

Reform of the Disability Standards for Accessible Public Transport

NSW Government Response - Stage 2
Consultation Regulatory Impact Statement 2022

August 2022

Contents

- Introduction..... 3
- NSW Government response 4
 - Reform Implementation 4
 - Reporting..... 5
 - Equivalent access..... 6
 - Rideshare 6
 - Dedicated school buses..... 7
 - Information, communication, and wayfinding 7
 - Additional comments 8
- Conclusion..... 10
- Appendix 1 11

Introduction

The NSW Government welcomes the opportunity to comment on the Reforms of the Disability Standards for Accessible Public Transport 2002: Stage 2 Consultation Regulation Impact Statement March 2022 (Stage 2 CRIS).

Regular review of the *Disability Standards for Accessible Public Transport 2002* (Cwth) (Transport Standards) provides an important opportunity to improve efficacy of the Transport Standards, and ensure the current and future needs of people with disability are met. Guidance which provides clarity and flexibility is increasingly important in assisting transport operators and providers in fulfilling their obligations under the *Disability Discrimination Act 1992* (Cwth) (DDA). This is particularly important in an evolving transport and technology environment, and when there is a strong focus on providing solutions tailored to achieve the best customer outcomes. To this end, consideration should be given to the development of on-going and proactive processes for ensuring standards remain responsive and fit-for-purpose into the future.

The NSW Government further notes that, given the high number of Aboriginal and/or Torres Strait Islander peoples with disability and/or caring responsibilities in Australia, improved accessibility promised by Transport Standards reforms will contribute to enhancing life outcomes for Aboriginal and/or Torres Strait Islander people in line with our commitments under the NSW Implementation for Closing the Gap.

The NSW transport system continues to serve the State's more than 8 million residents, around 300,000 businesses and millions of visitors. NSW maintains Australia's largest rail, bus and ferry networks to meet this demand, with the Sydney metropolitan area having the country's highest rate of public transport use. Accordingly, NSW aims to provide public transport vehicles, stops and interchanges that all customers can use without difficulty.

Accessible services is a core objective under the Future Transport Strategy 2056¹ and one of the supporting plans for this long-term goal is the Transport for NSW Disability Inclusion Action Plan 2018-2022, which details steps being taken to remove barriers in accordance with the Transport Standards and in line with the intent of the DDA.²

Today, almost 90 per cent of transport customer journeys in NSW begin from locations which are accessible to people with disability. More than \$2 billion has been invested through the Transport Access Program, resulting in safer and more accessible transport at train stations, ferry wharves, transport interchanges and in new commuter car parks. The NSW Government is investing billions of dollars in new networks, assets and infrastructure, such as Sydney Metro and Parramatta Light Rail, which are being delivered to the highest level of accessibility.

As stated in the NSW Government response to the Stage 1 CRIS on Reforms of the Disability Standards for Accessible Public Transport 2002, decades of experience in implementing the Standards has demonstrated that amendments are needed in order to provide practical and achievable accessibility measures for transport operators; and remove legal uncertainty and administrative burden. This includes the removal of standards with prescriptive or technical specifications that are simply not feasible due to the nature of transport environments.

The NSW Government supports the widely held view of the disability sector that requirements in the Transport Standards should articulate the design functional outcomes without the need to reference specific Australian Standards. This should form the basis for any future review process.

This response outlines the NSW Government position on key areas of reform within the Stage 2 CRIS. _____

¹ <https://future.transport.nsw.gov.au/plans/future-transport-strategy>

² <https://future.transport.nsw.gov.au/plans/disability-inclusion-action-plan-2018-2022>

NSW Government response

Overall, the NSW Government provides in-principle support to a regulatory approach which focuses on achieving policy goals to improve customer outcomes for people with disability.

This approach needs to be a balance between a flexible outcomes-based approach and prescriptive requirements to deliver the intent of the Transport Standards. Performance-based requirements with supporting guidance enable flexibility for operators and providers to implement solutions, allowing for future innovation and technology. Where prescriptive requirements are necessary to achieve compliance, it must be demonstrated as best practice and technically viable in the transport context.

