

**Review of the Disability Standards
for Accessible Public Transport 2002
ARA Submission**

Summary of key rail industry issues

In summary, the ARA submission seeks the following amendments to the Transport Standards, which are supported by information in the attached submission:

1. That all temporary exemptions that have been applied for by the ARA to HREOC are accepted as valid and that amendments are incorporated into the Transport Standards.
2. That if adopted by a transport operator, a suitably developed Disability Codes of Practice is an acceptable means of compliance with the Transport Standards, and that Part 33.3 (1) of the Transport Standards is amended accordingly. The Code will be developed in close consultation with the disability sector and HREOC and will incorporate the HREOC exemption outcomes, equivalent access and unjustifiable hardship provisions and best practice guidelines. This has been previously recommended by the Productivity Commission.
3. The federal government and HREOC must work towards agreement on a co-regulatory framework that provides certification of the Rail Industry Code as a mechanism to enact the DDA.
4. That the criteria for mobility aids be included within the Transport Standards so that conveyances, premises and infrastructure can be designed with certainty around the size, weight and manoeuvrability characteristics of mobility aids.
5. Recognition that the current target dates in the Transport Standards are neither appropriate, nor achievable in terms of infrastructure nor trains when account is taken of design and service life.
6. Recognition that the current implementation targets would result in unrealistic funding requirements.

7. The implementation requirements of the Standards are determined on a risk- benefit basis to achieve the most effective outcomes.

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) changed? Can you provide examples?

Accessibility has changed but not fully in accordance with the Standards as many of these are not practical, and a number of exemptions were granted to overcome the difficulties. New railcars are largely compliant with the Transport Standards, with the exemptions granted, and existing rollingstock is undergoing a process of retrofitting to increase the accessibility of the units.

Rail operators and providers have committed significant resources to upgrade both booked and unbooked services. In general, improvements to rollingstock include:

- nominated boarding points on train
- allocated spaces
- push button door controls
- improved safety measures around door opening and closing including audio and visual warnings
- visual display screens for service and location information on new trains
- colour/luminance contrast for handrails and grabrails
- removal of stanchions that create an obstacle in vestibules
- installation of colour/luminance contrast handrails and grabrails
- improvements to the accessible toilet including pan location and door controls

Staff training and customer service have allowed appropriate direct assistance (eg seeking guidance on how to assist from the passenger, placement of boarding ramps and similar). However, some issues are quite difficult to resolve even with highly trained, competent staff.

Conflict exists between Workplace Health and Safety (WHS)

legislation and offering direct assistance on boarding ramps with grades between 1:4 and 1:8. Changes to infrastructure, for example by raising platform height to carriage floor level, can occasionally be the answer to the problem. More often though, changes to platform level are not practicable. On curved platforms grade separation of platform and carriage floor is a safety issue, as grade conformity necessitates a large horizontal gap that must be stepped over when boarding or alighting. Often it is often impossible to move stations to straight track because of other public and private landowners to overcome the gap. The current standards are not practical for a rail environment and platform infrastructure on curved or super elevated track will never meet the Transport Standards gap requirements.

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

Again changes made are not all fully in accordance with the Standards, but within the exemptions granted.

Changes to information and its means of provision have made it more accessible, however it is only following the ARA Exemption that information accessibility approaches compliance. Timetables and the like have been moved online in many instances and websites are progressively being upgraded to conform to W3C guidelines for accessibility. Many mainstream customer service procedures can provide much information directly.

A major benefit to hearing impaired passengers was the introduction of SMS information services by some rail operators. However, audio loop systems in electric railcars may not provide full functionality due to high voltage traction systems, and also for other units operating with AC traction, and screen alternatives are facing technical challenges in electric rolling stock. Operators have been working on accessible formats for signs and these are at varying stages of implementation. Staff training and appropriate procedures have ensured a very accessible booking system.

It is to be noted that the requirements of the current standards

are not clearly defined and are open to interpretation. Development of a Rail Industry Code of Practice with the assistance of AFDO would allow accessible information to become part of mainstream customer service. Further it would specify relevant information for each component of a rail journey. An excellent example of this 'whole of journey' information approach is articulated in the European Commission Directorate General Transport's publication *Passengers' Accessibility of Heavy Rail Systems COST 335*.

- 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?

The intent of the Transport Standards can now largely be met on new infrastructure following the ARA Exemption decision of 2007. Existing infrastructure is steadily being made more accessible through installation of walkways, ramps and/or lifts, removal of fixtures from access paths, installation of new furniture and fittings, new seats, allocation of waiting areas and the like.

The current requirements are not clearly defined. For example, all station entrances and exits need to be accessible, but one station may have six or more entrances and the largest rail operator must deal with in excess of 300 stations some of which are over 100 years old. The ARA Exemptions recognize the difficulties and allow one accessible route per platform, which allows a cost effective solution and allows investment to benefit a far greater number of people at many more stations than would be accepted under the current Standard.

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?

