



December 9, 2020

Canadian Transportation Agency
15 Eddy Street
Gatineau, Quebec J8X 4B3

Sent via email: otc.ceta-ceat.cta@otc-cta.gc.ca, sonia.gangopadhyay@otc-cta.gc.ca,

RE: Motor Coach Canada request for extension to The Accessible Transportation for Persons with Disabilities Regulations Application Exemption Order (Order) for the motor coach sector

Motor Coach Canada (MCC) represents motor coach operators of scheduled service and charter buses across Canada. Our industry has seen business virtually eliminated across the country as a result of the COVID19 pandemic. Even amidst the challenges of COVID19, airlines are still generating revenue, as essential and business travel are supporting some flight routes. Rail travel is also still occurring, as trains can accommodate social distancing measures. By contrast, the charter bus industry is not operational. In fact, a recent survey of our members indicated that 92% of motor coach operators have had revenue decrease between 75% - 100% over the last six months. These companies are not doing any business, whatsoever. Motor coaches are sitting idle. With travel restrictions in place, social circles limited, gatherings discouraged and no public events like festivals, concerts, or professional sports taking place, the charter bus industry has been all but decimated. The motor coach sector is unique in that most motor coach operators are family run businesses that have been in the industry for decades passed down from generation to generation. These family run businesses are facing closure. Five have shut their doors permanently and more than 83% anticipate going out of businesses in the next six months. Motor Coach Canada is seeking an extension to the specific exemptions that were previously granted, as the situation has not improved for motor coach operators, the requirements are costly and, at this time, somewhat redundant, and the exemptions do not significantly impact the operators' ability to meet accessible transportation needs.

During the CTA advisory committee meeting on Friday December 4th, a comment was made that no industry should be receiving exemptions when there has been enough notice of the ATPDR for companies to prepare. A comment of this nature is short sighted, in that, no one could have anticipated the COVID19 pandemic, the extent of the pandemic's impact to travel and tourism and the length of time the pandemic has caused these businesses undue and, indeed, unprecedented hardship. In a recent survey our members, 76% anticipate recovery for the motor coach sector to take anywhere from 12-24 months.

Furthermore, motor coach operators across Canada take their responsibilities to provide accessible transportation to all customers very seriously and every effort is made to accommodate a request for accessible transportation. The request we are making for extended exemptions do not negatively impact the operators' ability to make all necessary efforts to meet the request for accessible transportation, nor does it impede the persons ability to make the request.

This request for an extended exemption is regarding three very specific areas, two of which are investments into technology. It is unreasonable to expect a business that cannot even pay its employees to invest in technology.



Technology investments are not a priority at a time when there are no passengers riding on coaches and there is no revenue being generated to offset the cost investments into technology.

We are seeking a request for an extended exemption to provisions that require a motor coach operator to:

- make websites accessible such that they meet the requirements for a Level AA conformance that are set out in the Web Content Accessibility Guidelines (s.9 Website – requirements);

Many operators already have technology in place that accommodates the needs of all passenger types. While every coach operator has a website to promote business and facilitate transactions with clients, the technical requirements for accessible needs may not be in place for smaller operators. With the COVID19 pandemic impacting so many businesses, it is essential there is an extension to the timelines for implementing upgrades to websites.

One of the exemption requests is specifically in regard to onboard entertainment, a moot point in 2020 and certainly for most of 2021 until we see some resumption to normal travel volumes.

We are seeking a request for an extended exemption to provisions that require a motor coach operator to:

- make available personal electronic devices with accessible content if they have onboard entertainment systems that are not accessible (s.39 Personal electronic device and s.205 Pre-existing bus).

Furthermore, it is inadvisable to introduce a “shared” device for passengers at a time when efforts by the federal government and every Canadian citizen are being made to limit close contact, touching, and sharing. Is it responsible to ask motor coach operators to provide shared personal electronic devices to passengers when we are trying to limit the risk of exposure to COVID19? This adds another element of risk. Even while shared devices can be disinfected, that is another element where the human factor cannot provide a guarantee and therefore incrementally increases risk.

We are seeking a request for an extended exemption to provisions that require a motor coach operator to:

- develop new training programs in consultation with the community of persons with disabilities (s.15 - 23 Training);

With respect to training, coach operators primary concern is trying to keep staff on payroll, liquidity to pay bills and keep the doors of their business open by any means. Half of our member companies no longer employ any part time employees. Small businesses that (pre-COVID) employed less than 20 employees have experienced an 84% drop in full-time employees and those with less than 10 full time staff have had a 100% drop in full-time employees. Operators employing anywhere from 20 – 100 full time staff have experienced a 76% drop in full-time employees. With no revenue and no business on the horizon, our members simply cannot afford to keep their staff in place, even with the available government supports thus far. For the foreseeable future, a mandate for comprehensive training of staff and the resulting reporting is completely unreasonable. There are simply no staff to train. Additionally, while our members see the value in structured training and most have formal training in place, the detailed nature of a developing and implementing a structured training program and subsequent reporting to CTA require an investment in resources that coach operators simply do not have at this time. The existing training according to Intercity Voluntary Code of Practice is used by all coach operators and we would like to see that used as the standard we move beyond the challenges of COVID19.



Motor coach operators recognize the need to provide accessible transportation and are committed to providing the necessary transportation for those with accessible needs. By way of this submission, the motor coach sector is asking for leniency with respect to application or enforcement of regulations requiring an operator to provide accessible transportation. Depending on how many coach operators have gone out of business by June 2021 meeting needs of those requesting accessible transportation may prove more challenging than in previous years. With so many businesses laying off workers or going out of business completely, finding a partner to meet the needs of an accessible request may be extremely difficult. MCC recognizes the need to provide accessible transportation within 48 hours of receiving a request to do so, however, given the volumes of coaches sitting idle (including accessibly-equipped vehicles) and the additional burden of trying to find a partner that hasn't gone out of business or closed doors completely, it is necessary for CTA to consider an extension to this timeframe to allow 96 hours advance notice for an accessible transportation need. Furthermore, a delay to enforcement and any associated penalties is critical to ensure the industry can comply with requirements without undergoing additional financial hardships. Penalties for an inability to comply, when businesses are simply trying to keep doors open may appear hard-handed and inconsistent with partnership and collaboration. For some smaller operators, a penalty could be the "final nail in the coffin", so to speak.

Motor coach operators that are still operating in 2021 will continue to make every attempt to meet accessible transportation needs, but we strongly encourage the CTA to recognize the impact the COVID19 pandemic has taken on the motor coach sector, unlike any other.

We look forward to continuing our partnership with CTA and wish you and all staff to stay healthy during this time.

Sincerely,

Jennifer Fox
Vice President
Motor Coach Canada