While **Appendix 1** provides a high level overview of the NSW Government position on each of the 61 reform areas within the CRIS, there are a number of topics which require further consideration.

Reform Implementation

Preferred implementation approach: Option 3

The NSW Government does not support retrospective application of new requirements to existing assets.

It is acknowledged the Transport Standards Schedule 1 Target Dates for Compliance has been an important mechanism for improving compliance and accessibility of existing transport networks and was highly relevant at the time of implementation of the new standards. However, the retrospective application of any further reforms does not align with current practice relating to standard modernisation approaches and is highly unusual in legislation. Further, retrospective application is exceptionally complex in the context of extensive state-wide, historical infrastructure which exists within a continuous operational environment, and constraints posed by substantial and competing budgetary priorities.

The implementation approach adopted requires flexibility which enables efficient use of resources and application rather than a strict schedule mandated through regulation. This ensures there is a focus on prioritising removal of the most critical barriers faced by customers rather than an exercise focused on demonstrating compliance.

Further, it is unclear how a new retrospective schedule would apply for trains and light rail, which still have a target date of 2032 under Schedule 1, and where assets intersect with the *Disability (Access to Premises – Buildings) Standards 2010* (Cwth) (Premises Standards).

While there are positive social and customer outcomes in having retrospective application, implementation is complex, costly and resource intensive. NSW has the oldest and most extensive rail network in Australia, which increases the challenge of bringing public transport services into compliance with existing or reformed standards. Considerations of asset lifecycles are also critical for conveyances. On conveyances, the ability to retrofit requirements is difficult as internal systems and structural designs limit modifications.

It is the NSW Government's view that any new regulatory items which do not comprise existing assets would benefit from compliance targets which sit within added guidance. For example, staff training and website accessibility (part of Stage 1 reforms) which were not part of the Transport Standards when legislated in 2002.

Equally, other elements which relate to existing assets could benefit from aspirational target dates which would provide jurisdictions, operators and service providers with the ability to plan to meet new compliance measures over time, without it needing to be mandated in legislation.

Further examination of this issue by the Commonwealth Government is required in consultation with jurisdictions and the disability sector to understand the implications of a

retrospective approach. This includes risks, costs, benefits, impact on the current compliance target requirements as well as identifying priority areas for implementation based on their significance in producing improved customer outcomes.

Benefits and impacts include consideration of welfare benefits, social benefits (i.e. reduced stress and anxiety), cross-sector impacts (i.e. reduced health care costs) and broader economic impacts (i.e. increased participation to economic activities and employment).

Reporting

Preferred policy approach: Non-regulatory

The NSW Government does not support a regulated reporting framework.

The NSW Government acknowledges the importance of reporting and data to measure the effectiveness and efficiency of implementing the Transport Standards; and to meet obligations under the *United Nations Convention on the Rights of Persons with Disabilities*.

However, there is concern that reporting, and especially compliance reporting, should not be a means to an end in and of itself. A reporting framework needs to provide an accurate picture of the effectiveness of the standards and measuring strict compliance is not always a true indicator of performance or positive outcomes for customers.

Should a reporting framework be developed, it needs to adequately reflect the intent of the legislation which is to improve accessible outcomes for customers. Flexibility is required in the framework to capture a broader spectrum of 'compliance' activities, including instances where direct assistance, exemptions, or other alternative access methods are used.

While it is agreed a nationally consistent approach is needed and that this is an aspirational goal, the options proposed require further examination to ensure any framework developed can be adopted by all jurisdictions, operators and service providers. Additional time and resources are required to develop and trial a reporting framework which can be meaningfully applied by all.

Complexities include data collection methodology, national data sharing capabilities and consistency in defining terms such as compliance and accessibility across jurisdictions. There needs to be a feasible approach to data collection and dissemination without making it overly burdensome or complex, and limiting the creation of additional red tape. As a starting point, key parameters and metadata should be agreed.

Reporting may have benefits in identifying incremental changes over time. However, this may mean work is prioritised to improve performance indicators, rather than a focus on achieving real outcomes for people with disability.