The changes do not fully match the requirements of the

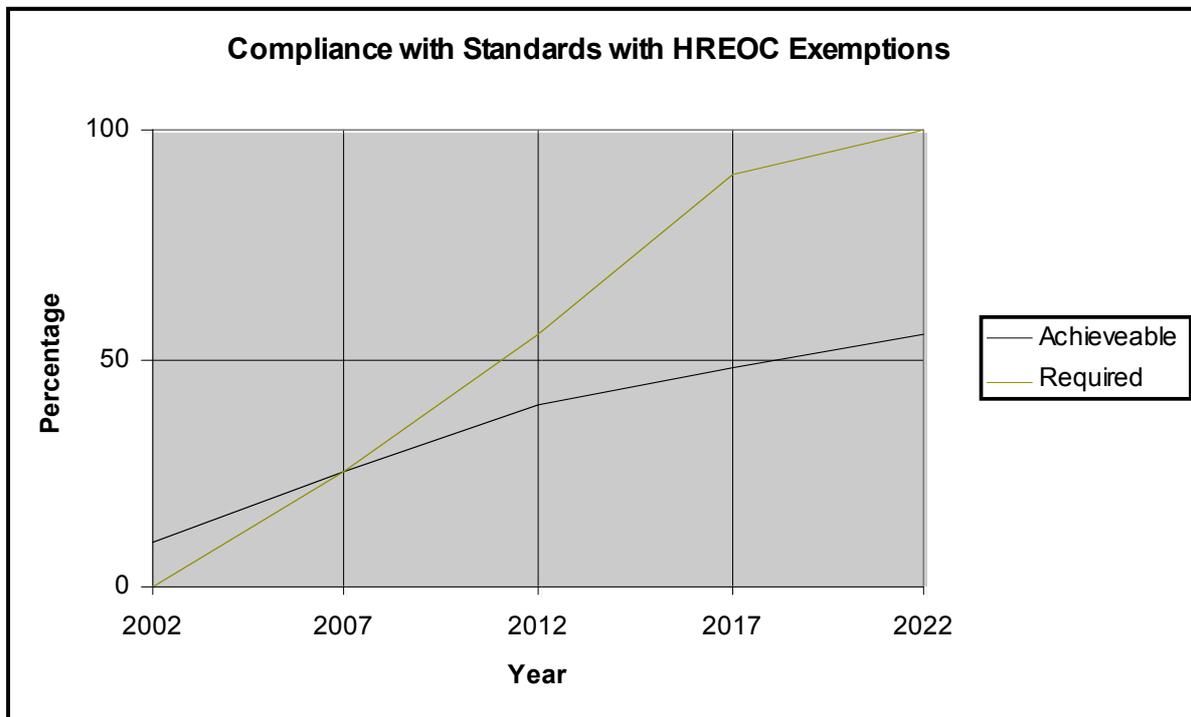
Standards for the following reasons:

- Standards are not clear and considerable time and resources have been committed to obtain clarity and practical solutions resulting in a total of 103 clauses for exemption.
- Compliance implementation requirements are not based on a risk benefit basis, nor reasonable adjustment or demonstrable cost.
- Inadequacy of both Federal and State funding
- Lack of alignment of the timeframes to the life expectancy of stations and trains and their associated design life and maintenance.

Subject to the inclusion HREOC's exemption outcomes to the ARA, the compliance requirements of 25% for most parts of the Transport Standards by 2007 and the public and rail operator expectations may have been matched. However, from 2007 the Schedule of Compliance will present rail operators and providers with significant challenges. The Transport Standards assumes that in 2002 there was zero compliance and that by 2007 compliance would reach 25%. In reality the starting point was probably in the order of 10%. To reach 25% from 10% has been a difficult and costly process. From 2007 to 2012 compliance must increase by 30% to give 55% compliance. This is well in excess of the accomplishment of moving from 10% to 25%. For the largest rail operator, this is equivalent to over 90 stations over the 5 year period.

From 2012 to 2017 will require another 35% increase in compliance. Thus, the ten year period 2007 to 2017 will require 65% of work to be accomplished. Since this 65% of facilities will cover more difficult access locations, i.e., hilly or island platforms or those with subways or footbridge access, funding to keep the same compliance rate will require very high funding increases by States. The graph below illustrates the curves of percentage compliance required by the Transport Standards Schedule of Compliance and the percentage compliance achievable with 2002-7 resources. Unfortunately capacity constraints could exert a brake regardless of funding. The current skilled worker shortage in fabrication, construction

and other trades such as electrical and signalling could significantly impact efforts to meet the Schedule.



Of note and some concern is the apparent mismatch of some compliance requirements. For example, waiting areas and furniture and fitment must be at full compliance by December 31, 2007, but the access paths that lead to these facilities need only meet 25% compliance by 2007. Potentially, accessible facilities will be constructed on inaccessible infrastructure.

- If the changes have fallen short of your expectations, can you provide examples?

Changes for the most part have met expectations. However, there are many areas of ambiguity and uncertainty in the Transport Standards, which will make the 2102 milestone difficult for many operators. These have been addressed in the ARA Exemption Application of 2007, the full text of which is available at:

http://www.humanrights.gov.au/disability_rights/exemptions/ara/noi.htm

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?

Work has progressed with the availability of funding by State governments and the level of compliance required at the end of the period has been significant. However, it is believed that the implementation requirements specified were not on the basis of risk, cost and benefit, and as a result a greater benefit in terms of reducing risk could have been obtained in the period.

The 2007 Lighting compliance of 100% has been difficult to meet. The lack of a correct standard led to ARA commissioning a report for lighting at stations that is the basis of an exemption agreed by all parties and will likely be incorporated into the standards. However, this does not cover other modes, including tram stops, which currently are not covered by DSAPT or any exemption. Another example is the need for lighting at platforms has been emphasised, but not the need for TGSI's. TGSI's are reasonably simple and economic to install and bring an immediate reduction in the risk of visually impaired persons falling from platforms, whilst lighting is costly and does not necessarily improve safety of the visually impaired on platforms.

