obstacles/barriers



Accessible Transportation for Persons with Disabilities Regulations



- The regulations came into effect on June 2019.
- More complex technical requirements have been phased-in until June 2022.
- The CTA can levy an administrative monetary penalty of up to \$250,000 for non-compliance with the ATPDR
- Upon a complaint, the CTA can also award a person compensation if they experience physical, psychological, or monetary harm because a transportation service provider didn't follow the ATPDR.



Accessible Transportation for Persons with disabilities Regulations



Key Themes:

- How to communicate with travellers with disabilities
- What services to provide travellers with disabilities
- How to make terminal buildings accessible
- How to make planes, ferries, trains, and buses accessible
- How to make the security screening process accessible
- How to train transportation workers to help travellers with disabilities
- What a carrier's responsibility is with regards to mobility aids



Curbside assistance



In Canada, **Terminals** are required to:

- provide curbside assistance, unless the passenger's carrier is already providing this assistance
 - This means they must provide wheelchair, guiding, and/or baggage assistance to people arriving at the terminal from the curb outside to the check-in area inside.
 - They also have to provide this assistance to people leaving the terminal from the general public area to the curb.
- Publish on its website (or in another format if there is no website) where the curbside zone is located and how to request assistance to or from the curbside zone.



Retention of Electronic copies



- If a carrier requests that a person with a disability provides information in relation to a request for accommodation, the carrier must offer to retain an electronic copy of that information for a period of **at least three years**
- This is to ensure that a person with a disability does not have to continually re-file the same information over an over



Accessible Transportation Planning and Reporting Regulations



- The ATPRR was developed under the *Accessible Canada Act* (ACA), which came into effect in July 2019.
- The ACA sets out planning and reporting requirements on accessibility. The CTA has developed the ATPRR to implement these requirements for transportation service providers.
- The ATPRR will help in eliminating barriers that limit accessibility for persons with disabilities in the Canadian transportation network.



ACA framework



- The ACA sets out three planning and reporting requirements:
 - 1) Accessibility plans;
 - 2) Feedback processes; and
 - 3) Progress reports.
- First, transportation service providers make accessibility plans, in consultation with persons with disabilities.
- The plans must address their policies, programs, practices, and services in relation to the identification and removal of barriers – and the prevention of new barriers – in transportation-related areas such as communication, services and equipment.



ACA framework (con't)



- As they develop their accessibility plans, transportation service providers set up feedback processes so that persons with disabilities can let them know of barriers they face.
- Transportation service providers then publish progress reports that provide updates on the implementation of their accessibility plans and the feedback they receive.
- The ATPRR sets out important details on how this will all work.



Scope



- The ATPRR apply very broadly, to transportation service providers in all modes of transportation, foreign and domestic, operating, to, from and within Canada.
- Transportation service providers (TSPs) include companies that operate planes, ferries, trains and buses that travel long distances, as well as terminals, like airports, ferry terminals, train and bus stations, and ports where cruise ships dock.
- Essentially, if a TSP is within scope of any of the CTA's accessibility-related regulations (ATPDR, ATR & PTR), then the ATPRR applies to them.



