

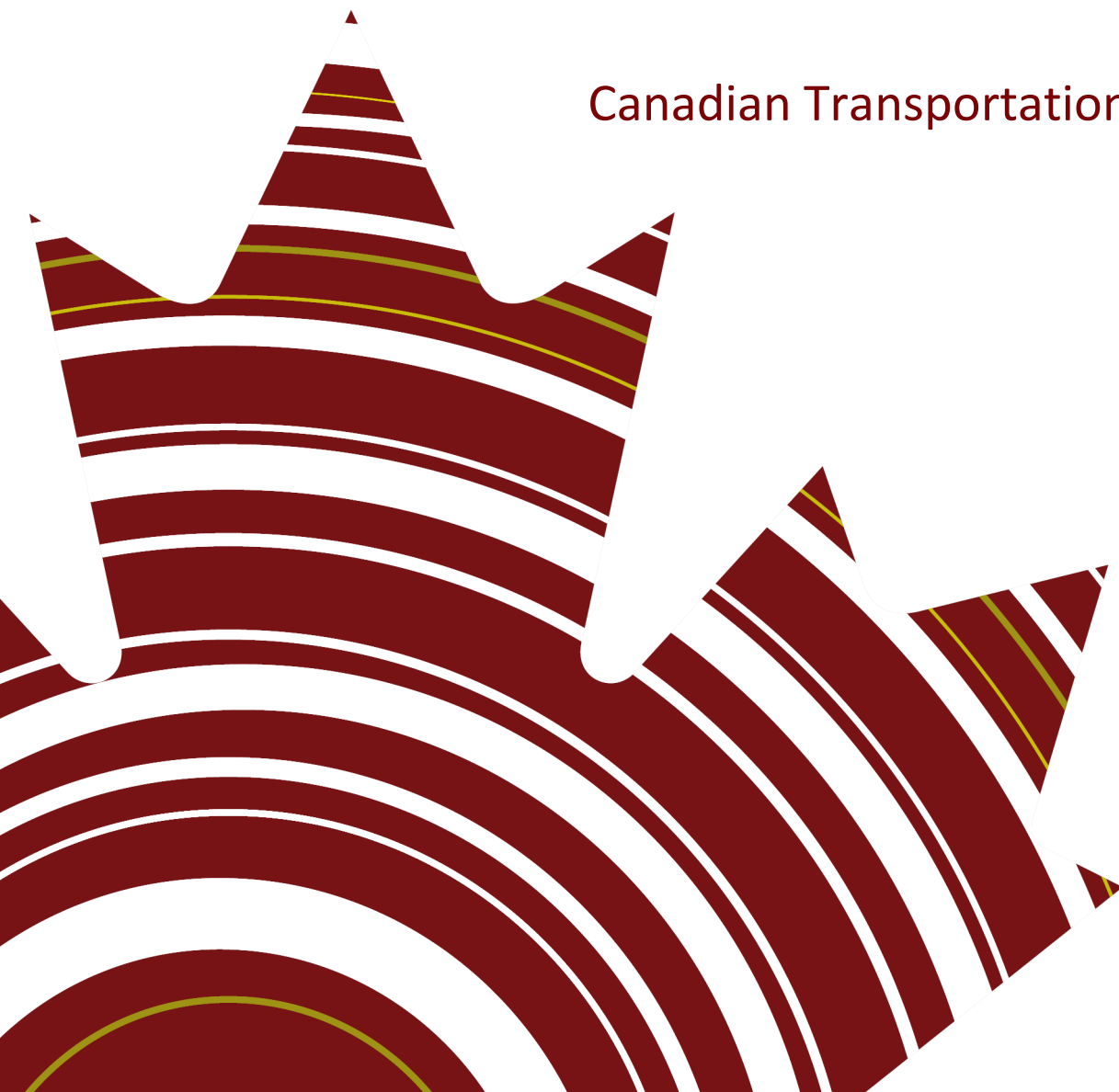


Canadian
Transportation
Agency

Office
des transports
du Canada

Accessible Transportation — Additional Seating and the *One Person, One Fare* Requirement for Domestic Travel: A Guide

Canadian Transportation Agency



Canada 

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1. Purpose

This guide explains the obligations of carriers under the *Accessible Transportation for Persons with Disabilities Regulations* (ATPDR) to provide additional seats to passengers with disabilities. In particular, this guide explains:

- Who is covered by the additional seating obligations;
- What kind of assistance carriers must give to passengers with disabilities who need additional seats;
- The *One Person, One Fare* requirement for domestic travel;
- The responsibilities of passengers with disabilities who need additional seats; and
- Travel tips for passengers with disabilities who need additional seats.