A further example is that 100% of handrails must comply by 2012, but they will apply only to 55% of access paths, ramps etc.

Improvements such as the provision of lifts to platforms have increased the number of accessible rail stations and the network's catchment for people with disabilities. Placement of Tactile Ground Surface Indicators TGSIs at platform edges has increased the safety of visually impaired passengers through reducing the risk of falls and providing directional cues. Training of staff has had a significant effect on the rail experience of passengers with disabilities. Particularly, trained staff can through direct assistance overcome many of the obstacles that remain in the system.

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?

Publicly available data is produced by a number of operators and published by various jurisdictions, with varying interpretations of the Standards. Hence it is difficult for interested parties to reach informed decisions about compliance levels for rail public transport use due to the inconsistent and sometimes inaccurate data.

A problem exists with the current Standards, for example when a new compliant lift is provided to improve access, but a non-compliant ramp 1 in 8 remains the station would still be considered as non-compliant.

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

The proposed ARA Code of Practice for the application of the standards would attempt to produce a common national framework/database to a consistent standard, with data prepared by individual rail operators. Such data could then be available as input to aid more consistent State and Territory compliance reporting.

Databases should not be provided at other than operator level or operational level where they are a component of customer service. The rail operators and providers are in a position to report accurately on their own assets and take responsibility for system updates. If these databases form part of the mainstream customer service system they are likely to be highly accurate and frequently employed. Further, direct contact with the database owner can clarify details and allow alternative solutions to be offered. Ownership by the operator and integration into mainstream service also permits the use of alternate means of communication such as telephone, website, TTY, SMS, email and so on.

Where work is ongoing at a particular location that may impact accessibility, updates on access paths, parking, boarding points and such changes can only be reported to the local community by the local rail operator or provider.

National uniformity of data is ensured if data emphasising performance is provided by rail operators in accordance with a rail industry Code of Practice.

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

Public transport services of all modal types are experiencing increased demand and at this stage it is difficult to confirm factors contributing to increased patronage. However, for some rail systems there is evidence of increased usage by disabled persons.

Those passengers who use rail services are now able to do so with greater comfort, safety and amenity than was previously the case prior to the introduction of the Transport Standards.

Questions For Public Transport Users

7. Has the introduction of the Transport Standards helped you better understand your rights as a public transport user? If yes, in what ways has it done this?

8. Are the Transport Standards and the accompanying Disability Standards for Accessible Public Transport Guidelines 2004 (No.3)(the Guidelines) a sufficient source of information on your rights as a user of public transport, or have you needed to consult other sources? What other sources have you consulted? How did you find out about these sources?

9. Are you aware of other users of public transport who appear to be unaware of their rights or obligations? How could this lack of awareness be addressed?

Questions for Public Transport Operators and Providers

10. Has the introduction of the Transport Standards clarified your obligations as a public transport operator or provider? If yes, in what ways has it done this?

Unfortunately, many requirements of the Transport Standards are unclear, provoking much conjecture as to how it applies. The Guidelines have some useful information, but have no legal status. Uncertainty as to the expectation of the Transport Standards initiated the various Exemptions that have been lodged. A particularly relevant example is the clarification sought in the exemption application around the maximum size and minimum manoeuvrability of mobility aids able to be accommodated in the rail environment.

For reference to the full text of the ARA Exemption it can be accessed from:

http://www.humanrights.gov.au/disability_rights/exemptions

Where prescriptive Standards cannot be met in rail vehicles and on stations, solutions reached through consultation with the disability sector and other stakeholders should be recognised as compliant for the purposes of the Act. The Rail Code of Practice would seek to incorporate these equivalent access solutions.

11. Are the Transport Standards sufficient, or have you needed to consult other sources? What other sources have you consulted? How did you find out about these sources?

The Transport Standards and associated Guidelines have not provided sufficient clarity of responsibility and requirements to rail operators. As a consequence many other sources have been consulted. From overseas sources, the European *COST 335 Passengers' Accessibility of Heavy Rail Systems*, the British *The Rail Vehicle Accessibility Regulations; Guidance and Train and Station Services for Disabled Passengers; A Code of Practice*, as well as general Canadian material, have proven invaluable. This is particularly the case in areas where the Transport Standards are silent, such as rail car fitout, wheelchair restraint, effective colour contrast and so on.

Various Australian Standards contain useful information. For example the requirements of Part 20 Lighting were derived from an interior lighting Standard. It was necessary to engage a consultant to research relevant Australian Standards for applicable exterior illumination levels for railway platforms, but this is still required for tram stops. The proposed levels were granted as part of the ARA Exemption. The various Exemptions submitted have also provided guidance. The 2002 Exemption on the application of TGSIs on platforms was particularly helpful.

12. Are you aware of other operators or providers of public transport, who appear to be unaware of their obligations? Can you provide examples? How could this lack of awareness be addressed?

ARA has worked closely with the bus and taxi industries and believes these providers are fully aware of their obligations.

However, ARA has experienced difficulty interpreting the Transport Standards and it would be surprising if other modalities were not facing the same lack of clarity and uniformity.

Long distance rail often relies on the coach industry to provide rail replacement and booked long-distance services. It is an anomaly in the Standards that there is no requirement for coaches to provide for wheelchair passengers, nor provide for ambulant disabled passengers that cannot use stairs.

