

Submission

**Review of
Disability Standards for Public Transport 2002**

August 2007

People with Disability Australia Incorporated



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1 About People with Disability Australia Incorporated

- 1.1 People with Disability Australia Incorporated (PWD) is a national disability rights and advocacy organisation. Our primary membership is made up of people with disability and organisations mainly constituted by people with disability. We have a cross-disability focus - we represent the interests of people with all kinds of disability. PWD is a non-profit, non-government organisation.
- 1.2 PWD provides a state-wide (NSW) individual advocacy service. PWD also undertakes systemic and legal advocacy.
- 1.3 We believe that people with disability, irrespective of our age, gender, cultural or linguistic background, geographic location, sexuality, or the nature, origin, or degree of our disability:
- Are entitled to a decent standard of living, an adequate income, and to lead active and satisfying lives
 - Are people first, with human, legal, and service user rights that must be recognised and respected
 - Are entitled to the full enjoyment of our citizenship rights and responsibilities
 - Are entitled to live free from prejudice, discrimination and vilification
 - Are entitled to social support and adjustments as a right, and not as the result of pity, charity or the exercise of social control
 - Contribute substantially to the intellectual, cultural, economic and social diversity and well-being of our community
 - Possess many skills and abilities, and have enormous potential for life-long growth and development
 - Are entitled to live in, and be a part of, the diversity of the community
 - Have the right to participate in the formulation of those policies and programs that affect our lives
 - Should be empowered to exercise our rights and responsibilities, without fear of retribution.

2 Primary Contact

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3 Introduction

We welcome the opportunity to comment on the review of the Disability Standards for Accessible Public Transport 2002.

PWD supported the introduction of the Standards as a positive step in improving the ability of people with a disability to access their community through public transport. PWD also believes that the introduction of more accessible transport has also been of a benefit to the community as a whole. Since the introduction of the Standards, PWD believes that, whilst there have been many improvements, there still remains a significant amount of work to be done.

PWD believes that the reason that there is so much work yet to be done has been due to a lack of political will from governments and to an unwillingness on the part of many providers to take action, unless forced to do so as a result of factors such as this review or the complaints-handling mechanisms. There is clear evidence that the mandated time frames in the Standards are not unachievable – this is demonstrated by certain agencies which have been able to deliver on or above the level of access required. PWD strongly objects to any attempts to reduce the minimum access requirements currently contained in the Standards.

As noted earlier, there have been general improvements in access, but unfortunately PWD is aware that many individuals still suffer massive discrimination and disruption to their lives when attempting to access public transport. We reprint with permission a story provided to PWD from one of our members regarding her experience on the Melbourne tram system:

On Sunday, my husband, Michael and I decided we'd go for a ride out to Box Hill and back to Port Melbourne on an accessible tram.

Two thirds of the way back, the tram we were on suddenly stopped and announced, with urgency, that everyone must get off and board the tram in front. The driver yelled it several times and did not offer any explanation. We knew that the centre section

doors were sticking, and guessed that this might be their malfunction that would warrant a recall, and this turned out to be correct.

As this was not a wheelchair accessible stop, and I use a wheelchair, I asked the driver what I was supposed to do. He maintained that he didn't know what I was going to do as this was not his problem.

Well, Michael lifted my chair down and then helped me to scramble off, as there seemed to be some urgency about all of this! [In hindsight, I wish we'd have just sat tight and insisted the driver solve this problem!]

I walked a few steps, then Michael had opened up my chair and then I got into it and we approached the other tram.

Although it was a low-floor, or accessible, tram, as the stop was not accessible, I was faced with about a 30cm step up into the tram.

Michael asked the driver of the second tram to please put his ramp down, as I use a chair.

The driver said he didn't have ramps and sat tight.

Michael said, "Of course you've got ramps - they'd be standard issue!" A boy of about ten then showed the driver where the ramps were. Michael yelled at the driver and insisted that he put the ramps down.

The driver then said he didn't know how to use them. So the boy began showing the driver where to put the ramps.

Other passengers on the tram had gotten off and were trying to help and were commenting that the driver was wrong and that he had to let me on the tram!

The driver of the first tram then came back and said loudly, "Hey, listen to me! I saw this lady walking a minute ago!"

I responded that my disability wasn't up for discussion here, and that he was embarrassing me.

