

# The Accessibility for Manitobans Act

## Accessible Transportation Standard

### TERMS OF REFERENCE

"Original signed by"

Hon. Heather Stefanson  
Minister of Families

"Original dated February 28, 2019"

Date of Ministerial approval

This document is available in alternate formats on request.

Please contact the Disabilities Issues Office by email at [DIO@gov.mb.ca](mailto:DIO@gov.mb.ca) or by phone at 204-945-7613 (in Winnipeg) or toll free at 1-800-282-8069, ext. 7613 (outside Winnipeg).

## **Purpose: Terms of Reference**

Per subsection (s.) 5(1) of [The Accessibility for Manitobans Act](#) (AMA), the Minister is responsible for overseeing the development of accessibility standards in Manitoba. To this end, the Minister of Families (currently responsible for the administration of the AMA) has prepared these Terms of Reference (ToR) for the development of an Accessible Transportation Standard (standard).

A standard development committee is established under s. 16(1) of the AMA to be known as the Accessible Transportation Standard Development Committee (committee).

These ToR serve the purpose of outlining responsibilities, expectations and requirements of the committee and The Accessibility Advisory Council (council). The Minister may provide additional direction on or changes to the scope and application of the proposed standard as the committee and council undertakes their work.

## **Committee & Council Deliverables & Timelines**

The committee is responsible for developing a set of recommendations for an Accessible Transportation Standard. These recommendations are to be submitted to and considered by council. Council is required to consult on the recommendations with groups specified in s. 9(3) of the AMA.

Under s. 9(4) of the AMA, the council's recommendations must be submitted to the minister in the form and within the time specified by the minister. The council must submit to the Minister for consideration a set of recommendations in plain language that is based on the committee's recommendations and consultation feedback.

## **Major Deliverables & Timelines (see the appendix for timeline detail)**

The committee is to submit its set of recommendations to the council no later than **May 31, 2019**.

The council is required to let committee members and the Deputy Minister know which recommendations from the committee it plans to bring forward for public consultation.

This is to happen three weeks after the committee's written submission to council (i.e., by **June 21, 2019**).

Note: This is only to share information, not to seek approval from the committee or Deputy Minister.

The council is to consult with stakeholders and to submit a final set of recommendations to the Minister not later than **August 30, 2019**.

Note: Funds for council's consultations will be subject to approval by the Deputy Minister.

There shall be no extensions on these timelines unless approved in advance by the Deputy Minister.

## Scope of Proposed Standard

As noted under s. 2(1) of the AMA, the standard is to apply to public transportation services and transportation infrastructure.

**Public transportation** for the purposes of these ToR refers to modes of conventional passenger transportation. Examples include, but are not limited to:

- Public transit buses
- Transportation services provided by the Manitoba government, school boards, regional health authorities, colleges and universities
- Municipalities, including those that license taxicabs or that provide other types of public transportation services
- Specialized transportation services for people with disabilities
- Transportation services provided by a business or transportation authority through agreement with or on behalf of a public sector organization

**Transportation infrastructure** for the purposes of these ToR refers to transit stops, shelters, and facilities (but excludes aspects of the built environment that are under the authority of The Manitoba Building Code).

The proposed standard must specify how public transportation systems address accessibility barriers in the delivery of their services. For a person who has a physical, mental, intellectual or sensory disability, a barrier is defined in the AMA as: "anything that interacts with that disability in a way that may hinder the person's full and effective participation in society on an equal basis."

Recommendations made by the committee and council should focus on:

- the accessibility objectives for the activity or undertaking, the sectors or the persons or organizations to which the proposed accessible transportation standard relates; and
- the measures, policies, practices or other requirements that should be implemented, including:
  - how and by whom they should be implemented, and
  - the time periods for implementing them.

In making recommendations about time periods for implementing the standard, the committee and council must also consider:

- the nature of the barriers that the measures, policies, practices or other requirements are intended to identify, prevent or remove; and
- any technical and economic considerations that may be associated with implementing the standard.

Recommendations made by the committee and council should also:

- Complement but not duplicate existing legislative and regulatory frameworks
- Be specific enough that one can determine when the requirements have been met
- Be sufficiently flexible to encourage rather than inhibit innovation, and
- Take into account the concepts of 'reasonable accommodation' and 'undue hardship,' as defined by the Human Rights Code and/or interpreted by Manitoba's Human Rights Commission

The committee will and council must:

- Make achieving the purpose of the AMA the primary consideration of all of its work, including its deliberations, activities and deliverables.
- Encourage practical and evidence-based best practices in the area of accessible transportation.
- Consider the full range of disabilities in identifying barriers in public transportation services.
- Appreciate and advance, in a balanced and fair way, the views and interests pertaining to persons with disabilities, the transportation sector, as well as other relevant stakeholders.
- Ensure that materials produced are concise, logical, written in plain language, and unambiguous.
- Provide explanations and rationale for recommendations.
- Abide by these ToR, any direction the Minister may issue, and the AMA.
- Have regard for the following principles set out in the AMA: access, equality, universal design and systemic responsibility.

### **Out of Scope**

- Determining the need for creating or amending government policies, programs or laws.
- Recommendations surrounding private transportation systems and services, such as limousines, town cars, private tour buses and charter boats, shuttle services ran by airports, hotels and casinos, or amusement park rides and trolleys.
- Federally regulated transportation services, such as airlines and VIA Rail.
- Accessible parking.
- Aspects of the built environment that fall under the authority of The Manitoba Building Code.
- Consultations with stakeholders are not required to be held by the committee. Council is required to consult on the set of recommendations as noted in 9(3) of the AMA.

