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To whom it may concern
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**SUBMISSION TO REVIEW OF THE DISABILITY STANDARDS
FOR ACCESSIBLE PUBLIC TRANSPORT**

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Submission Contains NO confidential material

Disclaimer: The comments recorded here are representative of the professional opinions and collective experience of the individual SSROC Access Forum members, and the Council Access Committees which they resource, where applicable, and do not necessarily represent the views of our employing Councils.

SSROC ACCESS FORUM SUBMISSION TO REVIEW OF THE DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT AUGUST 2007

The SSROC Access Forum appreciates the opportunity to contribute to this Review from the perspective of Local Government, and would like to make the following comments in response to selected questions posed in the Review Issues Paper (*shown in italics*).

1. SSROC – MEMBERSHIP AND BACKGROUND

The Southern Sydney Regional Organisation of Councils (SSROC) is an association of eleven local government Councils located in the southern area of Sydney. SSROC provides a forum for the Councils to deal with issues they all have in common, particularly those that cross boundaries. Key issues under consideration include planning, environment, transport, community development, sustainability, and local government management.

The SSROC Member Councils are:

- [Botany Bay City Council](#)
- [Canterbury City Council](#)
- [City of Canada Bay Council](#)
- [City of Sydney Council](#)
- [Hurstville City Council](#)
- [Kogarah Council](#)
- [Marrickville Council](#)
- [Randwick City Council](#)
- [Rockdale City Council](#)
- [Sutherland Shire Council](#)
- [Waverley Council](#)
- [Woollahra Municipal Council](#)

The SSROC region is host to major employers, industry, facilities and traffic generators and contains two of Australia's most important economic gateways: Sydney Airport and Port Botany. It also hosts other important land uses and infrastructure which plays a major role on a metropolitan and state-wide scale, such as:

- The Sydney CBD, Central Industrial Area and the Randwick-Botany industrial area

- Vital transport corridors linking Port Botany and Sydney Airport to the Sydney metropolitan area
- University of New South Wales, University of Sydney and other major educational facilities
- Major hospitals
- Major regional centres (Hurstville, Bondi Junction, Sutherland)
- Major tourist attractors such as National Parks and world-renowned beaches

2. SSROC ACCESS FORUM

Membership of the SSROC Access Forum is open to representatives of each of the Southern Sydney Regional Organisation of Councils member Councils' Access Committees, and the aged and disability workers in the eleven member Councils.

Over the years since its inception, the Access Forum has provided input to a number of SSROC submissions to NSW and Federal governments and has developed training resources for member Councils. The Forum has an important advocacy function in relation to the needs of people with disability who live in, work in and visit this region of Sydney.

Over the past 12 months, the Access Forum has worked on projects such as:

- Training for Council staff and residents in advocacy skills and planning for the needs of people with visual impairment (in partnership with Guide Dogs NSW/ACT)
- Event planning for International Day for People with a Disability
- Lobbying the RTA in relation to accessible parking and the NSW Mobility Parking Scheme
- Accessibility Constraints Mapping Project, mapping population, regional transport hubs and public transport routes identifying accessibility constraints such as topography.

THE TRANSPORT STANDARDS AND LOCAL GOVERNMENT

To the degree that Local Government has responsibility for administering, constructing or regulating public transport premises and infrastructure, we are responsible for ensuring compliance with the Disability Standards for Accessible Public Transport 2002.

Examples of areas where Councils may have direct responsibility and influence, as identified in the Transport Standards, include:

- access paths
- kerb ramps
- gutter crossings
- road cambers
- footpath cross-falls

- gradient of path of travel
- street furniture
- hazards obstructing the path of travel, including overhead obstacles
- surfaces
- bus stops and shelters
- traffic signals at pedestrian crossings
- pontoon wharves
- signage and directional information
- warnings

The Standards require 25% compliance by December 31, 2007, 55% compliance by December 31, 2012, 90% compliance by December 31, 2017 and 100% compliance by December 31, 2022

Questions for all stakeholders

1. Has the accessibility of public transport improved since the introduction of the Transport Standards? How has accessibility to conveyances (eg, trains, buses, trams, ferries, taxis, aircraft, etc) changed? Can you provide examples?