(I use a chair because of arthritis and I can not weightbear for any length of time. Stepping down was bad enough, but stepping UP like that is not one of the things that I can do.)

Another man then approached and started advising the drivers that they were not allowed to use the ramps. Michael asked him if he was an inspector or something, and he said that now, he was just another tram driver.

The driver of the second tram eventually got one of the ramps (there are two, each about 30cm wide, made of aluminium channel and weighing about 10k) and put it in place.

He then looked at me and smirked and said, "You don't fit!"

The young boy said, "No, there's another one here, mister!" which the driver ignored.

It was then obvious that the tram would have to be moved back a couple of inches so that the second ramp would fit, as the tram was parked close to the green rubbish bin and it was set into the pavement.

The driver then said, to no one in particular, "No. We'll put your wheelchair on and get you on too. C'mon!"

I responded that he would NOT be lifting me, as I had a basic human right to mobility and I was entitled to board the tram equitably. If he would just move the tram back and little and put the other ramp in place, I could board as I should and we could go.

(If I allow someone to lift me and they hurt themselves, I can be sued!)

The driver then marched off, put the ramp back in its holder and the tram left. He did not do us the courtesy of telling us where to go or how to get back to our destination.

Luckily, Michael was with me and he pushed me up to the next (accessible #125A) tram stop and we caught the next accessible tram. But, I didn't have my mobile on me, so I couldn't ring a taxi, and had I been there alone, I wouldn't have really known what to do. What say it had been raining, or it had been at night? I could have been placed in danger!

I rang the complaint line to Yarra trams and my story was received very sympathetically. The CEO, Dennis Cliche, called the next day and apologised unreservedly, saying that the driver of the first tram should have taken us to our destination; but he also told me something that has me worried.

Apparently there is pending union action regarding the drivers having to leave their station and put the ramps in place as the ramps are too heavy, and the union is advising drivers to refuse to do this. This explains the third man's comments.

But according to Dennis, if drivers want their job, they MUST do this as its "standard procedure".

Michael rang the wharfie union (if anyone will have their rights in place, they will) and asked how much they're allowed to lift, and its between 25 and 30k, so I can not understand why lifting the weight of one ramp would be an issue for the drivers...?

My point is, as only one in five trams are equitably accessible, what happens to someone confined to their chair if there's an emergency and they are not able to get off the tram at an accessible stop?

Its all very well to say, "Well... Someone would do something", but WHO and WHAT... exactly?

Had this event occurred before the introduction of the Standards in 2002, the incident of discrimination could be considered as bad enough. Yet, this incident occurred on 24 July 2007 – five years after commencement of the current Standards.

PWD believes that this incident highlights the importance of a transport system that is 100% accessible. Until we have a fully accessible transport system then incidents similar to the one above will continue to occur.

This incident also highlights the importance of comprehensive disability awareness training for all staff involved in the transport sector. In delivering this training, PWD believes that this must be provided by organisations of and for people with disability, whose experiences with transport inform the training. Under the Transport Standards full accessibility of the transport sector will take another 20 or so years. While people with disability wait for this to occur the least that should be provided is staff who are capable of treating people with disability with courtesy, dignity and respect and understand that people with disability have a right to use transport systems.

We point out that Article 9, 'Accessibility', of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which was signed by the Australian Government on 30 March 2007, states that governments should take appropriate measures to ensure that people with disability have access, on an equal basis with others, to, inter alia, public transport. These measures include the development and monitoring of minimum standards and guidelines for accessibility and providing training for stakeholders on accessibility issues.

4 Specific Issues

We now turn to answering the questions raised in the issues paper. We do not answer all questions. PWD limits its responses to NSW public transport conveyances.

1. Has the accessibility of public transport improved since the introduction of the Transport Standards?

- How has accessibility to conveyances (e.g., trains, buses, trams, ferries, taxis, aircraft, etc) changed? Can you provide examples?*
- How has accessibility of information (e.g., maps, timetables, announcements, etc) changed? Can you provide examples?*
- How has accessibility of infrastructure (e.g., access to stations, stops, ports, piers, airports, interchanges, etc, as well as access to co-located facilities such as toilets, waiting rooms, and food and drink, etc) changed? Can you provide examples?*

Trains

According to the NSW Ministry of Transport Accessible Transport Plan 100% of CityRail metropolitan carriages and 50% of CityRail non-metropolitan and CountryLink carriages are accessible. However this claim comes with a major proviso – that all CityRail Metropolitan and CountryLink carriages are accessible using manually deployed ramps and direct assistance. In other words there is no independent access for a person who uses a wheelchair; we also understand there is no evidence of plans for this access to occur in the future. To obtain access, a person who uses a wheelchair must contact the station they are departing from and advise that they will require assistance. The station of departure must then contact the exiting station and advise the staff to be prepared to provide assistance. It is not unknown for passengers to be left on the train, as a system that relies so heavily on human intervention is prone to human error.

