

AAC | **Accessibility Advisory Council**

Recommendations for an Accessibility Standard for Transportation for the Minister of Families

January 31, 2020

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1. Introduction

The Accessibility Advisory Council of Manitoba (Council) is pleased to provide the Minister of Families with its recommendations for an Accessibility Standard for Transportation pursuant to Section 9(1) of *The Accessibility for Manitobans Act* (AMA). This paper provides an overview of the process followed by the Council to develop the proposed transportation standard and sets out its initial recommendations for the implementation of an effective transportation standard.

In February 2019, the Honourable Minister Heather Stefanson, Minister of Families and Minister responsible for the AMA, established the Accessible Transportation Standard Terms of Reference. The Minister requested that the standard establish policies, practices and other requirements needed to identify and remove barriers impacting transportation accessibility for persons with disabilities. Some of the priorities include:

- access to safe and accessible public transit, paratransit and vehicles for hire;
- accessible transit vehicles and transportation infrastructure;
- information regarding transportation is to be provided in accessible formats;
- ensuring accessible equipment and features are in good working order and that alternatives are provided in the event of malfunction or temporary service disruptions.

2. The Accessibility for Manitobans Act and the Development of the Standards

The AMA received Royal Assent and became law on December 5, 2013. The purpose of the legislation is to provide a clear and proactive process for the identification, prevention and removal of barriers that affect the full participation of more than 200,000 Manitobans with disabilities.

The AMA envisions the development of accessibility standards in a number of areas including customer service, employment, information and

communication, transportation and the built environment. To date, the Manitoba government has established two accessibility standards as regulations. The Customer Service Standard came into force on November 1, 2015. The Accessible Employment Standard came into force on May 1, 2019.

Other jurisdictions in Canada also recognize the importance of accessibility legislation. In 2005, Ontario passed the *Accessibility for Ontarians with Disabilities Act* (AODA), which has served as a useful guide in developing accessibility standards in Manitoba. The Nova Scotia Accessibility Act was passed in April 2017, and in June 2019, the federal government passed the *Accessible Canada Act*. It applies to the federally regulated private sector, which includes the banking, transportation and telecommunications sectors, as well as the government of Canada, Crown corporations and Parliament.

3. The Process to Develop a Transportation Standard

Under the AMA, the Council may establish standard development committees with the expertise required to develop a particular standard. In November 2018, the Council established a Committee to begin the process of developing recommendations for a proposed transportation standard. Council member, Jesse Turner, acted as chair to members of the Transportation Standard Development Committee (Committee). The Committee held 15 meetings between December 2018 and August 2019, and presented a preliminary report and recommendations to the Council on September 2019. The Council reviewed the report in preparation for releasing a discussion document with recommendations for an accessible transportation standard in October 2019. The Council invited the public to comment on the recommendations through written and oral submissions and through participation in a public consultation.

On November 7, 2019, the Council hosted its half-day public consultation. More than 100 people attended. The consultation was also webcast, allowing individuals unable to attend in person the opportunity to participate. A significant number of individuals and organizations mailed or electronically submitted their comments to the Council. These organizations included:

- The Association of Manitoba Municipalities
- The City of Winnipeg Transit

- Independent Living Resource Centre
- Visually Impaired Resource Network
- Canadian National Institute for the Blind
- Alliance for Equality of Blind Canadians
- Barrier-Free Manitoba

The Council sincerely appreciates the wide range of feedback and comments provided by the public. It has carefully considered all responses and has incorporated a number into its report to government.

4. Recommendations for an Accessible Transportation Standard – Setting the Context

The purpose of *The Accessibility for Manitobans Act* is to remove barriers and achieve greater accessibility for all Manitobans. The requirements of the proposed accessible transportation standard will help transportation providers, as well as municipalities, universities, colleges, hospitals and school boards, make their services and vehicles accessible to people with disabilities.

Accessible forms of public transportation are vital to ensuring that people with disabilities can participate in all aspects of daily life, at work, during their education, attending medical appointments, socializing, and more. To date, Manitoba has seen advancements in making both public transit and paratransit accessible and available in our cities and rural communities. The future Accessible Transportation Standard will add to these efforts to ensure that all aspects of transportation become more widely available and accessible.

