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**TransLink Submission to the B.C.
Accessibility Legislation
Consultation
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Executive Summary

TransLink welcomes the Government of B.C.'s initiative to develop Accessibility Legislation and commends Premier John Horgan and Minister Shane Simpson for their work in ensuring our Province is a leader on accessibility. We look forward to the Legislation's forthcoming standards, as the greater clarity they provide will enable TransLink to be even more proactive in meeting our customers' needs. Given our extensive experience in developing accessibility solutions, we are eager to be a resource to the Province as the legislation is developed and be involved in the establishment of standards.

TransLink's recommendations for the Accessibility Legislation include the following:

1. Government should pursue a phased approach in standards implementation and ensure adequate support is given to stakeholders.
2. Government should adopt an enabling model for legislation.
3. Government should proceed with the proposed purposes and principles.
4. Government should take a collaborative approach in the development of standards and draw upon the expertise of key stakeholders, including TransLink.
5. Government should ensure that standards provide clarity for stakeholders.
6. Government should demonstrate leadership in standards implementation.
7. Government should establish the proposed governance structures, and consider establishing a Review Panel to support organizations in streamlining compliance efforts.
8. Government should increase support to organizations for improvements to accessibility.
9. Government should establish meaningful incentives to encourage action and innovation.
10. Government should build flexibility into how compliance is defined and measured.
11. Government should conduct regular legislative reviews.
12. Government should establish a communications strategy to educate stakeholders and the general public on the benefits of investing in accessibility.

Introduction

TransLink is responsible for the regional transportation network of Metro Vancouver in British Columbia, Canada, including public transport, major roads, and bridges. We are pleased to provide a response to the British Columbia Framework for Accessibility Legislation on behalf of TransLink and our subsidiary organizations.

The recommendations in this submission have also been endorsed by the Regional Transportation Advisory Committee (RTAC), a forum for Metro Vancouver senior transportation staff and other agencies with a transportation-related mandate in TransLink's service region to discuss and provide input on transportation-related matters of regional significance. It is comprised of staff representatives from Metro Vancouver's 21 municipalities, Tsawwassen First Nation, Electoral District A, The British Columbia Ministry of Transportation and Infrastructure, The Insurance Corporation of British Columbia, Vancouver International Airport, and Port Metro Vancouver. RTAC shares TransLink's interest in the Provincial Legislation helping to better meet the needs of people with disabilities in Metro Vancouver.

TransLink plays a significant role in the Metro Vancouver region. We have continued to break ridership records and lead Canada and the United States in transit ridership growth. In 2018, we saw 437.4 million annual boardings, representing more than a 7% increase from the previous year. In addition, we employ over 7,500 employees across our organization and its subsidiary companies, which include the B.C. Rapid Transit Company, the Coast Mountain Bus Company, the Transit Police, and the West Coast Express.

Our organization strives to learn and improve by seeking customer feedback through community outreach and stakeholder engagement. We believe in ensuring all our customers, including those with disabilities, can be active participants in their communities. We recognize the key role we play in supporting our customers' access to their livelihoods, interests, and other aspects of their day-to-day lives.

We provide one of the most accessible conventional transit services in Canada and accessibility is a core element of our business. We have a dedicated department working on advancing the accessibility of our services and two customer committees that provide advice directly to TransLink regarding accessibility issues. These include the Access Transit Users' Advisory Committee that advises us on plans and policies related to our conventional transit system, and the HandyDART Users' Advisory Committee which provides input on that service.

Our organization is also committed to removing employment barriers for persons with disabilities and our CEO, Kevin Desmond is an active member of the President's Group, which is a network of B.C. business leaders working to increase employment opportunities for people with disabilities.

General

Recommendation 1: Government should pursue a phased approach in standards implementation and ensure adequate support is given to stakeholders.

Given the extent of service we provide and the capital infrastructure and fleet we own and manage, TransLink will have a broad scope of considerations where it comes to standards, particularly addressing Built Environment and Transportation. As we have 7,500 employees and multiple subsidiaries, we will have proportional considerations where it comes to the proposed categories of Service Delivery, Employment, and Information & Communication.

