

## **Submission to the Review of the Disability Standards for Accessible Public Transport 2002**

### **Background**

The City of Onkaparinga has been actively engaged in the upgrade of infrastructure at bus stops with a shelter for which we have accepted responsibility.

This action has given rise to several issues:

- the level of compliance required
- the need to apply Disability Discrimination Act (DDA) standards to areas that cannot (due to topography or other physical constraints) be made compliant or are difficult to be accessed by the people they are designed to assist
- the onus or responsibility for supply and upgrade of infrastructure to attain DDA compliance, particularly regarding bus stops without shelters (for which Council has accepted responsibility) or associated pads, and
- the ability to meet compliance target dates.

The Local Government Association of South Australia (LGA) has formed a working party with several Metropolitan Councils to work through these issues.

On 6 August 2007 the LGA (supported by the City of Onkaparinga), gave a presentation to the public hearing to review the Disability Standards for Accessible Public Transport held in Adelaide. The presentation identified concerns that the LGA has with the application and interpretation of the standards and the onus of responsibility for implementation.

This submission is being made in support of the issues raised and which are of particular concern to the City of Onkaparinga.

# 1. Level of compliance required

Confusion has arisen over what constitutes compliance and precisely what infrastructure is to be provided at bus stops. We have previously been provided (by the State Government) with a design for a bus pad they consider DDA compliant and suitable for use by State Government provided bus services. See Figure 1 below which details the pad requirements for a rigid body bus such as those used by the State Government contractor Southlink.

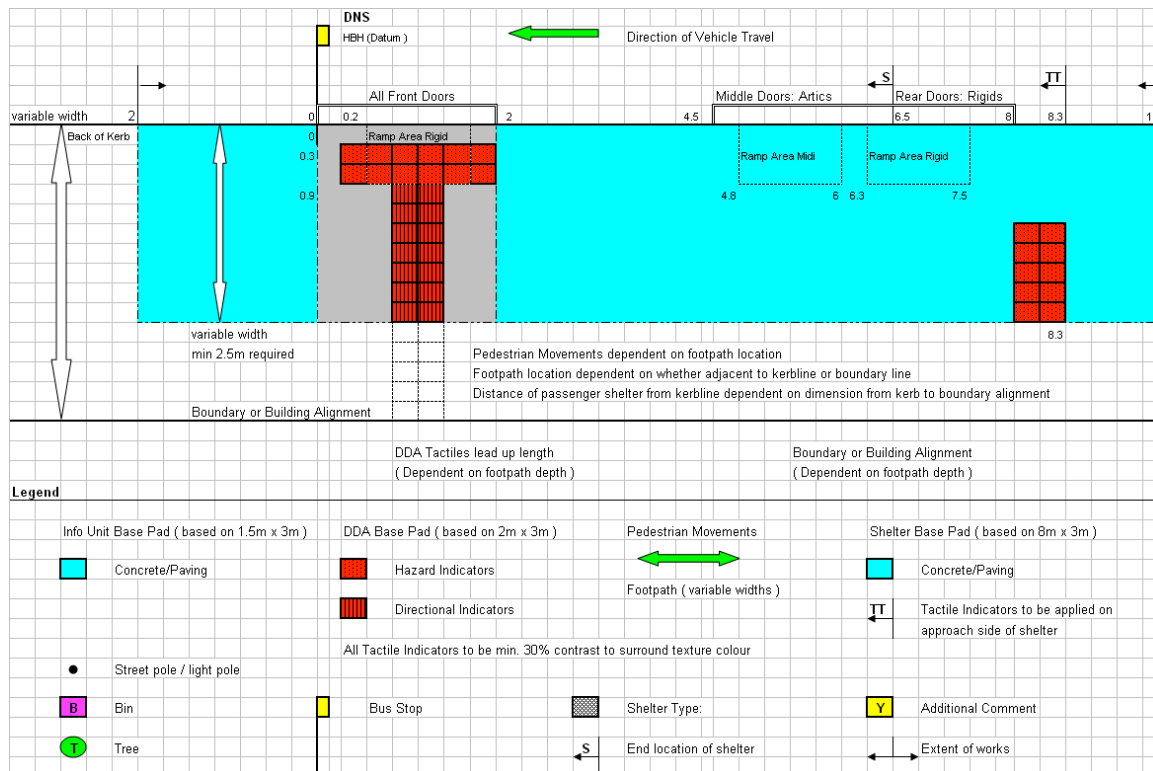


Figure 1 Bus pad dimensions required for rigid body busses  
(A 17.8m long pad is required for use by articulated busses)

More recent (verbal) advice received from the State Government is that they consider any hard, flat surface to be DDA compliant. This included dirt or lawn; however they did not indicate how Tactile Ground Indicators would be applied to these surfaces. This advice was taken to be particularly relevant at stops they considered to be temporary along routes (determined by them) which were undergoing an unspecified trial period.

The Disability Standards for Accessible Public Transport Guidelines 2004 (No. 3) Part 1 Section 1.13 (1) in part states:

*“The Disability Standards are not, in general, hardware specifications.”*

Whilst this approach allows innovation, it leaves the guidelines open to interpretation, resulting in confusion and lack of consistency in the provision of infrastructure. The community (particularly those who experience disability), reasonably expect a consistent approach in the infrastructure provided at bus stops which will be comparable at all locations.