If the entire infrastructure of the network was accessible, this human intervention based system might not be such a problem; unfortunately this is not the case. Only 32% of the CityRail system is accessible. While this figure may sound impressive not all stations are staffed continuously. Over 20 stations are not staffed for all services, further highlighting the folly and inherent risk of relying on human intervention to ensure access.

PWD believes that independent access for all people with disability should be the performance guideline for access to the rail network.

Buses

Results for accessibility of bus services can only be described as sporadic and often difficult to quantify. On the available data, State Transit would appear to be doing far better than the private providers, who, in totality, currently have failed to meet the required standard.

In the metropolitan bus fleet, over 43% of State Transit buses are accessible. However this does not necessarily equate with timetabled routes that are accessible. A cursory check on the State Transit 131500 website highlights many anomalies. For example the 326 operates from Bondi Junction to Circular Quay and return. There are 26 inbound services of which only two are accessible, however on the return service there are 27 runs of which none are accessible. In other words people with disability have some access to get to work, but no access to get home. There are reasons known by State Transit why this situation arises, but these are not known by the general public, especially people with disability who rely on accessible services.

Whilst State Transit has a number of accessible buses available, we find the situation with fleets operated by private operators even worse. Private operators have 24.9% of their fleets accessible, but on the information provided by the NSW Ministry of Transport they are treated as a totality. There is a lack of information as to the level of access being provided by individual operators. We find this to be unacceptable, as

it allows some operators who are willing to obey the law to be used to cover those that are unwilling to meet their legal obligations. There is no information at all provided by the NSW Ministry of Transport for regional and rural bus operators. Anecdotal evidence would suggest that some rural operators have failed abysmally to meet their obligations.

The information on the level of service provided by private operators is similarly difficult to obtain, but on many occasions the number of timetabled accessible services appears poor. Forest Coach lines for example runs a service from Terry Hills to Warringah Mall, a popular shopping centre. None of the routes are advertised as accessible. Westbus in Sydney has no accessible services timetabled. In Armidale Edwards coaches similarly have no timetabled accessible services and instead advertise on their website as follows:

(O)ur fleet of modern low floor air-conditioned city buses are used extensively on our regular services. Please contact our office before making your travel plans to ensure that one of our step-less entry buses is operating on the route you wish to use.

Blue Mountains buses ask that people who require access to:

contact our depots: Valley Heights: (02) 4751 1077, Emu Plains: (02) 4735 5734 or Katoomba (02) 4784 2800 between the hours of 9.00am and 4.30pm, Monday to Friday for the availability of special wheelchair accessible buses.

In other words even access to necessary information is limited to the hours determined by the operator.

It is for this reason that PWD believes that the Standards must continue to refer to accessible services and not simply accessible fleet.

However the ability of a person in a mobility device to catch a bus is not limited to the availability of timetabled services. There is a major issue with the provision of bus stops and shelters. There is no readily available information on the level of access of bus stops and as such there is no way of knowing if the 25% compliance timeframe is being met or is likely to be met. This is an example of one of the problems that PWD acknowledges with the Transport Standards in their current format – there is a lack of accountability and understanding of who is responsible, as well as a lack of monitoring mechanisms.

The infrastructure of bus stops comes under the auspice of local government, but the determination of where bus stops are is the responsibility of the bus company. Bus shelters are the obligation of local government, but increasingly we are seeing their construction being left to the private sector. It is not unusual to see bus shelters that do not allow access on the footpath behind the shelter or access into the shelter for a person in a wheelchair or scooter.

PWD believes that there is a need for State Government intervention, through the Ministry of Transport, in this regard to redress this lack of access.

Ferries

PWD does not believe that the best efforts are always made for independent access for passengers with disability when they travel on ferries. This has been seen to occur within the private space of the wharf facility. An example of this is Manly Wharf where the accessible toilets were on a separate level from the pedestrian thoroughfare.