The Access Forum acknowledges that NSW has made progress in improving transport accessibility in some key areas since the introduction of the Transport Standards, at least in the Sydney metropolitan area.

For example:

- A larger proportion of the State Transit bus fleet is now wheelchair accessible
- More accessible buses are now scheduled on State Transit routes
- A larger number of CityRail stations now have accessible facilities
- Suburban train and CountryLink rail carriages are accessible, given the use of manual boarding ramps (which, however, is still a discriminatory practice because it doesn't provide independent access)
- There are more wheelchair accessible taxis, since the introduction of new private companies such as Lime Taxis
- Local Councils are generally more aware of the importance of developing such measures as Pedestrian Access and Mobility Plans, audits of bus transport infrastructure and of implementing footpath improvement programs to ensure there are continuous accessible paths of travel to

public transport destinations, although there is a lot of variation in terms of progress towards meeting the Standards' compliance targets and deadlines

- Community Transport providers in this region consistently meet required standards for accessible conveyances and customer service standards based on the DDA , and 'fill the gap' where they can, for older people and people with disabilities, within their funding limits

However, evidence suggests that rather than adopting a specific focus on implementation of the standards, transport operators have incorporated standards compliance into their existing programs, initiatives and reforms. As such it could be argued that apart from clarifying technical responsibilities, the Standards have been no more responsible for achieving the objectives of the DDA than the DDA was previously. They simply serve to provide an educative role, allowing providers to assess DDA objectives within their existing stated goals and longer term planning.

Accessibility to conveyances suitable for people with disability, and indeed for older people and people who use prams as a mobility aid for young children, therefore still leaves a lot to be desired.

For example:

- There are long waiting times for all taxis and the limited number of accessible taxis, taking into consideration the different footprint sizes of wheelchairs now available. People with larger chairs still report long waiting times for vehicles suited to their needs. Many Access Committee members all commented on the unreliability of taxis in general, particularly at night, even though they may have pre-ordered a taxi.
- Some taxi drivers refuse to accept fares from customers who use guide dogs, or to render assistance to blind passengers. Although there are fines applicable when a successful complaint is made about an offending driver, it is difficult for a blind passenger to identify the driver in the first instance and they must rely on the assistance of sighted witnesses who can provide the company name, time, location, number plate or driver identity number
- Wheelchair accessible buses failing to arrive in accordance with published timetables. An Access Committee member with a vision impairment has to pre-plan all of her bus trips and allow an additional 40 minutes to an hour for most journeys as many buses do not run on time and or, frequently run early. In many instances, this person will have no choice but to catch a

taxi to get to an appointment. Not only is this an added expense but many taxi drivers are unwilling to accept passengers who may only need to travel short distances. Accessible buses are not scheduled on all routes, but where they are timetabled, they do not always arrive, for example, due to break down. One Access Committee member who has to travel to work by bus has been advised by the local depot to telephone them if her scheduled bus does not arrive, so that another can be sent – her experience of this is that she has waited over an hour for a replacement accessible bus to arrive, with the consequence that she was late for work.

- Many train stations are still not Easy Access. In the SSROC Region, in December 2006 only 28 out of 61 stations were designated Easy Access.
- Another Access Committee member with an ambulant disability commented on the lack of leg room when flying economy class with Qantas and even though she requested to be given a seat with additional leg room, she was invariably seated in a tight area. The person reports that she was told that PWD are not permitted to sit near exit points where there is generally more leg room, due to international law, hence seating options are limited. She was also told that seating with more leg room was reserved for taller people, rather than for PWD.
- In terms of pre-journey preparations, the same person found there were long waiting periods in both queues and to organise a wheelchair to get her to the plane itself. She said this is largely due to staff cut backs and Qantas reluctantly provides this service. She also noted the restrictions on wheelchairs themselves in terms of length and width.

How has accessibility of information (eg, maps, timetables, announcements, etc) changed? Can you provide examples?

The Access Forum recognises that some improvements have been made to accessibility of information about public transport, but these measures are ad hoc and vary amongst different providers. There are also variations in accessibility of information in different Local Government areas, to the degree that Councils are responsible for provision of maps and directional signage.