We support action to achieve accessibility across British Columbia. However, we note that many stakeholders will struggle to achieve full compliance as quickly as they might wish, so we see clear benefits to proceeding with a phased approach to standards implementation. For TransLink certain standards areas, such as Employment and Information & Communication, may be more feasible on a shorter timeline than Built Environment upgrades, due to the scale and complexity of physical infrastructure. Timelines should be developed in consultation with those who will be implementing the standards.

We suggest the Province pursue an option whereby certain standards require compliance on a more rapid timeline than others, or establish a points-based system that allows stakeholders to allocate resources towards certain areas at a time while delaying action in other areas until adequate resources are available, as explained in our submission's later section on Compliance and Enforcement. A phased approach to implementation will also support larger organizations in ensuring that all standards can be addressed in long-term planning.

Model and Scope

Recommendation 2: Government should adopt an enabling model for legislation.

TransLink supports the proposed enabling model for legislation as standards can be updated in a more agile way than legislation, allowing for flexibility to adapt to changing needs. The flexibility of enabling legislation will provide space for procedural and technical innovations that could yield better results.

We support a model that aligns with the Federal Accessible Canada Act, as well as the provincial accessibility legislation adopted by Ontario, Manitoba, and Nova Scotia.

The scope of legislation must be ambitious and inclusive enough to meet the pressing needs of the disability community, but balance that with the

acknowledgement that different stakeholders will have different pathways to compliance. We believe that means ongoing engagement with the disability community, as well as the private and public sectors. Collaboration with different actors will be key for ensuring that the Province enacts legislation that is consistent with standards across Canada while also ensuring that the standards and solutions are right for British Columbians.

Purposes and Principles

Recommendation 3: Government should proceed with the proposed purposes and principles.

The Accessibility Legislation should seek to achieve the purposes outlined in the framework, such as supporting Canada's ratification of the United Nations Convention on the Rights of Persons with Disabilities. Representing the Metro Vancouver area as the regional transportation authority and our mandate of connecting people with their lives, we support accessibility legislation that helps remove and prevent barriers for people with disabilities.

We support the principles articulated in the framework to guide the development of the legislation. In particular, we encourage the Province to place emphasis on adaptability, diversity, inclusion, and collaboration.

In terms of adaptability, legislation should provide space for evolution in the definitions of disability and accessibility, as well as changes in services, technologies, and our understanding of the needs of people with disabilities. We hope that the forthcoming legislation will provide flexibility to support stakeholders to act as innovators, rather than place their focus solely on compliance through a prescriptive and punitive model.

The principles of diversity and inclusion recognize that customers who have accessibility needs come from varied backgrounds and lived experiences. An intersectional lens will advance a broader sense of diversity and inclusion that understands how people with disabilities have different concerns based on their gender, socio-economic status, ethnicity, race, and other components of their identities.

Collaboration is of utmost importance in creating and implementing legislation to understand how to best serve the disability community. We want to ensure that our customers are represented in the standards development process. To that end, we propose that TransLink facilitate connections with our own customer committees as a resource. In our own accessibility efforts, TransLink has established and is committed to continuing partnerships with all levels of government, local businesses, community groups, non-profits, and accessibility organizations and the Province has an opportunity to use the forthcoming legislation to increase collaboration and coordination between stakeholders in order to share best practices.

Standards

Recommendation 4: Government should take a collaborative approach in the development of standards and draw upon the expertise of key stakeholders, including TransLink.

We welcome the clarity and guidance that will come from a formally established set of standards in the Province of B.C. In the absence of standards, we have developed solutions in collaboration with our customers and sought out tools and resources from key experts, such as the President's Group, the Rick Hansen Foundation, the CNIB Foundation, and the many other organizations that provide essential services to individuals with disabilities in Metro Vancouver.