Timelines



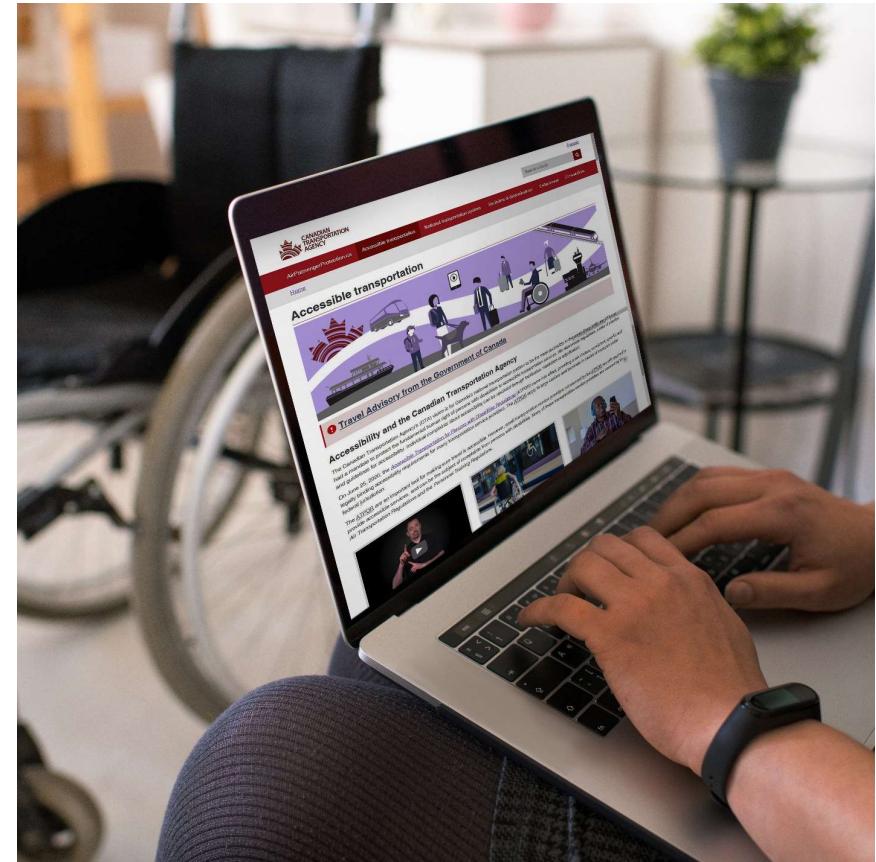
- Transportation service providers will have to publish their first accessibility plan based on the following classes:
 - **Class 1:** Public sector transportation service providers (e.g., Crown Corporations), by **December 31, 2022**;
 - **Class 2:** Large private sector transportation service providers with 100 or more employees, by **June 1, 2023**;
 - **Class 3:** Small private sector transportation service providers with less than 100 but at least 10 employees, by **June 1, 2024**.
- Class 4 regulated entities consists of every small transportation service providers, with less than 10 employees. Class 4 TSPs are exempt of the ATPRR.



Publication Timelines



- Transportation service providers must also
 - publish updated accessibility plans every three years
 - publish progress reports during any year that they do not publish an accessibility plan.



Plan, Reporting and Feedback Process Requirements



- The ATPRR requires transportation service providers to include specific headers for their **accessibility plans and Progress report**
- The ATPRR requires transportation service providers to do the following for their **accessibility plans, progress report and feedback process**:
 - Publish plans and progress report
 - in clear, simple and concise language;
 - easy to find – usually on the transportation service provider's website; and,
 - in an accessible format (Level AA Web Content Accessibility Guidelines [WCAG]);
 - Allow persons with disabilities to request a copy of the document by any means through which a transportation service provider communicates with the public (by mail, telephone and electronic means).



Feedback process requirements



- Additionally, transportation service providers must:
 - Publish their feedback process on the same day as their accessibility plan or progress report is published;
 - Acknowledge that feedback has been received;
 - Allow persons with disabilities to submit feedback anonymously if they prefer; and
 - Publish the updated description of the feedback process every time the process is updated by the service provider.



Guidance Material & Other Tools



- CTA has prepared 3 guides to support the ATPRR which includes templates, checklists, best practices and examples for TSPs to consult.
- Other ATPRR guidance available on CTA's website:
 - Plain language summary;
 - Accessibility plan due date calculator;
 - Where do TSPs send their notice of publication?
- Other tools to help achieve accessibility in the transportation system:
 - Guides
 - Best practices (COVID-19, Relief area, etc.)
 - Training videos
 - International working groups
 - Mobility aid
 - Special Service Request Codes (SSR)





Questions?

