



INTERIM SUBMISSION

Review of the Disability Standards for Accessible Public Transport 2002

August 2007

Western Australian Local Government Association

PO Box 1544 WEST PERTH WA 6872

Contact

Michelle Mackenzie

Executive Manager Infrastructure

Tel: 08-9213 2031

E Mail; mmackenzie@walga.asn.au.

The Western Australian Local Government Association

The West Australian Local Government Association is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and the interests of 144 Local Governments.

The Association provides an essential voice for almost 1,400 elected members and over 12,000 employees of the 142 Local Governments in Western Australia and Christmas Island and Cocos (Keeling) Island Councils. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

Background

The Federal *Disability Discrimination Act 1992* ensures protection against discrimination based on a disability. The Disability Standards for Accessible Public Transport (the Standards), were developed in the late 1990s, effective August 2002. Accessibility of public transport for people with a disability is the primary purpose of the Transport Standards.

All newly constructed infrastructure must comply with the standards along with substantial refurbishments or alterations. The Standards provide the following timetable for bus stop infrastructure compliance:

- 31st December 2007: Compliance with the relevant Standards by 25%
- 31st December 2012: Compliance with the relevant Standards by 55%
- 31st December 2017: Compliance with the relevant Standards by 90%
- December 2032: All public transport services to fully comply

Compliance is mandated in relation to: Access paths; Handrails and grabrails (not required under the standards); Manoeuvring areas; Stairs (not relevant to bus stops); Passing areas; Symbols; Ramps; Signs; Waiting areas (not required – i.e. seating or covered bus shelters – but if provided need to comply); Tactile ground surface indicators; Boarding; Lighting (not required); Allocated space; Street furniture (not relevant unless walking distance more than 60m); Surfaces; and Information.

In response to areas where questions of interpretation appear to have caused difficulty in the implementation of the Standards, the Human Rights and Equal Opportunity Commissioner offered an interpretation in June 2006 in relation to the application of the Transport Standards to the construction and maintenance of bus stops. In relation to accessible paths the Commissioner determined that: *The provider is responsible for ensuring that there is a continuous accessible path of travel between the infrastructure covered by the Standards, in this case a bus stop, and the surrounding paths that service it.*

The framework to evaluate the introduction of the standards is based on an effectiveness and efficiency matrix framework.

Local Government Planning for Accessible Communities

Local Governments are in a unique position to improve opportunities for people with disabilities within their local communities, and have over the years responded to the needs of people with disabilities in a variety of ways. Early initiatives have included establishing advisory and access committees, ensuring physical access to Local Government facilities and amenities and developing disability specific services to assist in overcoming barriers to community participation for people with disabilities. A key focus for Local Government is Universal Access.

Following amendments to the *Disability Services Act WA (1993)* in December 2004, public authorities are required to develop and implement Disability Access and Inclusion Plans (DAIPs) to make their services, buildings and information accessible for people with disabilities.

DAIPs are the major vehicle through which Local Governments, in consultation with people with disabilities, their carers and friends, prioritise access and inclusion initiatives within their municipal area. This is an educative, developmental and consumer based approach to the presentation of access and inclusion.

In addition to the work undertaken by individual Local Governments, the Association as the peak body for Local Government in Western Australia, continues to demonstrate a commitment to working with our membership to create accessible communities through a number of strategic access projects in partnership with the State Government's Disability Services Commission and peak disability agencies. These projects include:

- You're Welcome Access Initiative: funding to assist Councils provide accessible, including on-line information about local facilities to consumers, including tourists;
- Captivate Inclusive Sport and Recreation Project: Research into the challenges and opportunities facing WA Local Government in providing accessible sport and recreation services and the creation of a toolkit to assist members meet this challenge;
- Disability Access and Inclusion Plan Implementation Support Grants; funding to assist Local Governments implement a component of their Disability Access and Inclusion Plan; and
- Research into the challenges and opportunities facing WA Local Government in the employment of people with disabilities.

In relation to bus stops, the Association recently established a Joint Bus Stop Stake Holders Reference Group with membership from the Public Transport Authority, the Department of Planning and Infrastructure, Main Roads WA, the Disability Services Commission and Local Government to identify issues with bus stop accessibility and develop solutions to address issues.

