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23<sup>rd</sup> March 2013

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## Submission to the 2012 Transport Standards Review

This submission provides views on a number of aspects of the Disability Standards for Accessible Public Transport from the viewpoint of an individual who is a regular public transport user and who uses, at various times, both a manual and a power wheelchair.

I have had the good fortune to have travelled extensively in the USA, using public transport as a primary means of getting around. The experiences provide a good reference for making comparisons between the accessibility of public transport in Australia and the US.

Why are the Disability Standards for Accessible Public Transport necessary? Experience shows that if not compelled by law, transport providers and operators would continue to provide public transport that people with low range vision, hearing, mobility or cognitive ability find difficult or impossible to use. Without the protection of law, a great many people with disabilities would be likely not be able to access public transport and therefore be largely excluded from participating in normal life activities such as employment, recreation, volunteering, education and general social engagement.

Transport Standards are necessary because, with a few exceptions, public transport providers and operators have little economic interest in the relatively small percentage of passengers who would have historically been unable to use public transport as it was designed and implemented prior to the Transport Standards.

The barriers in this respect are mostly attitudinal on the part of decision makers and administrators.

In the main body of this submission I have selected a number of parts of the DSAPT that are of particular interest to me, for discussion. These particular parts are of interest for a number of reasons:

They may contain language or terminology that may be confusing or open to interpretation

They may be routinely ignored by public transport providers or operators

1. Transport operators and providers may be a long way behind the milestone targets as defined in the DSAPT Schedule1
2. They may seem to be inconsistent with other part/s of the DSAPT

## **DSAPT 2.7**

Part 2.7 states that the distance between the wheel arches of a bus can be a minimum of 750mm. This is inconsistent with the minimum required size of an allocated space (DSAPT Part 9.1) and the maximum recommended size of a mobility device as described in the DSAPT Guidelines Part 40.1 (Criteria for mobility aids in Disability Standards).

This may lead to a situation where a mobility device that meets the “Criteria for mobility aids in Disability Standards” would fit into the allocated space on a bus, but would be prevented from accessing that space due to the relatively small distance between the wheel arches.

It is important that accessibility be consistent as far as possible. A person who chooses a mobility device based on the Criteria as outlined in the DSAPT Guidelines Part 40.1 should reasonably expect to be able to use it to access all forms of common public transport.

### **Recommendation 1:**

Add buses to the list of conveyances in Part 2.6 and remove Part 2.7 completely.

## **DSAPT 8.2**

Part 8.2 is probably the single most important part of the DSAPT for a person who uses a mobility aid such as a scooter or wheelchair. Accessible signage, information, hand-rails, spaces and the like are of no use if the intending passenger is unable to board the conveyance in the first place.

The term “accessible entrance” has not been defined in the Disability Standards for Accessible Public Transport. An entrance that incorporates a compliant boarding device could be defined as accessible. An entrance that requires direct assistance (including the use of a portable boarding device) to be provided is, by itself, not “accessible”.

An entrance can be made accessible by the provision of a boarding device as described in Part 8.2 and AS/NZS3856.1. An entrance cannot be made accessible simply by affixing the International Symbol.

Most operators of trams and trains in Australia provide only one “accessible” boarding point for people who require direct assistance. Whilst Part 8.2 does not specify a number or percentage of entrances that should be accessible, where only one accessible entrance is provided, discrimination inevitably occurs because mobility aid users are not provided the same or similar choices of entry as other passengers.

For example, if all passengers must enter the platform near the back of the train and the only accessible entry to the train is at the front, the mobility impaired passenger must travel the entire length of the platform in order to board. This requirement is not imposed

on any other passenger or class of passenger.

**Recommendation 2:**

Provide a definition of “accessible entrance”

**Recommendation 3:**

The term “accessible entrance” as used in Part 8.2 should be changed to “entrance”.

