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To

Department of Infrastructure, Transport, Regional Development and Communications
Via email DisabilityTransport@infrastructure.gov.au

Submission (Number 2) on the Reform of the Disability Standards for Accessible Public Transport: Consultation Regulation Impact Statement

The All Aboard network appreciates the opportunity to make this submission. However, we refer to our Submission (Number 1) where we pointed out that in the production of this Regulation Impact Statement (RIS), the Department has not taken the opportunity to make available the detail of the many references to the various Australian Standards which are referred to in the RIS and the DSAPT. This has made the writing of this submission much more difficult than it should have been. It may also have led to some omissions or inaccuracies because we did not have access to relevant information that is contained in those Australian Standards.

We believe the Department has let down people with disabilities by not providing them the ability to read and understand the full meaning of the RIS and the DSAPT. The advice on page 139 of the RIS, that the Australian Standards can be purchased from the copyright holder or viewed at a public library, is not helpful.

We do not understand why a member of the public must go to such lengths in order to read and fully interpret a set of Standards that determine whether or not they have been discriminated against because of their disability.

This submission follows the layout of the RIS and deals with one chapter at a time.

Chapter 4: Staff training and communication

The All Aboard network prefers the regulatory option. Companies and workers engaged for transport construction projects should also be required to commit to and complete training as part of their tender or contract.

Anecdotal evidence indicates that there has been some improvement in the average interaction between people with disability and transport staff over the past few years. This may be a result of improved or increased training by some transport providers and operators.

However, that improvement is not consistent across operators, modes or geographic areas. A regulatory approach to staff training, combined with the involvement of people with disabilities in the process should lead to a dramatic improvement with regard to discrimination.

However, it should be noted that measuring the outcome of a better staff training regime will be almost impossible without improving the process of reporting incidents of sub-standard staff interaction with people with disabilities.

Chapter 5: Mobility aid safety

The All Aboard network prefers the regulatory option.

The wording of the DSAPT 9.11 requirement that:

“an allocated space must contain movement of a mobility aid towards the front or sides of a conveyance”

Has long been of concern because of the use of the word ‘or’ instead of ‘and’. Transport operators and providers have taken this to mean that it is compliant to restrict movement either to the sides or to the front, but not both.

On buses there is generally some form of movement barrier at the front of the allocated space. DSAPT 9.11 as written then allows for the sides of the allocated space to be devoid of any kind of restraining device. The fact that one side is a wall and therefore a natural restraining device, is purely coincidental with the design parameters of a bus.

On trams and streetcars, the allocated space often has no front restraint and only a wall on one side that acts as a restraint. In this case, the conveyance fails to comply with DSAPT 9.11 as written. Note that DSAPT 9.11 says “sides” (plural).

It is the opinion of this writer, based on personal experience, that the incidence of people with disabilities including those with mobility devices sliding, tipping, falling or otherwise having unsafe experiences is vastly under-reported. Transport drivers are often isolated from the passenger saloon, are unaware of incidents or if they do become aware, are either afraid to report or do not have a method of doing so. Passengers can also have a difficult time figuring out how to report an incident and then actually making that report.

Active restraint systems are commonplace in some jurisdictions. Additional staff training and customer interaction is needed. In places where restraints are common, there appears to be higher patronage of people with disabilities and a higher sense of personal safety.

Again, in jurisdictions where restraints are commonly used, there is little effect on dwell times and schedule disruptions are minimal to non-existent because transport staff are well practised and efficient.

We would like to draw your attention to this following quote from page 31 of the RIS:

“It should be noted that AS/NZS ISO 10865.1:2015 requires users to face rearward, which is not preferred by some users. However, the requirement to face rearward offers better safety in being able to contain forward movement.”

Most, not just some, people who use mobility devices prefer to sit facing forward, particularly in buses. This is partly because most other passengers are also facing forward. It is partly because buses usually only stop as required and bus stops are easier to identify if you are facing in the direction of travel. It is also partly because the unpredictable and

sometimes violent lateral movement of buses can cause motion sickness in many people if they are facing contrary to the direction of travel.

The All Aboard network does not recommend any particular type of restraint system over another. We do suggest that there be extensive trials and consultations with people with disabilities. This should lead to some consistency of implementation all over Australia.