Local Government Diversity

In Western Australia there are 142 mainland local governments. There is great diversity amongst local governments and they differ widely in their geographic size and population, their fiscal positions and their physical, social and cultural environments.

Financial Constraints Facing WA Local Governments

Local Government in Western Australia is facing a number of financial constraints, identified both at the national, state and local level. These must be taken into consideration when assessing the implementation of Commonwealth policy positions by Local Government.

The House of Representatives Standing Committee on Economics, Finance and Public Administration Report, *Rates and Taxes: A Fair Share for Responsible Local Government* found that escalating costs and constrained funding along with growing community expectations and a funding gap threatens the future of efficient and responsive local government.¹

The Association's Systemic Sustainability Study, *In Your Hands Shaping the Future of Local Government in Western Australia, Final Report, December 2006*, found a number of critical issues facing Local Government including that:

- 83 Western Australian Local Governments were assessed as financially unsustainable;
- There is a \$1.7B infrastructure backlog;
- There are critical labour shortages in key technical and professional areas central to the current role of Local Government; and
- Cost shifting and the growing compliance roles determined by over 400 pieces of State legislation as significant drivers of cost and sustainability challenges.

Comments on the Standards

Roles and Responsibility of State and Local Government

This submission refers to the Standards as they apply to bus stop infrastructure, that is bus stops and shelters, relating to public transport.

In Western Australia the provision of public bus transport services is the responsibility of the State Government, through the Public Transport Authority. Regional Town Bus Services manages school and town public bus services in regional Western Australia. Under arrangement, the various town bus services are provided by a range of contractors from within the regional locations. A fleet of more than 1000 buses service 323 standard routes and a further 436 school-bus routes. Three contractors provide these services under the Transperth banner in metropolitan Perth.

¹ Australia. House of Representatives Standing Committee on Economics, Finance and Public Administration, 2003, *Rates and Taxes: A Fair Share for Responsible Local Government*, Canberra, p 11.

Many parts of rural and regional Western Australia are not provided with local bus services as they are deemed too economically unviable.

Local Government has no control over the bus routes within their area or the number of bus stops and their location. In addition, Local Government is not party to what routes will be serviced by accessible buses or the number of accessible buses which are purchased as part of the State Government's procurement programme.

The Public Transport Authority when deciding upon the location of a bus stop, places a bus stop post and in some cases a timetable at the bus stop. These structures do not comply with the standards. It is then seen as the responsibility of Local Government to decide the level of infrastructure that should be provided at the site.

4.1 Achievement of public transport accessibility

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

As there is no consistent evaluation framework, auditing or monitoring by across Local, State or Commonwealth Government of compliance with the standards this question cannot be answered.

A number of individual Local Governments have undertaken audits of their bus stop infrastructure are in the process of capital upgrades in an endeavour to meet compliance requirements. Feedback from Local Government in Western Australia has shown that there is inconsistent knowledge of these standards across Local Government. Change has depended upon:

- Local Government awareness of the requirements to comply with the standards;
- The financial capacity of individual Local Governments to undertake auditing work;
- Financial capacity of individual Local Governments to undertake capital works programme;
- The level of transport infrastructure growth placing demands on resources;
- Appointment of staff who are aware of the requirement to comply;
- Access to skilled staff to oversee changes; and
- Identification of bus stop upgrades in Disability Access and Inclusion Plans.

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

The implementation of the standards has not driven the Public Transport Authority to ensure that their bus stop infrastructure is compliant. For example two orange stick bus stops recently appeared on a major road within a medium sized peri urban Local Government. The Local Government was not advised of this. The stops do not comply with the Standards. The stops are placed in a position that is considered by the Local Government and the local community to be hazardous in several respects – for example the stops have been placed on a road with a 90kmhr speed limit that is also a heavy haulage route. There is no provision for pedestrians to walk at the side of the road. As there are no residences within a km of the proposed bus stop at the present

time, and given the nature of the area, passengers would have to rely on being picked up from the stop and there is no place on the side of the road for any car parking. It is considered extremely hazardous for pedestrians to walk at the side of a 90kmr hour heavy haulage route and for cars to be stopping on the side of the road. Within a short distance are two possible alternatives that might be considered as they are safer.