It is the view of this Forum that:

- Consistent information standards are needed for all transport modes, in all areas
- Better guidelines are needed for public transport timetables – to ensure coordination of services amongst transport modes

- Better adherence to published timetables for accessible bus services is needed by bus service providers in some areas
- Reliance on visual information formats such as printed maps and timetables remains an issue for people who are blind or have vision impairment
- There is inconsistency in the application of styles for Universal Signage, eg it is not mandatory that the disability access 'wheelchair' symbol is coloured blue and white
- The needs of people who are colour blind are not adequately considered when developing maps and signage – 8% of the male population has some form of colour vision impairment, with red/green colour blindness being the most common
- Special consideration needs to be given to people with brain injury and intellectual disability, who may require information to be provided in alternative formats such as Plain English and pictograms, or electronically, to be downloaded onto memory aid devices
- Website accessibility needs to be improved for all transport providers since many people now plan their journeys ahead with the use of the Internet rather than printed brochures and timetables
- Local government planners and technical services staff, although generally well aware of Access to Premises Standards, the BCA and the requirements of the Disability Discrimination Act, need more information about the Transport Standards and associated compliance timetable

Examples of poor information provision include:

- A vision impaired Access Committee member states that unless she is carrying her cane, many bus drivers are reluctant to provide additional assistance when she asks questions such as if she is on the correct bus, even though she is clearly displaying her vision impairment pass. She feels obligated to carry her cane when catching buses, and at times has flagged the incorrect bus due to the font size of bus numbers in general.

How has accessibility of infrastructure (eg, 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?

It is the view of this Forum that public transport infrastructure improvements still lag behind improvements to vehicle/service accessibility. Examples which have been raised at local Council Access Committee meetings in this region, have been reported by SSROC Access Forum members, as follows.

For example:

- Members of the SSROC Access Committees report problems with airplane travel and associated needs, eg. a man known to one Committee member was not allowed to take his custom made cutlery onto the plane, and therefore was unable to eat during his flight, another was refused travel altogether because he had certain personal care needs which the airline could not cater for
- Transport providers need to define unhindered/clear passageways and continuous accessible paths of travel inside facilities such as bus/rail Interchanges, train stations, ports and airports and need to use consistent signage to identify the locations of facilities such as accessible toilets
- Where food and drink is provided in waiting rooms, interchanges etc, service counters and furniture provided needs to be accessible to wheelchair users
- Ticketing outlets, machines, counters and booths are often not accessible to wheelchair users or people of short stature. A local example of this is with the 'cashless' 333 bus route, where ticketing outlets such as newsagencies, or ticketing machines are not accessible
- Ambient noise in large waiting areas and concourses inhibits accessibility for people with hearing impairment
- There is inconsistent knowledge about, and application of, Tactile Ground Surface Indicators for people with vision impairments
- SSROC member Councils are at different stages in terms of developing and implementing accessible parking and accessible pathways programs such as the NSW RTA Pedestrian Access and Mobility Plans, and in implementing the Transport Standards - in most cases this is reported as being due to lack of Federal funds for implementation and lack of coordinated State-wide planning and guidance from the NSW government, such as to priority accessible bus routes and stops, works proposed for rail infrastructure, and so on
- More accessible car parking and car 'stop and drop' points need to be provided adjacent to train stations, eg for people with disability who cannot reach their places of work without using a car for part of their journey. Attention must be paid to the accessibility of paths of access from vehicle parking areas to facility entrances