Some Metropolitan Councils in Adelaide have applied the requirements for waiting areas to all bus stops and assume that seats should be provided. Other councils (including the City of Onkaparinga) have interpreted the standards in this instance to apply to terminals rather than bus stops as indicated in Part 7 Waiting Areas, although waiting areas are mentioned under the requirements for bus stops in the Transport Standards list as provided below:

- Access paths
- Manoeuvring areas
- Passing areas
- Ramps
- Waiting areas
- Boarding
- Allocated space
- Surfaces
- Handrails and grab rails
- Stairs
- Symbols
- Signs
- Tactile ground surface indicators(TGI's)
- Lighting
- Street furniture
- Information.

Questions arising:

- Are all of these elements mandatory, or are some mandatory and some optional, but in all instances where they are provided, must they comply? For example, are seats and lighting required at all bus stops?
- Are TGI's required at all stops or only high use ones such as those on higher order roads or adjacent to pedestrian generators such as shopping centres or schools? Some Councils are only installing TGI's on high use footpaths. If the footpath connecting to the bus boarding area doesn't have TGI's, should the bus stop have them?
- With specific reference to bus shelters, how many allocated spaces are required for wheel chairs and how many for the disabled in general? Our new shelters generally have seating for 4 and 1 wheelchair space.
- In the event that a complaint is received regarding non-compliant infrastructure at a bus stop, which organisation will be pursued to rectify that non compliance? Would it be Council, or the provider who we see as being the Public Transport Division of the Department for Transport, Energy and Infrastructure (who are responsible for the provision of this service and who determine bus route and stop locations) or their contracted operator, Southlink?

## 2. Areas where compliance can not practically be achieved

In relation to the provision of a DDA compliant bus pad, we have examples of bus stops in our City that will either not accommodate a bus pad as described in figure 1, or cannot be accessed by the mobility impaired, due to the surrounding topography preventing the provision of DDA compliant footpaths.



At this stop the emergency access road also provides the only pedestrian access which cannot be made DDA compliant.



At this stop DDA compliant access cannot be provided and a compliant boarding area would be cost prohibitive. Lighting would also be an issue were it required at all stops.

### 3. The onus of responsibility for compliance

Whilst the City of Onkaparinga has accepted responsibility for the compliance of bus stops serviced by our Community Transport service and Metropolitan bus stops serviced by the State Government which currently have a Council owned and maintained shelter (shelters were previously jointly 50/50 funded by State Government and Council with council retaining responsibility for maintenance. This arrangement ceased in 2004 when the State Government withdrew funding), we do not accept responsibility for the compliance of bus stops that are not serviced by our Community Transport service or do not have one of our bus shelters.

To this end, we have sought preliminary legal advice, which provided the following:

*“that, as the body specifically assigned with the responsibility for creating and maintaining a passenger transport service, the Minister is the body responsible for installing bus shelters in conjunction with the installation of bus stops and any other infrastructure provided as part of the passenger transport service”.*

*In my opinion, the Public Transport Division (PTD) (State Government bus service provider) would fall within the definitions of both an “operator” and “provider”. As a result, the Disability Standards would apply to the PTD. On the other hand, I do not think that the Council falls within the definition of an “operator” and it is arguable that it is also not a “provider”, as it is not the designated body responsible for the supply and maintenance of public transport infrastructure.”*

*The PTD is the body specifically established to provide and operate a passenger transport service within South Australia;  
the Minister has the requisite functions and powers to install any necessary infrastructure associated with provision of the passenger transport service;  
it is the PTD that is responsible for determining the location of bus boarding points throughout the State and installing the signs necessary to indicate a bus boarding point; and  
it is my opinion that it is the PTD that is responsible for making a bus boarding point accessible to persons with disabilities and thus responsibility for installing TGSIs at bus boarding points rests with the PTD.”*

We therefore believe that:

1. Council’s responsibility rests with the upgrade of the footpath only and terminates at the bus boarding point which includes the bus access pad
2. as both a “provider” and an “operator”, the State Government is the body responsible for the installation of bus boarding access pads
3. in the event that a complaint is received regarding non-compliant infrastructure at a bus stop, the State Government (as the body specifically assigned with the responsibility for creating and maintaining a passenger transport service) is the body that would be pursued to undertake rectification works, and
4. the State Government is the body responsible for the installation of new shelters and all infrastructure specifically associated with bus stops.



#### **4. The ability to meet compliance target dates**

The City of Onkaparinga has planned the upgrade of bus shelters for which we have accepted responsibility. Preliminary estimates indicate that we will be able to meet the first two targets of 25% compliance by 31 December 2007 and 55% compliance by 31 December 2012 and possibly the third of 90% compliance by 31 December 2017; however due to the cost of upgrading the remaining shelters, we will most likely fail to meet the final target of 100% compliance by 31 December 2022.

In the event that the onus of responsibility for the compliance of **all** bus stops is found to rest with Council, then we will not meet any of the targets as they are currently defined.

Our ability to meet these targets is also subject to clarification of the standards and any associated financial implications.