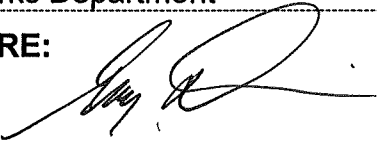




Hamilton

**CITY OF HAMILTON**
**PUBLIC WORKS DEPARTMENT**  
*Transportation, Energy and Facilities Division*

<b>TO:</b> Mayor and Members General Issues Committee	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> March 6, 2012	
<b>SUBJECT/REPORT NO:</b> Eligibility and Registration for Accessible Transportation Services - (PW03128d) - (City Wide)	
<b>SUBMITTED BY:</b> Gerry Davis, CMA General Manager Public Works Department	<b>PREPARED BY:</b> Don Hull Director of Transit (905) 546- 2424, Extension 1860
<b>SIGNATURE:</b> 	Don Witmer Manager of ATS (905) 546-2424, Extension 1943

**RECOMMENDATION**

That the General Manager of Public Works be directed to implement the Accessible Transportation Services (ATS) program enhancement submission, as identified on Page 53 of the 2012 Tax Supported, Preliminary Operating Budget, Book 1, Budget Summary Report, FCS12014, attached as Appendix "A" to this report that includes a multi-year implementation forecasted to have a \$5.7million (2012) Operating Budget impact as follows:

- (a) That initial Operating budget in the amount of \$850,000 is approved in 2012;
- (b) That the remaining budget for this service enhancement be allocated through the annual budget process based on applicant demand and other relevant factors at the time of consideration with the understanding that implementation is to be completed no later than January 2017.

**EXECUTIVE SUMMARY**

Arising from the February 29 meeting of General Issues Committee (GIC), respecting Committee's consideration of an Accessible Transportation Services (ATS) service enhancement submission, staff was directed to report back to Council as follows:

- the implications of continuing to grandfather the approximately 7,500 existing clients;

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(PW03128d) - (City Wide) - Page 2 of 4**

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- the cost of implementing the new eligibility criteria for the 7,500 clients;
- risk assessment on the phase-in options.

Appendix "B" as attached outlines the eligibility policy previously approved by Council.

The total enrolment of the Accessible Transportation Services (ATS) is 11,816 registrants. Eligibility is determined by the applicant's personal physicians assessment that they are unable to use conventional public transit due to the nature of their disability. Eligible persons qualify for the Taxi Scrip program of which there are 8,795 registrants. Of the ATS total enrolment, there are 8,788 registrants for the DARTS program which is specifically for persons who use a wheelchair, scooter or walker; or who require kidney dialysis; or who are diagnosed with Alzheimers Disease.

In addition to the current eligibility policy Council has three associated policies that are not universally present in all other municipalities, wherein persons with Alzheimer's and persons requiring Kidney Dialysis are deemed automatically eligible for the full DARTS services. In addition, the Taxi Scrip program is available in a limited number of municipalities. A number of registrants in all three programs may not meet the test of the functional assessment and may experience negative impacts.

The Nelson\Nygaard consulting study, subject of a previous report, estimated a time frame of 18-24 months from the date of implementation of the program, to determine those who would meet the criteria from the existing ATS registrants. Recertification of the existing ATS registrants would achieve goals of equity and consistency, and the realization of cost mitigation of some \$1.2M in annual operating cost. The cost of implementing the new eligibility for the existing registrants could only be determined subsequent to an RFP award for assessment services by an external assessment agency as per the eligibility policy, but is estimated to be in the order of \$500,000.

The staff recommendations have been developed based on the feedback and direction of GIC based on their budget deliberations to date. There is risk associated with not proceeding to implementation of Council's revised Eligibility Policy in a timely manner.

There is no immediate risk of non-compliance with the revised AODA legislation identified as Ontario Regulation 191/11 Category 63, (1), and included in this report as Appendix "C", as the compliance date for eligibility is 2017. Notwithstanding the January 2017 deadline for compliance with the AODA regulation, the implementation of this initiative is complex, resource and infrastructure intensive, and will take a number of years to achieve.

