

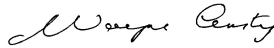


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Item No. 8.1 (i)

**Halifax Regional Council
August 11, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 

Wayne Anstey, Acting Chief Administrative Officer

DATE: August 4, 2009

SUBJECT: Cancellation of Free CNIB Transit Passes

ORIGIN

Halifax Regional Council meeting of July 7, 2009, Item 11.3.1 Metro Transit Free Passes for the Blind.

“Deferred pending a staff report requested for the August 4th Council session that would include comment/information on the following: Metro Transit continuing the free passes for the blind until the service is more accessible to the visually impaired; equity for all disabled person rather than one group being singled out for free passes; extending free passes for six months; address the issue of low income and cost of transit passes; issue of inequity re: others with disabilities not receiving discount/free pass; improving service through Access-A-Bus; discussions with Province re: quality of life issues for residents with low income and possibility of discounted transit service for low incomes.”

RECOMMENDATION

It is recommended that Regional Council support the position of Metro Transit staff that the programs of free transit passes for CNIB patrons cease as of September 30, 2009.

BACKGROUND

It has been common practice for public transit systems across Canada to provide complimentary transit passes or discounted fares to persons with visual impairments. This program has been administered through local branches of the Canadian National Institute for the Blind (CNIB). At the time this tradition began more than twenty-five years ago, persons with sight impairments were the only large group with a disability who could access conventional fixed-route transit buses.

In recent years, most transit systems, including Metro Transit, have invested in Accessible Low Floor (ALF) vehicles, making conventional transit much more accessible to a broader range of persons with disabilities. Of the 55 different conventional routes operated by Metro Transit, 19 are currently fully accessible, with a further 3 routes: Route 1, Route 17 and Route 18, being converted to ALF by September 2009.

There has been a rising concern that the practice of providing complimentary passes to one group constitutes preferential treatment, and therefore contravenes the Charter of Rights and Freedom and the Nova Scotia Human Rights Act. In the case of Metro Transit, the issue has been raised a number of times over the past few years through the Accessible Transit Advisory Committee (ATAC), HRM Persons with Disabilities Committee, and other individuals. These concerns have been informal to date, and no Human Rights Complaint has been formally raised. Metro Transit has consulted with other transit systems in larger Canadian cities regarding their practices around this issue and most cite this issue as problematic. However, none of those consulted have yet to be publically challenged on the practice as Metro Transit expects to be. A summary of practices in other transit systems is provided in Attachment A.

In 2005, Metro Transit advised the CNIB in writing that it may no longer be able to continue to offer free transit passes to CNIB patrons once the current three year transit pass expired on December 31, 2008. Prior to making a final decision, discussions were held with a wide range of stakeholders including HRM Legal Services, HRM's Diversity Coordinator, some municipal councillors and the CNIB. The issue was also raised at ATAC and HRM Persons with Disabilities Committee meetings in the Spring of 2008. In November 2008, a letter was sent to the CNIB to officially advise that Metro Transit would not be renewing the free passes. The letter was also copied to the ATAC and HRM Persons with Disabilities groups.

To mitigate the impact, this decision will have on CNIB patrons, Metro Transit offered a six month extension to the current pass to June 30, 2009. In May, at the request of the HRM Persons with Disabilities Committee, a further extension was granted to September 30, 2009. This was intended to allow CNIB time to notify their pass recipients and for patrons to adjust.

DISCUSSION

Historically the visually impaired were one of the few groups of persons with disabilities who were physically able to travel on conventional fixed-route transit buses. For all other disabled customers, their only option was to access specialized service provided through Access-A-Bus operations to the extent the demand could be met. With the introduction of ALF vehicles into the conventional fleet, a much wider spectrum of persons with disabilities is now able to utilize conventional transit, providing greater mobility options to many, and at the same time freeing up much needed capacity within Access-A-Bus. The average cost of providing an Access-A-Bus ride is approximately \$20, with a fare recovery of \$2.25, or only 11%. This compares to the fare recovery on conventional of approximately 53%, so clearly there is a distinct advantage in accommodating customers on conventional service if they possess the mobility to enable them to do so.

