

## **A Paper for the Voluntary Sector Partnership Council Meeting With Sue Essex AM**

### **Accessible Public Transport is a Right and Not a Luxury**

#### **Introduction**

The Disability Discrimination Act (DDA) was passed in 1995 to introduce new measures aimed at ending the discrimination which many disabled people face. The Act gives disabled people rights in the areas of

- Employment
- Access to goods, facilities and services
- The management, buying or renting of land or property
- Education

It is being introduced over 25 years and is made up of 8 Parts. Transport comes under two Parts of the Act. Part 5 of the Act deals with public transport vehicles and Part 3 relates to the provision of Goods and Services. Currently, public transport providers are exempt from Part 3 and this means that they can still refuse a person a service simply because they are disabled. The legislation covers only “land based transport, ie buses, coaches, taxis, trains and trams and not planes or ferries. There are however voluntary codes for the airlines and ferry industries. For this reason, only land-based transport will be discussed in this Paper.

#### **Current Legislation**

Part 5 provides for accessibility regulations to be made for public service vehicles (buses and coaches), rail vehicles and taxis. The regulations set minimum technical requirements to ensure that in future public transport is accessible to disabled people. Regulations have already been introduced for buses and coaches and for rail vehicles. All single deck buses are to be accessible to disabled people by 2016 (wheelchair users included) and double deck buses by 2017. Currently accessibility regulations apply only to new vehicles – trains and buses, coming into service. At the present time only around 15% of the national fleet are accessible to the standards set out in the regulations and of the 1000 new trains built since 1998 only 500 are in service. Unfortunately no date by which all trains must comply has been set, although in a recent consultation document the Westminster Government advocates a full accessibility implementation date of 2025 which is 9 years after the date set for full accessibility for single deck buses. Part 5 also allows for accessibility regulations for taxis but these have not yet got beyond an initial consultation period. Consultation with Disability Wales has shown that although they strongly support the proposals to remove quantity regulation of taxis and private hire vehicles, (PHVs), they are unhappy that these regulations will not apply to PHVs.

Transport infrastructure (bus and railway stations, airports and ports) is covered by Part 3 of the Disability Discrimination Act – Access to Goods and Services. There is however a specific exemption from Part 3, for any service “so far as it consists of the use of a means of transport”, (ie using a public transport service.)

Since October 1999, service providers, including train and bus companies, have had to consider what “reasonable adjustments” might be made in order to ensure that disabled people may use their services without encountering reasonable difficulty.

From October 2004, service providers will have to make reasonable adjustments to remove, alter, or provide means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service. This would include a duty to provide a reasonable alternative method of making their services available to disabled people if a physical feature at the station makes it impossible or unreasonably difficult for them. In

practice, this could mean eg assisting a wheelchair user to cross the tracks between platforms (safety permitting) if the pedestrian footbridge has no lifts or providing them with alternative accessible transport to a station nearby which is accessible.

### **The Situation in Other Countries**

The situation in other countries is very different to Britain with Israel and Australia leading the way with the provision of accessible public transport.

In Israel, the Equal Rights Law for People with Disabilities was passed in 1998. Public transport operators were required to make adjustments in vehicles so that they will be suitable for safe independent and dignified use by disabled people. Regulations to achieve this were passed in 2002 and stated that all buses were to be made accessible to wheelchair users by the installation of accessibility devices (ramps etc). All new single and double-deck trains were also to be made accessible with new stations being made accessible with the installation of mini ramps on platforms to ensure easy boarding for wheelchair users.

In Australia, the Disability Standards for Accessible Public Transport, which forms part of the Disability Discrimination Act 1992, came into effect in October 2002. The Standards set out specific, formal requirements for the accessibility of public transport and provide transport operators with detailed information about disability access issues including access paths, manoeuvring areas, ramps, boarding devices, symbols and signs, payment of fares and provision of information.

The aim was to help transport operators eliminate discrimination on the grounds of a person's disability and also to assist elderly people and parents with young children to access public transport. Providers of public transport, infrastructure and premises were expected to meet the requirements for all new items coming into service immediately with a staggered compliance time-frame for upgrading equipment. The overall aim was greater independence for those who had previously found it difficult to use public transport.

### **Experiences in Wales and the rest of the UK**

As legislation does not currently require public transport to be accessible, there are very few fully accessible bus and train services in THE uk.

