



# 2021 Outlook on Accessible Transportation in Ontario

Written by Raymond Dell'Aera

**CDF**

Canadian  
Disability  
Foundation



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Accessibility description: It is a dramatic overhead view of downtown Toronto taken from the CN Tower. The Gardiner Expressway is full of vehicles, among buildings and above a snowy open area with snow-removed paths.

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# Introduction

ATRACAN is **Accessible Transportation Canada** — a project of the Canadian Disability Foundation. ATRACAN is helping define what an inclusive transportation system looks like and cultivating the conditions necessary to realize it.

At ATRACAN, we are committed to removing barriers and facilitating positive developments in the public and private transportation sectors. Our goals are aimed at filling the gaps that exist by bringing together people, organizations, and other institutions, creating solutions that have real impact.

This report aims to constructively discuss the Transportation Standards Development Committee's most recent review and recommendations pertaining to the Accessibility Transportation Standards contained in the Accessibility for Ontarians with Disabilities Act (AODA). Using this as a launch point, our goal is to realize a vision that builds on progress made in the Province of Ontario since the introduction of the AODA, addressing key challenges and opportunities on the path to a fully-accessible Ontario by 2025.

Ultimately the scope of our work is Canada-wide, and we view Ontario as a leader at the provincial level, capable of elevating other jurisdictions by achieving a high degree of success as it evolves its public policies and programs.

## **Accessible Travel Today**

A variety of challenges face users of accessible transportation services and the industry more broadly:

- Varying municipal practices, rules, and regulations
- On-demand service viability
- Cross-municipal and regional travel
- Private sector driver training and license requirement inconsistency
- Disruption of transportation industry from new entrants

The net effect of these issues is that people with disabilities continue to face barriers when travelling, which translates into less access to opportunity and a negative impact to quality of life. These issues also impact the quality and consistency of the accessible transportation industry, and its long-term sustainability.

In addition, the COVID-19 pandemic has highlighted many of these issues and demonstrated that equitable and safe transportation is essential from a public health perspective. As the province begins to recover from this unprecedented crisis, the quality and availability of accessible transportation will be a significant factor in improving opportunities for persons with disabilities to participate economically, and connect socially.

# Ontario Transportation Standards Review

In fall 2015, the then Minister of Economic Development, Employment and Infrastructure established a Transportation Standards Development Committee (TSDC or “The Committee”) to undertake a review of the Transportation Standards under the AODA. This [Transportation Standards Review](#) (“The Review”) is required by law to take place five years after each standard becomes law “*to determine whether the standard is working as intended and to allow for adjustments to be made as required.*” These “adjustments” took the form of official recommendations that were finalized after a period of public consultation.

The mandate for the Review requested that the following be included:

- *considering recommendations regarding specific items of focus in the areas of conventional transit, specialized transit, and the duties of municipalities with regard to taxicab licensing*
- *exploring the impacts of new and emerging technologies in achieving the long-term objective of the Transportation Standards*
- *considering all possible solutions and tactics, including non-regulatory approaches*

The review, published in 2018, is organized into three main focus areas: conventional transit, specialized transit, and duties of municipalities that license taxicabs. Each focus area contains a discussion section in addition to the recommendations, and this provides insight into not only the perspectives of the Committee members — what they think is working and what needs improvement — but how their viewpoints and knowledge were informed via guest speakers and stakeholder consultation. Further to this point, it is not clear from the Review which outside sources were consulted and how their input was weighed, making an assess of stakeholder influence difficult.

In multiple instances, the Committee recognizes that many of the Transportation Standards have not had enough time since implementation to be judged effectively. This is an understandable and practical limitation, but speaks to a larger concern. Convening a TSDC every five years to perform a public oversight and consultation function does not align with a

timeline that envisions a fully-accessible Ontario by 2025, and leaving local accessibility advisory committees to fill that gap will be insufficient to meet the scope of many issues.