The more immediate risk would be in the form of an order issued by the Ontario Human Rights Tribunal as the outcome of a complaint which could occur in the mid to latter months of 2012. There is currently one active file before the Ontario Human Rights Tribunal and others can be anticipated in view of the public delegations on this matter and the heightened community awareness.

Recommended program enhancements are submitted on the basis of annualized impact on the budget. In view of Council's desire to explore tax mitigation opportunities in 2012 in all programs, staff is supportive of the entire multi-year implementation

**SUBJECT: Eligibility and Registration for Accessible Transportation Services  
(PW03128d) - (City Wide) - Page 3 of 4**

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schedule being advanced from January to July, thereby reducing the 2012 levy budget submission by some 50% to \$850,000, in view of the reality that it will take several months for staff to address lead times of activities that must be completed prior to implementation of new registrant intake such as issuance and award of the RFP for external assessment services by an independent third party as stipulated in Council's policy.

Recommendation (b) of this report reflects the intent of the prior direction of Council, identified as Phase 3, Item (3) of the revised eligibility policy directing staff to: "report to Committee and Council on at least an annual basis regarding the new registrant take-up and impacts on the program operating budget".

Appendix "D" entitled "Accessibility Regulation Table" provides a list of AODA requirements and Hamilton's status with respect to actions underway or completed.

#### **FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** Page 53 of the 2012 Tax Supported, Preliminary Operating Budget, Book 1, Budget Summary Report, FCS12014, includes a multi-year implementation forecasted to have a \$5.7million (2012) Operating Budget impact.

**Staffing:** The program enhancement submission includes a request for two (2) additional staff in 2012. These would be program coordinators with responsibility to coordinate implementation of the program enhancement.

**Legal:** Exposure to an Ontario Human Rights complaint has been identified as a likely outcome of not proceeding to implementation of the staff recommendations at this time.

#### **HISTORICAL BACKGROUND**

Report(s) PW03128 b) and c).

#### **POLICY IMPLICATIONS**

Attached as Appendix "B" to this report.

#### **RELEVANT CONSULTATION**

Historical consultation has included:

- members of the City's Advisory Committee for Persons with Disabilities, and Senior's Advisory Committee;
- City Legal Services;
- Corporate Finance;
- the City's Access and Equity Coordinator; and
- Approximately thirty representatives of organizations providing services to, or advocacy on behalf of, persons with disabilities.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

To address Council's desire to achieve a balance between our strategic objectives of Financial Sustainability (Effective and sustainable Growth Management) and Social Development (Residents in need have access to adequate support services. People participate in all aspects of community life without barriers or stigma).

**ALTERNATIVES FOR CONSIDERATION**

N/A

**CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

***Financial Sustainability***

- ◆ Effective and sustainable Growth Management

***Social Development***

- ◆ Residents in need have access to adequate support services
- ◆ People participate in all aspects of community life without barriers or stigma

**APPENDICES / SCHEDULES**

- Appendix A - ATS Service Enhancement Submission
- Appendix B - Council Ratification of May 28, 2007
- Appendix C - Ontario Regulation 191/11
- Appendix D - Accessibility Regulation Table



