BILL C-49

[TRANSPORTATION MODERNIZATION ACT](http://www.parl.ca/DocumentViewer/en/42-1/bill/C-49/royal-assent)

“PASSENGER BILL OF RIGHTS”

This legislation became law May 23. However, while few of the provisions are directly applicable to CNIB’s advocacy work, there are opportunities to increase accessibility to air travel for persons with sight loss.

# Background:

Federally regulated transportation includes air, ferry, rail and interprovincial bus. This industry is regulated by the Canadian Transportation Agency, which has developed several codes of practice relating to accessible transportation. These codes have been in effect for more than 20 years. The codes of practice have been developed through the agencies Accessibility Advisory Committee, on which CNIB and other blindness consumer groups have been active participants. The codes of practice and regulations, which terminal operators and airlines are encouraged to adhere to are as follows:

* [Removing Communication Barriers for Travelers with Disabilities](https://otc-cta.gc.ca/eng/publication/removing-communication-barriers-travellers-disabilities-code-practice);
* [Aircraft Accessibility for Persons with Disabilities](https://otc-cta.gc.ca/eng/publication/aircraft-accessibility-persons-disabilities-code-practice-fixed-wing-aircraft-30-or-more);
* [Personnel Training for the Assistance of Persons with Disabilities (Regulations)](http://laws-lois.justice.gc.ca/eng/regulations/SOR-94-42/index.html);
* [Implementation Guide Regarding Automated Self-Service Kiosks](https://otc-cta.gc.ca/eng/publication/implementation-guide-regarding-automated-self-service-kiosks).

At a June 11 meeting of the agencies accessibility advisory committee, we learned that the above codes of practice are being drafted into regulations which should be issued later this year. There may be an opportunity to view the draft regulations, but that window will be short. The agency is hopeful that both the passenger bill of rights and the regulatory modernization initiative of which the above codes of practice have been imbedded will come into law before the federal government prepares for the 2019 election.

The passenger bill of rights will introduce a regime which requires that passengers will have more recourse including financial compensation if flights are delayed due to foreseen circumstances, if luggage is lost or damaged and if planes spend more than 3 hours on the tarmac.

# Advocacy initiatives:

The passenger bill of rights will be introducing regulations in the following areas:

* Airline's Obligation to Communicate Clearly;
* Flight Delay, Cancellation or Denial of Boarding;
* Tarmac Delay;
* Lost or Damaged Baggage;
* Seating of Children Under the Age of 14 Years;
* Transport of Musical Instruments;
* Scope of the New Regulations;
* Application of the New Regulations when Different Airlines are involved;
* Tariff Availability and Filing;
* Complaints and Enforcement.

# CNIB messaging:

Not all the categories contained within this public consultation are relevant from an advocacy perspective. Below, is messaging which is being provided as possible discussion points for, in person or written submissions which individual advocates may choose to make.

1. Airline's Obligation to Communicate Clearly

Regulations should reference the "Removing Communication Barriers for Travelers with Disabilities" existing code of practice, once it is passed into law; hopefully late 2018.

Specifically, information regarding air carrier obligations must be available in accessible formats, including braille, large print, or electronic text. If carriers elect to provide information using PDF documents, then these documents should be structured in such a manner as to facilitate navigation, searching and access using assistive technology.

For any information pertaining to the passenger bill of rights available via a carrier's website, then it must be accessible using assistive technology and/or as specified through the code of practice on communications.

1. Flight Delay, Cancellation or Denial of Boarding

Passengers requiring assistance to administer medications such as insulin, should be provided with adequate, hygiene spaces in which to do so.

Additionally, conditions such as diabetes requires strict compliance to when meals or snacks are taken, passengers caught up in a flight delay, regardless of the cause, should receive assistance from airline staff to acquire appropriate nutrition. This should be provided at the carrier's expense when delays are the result of foreseen situations such as over selling seats.

Passengers traveling with a guide dog must be able to access appropriate relieving areas if flights are delayed. When travel arrangements are planned, the needs of a guide dog are planned for and delays can disrupt this planning. Thus, passengers with guide dogs must not be expected to reengage security if flights are delayed; regardless of the reason. Air terminals must facilitate safe and dignified access to appropriate relieving areas. Today, only two Canadian airports provide post security relieving areas.

1. Tarmac Delay

Referencing the points above, access to nutritious food must be readily available when air craft are sitting on tarmacs for inordinate periods of time. This will very from individual to individual and the length of the delay. Regardless, it is unacceptable to expect a diabetic to for go meals due to any lengthy delay.

Additionally, passengers traveling with a guide dog must be given an opportunity to deplane and relieve their animal without having to navigate security checkpoints.

1. Lost or Damaged Baggage

Passengers who are blind may often travel with assistive technology such as reading devices or book players. These devices can be prohibitively costly and if lost, can create untenable situations.

Should luggage containing assistive devices be lost, then, upon provision of adequate documentation, air lines must assist with the purchase of replacement devices.

1. Scope of the New Regulations

The new regulations should be applied universally to any carrier departing or landing in Canada; regardless of where travel is purchased.

1. Application of the New Regulations when Different Airlines are involved

When journeys require passengers to be handed off between airlines, the airline with whom any passenger purchases their travel must ensure that accommodation needs are conveyed to and received by partner airlines. When specific disability accommodation requirements cannot be accommodated by partner airlines not covered by Canadian regulations then passengers must receive notification of this well in advance of their trip commencement. Should this lack of accommodation place the passenger with sight loss in an untenable situation, then the carrier must offer a full refund of any funds received.

1. Tariff Availability and Filing

As was mentioned earlier, any documents including tariffs must be readily available in an accessible format. If available via a carrier's website, then that website must be accessible using assistive technology.

1. Complaints and Enforcement

When complaints do arise, a customer centric approach must prevail. The current mechanism through the agency is daunting and can see passengers quickly embroiled in complex legal proceedings. A more streamlined approach is required, and this approach should apply to accessibility complaints against carriers and terminal operators alike.

# Public consultations:

Starting June 14, the agency is holding a series of public consultation sessions. These will take place across Canada. interested presenters are encouraged to register quickly as space is limited.

Sessions will run in both the afternoon and the evening. Participants will be given up to 10 minutes in which to present and answer questions from the agency.

Please note: participation requires registration and acceptance is on a first come first served bases.

Canadians are also invited to provide input into the proposed legislation:

* in writing
* answering an online questionnaire or
* a written submission.

To participate, visit [In-Person and Online Sessions](http://www.airpassengerprotection.ca/register-session).

Sessions are as follows:

* Toronto - June 14
* Vancouver - June 18
* Calgary June 20
* Yellowknife June 22
* Winnipeg June 25
* Montreal June 27
* Halifax June 29
* Ottawa July 04
* Live online event July 05