

# In the Stream

Winter 2003

## VIA Rail ordered to make coaches accessible

*This story came to us from CAILC, taken from the Thursday, October 30 edition of the National Post. It proves to us that consumers with disabilities sometimes achieve victories! -- Eds.*

**Thursday, October 30, 2003**

VIA Rail Canada's controversial purchase of 139 pre-owned British railway cars in 2000 suffered another setback yesterday after the Canadian Transportation Agency ordered VIA to make major changes to the coaches to make them more disabled-friendly.

The CTA ruling stated, not without irony, that most of the problems with the crown corporation's Renaissance coaches that now require expensive and additional modifications involve areas that were "designed specifically to meet the needs of persons with disabilities."

VIA Rail executives had argued concerns about accessibility in the cars were invalid and any order by the federal tribunal to modify the cars to make them easier to access for the disabled could cost it several millions of dollars.

The CTA said its officials carefully examined the "economic feasibility" of making the modifications needed to fix the coach problems before it found that VIA Rail failed to provide any justifiable reason it could not do the work.

The CTA decision was quickly hailed by the Council of Canadians with Disabilities, whose complaint in late 2000 triggered the CTA review immediately after VIA announced it bought the 139 Renaissance cars from European manufacturer Alstom.

Pat Danforth, an Ottawa woman who chairs the Council of Canadians with Disabilities (CCD) transport committee, said the CTA ruling shows that disabled travelers no longer have to accept being second-class citizens on VIA Rail trains.

Danforth said the CTA ruling, which cites 14 problems with the Renaissance coaches that represent "undue obstacles to the mobility of people with disabilities, including those with wheelchairs," orders VIA Rail to make "massive changes" to its Renaissance cars.

"The winners in this case are Canadians with disabilities," she said.

VIA Rail officials said little after Wednesday's ruling was made public.

"VIA Rail has a long and good track record of providing accessible transportation to all Canadians," said Malcolm Andrews, a Montreal-based VIA Rail spokesperson.

"We've just received the CTA ruling. We will study it and respond appropriately within the legal time frames," he added.

VIA now has 60 days to submit detailed plans describing how it will correct the problems to officials at the federal transportation tribunal. Its submissions must include a schedule for the start and finish of the work.

Among the problems it must correct are: doors to sleeper car units that are too narrow for people in wheelchairs; sleeper suites too small to allow a disabled passenger to keep a wheelchair in the room; space problems that prevent a disabled person from making a side transfer from a wheelchair to the toilet.

Jim Gouk, a British Columbia Canadian Alliance MP and his party's critic for VIA Rail operations, said taxpayers should be angry about the CTA decision because the Alstom cars should never have been bought in the first place.

"These cars are a joke. The minister of transport has the audacity to tell us that these cars incorporated the best in passenger-car design and technology, yet we know they were rejected by other railways in Europe because of flaws," he said.

"Instead of these Renaissance coaches, we should have had brand new cars built to Canadian standards by Canadian workers," Gouk added.

-- article by Andrew McIntosh (*National Post*)

For more information on this landmark ruling, please, contact CCD at **(204) 947-0303**.

### **Late-Breaking News Update: VIA launches appeal against CTA**

As this edition of *In The Stream* was going into the final production stages, we received this disturbing update from our colleagues at the Council of Canadians with Disabilities (CCD).

This is the complete press release issued by the CCD:

#### **PRESS RELEASE**

For Release December 3rd

- VIA Fights To Keep Disabled Off Trains
- Collenette Betrays Disabled Community
- Canadians will bear the costs of VIA's mistakes
- Disabled Community Outraged at VIA Appeal of CTA Order to Make Trains Accessible

Canadians with disabilities are wondering if it can get any worse. First we had to fight for our right to travel by train. After waiting three years for a positive ruling from the Canadian Transportation Agency (CTA) we are now told that VIA will appeal the ruling. Transportation Minister David Collenette has promised repeatedly that these cars will be accessible but those have proven to be empty words. Now Canadians with disabilities face another lengthy and costly legal battle to ensure we can use the trains. At the end when we win VIA who is now retrofitting these same cars to meet Canadian safety standards will have to rip those cars apart again to make them accessible. Canadian taxpayers will pay again and again for VIA's mismanagement in purchasing unsafe and inaccessible passenger rail cars. "It cannot get more stupid than this, where is the commitment to accessible transportation?" said Pat Danforth, Chairperson of the Council of Canadians with Disabilities (CCD) Transportation Committee.

Today is the International Day of Persons with Disabilities declared by the United Nations. Instead of celebrating achievements we must speak out about the creation of new barriers to our participation. "Canada is an ageing society, the need for greater accessibility is a fact, but instead we are moving backwards," said Eric Norman member of CCD's Transportation Committee. "Persons who use wheelchairs will not be able to travel on these trains, that is an outrage," said Norman.