An Accessibility Standard for Transportation will ensure that buses, paratransit, vehicles for hire and other forms of transportation, where they exist, are accessible. It will mean providing transportation policies and safety guidelines in alternate format upon request, such as large print or posted online. The standard will also ensure transit infrastructure is more accessible, that it is maintained, and is cleared of snow during the winter months. Transportation must be designed in harmony with all forms of active

transportation to ensure our communities are healthy, vibrant and accessible to all.

The Accessible Transportation Standard Terms of Reference require that the standard “be specific enough that one can determine when the requirements have been met.” The Council’s recommendations meet this requirement by applying national and international standards related to accessibility and transportation. During the standard development process, the Committee reviewed the Accessibility for Ontarians with Disabilities Act (AODA), the Americans with Disabilities Act (ADA), Canadian Standards Association (CSA) standards, as well as relevant guidelines from other progressive Canadian and American jurisdictions.

Please note that the Federal government is responsible for inter-jurisdictional transportation, including modes of transportation that fall under the mandate of the Canadian Transportation Agency’s Accessible Transportation for Persons with Disabilities Regulations (ATPDR). Related regulations are out of scope of this consultation.

In closing, the Committee would like to thank the government of Manitoba for the opportunity to serve the government with this important initiative. The Transportation Standard is an integral step in achieving greater accessibility in our province. Collaboration is a hallmark of Manitoba and this shared approach will guide our efforts to achieve full accessibility for all Manitobans. The government looks forward to working with all Manitobans in making the vision of an inclusive society a reality.

5. Accessible Transportation Standard Recommendations

1. Definitions

The following definitions apply to this standard:

“accessible vehicles for hire” means vehicles which can safely and comfortably transport a passenger with a disability who needs to remain seated in his or her mobility aid for the duration of the trip.

“**bus**” means a motor vehicle designed to carry 11 or more persons including the driver, as defined by the Highway Traffic Act of Manitoba;

“**conventional transportation services provider**” means a designated public sector transportation organization that provides fixed route and/or on-demand transportation services that originates in Manitoba.

“**conventional transportation services**” means fixed route and/or on-demand public passenger transportation services on transit buses, motor coaches or rail-based transportation that originates in Manitoba.

“**courtesy seating**” means clearly marked seating intended for people who will benefit from having a seat near the front of the vehicle such as seniors, expectant mothers and adults traveling with infants or small children using a stroller.

“**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.

“**fixed route services**” means public transportation, provided by a conventional transportation service provider, on which a vehicle is operated along a prescribed route according to a fixed schedule.

“**ferry**” means a vessel providing passenger transportation services solely within the province of Manitoba, transporting passengers only or passengers and motor vehicles, that operates on a fixed schedule between two or more points connected by water.

“**monocoque**” means structural skin, is a structural system where loads are supported through an object's external skin (like a shell).

“**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;

“**on-demand services provider**” means public transportation, provided by a conventional transportation services provider, where passenger trips are

requested, who then dispatch a vehicle to pick up and transport users to their destination.

“paratransit services” means public passenger transportation services that

- originate in Manitoba
- are provided by a designated public sector transportation organization, or are provided under contract by a designated public sector transportation service provider, and
- are designed to transport persons with disabilities

“priority seating” means clearly marked seating intended for use by persons with disabilities who use mobility devices such as a cane, walker, wheelchair or scooter.

“rail-based transportation” means any single or multi-unit passenger transportation vehicle operating exclusively on rail by a public transportation organization.

“rural right-of-way cross-section” the minimum right-of-way widths (50 metres) for roads in rural locations as per the Traffic and Transportation Modernization Act.

“school bus” means a vehicle that is designed and classified by the manufacturer as a school bus and used for the purpose of transporting pupils and other authorized persons to or from school or to or from approved school related activities (as per the Highway Traffic Act).

“service animal” means a service animal as defined in The Human Rights Code.

“stanchions” are upright bars, posts, vertical columns or pillars which are used for support.

“support person” means, in relation to a person who is disabled by a barrier, a person who accompanies the person to

- support the person obtaining, using or benefiting from a good or service provided by an organization, or
- assist the person in addressing his or her communication, mobility, personal care or medical needs.

“vehicles for hire” means a vehicle

- with a manufacturer's seating capacity originally designed for 10 or fewer occupants including the driver, and
- that is used to transport a passenger for compensation where the vehicle is hired for a single trip, and the passenger controls the route travelled or the destination.

as per the Local Vehicles for Hire Act, unless strengthened by a municipal by-law.