In many cases, tram and light rail stops are the responsibility of local government, who appear unaware of their obligations.

An exemption for Lighting has been granted for railway stations, work for tram stop lighting on roads still needs to be done. Owners of road lighting may dispute that this is their responsibility.

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.

Exemptions granted via the 2007 ARA Exemption Application were mostly for a period of three years, so the status of those parts exempted when the Exemption expires is of concern.

Those areas in the 2007 ARA Exemption Application where HREOC deferred its decision remain unclear. The parts of the Exemption application where HREOC is yet to decide were:

1. Assistance animals: ARA proposal 1.11AX
2. Booked Services on Trains: ARA proposal 1.11CX
3. Disability Aid: ARA proposal 1.15X
4. Mobility Aid: ARA proposal 1.19AX
5. Mobility aid: ARA proposal 1X1.

6. Performance criteria: ARA proposal 1X2.
7. 2.1 Access paths – Unhindered passage
8. 2.2 Access paths - Continuous accessibility
9. 2.5 Access paths - Poles and obstacles, etc
10. 2.6 Access paths - Conveyances
11. 4.3 Passing areas - Conveyances
12. 8.8 Boarding - Notification by passenger of need for boarding device
13. 9.6 Allocated space - Number of allocated spaces to be provided - train cars, etc
14. 9.7 Allocated space - Consolidation of allocated spaces
15. 11.1 Handrails and grabrails - Compliance with Australian Standard - premises and infrastructure
16. 11.2 Handrails and grabrails - Handrails to be provided on access paths
17. 11.3 Handrails and grabrails - Handrails on steps
18. 11.6 Handrails and grabrails - Grabrail to be provided where fares are to be paid
19. 12.1 Doorways and doors - Doors on access paths
20. 14.1 Stairs - Stairs not to be sole means of access
21. 15.4 Toilets - Requirements for accessible toilets – ferries and accessible rail cars
22. 16.5 Symbols - Accessibility symbol to be visible on accessible doors
23. 17.4 Signs - Destination signs to be visible from boarding point
24. 17.6 Signs - Raised lettering or symbols or use of Braille 45
25. 18.2 Tactile ground surface indicators - Style and dimensions
26. 21.2 Controls - Passenger-operated devices for opening and closing doors
27. 21.3 Controls - Location of passenger-operated controls for opening and locking doors
28. 22.1 Furniture and fitments - Tables, benches, counters, etc
29. 22.5 Furniture and fitments - Accessible sleeping berths - trains
30. 24.1 Gateways - Gateways and checkouts
31. 25.3 Payment of fares - Vending machines
32. 25.4 Payment of fares - Circulation space in front of vending machine

33. 28.1 Booked services - Notice of requirement for accessible travel
34. 28.2 Booked services - Period of notice of requirement for accessible travel
35. 30.1 Belongings - Disability aids to be in addition to baggage allowance

From the above it is clear that a substantial part of the Transport Standards is unclear or ambiguous to rail operators and providers. For detail on the above deferred Parts please consult the HREOC website to obtain the 'Notice of Decision on Application for Temporary Exemption: Australasian Railways Association'

http://www.humanrights.gov.au/disability_rights/exemptions/ara/dec.htm

There are no standards or timeframes to follow for tram stops on road infrastructure.

14. Have the exemptions allowed under the Transport Standards (as specified in the previous chapter), reduced the clarity of obligations under the Transport Standards?

The Exemptions granted have improved the clarity of obligations.

ARA has co-ordinated with all major public and private rail operators to agree on the interpretation of the standards and has consulted other stakeholders such as HEROC and AFDO. ARA has also set-up an industry review committee, including representatives of the disability sector, to help improve in the clarification of the standards. HREOC agreed to be an observer during the development of an ARA Code of Practice.

The 2002 TGSI Exemption initiated a process whereby all interested parties reached a consensus on the application of TGSI's on rail platforms. The outcome of this process can be found at:

http://www.humanrights.gov.au/disability_rights/transport/tgsi_1202.htm

Through declining the need for an Exemption in many areas HREOC indicated that the ARA proposed course of action was in fact consistent with the objectives of the DDA through provision of equivalent access. The following Parts of the Exemption were declined as they were already addressing the Transport Standards:

Boarding Point: ARA proposal 1.11BX

Booked Services on Trains: ARA proposal 1.11CX

Unbooked Services on Trains: ARA proposal 1.11DX

1.18 Infrastructure

Level Crossing: ARA proposal 1.18X

Mobility Aid: ARA proposal 1.19AX

Nominated Accessible Boarding Point: ARA proposal 1.19BX

1.21 Premises

Sleeping berth: ARA proposal 1.23X

Performance criteria: ARA proposal 1X2. (in part)