In writing this report, ATRACAN seeks to use the Transportation Standards Review a platform to begin disability community dialogue in the province and beyond. The Review's meaningful overview of accessible transportation in terms of its constituent elements and the specific areas where change is occurring or sought is particularly well-suited for such a discussion.

The body of this report is organized into four major pillars — themes which represent the most pressing challenges to a fully-accessible Ontario and signify the greatest opportunity for impact upon being addressed. The discussion that follows is useful in jurisdictions beyond Ontario, as our society learns lessons from the AODA and implements accessible transportation across Canada.

Any critiques of the Transportation Standards Review are meant as constructive commentary, and not a reflection of the Committee's members. ATRACAN strongly believes making Ontario fully accessible requires taking into account diverse and relevant perspectives, and strives to contribute its own.

# Discussion of Major Themes

## Coordination between specialized transit services

Barriers to interjurisdictional travel (i.e. across municipal boundaries) using public transit exist because specialized transit providers employ operating agreements which confine each to a 'home' territory, with the exception of transfer points close to their borders. While this mirrors interjurisdictional travel using conventional local transit, there is one crucial difference: specialized transit requires its users to be qualified through a registration process to use their services. Thus, if an individual wants to travel beyond their municipal borders, they must be registered with every specialized transit provider with which they come into contact. Despite the historical and practical reasons for this state of affairs, an individual who cannot use conventional services faces the increased burden of navigating these often-lengthy and complex registrations.

The Review also notes that among specialized transit providers in Ontario, *"the criteria, and the method of assessing eligibility, vary widely. The Transportation Standards do not speak to how transit providers should determine eligibility."* This exacerbates the service border issue and the inequity it creates.

It is certainly the case that different municipalities benefit from the *"flexibility"* to use *"creative solutions to accommodate the unique needs of its ridership,"* which also serves to recognize *"smaller municipalities in rural Ontario with limited specialized transportation systems."* For a person with a disability, however, it is not intuitive as to how their disability changes their status from one locality to another, requiring them to demonstrate their needs once more and learn a new set of policies which may or may not be different (and perhaps arbitrarily so).

The Committee's acknowledgement that this is *"essentially a regional issue"* is partly true. Neighbouring transit providers can work together and form agreements to streamline cross-boundary travel. The Committee recommended that *"municipalities should be required to report on the progress being made to coordinate their systems as part of the annual status report on their multi-year accessibility plans."* Unfortunately, the



reporting requirement has thus far not translated into much progress toward the harmonization of their systems.

Metrolinx, Ontario's regional public transit agency, has publicly stated that it signed an agreement with eight transit agencies in the Greater Toronto and Hamilton Area to make it easier for paratransit users to transfer between their paratransit service and the service in an adjacent community. Signed in 2014, the agreement allows users registered with the paratransit agency in their home municipality to be automatically eligible for paratransit services with the other transit agencies. The user must still register in advance with each agency they wish to use, and ensure their status is kept active and updated with each of them as well. There is no centralization of customer records, and no other aspects of trip booking or policy have been harmonized. Such limited tangible benefit from seven years of collaboration calls into question whether Metrolinx has the wherewithal to enact comprehensive reforms, and whether it is committed to pursuing them in the first place.

The process of coordinating services and policies truly does require collaboration among a wide group of stakeholders to ensure a consistent, intuitive, and non-onerous user experience. It also requires leadership to create a framework for that collaborative effort, and a concrete plan that addresses the needs of each municipality. It is clear Ontarians expect to be able to travel beyond their municipality's borders for a variety of reasons, including to access employment. Many who rely on specialized transit are not fulfilling that expectation. So while a "regional issue," interjurisdictional travel is a province-wide need, and should be considered a key component of Ontario's vision for a fully-accessible transportation system, worthy of a well-thought-out strategy.