Relatively few buses and no trams that we are aware of are fitted with active restraint systems.

Active restraint systems should be made available in buses. The use of those systems should be mandatory for the device (ties-down or similar) and optional for the user themselves (seat belt).

Transport staff must be trained to use the restraint system and always be the primary user of the system. Allowing untrained passengers to use the restraint system should be avoided. Expecting people with disability to use an active restraint for themselves is unrealistic.

Chapter 6: Priority seating

The All Aboard network prefers the regulatory option.

Whilst priority seating is often identified by a colour that different from other seats, the significance of the contrasting colour is not always obvious to passengers. The regulatory option provides that priority seating must be identified by signs, but does not have anything to say about the size or prominence of those signs. If the size and location of the signs is not proscribed, then we recommend that signage be co-designed and tested with people with disability and be supported reinforced by a communications campaign.

Option 1 is preferred with regard to the number of priority seats to be made available.

It is very important that any folding priority seats that are co-located in an allocated space be clearly signed to advise that people with wheelchairs and scooters have a higher priority in that space.

Chapter 7: Allocated spaces in transit

The All Aboard network prefers the regulatory option.

The use of allocated spaces for other purposes should be limited to those in sub-option 1. Any additional intrusions may limit the size of a mobility device that may otherwise fit into an allocated space of the prescribed dimensions. This may lead to a inconsistencies where a person's mobility device can fit in one conveyance but not another.

The anecdotal evidence varies with regard to whether other passengers willingly vacate allocated spaces when needed by a person using a mobility aid. Most people are naturally respectful of the needs of others. Some require some coaxing. Luckily, those that absolutely refuse are rare. Not all staff are authorised to enforce seating priority. This can be an issue if the appropriate staff are not present at the time of an incident. Post incident reporting can be unduly onerous and is unlikely to achieve a result anyway.

The All Aboard network sees this RIS as a missed opportunity to amend or provide clearer guidance for interpretation of DSAPT 9.7 (1):

“At least 2 allocated spaces must be provided for each rail, tram or light rail car”

either by:

1. replacing the word “provided” with “made available”
2. or defining “provided” to include “available”

One could argue that if you provide something, that it must therefore be available for use. The interpretation being used by some suburban train operators and providers leads to 2 allocated spaces being provided for each car, but many less than that actually being available for use by people with mobility aids because only a few allocated spaces are accessible from the provided single entry door.

Chapter 8: Digital information screens

The All Aboard network prefers the regulatory option.

Digital information displays, coupled with appropriate audio information can provide important information about a public transport journey. If this information is provided in a well organised, consistent, intuitive and simple manner, it will be accessible by the largest number of people.

Digital information displays and associated audio systems can also provide dynamic real-time information that leads to better, less stressful public transport journey outcomes.

Chapter 9: Lifts

The All Aboard network prefers the regulatory option.

People with disabilities have often reported the following issues with regard to lifts:

1. Breakdowns or maintenance disrupting a journey
2. Overcrowding
3. A single lift is the only accessible means of entering or leaving a public transport premises or platform
4. A power outage disables a lift
5. Small lift, unable to cater to multiple mobility devices
6. Small lift triggering claustrophobic reactions for some people
7. Buttons that are out of reach for some people with disabilities

The actions taken by transport operators, generally a rail operator, when a lift is out of service vary. A few examples follow:

- No action at all.
- A sign is placed at the lift at street level advising customers that the lift is currently out of service. The sign may, or may not have a phone number to call.
- A sign is placed at the lift at street level advising customers that the lift is out of service and providing information about the location of the closest alternative railway station. The sign may, or may not have a phone number to call.
- A staff member may be present near the lift at street level to tell people that the lift is out of order.
- A staff member may be present near the lift at street level to assist passengers who cannot access the station by other means, by arranging alternative transport. (This is the preferred procedure)
- A passenger may get off a train and only then discover that the lift is not operational. They then have to wait for the next train so that they can travel to an alternate destination.
- A train driver may alert passengers who are already on a train arriving at that station that the lift is not operational and suggest an alternate destination.

When a lift is out of service, a passenger may be forced to travel to another train station. Often this will be without support being provided and with little information about how to get there. This significantly increases journey times and can deprive people of an opportunity to use facilities including restrooms.