Some transport sites and assets are also governed by the Premises Standards, another Commonwealth Standard made under the DDA which aims ensure people with a disability have access to public buildings. Currently, there is no requirement to report on compliance within the Premises Standard. Therefore, it needs to be understood how interactions between the two standards will be addressed in the proposed reporting framework.

As the Transport Standards reforms are considering implementation, the impact of this will need to be factored into any reporting framework developed. For this reason, reporting should be non-regulatory until a solution has been developed and trialled to resolve all the technical data elements and ensure the complexities in the Transport Standards are considered and fully understood.

Further, the National Disability Data Asset is being developed by the Commonwealth Government in conjunction with states and territories, and it is recommended the reporting of transport assets be explored under this initiative.

Equivalent access

Preferred policy approach: Non-regulatory

The NSW Government recommends a non-regulatory approach to establish and develop the equivalent access framework.

The NSW Government acknowledges the complexity in meeting compliance with the standards using equivalent access provisions. Currently, the use of equivalent access is minimal because of the legal uncertainty underlying this provision. It is agreed a nationally consistent approach and regulatory option will minimise the legal risk for operators and provide assurance to the disability community, particularly where the solution has been consulted on and co-designed to develop more functional outcomes for users.

However, the development of a framework will take time and involve a large cohort of stakeholders before it can be considered in a legislative context. Development of the framework needs to consider scalability for smaller operators and providers. In its current form, its application may be cost prohibitive and overly prescriptive for these cohorts. Flexibility in solution development is required without creating additional barriers for operators and providers to meet the intent of the Transport Standards and DDA.

The use of equivalent access also needs to consider interactions with other legislation such as the Premises Standards and the National Construction Code, a performance-based code which sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings. New certification bodies, such as a national body to oversee certification processes, would provide protection and governance for the proper implementation of the Transport Standards.

Rideshare

Preferred policy approach: Non-regulatory

The NSW Government does not support the regulatory approach for rideshare as proposed.

Rideshare is a different business model from the traditional taxi industry and it is not appropriate to directly transfer current taxi requirements within the Transport Standards to rideshare requirements without further examination of issues. The industry must be considered in its entirety including rideshare, taxis and other services such as hire cars and limousines.

The proposed regulatory option is unclear, outdated and does not align with the move towards an increasingly less regulated environment. Further engagement with rideshare providers and people with disability which use this service type is recommended before considering regulatory options. In the short term, it is recommended guidance is developed to educate the sector regarding accessible requirements for both customers and providers.

The reform needs to consider that the existing rideshare business model does not operate as a fleet and more often comprises individual persons and their privately owned vehicle. Accordingly, fleet response times in the current Transport Standards are not appropriate for rideshare models. There also needs to be a fundamental reconsideration of the standards that currently apply to taxis.

These standards should be redesigned to address the entire rideshare market and include review of:

- prescribed internal dimensional requirements for wheelchair accessible vehicles
- standards for wheelchair securement systems such as tie-downs
- training requirements
- minimum requirements for vehicle hoists and ramps.

The Transport Standards Schedule 1 Target Dates for Compliance requires that 'radio networks' and 'cooperatives' are responsible for ensuring response times for 'accessible vehicles' be the same as for other taxis. However, changes to the structure of the taxi and rideshare market means these terms are no longer used.

The existing rideshare business model needs to be articulated and considered more broadly in the context of ongoing regulatory changes within the industry.

Dedicated school buses

Preferred policy approach: Non-regulatory

The NSW Government does not support a blanket removal of exemptions for dedicated school buses.

Dedicated school services are mostly found in rural and regional NSW. In metropolitan areas, most students can access both public transport route services and school buses which utilise low-floor accessible buses. In rural and regional areas, where there is a need for an accessible school service, operators work with individuals on a case-by-case basis to develop a suitable solution to ensure the student can travel in a dignified and equitable manner. The NSW Government notes this is an outcome the reform needs to deliver.

In rural NSW, 90 per cent of bus services are school bus services only, accounting for 2600 buses. School bus pick up locations in rural areas are adapted each year according to demand (with school aged children requiring a service for a limited time) and the accessibility of a bus service relies on having both an accessible vehicle and accessible infrastructure. Supporting footpath infrastructure is often not available in rural and remote areas, whereas in metropolitan areas, bus routes are static and have compliant infrastructure.