2. Purpose and Application

(1) This Regulation applies to all public transportation service providers and municipalities with vehicles for hire that operate in Manitoba.

(2) Designated public sector organizations that are not primarily in the business of transportation, but that provide transportation services, shall provide accessible vehicles or equivalent services upon request.

3. Schedule

(1) All organizations identified in section 2 must comply within three years of this Regulation coming into force.

MEASURES, POLICIES AND PRACTICES

4. Barrier-Free Access to Information and Communications

Every obligated organization must develop and implement measures, policies and practices respecting barrier-free access to the transportation services or infrastructure it provides to meet the requirements set out in this Regulation.

(1) Conventional transportation service providers and paratransit service providers, in their measures, policies and practices, must

- (a) identify the process for estimating the demand for accessible conventional, paratransit and on-demand transportation services;
- (b) develop steps to reduce wait times for accessible transportation services;

- (c) identify the process for managing, evaluating and taking action on customer feedback;
- (d) describe procedures for dealing with accessibility equipment failures on their respective types of vehicles; and
- (e) make these measures, policies and practices publically available, and provide them in an accessible format upon request.

5. Documentation of accessible policies and information

- (1) All conventional and paratransit service providers must document the measures, policies and practices established under this Regulation and make those documented policies, along with current information on accessibility equipment and features of their vehicles, routes and services
- (a) publicly available; and
 - (b) on request, available in an accessible format.

6. Accessibility training

- (1) In addition to the training requirements set out in the Customer Service Standard Regulation, conventional transportation service providers and paratransit service providers must ensure that accessibility training is provided to the following persons:
- (a) a person who provides front line service directly to the public on behalf of the provider, including employees, agents and volunteers;
 - (b) a person who participates in or is responsible for the development or implementation of the transportation provider's measures, policies and practices;
 - (c) a person involved in the procurement of transportation equipment on behalf of the provider.
- (2) The training must include instruction 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.

(3) The design of training tools must include consultation with disability organizations and key industry stakeholders, and training modules should be updated according to policy and equipment changes.

(4) A provider must ensure that

(a) training is provided to a person as soon as reasonably practicable after the person is assigned the applicable duties; and

(b) on-going training is provided in connection with changes to the provider's related measures, policies and practices.

(5) Conventional transportation service providers and paratransit service providers must document their training policy, including a summary of the content of the training and when training is to be provided.

7. Emergency preparedness and response policies

(1) Conventional transportation service providers and paratransit service providers shall

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

(b) provide emergency procedures in vehicles, with website and contact information for further details.

(2) Conventional transportation service providers and paratransit service providers shall upon request provide the policies in an accessible format.

8. General Responsibilities

(1) Conventional transportation service providers and paratransit service providers shall

(a) give priority to persons with disabilities when loading the vehicle;

(b) deploy lifting devices, ramps or portable bridge plates upon the request of a person with a disability;

(c) ensure that adequate time is provided to persons with disabilities to

(i) safely board a transportation vehicle,

(ii) be secured on a transportation vehicle, and

(iii) exit a transportation vehicle.

- (d) upon request, provide assistance to an individual with disability with
 - (i) Safely boarding a transportation vehicle,
 - (ii) Securing themselves to a transportation vehicle, and
 - (iii) Exit a transportation vehicle when safe to do so.
- (e) assist with safe and careful storage of mobility aids or mobility assistive devices used by persons with disabilities;
- (f) allow a person with a disability to travel with medical equipment;
- (g) conventional and on-demand transportation service providers shall, upon request, make this information available in an accessible format; and
- (h) hold at least one accessible public meeting annually involving persons with disabilities to ensure that they have an opportunity to participate in a review of the provider's measures, policies and practices and that they are given the opportunity to provide feedback.

9. Non-functioning accessibility equipment

- (1) All accessibility equipment used on conventional transportation and paratransit vehicles shall be functional at all times.
- (2) Vehicles with non-functioning accessibility equipment shall not be placed in service.
- (3) A preventative maintenance and testing program must be in place to ensure proper function of accessibility equipment.
- (4) If the accessibility equipment on a vehicle is not functioning, conventional transportation service providers and paratransit service providers shall
 - (a) take reasonable steps to accommodate persons with disabilities who would otherwise use the equipment and the transportation service. Ramps must be deployed manually by vehicle operators when safe to do so. Where accessibility equipment is non-functional, alternative service shall be arranged;
 - (b) repair the equipment as soon as possible; and

- (c) describe their procedures for dealing with accessibility equipment failures on their respective types of vehicles and have this available upon request in an accessible format.

