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Dear Sir/Madam

**ISSUES PAPER - 2012 REVIEW OF THE DISABILITY STANDARDS FOR
ACCESSIBLE PUBLIC TRANSPORT 2002**

Thank you for the opportunity to comment on responses to questions for the Issues Paper 2012 Review of the *Disability Standards for Accessible Public Transport 2002* (Transport Standards), section 2.6. We have endeavoured to answer the 'questions for operators, providers and their representative organisations'

- 1. Have you been able to meet the 2007 Transport Standards legislated targets? If not, can you elaborate on the reasons for not being able to meet these targets?***

No

The City of Newcastle was preparing to identify the requirements of the DSAPT and at this stage did not have a full understanding of the requirements and costs associated with the legislated targets. Less than 1% of the known transport stops were compliant at that stage.

- 2. Have you been able to meet the 2012 Transport Standards legislated targets? If not, can you elaborate on the reasons for not being able to meet these targets?***

No.

Over the last 3 years The City of Newcastle has undertaken a complete transport stop study/audit, identifying all transport stops for private and government bus operators as well as taxis. Council sought to understand the financial implication and the amount of cost shifting this legislation has created. The City of Newcastle has prioritised existing transport stops and is upgrading stops to be compliant as funding becomes available.

As noted, the DSAPT require that 55% of stops are compliant by the end of 2012. As at June 2012, approximately 5% of the stops in Newcastle comply to DSAPT

requirements. Council had allocated \$200,000 for upgrades of stops in the 2011/2012 financial year and has foreshadowed similar sums for the following two years. These funds will be primarily allocated to those stops at which shelters and/or seating are installed.

The service functions of councils are set out in Chapter 6 of the *Local Government Act 1993* and include the provision, management or operation of 'public transport services and facilities' as an example. Facilities such as hardstand paving, shelters and seating can be construed as a public transport service or facility. The provision of such facilities is a discretionary matter for Council. 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.

Where Council has provided transport stop related facilities (such as a shelter, boarding area, seating etc.) or assumed ownership of such facilities, Council has an obligation to address the requirements of the DSAPT. Council has previously received advice from the State Government that due to a 'policy change' in 1997, State Transit ceased to provide bus shelters. More recently, Newcastle Buses, a division of State Transit, transferred ownership of all seats within the Newcastle LGA to Council. This transfer of assets from the State Government has contributed significantly to Council's asset burden.

Unlike many rural councils, the City of Newcastle is not eligible to apply for assistance under the Country Passenger Transport Infrastructure Grants Scheme. Council's ability to secure funding assistance for upgrade of stops is limited. It should be noted that there is no current or proposed assistance available for Council's in New South Wales to assist with this activity and the burdens of decades of rate pegging and cost shifting means that Council's ability to undertake large capital projects is limited.

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'. Council cannot find any evidence that it is responsible for upgrade of those stops for which it has not provided infrastructure. Council also notes that a recommendation of the Review of the Disability Standards for Accessible Public Transport Final Report (The Allen Consulting Group, October 2009) was that 'Commonwealth, State and Territory governments provide funding for projects in regional and rural regions where local governments are unable to resource upgrades of public transport infrastructure' (Recommendation 7). Council urges the Federal Government to provide direct financial assistance to local councils for upgrade of stops to meet the DSAPT.

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

The City of Newcastle supports the aims of the Disability Standards for Accessible Public Transport 2002 and is keen to ensure that, to the greatest extent practicable, people with disabilities are able to access the public transport infrastructure

maintained by Council, being predominantly bus stops, of which there are approximately 1720, including taxi stops. While the principle of all such infrastructure being fully accessible is commendable it must be recognised that it will not always be possible.

The cost to make a transport stop compliant can range from \$2,000.00 to \$45,000.00 per stop not including furniture. At present 15% of the transport stops have been estimated with a cost to Council of \$1.6M. A projected cost for all stops to be compliant is looking at between \$12M to \$16M not including furniture of shelters and seating.

Over 960 Transport Stops are greater than 2.5% in crossfall, and of these, 744 are greater than 4%, with 480 transport stops being greater than 6% and from those 307 are greater than 10% crossfall. There are currently approximately 30% of all transport stops that will never be fully compliant according to the DSAPT standards.

The City of Newcastle has not been able to find out if the Technical Experts Group (as per recommendation 3 of the 2007 review) has been created and is wondering if it has been established yet or if it will be in the future? The City of Newcastle does fully support the recommendation, including the development of technical standards specifically for public transport infrastructure. The City of Newcastle also asks that there be an LGA representative on the Technical Experts Group panel.

The City Of Newcastle would like Transport Standards to be clearer and more comprehensive as this is legislation which has to be complied with. Technical information in the current Standards are not specific enough (with interpretation often required) for people to be confident that what they build will be fully compliant and they will not be liable to possible litigation. These works can be very expensive and providers can't afford to get it wrong. The Standards need to be made clearer by having more detail included to lessen the amount of interpretation required.