The suggested B.C. provincial approach identifies the following areas of focus for standards development: Service Delivery, Employment, Built Environment, Information & Communication, and Transportation. From TransLink's perspective, the suggested approach to accessibility standards appear to be relatively consistent with other provinces that have already enacted accessibility legislation. We note that Nova Scotia has also added Education as a sixth focus area.

Overall, TransLink supports the five categories of standards articulated by the Province. It is important that standards are developed in collaboration with relevant stakeholders. Space at the table should be given to people with lived experience of disability, municipal and regional government, non-profits, public agencies and the private sector. As TransLink is a key stakeholder and transportation provider for the Vancouver area, we look forward to providing our expertise and knowledge in the development of accessibility standards for the province.

In particular, the Government should draw upon TransLink's expertise in developing purpose-built solutions founded in an understanding of existing international standards and best practices in other jurisdictions. TransLink would be pleased to provide our expertise to the Province as part of an advisory body. The Province should also consider the work of The Rick Hansen Foundation that has developed an Accessibility Certification program, which includes a standards system to evaluate universal accessibility of physical structures. The Rick Hansen model represents a made-in-B.C. accessibility program.

In addition, the legislation should support alignment and limit inconsistency between different jurisdictions within Canada, as well as draw upon existing standards articulated in the Accessible Canada Act and the Americans with Disabilities Act that many organizations have used for inspiration to address accessibility needs in the absence of Canadian standards.

Recommendation 5: Government should ensure that standards provide clarity for stakeholders.

The forthcoming accessibility standards should provide clarity to organizations, such as TransLink, on how to balance the diverse needs of people with disabilities and with the stewardship of public funds. We hope that standards will help organizations understand what areas to prioritize efforts and investment based on what will have the greatest impact for those with disabilities.

It is particularly important that the legislation and associated standards support consistency amongst co-located municipalities, such as Metro Vancouver, where residents may travel through multiple jurisdictions in the course of a day and currently experience different approaches to accessibility. In the absence of a cohesive set of standards, each municipality works to design solutions to meet their constituents needs, and those solutions often vary from place to place. This lack of cohesiveness is less impactful in rural jurisdictions which tend to have smaller populations in larger geographic areas (therefore residents are less likely to regularly encounter different approaches to accessibility).

Similarly, we hope that standards will provide considerations for different existing conditions found across the province and provide recommendations for non-ideal situations, particularly with regards to Built Environment.

Timelines

Recommendation 6: Government should demonstrate leadership in standards implementation.

As stated earlier, TransLink is supportive of a phased approach in the implementation of the forthcoming accessibility standards. We feel that the approach taken by Manitoba, in which legislation requires the Province to comply with standards on a more expedited timeline to demonstrate leadership, is commendable and should be explored by British Columbia in developing the framework for our own legislation.

We are supportive of the concept of such a Government first policy, as it lends additional credibility to the Province's commitment and will shed light on how ongoing support, compliance, and enforcement should move forward. Further, TransLink and other stakeholders would benefit from learning lessons from the Province's own implementation process.

Timelines for compliance should acknowledge capacity and scale of various actors seeking to come into alignment with the new standards. Smaller organizations may have limited capacity and funding to focus on implementation. Standards should also acknowledge the organizational complexity and scale of changes required for larger

organizations, such as TransLink, given its many subsidiaries and infrastructure holdings.

In TransLink's case, we provide services in a large geographic area, employ 7,500 people, and encompass wide-ranging infrastructure for which potential accessibility changes may be challenging and have longer timelines. As such, we encourage the Province to consider the impacts of accessibility standards when determining timelines for organizations of our size.

Governance

Recommendation 7: Government should establish the proposed governance structures, and consider establishing a Review Panel to support organizations in streamlining compliance efforts.

TransLink supports the establishment of the governance structures outlined in the framework and emphasizes the need to ensure efficiency, clarity, and effectiveness for stakeholders seeking support. There should be considerable information and tools provided to allow organizations to comply with the legislation and standards.

As a key stakeholder, TransLink wants to be a significant player in the development of these standards and provide leadership throughout the process. We advocate for our organization, as well as the President's Group, to have a seat on the Standards Development Board. In addition, we recommend that the Province consider creating a Review Panel for organizations to consult when seeking approval for alternative compliance.

