TO: Mayor and Members  
General Issues Committee  
WARD(S) AFFECTED: CITY WIDE

COMMITTEE DATE: March 6, 2012

SUBJECT/REPORT NO: 
Eligibility and Registration for Accessible Transportation Services - (PW03128d) - (City Wide)

SUBMITTED BY: 
Gerry Davis, CMA  
General Manager  
Public Works Department

PREPARED BY: 
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Director of Transit  
(905) 546-2424, Extension 1860

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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 $5.7 million (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;
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 physician’s 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 Alzheimer’s 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
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 $5.7 million (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


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

<table>
<thead>
<tr>
<th>Department</th>
<th>Public Works Tax</th>
<th>Division</th>
<th>TEF - Transit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service</td>
<td>Accessible Transportation Services - Service Manager and DARTS</td>
<td></td>
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</tr>
</tbody>
</table>

### Current Service Level

- 444,000 budgeted DARTS trips; net ATS expenditures of $12,300,000

### Proposed Service Level & Potential Impact

- 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.
- 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)
- 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.

### Financial Analysis:

#### Operating Budget Impact

<table>
<thead>
<tr>
<th>Description</th>
<th>Annualized Amount</th>
<th>Pro Rate for 2012 @ 0%</th>
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</thead>
<tbody>
<tr>
<td>Employee Expenses</td>
<td>130,000</td>
<td>130,000</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>1,620,000</td>
<td>1,620,000</td>
</tr>
<tr>
<td><strong>Total Gross Expenditure</strong></td>
<td><strong>1,750,000</strong></td>
<td><strong>1,750,000</strong></td>
</tr>
</tbody>
</table>

| Less: Revenues    | 0%                | -                      |

| Net Impact        | 1,750,000         | 1,750,000              |

| FTE               | 2.00              | 2.00                   |

#### Strategic Plan Linkage:

- 7.3: Healthy Community
  - 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

### Capital Budget Impact

<table>
<thead>
<tr>
<th>Year 2012</th>
<th>Years 2013 &amp; Beyond</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000,000</td>
<td></td>
<td>3,000,000</td>
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</table>

- Appendix 6 - AODA - Update Ver: 1.10
THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. Temporary Road Closures – Dundas Cactus Festival and Parade – August 16, 2007 to August 91, 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
Appendix C
Report PW03128d

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.
### Accessibility Regulation Table