Recently, Metro Transit has received informal objections that its practice of providing free transit passes to the CNIB is unfair to other disabled persons who are required to pay full fare. Like visually impaired passengers, many other disabled passengers have no other viable option but to use public transit and face economic challenges in doing so. Many users of the specialized Access-A-Bus service receive income assistance benefits from Community Services and are required to pay the regular \$2.25 fare to use the service. No other group representing disabled persons has objected to their members having to pay regular fare. Some receive additional support from the Ministry through transportation stipends or Ministry purchased monthly passes. In discussions with CNIB representatives, they confirmed that many of their low-income patrons receive a monthly provision for transportation services as well. As such, it is unfair to continue to offer a benefit to one group and not to others.

Metro Transit considered the viability of offering free transit to all persons with disabilities and determined it is not feasible for a number of reasons. Logistically, it is very difficult to fully determine who would qualify for these passes. Unlike current Student or Senior reduced fares, which can be easily administered through a verification of age or student status, many disabilities are not obvious and not all are physical. As well, most such persons do not belong to organizations which issue photo ID cards. It is Metro Transit's position that determining eligibility based on income and disability is the domain of the Province, as they already have an evaluation framework in place to assist individuals.

When the current passes were renewed in 2005, Metro Transit advised CNIB that it would be reconsidering the practice in the future. Metro Transit is in the difficult position of being perceived as "pitting one disabled group against others", and has endeavored to take into consideration the needs, demands and fairness to all passengers.

As technology has advanced, Metro Transit has invested in amenities for passengers. In addition to the introduction of ALF vehicles, Metro Transit has also adopted use of larger, brighter font destination signs, yellow stanchions, buzzers on posts, and yellow step and aisle edges on buses in recent years. Automated Bus Stop Annunciation technology is being introduced in other Canadian transit systems and Metro Transit will be evaluating this technology for future implementation.

The recommendation to discontinue the free passes is not made lightly or without consideration of alternative options. However, this action has been taken with respect to Human Rights legislation and with fairness to all Metro Transit passengers in mind. We continue to work towards making Metro Transit fully accessible as budgets permit.

BUDGET IMPLICATIONS

Complimentary transit passes issued to 500 CNIB patrons are valued at \$420,000 per year based on the July 1, 2009 fare structure. It should be noted that revocation of the free passes does not necessarily mean that Metro Transit would experience an increase of \$420,000 in revenue as this amount assumes full monthly usage and we have no way of knowing the extent to which the free passes are currently used. Similarly, continuing the free passes does not mean Metro Transit would experience a shortfall of \$420,000 in revenue. Expanding the eligibility for free passes or reduced fares would have a negative budget impact, but it is impossible to quantify that impact at this time.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council has the option to direct staff to continue to provide free passes to CNIB patrons until such time as Metro Transit can undertake a planning process to address issues of transit accessibility and substantially implement the same.

The risk of this option is that another disabled group or individual may challenge this through a complaint under the Human Rights Act.

ATTACHMENTS

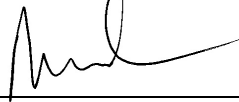
CUTA 2008 Fares for Blind Persons.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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ATTACHMENT 1

**2008 Fares for Blind Persons
(CUTA)**

| Transit System | Fares | Blind Fares |
|-----------------------|---------------|--|
| London | \$2.75 | \$10/year with CNIB card |
| Laval | \$2.50 | Regular Fare |
| Victoria | \$2.25 | Free with CNIB card |
| Brampton | \$2.75 | Free with CNIB card |
| Hamilton | \$2.40 | Information not provided |
| Halifax | \$2.25 | 500 free passes provided through CNIB |
| Brantford | \$2.15 | \$25/quarter with CNIB card |
| Kingston | \$2.25 | Discount with card (not specified) |