

Member Need to Know – Accessible Canada Act Applicability

Earlier this summer we announced ([here](#)) that the Association had learned of the [Accessible Canada Act](#) and its associated [Accessible Transportation Planning and Reporting Regulations](#) (ATPRR). The Act touches on several areas of society, including federally regulated entities in the transportation network. We had undertaken a review to understand if and how it applies to the CBAA's membership as it was observed that Management Companies may be subject to the Act and associated regulations (ATPRR). We have since held discussions with Transport Canada (TC) and the Canadian Transportation Agency (CTA) and can report the following.

The CTA has confirmed the application of the Accessible Transportation Planning and Reporting Regulations as follows:

The [Accessible Transportation Planning and Reporting Regulations](#) apply to Transportation Service Providers (TSPs) that operate in the federal transportation network and are required to comply with any provision of regulations made under subsection 170(1) of the [Canada Transportation Act](#) (i.e., any CTA accessibility-related regulations). Within this Act there are three accessibility-related regulations:

- the [Accessible Transportation for Persons with Disabilities Regulations](#) (ATPDR);
- Part VII of the [Air Transportation Regulations](#) (ATR); and,
- the [Personnel Training for the Assistance of Persons with Disabilities Regulations](#) (PTR).

Clarification #1

Application of the ATPDR (sections 25 & 26 of the regulations) are clarified and would not apply to CBAA members that operate charters within Canadian Aviation Regulations (CAR 703 & 704):

- (1) (a) every large air carrier that provides a service for the transportation of passengers
- (i) between points within Canada,
 - (ii) from a point of origin in Canada to a point of destination in a foreign country,
- or
- (iii) from a point of origin in a foreign country to a point of destination in Canada;

(2) In this section, large air carrier means an air carrier that transported a worldwide total of 1,000,000 passengers or more during each of the two-preceding calendar years.

26 (2) This Part does not apply to an air carrier in respect of a charter flight except

- (a) a charter flight within Canada if one or more seats on that flight are purchased for resale to the public; or

(b) a charter flight to or from Canada if one or more passengers began their itinerary in Canada and one or more seats on that flight are purchased for resale to the public.

Clarification #2

Application of Part VII – ATR (section 146 of the regulations) are clarified and would likely not apply to CBAA members that operate charters within Canadian Aviation Regulations (CAR 703 & 704) (see 146 (1) below):

146 (1) This Part applies to an air carrier in respect of any domestic service operated by the air carrier with an aircraft that has 30 or more passenger seats, other than any air carrier that is subject to Part 2 of the [Accessible Transportation for Persons with Disabilities Regulations](#).

Clarification #3

Application of the PTR (section 3 of the regulations) are clarified and would not apply to CBAA members that operate charters within Canadian Aviation Regulations (CAR 703 & 704) from FBOs or if they operate out of air terminals below the threshold in section 3 (1) below:

- 3 (1)** These Regulations apply to every carrier except (a) an air carrier:
- (i) that provides service only to air terminals where there were less than 10,000 enplaned and deplaned passengers in each of the two preceding calendar years,
 - (ii) whose gross annual revenue was less than \$500,000 in either of the two preceding calendar years, or
 - (iii) whose operations are limited to serving the needs of a lodge operation;

NOTE: Based on our consultations with the CTA, the Association can now advise that the ATPRR would apply if any of the three above noted accessibility regulations (ATPDR, Part VII ATR, PTR) apply to an operator.

Finally, the CBAA will now be included in future consultations when the CTA initiates public comment with respect to potential regulations for small transportation service providers.

Please refer any questions to membersupport@cbaa.ca. As well the CTA [Website](#) has a lot of resources about accessible transportation, including links to the regulations and other standards, guidance material.