**City of Hamilton  
Proposed Operating Budget Changes - Year 2012**

	Program Enhancements			Impact_Level	
Department	Public Works Tax	Division	TEF - Transit		
Service	Accessible Transportation Services - Service Manager and DARTS				
Current Service Level	444,000 budgeted DARTS trips; net ATS expenditures of \$12,300,000				
Proposed Service Level & Potential Impact	<p>Implement new eligibility and registration program for Accessible Transportation Services section of Transit, as directed by Council in Report PW03128(c).  Expand DARTS program by 225,000 trips per year over 3 year phase-in period, beginning with 78,000 additional trips in 2012, then 75,000 additional trips in 2013, and 72,000 in 2014. Requires approximately \$5,250,000 in additional annual net expenditures; this being the sum of an additional \$1,750,000 in each year over the 3 year phase-in period.</p> <p>2012 requirements include:  - DARTS Contract: \$1,487,000 (net of revenues, including FTE and subcontract requirements)  - ATS Service Manager: \$130,000 (2 FTE - Customer Service)  - ATS Service Manager: \$133,000 (Contribution to Reserve - 5 additional DARTS vehicles)</p> <p>Requires related 2012 Capital approval of \$1,000,000 (5 DARTS buses at present cost of \$185,000 plus \$15,000 per vehicle contingency) and further similar capital approvals in 2013 and 2014.</p>				
<b>Financial Analysis:</b>					
<b>Operating Budget Impact</b>			<b>Strategic Plan Linkage:</b>		
Description	Annualized Amount	Pro Rata for 2012 @ 0%	7.3:Healthy Community		
Employee Expenses	130,000	130,000	Ensure that all Hamiltonians have access to human services to enhance their quality of life by ensuring that the Human Services plan is created by end of 2009		
Other Expenses	1,620,000	1,620,000			
<b>Total Gross Expenditure</b>	<b>1,750,000</b>	<b>1,750,000</b>			
Less: Revenues	-	-			
- 0%	-	-			
<b>Net Impact</b>	<b>1,750,000</b>	<b>1,750,000</b>			
<b>FTE</b>	<b>2.00</b>	<b>2.00</b>			
			<b>Capital Budget Impact</b>		
			<b>Year 2012</b>	<b>Years 2013 &amp; Beyond</b>	<b>Total</b>
			1,000,000	2,000,000	3,000,000.0
Appendix 6	AODA			Update Ver: 1.10	



**Public Works Committee  
MINUTES  
9:30 a.m.  
Monday, May 28, 2007  
Council Chambers  
Hamilton City Hall  
71 Main Street West, Hamilton**

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**Present:** Chair M. McCarthy  
Vice-Chair R. Powers  
Councillors B. Bratina, C. Collins, L. Ferguson, T. Jackson,  
S. Merulla, D. Mitchell

**Also Present:** Councillor R. Pasuta  
S. Stewart – General Manager, Public Works  
G. Davis – Director, Capital Planning and Implementation  
J. Mater – Director, Fleet and Facilities  
W. Oakes – A/Director, Operations and Maintenance  
D. Hull – Director, Transit  
B. Goodger – Director, Waste Management  
J. Harnum – Senior Director, Water/Wastewater  
C. Murray – Acting Director, Red Hill Valley Project  
C. Biggs – Legislative Assistant, City Clerk's

**THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:**

1. **Temporary Road Closures – Dundas Cactus Festival and Parade – August 16, 2007 to August 31, 2007 (PW07073) (Ward 13) (Item 5.1)**

**(Ferguson/Powers)**

(a) That the application from the Dundas Cactus Festival Committee to temporarily close the following roads during the dates and events noted be approved:

- (i) **PARADE:** Thursday August 16, 2007 from 6:00 p.m. until 10:00 p.m.
  - Cross Street between the Dundas Driving Park entrance and Park Street;
  - Park Street between Cross Street to York Road;
  - York Road between Park Street and King Street West;

- (e) That the by-law permanently closing the highway does not take effect until a certified copy of the By-law is registered in the proper Land Registry Office. **CARRIED**

**7. Public Works Strategic Plan (No Copy) (Item 7.1)**

**(Mitchell/Merulla)**

That the staff presentation respecting the Public Works Strategic Plan, be received. **CARRIED**

**8. Green Cart Program, Biodegradable Bags and Changes in the Materials Collected in the Demonstration Area (PW07075) (City Wide) (Item 7.2)**

**(Jackson/Ferguson)**

That Report PW07075 respecting Green Cart Program, Biodegradable Bags and Changes in the Materials Collected in the Demonstration Area, be received.