Across Local Government, changes have not matched compliance requirements due to a number of reasons including that:

- Lack of consultation by the Public Transport Authority with Local Governments in relation to the development of new transport routes leading to Council's inability to plan for and budget for new bus stop infrastructure;
- Local Governments have not been made sufficiently aware of the Standards;
- Competing priorities for limited Local Government resources; and
- Lack of a coherent strategy to support achievement of the standards at the Commonwealth and State level.

Anecdotal feedback has indicated that most Local Governments in Western Australia have had difficulty in the time frame for compliance with the standards.

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

A large metropolitan Council estimates that there are between 1,300 and 1,400 bus stops within their area. This City has no up to date record of bus stops in its area, but estimates that significantly less than 10% would be compliant: although where stops have been relocated or upgraded, since 2002, much has been compliant this has not been universal with some not complying. A key issue is site constraints.

The Council is establishing a process to audit the bus stops and ensure that all new ones are compliant at the time of creation, modification or relocation while producing a programme to best achieve the audit milestones. However non compliance by the Public Transport Authority in the development of new bus stops does not facilitate Local Government compliance.

Outer Metropolitan and peri urban growth Councils have indicated that the pressures of extraordinary growth, including new transport routes, have impacted on the capacity of Local Government to deliver infrastructure to support new developments. At present there is no requirement for developer to contribute towards public transport infrastructure in WA. Issues for these growth Councils include that:

- The Public Transport Authority continues to create non-compliant bus stops without Local Government knowledge;
- Local Governments are having their asset liability increased by the above, without their knowledge or commensurate funding; and
- Lack of developer contributions within new developments towards the cost of new public transport infrastructure.

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?

Compliance varies between Local Governments. New Local Government infrastructure is generally compliant with the Standards. However, compliance is dependent upon Local Government's knowledge of the standards and reliant on the financial capacity of individual Local Governments to undertake capital improvement works.

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?

There is no consistent approach to provide information on bus stop accessibility by Local Government. This includes online data.

A key issue for Local Government is to improve communication between the Public Transport Authority and Local Government regarding the location and patronage of bus services along with the routes serviced by accessible buses. This information is critical for Local Government to plan and prioritise their capital works programmes.

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

Financial support provided by State and Commonwealth Government to:

- Develop an on line data based of bus stop locations and service patronage;
- Develop an auditing and evaluation framework;
- Develop a template bus stop audit checklist;
- Undertake a bus stop audit;
- Develop a Bus Shelter Replacement and Installation Plan;
- Undertake capital improvements; and
- Develop on-line, accessible information for consumers.

4.2 Clarification of rights and obligations

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?

It is a requirement under State legislation for all Local Governments to develop Disability Access and Inclusion Plans. In general the focus is on compliance is with State legislation.

Feedback from Local Government indicates varying degrees of knowledge regarding the standards. The lack of clarity regarding the demonstration of compliance is not helpful. For example is the level of compliance in relation to bus stops access across Local Government, so 25% of Local Government bus stop infrastructure must be compliant, or is the 25% compliance to be assessed within each Local Government?

One member Council, a small remote Shire in the State's North West, indicated that the complaint driven nature of the Disability Discrimination Act in driving implementation of the Standards, has not facilitated compliance. This Council subsidises the local bus service as a community service as provision of a bus service is economically unviable. A local person with a disability requested that the bus service provide disabled access. The service utilised older buses. It was decided that the cost to retrofit existing buses would cause undue hardship to the contactor (in addition to the contractor being exempt), and would potentially make the community service unviable. This was unacceptable to the person with a disability. Legal advice from the person with a disability is that as of December 2007 the exemption claimed does not apply, contrary to Council legal advice. The issue is yet to be resolved but raises the issue of the cost and benefit of providing accessible transport in rural and remote areas by low financial capacity Councils.

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 following sources are utilised by Local Government in relation to accessible bus stops:

- *Public Transport Authority WA Bus Stop Site Layout Policy for Universal Accessibility including Tactile Ground Surface Indicators and Wheelchair Access, June 2003*
- Human Rights and Equal Opportunity Commission Website: Application of the Transport Standards to the construction and maintenance of bus stops

Feedback from a number of Councils is that the Standards need to be reviewed to ensure that they are appropriate.