2.2 Access paths - Continuous accessibility

2.8 Access paths - Extent of path

4.1 Passing areas - Minimum width

6.1 Ramps - Ramps on access paths

6.2 Ramps - Boarding ramps

6.3 Ramps - Minimum allowable width

8.2 Boarding - When boarding devices must be provided

8.6 Boarding - Maximum load to be supported by boarding device

10.1 Surfaces - Compliance with Australian Standard

10.1X Surfaces - Compliance with Australian Standard

11.4 Handrails and grabrails - Handrails above access paths

11.5 Handrails and grabrails - Compliance with Australian Standard

11.7 Handrails and grabrails - Grabrails to be provided in allocated spaces

12.3 Doorways and doors - Weight activated doors and sensors

13.1 Lifts - Compliance with Australian Standard - premises and infrastructure

15.3 Toilets - Unisex accessible toilet - accessible rail cars

16.2 Symbols - Compliance with AS2899.1 (1986)

16.3 Symbols - Accessibility symbols to incorporate

directional arrows

18.4 Tactile ground surface indicators - Instalment at railway stations

19.1 Alarms - Emergency warning systems

23.1 Street furniture - Seats

27.1 Information - Access to information about transport services

27.4 Information - Access to information about location

29.1 Food and drink services - Equal access to food and drink services

30.1 Belongings - Disability aids to be in addition to baggage allowance

Exemptions therefore give a measure of certainty but this is only temporary. There must be amendment of the Transport Standards to reflect the Exemption outcomes, or a co-regulatory framework established with an associated Industry Code of Practice certified under the DDA.

Questions for All Stakeholders

15. To what extent do the Transport Standards allow operators and providers a choice of ways in which they can demonstrate compliance?

Alternate solutions to the stated level of compliance are permitted through equivalent access and direct assistance but no compliance certification of these alternatives is possible, despite often extensive consultation with Peak Bodies. Only a Federal Court magistrate can finally rule if '... an equivalent standard of amenity, availability, comfort, convenience, dignity, price and safety is maintained.' in provision of the alternative. There is therefore little incentive to employ alternatives without first undertaking the fairly onerous process of applying for an Exemption in which the alternatives are identified.

The Unjustifiable Hardship criteria set out Part 33.7 (a) - (p) are difficult to interpret, particularly for public sector operators / providers. Also the defence of Unjustifiable Hardship in compliance failure would seldom apply to the rail industry. Whilst a small private operator might plead financial hardship it is highly unlikely that the combined resources of the

Commonwealth and States would be easily exhausted. Further, the criteria for Unjustifiable Hardship seem more onerous in the Transport Standards than the relevant Clauses in the Act.

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.

Where structures are constructed to the Building Code of Australia, there is a conflict in the primary referenced Australian Standard. The BCA requires accessible features meet AS1428.1 where the Transport Standards cites AS1428.2 in most cases. Therefore, existing premises constructed to the requirements of Section D3 of the BCA will mostly fall short of the requirements of the Transport Standards.

Even in relatively new Premises, those constructed since the BCA's introduction in 1992, this is a major concern. The increased dimensional requirements of AS1428.2 must somehow be met in buildings whose floor area is unlikely to increase to accommodate the difference in Australian Standards. For example, minimum door width allowed by the BCA is 800 mm while the Transport Standards requires 850mm. Landings on ramps of 1:14 grade are separated by 9 m in the BCA but 6 m in the Transport Standards.

In some cases requirements of Australian Standards have been extrapolated to an environment in which they are inappropriate. For example, Part 20 *Lighting* derives illumination levels from an interior lighting standard, but applies them in external environments and in situations where a train driver may experience temporary loss of night vision. Excessive external lighting also impacts adversely on surrounding residential areas. Australian Standards appropriate to illuminating external environments should have been referenced.

Stair design on a conveyance is derived from AS1428, an Australian Standard applicable to buildings rather than railcars. The maximum space on a rail car is constrained by structure

gauge. Similarly the size and manoeuvrability of mobility devices is ultimately constrained by the internal width of the vehicle. Handrails intrude 300 mm into already limited circulation spaces creating circulation and safety problems. Stairs at railcar entrances must fit in a very space constrained area. AS1428 stairs are inappropriate, with the AS 1657 (1992) Figure 4.3 being the correct treatment for external stairs. The ARA was granted Exemption on exterior lighting at stations and railcar steps in recognition that the Transport Standards referenced Australian Standards were inappropriate for the intended application.

Certainty is required by amendment to the Standards and certification of the Accessible Rail Services Code of Practice under the DDA.

Australian Standards specified in the Transport Standards are sometimes earlier editions or withdrawn by Standards Australia. The AS1428.1 Supplement is withdrawn and AS1428.4 is now in its 2002 edition, however it is not considered to be suitable for adoption in the rail environment. Part 13 *Lifts* references AS1735.12-1999. This Standard is regarded as outdated and was not considered for inclusion in the draft Access to Premises Standard released in March 2004. Vending machines are tied to reach ranges in AS1428.2, creating a situation where not all vending machines can be made compliant due to the number of items that must be accommodated, and standards in the country of manufacture.

The treatment of tables and worktops in AS1428.2 does not allow sufficient clearance below for other than a manual wheelchair that is not equipped with armrests. Electric wheelchairs and manual wheelchairs that have armrests will mostly not fit under the 640-50 mm knee clearance for fixtures built to AS1428.2-1992, Clause 24.1.4. Tables, benches, counters, ticket windows and similar fixtures must be constructed to AS1428.2 and be at 100% compliance by December 31, 2007.

It is to be noted that Australian Standards are not freely available to everyone, and must be purchased at considerable

expense. This disadvantages individuals and in particular people with a disability from being able to understand what the standard actually is. The proposed ARA Code of Practice would provide complete details of what people with disabilities would expect on stations and trains, generally without reference to an external document, and these would be made available free of charge to the public.

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

Many requirements of the Transport Standards have proved difficult to implement and ARA has applied for 103 exemptions from the requirements of the Standard.