[Redacted]

[Redacted]

[Redacted]

**Melbourne Trains - Boarding**

The current operator of Melbourne’s trains is a member of the Australasian Railways Association. As such, it is a beneficiary of the several times renewed temporary exemption from many parts of the DSAPT. One of those parts is 8.2, whereby the temporary exemption allows member operators to provide direct assistance by deploying a boarding device at a single door rather than all doors of a conveyance. Metro Trains provides a boarding device at only the front door of a train if required [Redacted]

[Redacted]

[Redacted]

A trial has been conducted on a very small number of platforms at Melbourne train stations where they have been modified by building up a short section of the surface to the same level as the first passenger doorway. This trial has proved to be quite successful and popular with both passengers and train drivers. But during this same

period, new station platforms have been built, and old platforms have been resurfaced and those platforms are still much lower than the train door. This means that the opportunity to begin the process of providing independent access to all doors of a train has been missed, and the requirement of direct assistance has been perpetuated.



### **US experience - Boarding**

Las Vegas - all doors of all monorail and tram cars are accessible without the need for boarding devices or direct assistance. One might call this roll-on, roll-off access.

Dallas Texas - the light rail train has two separate well marked entry points that provide easy roll-on, roll-off access to a six car train.

New York City - many, but not all stations have roll-on, roll-off access to trains by way of a raised section of platform at one door only at the centre of the train. Generally no boarding device or direct assistance is required.

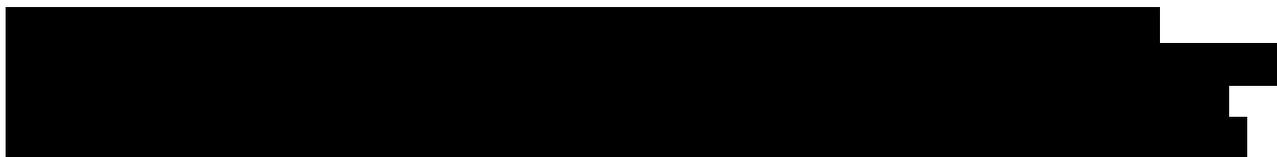
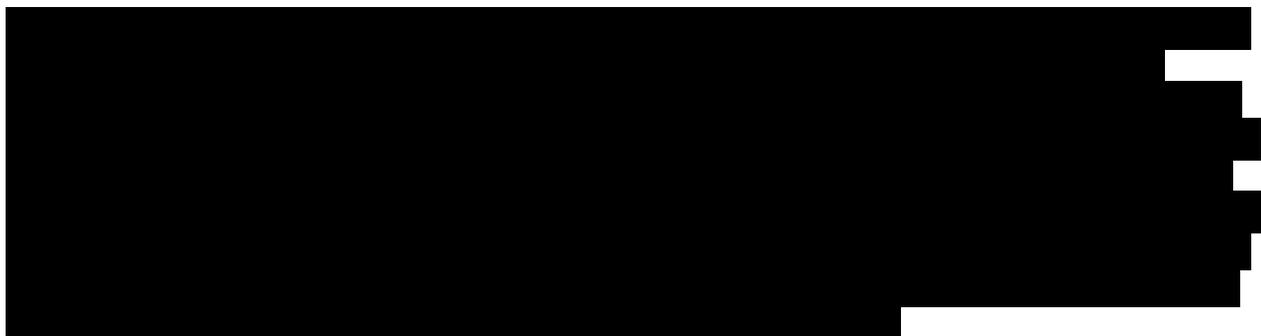
Atlanta Georgia – trains are level with the platforms, meaning roll-on, roll-off access at all doors on all trains.

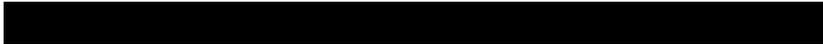
Tucson Arizona – the Modern Streetcar project is scheduled to begin operation in the second half of 2013. Conveyances will have mechanical ramps that slide out from under the doorways to provide roll-on, roll-off access without the need for direct assistance.

Washington DC – trains are level with the platforms, allowing for roll-on, roll-off access.

Boston – trains are level with the platforms, allowing for roll-on, roll-off access.