In regional settings, a low floor bus is not a functional solution for unsealed roads and accordingly, the bus design is different. Some services use coaches which have different technical considerations to make them accessible. In most cases, this involves the use of hoists or lifts, the removal of seats and the use of active restraints when on board. Operationally there are complexities, however this raises a broader question about dignified access for the student.

Any approach needs to consider the size of operators in non-urban areas. The removal of exemptions may have a perverse outcome for students and operators particularly in rural and regional settings. Should operators be concerned about potential legal risk of compliance, this may cause a withdrawal of service; significantly impacting on the communities they serve.

Information, communication, and wayfinding

The NSW Government supports the inclusion of requirements and guidance to foster improvements in digital literacy. This aligns with the *NSW Disability Inclusion Plan 2021-2025* outcome for better processes for information and feedback from the disability community.³

Provision of information has changed immensely since the inception of the Transport Standards in 2002, and access to information is an enabler to successfully using the transport network and making seamless end to end journeys.

Adopting appropriate industry standards for information and communication technologies (ICT) procurement and the use of Web Content Accessibility Guidelines AA requirements for smartphone web systems and applications are key actions within the Plan (CRIS chapters 21 and 22 respectively).

³ <https://www.facs.nsw.gov.au/download?file=822133>

Understanding compliance using ICT procurement standard (AS EN 301 549) is complex and may not be appropriate, particularly for smaller operators to which the Transport Standards apply equally. The requirements within the Transport Standards should ensure a product is accessible for customers with disability and that requirements can be readily applied by all. A performance outcome is preferred for products rather than meeting prescriptive requirements as performance outcomes foster co-design, ensuring products are accessible to a wide range of users and fit for purpose.

Prescriptive requirements which are not outcome based negatively impact the likely beneficial effects of technological change. For example, hearing loop technology is not only problematic in industrial environments like train stations but is heading towards obsolescence as improvements in modern hearing aid technology have burgeoned (CRIS chapters 9, 10 and 20). Moreover, customer research has indicated preference for visual information on passenger information displays or personal devices (smartphones and tablets) rather than reliance on hearing loop technology.

The NSW Government supports consistency, legibility of signs and access to real-time information for broader information and wayfinding provisions.

Additional comments

Funding

The Transport Standards were endorsed by the Australian Transport Council in 1999 on the stipulation the Commonwealth Government should provide sufficient funding to state and local governments for their full implementation. To date, funding and implementation of accessibility upgrades to meet existing requirements of the Transport Standards has been borne by state and local governments.

As this is federal legislation, financial support to implement the reforms is required from the Commonwealth Government, particularly if retrospective application is required.

It is recommended the Commonwealth Government establish funding mechanisms to assist operators, providers, local government and jurisdictions meet their obligations under existing and reformed Transport Standards.

Evidence for change

It is not apparent the reform areas put forward in the Stage 2 CRIS arose from consultation with a broad range of public transport users with disability. A broad spectrum of people with disability and disability peaks should be directly engaged under a co-design model. For example, Transport for NSW does not receive regular requests for the provision of information in other formats (CRIS chapters 6,11 and 15).

It is not apparent the unique views of regional and remote communities, and operators with very different transport barriers compared to metropolitan users have been considered. Bus services in regional NSW are often operated by small private providers with varying levels of accessibility. Across short distances, there are often various bus providers with different timetables, fares, and systems for paying for tickets (CRIS chapters 23 and 29). Mandating prescriptive requirements may lead to fewer services for communities where private providers cannot comply. The NSW Government maintains it is important to canvass wide ranging views before the development of reform proposals.

The Stage 2 CRIS also appears to sit in isolation from previous reviews and reforms, and the correlation between areas of reform and outcomes from previous reviews is unclear. There are outstanding matters arising from the 2012 Review of the Transport Standards; and the findings of the 2017 review were not released until December 2021. There is no clear link establishing the current reform areas were based on items raised from previous or current reviews.