4.3 Flexibility of approach

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

It is appropriate to have outcome based approach to allow for flexibility to address local issues. However the lack of material to support implementation of the Standards has hindered demonstration with compliance. The development of prescriptive standards would not be supported. However consideration should be given to the development and dissemination of the best approaches to infrastructure provision to encourage consistency and compliance with the Standards.

4.4 Consistency of approach

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

Advances made in public transport, particularly the train network, transport hubs and new buses have been let down by a lack of strategic planning and funding for bus stops without which access to the public transport network will, far from being encouraged, remains challenged.

The Western Australian State Government has stated that, *by the end of 2007, Western Australia will have reached all key target milestones (Disability Standards for Accessible Public Transport: Progress made in Western Australia, Prepared by DPI, 31 July 2006*. This is not the case for most Local Governments. This lack of consistency between Government does not facilitate seamless accessible transport. The Public Transport Authority continues to develop bus stops, and put in non compliant infrastructure without consultation with Local Government. The responsibility for redevelopment of the stop to meet compliance then falls to Local Government.

Will any current areas of inconsistency be addressed through the future stages of implementation of the Transport Standards?

Inconsistency in the implementation of the Transport Standards will not be addressed by current arrangements between the three spheres of government. Feedback from Local Government in Western Australia has shown that there is inconsistent application of the standards by Local Government dependent upon:

- Local Government awareness of the standards;
- The financial capacity of individual Local Governments to undertake auditing work;
- Financial capacity of individual Local Governments to undertake capital works programme;
- The level of transport infrastructure growth placing demands on resources;
- Appointment of staff who are aware of the requirement to comply;
- Access to skilled staff to oversee changes; and
- Identification of bus stop upgrades in Disability Access and Inclusion Plans.

A key issue is the lack of consultation by State Government with Local Government in relation to the development of bus stop routes and bus stop locations and the development of non compliant bus stops by the State Government. Inconsistency through the future stages of implementation of the Transport Standards will not be addressed without addressing these issues.

Another issue for Local Government is the compliance cost. It is estimated that there are approximately 13,300 bus stops in metropolitan Perth. Based on a minimum compliance cost of \$2,500 for a basic stop 2.3m wide x 6.2m long, this equates to about \$33.25 Million. The installation and supply of a new shelter costs approximately \$15,000. The modification/installation of 2000 bus shelters is estimated at around \$30M. The total minimum cost is estimated at \$60M.

One medium sized metropolitan Council has around 650 locations that require treatment. The total cost, at current valuations, is \$1,625,000. Another larger metropolitan Council has indicated that they are currently responsible for approximately 570 bus stops, with 14 different bus shelter designs including;

- 60 Style 1 shelters: predominantly located on 3 major highways;
- 100 fibro and asbestos shelters: in 5 different styles distributed throughout the City;
- 100 concrete shelters: in 5 different styles distributed throughout the City; and
- 300 stops with just a post or a post and a seat.

The installation and supply of a new shelter costs approximately \$15,000. The City will need to supplement the sixty thousand dollar \$60,000 revenue from bus stop advertising with one hundred and forty thousand dollars \$140,000 annually over five years, 2006-2011. This will result in an annual five year budget of two hundred and twenty-five thousand dollars per year, which would only enable the installation of fifteen bus shelters per annum.

There is a precedent within Western Australia with the State Government planning for and providing accessible bus shelter infrastructure, such as bus shelter infrastructure for the Circle Route within metropolitan Perth. However this is an exception. In relation to accessible infrastructure support, the State Government Public Transport Authority has a Bus Shelter Grants and Accessible Pathways Grants Schemes. The Bus Shelter Grants Scheme facilitates the installation of bus shelters requires ensures that shelters provide access to people with disabilities and be compliant with the Standards. Funding is provided on a 50/50 basis for local government to install the shelters. The scheme currently provides funding of \$500,000 per year over four years to construct new bus shelters where no shelter currently exists, or to replace existing shelters. The Scheme supports the installation of around 80 stops per year and is oversubscribed. The Pathways Grant provides funding of \$250,000 per annum. The maximum amount for an application is \$15,000 which equates to around 13-15 accessible paths per annum. The Schemes in their current form will not address Local Government compliance issues within the time frame.