PWD acknowledges that the provision of independent access for people with disability on ferries may at times be problematic due to reasons such as corrosion of machinery and tidal flows that naturally occur at wharves and piers. However, there is a range of measures that can be implemented to redress this should issues arise, including back-up measures.

Taxis

PWD does not support the current compliance requirement of equivalent response times. We believe that by its very nature this is hugely problematic to enforce. When a wheelchair accessible taxi fails to arrive the person with disability is left with a dilemma as to who and how they can make a complaint to; whether it should be the driver (if they can find out their identity), the network (can alter due to the nature of the booking system), the 0200 network or the NSW government which licenses the drivers and networks. It is therefore not surprising that many people with disability develop private arrangements with drivers or particular taxi service providers; they become familiar with the service provided by the particular taxi driver.

The current system disallows people who use wheelchairs or other mobility aids to catch a taxi the way over 90% of taxi journeys are commenced – by hailing.

Despite the leniency given to the sector in the Standards it continues to fail people with disability. During the recent review hearings in Sydney there were numerous anecdotal stories provided by people with disability being unable to rely on wheelchair accessible taxis. PWD finds this unacceptable.

It is widely acknowledged that there are some regions where the service of wheelchair accessible taxis is better than others. In Port Macquarie 100% of the fleet is wheelchair accessible. Therefore it is futile to argue that a universal fleet is not a viable option in Australia. Many other coastal retirement regions, such as Coffs Harbour and Forster, also have percentages of accessible taxis that make the service more than acceptable. This is in stark contrast to Sydney where only 8.1% of the taxi fleet is accessible. Overall in rural NSW the percentage is 17.2%. However while this figure looks promising, the rate of wheelchair accessible taxis in some large centres is still very low. In Wollongong there are 9 accessible taxis in a fleet of 134, and in the Newcastle there are 5 accessible taxis out of a fleet of 159.

PWD believes that the performance protocol should refer to percentages of the fleet being accessible, with time frames in place which will see all taxis in the fleet becoming accessible.

People with a vision impairment also have problems with the taxi industry. Unlike people who use wheelchairs they are able to hail them from the kerb, but are then left with the issue of knowing if it is indeed a taxi that has stopped. They are also faced with the issue of the route taken and the fare payable at the conclusion of the journey. PWD believes that it is imperative that technology be used that will allow people with a vision impairment to know they are in taxi, are being taken the most direct route and are paying the correct fare.

Information

PWD believes that since the introduction of the Standards the level of accessibility of information has improved. For example, the websites of most transport providers are accessible to people with a vision impairment and information about accessible services is available. However there are still major improvements required.

Many people with a vision impairment are unable to use public transport independently due to the lack of real time information at, for example, bus stops. In practical terms this means that they may have to stand at a bus stop signaling all vehicles hoping that their bus will be one of them. When a bus does stop they have to then ask the driver if it is the bus they require. PWD believe that it is imperative that transport providers investigate and implement the provision of real time information for all transport modules.

Although the level of information on transport provider websites has improved PWD is concerned that it is not always consistent between providers. An example of this is the symbol for an accessible bus service varies on different sites. PWD believe that this should not be a difficult issue for transport providers to remedy.

2. Have these changes matched your expectations of the implementation and uptake of the Transport Standards?

- Do you consider that the changes have matched (1) the compliance requirements and (2) your expectations?*
- If the changes have fallen short of your expectations, can you provide examples?*

PWD believes that the changes outlined above have not matched the expectation of its community of people with disability.

As outlined above in all areas there have been issues and problems. Examples include lack of independent access on trains, regional buses, wheelchair accessible taxis in many regions and lack of real time information on transport.

3. Do you consider that the level of compliance required at the end of the first five year period is sufficient to have had an impact on accessibility?

PWD believes that the level of compliance required at the end of the first five year period has been sufficient to have an impact on accessibility. This has been shown by

the level of compliance obtained by State Transit bus services. This is largely because they have taken a proactive approach. Prior to the 2000 Olympics and Paralympics State Transit understood the need to make Sydney transport accessible. The decision to make every new bus an accessible bus has seen State Transit achieve their target.