**CARRIED**

**9. ATS Master Plan – Eligibility and Registration Policy Revision for Accessible Transportation Services (PW03128(b)) (City Wide) (Item 7.3)**

**(Merulla/Jackson)**

- (a) That the General Manager of Public Works be authorized and directed to implement a revised eligibility policy and registration assessment procedure, by November 1, 2008, for the Accessible Transportation Services (ATS) program of the City that has a focus on determining the most appropriate form of public transportation for each person with a disability which will meet their mobility needs, such that:

- (i) an individual's eligibility for specialized transit service (i.e. D.A.R.T.S. and Taxi Scrip) be determined by a functional mobility assessment of their ability to use conventional HSR services based on physical (strength based), cognitive and sensory abilities;
- (ii) three eligibility categories be adopted, including full eligibility, conditional eligibility, and temporary eligibility;
- (iii) the functional mobility assessment be conducted by an independent third party;
- (iv) the registration procedure include an initial screening step to enable individuals who clearly meet the eligibility criteria to bypass the full functional mobility assessment;

- (v) the registration procedure include a separate appeal mechanism, available to any existing registrant or new applicant who is not satisfied with the outcome of the assessment; and
  - (vi) the registration procedure include a client orientation step that includes changes to the eligibility policy and services.
- (b) That the General Manager of Public Works be authorized and directed to implement the revised eligibility policy and registration assessment procedure, such that:
- (i) all existing ATS registrants not be reassessed under the new policy and registration procedures;
  - (ii) all new registrants to the ATS program be assessed under the new policy and registration procedures to determine their eligibility for ATS services;
  - (iii) ATS services be further coordinated with conventional HSR services to enhance the utilization of accessible low floor (ALF) by persons with disabilities, through the acquisition of mobility management software and implementation of trip by trip eligibility.
  - (iv) a travel training program be developed and provided to assist persons with disabilities in the use of conventional HSR services.
  - (v) all aspects of the new program of service delivery be referred to the Advisory Committee for Persons with Disabilities for advice and consultation in future;
- (c) That the General Manager of Public Works be authorized and directed to employ a phased approach to implementation of the revised eligibility policy and registration assessment procedure, such that:
- (i) in Phase 1,
    - (1) a project steering committee, inclusive of the City's Advisory Committee for Persons with Disabilities and Seniors Advisory Committee, be established;
    - (2) a qualified consultant be retained to complete necessary work for the City to issue an RFP and award a contract for third party functional mobility assessment services; and
    - (3) assessment of the functional mobility of existing registrants be undertaken.



- (ii) in Phase 2,
  - (1) a qualified consultant be retained to conduct an assessment of existing operational capacity, to develop a go forward passenger service strategy, and to complete necessary work for the City to integrate that strategy with the anticipated RFP for passenger services to take effect in 2008;
  - (2) a follow-up report to Council detailing operational, financial and social implications of dealing with the assessment findings and service strategy be completed; and
  - (3) upon Council direction, RFPs be issued and concluded, and a vendor or vendors be contracted to provide passenger services and travel training services
  
- (iii) in Phase 3,
  - (1) new registrants under the new policy be added onto accessible transportation services in a manner to be approved by Council in consideration of the follow-up report as per recommendation (c) (ii) (2) to this report;
  - (2) travel training program activities be undertaken as per recommendation (b)(iv) to this report; and
  - (3) staff report to Committee and Council on at least an annual basis regarding the new registrant take-up and impacts on the program operating budget.
  
- (d) That the General Manager of Public Works be authorized and directed to retain such qualified consulting services, under City of Hamilton Purchasing policies, as may be required to carry out activities related to third party functional mobility assessment development, RFP issuance and contract award; and assessment of existing operational capacity, service strategy development, and service RFP issuance and award; utilizing previously approved funds from Capital Account 5300483400.

