

City Clerk's Division

COUNCIL FOLLOW-UP NOTICE

TO: Gerry Davis, General Manager
Public Works
Attention: Don Hull, Director of Transportation

DATE: April 11, 2013

FROM: Carolyn Biggs
Legislative Co-ordinator

RE: City Council Meeting – April 10, 2013

City Council, at its meeting held on April 10, 2013, approved Motion 7.2 with respect to "Temporary Promotional Transit Fare Special Program", which reads as follows:

7.2 Temporary Promotional Transit Fare Special Program

Whereas the City of Hamilton has a long history of progressive programs that provide accommodation to persons with disabilities, has an enviable record of accommodating the needs of its disabled transit users, and has shown leadership in specialized transit, often exceeding the experiences of other municipal transit providers; and

Whereas consistent with the historical practice of nearly every transit provider in Ontario, the City had in place, for at least 40 years, a Free Fare Policy that permitted transit users who were CNIB cardholders to ride the conventional transit system without payment of fare; and

Whereas in a program unique to the City of Hamilton, a Voluntary Pay Policy was introduced more than 15 years ago that gave disabled transit riders of the conventional transit system who use a "personal mobility device" (PMD), i.e., a wheelchair, scooter, walker, or 4-pronged cane, the option of paying the applicable fare or riding the HSR at no charge; and

Whereas the City's conventional transit (HSR) fleet is fully accessible, providing low-floor, level entry and exit with no steps, and is unique in that the City is the only municipality in Canada where the entire conventional fleet is equipped with both front and rear-door boarding ramps; and

Whereas the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) regarding transit fare parity were addressed by Staff Report PW03128e, which was approved by Public Works Committee on October 15, 2012, and ratified by Council on October 30, 2012, with implementation subsequently deferred until June 1, 2013; and

Whereas the implications of the Staff Report include, among other things, the permanent elimination of both the Free Fare Policy for CNIB cardholders and the Voluntary Pay Policy for transit riders using a PMD; and

Whereas it is desirable that Council direct Staff to study and develop options for the implementation of a new transit fare discount or subsidy program for persons with disabilities, and report back for consideration of such program; and

Whereas Council recognizes that many people with mobility and vision disabilities have experienced and continue to experience hardship, economic disadvantage, unequal opportunity, and discrimination in society generally; and

Whereas in particular, Council recognizes that transit riders who require the use of a wheelchair, walker, or scooter and CNIB cardholders will be required, as of June 1, 2013, to pay the required fare in order to ride the HSR, and that in some cases this new requirement may impose an economic disadvantage and/or contribute to financial hardship for such riders; and

Whereas Council believes that, to the extent possible, the implementation of transit fare parity and other requirements of the AODA should not result in persons with disabilities who historically enjoyed an economic benefit to experience economic disadvantage and/or financial hardship; and

Whereas Council has sought and received the input of the Ontario Human Rights Commission on issues relating to transit fare parity and the provisions of section 14 of the Ontario *Human Rights Code* regarding "special programs" (as reflected in the letter dated March 14, 2013, from the Commission, a copy of which is attached hereto); and

Whereas Council believes it is appropriate to establish, pending the receipt and consideration of Staff's report, a temporary transit fare special program for those riders of the HSR who either require the use of a wheelchair, walker, or scooter, or are CNIB cardholders in order to ameliorate any economic disadvantage and/or financial hardship that may be experienced by such disabled riders; and

Whereas Council believes that such a temporary transit fare special program would effectively promote the use of the conventional transit system and utilize the uniqueness of the HSR fleet's front and rear-door boarding capabilities by those disabled riders who require the use of an assistive device, thereby improving the accessibility, capacity, and convenience of the conventional transit system, while also relieving pressure on the overburdened and more expensive specialized transit system; and

Whereas Council also believes that it is desirable to design its temporary special program so as to limit, to the extent possible, the potential abuse of the program by those who do not have a bona fide need for a PMD in order to ride the HSR; and

Whereas Council understands that, pending the receipt and consideration of Staff's report, promotional transit fare programs that are temporary in nature do not form part of the "fare structure" of the conventional transit system for the purposes of section 66 of the *Integrated Accessibility Standards*, being Ontario Regulation 191/11 made under the AODA.

Therefore Be It Resolved:

- (a) That, effective June 1, 2013, a temporary transit fare special program be implemented that would permit the below groups to ride the conventional public transit system (HSR) by either paying the applicable fare or riding at no charge, to be exercised at their own discretion:
 - 1. Those transit riders who require the use of a wheelchair, walker, or scooter in order to ride the conventional public transit system (HSR);
 - 2. Those transit riders who are Canadian National Institute for the Blind (CNIB) cardholders.
- (b) That Staff be directed to develop options for the implementation of a new transit fare discount program for persons with disabilities, and report back to the General Issues Committee.

Please note that sub-section (b) requires that a report be brought back to the General Issues Committee. Therefore, this item will be placed on the Outstanding Business List until such time as the information requested is presented.

Would you please take the necessary steps to execute the directions of Council with respect to this motion.

:cab.

c.c. Jane Lee, Director of Customer Service, Access and Equity