- The Mobility Parking Scheme in NSW is compromised by poor regulation of the issuing of Mobility Parking Authorities, meaning that designated accessible car parking spaces near important public transport embarkation points can often be occupied all day by people who are illegally using Mobility Parking Authorities. Not all Councils are willing to authorise parking patrol officers to require drivers to show evidence of identity, or authorisation to carry a disabled passenger, and it is virtually impossible to regulate illegal use of Mobility Parking Authorities, when the driver and/or passenger of the vehicle in question is not with the vehicle.
- In spite of some extension of Community Transport services due to additional State funding being made available, access for their vehicles to major facilities in the SSROC region such as hospitals, medical centres, shopping centres, community halls etc is hampered by lack of nearby parking, drop off points and accessible paths of travel for passengers who need to be assisted from vehicle to destination
- Local government is under-resourced in terms of being able to make the infrastructure improvements required by the Transport Standards, as well as to make other necessary infrastructure improvements to ageing road and footpath networks. Councils require funding and guidance as to the priority transport routes in order to meet the compliance timetables. Determination of priority transport routes and corridors changes according to NSW Government planning priorities, such as is happening as an outcome of the Sydney Buses review. These changes are not always communicated to local government in a timely fashion (eg through Council Traffic Committees) so that budgets and forward planning for infrastructure works can be aligned
- At a local government level, planning and budgeting for improvements which need to be made to essential infrastructure features such as traffic signals, signage, bus shelters, etc is hampered by there being no coordinated regional approach to public transport planning. A request has been made to SSROC to host a regional forum where all infrastructure and transport providers can come together on a regular basis to plan for implementation of the Transport Standards. There are apparently insufficient resources within the NSW Ministry of Transport to host such a forum either in this region or on other regions in NSW, so that local government has to take the initiative.
- Costs of upgrades are prohibitive. One Council in the region, for example, has audited 150 bus stops to see what upgrades are required to meet the Standards and timetables. A decision was

made to select 10 – 15% of the bus stops for upgrading in the first instance (vs the 25% compliance target) due to the large cost involved.

- Members of the SSROC Access Forum have previously raised concerns about the suitability of the design of bus shelters provided by private companies such as Adshell and JC Decaux. Many Councils have contracts with these companies to provide bus shelters, and there are concerns that the designs cannot be modified, for example, to suit sites along wheelchair accessible bus routes where footpaths are narrow. It is not clear whether these companies are also being required to conform to the Standards and whether their designs are compliant. Service contracts should reflect the Standards but many do not, and the Standards cannot be referenced retrospectively. The Guidelines 1.13 Design Specifications state, in relation to infrastructure, that ‘matching elements need to be compatible for discrimination to be removed’ but there is no agency with authority to coordinate or monitor compatibility.

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?

There is no monitoring and no mandatory reporting requirements. This suggests a lack of support Federally and at other levels of Government. It is difficult to divert resources from statutory requirements to monitor and assess unclear obligations that have no immediate, if any, consequence.

Information about what actually constitutes compliance or how it should be measured is equally unclear.

Questions for all stakeholders

13. Are there areas of the Transport Standards that you consider unclear in terms of the adjustments operators and providers need to make? Please specify.

The Disability Standards for Accessible Public Transport Guidelines 2004 are not particularly helpful to local government or their contractors, in terms of design specifications for infrastructure. The Forum recommends that a comprehensive technical manual be developed similar to the UK Department for Transport manual, titled ‘Inclusive Mobility’, which gives detailed design specifications for the whole spectrum of infrastructure such as footways, footpaths and pedestrian areas, bus stops, taxi ranks, buildings, signage and lighting.

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

Councils are generally not aware of the Guidelines' recommendation to develop Action Plans for compliance. Although not a requirement, the recommendation is clearly desirable, and the SSROC Access Forum recommends a program of information and education programs about the Standards and the advantages of preparing Action Plans targeted at local government.

Retrofitting of pre-existing infrastructure is costly and difficult, and Federal funding to local government for infrastructure improvements would assist to ensure that the compliance schedule is adhered to. There is no cohesive implementation plan across any levels of government.

There is no coordinated local area planning. As a result efficiencies are lost as neither local or regional needs gain priority over broader reforms/initiatives or fleet/service management. Similarly broader urban management and social planning objectives have not engaged budgets

There is no place or structure for the range of stakeholders to meet and develop coherent and coordinated plans.

Similarly there is no systemic mechanism to encourage such cooperation on standards implementation. In fact it is often seen as more complicated to attempt compliance, given the lack of process, than not. Other legislative requirements can contradict or at best impede carriage of the standards leaving the agency unable to find a way to meet both objective. Primacy of various Federal/State objectives is unclear on these topics and does not aid implementation. It is not just that it is complex, it can be seemingly impossible to get clarity of responsibilities, leadership and commitment to act.

Examples are the Sydney Metro Strategy of the NSW State Plan. Concentration of housing and employment targets appears unrelated to State plans to implement DDA transport standards. While there are overlaps and fortuitous circumstances, there hasn't been a clear way for Councils to engage budgets to upgrade according to the Standards in a coordinated way with other State priorities. Often this has left no resources for integrated planning and resource or infrastructure improvements to meet access needs.