CCD calls on all Canadians to send a message to Minister Collenette. We want our public transportation systems to be accessible, it is a necessity and it is a right. To do otherwise is to say to Canadians with disabilities, you are second-class citizens, your independence is of no importance to us, and you should stay home and be thankful for whatever charity you might receive.

Canadians with disabilities eagerly await a "regime change" at the Department of Transport. The current inaction of the Minister and his Department is a disgrace.

For More Information Contact:

Pat Danforth: 613-521-3400 x264  
Eric Norman: 709-256-8630

David Baker: 416-533-0040 x222  
Ron Ross: 807-935-2028

Laurie Beachell: 204-947-0303

For more information or to find out how to contact your MP about this issue, please call CCD at **1-204-947-0303** or visit their Web site at [www.ccdonline.ca](http://www.ccdonline.ca).

CILT urges all consumers to self-advocate and fight against this appeal.

### **As the Years Go By**

*by Lina DiCarlo*

Having had polio as an infant, a wheelchair was the only way I could get around. Polio had affected my right arm more than my left. I couldn't lock my right elbow to transfer from the couch or from the toilet. If I hooked my right arm under my right leg and grabbed the armrest with my left hand, I could pull myself enough over the seat of the chair to drag the rest of me.

In my twenties, it was easy to wheel around in my manual wheelchair. I was thin and energetic. I was so thin that whenever I bought a belt, it was too big! I had to take it to a shoe repair shop to drill more holes so I could tighten it. Transferring took less than a minute. I had no problem getting into a car. My friends would fold my chair, put it in the trunk and spontaneously go anywhere we wanted.

People asked me why I didn't get an electric wheelchair to which I proudly replied, "To be honest with you, electric wheelchairs are for people who are really f\*\*\*ed up." That usually shut them up.

When I was young, I wanted to change the world and make it better for people with disabilities. I also wanted to change peoples' attitudes. This included wanting to stop people from petting me on the head instead of shaking my hand, or stopping a waiter from asking my dinner partner what I would like to eat as though I were invisible.

I took on fights with governments and storeowners. One coffee shop owner laughed at me when I suggested he make the door to his bathroom wider. He stopped laughing when the Human Rights Commission made him do it.

I wanted to prove that people with disabilities were not heroes, nor were they sick. We were like everybody else. All that the able-bodied world had to do was make a few adjustments to make places more accessible, like creating ramps, automatic doors and wider parking spaces. I pointed out that ramps helped mothers with strollers and senior citizens not just people who used wheelchairs.

If you watch able-bodied people today, eight out of 10 will use the ramp, use the automatic door and yes unfortunately park in the wheelchair parking spots.

Vic Willi, a friend of mine once wrote in a past edition of *In The Stream*: "Somehow it is assumed we live a life of personal tragedy; yet we are brave and inspirational when we go out for a beer."

I get tired of people telling me that they admire me. Think! What would you do? Roll over and die? The human spirit is much stronger than that.

In my thirties, I didn't have to drill extra holes in my belts anymore, because they fit just right. I began having problems with my transfers. I couldn't push my chair as easily. In my job as a manager, I had to supervise people. I wanted to maintain a distance between my staff and me. I didn't want them helping me when we went out for someone's birthday. Often I would ask them if they minded that my husband, who worked in the same complex, came along. I gave them the excuse that he didn't have anyone to go to lunch with on that particular day. He would help me so I wouldn't have to be dependent on others.

Then in my forties, the inevitable happened. I went to the washroom and couldn't get back in my chair. I was not about to call for help so I waited until I thought I had regained enough energy to try again. After three attempts, I made it.

The next day, I called a wheelchair company and ordered an electric wheelchair. I felt defeated. It took me a while to get used to it. I had to learn to do things differently. Now I wouldn't change it for the world. I can wheel farther and faster. I don't need to rely on anyone to push me or have to invite others to events on false pretences to help me. I can conserve my energy for other things. I should have gotten an electric chair a lot sooner. What scares me now is what my fifties and sixties have in store for me. I'm sure that I will find a solution to that too when the time comes.

In 2003, I don't fight so many battles anymore and I don't care to change the world. I'll leave the fight for others. I have no need to prove anything. I don't mind when people hold the door open for me now even if they do get in the way.

As the years go by I have mellowed, but please don't call me speedy or a roadrunner or I may accidentally lose control of my 430 lb wheelchair!

## Easier Air Travel

*by Susan DeLaurier*

If you have a disability and have traveled by air, your experience might have been frustrating for various reasons. Many people have told the Canadian Transportation Agency (CTA) about their difficulties when traveling. These complaints have been monitored by the Accessible Transportation Directorate to spot patterns pointing to systemic problems.

The CTA administers the Personnel Training for Assistance of Persons with Disabilities Regulations (PTRs). Airline employees and contractors who provide physical assistance have to receive a level of training to be able to properly transfer a person to a wheelchair, guide a blind person, etc. These people are also trained to assist with special equipment or aids.