**CARRIED as amended**

**10. Red Hill Valley Project (RHVP) – Integrated Environmental Monitoring Program (PW07077) (City Wide) (Item 8.1)**

**(Powers/Ferguson)**

That the General Manager of Public Works or his designate be authorized to negotiate single source contracts with the Red Hill Valley Project's design consultants (i.e., Philips Engineering Ltd., C. Portt and Associates, Blackport and Associates, Water Regime Investigations and Simulations Ltd., and Dougan and Associates) for the provision of multi-year environmental monitoring services as required by the regulatory agencies for the RHVP.

**CARRIED**

**ONTARIO REGULATION 191/11**

made under the

**ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005**

Made: April 13, 2011

Filed: June 3, 2011

Published on e-Laws: June 7, 2011

Printed in *The Ontario Gazette*: June 18, 2011

**INTEGRATED ACCESSIBILITY STANDARDS**

Specialized Transportation Service Providers

**Categories of eligibility**

**63.** (1) Every specialized transportation service provider shall have three categories of eligibility to qualify for specialized transportation services,

- (a) unconditional eligibility;
- (b) temporary eligibility; and
- (c) conditional eligibility.

(2) For purposes of eligibility for specialized transportation services, specialized transportation service providers shall categorize persons with disabilities as follows:

1. A person with a disability that prevents them from using conventional transportation services shall be categorized as having unconditional eligibility.
2. A person with a temporary disability that prevents them from using conventional transportation services shall be categorized as having temporary eligibility.
3. A person with a disability where environmental or physical barriers limit their ability to consistently use conventional transportation services shall be categorized as having conditional eligibility.

(3) A specialized transportation service provider may deny requests for specialized transportation services to persons who are categorized as having temporary eligibility or conditional eligibility if the conventional transportation service is accessible to the person and the person has the ability to use it.

(4) Specialized transportation service providers shall meet the requirements of this section by January 1, 2017.

**Eligibility application process**

**64.** (1) If a person has completed an application for eligibility for specialized transportation services and the person's eligibility has not been determined within 14 calendar days after the completed application is received by the specialized

transportation service provider, the person shall be considered to have temporary eligibility for specialized transportation services until a decision on his or her eligibility is made.

(2) A specialized transportation service provider shall not charge a fee to persons with disabilities who apply or who are considered eligible for specialized transportation services.

(3) A specialized transportation service provider may require a reassessment of the eligibility of temporarily eligible registrants at reasonable intervals.

(4) A specialized transportation service provider shall, upon the request of the person requesting specialized transportation services, make available to the requester all of his or her specialized transportation services eligibility application and decision information in accessible formats.

(5) A specialized transportation service provider shall establish an independent appeal process to review decisions respecting eligibility.

(6) A specialized transportation service provider shall make a decision on an appeal with respect to eligibility within 30 calendar days after receiving the complete appeal application, but if a final decision is not made within the 30 days, the applicant shall be granted temporary eligibility until a final decision is made.

(7) Specialized transportation service providers shall meet the requirements of this section by January 1, 2014.

(8) A specialized transportation service provider shall have policies respecting the collection, use and disclosure of personal information collected for purposes of determining eligibility under this section.

(9) In this section,

“personal information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*.