## **On-demand accessible taxicabs**

Municipalities continue to struggle with a lack of on-demand accessible taxicabs despite increasing the number of accessible taxi licenses available to potential Owner-Operators. The Review concludes that accessible fleet sizes are constrained by a "*limited ability to influence private sector providers to make the incremental investment associated with an accessible taxi over a standard taxi.*" Simply put, accessible vehicles cost

significantly more than non-accessible ones, and do not offer a corresponding increase in earning potential since fares are standardized across all vehicle types. There is also a sharp divide between large municipalities and medium/small ones in terms of sustained travel demand — the product of demographics, size of road network, and traffic patterns. Smaller towns cannot create enough business necessary to sustain a healthy fleet of taxis, and cannot allow their licensed taxicabs to operate in adjacent towns. Regulating this marketplace through traditional means has thus far failed to provide adequate availability of on-demand travel options — an impact that falls disproportionately on persons with disabilities.

This situation is made more complex with the relatively recent emergence of ridesourcing services, which, the Review notes, “*do not have any regulatory obligations to provide accessible service.*” And yet, they do provide such service in some local markets. Ridesourcing services currently offer a few main advantages over the regulated taxi option for their customers: generally lower fares, and a cutting-edge user experience via smartphone apps. They also have advantages for drivers: less regulatory overhead, more control over work hours, and lower initial investment in cases where the ridesourcing company pays some or all of the vehicle cost.

It is therefore reasonable that the Committee would consider the possibility that ridesourcing can play a positive role in the accessible on-demand transportation space: “[they] reflected that a municipality could employ ridesourcing services to meet its on-demand proportion for accessible taxicabs, but under the Transportation Standards, it would need to expand which vehicles fit into the “taxicab” category.” It was equally reasonable that they would advise caution before embracing ridesourcing as a solution: “*the protection and safety of persons with disabilities who use accessible taxicabs should be a priority in this emerging market.*”

The larger questions that must be tackled are about how ridesourcing fits into the overall accessible transportation ecosystem, and how to not only maintain, but improve the health of that ecosystem in the years to come. While ridesourcing seems to bring benefits in the short term, it is important to understand that it is actuated by self-described technology companies that have capitalized the aggressive expansion of their business in large

part on the premise that they can avoid the heavy regulatory framework of the traditional taxi industry to gain a competitive advantage. And while the non-accessible portion of ridesourcing incentivizes new drivers by encouraging them to use their personal vehicles as a part- or full-time job, the accessible portion is composed almost entirely of professional full-time drivers who either already possess and operate a licensed taxi or were provided a vehicle by the ridesourcing company. In other words, accessible ridesourcing has much in common with the accessible taxicab industry, even drawing on it for vehicles, while simultaneously acting to ‘disrupt’ a market which has relied heavily on regulations to create a supply of accessible vehicles in the first place. Navigating these dynamics will be critical to the future of on-demand accessible taxi industry.

Overall, what is apparent in the Review is the current status quo lacks measures of success: “the multi-year plans of ten major Ontario municipalities confirmed that none appeared to show a guaranteed proportion of accessible taxicabs, or appeared to provide any details with respect to progress toward determining or working toward a goal proportion.” There is a clear opportunity for the Province to work with all of its stakeholders in the on-demand space to determine appropriate metrics for service availability; research and recommend best practices and strategies to municipalities; and investigate ways to incentivize getting more accessible vehicles on the road. These themes must take into account the entire on-demand accessible transportation marketplace, ensuring the consistency and safety necessary to make it a viable travel option for Ontarians who need it.