For a comprehensive description of these difficulties and ARA proposed solutions please refer to the ARA Exemption document:

http://www.humanrights.gov.au/disability_rights/exemptions/ara/noi.htm

A short summary of areas difficult or not feasible to implement would include:

- TGSIs, particularly in a way-finding capacity (Part 18.1),
- access paths in constrained situations, including vehicles
- access path width in vehicles
- hearing loops in electric railcars,
- colour versus luminance contrast (and how to measure colour contrast),
- sleeping berths/allocated spaces on booked services,
- information standards,
- boarding ramp slope 1:4-7 (long wheelbase scooters can become stuck),
- mobility aid design and manoeuvrability (scooters versus wheelchairs),
- specifications for vending machines
- lighting requirements, particularly at tram stops
- stairs on trains
- toilets on trains
- compliant step-gap between train and platform to allow independent access without the need for a boarding ramp

- passenger information on existing rail cars due to technical constraints and maintenance schedules
- modifying existing 1 in 14 ramps to include rest areas at 6 metre intervals
- installation of long ramps in space limited areas at existing stations
- wheel flange gaps at level crossings.

The process of obtaining equivalent access is unworkable as there is no means of certifying the alternative short of application for Exemption. The equivalent access provisions are thus very difficult to confidently implement. .

Access paths and manoeuvring areas in railcars are often difficult to retrofit, and on occasion present a challenge in new constructions. The extreme variability of design and manoeuvrability of mobility aids compounds the problem. While the Transport Standards only defines the space in which a mobility aid must fit, the United Kingdom's *Rail Vehicle Accessibility Regulations* (RVAR) defines an occupied reference wheelchair's maximum dimensions as 1200 mm long, 700 mm wide, 600 mm knee clearance and 1350 mm head clearance (Figure 41). Further, the turning circle of the RVAR reference wheelchair is defined as 1500 mm diameter, with 1700 mm as best practice (Figure 47). The UK *Rail Vehicle Access Requirements* recognise the problems posed by scooters in Regulation 16:

Operators are not required to provide accommodation for "invalid carriages" larger than the reference wheelchair in the wheelchair space (indeed in some circumstances it may be unsafe to do so, particularly due to problems with the stability of some powered scooters).

Members of the public purchasing scooters need to be fully aware that the units may not be able to manoeuvre in a rail car despite falling within the dimensions of the allocated space. A series of performance criteria similar to the RVAR requirements incorporated into an industry Code of Practice and made known at purchase of the scooter is needed.

The Transport Standards is silent on many important areas. Not specified in the Transport Standards are areas including:

- the application of directional TGSI's and their effective functionality in the rail environment,
- whether grabrails from Part 11.6 are required on ticket vending machines,
- rail car fitout, furniture design, and colour schemes, and
- vending machines
- emergency evacuation.

18. As a public transport user, are there areas of the Transport Standards where you consider that a more specific requirement for compliance would improve accessibility?

While ARA is not in a position to speak on behalf of rail commuters, it is recommended that Parts with a direct safety component deserve priority treatment.

Questions for All Stakeholders

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

Interpretations differ between operators and between modalities creating inconsistencies. Inconsistencies also exist because the difficulties of large operators are underestimated. There are exponential differences in scope and scale across the various modes of public transport.

Rail providers and operators are responsible for almost the entirety of their large systems including rollingstock vehicles, station infrastructure and information provision. Tram and light rail providers likewise have responsibility under DSAPT. However, their stops are more closely aligned to bus stops, without the reduced compliance milestones for lighting, information, waiting areas, etc.

By contrast, taxi operators are usually only responsible for their fleet and have no infrastructure or premises responsibilities.

Bus operators may have responsibility for some infrastructure and premises, but will seldom be responsible for the roads on which their fleet operates or the majority of stops. Local and State Authorities assume responsibility for the bulk of infrastructure and premises associated with these two modes.

Further, road vehicle service life is relatively short in comparison with rail allowing turn over of fleet rather than expensive modification of existing rollingstock that will remain in service for decades. The asset life of a train is around 35 years, compared to approximately 12 years for a bus. The compliance timeframes for retrofit are therefore far more onerous for rail than bus when the life of the vehicle is taken into account. Buses can achieve compliance largely by fleet replacement rather than retrofit. This is not available to rail operators / providers.

Upgrading to compliance of existing rollingstock can cost up to \$9 million per train and take a considerable time period over several years. As the work is of a major nature and no operators have spare trains available to withdraw units from service it would be uneconomic to attempt an upgrade in a piecemeal manner. Rather, a single, complete upgrade or replacement is the only practical course and this places huge economic strains on rail operators and providers compared to other modalities. The largest operator is currently investing in excess of \$4.5 billion dollars in new cars but will still require additional investment to have a fully compliant fleet.

Timeframes for Transport Standards compliance fail to recognise that the asset life of most platforms is in excess of 50 years. Infrastructure associated with most other modalities has a much shorter operational life and can turn over naturally within the time periods specified in the Schedule for Compliance. Bus stops move frequently and are thus relatively inexpensive to upgrade within regular operational costs. By comparison rail stations are fixed and immeasurably more costly to upgrade with funds being derived from other than regular operational costs.