Other State jurisdictions have taken a more proactive approach than Western Australia to ensure that current inconsistency will be addressed through the future stages of implementation of the Transport Standards.

Queensland

- Local Government Association of Queensland is working with Queensland Transport (QT) to ensure that the introduction of the Disability Standards throughout Queensland does not impose a major financial impost on Local Government.
- QT has developed a comprehensive strategy for regional Queensland to audit existing stops and prioritise those stops requiring upgrading.
- QT has established the Regional Queensland Bus Stop Project, which is a consortium of four key agencies: Disability Council of Qld and Regional Disability Councils; Guide Dogs Qld; Queenslanders with Disability Network; and Spinal Injuries Association. This group will hold public consultations throughout the region to identify key strategic bus stops and prioritise the upgrades.
- QT is also working with their Public Transport Committees, of which Local Government is a participant, to assist in the audit and prioritisation process.
- As QT does not have a register of bus stops, they will be working with local government to develop a register of stops and conducting an audit of strategic stops to identify the work that needs to be undertaken.
- QT has secured funding of almost \$30m to meet the regional public transport infrastructure requirements. This consists of \$3.8m this financial year and approximately \$1.4m each year until 2022 to make all bus stops compliant.
- QT will seek 50/50 funding from Councils - they will provide 100% funding if councils are unable to contribute or if they don't have the funds this financial year - QT can provide 100%

upfront and the council would be able to pay this back in-kind (e.g. drawing of plans, providing work in future years) over a number of years on a non-interest basis.

Victoria

By a process of negotiation and discussion between State and Local Government, to facilitate compliance with the Standards the State Government has assumed responsibility for;

- The assessment of bus stop infrastructure status quo or compliance;
- The calculation of state-wide compliance percentage;
- Upgrading of bus stop infrastructure to meet compliance requirements; and
- Reporting of State compliance to the Federal Government on an ongoing basis.

Discussions are being held between State and Local Government to ensure adequate State funding is in place for ongoing maintenance of the bus stop infrastructure.

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

There should be an immediate exemption to Local Government in relation to comply with the bus December 2007 bus stop time frame. The time frame for bus stop compliance should be reviewed dependent upon the development of tools to assist their implementation.

4.5 Compatibility of approach

Are providers meeting their obligations across all aspects of accessibility, which ensure compatibility?

There is a need for greater co-ordination between State and Local Government to ensure that obligations are met. The Commonwealth has focussed on a legalistic approach to implementation of the Standards. There is a need for leadership by the Commonwealth to support implementation of the Standards through the provision of information and funding support to assist Local Government meet their legal obligations.

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

Yes. Clarification needs to be provided in relation to the roles and responsibilities of State and Local Government in the provision of the infrastructure.

Recommendations

- That a partnership is developed between State and Local Government to clarify respective roles and responsibilities in the provision of bus stop infrastructure and to co-ordinate infrastructure and service provision in order to provide a seamless, accessible public transport service;
- That an amendment is made to the Standards to remove the requirement for compliance with the relevant Standards by 25% of bus stops by 31 December 2007;
- That a national review is undertaken by the Commonwealth, in consultation with State and Local Government, of the time frames for compliance with the relevant Standards for bus stops of 55% by 31st December 2012, 90% by 2017 and 100% by 2032.

That Commonwealth partner with State Government, in consultation with Local Government, to;

- Provide new funds to develop on-line, accessible local transport information for Local Government including bus stop locations and service patronage;
- Develop an audit and evaluation framework that includes a consistent reporting format;
- Develop a Model Accessible Bus Stop Audit Checklist;
- Provide new funding support to develop a register of bus stops, to audit stops for accessibility and develop a Bus Stop/Shelter Replacement and Installation Plan;
- Provide new funds for a bus stop/shelter capital improvement programme; and
- Ensure an appropriate level of developer contribution towards bus stop infrastructure.