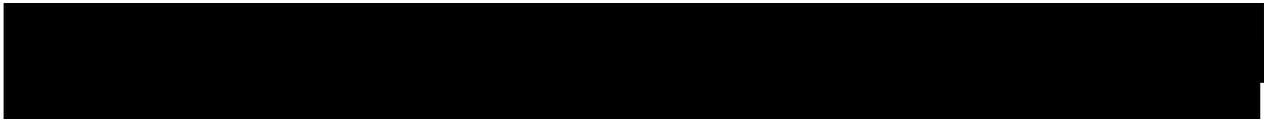
### **DSAPT Part 9.6**



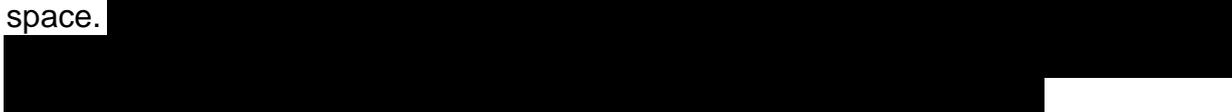
## DSAPT 9.10

DSAPT 9.10 is particularly important to users of mobility aids once on board a conveyance. The allocated space is the place where a wheelchair or scooter user can feel relatively safe and stay out of the flow of passengers boarding and alighting. Without clearly marked spaces, other passengers may not be aware of the priority requirements and passengers with disabilities can get trapped in doorways or in areas where there is a lot of passenger movement.

## Melbourne Trains

Metro Trains as a member of the Australian Railways Association, holds a temporary exemption from DSAPT 9.10 (1)(a). The temporary exemption allows for the International Symbol of Disability to be displayed in a place other than the floor area of the allocated space.


## US experience

It is common to see the allocated spaces marked on the floor of buses, trains and trams (light rail vehicles). The spaces are visible to all passengers from many viewpoints and the implication that these are priority areas for people with disabilities is widely understood.

## DSAPT 11.7

Grabrails are important to the safety of passengers. DSAPT 11.7 states that grabrails *must* be provided in all allocated spaces.



The DSAPT details what must be provided but has been ineffective in compelling operators and providers to do so.

## **DSAPT 16.5**

The international symbol of accessibility is meant to indicate accessible entrances, pathways and features. [REDACTED]

## **DSAPT 17.4**

Destination signs are correctly displayed above the windscreen on conveyances (Part 17.3 (3)), but are generally not visible from, or available at, the designated accessible boarding points of public transport conveyances in Melbourne. A person in a wheelchair will often not be able to see the destination sign above the windscreen of a conveyance as it arrives because their view can be blocked by other passengers.

## **DSAPT 25.2**

Melbourne's *myki* ticket system consists of some infrastructure that requires a person of short stature or one who uses a wheelchair or scooter to validate their ticket at a height that may be at or above head height. [REDACTED]

While some passengers who have difficulties in using the ticketing system have access to a card that allows travel without validation, this is not available to all passengers who encounter trouble using the system. For example, this validation-free card is not available to wheelchair users who are visiting from overseas.

## **DSAPT 27.1**

Information about public transport services such as "next train", "next bus" or "next tram" announcements are often only available to those who can read a small print timetable. Many Melbourne train stations provide "next train" announcements at peak times only.

Information displays are often remote from the point at which a wheelchair or scooter user is required to wait for a tram or train. This means that current information that is available to other passengers may not be available to those with disabilities.

## **DSAPT 27.4**

Information about location is vital to all passengers. Location information on Melbourne's trains is unreliable. Location information on Melbourne's trams is uncommon. Location information on Melbourne's buses is also uncommon.

Location information in a Victorian Wheelchair Access Taxi (WAT) depends on the passenger, who may be seated in a wheelchair in the rear of the taxi, being able to see and identify their surroundings. For many WAT passengers this is not possible because the top of the window is below the eye-line so that the view can be severely restricted.

Generally, location information on Victoria's public transport is provided visually – that is by looking out the window. This is of little use to those passengers who are visually impaired for any reason or those who are unfamiliar with the landmarks or surroundings along the journey.

Location information in addition to "looking out the window" is also very useful to anyone travelling after dark. It is often difficult to see signs or landmarks at night through the windows of an internally well-lit train, tram or bus

Part 27 of the DSPAT is one of those that required 100% compliance by the end of 2007.