This is juxtaposed by many of the private bus providers who have failed to reach the level of compliance. This is largely because decisions were not made to make every new bus purchased an accessible one. As of August 2007 there are still some regional bus services that have no accessible buses in their fleet.

As has also been noted the issue of compliance by the taxi industry is problematic and unenforceable.

4. To what extent do you consider current data on accessibility are reliable? Can you provide examples of problems with data that you are aware of?

PWD believes that the current level and availability of data on accessibility are problematic. We have outlined our reasons for this in answers to questions 1 and 3. we further emphasise our concern at the lack of widespread and available data per se on these issue.

5. How could reporting of accessibility data be improved for future stages of the implementation of the Transport Standards?

As has been stated above PWD believes that there is a need for further detailed information on the level and availability of accessible services for all modes of transport.

6. Are you aware of examples where improved accessibility of public transport has led to increased patronage?

During the debate on the development of the Transport Standards, the operators of bus and coach services objected to low floor buses, stating how they would be slow and laborious as they wound their way through suburban streets being forced to lower and raise their ramps to pick up people in wheelchairs. What has been demonstrated is the opposite. As predicted by many in the disability advocacy sector low floor buses have proved to be a boon for the wider population. In addition to people with disability, many users of public transport are elderly and they have benefited from having easier access to services. In many instances this has actually led to faster services as passengers have an easier entrance and egress from the bus. In other words, counteracting the objections above with an easy and practical solution (low floor buses) is a perfect example of addressing the principles and spirit of the Standards.

On this basis, it would therefore not be unreasonable to expect similar positive outcomes for rail passengers using the easy access facilities at rail stations.

16. Where Australian Standards or other technical requirements are specified, are these appropriate? Please provide examples where you believe the use of Australian Standards is not appropriate.

PWD is aware that there are some anomalies regarding the use of the Australian Standards for wheelchair accessible taxis. Currently many wheelchair accessible taxis are using the footprint as defined in the Australian Standards. This however is only two dimensional. PWD believes that instead of a footprint the notion of an envelope should be used for the Transport Standards. This would allow for wheelchair users who sit high in their chairs to be able to have the door of a wheelchair taxi close. This is currently not always the case.

19. Do you consider that the requirements in the Transport Standards have been applied consistently across different modes of public transport?

PWD supports universal design. Universal design is the design of products and environments to be useable by all people, to the greatest extent possible, without the need for adaptation or specialised design. Low floor accessible buses are an example of universal design. The lack of a universally designed taxi fleet is an example of bad design and policy. PWD believes that the requirements in the Transport Standards have not been applied consistently across these different modes of transport.

20. Will any current areas of inconsistency be addressed through the future stages of implementation of the Transport Standards? (see Appendix B)

As has been stated previously PWD believes that many areas of access will improve during the future stages of implementation of the Transport Standards. However, as we have also stated we believe that there are some areas that will not be improved to the level required by people with disability. The first of these relates to the lack of independent access for railways. Using the current human dependent method will continue to cause difficulty for people with disability. Similarly the lack of a universal design for taxis will mean that people with disability will continue to be discriminated against as they will be unable to 'hail and ride'.

23. To what extent do the requirements in the Transport Standards address all of the accessibility requirements for people with disability? Are there gaps in the coverage of requirements?

PWD believes that the requirements in the Transport Standards ignore the needs of many people with disability. For example people who are blind and vision impaired have no real time information on the accessibility of services such as buses.

People with a cognitive disability are similarly not included in many of the requirements of the Transport Standards. There are a lack of requirements for information to be available in formats that are accessible for people with a cognitive disability, such as information in Easy English.

24. Does the compliance timetable provide for a gradual improvement of accessibility over the 30 year implementation period? Are there aspects of this timetable that present compatibility problems? How could these requirements be improved?

Yes – as previously identified in our response to question 20.

25. Are providers meeting their obligations across all aspects of accessibility, which ensures compatibility?

As has been stated in numerous areas of our submission PWD believes that there has been a strong emphasis on physical access for people with disability under the Transport Standards. Issues around sensory or cognitive disability, for example, have not been addressed. As has also been stated issues such as cognitive disability have also not been addressed.

27. How well are the current arrangements for making complaints about accessibility understood by the public?

PWD believes that a considerable sector of the public is aware of the current arrangements for complaint making. PWD believes that in the interest of consistency and enforceability it would be advisable for all complaints to be lodged at a national level through HREOC.