Transportation service providers not covered by the ATPDR may have other obligations regarding additional seats for persons with disabilities. For more information consult [Accessible Transportation Guides — Introduction](#).

This is not a legal document. The explanations and definitions it provides are for general guidance purposes only. The obligations relating to additional seating for passengers with disabilities, including the *One Person, One Fare* requirement for domestic travel, are established in the [ATPDR](#) and reflected in Annex A of this guide.

In case of differences between this guide and legislation or regulations, the legislation and regulations prevail.

2. Overview

In situations where a passenger with a disability requires more than one seat due to a disability-related need, carriers have a responsibility to provide additional, adjacent seating. In particular, they must provide this seating:

- For a support person who is needed to provide certain assistance to a passenger with a disability during travel that carrier personnel does not provide;
- For a service dog that requires additional floor space in order to be located beside the passenger with the disability that they are trained to assist; or
- If the nature of the passenger's disability is such that the limitation to a single seat would be a barrier to travel; for example, if the person has a fused leg or a leg brace, or is functionally disabled by obesity.

Useful definitions

The Canada Transportation Act defines **disability** as:

any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.

The ATPDR define a **service dog** as:

a dog that has been individually trained by an organization or person specializing in service dog training to perform a task to assist a person with a disability with a need related to their disability.

For travel within Canada, carriers must provide the additional, adjacent seating without charge — a requirement referred to as *One Person, One Fare* (1p1f).

For international travel, carriers are required to provide additional, adjacent seating to accommodate a person's disability, but are permitted to charge the fare. The second phase of the ATPDR (expected to be completed by summer 2021) considers the question of whether the regulatory obligation not to charge a fare should be extended to international travel, a complex question as a result of the impact of international and bilateral air agreements on rule-making for international air travel.

Clarification regarding additional adjacent seating on ferries:

It is the responsibility of passengers with disabilities who need additional adjacent seats to find them when travelling on a ferry that does not offer assigned seating. However, assistance to locate this seating can be requested from onboard personnel.

3. Carriers' obligations to provide adjacent seating

Carriers, with the exception of ferries that do not offer assigned seating, must provide additional adjacent seats, meaning seats which are next to the seat of the passenger with a disability in three situations:

1. When a passenger with a disability travels with a support person who:
 - provides assistance to them during travel — i.e., after departure and before arrival — with the following:
 - eating meals (e.g., hand-feeding), taking medication or using the washroom;
 - transferring to and from a passenger seat where the passenger cannot assist onboard crew with their transfer (note: transfer assistance *before* departure and *after* arrival is provided by carrier personnel who are specifically trained to do this without assistance from either the passenger or their support person);
 - orientation or communication; or
 - responding to an emergency, including an evacuation or decompression (note: the assistance is of a physical nature, as opposed to, for example, explaining instructions given by carrier personnel);
2. When the size of a passenger's service dog is such that the passenger's seat does not provide sufficient floor space for the dog to lie down at the passenger's feet in a manner that ensures the safety and well-being of the dog and the passenger; or

3. When a person with a disability needs more than one seat because of the nature of their disability. Additional seats may be required by persons who, for example, have a fused leg or who are disabled by severe obesity.

Note: Carriers may assess disabilities when additional seating is requested. In some cases, it is not obvious whether a person has a disability. In these cases, carriers should have processes for making disability assessments, which may include requiring a person to provide information or documentation, including medical certificates. That process should be structured in a way that respects the person's dignity and privacy rights while gathering the information the carrier requires.

For example, where it is not obvious that a person is disabled by severe obesity, a carrier may require information on the person's size to determine whether an additional seat is required because the person cannot fit in one seat with the armrest lowered.

If a person does not agree with the carrier's assessment or the process it used to make the assessment, they can file a complaint with the CTA, which may determine either that the passenger requires the requested accommodation, or that the carrier's decision was reasonable

The role of and criteria for a support person

The ATPDR define a support person to mean a person who is needed to provide assistance to a person with a disability, after departure and before arrival, with:

- eating meals, taking medication, using the washroom;
- transferring to and from a passenger seat;
- orientation or communication; or
- responding to an emergency, including an evacuation or decompression.

