

Transportation Standard Development Committee – Summary of Discussions

Date: December 18, 2018

Time: 10:00-12:00

Location: 401 York Avenue

Present: Liam Black, Josee Fernandes, Grant Heather, Gary Jakeman, Rick Penner, Bjorn Radstrom, Samantha Rodeck, Patrick Stewart, Scott Suderman, Jesse Turner, John Wyndels

Absent: Zach Fleisher

This was the first meeting of the Transport Committee. Opening remarks were made by the Secretary of the Accessibility Advisory Council. The Secretary, who was representing the Disabilities Issues Office, provided a brief history and explanation of the Accessibility for Manitobans Act. He explained that there will be five accessibility standards, but only one standard, the Customer Service Standard, has been completed. The government is placing a high priority on developing the remaining standards.

Because it was the first meeting, it was necessary to name a chair and vice-chair of the Committee. Jesse Turner was named Chair and Samantha Rodeck was named Vice-Chair.

The Secretary informed the Committee that consultations for this regulation must occur in September 2019. Accordingly, the Transport Committee's work must finish before then.

It was suggested that the Transport Committee (or a portion thereof) should meet with the Built Environment Committee to ensure appropriate overlap and prevent duplication of efforts.

The next meeting of the Transport Committee will occur on January 10th, 2019.

Memorandum

Some Implications of Withholding Adoption of the National Building Code 2015

Submitted by Brian Everton, member of the Design of Public Spaces Standard Development Committee

December 18, 2018

It is important that this committee be fully aware of what the intent is of the National Building Code of Canada (NBC) with regards to accessibility as there was an indication by the Chief Building Official, Candice Russell-Summers at the last meeting that the MB government is going to wait for the federal model code (NBC) to deliver a uniform / standardized level of accessibility.

As a member of the Codes Canada (NRC) Part 3 Use & Egress Standing Committee and a member of the Barrier Free Task Group for the NBC I feel it is important to clarify that the NBC is a model code that does deliver a uniform / standardized approach based upon the expressed benchmark standard of the minimum use of 90% of manually propelled wheeled mobility aids. There are no current NBC requirements to consider the anthropometric measurements necessary for power wheelchairs or scooters.

The current version of the NBC 2015 code does significantly enhance accessibility as the 2015 code development included an analysis and decision making process for the changes to take in the best practices being used by the various provinces and territories in Canada (an attempt to create a uniform standardized code regarding accessibility.) The vast majority of the current MB amendments to the 2010 code were adopted as well as numerous other enhancements that significantly raised the bar for accessibility within the current NBC 2015 model code. There were a small select number of the MB amendments that were not included as a result of determining a better / alternate approach. As well there were a very small number of the MB amendments that were not included in the 2015 based upon a cost determinant at that time.

Currently Manitoba continues to withhold adoption of NBC 2015 and Manitoba operating under NBC 2010 with the local amendments continues to fall behind the adoption of improved accessibility now in practice in many of the other provinces and territories.

Currently the Task Group and Standing Committee is completing the final additions to the 2020 NBC code. Again this version will be based upon the benchmark of the 90th percentile of all manually propelled wheeled mobility aids. There is no allusion that the NBC code has the intent of delivering an application and design standard that would be benchmarked to the much higher standard of "Universal Design".

As Candice Russell-Summers noted when she spoke at the last meeting, Manitoba is a member of the Provincial and Territorial Policy Advisory Committee on Codes (PTPACC), a committee made up of senior representatives appointed by provincial and

territorial deputy ministers that provides policy advice and sets priorities for further NBC code development. There has been no indication that “Universal Design” is an intended benchmark objective for NBC any time soon.

There is some discussions that are happening within Codes Canada (NRC) that is questioning if the model code should be driven to a higher standard like Universal Design, but this fundamental shift in the benchmark intent of the model national code will not happen for many months at the earliest. IF the discussions result in a policy change, the earliest possible application of a ‘higher’ accessibility objective could only potentially happen within the work cycle to develop the NBC 2025 code; +7 years from now. AND it is still an “IF”!!

The projected publishing of the NBC 2025 model code would be over 2 years passed the 2023 timeframe for significant change required under the Accessibility for Manitobans Act So this does seem to be a non-starter to suggest that the senior level of model code development should have any direct responsibility to deliver the required intent that our act states.

As a committee we need to keep in mind that:

The Accessibility for Manitobans Act clearly identifies the **(bold formatting added for emphasis)**

Section 2(1): The purpose of this Act is to achieve accessibility by preventing and removing barriers that disable people with respect to

(a) employment;

(b) accommodation;

(c) the built environment, including

*(i) **facilities, buildings, structures and premises,**
and*

(ii) public transportation and transportation.....

Principles

Section 2(2) In achieving accessibility, regard must be had for the following principles:

Access: Persons should have barrier-free access to places, events and other functions that are generally available in the community;

Equality: Persons should have barrier-free access to those things that will give them equality of opportunity and outcome;

Universal design: Access should be provided in a manner that does not establish or perpetuate differences based on a person's disability;

Systemic responsibility: The responsibility to prevent and remove barriers rests with the person or organization that is responsible for establishing or perpetuating the barrier.

So although the application and design standards of the NBC model code does actually apply to **facilities, buildings, structures and premises**, the intent is to set the benchmark of accessibility based upon the 90th percentile of MANUAL wheeled mobility devices...NOT the significantly higher standard of **Universal design**

And as long as Manitoba continues to withhold adoption of the NBC 2015 then it holds back the progress that is being implemented throughout the other provinces and territories across Canada. It is even more misleading to be relying upon the NBC model code to deliver Universal Design in a matter of months rather than the likely timelines of years.