[REDACTED]

[REDACTED]

[REDACTED]

### **Compliance Regime**

Compliance with the DSAPT by public transport operators and providers does not appear to be monitored or administered by any type of governing body. As such, one may conclude that compliance with this part of Commonwealth law is voluntary unless challenged, generally by a person with a disability.

There is also the common practice of actively dismissing the Transport Standards, as highlighted in the following example taken from the (Victorian) Department of Transport's "Tram Boarding Standard Project: Internal Stakeholder Engagement Report (June 2010)", page 1:

"The government has commenced a procurement process to purchase 50 new low-floor trams. These trams will be operational in 2012. In conjunction with this process, in January 2010 the Department of Transport (DOT) established the Tram Boarding Standard Project (TBSP) to test the hypothesis that:

Adopting a tram boarding standard with a horizontal gap no greater than 40mm

and a vertical step, up or down, no greater than 50mm would not unreasonably adversely affect or impact upon accessibility to trams for people with a disability and, in particular, those people reliant upon wheelchairs and scooters.”

The Department of Transport concluded (despite information gathered that indicated the contrary) that the hypothesis was correct and then advised the successful tenderer for the tram supply contract that a vertical step of up to 50mm would be acceptable. In effect, the tram manufacturer was told that Part 8.2 of the DSAPT need not apply.

When the above information was later revealed through an FOI request there was much concern among those wheelchair and scooter users that took part in the related test sessions and “engagement” events. Those people felt that their input and opinions had been ignored and that the Department of Transport had simply “ticked the box” on accessibility consultation.

Despite a complaint in the Victorian Human Rights and Equal Opportunity Commission regarding the boarding gap on Melbourne trams, the Victorian Department of Transport, now called Public Transport Victoria, at the time of writing this submission still has not formally advised the manufacturer of the new trams that they are obliged to comply with the DSAPT, including Part 8.2.

The current regime requires the person who believes they have been discriminated against to make a formal complaint. In many cases, transport operators and providers will vigorously defend their non-compliance, leaving the complainant, who is generally a person with disability with limited resources, in a fairly powerless position.

My own personal experiences of lodging discrimination complaints show that it takes a lot of hard work and emotional investment over a long period to achieve only the most modest of outcomes (if one is achieved at all) that still may be far short of DSAPT compliance. We need a better system.

#### **Recommendation 4:**

Consider a process where a dedicated statutory body receives, investigates and prosecutes cases of discrimination that arise from non-compliance with the Transport Standards by an operator or provider.

#### **Recommendation 5:**

Transport providers and operators should be aware of their obligations under the Transport Standards and that an application for exemption/s should be mandatory where they know or should reasonably know that they are in non-compliance with one or more parts of the Transport Standards.

### **Conclusion**

My own observations and experiences tell me that the overall level of accessibility of public transport in Victoria has changed little since the end of 2007.

The Disability Standards for Accessible Public Transport provides clear (with a few exceptions where a number of interpretations are possible) direction for how providers

and operators are to make public transport accessible.

Many transport providers and operators have failed to make the required target dates for compliance as specified in Schedule 1 of the DSAPT. In fact, some providers and operators have, in some respects, not met the compliance targets required at the end of the *first* five year period, even after the end of the *second* five year period has passed.

Public transport providers and operators generally are making much slower progress towards full accessibility than is expected by that section of the public affected by disability. Progress is generally much slower than is predicted by Schedule 1 of the DSAPT.

The accessibility of a particular mode of public transport in a particular state jurisdiction may receive the occasional push when there is a successful outcome of a discrimination complaint in one of the human rights commissions or, even more rarely, in a court of law.

A system that relies on discrimination complaints to move the level of accessibility towards compliance with Transport Standards that form a part of Commonwealth law is a flawed and ineffective system.

A system that allows temporary exemptions to be granted from parts of the Transport Standards and then extends those exemptions without evidence that improvements have been made or that any attached conditions are being met, is a flawed and ineffective system that does not achieve the objective of providing a public transport system that is accessible to all.

Sincerely,

Ray Jordan

Yours sincerely,

Ray Jordan