The assistance provided by a support person is in addition to the assistance that carrier personnel are already required by the ATPDR to provide to passengers with disabilities, which includes, for example, assisting the passenger with meals served by the carrier by opening packages, identifying food items and their location and cutting large food portions; assistance with boarding/disembarking, storing and retrieving carry-on baggage, and describing the layout of an aircraft and the location of onboard amenities; or transferring the passenger between a mobility aid and their passenger seat before departure and after arrival.

When a passenger is travelling with a support person, carriers must, on the passenger's request, still provide the services that are required by the ATPDR.

Carriers do not have to provide an additional adjacent seat for a support person if the assistance provided is only needed by the passenger with a disability after finishing their travel and arriving at their destination.

Passengers may generally choose whom they wish to be their support person. However, carriers may establish criteria, such as minimum age and the ability to provide assistance during travel, for accepting a person as a support person. A support person is not the same as a person's travel companion.

Carriers may also require confirmation from a person with a disability, at the time of reservation, that the person they wish to travel with as a support person can provide the kind of assistance they need during travel.

Once carriers accept a support person, they must make the information about the support person available to its personnel at all points of travel, to ensure that the passenger with a disability is not required to repeatedly explain the role of their support person to various frontline personnel.

Providing sufficient space for a large service dog

In accommodating a passenger with a disability travelling with a large service dog, carriers must be aware of certain requirements. The floor space must be large enough for the passenger's feet and their service dog and avoid causing either of them injury while ensuring that they can travel in reasonable comfort. Inadequate space and objects, such as baggage restraint bars and seat fasteners located under the seat in front of the passenger, can injure the service dog and hinder its ability to provide the disability-related assistance that the passenger needs. This can also mean that the passenger needs to either place their feet on top of their dog or position them on either side of their dog, which can cause significant discomfort to both.

More information can be found in [Service Dogs: A Guide](#). Additionally, the CTA has published [Space for Service Dogs Onboard Transportation Equipment: A Guide](#), that provides information on sizes of dogs and the space recommended for each size. This guide can be used by carriers to establish a process to ensure that sufficient space is provided to a person with a disability and their service dog.

Passengers with intermittent requirements for a support person or service dog

The definition of disability in the *Canada Transportation Act* includes impairments and functional limitations that are episodic in nature; for example, multiple sclerosis, which can result in symptoms and functional limitations that fluctuate in severity.

A person with an episodic disability may not, at all times, require a support person or service dog for travel. A carrier must consider the dignity of a person with an episodic disability. For example, when the person advises the carrier that they do not need a support person or service dog for a particular trip, the

carrier is expected to make an individual assessment of the need rather than applying a blanket requirement that, if the passenger travelled with a support person or a service dog in the past, they must always travel with one.

Similarly, when a person with a disability advises the carrier that they do not require a support person because a particular trip will be short and they will not need, for example, to use an onboard washroom or assistance with eating or taking medication, the carrier is expected to make an individual assessment in light of the duration of the trip.

The ATPDR recognize the importance of safety. Where a carrier concludes that there is a serious safety concern in allowing a person to travel without their support person or service dog, it may refuse to transport the person. At the time of the refusal, the carrier must provide the person, at least verbally, with the reasons for the refusal and, within 10 days, provide the reasons in writing. The written notice must include evidence of the undue hardship that transporting the person would cause to the carrier, such as a medical report or expert opinion that demonstrates that the risk is significant enough that it would be unreasonable to waive or modify a condition of travel.

If a person with a disability does not agree with the carrier's assessment or the process used to make the assessment, they can file a complaint with the CTA, which will determine whether or not the refusal constituted an undue barrier to the person's travel and, if so, what corrective measures the carrier should take.

Other carrier obligations

Do not impose additional fares, related fees or other charges (domestic travel only)

Reflecting the principle of equal access — and the related principle that persons with disabilities should not be placed at an economic disadvantage because of their disability — Canadian carriers must provide additional seating to persons with disabilities who require such seating without imposing any additional fares or any other charges for domestic travel. Other charges would include seat selection fees for additional adjacent seats required by persons with disabilities.

Exception:

- The ATPDR do not prohibit carriers from imposing an additional fare or any other charge for additional adjacent seats needed by a person with a disability for travel with a support person or a service dog, or because of the nature of the person's disability when travel is between Canada and a foreign country.

Note: The CTA recommends that carriers do not charge seat selection fees for any additional adjacent seat required by a passenger to accommodate their disability-related needs while travelling on an international trip.

Note: The Agency's authority to make regulations does not allow it to prohibit carriers from charging the Air Travellers Security Charge, provincial and federal taxes or taxes levied by foreign governments, or charges imposed by foreign bodies such as foreign airport authorities. Despite this, some choose to voluntarily absorb these charges and taxes for their passengers who require additional seating due to the nature of their disability.