10. Transition, existing contracts and vehicles

(1) Where a conventional transportation service provider has existing contractual obligations to acquire vehicles, on or before the date this Regulation comes into force, the transportation service provider may honour the existing contract.

(2) Conventional transportation service providers are not immediately required to retrofit vehicles that are within their fleet, on or before the date this Regulation comes into force.

(3) All existing conventional and paratransit vehicles in service and operated by the transportation service provider must be retrofitted to meet current requirements, as outlined in CSA D435 Accessible Transit Buses and CSA D409 Motor Vehicles for the Transportation of Persons with Physical Disabilities within 10 years of the date this Regulation comes into force.

(4) If a conventional transportation service provider chooses to modify a portion of an existing vehicle, as per the specifications outlined in sections 20 to 27, the conventional transportation service provider would not have to meet the requirements of those provisions if the modifications would impair the structural integrity of the vehicle.

11. Alternative accessible method of transportation

(1) A conventional transportation service provider that does not provide paratransit services shall ensure that any person with a disability who, due to a barrier, is unable to use conventional transportation services is provided with an alternative accessible method of transportation that provides a comparable level of service.

12. Fares

(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.

(2) A conventional transportation service provider may charge a lesser fare for a person with a disability.

(3) Conventional transportation service providers shall

(a) assist with fare payment upon request; and

(b) make available alternative fare payment options to persons with disabilities who cannot, because of their disability, use a fare payment option.

13. Fares, support persons

(1) A conventional transportation service provider shall not 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.

14. Fare parity

(1) The fare structure shall be the same for paratransit services as for conventional transportation services.

15. Transit stops, boarding and exiting

(1) When the official stop is not accessible, operators of a conventional transportation service provider may determine the closest available safe location along the same transit route for persons with disabilities to safely board or exit a transportation vehicle.

(2) In determining where a safe location may be situated, the conventional transportation service provider shall give consideration to the preferences of the person with a disability.

(3) Where technically feasible, all official transit stops and transit stop amenities must be accessible except those that are on a street with a rural right-of-way cross-section.

(4) Conventional transportation service providers shall ensure that vehicle operators immediately report to an appropriate authority where a transit stop is temporarily inaccessible or where a temporary barrier exists, including barriers resulting from snow accumulation and general stop conditions.

(5) Upon receipt of a report of a transit stop with a temporarily inaccessible condition, the appropriate authority must take measures to re-establish access within a reasonable timeframe.

16. Storage of mobility aids and medical devices

(1) A conventional transportation service provider shall, if safe storage is possible, ensure that mobility aids and medical 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.

(2) If safe storage of mobility aids and medical 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 medical devices are stored in the baggage compartment of the vehicle on which the person with the disability is travelling.

(3) A conventional transportation service provider shall ensure that vehicle operators secure and return mobility aids and medical devices in a manner that does not affect the safety of other passengers and does not cause damage to the aid or device. If mobility aids or medical devices cannot be stored without risk to personal safety or damage, an alternative must be provided.

(4) No conventional transportation service provider shall charge a fee for the storage of a mobility aid or a medical device.

17. Priority seating and mobility aid spaces

(1) Every conventional transportation service provider shall ensure that all of its transportation vehicles

(a) have clearly marked priority seating for persons with disabilities;
and

(b) have two or more allocated mobility aid spaces, with each having space as defined by CSA D435 Accessible Transit Buses, and are equipped as appropriate with securement devices.

(2) The priority seating for persons with disabilities, and mobility aid spaces, shall be located as close as practicable to the entrance door of the vehicle.

(3) Passengers without disabilities shall vacate the priority seating if its use is required by a person with a disability. Mobility aid spaces may be used for other passenger purposes (such as strollers, baggage, etc.) if not required for use by a person with a disability who uses a mobility aid and who would not have access to the transit vehicle otherwise.

(4) When necessary, vehicle operators will assist if other passengers are refusing to vacate the priority seating and mobility aid spaces. Other passengers are not required to vacate transportation vehicles to accommodate passengers with disabilities.

