

**NATIONAL ASSEMBLY FOR WALES CONSULTATION
REPORT ON POLICY REVIEW OF PUBLIC TRANSPORT 2001**

**Response from Comisiwn Hawliau Anabledd Cymru/the
Disability Rights Commission in Wales**

1. BACKGROUND

- 1.1 The Disability Rights Commission (DRC) was created by the Disability Rights Commission Act 1999 (DRCA).**
- 1.2 The DRC has set itself the goal of achieving a society in which all disabled people can participate fully as equal citizens. The Commission wishes to work collaboratively with all its stakeholders to make this vision a reality.**
- 1.3 The DRC adopts the social model of disability which recognises that disability discrimination is the result of attitudinal and physical barriers in society. Increasing the social inclusion of disabled people and allowing disabled people to exercise their right to participate fully in society is a matter of identifying and removing such barriers. To this end, section 2 of the DRCA imposes the following duties upon the DRC:**
- To work towards the elimination of discrimination against disabled people**
 - To promote the equalisation of opportunities for disabled people**
 - To encourage good practice in the treatment of disabled people**
 - To advise the Government on the working of disability legislation**
- 1.4 The legislation thus clearly recognises that disability discrimination is a social problem.**
- 1.5 The DRC welcomes the commitment of the National Assembly of Wales (NAW) to the guiding principles of social inclusion and equality of opportunity. The social**

model is entirely consistent with these guiding principles. The DRC would urge the NAW to embed the social model within all of its strategies and, as a concomitant, to implement associated changes to practice and service delivery. The Commission feels strongly that the NAW should take a lead role in challenging the attitudes and practices that lead to discrimination against disabled people, and indeed discrimination against all disadvantaged groups.

- 1.6 The DRC welcomes this opportunity to comment upon the National Assembly for Wales Consultation Report on the Policy Review of Public Transport. We would refer you to our response to the 'Policy Review of Public Transport' of August 2000 and the appendix thereto, both of which are attached for your convenience.
- 1.7 There are a number of glaring omissions in the DDA in relation to transport services. As part of addressing the needs of disabled people and in tackling social exclusion, the DRC would urge the NAW to lobby the Westminster Government to amend and extend the DDA to include:
- an end date by which all passenger vehicles should comply with accessibility regulations
 - removal of the exemption of transport operators from the service provisions in Part III DDA

2. RESPONSE TO THE TEXT OF THE CONSULTATION REPORT

Recommendations within the Report

- 2.1 The DRC is very disappointed to note that the recommendations do not include a reference to the need to achieve a fully accessible and integrated public transport system. We feel that it is imperative that this is incorporated to emphasise the NAW's commitment to addressing the transport needs of disabled people within Wales, and to tackle discrimination and social exclusion, and achieve equality of opportunity.

- 2.2 Furthermore, it is the Commission's view that it is crucially important that mechanisms for achieving a fully accessible and integrated public transport system are embedded within the framework of joint work and planning, and shared minimum standards, if such an infrastructure and services are to become a reality. These mechanisms should be reflected within the framework of Local Transport Plans, Quality Partnerships, local authority and transport consortia, quality marks, etc.**
- 2.2 In relation to the references to the creation of an all Wales passenger group and building on existing and creating new consortia, it must be ensured that these groups reflect the views of disabled passengers and disability organisations.**
- 2.3 The Commission wholly endorses the need for robust monitoring and evaluation, the framework for which should be designed in partnership with service users, and specifically involve disabled people and disability organisations, as well as other socially excluded groups.**

Options for organisation change

- 2.4 The Commission does not wish to comment on which option for organisational change will best reflect the needs of disabled people and facilitate the development of a fully integrated and accessible public transport system within Wales.**
- 2.5 The DRC does, however, believe that which ever option is adopted, there must be strong all Wales leadership from the NAW, and we would support the creation of an all Wales Passenger Transport Authority. This should ensure that vitally important cross-border and cross-local authority boundary issues are addressed. This, in turn, will facilitate the adoption and implementation of a fully accessible and integrated 'whole journey'**

approach. Without this the transport needs of disabled people, and indeed all passengers, cannot be met.