**Appendix D**  
**Report PW03128d**

**Accessibility Regulation Table**

<b><u>Sec.</u></b>	<b><u>Title - description</u></b>	<b><u>Compliance Date</u></b>	<b><u>HSR</u></b>
35	Non-functioning accessibility equipment - SOP	July 1, 2011	Compliant
46	Fares - conventional - fare for a person with disability must be the same/less than the fare for person without disability	July 1, 2011	Compliant
48 (4)	Storage of mobility aids, etc. - conventional	July 1, 2011	Compliant
51 (1)	Pre-boarding announcements - conventional - on request	July 1, 2011	Compliant
52 (1)	On-board announcements - conventional - audible	July 1, 2011	Compliant
68	Origin to destination services - specialized	July 1, 2011	Compliant
13	Emergency procedure, plans or public safety information - accessible format on request	January 1, 2012	Compliant
34	Availability of information on accessibility equipment, etc. - accessible format on request	January 1, 2012	Compliant
37	Emergency preparedness and response policies - SOP available in accessible format on request	January 1, 2012	Compliant
44	General responsibilities conventional - SOP - adequate time provided and assistance provided to board/deboard	January 1, 2012	Compliant
47	Transit stops - conventional - SOP alternate safe stop if official stop not accessible	January 1, 2012	Compliant
48	Storage of mobility aids, etc. - conventional - safe storage provided in passenger compartment within reach	January 1, 2012	Compliant
49	Courtesy seating - conventional - clearly marked near front entrance	January 1, 2012	Compliant
74	Companions and children - specialized - SOP	January 1, 2012	Compliant
41	Accessibility plans, conventional transportation services - customer feedback	January 1, 2013	
42	Accessibility plans, specialized transportation services - process for estimating demand/reduce wait times	January 1, 2013	
43	Accessibility plans, conventional and specialized transportation services - SOP for equipment failure	January 1, 2013	Compliant
53	Requirements re grab bars, etc. - conventional	January 1, 2013	Compliant
54	Floors and carpeted surfaces - conventional	January 1, 2013	Compliant

<b><u>Sec.</u></b>	<b><u>Title - description</u></b>	<b><u>Compliance Date</u></b>	<b><u>HSR</u></b>
55	Allocated mobility aid spaces - conventional - 2 spaces	January 1, 2013	Compliant
56	Stop-requests and emergency response controls - conventional - accessible	January 1, 2013	Compliant
57	Lighting features - conventional - access door illumination	January 1, 2013	Compliant
58	Signage - conventional - visible and consistent	January 1, 2013	Compliant
59	Lifting devices, etc. - conventional - ramps sufficient in form and identification	January 1, 2013	Compliant
60	Steps - conventional - where equipped are marked, slip resistant and uniform	January 1, 2013	Compliant
61	Indicators and alarms - conventional - functioning when ramp deployed	January 1, 2013	Compliant
66	Fare parity - inc. payment options	January 1, 2013	
67	Visitors - specialized - SOP	January 1, 2013	
69	Co-ordinated service - specialized - adjacent municipalities within contiguous urban areas	January 1, 2013	Compliant
70	Hours of service - specialized - harmonization with conventional	January 1, 2013	
73	Service delays - specialized - SOP - notice of delays >30 min. to affected passenger	January 1, 2013	
78	Duties of municipalities, general - bus stop & shelter consultation with ACPD and plan	January 1, 2013	
50	Service disruptions, conventional - scheduled service temporarily changed must provide alternate arrangement	July 1, 2013	
7	Training	January 1, 2014	Compliant
11	Feedback - process is accessible	January 1, 2014	Compliant
14	Accessible websites and web content	January 1, 2014	
36	Accessibility training - for employees and volunteers on related equipment and SOP	January 1, 2014	
38	Fares - no fare charged for support persons	January 1, 2014	Compliant
64	Eligibility application process - specialized - must be completed within 14 days	January 1, 2014	
65	Emergency or compassionate grounds - specialized - must be available within 14 days	January 1, 2014	
71	Booking - specialized - where reservations are required, same day service must be provided to the extent available	January 1, 2014	
72	Trip restrictions - specialized - shall not limit availability by restricting the number of trips a person is able to request	January 1, 2014	

<b><u>Sec.</u></b>	<b><u>Title - description</u></b>	<b><u>Compliance Date</u></b>	<b><u>HSR</u></b>
12	Accessible formats and communication supports	January 1, 2015	
51 (2)	Pre-boarding announcements - conventional - electronic	January 1, 2017	
52 (2)	On-board announcements - conventional - electronic	January 1, 2017	Compliant
63	Categories of eligibility - specialized - there shall be three categories: unconditional, temporary and conditional	January 1, 2017	