The NSW Government is concerned the areas of reform proposed are not addressing the prioritised needs of people with disability and will add further difficulty and regulatory burden for service providers and operators in meeting compliance with the Transport Standards.

It is recommended the Commonwealth Government ensure an appropriate mechanism and timeframe is established to enable jurisdictions and stakeholders to consider the outcomes from the Commonwealth's Consultation and Engagement process following its completion. This will enable due consideration of the impacts of issues raised during the consultation including the unique views from regional and remote communities prior to formulating final positions on the reform areas.

Alignment to industry standards and performance-based outcomes

The NSW Government reiterates that outcomes of the reform are not in alignment with the policy objective of the reform process - to make performance-based standards which allow for flexibility.

It is acknowledged some areas of reform such as lighting, stairs on conveyances and flange gaps (CRIS chapters 37, 57-59 and 26) will assist in removing ambiguity and inappropriate requirements (traditionally applied to the built environment) for transport precincts and conveyances, and these are a positive change for the Transport Standards. However, many of the reform proposals increase prescriptive regulatory burden with additional references to Australian Standards and duplication of other industry requirements such as the National Standard for Commercial Vessels (NSCV) (CRIS chapters 42 and 58).

The NSW Government stresses the importance of harmonisation between the Transport Standards and the Premises Standards. Topics related to lifts and accessible toilets are of particular concern as concessions exist for these assets in the Premises Standards (CRIS chapters 17-20 and 31-34).

The NSW Government supports the widely held view of the disability sector that requirements in the Transport Standards should articulate the design functional outcomes without the need to reference specific Australian Standards. This favours an approach with some degree of self-regulation, such as the approach in duty-based legislation. Public transport operators, in consultation with stakeholders, are best placed to determine the most efficient and optimal accessibility outcome. This would not only make the requirements of the Transport Standards more accessible for disability stakeholders but also assist transport providers to fully understand and implement requirements.

Transport Standards Schedule 1 target dates for compliance

Under the Transport Standards Schedule 1, all public transport services, except trams and trains, are to fully comply with the relevant standards by 31 December 2022. Despite significant investment in improving accessibility, NSW is unlikely to complete all of the prescriptive requirements within this timeframe. Further, infrastructure requirements are large scale, requiring significantly more than five years to implement (maximum term for a temporary exemption).

As iterated above, retrospective application is exceptionally complex in the context of extensive state-wide, historical infrastructure which exists within a continuous operational environment; and constraints posed by competing budgetary priorities. The Consultation RIS does not address the interface between the current compliance targets and the reformed standards and the implications for the reform process if jurisdictions are not able to meet outstanding compliance targets by the end of 2022.

While NSW Government has already engaged with the Commonwealth Government to discuss these issues, it is recommended the Commonwealth Government engages with all jurisdictions to develop an agreed way forward to ensure the compliance process with the current Standards does not undermine the reform process or break confidence with the disability community.

Conclusion

The NSW Government remains committed to supporting development of a revised set of Transport Standards which are practical to implement, cost efficient and improve inclusive outcomes for people with disability.

The Transport Standards were introduced in 2002, and reform is long overdue. Review and reform of the standards are an important mechanism to ensure requirements are fit for purpose and remain current with the evolving transport landscape. Future reforms should consider updates to Australian Standards where relevant and moving to performance-based requirements.

Proposals for reforms must canvass views from a broad range of stakeholders to identify key issues requiring reform. This should include a broad spectrum of people with disability and disability organisations (including Aboriginal and/or Torres Strait Islander representative organisations), industry experts and a range of operators large and small across modes. Representation is also required from a cross section of metropolitan, regional and remote based stakeholders.

Funding remains a key concern for NSW. The implementation of agreed reformed standards will be a significant cost for all operators, providers, local government and jurisdictions, and funding from the Commonwealth Government should support implementation of current and future requirements.

The NSW Government advocates that any new requirements under the reformed Transport Standards should only apply to new infrastructure, premises, or conveyances and where appropriate for major upgrades.

Appendix 1

Table 1: NSW Government response to 61 chapters of Stage 2 CRIS.