- 2.6 Whichever structure is adopted, the DRC feels strongly that it must incorporate methods by which disabled people and disability organisations can comment upon and help to shape a fully integrated and accessible public transport system.**

October 2001

The Disability Rights Commission's Response to the Policy Review of Public Transport in Wales

1. Response to the Consultation

- 1.1. The Disability Rights Commission (DRC) has been established by an Act of parliament as an independent body to work towards the elimination of discrimination against disabled people and to promote the equalisation of opportunities for disabled people. To achieve this, we have set ourselves the goal of achieving a society within which all disabled people can participate fully as equal citizens.
- 1.2. In order to achieve this goal, the Commission wishes to work closely and in partnership with disabled people and all relevant stakeholders.
- 1.3. The DRC welcomes the policy review of public transport by the Environment, Planning and Transport Committee of the National Assembly for Wales. We wish to respond, in particular, on the impact upon disabled people of the review and to highlight the needs of disabled people within this process.
- 1.4. The DRC supports the National Assembly's call on the UK Government for the necessary powers and funding to deliver an integrated transport system. In addition, we support the Assembly's request for the powers to amend the Transport Bill to enable the Assembly to create passenger transport authorities in Wales, to direct the Strategic Rail Authority in relation to a single rail franchise for Wales and to appoint one member of the SRA. With appropriate statutory and regulatory changes, a single rail franchise would ensure greater integration of, and interchange between, rail services as well as increased potential for the provision of consistently accessible vehicles, facilities and services.

2. Accessibility of public transport vehicles

- 2.1. The DRC has adopted all of the recommendations of the Disability Rights Taskforce and the Taskforce's report "From Exclusion to Inclusion", which is referred to below. The report emphasises that "If disabled people are to access employment, education, leisure and other activities it is vital that they can reach them. That in turn means that they must have access to transport services and have the choice of services to meet their particular travel needs." (page 137)
- 2.2. The DRC believes that the aim of the National Assembly should be to create a framework that ensures that fully accessible public transport is provided throughout Wales. The DRC considers that this should be achieved through the provision of appropriate guidance from the Assembly, partnership between the local authorities and public transport providers, as well as through an enforceable statutory and regulatory framework.
- 2.3. The DRC would wish to see bus, coach and rail companies giving comprehensive consideration to the needs of disabled passengers. Service providers should be made aware of their statutory duties under the Disability Discrimination Act 1995, and any future legislation. They should also be encouraged to adopt, and share, current best practice ahead of such changes. This should involve consideration of the needs of all disabled passengers including accessible on board information, lay out and design, colour contrast and, in rail passenger vehicles, accessible toilets.
- 2.4. In order to achieve a fully accessible and integrated public transport system the DRC would suggest that the National Assembly institutes measures to ensure that current and future vehicle specifications are complied with fully, taking into account all aspects of accessibility. It should be recognised that greater accessibility for disabled people will lead to more accessible services for many non-disabled people. (see Appendix para 2.1.).
- 2.5. The DRC considers that the creation of a single rail franchise would provide the National Assembly with the opportunity to make the requisite regulatory changes to introduce accessibility standards for all refurbishments of passenger

rail vehicles as well as in newly built vehicles.

- 2.6. The DRC recognises the need, particularly in rural parts of Wales, for community transport initiatives to be made as accessible as possible. We support the provision of Rural Transport Innovation Grants by the National Assembly which may be awarded for services being set up specifically to meet the needs of disabled people, and for the conversion of vehicles which have already received RTIG assistance towards meeting Disabled Persons' Transport Advisory Committee standards.
- 2.7. Although much may be achieved through other means, ultimately, the DRC believes that in order to ensure the provision of fully accessible passenger vehicles appropriate legislation must be enacted. We therefore wholly endorse **Recommendations 7.1 and 7.2** in the DRTF report "From Exclusion to Inclusion":

7.1: "An 'end date' by which all passenger rail vehicles should comply with rail accessibility regulations should be introduced following consultation. Accessibility regulations should be introduced to apply to refurbishment of existing rolling stock. Those requirements should be set after full consultation, which will also need to consider the definition of 'refurbishment' to which the regulations apply. In both cases, we acknowledge that full account will need to be taken of the costs and benefits of these proposals.", and

7.2: "The exemption for transport operators from the first and October 1999 phases of the Disability Discrimination Act access to services duties should be removed in civil rights legislation."

3. The Transport chain and Accessible Pedestrian Environments

- 3.1. The DRC welcomes the Assembly's goal of a fully integrated transport system as outlined in "Transporting Wales into the

Future".