## **Training**

The interactions between taxicab drivers and their passengers shape the experience of using the service in ways big and small, and to this end training plays an integral role. The Review discusses the obvious gap that is present here:

*“There are no requirements in the Transportation Standards for licensed taxicab drivers to receive accessibility training. In contrast, public transit providers have specific accessibility training requirements in the regulation for employees and volunteers on subjects such as the use of accessibility*

*equipment, equipment failures, and emergency preparedness and response.”*

Despite that there is no mandatory accessibility training set out from the Province, some municipalities have implemented training as a prerequisite to licensing. The Review frames this as an issue because of the presence of ridesourcing: *“the municipally legislated requirements for training for ridesourcing services were minimal or non-existent, and may have been motivating people to become ridesourcing drivers-for-hire.”* Regardless of the extent to which this is true, the Committee’s recommendation for uniformity is a prudent one, calling for municipalities to require several training topics to be included in an improved curriculum, adding, *“the aforementioned modifications need to apply to all Ontario service providers in this sector, not just those licensed by the municipality.”*

Beyond requiring accessibility training sector-wide, there is a more basic question: why should training curriculum for drivers be determined by the municipalities at all? Being knowledgeable about various types of disabilities and how they affect people’s needs, accessibility Transportation Standards and the Ontario Human Rights Code, the safe use of accessibility equipment and features, and emergency preparedness and response procedures, are expectations that Ontarians have of their drivers no matter where they are in the province. The Committee does mention the importance of “[creating] consistency in the information provided to drivers,” which is a goal best served through initiative at the provincial level.

## **New and Emerging Technologies**

The recognition of the transformative role new technologies can play in addressing transportation barriers is an insightful addition to the Review. The Committee quite correctly identifies the importance of taking a proactive approach in this area, likely based on prior experience: *“Given the many opportunities to advance accessibility associated with new technologies, such as automated vehicles and smartphone apps, the Committee believes it is imperative that consultation and feedback from persons with disabilities take place early in the process, versus having accessibility needs and features being added as an afterthought.”* Integration of accessibility/disability perspectives into processes of

innovation will always yield better results than less collaborative approaches.

There is another way to view the role technology can play in the accessibility space worth exploring. Technological innovations do not occur in a vacuum. That is, they are initiated and/or catalyzed through purposeful intention to fulfill a need. Technology should not be limited to an abstraction, whereby one must wait for its inevitable emergence to contribute to its development. The needs of persons with disabilities are a known variable as evidenced by the preceding discussion of the Review. What is also apparent is that technology can be a key tool in the effort to meet those needs, whether or not its specific implementation is wielded directly by the public. Since the general trend has been that innovation in the public sector lags behind that of the private, there is a great opportunity for the Province of Ontario to catch up to what is currently possible. By facilitating the full range of accessible transportation stakeholders in a constructive process, the province can identify, research, and support the development of emerging technologies in order to transform accessible transportation. Crucially, emerging technologies can help bridge the gap to meeting the needs of disabled Ontarians by providing the wider industry that provides transportation services tools that create new possibilities and ameliorate longstanding issues.

## Conclusion and Recommendations

The Transportation Standards Review reveals a lengthy assortment of issues that speak to the complexity and scope of delivering accessible transportation. A snapshot taken at the inception of the AODA compared to one taken today would show that we have come a long way, as there are many provisions and services that simply did not exist at its outset. One of the most significant features of the AODA is that it sets timelines for achieving its objectives with the year 2025 being the penultimate date whereby Ontarians can expect to be able to travel without encountering barriers on the basis of disability. Avoiding complacency will not be enough to reach that goal — we will need a combination of bold action, new approaches, and a renewed sense of leadership from government.

Based on the four key themes discussed in this report, ATRACAN recommends the Province of Ontario seriously consider directing its efforts towards the following initiatives:

- Greatly increasing standardization across municipalities and regions for on-demand transportation with respect to licensing, regulations, training, technology, and customer and driver rights
- Broadening travel borders for both public and private accessible transportation providers
- Supporting development and implementation of technologies that are public- and industry-facing
- Creating incentives to make on-demand taxicabs more economically viable
- Developing measures of success tied to industry success and user experience

Carrying out these initiatives will require the combined work of government, service providers, public advocates, researchers, and other disability-related organizations. ATRACAN is ready to play a role by representing many of these parties and acting as an outlet for their participation. Our approach can ensure the province is drawing from leaders in their respective fields, who share the objective of full accessibility. Together, we will be able to advance the holistic solutions that will get us there.