The All Aboard network is strongly of the view that a minimum of two accessible means of moving from one level to another within a public transport premises should be available. This should be:

- Two lifts with backup power, or
- One lift and one ramp, or
- One ramp with two-way wheelchair traffic capacity.

A strong regulatory approach should alleviate many of these issues.

Chapter 10: Website accessibility

The All Aboard network prefers the regulatory option.

The Web Content Accessibility Guidelines (WCAG) developed by the World Wide Web Consortium (W3C) are recognised as international best practice. Australia should settle for nothing less.

Transport operators should include people with disability in co-design processes to refresh or redesign their websites. The processes should include testing functionality and providing subsequent feedback.

The All Aboard network prefers adoption of Sub-option 3 – Websites to meet the current version of the WCAG AA. That is, as the WCAG is incrementally enhanced from the current

version 2.0, the DSAPT will require public transport operators and providers to update their compliance accordingly and in a reasonable timeframe.

The adoption of WCAG AA should provide the public with clear, concise, accurate and easy to read information about their current or proposed journey.

Chapter 11: Communication during service disruption

The All Aboard network prefers the regulatory option.

Planned service disruptions are not always promoted well, so that travellers, including people with disabilities can be impacted much more significantly than is necessary. If someone uses a service once weekly, they may not know of a planned service disruption until they arrive at a bus stop, tram stop or railway station. At that time a person with disabilities may have limited, if any, alternatives available to them.

Unplanned service disruptions pose a more complex problem. Travellers with disabilities may not have the alternate means of transport available to them that others have. Because of that, there is a higher probability that a person with disabilities could find themselves stranded, perhaps on a conveyance without access to necessary facilities, for a long period of time.

The All Aboard network supports a regulatory requirement for transport operators to have plans in place, practiced and ready to implement, for both planned and unplanned disruptions. All staff, at all levels, should know exactly what their duties and responsibilities are during a disruption.

Communication with travellers is critical.

- Prior education. A clear policy and procedure should be made available in various formats so that everyone, staff and travellers will know exactly what to expect in a planned or unplanned service disruption.
- Adequate prior notice in advance of planned disruption. The lead-time should enable good communication via multiple media and means.
- During a planned disruption, good communication via digital (website, app etc), visual and audio messaging should be backed up by properly trained staff providing direct assistance.
- Unplanned service disruptions require rapid deployment of information. Digital information, video screens and audio announcements can achieve this. Staff can assist if any are available and are trained accordingly.

Chapter 12: Gangways

The All Aboard network prefers the regulatory option.

The presumption that a gangway forms an integral part of an accessible path of travel is welcomed.

Chapter 13: Assistance animal toileting facilities

The All Aboard network prefers the regulatory option.

The recognition of the needs of people who employ service animals is long overdue. Including requirements in the DSAPT is welcomed. However, this list of features required for service animal toileting areas on pages 93 and 94 seems to be missing an important item: adequate lighting (for those that may be using the facilities at night).

Chapter 14: Emergency egress

The All Aboard network prefers the regulatory option.

The All Aboard network suggests a third paragraph to the two provided on page 100:

- Passengers must have at least two accessible egress routes that lead away from all public transport infrastructure, or premises that do not form part of a premise that has a building class.
- Paths of travel must consider the required number and dimensions appropriate to consider people with mobility aids and vision impaired persons using a white cane or accompanied by an assistance animal.
- (New paragraph) An accessible egress route must not require any person to travel “against the flow” of other persons attempting to exit public transport infrastructure or premises.

Chapter 15: Fit for purpose accessways

The All Aboard network prefers the regulatory option.

The RIS does not specifically acknowledge an access path on a railway station or tram stop platform. This is an area which is historically problematic for people with disabilities who are required to board or alight a conveyance at a predetermined point that may be distant from the platform entry and exit point.

It is common for people to have to navigate their way through crowds waiting on a platform for their train or tram. An assumed path of travel is generally not marked or indicated in any way. Marking or signing that would alert people to the existence of an accessible path of

travel would greatly assist people with disabilities to navigate public transport infrastructure and premises.

Question 1 on page 11 asks: Which option do you prefer: regulatory, non-regulatory or status quo?

The All Aboard network has been unable to identify the references to option 1, option 2 or option 3.

Chapter 16: Wayfinding

The All Aboard network prefers the regulatory option.