(5) If all priority seating and mobility aid spaces are occupied, and a passenger with a disability is not able to board the transportation vehicle, the vehicle operator shall inquire when the next vehicle will arrive. If another transportation vehicle is not scheduled to arrive in 25 minutes or less, the conventional transportation service provider must arrange alternative transportation that best meets the needs of the passenger with a disability. If a passenger has already waited for a second transportation vehicle, the conventional transportation service provider must immediately arrange alternative transportation.

(6) Every conventional transportation service provider shall develop a communications strategy designed to inform the public about the purpose of priority seating and mobility aid spaces.

(7) Conventional transportation service providers may have courtesy seating for seniors, expectant mothers, or passengers with small children. Courtesy

seating is in addition to and not the same as priority seating, which is seating specifically designated for people with disabilities.

18. Service disruptions

(1) Where a route or scheduled service is temporarily changed and the change is known and/or planned before the start 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.

19. Pre-boarding announcements

(1) Every conventional transportation service provider shall ensure that there are audible pre-boarding announcements on each of its transportation vehicles that indicate the route, direction, and destination or next major stop.

20. On-board announcements

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

- (a) are announced through audible means; and
- (b) are legibly and visually displayed through electronic means for passengers in both forward and rear-facing seated position

while the vehicle is on route or while the vehicle is being operated.

21. Requirements for grab bars, etc.

(1) Every conventional transportation service provider shall ensure that all of its transportation vehicles 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 priority seating area; and
- (c) each side of any entrance or exits.

(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.

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

- (a) 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 alighting for all passengers;
- (b) grab bars, handholds, handrails or stanchions must not interfere with the turning and manoeuvring space required for mobility aids to reach the allocated space from the entrance;
- (c) grab bars, handholds, handrails or stanchions must be high colour-contrasted with their background to assist with visual recognition; and
- (d) 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.

(4) Where grab bars, handholds, handrails or stanchions return to a wall or floor, they must do so in a smooth curve.

(5) 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.

22. Floors and carpeted surfaces

(1) Every conventional transportation service provider shall ensure that all of its transportation vehicles

- (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.

23. Stop-requests

(1) Every conventional transportation service provider shall ensure that all of its transportation vehicles are equipped with accessible stop-requests that are located throughout the transportation vehicle, including places within reach of allocated mobility aid spaces and priority seating locations.

(2) Accessible stop-requests must meet the following standards:

- (a) must provide auditory and visual indications that the request has been made;
- (b) must be mounted no higher than 1,220 millimetres and no lower than 380 millimetres above the floor;
- (c) must be operable with one hand and must not require tight grasping, pinching or twisting of the wrist;
- (d) must be high colour-contrasted with the equipment to which the control is mounted.

24. Lighting features

(1) Every conventional transportation service provider shall ensure that all of its transportation vehicles 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.

- (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.

25. Signage

(1) Every conventional transportation service provider shall ensure that all of its transportation vehicles display the route or direction of the transportation vehicle or its destination or next major stop.

(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;
- (d) be positioned to avoid shadow areas and glare;
- (e) be positioned in locations available to passengers in both a forward and rear-facing seated position; and
- (f) adhere to CSA Standard D435 Accessible Transit Buses.

(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.

26. Lifting devices, etc.

(1) Every conventional transportation service provider shall ensure that all of its transportation vehicles are equipped with lifting devices, ramps or portable bridge plates and that each of them conforms to CSA D435 Accessible Transit Buses.

27. Steps

(1) Every conventional transportation service provider shall ensure that where transportation vehicles are equipped with steps, the steps meet the requirements of CSA D435 Accessible Transit Buses.

(2) 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 the date this Regulation comes into force.

28. Indicators and alarms

(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.

(2) The visual warning lamp indicator and the audible warning alarm must function when the kneeling function, ramp or lifting device is in motion.

(3) If a ramp or lifting device is being manually operated, no warning lamp indicator or warning alarm is required.

(4) 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 the date this Regulation comes into force.

29. Accessibility, rail cars

(1) Every conventional transportation service provider whose transportation services include rail passenger vehicles shall ensure that at least one rail car per train is accessible to persons with disabilities who use mobility aids.

(2) Every fixed-route transportation service provider whose transportation services include rail passenger vehicles 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.

30. Categories of eligibility

(1) Providers of paratransit shall have categories of eligibility to qualify for paratransit services:

(a) Unconditional Eligibility: for individuals unable to reasonably use conventional services under any circumstances (all trips);

(b) Conditional eligibility: for individuals who can reasonably be expected to take some trips on conventional services;

(c) Temporary Eligibility: for individuals who are unable to reasonably use conventional services for a limited period of time.