One County that has aimed to provide an accessible bus service from the early 1980s is East Sussex. Their County Rider service, owned and operated by the county, is fully accessible to everyone including wheelchair users and serves many East Sussex towns.

In Hackney, London and Cumbria, Plusbuses have been established. The Plusbus in Cumbria operates one fully accessible minibus that was specially built to ensure that it was accessible for all and suitable for use in narrow lanes. An induction loop to be used by people with hearing aids was fitted. Printed timetables were checked to ensure that they were legible for people with visual impairments and large print and Braille timetables were also produced in addition to an audible timetable available on compact disc.

In Wales a growing number of bus routes are served with low floor buses, which may make them accessible to some wheelchair users, but there is still a long way to go before all public transport is fully accessible. Meanwhile many community groups or registered charities provide accessible transport for individuals or groups who are unable to access public transport. One such group is Accessible Caring Transport, which covers all of the Cynon Valley and part of the Rhondda. All vehicles have tail lifts or ramps and escorts are provided to give assistance to service users if required. However, as the cost for an individual journey is set at 65p per mile, which includes travel distance from the start point of the vehicle to the pick up, the distance to the destination and return journey to base, it is a very

expensive service. Also the council do not allow their bus passes to be used by individuals who use the service.

### **Comments from Rights into Action 2003, the First International Congress of Young Disabled People**

Accessible transport was one of the main issues discussed at the Congress. Comments made by delegates regarding barriers to accessible transport are as follows: -

#### **Taxis**

- Not enough space
- Expensive – also unfair that young disabled people have to pay for taxis whilst non disabled youngsters can take the bus
- Not enough taxis with wheelchair access

#### **Buses**

- Buses are not always accessible
- The seats reserved for disabled people are not always respected
- People with hidden disabilities find using the buses scary
- The names of bus stops are not announced

#### **Trains**

- Lack of accessible toilets
- More space needed for disabled people – especially in corridors
- In the UK – wheelchair users have to book a trip 24 hours in advance so that ramps and practical assistance can be provided. This means that journeys cannot be spontaneous

#### **General Comments**

- Staff are often impatient and are not disability aware
- Transport operators should be made aware that disabled people are not just a problem or inconvenience but are potential customers.
- Buses and trains do not stop long enough to allow disabled people to sit down
- It is difficult for disabled people to get on and off crowded buses/trains.
- Visually impaired passengers find it difficult to read timetables
- Accessible transport should be integrated

Delegates from Inter Play, one of the Welsh groups represented at the Congress, have become involved with the Swansea Youth Forum and have fed in views on accessible transport to the Forum's Transport sub group.

The mission of the Group is to support children and young people in Swansea to gain better opportunities and accessibility to improve transport. This is done through:-

- Consultation with children and young people
- Working in conjunction with providers of transport
- Making their views known to decision makers within relevant organisations including First Cymru, City and County of Swansea, Funky Dragon, W.A.G. and the Westminster Government.

The Group have already carried out a survey among young people in Swansea regarding bus transport. It is planned that this will be shown to First Cymru . Additionally they hope to link in with the questionnaire that the Welsh Assembly Government has sent to all counties in Wales to ascertain the young people's views on transport.

## **Conclusion**

This paper has highlighted the difficulties faced by disabled people in Britain when seeking to use public transport, the situation in other countries and the current legislation regarding this issue. Currently, as public transport providers are exempt from Part 3 of the Disability Discrimination Act, this means that they can still refuse a person a service simply because they are disabled. This is unacceptable. The provision of accessible public transport is a civil rights issue and should be regarded as such. Disabled people face social exclusion by not being able to access public transport, and the effect on work, health and social life is considerable.

In January 2003, Department of Work and Pensions Secretary, Andrew Smith, announced a "flying start" to the European Year of Disabled People - a draft Disability Bill, to be published later that year, which would plug some of the gaps from the 1995 Act relating to transport (amongst other things). A draft Disability Discrimination Bill was duly published in December 2003. It proposes to lift the current exemption for transport services from Part 3 of the Disability Discrimination Act – Provision of Good and Services. However the Bill contains no proposals to amend the date by which the buses and trains are to be made accessible. It is therefore up to the Welsh Assembly Government to address the general issue because whether it's going to and from work, visiting friends or going to the cinema, disabled people need to be able to get on the bus or train like everyone else.

**Catherine M. Lewis, Children First Development Officer (Disabled Children) Children in Wales, 2004.**