Timeframes for Transport Standards compliance fails to recognise that the asset life of most platforms is in excess of 50 years. Infrastructure associated with most other modalities has a much shorter operational life and can turn over naturally within the time periods specified in the Schedule for Compliance. Bus stops move frequently and are thus relatively inexpensive to upgrade within regular operational costs. By comparison rail stations are fixed and immeasurably more costly to upgrade with funds being derived from other than regular operational costs. To further complicate matters, the scale and age of rail networks varies between States

It is questionable whether the cost to the public purse of upgrading every station in the network can be justified.

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

It would be best if the inconsistencies were resolved now as this would save cost and time to implement the requirements, removes ambiguity and improves accessibility.

The most important initiatives to date to remove inconsistencies in the rail environment are the ARA Exemption and the proposed industry Code of Practice. These are expected to be a platform for uniformity on which the Transport Standards can be implemented. However, operators in each State still face different challenges in meeting the Schedule of Compliance. Generally though, remaining areas of inconsistency in the rail environment will be addressed to the extent possible with the passage of time. However, it becomes increasingly difficult to meet targets due to large inner city assets and sheer rollingstock volume.

The less onerous work has usually been addressed first, with an emphasis on functionality rather than full compliance. The network functionality approach prioritises:

- important stations, such as those at line branches,
- line patronage,
- known passengers with disabilities,

- priority destinations, such as CBD, hospitals, schools, commercial areas,
- station proximity to other stations that are accessible.

21. Do you consider that the current exemptions granted are appropriate? Should these exemptions be reduced over time?

The exemptions granted are appropriate, but unfortunately they are temporary.

Without the exemptions granted, all new rollingstock and stations would not be compliant owing to the technical difficulties in meeting the standards. The ARA exemptions should therefore be granted on a permanent basis and be included in the legislation. The Standards should be amended to provide certainty of investment for both operators and the public.

Hopefully the need to apply for Exemptions will decrease as legal determinations are published and the Exemption and Review process proceeds. Where Exemptions have been granted due to technical challenges it is appropriate to amend the Transport Standards. Further, a co-regulatory framework and Industry Code of Practice needs to be established and legally validated within the DDA.

A co-regulatory framework is supported by government and is included in the Productivity Commission's report on the impact of the DDA. Also, it was supported in a May 2007 HREOC bulletin. A Code of Practice could be recognised in the Transport Standards through amending Part 33. The Code of Practice could become Part 33.3(b) and the current (b) becomes (c).

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?

Rail, as stated previously, must not only ensure that rollingstock vehicles are compliant, but also station infrastructure. The bus and taxi industries by comparison are largely responsible only for vehicles, generally leaving infrastructure to local government. The costs of rail vehicles are considerably greater than those for road transport at \$9million dollars for a 700 passenger capacity train of three carriages, or \$3million for a single electric rail carriage.

The costs for rail to achieve compliance are therefore considerably higher, but rail has probably achieved a level of compliance at this time equal or higher than other modes of land transport.

Rail also differs from other forms of transport in the duration of travel with some rail journeys in excess of 20 hours which then require the attendance of a carer to provide adequate support to a disabled person.

Rail is the preferred mode for group travel for people with disabilities. This can be achieved on both booked and unbooked services due to the number of allocated spaces in trains and the accessible toilets, sleeping berths etc. The capacity of rail to provide this service is celebrated but the lack of Transport Standards requirements in this area for other modes, particularly coaches, is unfortunate as it does not ensure interconnection of accessible services for the passenger. The booked, long distance services mentioned in Part 2.9 'Where An Access Path Is Not Required' excludes rail despite some coaches being equivalent in size to rail cars and many larger aircraft exceeding rail car dimensions.

Questions for All Stakeholders

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?

Gaps do exist in the Transport Standards and vary with the nature of a passenger's type of disability. However, Rail operators and providers believe that they provide practical solutions to these gaps as they are experienced in the area of customer service and are willing to undertake consultation to achieve industry uniformity and outcomes consistent with the objectives of the DDA.

Areas in which the Transport Standards are silent for people who have vision impairments include:

- colour contrast scheme of railcars to enable easy navigation,
- no national practical standard for way-finding that has been shown to be functionally effective in the rail environment
- way-finding during emergency egress,

Areas in which the Transport Standards are silent for people who have mobility impairments include:

- maximum size and manoeuvrability of mobility aids that are to be used in railcars,
- design of railcar accessible seating that allows easy transfer from mobility aids and frail people to easily rise from a seated position,
- emergency egress from premises and railcars.

The Transport Standards are silent on how people who have hearing impairments are to use two-way communication devices located on premises, infrastructure or railcars when seeking assistance or information. No direct guidance is given in the Transport Standards on how to meet the needs of people with cognitive, psychological or intellectual disabilities and the obese, though these people are covered by the DDA.

An industry Code of Practice that was recognised within the DDA would ensure good practice and assist to refine the Standard.

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?

As was stated in Question Two, effort and cost increase as rail providers and operators move through the compliance schedule, particularly in the period 2007-17 where 65% of work must be accomplished. The resources and funding to match the work required during this period may not be available.

Many facilities requiring 100% compliance by December 31, 2007 are impractical. For example, fixtures such as waiting areas, furniture and fitments and sleeping berths are to be fully compliant by 2007 but must be reached by access paths 75% of which are yet to be required to be accessible. As was stated previously in answer to Question 3, many of the compliance requirements have not been specified on the basis of risk and benefit, and relatively simple improvements which could be introduced and give great benefit and improve access are not due for some years.