22. In implementation of the Transport Standards, have the requirements led to a relatively consistent standard of compliance across all modes of public transport? If not, where are the major differences in approach?

It is the view of this Forum that the implementation of the Transport Standards has not led to a consistent standard of compliance across all transport forms. There is no mechanism for coordination of implementation by all stakeholders at a local level.

A simple local example of this lack of coordination, is where Sydney Buses rolled out new bus stop plinths along Strategic Bus Corridors, and at some sites have located them in such a way as to impeded continuous accessible travel along the footpath. Funding was provided to Sydney Buses for this purpose, but no funds were available to the local Council to modify kerbs and footpaths for low-floor buses.

Consultation with local community about changes to bus services and routes is poor – for example the Better Buses review removed some services, resulting in an outcry from older people who depended on these services for mobility.

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?

It is the view of this Forum that people whose needs have not been adequately catered for by the Transport Standards are:

- People who are blind or who have vision impairment
- People who have brain injury
- People who are colour blind
- Older people with age-related disability such as hearing or vision impairment
- People with intellectual disability

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?

The compliance timetable for Transport Standards implementation in NSW is concurrent with a NSW Sydney Buses Review, and the roll out of the NSW State Plan, Sydney Metropolitan Strategy.

At present the Department of Planning Strategy documents make no reference to the Transport Standards. It will be important that both the NSW Department of Planning and Sydney Buses takes account of the requirements when making changes to bus routes, and advise local Councils as soon as possible of those changes.

Councils are still experiencing difficulties in determining how to meet the first stage compliance targets for infrastructure, of 25%. It is not clear what this target refers to - is it the number of accessible bus stops, or the number of accessible bus routes where footpaths and kerbs have been modified? and so on. For example, if a Council determines that it is the number of bus stops and shelters on a particular route, there is no guarantee that the local bus operator will oblige by ensuring the same % of their bus services along that route are wheelchair accessible.

26. Do the requirements of the Transport Standards need to more explicitly recognise the potential other regulatory constraints that impede the capacity of transport providers to deliver the objects of the Transport Standards?

Occupational health and safety legislation impacts on the ability of transport providers to render 'hands on' assistance to passengers where independent access is not possible. Carers of people with disability are a critical factor in this respect and the Standards are silent in relation to their rights.

The Australian Standards and BCA requirements for disability access make no reference to the Transport Standards, such that it is technically possible to be BCA and AS1428 compatible and still not meet the intent of the Transport Standards. These standards were developed for buildings and not conveyances and associated infrastructure.

Vehicle design specifications for wheelchairs do not allow for the range of wheelchair types, and has resulted in wheelchair taxis not being suitable for all users.

Access Committee members report that new airport security regulations have made plane travel considerably more difficult.

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

Poorly. Local Access Committee members report that they are not aware of their rights or of the process for making complaints about transport and infrastructure providers.

28. Are the current processes sufficiently responsive to complaints, or requests for information or advice on the Transport Standards?

Whether current processes provide speedier delivery of citizen rights is questionable. The Standards are complaints-based but there is currently no body responsible for assessing compliance. The onus is still on the individual to bring attention to non-compliance and the complaints process can be intimidating and costly. A complaint against a service provider is first brought to the Human Rights and Equal Opportunities Commission (HREOC) for conciliation.

Should the complainant be dissatisfied with the conciliation process, the complaint may be brought before the Federal Court. If the Federal Court is satisfied that there has been unlawful discrimination, it may make any orders it considers fit, including directing the respondent not to repeat, or continue, the unlawful discrimination and to pay damages. This may include a requirement to retrofit facilities or conveyances.

Local Access Committee members report that they are reluctant to make complaints because recently publicised complaints made about taxi and air travel providers have not resulted in fines or prosecutions. Further, many people with disability already experience financial hardship due to being dependent on disability pensions and having additional health care costs and the prospect of financing a legal challenge against a transport provider is prohibitive.

Conclusion

The SSROC Access Forum appreciates the opportunity to have input into the Review of the Disability Standards for Accessible Public Transport 2002 and looks forward to seeing improvements in the public transport system for older people and people with disability, as an outcome of this review.

Yours sincerely

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for SSROC Access Forum