It also must be pointed out that the Agency's Enforcement Program "encourages voluntary compliance with the Canada Transportation Act, the Air Transportation Regulations and the PTRs." Unfortunately, we know that being voluntary, it may or may not be done. It has been noted that the Agency can enforce the law through many means, but it is not clear if this has ever been done.

A letter was sent to all travel agencies in Canada by CTA so they will be aware of some of the real life problems encountered by travelers with disabilities. Appended to the letter is the Agency's "Reservation Check-List -- Air Travel," an easy to use guide for documenting additional needs.

It is suggested that travelers with disabilities fill out a copy of this checklist for themselves and make copies for the travel agent they go to for making arrangements and for the airline. The possibility of communication breakdown will be reduced this way, and there will be no excuse for "not knowing what was needed." The checklist and letter are both available on the Agency's web site at [www.cta.gc.ca](http://www.cta.gc.ca), and click on 'Accessible Transportation Information for Travel Agencies and Airlines.' The only thing to be added to the list would be requesting assistance if traveling with a baby or small child.

If you do not have access to this site, we will send you a copy of the list and the letter. Please contact Don Barrie, CILT's Resource Coordinator, at 416-599-2458 x23 or [info@cilt.ca](mailto:info@cilt.ca) if you would like a copy sent.

## Consumer feedback on "Disabled in the U.S.A."

In the previous edition of *In The Stream* (Fall 2003), our Executive Director, Vic Willi, published an article about living with a disability in the United States, and how it compares with Canada. This is one of the responses we received to that story.-- *Ed.*

-----Original Message-----

From: Connie Economopoulos

To: Vic Willi

Sent: October 1, 2003 3:23 PM

Subject: In the Stream, Fall 2003: Disabled in the USA

Dear Vic Willi:

I wanted to briefly comment on your article on "Disabled in the USA" from the point of view of an individual with a disability who has lived, studied, and worked in the U.S. for several years after the Americans with Disabilities Act was passed.

Although your article contained excellent sources of reference, I think I can provide some insight and opinions as someone who actually experienced life and the ADA in the U.S. not too long ago.

Your article contained much information regarding Medicare, nursing home, and other healthcare issues and cutbacks in the U.S. You also discuss some transportation difficulties and ADA disputes within certain states. Although your article is objective in presenting research findings, you do seem to take the view that we in Canada are doing much better here.

You state at the beginning of your article: "Are the American disabled better off than us?" as if that question should be kept in mind as we read on. You mention later on that: "Life for us in Canada seems a cakewalk." And you do conclude by pointing out at the end of your article, "Reflecting on Canada," disabled Canadians have the legislation to protect them, more work ahead is needed, but in general we have civil rights and Americans don't.

I don't think such comparisons that could elicit passivity on our part should be warranted. Canadians shouldn't be naive in the belief that human rights legislation and a weak law specific to one province only ensures that first-class citizen rights will be maintained at all times. I believe that one country can learn from the strengths of another. I've also heard that from other professionals, politicians and senators I have worked or communicated with in both countries.

Because my work in the U.S. was centered on healthcare, I did see firsthand

all the health care issues you discuss, but I can honestly say that the problem was endemic to all Americans regardless of ability/disability. Being in touch with many U.S. rehabilitation organizations, even now, I know much about their constant struggle with ADA rulings and complaints, as with other current rehabilitation legislation and amendments.

At this point, I must add how delighted and envious I am to see such great lobbying efforts in the White House by actual disability rights and rehabilitation groups ensuring proper legislation is attempted at all times. I can't help but compare that we are not so privileged in Canada to have such large organizations with such important people advocating for us at Parliament Hill at all times.

No, the States are not perfect; I have been a witness of many problems there. I have also been a witness of so many problems here. One of the greatest differences I have seen there, one of which I was so pleasantly surprised to see, was the ability of so many disabled Americans to make their vocational and lifestyle dreams come true. I saw and learned more about people with significant disabilities making career choices and living lifestyles that I didn't even think were possible; after all I was not used to seeing it.

Just a couple years ago, Jim Langevin, a man with quadriplegia, was elected as congressman to the House of Representatives. It was very impressive to see that. Can you imagine a quadriplegic MP elected here? How would they go about doing so?

The U.S. is not perfect, and Canada is far from perfect, but we should really try to support each other and learn from each other. After all, a really successful civil rights movement should be supported internationally. By illuminating on the difficulties of one society just to make our position seem more hopeful, we are doing ourselves a disfavor by catering to disillusionment.

Vic, I have always enjoyed reading your articles. I hope you understand and come to appreciate the democratic process of voicing ones' thoughts and opinions, no matter how dissenting they appear to be.

Sincerely,  
Connie Economopoulos

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