Meeting the 2012 and 2017 infrastructure requirements will be extremely difficult owing to the current construction market condition.

As was stated previously in Question 3 many of the compliance requirements have not been specified on the basis of risk and benefit, and relatively simple improvements which could be introduced and give great benefit and improve access are not due for some years. Areas such as Information provision form part of normal customer service and this area should not challenge rail operators or providers, other than where the implementation of technology based solutions in rail cars is experiencing difficulties (technical or capacity constraints on withdrawing rail cars from timetabled operating services).

The point must be restated that upgrading rollingstock that may be in use for decades to compliance standards is a task that should not be undertaken in a piecemeal manner as the timescales suggest, bearing in mind the cost and the limited spare capacity for all rail operators to remove units from service.

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

Rail operators recognise that accessibility is a whole of journey necessity. The rationale for the requested Exemptions to Parts 1.9, 2.1 and 2.2 was that while an existing rail station may not be compliant it could be made accessible. Therefore, while the entirety of the platform may not be accessible, at least one access path led to all necessary facilities on the platform making the platform functional as a component in a rail journey. Rolled out across a rail network this would allow a highly functional, if non-compliant, rail system in the short to medium term with compliance as the long term goal.

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?

Some areas of the Transport Standards conflict with other legislation, particularly workplace Health and Safety legislation. For example, providing direct assistance to a wheelchair user boarding via a 1:4-8 ramp (considered accessible with assistance in Part 6.4(c)) was deemed unsafe for staff after a number of injuries were reported. Further, platforms lit to the Transport Standards requirements may temporarily blind train drivers at night. The United Kingdom's Disability Discrimination Act-1995 specifically mentions the priority of Workplace Health and Safety and this should be clearly articulated in the Transport Standards.

While the Building Code of Australia (BCA) does not constrain the Transport Standards, the Premises requirements of the Transport Standards are in many cases more onerous than the Building Code of Australia requirements. This is particularly onerous on both stations and trains due to the constrained space imposed by track gauge, track configuration and rail corridor geography when compared to premises or the public domain.

The BCA has AS1428.1 as its primary referenced Australian Standard for accessibility rather than AS1428.2, which is the primary referenced Standard in the Transport Standards. AS1428.1 is structured around access for the 80th percentile of wheelchair dimensions while AS1428.2 calibrates around the 90th percentile of dimensions. This demands far greater space in rail premises for accessible facilities than is the case in other premises. Further, the Transport Standards puts requirements on rail premises that do not apply to premises only covered by the BCA. For example, passing spaces (Part 4), Rest points (Part 5), handrails and grabrails (Part 11), TGSIs as way-finding cues (Part 18.1), furniture and fitments, (Part 22.1, 22.2), street furniture (Part 23) and gateways (Part 24) among others. There needs to be a consistency in standards between the requirements for transport infrastructure and the building code.

Requirements for audio passenger information for people with vision impairment conflicts with Environmental Protection legislation limiting noise spill on outdoor station platforms. In addition, heritage legislation is often at odds with the requirement to reconfigure station premises and infrastructure to achieve compliant access paths.

Questions for All Stakeholders

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

After over a decade of DDA and Anti Discrimination Act empowerment most members of the public understand that issues of discrimination can be taken to the Human Rights and Equal Opportunity Commission or one of the equivalent State

Anti Discrimination Commissions.

However, there would seem to be a lack of awareness on the part of the public that Rail Operators have in-house service complaint processes and bodies. Often what is perceived as discrimination by the public may be no more than poor customer service that can quickly be rectified. Further, access barriers can often be addressed in a timely and cost effective manner if initially reported to the Rail Operator rather than one of the various Commissions. With the third party's involvement cost and timeframe until resolution tend to increase significantly.

Should a complaint be first lodged with a Commission, Rail Operators desire a properly formatted and detailed report allowing dialogue with the Commissions. HREOC needs to make an assessment whether the complaint breaches the requirements of the Standards before sending the complaint to the operator for a formal response. Currently, all complaints no matter how lacking in detail about the exact nature of the discrimination are forwarded to operators for a formal response which imposes an unnecessary penalty of cost, time and resources. A more informal process of communication between the complaints handling section of HREOC and operators may allow swift resolution of the situation without the need to formalise the complaint into a legal process. The reduced cost and workload of this process would be a benefit to both Rail Operators and the Commission.

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

Rail Operators can often resolve complaints far more quickly when the issue is directed to them initially by the aggrieved person. Unfortunately this seems to be not well understood as a large number of complaints bypass Rail Operators and are lodged with one of the Commissions. This bypassing of Operators usually slows resolution of the issue. Currently there is no obligation for HREOC or the Commissions to refer a complaint in the initial instance to the operator concerned.

Rather complaints become formal quickly, slowing the process.

Operators can give information regarding the Transport Standards through normal customer service, SMS messages, websites, and so on. Usually if a person states their preferred format the request for information can be satisfied. Temporary disruptions to access paths and so on during refurbishment are being broadcast in multimedia by some Operators. The HREOC has extensive information on its website and can easily be contacted in various ways for further information.

While members of the public can easily obtain the Transport Standards and Guidelines at no cost, the referenced Australian Standards must be purchased. Most people have no knowledge of Australian Standards and would find acquisition an expensive exercise. If technical specifications were codified in the Transport Standards or an Industry Code of Practice rather than the Australian Standards the public would be much better informed as to their rights and what they should expect from rail operators.