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Disabilities Transport Access Secretariat
Department of Infrastructure, Regional Development and Cities

By email: DisabilitiesTransportAccessSecretariat@infrastructure.gov.au

THIRD REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT 2002

Thank you for the opportunity to provide input to the third review of the Disability Standards for Accessible Public Transport 2002 (DSAPT). Responses to Section A questions follow.

1. *Have you been able to meet the 2017 Transport Standards legislated targets? If not, can you elaborate on the reasons for not being able to meet these targets?*

The legislated targets have not been met.

Full compliance is required by the end of 2022. Works required to achieve compliance may include:

- construction of paving at transport stops to achieve a firm, evenly graded boarding point
- installation of tactile ground surface indicators for the visually impaired
- relocation of seats, shelters, signage, garbage bins etc. to provide manoeuvring areas
- construction of kerb and gutter, access ramps (where there are steep crossfalls), handrails, footway paving and kerb ramps.

The cost of upgrading these stops to meet DSAPT requirements is estimated to be well in excess of \$10M.

The issue of responsibility for upgrade of stops has been highly contentious in NSW. The provision of facilities such as seating and shelters is a discretionary matter for councils. There is no mandatory requirement in the *Local Government Act 1993*, the *Roads Act 1993* or other legislation for a council to provide bus stop related facilities. However, where City of Newcastle (CN) has provided such related facilities, CN accepts that it has an obligation to address the requirements of the DSAPT.

CN allocates funds each year for provision of new shelters and seating (and associated upgrading of the transport stop) and carries out upgrade of stops where they are impacted by other infrastructure projects, such as footpath works. Notwithstanding this, little progress towards compliance has been made. CN does not have the capacity to raise significant funds from advertising on shelters, as is the case with many Sydney metropolitan councils and, unlike all other Lower Hunter councils, is not eligible for bus stop funding under the NSW Country Passenger Transport Infrastructure Grants Scheme.

The overwhelming majority of transport stops in Newcastle comprise a J-pole or plinth, installed and maintained by the service providers on behalf of Transport for NSW, and no other infrastructure. Where no bus stop related facilities have been provided, CN does not consider itself a 'provider' for the purposes of the DSAPT. The bus stop identifier, be it a J-pole or plinth, is the property of Transport for NSW and is maintained by Transport for NSW. As such, CN considers that Transport for NSW is the provider at these stops. However, this position is not accepted by Transport for NSW. CN does not receive any NSW Government funding to upgrade stops.

In the case of new transport stops, for example where new services are to be introduced by a public transport operator or routes are modified by a public transport operator, CN has an explicit policy position that the proponent for the new stop (the public transport operator, and by extension, Transport for NSW) is responsible for ensuring that, when installed, the stop is fully compliant with the requirements of the DSAPT. CN will comment on the location for the stop and provide advice in its capacity as roads authority, however, does not undertake bus stop construction.

2. *Are there requirements that have proven to be impractical or difficult to implement? If so, please specify these.*

There are over 1700 stops in the Newcastle local government area. Of these, approximately 300 have a seat and/or shelter installed.

Several years ago, CN undertook a full audit of transport stops, to assess the extent of work required to meet the DSAPT and the likely financial implications. At that time, it was estimated that over 900 stops had a crossfall greater than 2.5% and that approximately 30% of stops could not reasonably be made compliant, due to excessive crossfall.

As noted above, there are many stops at which the only stop-related infrastructure is the bus-stop identifier. It would seem more appropriate to undertake upgrade of the bus stop in conjunction with the installation of footway paving, rather than in isolation. It should be noted that many streets in Newcastle do not have constructed footpaths. Funds are allocated for pedestrian facilities each year, however the program of works is so substantial that it will take many years to achieve a connected footpath network.

There are footways in shopping precincts which have crossfalls exceeding 1:40. Stops in such locations are deemed to be non-compliant. The crossfall is governed by the fixed levels along the building line and kerb. It is generally impractical and/or very expensive to alter the crossfall at stops in these locations.

Compliant level boarding points can't be installed on steep longitudinal grades. TfNSW and the bus operators are responsible for stop locations, including consultations and relocations. Many stops in the Newcastle LGA are historical and located on steep longitudinal grades where compliance is not achievable. CN continues to be willing to assist operators with determining potential relocations to improve outcomes for customers. CN is not responsible nor will be responsible for consultation or approvals of stop relocations.

Changes to bus services and lack of timely provision of information regarding the status of bus stops is also an issue.

3. *Can you provide detail of any initiatives and actions you have undertaken, not currently detailed under the Transport Standards or other legislative requirements, in relation to removing discrimination against people with disability?*

As noted, CN undertook a full audit of transport stops, to assess the extent of work required to meet the DSAPT, the likely financial implications and order of priority for upgrade.

Two attempts (open tender and expression of interest processes) have been made over several years to engage a bus shelter provider that would install shelters (with advertising) throughout the local government area. The costs required to meet DSAPT (as specified) were excessive and agreements were not reached.

The Australian Human Rights Commission, in the document 'Guideline for promoting compliance of bus stops with the DSAPT' (2010) notes that 'in many parts of Australia responsibility clearly rests with one body while in other areas partnership arrangements exist, including between local and state governments' and that in some areas 'there is continuing debate about responsibility for Provider obligations under the DSAPT'. CN urges the Australian Government to clarify definitions and responsibilities and, should local government be deemed responsible, provide direct financial assistance to local government for upgrade of stops.

If you would like further information, please contact Joanne Rigby, Manager Assets and Projects, on 4974 2610.

Yours faithfully

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