

Minister of Transport,
Infrastructure and Communities



Ministre des Transports,
de l'Infrastructure et des Collectivités

Ottawa, Canada K1A 0N5

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His Worship Christopher Causton
President
Association of Vancouver Island and Coastal Communities
525 Government Street
Victoria, British Columbia
V8V 0A8

Dear Mr. Mayor:

I am writing in response to your correspondence of May 19, 2010, to my predecessor regarding the accessibility of the national transportation system for people with disabilities.

In Canada, the federal government has established accessibility standards for all modes of transportation under federal jurisdiction. This is accomplished through the use of a variety of policy instruments, including regulations, codes of practice and guidelines.

While the Government of the United States has chosen to rely on regulation to address accessibility, Canada's use of multiple policy instruments allows the federal government to choose the most appropriate policy tool to address each accessibility issue, depending on the causes and context.

An active monitoring and compliance program supports the implementation of Canada's regulations, codes and guidelines. This ongoing monitoring of the transportation system, along with the results of the last independent review of the *Canada Transportation Act* in 2001, indicates that significant progress has been made in removing undue obstacles to the mobility of persons with disabilities, and that, while some accessibility issues remain, this policy approach is proving to be successful.

Canada

With respect to the accessibility of passenger rail cars, the Passenger Rail Car Accessibility Code of Practice provisions came into effect on April 1, 2001, and state as follows:

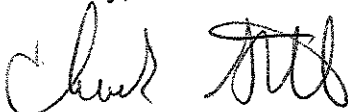
Eventually, every passenger train that provides sleeping car facilities should have at least one sleeping car that has at least one wheelchair-accessible room. Until such time as this goal is reached, any newly manufactured sleeping car ordered, purchased or leased by a rail carrier to be used on or after April 1, 2001, or any existing sleeping car undergoing major refurbishment to be used on or after that same date, should satisfy the accessibility criteria.

I should note that passenger rail cars used in western transcontinental rail service are currently undergoing major refurbishment and will re-enter service in compliance with the Code. The Renaissance rail passenger cars, which are employed in the Toronto-Halifax corridor, are also now undergoing modification so that they too will be in full compliance with the Code when they return to service.

I should clarify that codes of practice are not voluntary in their application. The decision of the Supreme Court in *Council of Canadians with Disabilities vs. VIA Rail Canada*, to which you referred in your letter, settled the question of the nature and strength of codes of practice for the different modes of transportation. The Supreme Court reasoned that, since the Passenger Rail Car Accessibility Code of Practice was the result of a voluntary, consensus-building process that VIA Rail had publicly accepted, the Code functioned as self-imposed regulation. Furthermore, the fact that the Code was not government imposed reinforced, rather than detracted from, its relevance as a factor for assessing undue hardship. Following this decision, there is no question as to the strength of codes of practice as policy tools in the removal of undue obstacles to mobility.

In closing, I would like to take this opportunity to assure you that Transport Canada remains committed to enhancing the accessibility of the federal transportation network for all Canadians.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Strahl". The signature is written in a cursive, somewhat stylized font.

Chuck Strahl

c.c. The Honourable Shirley Bond, M.L.A.