The following issues are raised:

- At stops in a suburban areas where there is only a stop post at the kerb but no adjacent footway paving it should not be necessary to upgrade the bus stop (paved boarding platform, waiting area, tactile indicators etc). As footway paving is essential in facilitating physical accessibility it would be more appropriate to undertake any bus stop upgrades in conjunction with the installation of footway paving in the street. It should be noted the majority of outer suburban streets do not have footway paving and based on current funding levels most are likely to remain unpaved for many years.
- Many footways in shopping precincts have crossfalls exceeding 1:40 as stipulated in AS1428.1 (generally 1:25 to 1:20). By a strict interpretation of the Transport Standards stops in such locations would be deemed to be non-compliant. The crossfall is governed by the fixed levels along the building line and kerb. It is generally impractical or very expensive to alter the crossfall at stops in such locations. Such works would most likely require kerb & gutter and road construction over long lengths. In addition the actual net improvement for the cost outlay would be marginal especially since the footway crossfall on the approach and departure sides of the stop would still be steeper.
- The Transport Standards need to address this issue and spell out what crossfall in excess of 1:40 would be deemed acceptable for stops at such locations.

- Areas with steep street grades could present potential safety problems for those using a boarding device as the crossfall on the boarding device necessarily has to match the grade of the kerb. The Transport Standards need to address this issue by defining the maximum crossfall in excess of 1 in 40 deemed to be acceptable in such situations.
- A stop, with or without a shelter, has to be designed to have sufficient waiting area for two wheelchairs and have two spaces on the bus seat identified for use by people with disabilities. This would take up most of the room in a regular sized shelter leaving no space for other patrons, particularly for seating. While such requirements may be fine for major interchanges etc they are considered too onerous for regular bus stops. Consideration should be given to reducing this requirement to one wheelchair space and one seat space, especially outside commercial areas.

There are no viable options for direct assistance/equivalent access with respect to the bus stop infrastructure which creates a dilemma for bus stop providers. The Disability Standards for Accessible Public Transport 2002 are difficult to interpret with regard to the compliance requirements for taxi stops. As the target dates for compliance treat bus stops separately from other infrastructure it is assumed that taxi stops must be included under the criteria covering all other infrastructure such as train stations, transport interchanges, ferry terminals, airports etc. The compliance requirements for these large infrastructure sites allow for staged upgrades with the relevant elements which need to be compliant being listed under each of the set dates (ie. 31 December 2007, 2012 and 2017).

As taxi stops are generally much smaller in comparison to the above examples (and generally similar in size to bus stops) it does not make sense that the upgrade of individual taxi stops be staged. ie. symbols and signs by 2007, surfaces by 2012, manoeuvring areas, ramps, allocated space, tactile indicators by 2017. It would be far more sensible that the compliance criteria for bus stops be applied to taxis stops as well whereby full compliance is required to a specified percentage of stops by each of the set compliance dates.

Another issue is the increased use of mobility scooters. The variable designs, widths, lengths and weights of these aids are becoming a problem where they fit into Council's infrastructure at Transport Stops. They utilise a lot of area manoeuvring to gain access to buses as well as not fitting into DSAPT compliant shelters. Council would like to see the development of an identification system whereby mobility aids can be certified for their compliance to the DSAPT and use on public transport.

4. Can you provide detail on 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 disabilities?

The City of Newcastle undertook an audit of all transport stops within the Newcastle LGA over a three year period where each stop was inspected. There are approximately 1720 transport stops including bus and taxi stops.

The City of Newcastle have developed a prioritised program list after the audit for these 1720 stops so that they can be upgraded to meet the compliance target dates for Disability Standards for Accessible Public Transport 2002 (as set out in section 6 of TSSASG). To create the prioritised list the following factors were taken into consideration using guidelines from the Australian Human Rights Commission

accessible bus stops guidelines as set out in section 7 - priorities investigated include:

- Locations Where patronised by Disabled on dedicated bus route
- Routes Serving CBD and Regional Centres
- Routes with timetabled Accessible buses
- Routes serving Major educational and health facilities and high volume corridor
- Routes on Transit ways, Major arterial roads
- 2012 targeted DDA Stops
- Hospitals other than John Hunter or the Mater Hospital
- Sport/Entertainment Venues Clubs and Major recreation venues
- Retirement Villages/ Nursing homes/ rehabilitation Centres
- Local Shopping Centres
- Schools/ Tertiary Education
- Connections to rail stations
- Industrial Areas
- 2017 target DDA Stops serving Residential Areas
- Residential Areas- high density
- Residential Areas- medium density
- Residential Areas- low density
- Number of buses on route past the stop
- Patronage at the stop
- Site Conditions/Safety risk Footway Steepness
- Is site only/mostly drop off?

By utilising the weighted scores, a priority list has been developed to target the high priority stops first for compliance with the DSAPT requirements. We also have a priority list for stops that have been nominated or have been requested in the past to have a bus shelter installed. A similar style of weighting structure is also followed when rating these proposals for a transport shelter request as well as an initial investigation whether or not the site can physically support a shelter.

Footway widths throughout the LGA vary and can range from a narrow 2.5m wide and under, through to over 4.5m wide. On average The City of Newcastle have 3.6m wide footways.

The City of Newcastle shares some characteristics with the Sydney metropolitan area and some with rural areas. With respect to bus shelters, this appears to work to Newcastle's disadvantage. It is noted that many Sydney councils fund public transport infrastructure through provision of advertising rights. Council has resolved to initiate a tender process for provision and installation of bus shelters with advertising, however, the advertising market in Newcastle is much less lucrative than in Sydney. Council's experience with previous tender processes for the provision of advertising shelters indicates that the ability to generate income from a contract for advertising shelters will be severely curtailed by the requirement for infrastructure to comply with the DSAPT.

If you would like to discuss this further, you may contact me on telephone (02) 4974 2610 or email jjohnston@ncc.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'John Johnson', followed by a long horizontal flourish.

John Johnson
ACTING DIRECTOR LIVEABLE CITY