(2) A provider of paratransit services may deny requests for services if the conventional transportation service is accessible to the person and the person has the ability to use it.

(3) Paratransit service providers shall meet the requirements of this section within three years of the date this Regulation comes into force.

31. Eligibility application process

(1) If a person has completed an application for eligibility for paratransit services, and the person's eligibility has not been determined within 14 calendar days after the completed application is received, including required supplementary information, the applicant will be provided temporary eligibility until a final decision is made.

(2) A paratransit service provider shall not charge an application or assessment fee to persons with disabilities who apply for, or who are considered eligible for, paratransit services.

(3) A paratransit service provider may require a reassessment of registrants at reasonable intervals.

(4) A provider of paratransit services shall, upon the request of the applicant, make available all of their paratransit services eligibility application and decision information in accessible formats.

(5) A paratransit service provider shall establish an independent appeal process to review decisions respecting eligibility. The manager of paratransit services may be present at meetings to provide information, but will not be included in the voting process.

(6) A paratransit service provider shall make a decision on an appeal with respect to eligibility within 30 calendar days after receiving the completed appeal application, but if a final decision is not made within the 30 days, the applicant may be granted temporary eligibility until a final decision is made.

32. Eligibility, emergency or compassionate grounds

(1) Paratransit service providers shall develop procedures respecting the provision of temporary paratransit services earlier than in the 14 calendar days referred to in section 31(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.

(2) A person shall apply for the services described in subsection (1) in the manner determined by the paratransit service provider.

33. Eligibility, visitors

(1) Every paratransit service provider shall

- (a) make paratransit services available to visitors; and
- (b) consider as eligible,
 - (i) visitors who provide confirmation that they are eligible for paratransit services in the jurisdiction in which they reside, or
 - (ii) visitors who meet the paratransit services eligibility requirements of the paratransit service provider.

(2) Every paratransit service provider shall develop criteria to determine who falls into the category of visitor for the purposes of this section.

(3) A paratransit service provider is not required to provide service to a visitor for more than 21 consecutive days per year.

34. Co-ordinated service

(1) Where paratransit services are provided in adjacent municipalities within neighbouring urban areas, the paratransit service providers shall facilitate connections between their respective services.

(2) Paratransit service providers to which subsection (1) applies shall determine the accessible stops and drop off locations in the neighbouring urban areas that have paratransit services.

35. Hours of service

(1) Where conventional transportation services and paratransit services are provided by separate transportation service providers in the same jurisdiction, the paratransit service provider shall ensure that it has, at a minimum, comparable hours and days of service as the conventional transportation service provider.

(2) Where a transportation service provider provides both conventional transportation services and paratransit services, it shall ensure that the paratransit services have, at a minimum, comparable hours and days of service as the conventional transportation services.

36. Booking

(1) Every paratransit service provider shall, where the paratransit 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.

(2) A paratransit service provider to whom subsection (1) applies shall provide accessible means to accept reservations.

37. Trip restrictions

(1) No paratransit service provider shall limit the availability of paratransit services to individuals by

- (a) restricting the number of trips an individual is able to request;
- (b) prioritizing trips requested by individuals; or
- (c) implementing any policy or operational practice that unreasonably limits the availability of paratransit services.

(2) Service cannot be denied if requested by an individual within city limits or the geographical boundaries of a town or rural municipality.

38. Service delays

(1) Every paratransit service provider that requires reservations shall provide information on the duration of service delays to affected passengers by a method agreed to by the paratransit service provider and passenger.

(2) For the purposes of this section, a service delay is a delay of 30 minutes or more after the scheduled pick-up time.

(3) This section does not apply in respect of delays in service that arise during the trip.

39. Companions, support persons and children

(1) Every paratransit service provider shall allow companions to travel with persons with disabilities if this will not result in the denial of service to other persons with disabilities.

(2) Every paratransit service provider shall allow dependents to travel with a person with a disability who is the parent or guardian of the dependent if appropriate child restraint securement systems and equipment, if required, are available.

(3) If a person with a disability declares a need for a support person while travelling on a conventional transportation or paratransit vehicle, the transportation provider must comply with this need and develop the appropriate procedures for documenting the support person.