- 3.2. At present completing a journey involving even one mode of public transport may be extremely difficult for a significant number of disabled people. Pedestrian environments need to be radically improved to provide barrier free pedestrian ways, and accessible stations and bus stops.
- 3.3. The DRC believes that it is vital that disabled people's diverse requirements are incorporated into new road and pedestrian areas at the planning stage. Local Transport Plans (LTPs) may provide an effective mechanism for doing this provided that disabled people and disability organisations play a full part in the consultation process (see Appendix para 3). The DRC would wish to see the National Assembly implementing accessibility standards such as the provision of tactile pavements and audible and tactile signals at crossings and ensuring that these standards are adhered to by local authorities.
- 3.4. The DRC believes that local authorities should ensure that measures taken to make environments more accessible are successfully utilised and 'policed'. In some areas, for example, whilst dropped kerbs have been provided, cars frequently park alongside the kerb, resulting in the bus driver being unable to pull up to allow access to the vehicle. In these circumstances local authorities must enforce 'No Parking' zones.
- 3.5. The DRC would wish to see Rural Transport Innovation Grants awarded for the construction and improvement of waiting points and bus shelters to make them more accessible; in most instances this will improve them for non-disabled people also. Equally, the improvement of bus stops and waiting points in urban environments must be addressed, including the provision of accessible information.
- 3.6. Both bus stations and train stations are often poorly designed and inaccessible. Whilst public transport facilities are covered by the Disability Discrimination Act Part III, the DRC would wish to see, in addition, a requirement that if

practicable all facilities are accessible to disabled and non-disabled people alike. Where this is not possible, adequate provision should be made for disabled people. This should include providing assistance at unstaffed stations where required, at times convenient to the disabled person. In addition, the DRC believes that local authorities should ensure implementation of best practice in accessibility and 'access and design for all' standards through LTPs, Quality Partnerships and Quality Contracts.

- 3.7. The interchange between modes of transport often contains significant barriers for disabled people. In many cities and towns, the bus station and the train station are a long distance from one another with no accessible and straightforward way of travelling between the two; Swansea is an example of this. The DRC considers that in order for a fully accessible and integrated transport system to be created this problem must be addressed; LTPs will provide an opportunity to do ensure that this happens.
- 3.8. The provision of information in various formats on services, accessibility of vehicles and facilities is a vital component of accessible public transport. The DRC would wish to see a requirement that this information is available on a database, easily accessed in a number of ways and formats. Such a database would also benefit non-disabled customers.
- 3.9 In terms of interchange , taxis and private hire vehicles (PHVs) provide an important mode of transport for a significant number of disabled people. The DRC believes that the National Assembly has a role in ensuring that local authorities set access standards when drawing up licences for taxis and PHVs. Factors that should be taken into account would include physical accessibility of vehicles, driver disability equality training and carriage of guide and hearing dogs at no extra cost. The carriage of guide and hearing dogs is covered by section 37 of the Disability Discrimination Act 1995, but this has yet to come into force and the DRC endorses the DRTF Report **Recommendation 7.4:** “The DDA provisions on taxis carrying guide and hearing dogs should be brought into force as soon as possible.”

- 3.10 The DRC endorses the points made by the DRTF at page 145 of "From Exclusion to Inclusion" regarding PHVs in terms of accessibility regulations and the fact that more consideration should be given to the mechanisms for increasing the availability of accessible PHVs by DPTAC and the DRC and further recommendations made at a future date.
- 3.11 The lack of accessible taxis and private hire vehicles at transport interchanges can create another major barrier for many disabled people; this addressed by section 33 of the Disability Discrimination Act. The DRC endorses the DRTF **Recommendation 7.4**, which concludes "The DDA provisions on requiring accessible vehicles at transport interchanges should be retained in civil rights legislation."
- 3.12. Staff training is also an important part of an accessible public transport system; lack of understanding of a disabled person's needs and/or a rude or dismissive attitude is in itself an enormous barrier to accessibility. The DRC would wish to see a requirement that all public transport staff undertake disability equality training. The DRC believes that the provision of such training should be integrated into the minimum requirements for local authorities awarding Quality Contracts.

4. Local Transport Plans, Quality Partnerships and Quality Contracts

- 4.1 The DRC welcomes the requirement that local authorities produce LTPs. However, the DRC adopts the DRTF report **Recommendation 7.7**: "LTPs should be placed on a statutory basis and their effectiveness in meeting disabled people's transport needs and the improving the pedestrian environment for disabled people should be reviewed over time." (p148)
- 4.2. Furthermore, the DRC considers that the National Assembly should ensure that Local Authorities have a remit from the outset to consider the needs of disabled people and to act upon them. This must involve the creation of a framework

within which disabled people and disability organisations can contribute effectively to policy making fora and LTPs.

- 4.3. The DRC also welcomes the concept of Quality Partnerships and Quality Contracts between service providers and local authorities. We would wish to see the National Assembly ensuring both that these mechanisms provide an effective way of working on best practice issues, and requiring local authorities to include accessibility standards in Quality Contract specifications.