It is common for directional Tactile Ground Surface Indicators (TGSIs) to be poorly placed, particularly those installed more than a few years ago. TGSIs have been seen leading across footpaths, into garden beds, into walls and along the length of railway station platforms.

Other forms of wayfinding, such as signs can be confusing when they are not well placed or contain misleading or out-dated information.

Signs with maps should be oriented in a way that would be predictable and intuitive to most people. For example, wherever possible the top of a map should be either North or the direction being faced by the person looking at the map.

Chapter 17: Tactile ground surface indicators

The All Aboard network prefers the regulatory option.

The All Aboard network supports the considered and appropriate use of both warning and directional TGSIs in the transport environment.

Overuse and inappropriate use can be confusing and even dangerous to people with vision impairment and some people who have ambulatory difficulty. The users of mobility devices can also have difficulty navigating areas with an over-abundance of TGSIs.

Chapter 18: Passenger loading areas

The All Aboard network prefers the regulatory option.

The All Aboard network would welcome a new provision in the DSAPT that deals with passenger loading areas. These should be defined separately from a boarding point as currently described in the DSAPT 8.1. This has been a topic of concern for a long time.

Paragraph 3 on page 126 contains an erroneous statement. The following text is copied directly from the RIS:

Generally, a lack of access to safe loading areas can be a problem, especially for wheelchair accessible taxis (WATS). The lack of appropriate drop off areas is also problematic and often dangerous. For instance, mobility aid users are often dropped off on kerbs at busy intersections due to unavailability of appropriate kerb access.

In the last sentence “mobility aid users are often dropped off on kerbs” should be replaced with “mobility aid users are often dropped off on roadways”. Most WATs are rear loading and cannot therefore unload a mobility aid user onto a kerb. The mobility aid user then must find a way to get from the roadway to the footpath. A good WAT operator will always do their best to park in a place that poses the least danger, but that is not always possible.

The problems for a person being dropped off or picked up at a railway station, tram stop or bus stop are:

- Where can we park the vehicle (commercial or private)?
- Can we enter or exit the vehicle safely?
- Is there a safe accessible path of travel between the vehicle and the transport building or infrastructure?
- Is there some protection from the weather, if not along the accessible path, but at least at each end?
- Is the accessible path of travel, if it exists, unreasonably long?
- Does the accessible path of travel cross a road or railway or tram tracks?

A good regulatory option should address many of the concerns being faced by people with disabilities.

The presence of a kerb at a boarding point (DSAPT 8.1) is appropriate for bus stops and tram stops only. A bus relies on the minimum 150mm kerb at a bus stop to reduce the gradient of the onboard ramp. A tram stop similarly relies on a kerb of some type to enable accessible boarding, whether or not the tram utilises a ramp. A train platform could be considered a kerb in this circumstance.

The presence of a kerb at a boarding point for a passenger vehicle, whether commercial or private, can be an obstacle to accessibility and should be avoided.

With regard to the accessibility of taxi ranks, the All Aboard network favours Sub-option 2 – “the first, second and last taxi rank space must be accessible”.

Chapter 19: Provision of information in multiple formats

The All Aboard network prefers the regulatory option.

Chapter 20: Amendments to references to Australian Standards

The All Aboard network applauds the removal of some of the references to Australian Standards from some Parts of the DSAPT for the purposes of simplification.

However, we believe this step alone is inadequate because it does not allow people to read and fully understand the DSAPT unless they also have access to all of the Australian Standards that remain referenced therein.

The All Aboard network recommends that the DSAPT:

- Have all references to Australian Standards removed completely and replaced with the full text of that part of that Australian Standard or other text that describes the meaning of that clause in full; or
- Retain references to Australian Standards throughout the document as it is currently. The DSAPT is appended with the exact text of each and every relevant part, paragraph, clause or sentence of every referenced Australian Standard.

The consequence of the above is that a reader of the DSAPT should not be required to constantly refer to outside documents. It must be noted that these outside documents, the Australian Standards, are commercial documents and as such they must be purchased from the copyright owner. This provides the appearance, if not the reality, of discrimination against people with disabilities because they must pay for access to information about laws that pertain to them.

Thank you for your consideration.

Sincerely,

Ray Jordan
(Admin)
All Aboard Network