The Agency expects that air terminal operators will absorb airport improvement fees — normally charged to passengers as a portion of their air ticket — that would otherwise apply to travel by a support person accompanying a person with a disability.

The ATPDR do not prohibit a carrier from imposing on a person with a disability, or a support person, other customary charges that apply to all travellers, such as baggage fees for regular baggage (i.e., baggage that is not a mobility aid or other assistive device).

The ATPDR also do not address the transportation of items needed at destination, such as medical supplies needed by a passenger with a disability and food and other supplies needed by a service dog. These may be subject to a carrier's usual baggage fee policy, however, passengers may wish to contact their carrier in advance of travel to get information on the carrier's applicable policies.

Provide training to personnel

Carriers must ensure that members of their personnel who interact with the public or participate in making decisions or developing policies and procedures that affect persons with disabilities — including those who need additional seating in order to travel — receive training that provides them with adequate knowledge in respect of, amongst other things, the role of a support person and the role and needs of a service dog.

For more for more information about training requirements in the ATPDR, please see the CTA's [*Personnel Training for the Assistance of Travelers with Disabilities: A Guide*](#).

Retain information and documents for future trips

If a carrier requests information or documents from a person who needs additional seating, the carrier must offer to retain an electronic copy for at least three years.

This avoids a person having to provide the same information or documents each time they travel with the carrier.

Note: A carrier may ask a person to confirm, at the time of a new reservation, that information or documents already on file about the person's need for additional seating has not changed since it was provided.

4. Responsibilities of passengers with disabilities who require additional seating

The ATPDR recognize that carriers are responsible for the safety of their passengers and personnel and that this can require them to establish travel conditions, including for passengers who need additional adjacent seats for a support person or a service dog or because of the nature of their disability.

Provide medical certificates and other information and documents

When a person with a disability requests additional seating for a support person or a service dog or because of the nature of their disability, the carrier may require that they provide any information or documents, including a medical certificate, that are reasonably necessary to permit the carrier to assess the person's request.

Types of information or documents that may be requested by a carrier:

- **Medical documents** such as letters or disability forms prepared and signed by a person's physician or other medical professional to support a request for additional adjacent seating.
- **Questionnaires or assessment forms** provided by the carrier to be completed by a person requesting additional seating. These may concern the suitability of a person's support person where the carrier establishes requirements pertaining to minimum age or the ability to provide assistance during travel.

- **An identification card or other document** issued by an organization or person specializing in service dog training, which identifies the person with a disability and attests to the dog's training to perform a task to assist the person with a disability-related need. The carrier can require this prior to departure.
- **A declaration** attesting that a service dog has been individually trained by an organization or person specializing in service dog training to perform a task to assist the person with a disability. The carrier can require this at the time of reservation.

Provide advance notice

If a person with a disability needs additional adjacent seating for travel with a service dog or a support person or because of the nature of their disability, they should, as part of their pre-travel planning, check the requirements their carrier has in place and make their request as far in advance as possible. Generally speaking, a person with a disability will have to make a request for services at least 48 hours before their departure. They can do this by contacting the carrier directly; for example, by phone, email or through their website. Some carriers may also refer passengers to a specialized department such as a medical desk.

However, if the carrier requires documents or information from a person to provide them the service, a carrier may need up to 96-hour notice before departure to assess the request. In this situation, the person will have 48 hours to provide the documents and/or information the carrier has requested. Once the person has provided this, the carrier may take up to 48 additional hours to assess the request.

If the person with a disability gives advance notice but the information or documents provided are insufficient or the notice period includes a day that is a

weekend day or holiday, the carrier may not be able to complete its assessment of the request. In these cases, the carrier may not be required to provide the service. For this reason, it is important that travellers provide the requested documents or information and make every effort to give advance notice that includes two full business days.

Note: A carrier is required to make a reasonable effort to transport a service dog or the support person of a person with a disability even if the person does not provide advance notice, or the information or documents, that are requested by the carrier. However, in some situations, accommodating a person's request for additional seating on short notice will constitute undue hardship for the carrier, in which case they would not be expected to make the accommodation. For this reason, passengers are encouraged to provide sufficient notice and documentation.