5 Concessionary Fares

5.1. The DRC welcomes the announcement by the National Assembly that 50% concessionary fares are to be introduced for all disabled people in Wales from April 2001. We would

wish to emphasise, however, that this should not detract from the significant improvements that must be made in order to ensure that the public transport system is fully accessible to disabled people.

6. Summary and conclusions

- 6.1. The DRC welcomes the National Assembly's stated aim to create a fully accessible and integrated public transport system.

The DRC would wish to see the necessary statutory and regulatory changes needed to achieve this implemented at the earliest opportunity.

- 6.2. The DRC supports the call by the National Assembly for the requisite powers and funding to deliver an integrated transport system in Wales.

- 6.3. The DRC endorses the recommendations of the DRTF in that an end date must be given by which all passenger rail vehicles should comply with accessibility regulations.

- 6.4. The DRC wishes to see the exemption of transport operators from the Disability Discrimination Act 1995 Part III removed

by civil rights legislation.

- 6.5. The DRC supports the National Assembly's wish to create passenger transport authorities, and to direct the Strategic Rail Authority in relation to a single rail franchise in Wales, and for the necessary powers to implement this.
- 6.6. The DRC welcomes the creation of LTPs but, as recommended by the DRTF, the DRC wishes to see LTPs placed on a statutory basis and their effectiveness in meeting disabled people's transport needs and improving the pedestrian environment for disabled people reviewed over time.
- 6.7. The DRC believes that an essential criteria for Quality Partnerships and Quality Contracts should be the provision of accessible vehicles, services and facilities and the provision of disability equality training by all front line staff.

**Appendix to Disability Rights Commission's Response to the
Public Transport Policy Review by the National Assembly
for Wales**

With reference to the DRC's response, we would cite the following evidence in support of our submissions:

1. Disabled people in Wales

1.1. The August 2000 Labour Force survey shows that overall in GB disabled people are nearly seven times as likely as non-disabled people to be out of work and in receipt of benefits. Furthermore, in Wales 23% of the population of working age has a long term disability (men 16-65, women 16-59). This is the highest rate of long term disability compared to all of the regions/countries in GB, and compares to an average figure of 19% overall in GB.

1.2. Of the 23% of disabled people in Wales, 52% are in receipt of state benefits. The overall GB wide statistic is 40%, so that there are significantly higher levels of low income in Wales. Those on low income are less likely to be car owners and therefore more likely to be dependent on public transport. The need for fully accessible public transport is clear and the importance of concessionary fares is also highlighted by these figures.

2. Accessible vehicles

2.1. The DRTF report "From Exclusion to Inclusion" cites at page 139 an example of Truronian Bus Company introducing low floor buses on a rural bus route in Cornwall which had previously been served by old single deck buses. Improvements to a number of bus stops on the route were carried out by Cornwall County Council and a study was commissioned by DETR to assess the results of the initiative.

In

the first year passenger levels rose by almost 15%, public

opinion surveys showed improvement on what were already high satisfaction levels, drivers reported increased use by disabled people, and overall operating costs fell.

- 2.2. In terms of public transport recent research by the RNIB, and published in their report “Rights of Way” (Mark Baker, 1999), has found that over 30% of blind and visually impaired people do not use public transport at all; of those surveyed 49% of those who used buses said that access to information presented problems, over 46% that the design of buses was a problem. In relation to rail travel, 54% of those surveyed stated that access to information presented problems, and 48% of those surveyed said that they found using trains difficult.
- 2.3. In terms of accessible information, it was also reported in “Rights of Way” that whilst 97% of bus operators provide printed timetables, only 22% provide these in large print. Of rail operators, only one-third provided information in large print and even less in other formats. Information at bus stops is almost always in small print and tabular form and behind reflective perspex making it unreadable for visually impaired people. These are just examples of poor practice – fully accessible information needs to be available both before and whilst travelling.
- 2.4. The differing needs of disabled people with different impairments should be taken into account; for example dropped kerbs are preferable for wheelchair users, but where they have not been provided in conjunction with tactile pavements, this has caused difficulties for visually impaired people. In order to create fully accessible services a pan-disability approach must be considered at the planning and implementation stages.

3. Local Transport Plans

- 3.1. For LTPs to be effective, the disabled people and disability organisations must be consulted. Greater Nottingham carried out a specific exercise targetted at disabled people and disability organisations to find out what the priority issues

were

for them in relation to the LTP. The DRC believes that local authorities should be required to actively consult in relation to disabled people's requirements.

- 3.2. In drafting and implementation of LTPs some local authorities have recognised areas of overall benefit. For example, more stations which have brighter lighting, and less unstaffed stations make the travelling environment safer for all passengers.