

Submission

Review of the Disability Standards for Accessible Public Transport 2002

Prepared by Mat Kekevski
on behalf of
Newcastle City Council

Newcastle City Council 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 1470. While the principle of **all** such infrastructure being fully accessible is commendable it must be recognised that it will not always be possible.

The Transport Standards need to be clearer and more comprehensive as this is legislation which has to be complied with. Technical information in the Standards is 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:

- a) 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.
- b) 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 no-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.

- c) The principle of a continuous accessible path of travel requires that path grades should not exceed 5% (1:20) as set out in AS1428.1. This is clearly not compatible with most subdivision codes across Australia which allow maximum street grades of 17% to 20%. In such steep terrain where the existing concrete path adjacent to a bus stop clearly does not meet the requirements for accessibility it is unreasonable to expect that all the bus stop elements be fully compliant.
- d) There is incompatibility between the requirements of the Disability Standards with respect to footpath grades and the built environment in hilly areas. The Transport Standards state "An access path must comply with AS1428.2 (1992) Clause 8.1". This means a footpath cannot have a longitudinal grade any steeper than 1 in 20 (5.0%). If it is steeper it is deemed a ramp and would need kerbs, handrails, landings etc. Yet in many areas footpath/street grades can be up to 1 in 6 (16.7%). If the Transport Standards are to be strictly adhered to then such areas are not accessible and the question arises as to whether the requirement to have bus stops along such a route fully accessible can be justified. In the current review process it is noted that a number of people have emphasised the importance of having the whole of the trip accessible, from front door to destination, but this is obviously not possible in steep areas. The Transport Standards need to address this fact.

A further issue arises of replacement of bus shelters in difficult locations where it is just not possible to comply fully with the Standards. Where Council is unable to achieve compliance due to difficult topography it could result in removal of the stop to avoid potential litigation, unless the Transport Standards are amended to address the above situation.

- e) The Transport Standards state a boarding point should have "*a firm and level surface*" (Part 8, page 21) but are not clear whether the boarding point needs to meet the requirements of a "landing" as defined in AS1428.1. ie. maximum grade of 1:40 (2.5%) both across and along the platform. Many streets have longitudinal grades which well exceed 1:40, as stated in c) above, and as the grade of the boarding platform adjacent to the kerb has to match the longitudinal grade of the kerb the platform would not meet the requirements of AS1428.1. The Standards should address this and waive the requirement for a maximum 1:40 (2.5%) grade along the platform in such situations.

- f) 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.
- g) 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.

HREOC Commissioner Graeme Innes in his review of the application of the Transport Standards to the construction and maintenance of bus stops (June 2006) stated: *“While there may be situations where extreme topographical or technical difficulties might result in a successful claim of unjustifiable hardship, I would expect this to be uncommon, especially in relation to new bus stops constructed after the Standards commenced”*.

The above interpretation simply fails to take into account bus stops in hilly terrain, locations with steep crossfall, locations with narrow footways etc where it will not be possible to comply fully with the standards. Such sites can only be appealed on grounds of unjustifiable hardship and Commissioner Innes considers successful claims would be rare. The Standards need to acknowledge that there will be many sites where it will not be possible to comply fully.

Note: 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.

Endorsed by:

Denis Loiterton

Wendy Mackenzie

Infrastructure Services Coordinator

Community Worker - Aged & Disability Services

23 August 2007