### **Consensus**

The committee will attempt to seek consensus in its proposed recommendations to council. Consensus means substantial agreement of members, without persistent opposition by a process taking into account the views of all members in the resolution of disputes. Unanimous decisions are not necessarily required to achieve consensus.

If consensus is not achieved, one or more committee members may submit separate recommendations to the council. All recommendations, including those that are separate, are to be submitted to the council at the same time and within the specified deadline (i.e., by **May 31, 2019**). \*\*\* Note: This process also applies to council's recommendations to the Minister (i.e., by **August 30, 2019**).

Council will review and determine which recommendations from the committee it wishes to submit to the Minister.

Council will provide committee members with a rationale for its decisions in writing or by means of a meeting with the committee. This is to happen within four weeks after council's formal submission to the Minister (i.e., by **September 27, 2019**).

### **Membership**

The committee is to be made up of no more than nine members. Members of the committee are appointed by the council and may include persons who are not members of the council. The committee is comprised of people with a thorough understanding of public transportation services in Manitoba and representatives of the organizations who may have obligations under the proposed standard. The committee is also representative of passengers experiencing barriers.

### **Co-chair Responsibilities**

Co-chairs will be appointed to facilitate committee proceedings, one of whom will be a senior provincial public servant with experience in public transportation. In the absence of the co-chairs, a committee member will be asked to take on this role during a meeting.

In carrying out her or his duties, co-chairs will:

- Act in an impartial manner and be non-partisan;
- Encourage the balanced analysis of all relevant issues and questions for a variety of perspectives;
- Determine when consensus is reached;
- Assess real or perceived conflict of interest of any members, and record in writing any declared conflict of interest;
- Verify that minutes of the meetings are accurately recorded, and include actions and decisions in the minutes;
- Monitor the work of the committee with a view to keeping it on track to meet timelines;
- Report to the Chair of the council on a monthly basis, and on request;
- Provide final recommendations to council by the deadline set out in this document (i.e., by **May 31, 2019**);
- Present the recommendations to council, within two weeks of the committee's written submission (i.e., by **June 14, 2019**); and
- Share information with committee members when council:
  - decides which recommendations it selects for public consultation, and

- submits its final set of recommendations and rationale to the Minister.

### **Meetings & Remuneration**

Co-Chairs will facilitate meetings. Staff from the Legislative and Strategic Policy Branch of the Department of Families will provide impartial administration, research, writing and coordination support, in the role of Secretary to the committee.

Meetings will be scheduled in advance to allow for proper planning and attendance of members. It is anticipated that considerable work by committee members will take place between meetings (e.g., review and approval of documents by email).

Reimbursement for up to 12 committee meetings, each lasting less than three hours will be as follows:

1. Co-chairs will be remunerated \$256.00 per meeting, for a total of \$3,072.00, unless they are public servants
2. Members will be remunerated \$146.00 per meeting, for a total of \$1,752.00

Parking and other transportation costs will also be covered, subject to the provision of receipts and in line with the Government of Manitoba General Manual of Administration (GMA).

All committee meetings will be accessible to members with disabilities. Members will be required to identify to the co-chairs any specific accessibility supports that will be required for their full participation in meetings.

Should technical expertise be required to support the work of the committee, the co-chairs may invite experts to present to the committee. These individuals may receive an honorarium, subject to advance approval by the Deputy Minister.

### **Conflict of Interest**

Where a committee member believes she/he is in a conflict of interest or a concern is raised about a potential conflict of interest with respect to any matter before the committee, the member must immediately contact the co-chairs to discuss the issue and the potential conflict.

Where the co-chairs determine that the member is in a conflict of interest with respect to the issue, the co-chairs will ask the member to withdraw themselves from the discussion/decision making. The co-chairs may consult with the Director of the AMA, with respect to the conflict.

## **Appendix: Committee Timelines**

**Friday, May 31, 2019:** Committee to submit written set of recommendations to council.

Committee meetings are no longer required after this date.

**Friday, May 31 – Friday, June 14, 2019:** Council to review and discuss recommendations.

**Friday, June 14, 2019:** Committee co-chairs to present to council on the set of recommendations and answer any questions posed by council members.

**Friday, June 14 – Friday, June 21, 2019:** Council to deliberate and make decisions for public consultation.

**Friday, June 21, 2019:** Council to decide which of the set of recommendations it will use for public consultation, and let Deputy Minister and committee co-chairs know (only for information sharing purposes, not for approval).

Co-chairs inform committee members.

**July and August 2019:** Council to conduct public consultations (as per section 9(3) of the AMA).

**Friday, August 30, 2019:** Council to submit final set of recommendations to the Minister.

**Friday, September 27, 2019:** Council to provide to the committee co-chairs with a rationale for its decisions in writing or by meeting with committee. Co-chairs to provide to committee members.

Committee is formally dissolved.

Note for information only: After the committee has been dissolved, and after council submits its final set of recommendations to the Minister, the Minister is to prepare a proposed standard.

The proposed standard will be in the form of a Consultation Draft Regulation, provided by Manitoba.

Sub-section 10(3) of the AMA requires the Minister to consult on this document for a 60-day period before finalizing.