Why it is important to provide advance notice:

- The carrier may require information or documentation to assess the passenger's request as well as the time to subsequently do so.
- Providing a carrier with adequate advance notice about the need for additional adjacent seating will allow it to ensure that the seating is provided and, if necessary, make changes to seats that have already been assigned.
- Advance notice is also helpful when there is a passenger with a severe allergy to dogs travelling on the same flight. The carrier will need time to identify appropriate seating for the passenger travelling with a service dog and to establish a buffer zone for the passenger with the severe allergy.

5. Travel tips for passengers with disabilities who require additional seating

There are things passengers with disabilities who need additional adjacent seats for a support person or a service dog or because of the nature of their disability can do to help avoid problems during their trip:

- Contact the carrier as soon as possible (a carrier may require between 48 and 96 hours' advance notice) to find out what information or documents are required. The carrier may already have this in an electronic file if it was provided for a previous trip and the passenger asked that it be kept for future reference (this can be done for up to 3 years).
- Provide information on the types of assistance the support person will provide during travel to ensure that this meets the requirements for a support person under the ATPDR, and that it is not assistance that the carrier already provides. It is also important to make sure that the support person will meet the requirements of any policy that the carrier might have regarding minimum age and the ability to provide the assistance.
- Provide information to the carrier on the size of a service dog to ensure that the passenger and their dog can travel safely and in reasonable comfort.

6. We're here to help

For more information and guidance about accessible travel and the CTA's dispute resolution services, please contact us at info@otc-cta.gc.ca.

Annex A: Additional seats needed by passengers with disabilities — Obligations in the *Accessible Transportation for Persons with Disabilities Regulations*

Provisions in the *Accessible Transportation for Persons with Disabilities Regulations* applicable to additional adjacent seats needed by passengers with disabilities are set out in Part 1 (Personnel Training for the Assistance of Persons with Disabilities) and Part 2 (Service Requirements Applicable to Carriers).

Part 1

Personnel Training for the Assistance of Persons with Disabilities

16 (1) If a member of personnel may be required to interact with the public or to participate in making decisions or in developing policies or procedures in relation to the requirements of these Regulations, they must receive training that provides an adequate level of knowledge and skills to carry out those functions, including training with respect to the requirements of these Regulations and the policies and procedures of the transportation service provider with respect to persons with disabilities.

Contents of training

(2) The training referred to in subsection (1) must provide an adequate level of knowledge in respect of

...

(e) the role of a support person; and

(f) the role and needs of a service dog.

Note: The training obligations do not apply to foreign carriers.

Part 2

Service Requirements Applicable to Carriers

Non-application — certain ferries

28 (1) Section 53 does not apply to a marine carrier in respect of a transportation service provided by means of a ferry if the carrier does not offer assigned passenger seats to passengers.

No Charge for Required Services

Prohibition

31 (1) Subject to subsection (2), it is prohibited for a carrier to impose a fare or any other charge for any service that the carrier is required by this Part to provide to any person.

Non-application of subsection (1)

(2) The prohibition in subsection (1) does not apply to a carrier in respect of any service that the carrier is required to provide under section 50, 51 or 52 if that

service is provided by the carrier for the purpose of a transportation service between Canada and a foreign country.

Transportation of Support Persons

Duty to transport

50 (1) A carrier must, on the request of a person with a disability, accept a support person for transport if, because of the nature of their disability, the person, after departure and before arrival, needs

- (a) assistance with eating meals, taking medication, using the washroom;
- (b) assistance with transferring to and from a passenger seat;
- (c) assistance with orientation or communication; or
- (d) physical assistance in the event of an emergency, including in the case of an evacuation or decompression.

Adjacent passenger seat

(2) The carrier must provide a passenger seat for the support person that is adjacent to the passenger seat of the person with a disability.

Transportation of Service Dogs

Additional space for service dog

51 (4) If, because of the size of the service dog, the passenger seat of the person with a disability does not provide sufficient floor space for the service dog to lie down at the person's feet in a manner that ensures the safety and well-being of the dog and the person, the carrier must provide to the person any passenger seat adjacent to their passenger seat that is needed to provide sufficient floor space for the service dog.

Additional Passenger Seat

Duty to provide additional seating space

52 On the request of a person with a disability who needs more than one passenger seat because of the nature of their disability, the carrier must provide to the person any passenger seat adjacent to their passenger seat that is needed by the person.

Retention of electronic copies

59 If, on the request of a carrier, a person with a disability provides the carrier with information, including personal health information, in relation to a request for a service referred to in this Part, the carrier must offer to retain an electronic copy of that information for a period of at least three years for the purpose of permitting the carrier to use that information if the person makes another request for a service.