40. School transportation

(1) This section applies to every school board that provides transportation services for its students in Manitoba.

(2) Obligated school boards shall adhere to the CSA D250 School Buses and D409 Motor Vehicles for the Transportation of Persons with Physical Disabilities standards and

(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 school 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.

(3) Obligated school boards, in consultation with parents or guardians of students with disabilities, shall

(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 vehicle operator, appropriate school staff and the student with the disability.

41. Ferries

(1) Designated public sector organizations that operate ferries must adhere to the specific requirements set out in this section.

(2) Any stairs that are used to board or disembark from a ferry, and any interior stairs on a ferry, must

- (a) meet the requirements set out in clauses 5.4.1 and 5.4.2 of CSA B651-18 Accessible Design for the Built Environment;
- (b) have handrails that
 - (i) are located on both sides of the stairs,
 - (ii) are located at a uniform height of 860 millimetres to 920 millimetres, measured vertically from the leading edge of the tread, and
 - (iii) meet the requirements set out in clause 5.3.1 of CSA B651-18 Accessible Design for the Built Environment; and
- (c) have tactile attention indicator surfaces that
 - (i) meet the requirements set out in clauses 4.3.5.2(a) and (b), 4.3.5.3.1 and 4.3.5.3.4 of CSA B651-18 Accessible Design for the Built Environment,
 - (ii) are located at the top of the stairs, and
 - (iii) commence one tread length before the top of the stairs, extend the full width of the stairs and measure from 600 millimetres to 650 millimetres in length.

(3) A ramp or gangway that is used to assist a person with a disability, including a person using a mobility aid, to board or disembark from a ferry, must

- (a) have a contrasting colour strip that runs the full width of its bottom edge;

- (b) have raised edges to prevent a mobility aid from rolling off the edge of the ramp; and
- (c) have a slip-resistant surface.

(4) Exterior doors, interior doors and doorways must meet the requirements set out in clauses 5.2.1 and 5.2.6 to 5.2.8 of CSA B651-18 Accessible Design for the Built Environment.

- (a) If the door is intended to be used by a person using a mobility aid, the ferry must meet the requirements set out in clauses 5.2.2(a) and (b) of CSA B651-18 Accessible Design for the Built Environment.

(5) An accessible path of travel must be provided throughout the ferry for passengers using mobility devices, as set out in clauses 4.4.2, 5.1.1 and 5.1.2 of CSA B651-18 Accessible Design for the Built Environment.

(6) If a ferry is equipped with an alarm system, the alarm system must provide both a visual alarm and an audible alarm by meeting the requirements set out in clause 5.7.1 of CSA B651-18 Accessible Design for the Built Environment.

42. Duties of municipalities, accessible vehicles for hire

(1) Every municipality that regulates vehicles for hire must consult with the public, including individuals with disabilities, to determine the ratio of accessible vehicles for hire to inaccessible vehicles for hire required in the municipality.

(2) All municipalities that regulate vehicles for hire must identify what progress they have made in meeting the need for accessible vehicles for hire, including any steps that will be taken to meet the need. This information must be included in every obligated municipality's accessibility plan.

(3) An owner or an operator of a vehicle for hire shall not

- (a) charge a higher fare or an additional fee to a person with a disability than they would normally charge a person without a disability for the same trip;

- (b) charge a fee for the storage of mobility aids or mobility assistive devices;
- (c) refuse or deny service based on a person's disability or need for reasonable assistance; or
- (d) deny a ride to a person using a service animal.

(4) Municipalities that license vehicles for hire must make sure that vehicle owners and operators display vehicle registration and identification information on the rear bumper of their vehicles for hire. For consistency, and to allow for easier recognition for people with disabilities, the information must meet the requirements for signage, as outlined in section 25 of this Regulation.

(5) Municipalities that license vehicles for hire must make sure that vehicle owners and operators make vehicle registration and identification information available in an accessible format to passengers with disabilities. How accessible vehicle registration and identification information is provided to passengers is at the discretion of the municipality.

(6) All municipalities must comply with the Customer Service Standard Regulation, including training those that provide transportation services to the public.

(7) Municipalities that license vehicle for hire shall ensure the operators are adequately informed on the requirements of safety and securing mobility devices as per the Highway Traffic Act.

(8) Municipalities that license vehicles for hire shall ensure the operators (including accessible vehicles for hire) meet minimum background check guidelines as determined by the municipality.