Incentives

Recommendation 8: Government should increase support to organizations for improvements to accessibility.

As proposed in the Legislative Framework, TransLink agrees that funding programs should be provided to support organizations in implementing the standards. Earmarking funds for accessibility upgrades in other jurisdictions has helped other transit organizations prioritize accessibility projects. Depending on the standards adopted, there is the potential for the Accessibility Legislation to have capital and/or operational impacts on our organization, for which we would require additional support.

Further, Government should provide easy to access resources and information through its accessibility governance structures to support organizations in their efforts to improve accessibility. The Province should have a central directory for all resources and available sources of funding for accessibility upgrades, such as workplace accommodations.

Recommendation 9: Government should establish meaningful incentives to encourage action and innovation.

TransLink supports most of the incentive structures proposed in the framework. We believe that an awards program would encourage leadership and sustained action across sectors. Financial incentives will also be an important consideration, as cost may prove to be a barrier for many organizations in standards implementation.

We see reporting as an excellent opportunity for organizations to demonstrate progress and achievement in compliance with the legislation. Reporting also enhances transparency and serves to incentivize other organizations to reach similar levels of success in compliance with requirements. As a result, we do not see value in the proposal to reduce reporting requirements as an incentive.

Compliance and Enforcement

Recommendation 10: Government should build flexibility into how compliance is defined and measured.

Many organizations will have pre-existing mechanisms for ensuring accessibility; these should be integrated into the legislation's compliance and enforcement structures. As explained above, TransLink currently has channels for communication on accessibility issues in the community and has two customer committees that advise TransLink on accessibility issues.

Further, we recommend that the legislation offer a flexible compliance system, such as a points-based system. We feel that a points-based system would be most consistent with a phased approach in that it would allow stakeholders to set their own priorities based on their organizational context and knowledge. Such a system would give each of the standards laid out in the Accessibility Legislation a set amount of points, and organizations would be awarded points for the standards they meet. In this way, each organization would be allowed to decide where best to focus their efforts while not being penalized for delaying progress on other goals, unless failing to reach what is considered an overall passing grade.

We believe it is important that the standards are written in a clear and concise manner but maintain a level of flexibility and adaptability. While TransLink agrees that there should be a model of enforcement that exists in order to ensure organizations are compliant, there should also be an opportunity for alternative solutions. As outlined above, we recommend that the Province consider creating a Review Panel for organizations to consult when seeking approval for alternative compliance.

Legislative Reviews

Recommendation 11: Government should conduct regular legislative reviews.

TransLink believes it is important to regularly review accessibility legislation, as the impacts of legislation on stakeholders becomes apparent and adaptations are required. In terms of timelines, the B.C. Government should align with the federal government and other provinces that have enacted similar legislation. As per the framework, alignment requires the initial legislative review to take place within four to five years and then subsequent reviews be conducted every three to five years.

Culture Change

Recommendation 12: Government should establish a communications strategy to educate stakeholders and the general public on the benefits of investing in accessibility.

Establishing a communications strategy that conveys the benefits of investing in accessibility will help to generate support and buy-in throughout the community. TransLink believes that the provincial government should focus on a strong, positive communications campaign that promotes community involvement around the accessibility legislation. The communications should highlight the benefits of inclusion beyond social good, such as the ability to expand B.C.'s talent pool and address labour shortfalls by better enabling people with disabilities to enter the job market. We feel that such a public engagement strategy will be important given that taxpayer funds will be allocated to this initiative and popular support will help ensure the longevity of the legislation and sustain these standards over the long-term.

Conclusion

TransLink thanks Premier John Horgan and Minister Shane Simpson of the Ministry for Social Development and Poverty Reduction for the opportunity to engage in the future of B.C.'s accessibility efforts. We hope that the resulting legislation sets out an ambitious and collaborative agenda in British Columbia to create a truly inclusive province. TransLink is committed to remaining an important partner as standards are developed and implemented across B.C.