<table>
<thead>
<tr>
<th>Sec.</th>
<th>Title - description</th>
<th>Compliance Date</th>
<th>HSR</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Non-functioning accessibility equipment - SOP</td>
<td>July 1, 2011</td>
<td>Compliant</td>
</tr>
<tr>
<td>46</td>
<td>Fares - conventional - fare for a person with disability must be the same/less than the fare for person without disability</td>
<td>July 1, 2011</td>
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<tr>
<td>48 (4)</td>
<td>Storage of mobility aids, etc. - conventional</td>
<td>July 1, 2011</td>
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<td>51 (1)</td>
<td>Pre-boarding announcements - conventional - on request</td>
<td>July 1, 2011</td>
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<td>52 (1)</td>
<td>On-board announcements - conventional - audible</td>
<td>July 1, 2011</td>
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<tr>
<td>68</td>
<td>Origin to destination services - specialized</td>
<td>July 1, 2011</td>
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<td>13</td>
<td>Emergency procedure, plans or public safety information - accessible format on request</td>
<td>January 1, 2012</td>
<td>Compliant</td>
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<td>34</td>
<td>Availability of information on accessibility equipment, etc. - accessible format on request</td>
<td>January 1, 2012</td>
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<td>37</td>
<td>Emergency preparedness and response policies - SOP available in accessible format on request</td>
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<td>General responsibilities conventional - SOP - adequate time provided and assistance provided to board/deboard</td>
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<td>47</td>
<td>Transit stops - conventional - SOP alternate safe stop if official stop not accessible</td>
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<tr>
<td>48</td>
<td>Storage of mobility aids, etc. - conventional - safe storage provided in passenger compartment within reach</td>
<td>January 1, 2012</td>
<td>Compliant</td>
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<tr>
<td>49</td>
<td>Courtesy seating - conventional - clearly marked near front entrance</td>
<td>January 1, 2012</td>
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<td>74</td>
<td>Companions and children - specialized - SOP</td>
<td>January 1, 2012</td>
<td>Compliant</td>
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<tr>
<td>41</td>
<td>Accessibility plans, conventional transportation services - customer feedback</td>
<td>January 1, 2013</td>
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<tr>
<td>42</td>
<td>Accessibility plans, specialized transportation services - process for estimating demand/reduce wait times</td>
<td>January 1, 2013</td>
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<td>43</td>
<td>Accessibility plans, conventional and specialized transportation services - SOP for equipment failure</td>
<td>January 1, 2013</td>
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<tr>
<td>53</td>
<td>Requirements re grab bars, etc. - conventional</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<td>54</td>
<td>Floors and carpeted surfaces - conventional</td>
<td>January 1, 2013</td>
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<td>55</td>
<td>Allocated mobility aid spaces - conventional - 2 spaces</td>
<td>January 1, 2013</td>
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<td>56</td>
<td>Stop-requests and emergency response controls - conventional - accessible</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<td>57</td>
<td>Lighting features - conventional - access door illumination</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<td>58</td>
<td>Signage - conventional - visible and consistent</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<td>59</td>
<td>Lifting devices, etc. - conventional - ramps sufficient in form and identification</td>
<td>January 1, 2013</td>
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<td>60</td>
<td>Steps - conventional - where equipped are marked, slip resistant and uniform</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<tr>
<td>61</td>
<td>Indicators and alarms - conventional - functioning when ramp deployed</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<tr>
<td>66</td>
<td>Fare parity - inc. payment options</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<td>67</td>
<td>Visitors - specialized - SOP</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<tr>
<td>69</td>
<td>Co-ordinated service - specialized - adjacent municipalities within contiguous urban areas</td>
<td>January 1, 2013</td>
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<td>70</td>
<td>Hours of service - specialized - harmonization with conventional</td>
<td>January 1, 2013</td>
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<td>73</td>
<td>Service delays - specialized - SOP - notice of delays &gt;30 min. to affected passenger</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<tr>
<td>78</td>
<td>Duties of municipalities, general - bus stop &amp; shelter consultation with ACPD and plan</td>
<td>January 1, 2013</td>
<td>Compliant</td>
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<tr>
<td>60</td>
<td>Service disruptions, conventional - scheduled service temporarily changed must provide alternate arrangement</td>
<td>July 1, 2013</td>
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<tr>
<td>7</td>
<td>Training</td>
<td>January 1, 2014</td>
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<td>11</td>
<td>Feedback - process is accessible</td>
<td>January 1, 2014</td>
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<td>14</td>
<td>Accessible websites and web content</td>
<td>January 1, 2014</td>
<td>Compliant</td>
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<tr>
<td>36</td>
<td>Accessibility training - for employees and volunteers on related equipment and SOP</td>
<td>January 1, 2014</td>
<td>Compliant</td>
</tr>
<tr>
<td>38</td>
<td>Fares - no fare charged for support persons</td>
<td>January 1, 2014</td>
<td>Compliant</td>
</tr>
<tr>
<td>64</td>
<td>Eligibility application process - specialized - must be completed within 14 days</td>
<td>January 1, 2014</td>
<td>Compliant</td>
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<tr>
<td>65</td>
<td>Emergency or compassionate grounds - specialized - must be available within 14 days</td>
<td>January 1, 2014</td>
<td>Compliant</td>
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<tr>
<td>71</td>
<td>Booking - specialized - where reservations are required, same day service must be provided to the extent available</td>
<td>January 1, 2014</td>
<td>Compliant</td>
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<tr>
<td>72</td>
<td>Trip restrictions - specialized - shall not limit availability by restricting the number of trips a person is able to request</td>
<td>January 1, 2014</td>
<td>Compliant</td>
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<td>Accessible formats and communication supports</td>
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<td>51 (2)</td>
<td>Pre-boarding announcements - conventional - electronic</td>
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<td>52 (2)</td>
<td>On-board announcements - conventional - electronic</td>
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<td>63</td>
<td>Categories of eligibility - specialized - there shall be three categories: unconditional, temporary and conditional</td>
<td>January 1, 2017</td>
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<td></td>
<td></td>
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<td>Compliant</td>
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