Recommendation	Preferred option	Comment
Part 1 Transport Standards Principles		
1. Reporting	Non-regulatory	Reform option requires refinement to ensure that any framework developed can be adopted by all jurisdictions, operators and service providers. Sufficient time and resources are required to develop and trial a reporting framework.
2. Equivalent access	Non-regulatory	Support the intent of the proposed regulatory approach. However, significant work is needed to develop an agreed approach prior to considering its adoption in regulation.
3. Rideshare	Non-regulatory	The regulatory option proposed is unclear and does not align with the move towards an increasingly less regulated environment in this sector. Rideshare is a different business model from the traditional taxi industry and it is not appropriate to directly transfer current taxi requirements within the Transport Standards.
4. Dedicated school buses	Non-regulatory	A blanket approach to removing exemptions is not supported due to impact on rural and regional bus services (which operate in different road environments).
Part 2 Information, communication and wayfinding		
5. Better communication and accessibility features	Regulatory	Nationally consistent terminology applied across all modes of public transport, and a baseline list of accessible features is beneficial to customers.
6. Timely provision of information	Regulatory - with changes	Added guidance and certainty will be provided to customers on expectations of information provision.
7. Real time communication	Regulatory - alternative	Propose a new regulatory option which removes prescriptive requirements and replaces them with a high-level performance requirement.

Recommendation	Preferred option	Comment
8. Passenger location during journey	Regulatory - alternative	Propose a new regulatory option which removes prescriptive requirements and replaces them with a high-level performance requirement.
9. Hearing augmentation on conveyances	Regulatory - alternative	Regulatory options are not supported and an alternative is proposed by using a variety of technological solutions to provide real-time service information to be provided equivalently. Customer research indicates minimal use of hearing loops. A blanket increase in the provision of hearing loops is not supported.
10. Hearing augmentation: infrastructure and premises	Non-regulatory	Proposal to increase the provision of hearing loops is not supported. Customer research indicates minimal use of hearing loops. Cost-effective technologies are emerging which may provide alternative solutions to hearing loops.
11. Print size and format	Regulatory - with changes	The reform for information requests in large print format is supported. It is recommended an alternative format or channel is considered if it satisfies the customer request.
12. International symbol for access and deafness	Regulatory sub option 1 - with changes	Reform for updates to the newest Australian Standards is supported. Amendment recommended regarding viewing distances needing more flexibility.
13. Letter heights and luminance contrast of signs	Regulatory option 2, sub option 2 - with changes	Requirements for luminance contrast is positive, as well as the distinction for static signs. Amendment related to contrast testing requirements for overhead signage is proposed.
14. Location of signs	Regulatory sub option 2	The proposed regulation in sub option 2 does not provide any material impact on requirements currently prescribed in the Transport Standards.
15. Braille embossed (printed) specifications	Regulatory - with changes	Inclusion of requirements for braille specifications is supported and clarification that this requirement is for information provided on request is proposed.
16. Braille and tactile lettering for signage	Non-regulatory	Guidance is supported and minor adjustments to sign features recommended.
17. Lifts: Braille and tactile information at lift landings	Non-regulatory	Guidance is supported. Lifts in the NSW transport network already have a standardised approach for identifying floors. Space limitations are present making not readily achievable.

Recommendation	Preferred option	Comment
18. Lifts: audible wayfinding	Non-regulatory	Guidance is supported. Lifts in the NSW transport network already have a standardised approach on information provided. Other wayfinding cues are provided in the environment more suited for this purpose.
19. Lifts: emergency communications in lift cars	Non-regulatory	Guidance is supported. Significant expenditure is required to install additional visual and audio communication systems in lift cars. Existing systems are fit for purpose.
20. Lifts: reference for lift car communication and information systems	Non-regulatory	Guidance is supported. Service announcements in lifts are not critical or standard practice in these facilities.
21. ICT procurement	Non-regulatory option 1	Guidance is supported. Full compliance is not practicable for all operators and the scope of products covered by the procurement standard through the reform is unclear.
22. Mobile web systems	Regulatory option 2	Inclusion of WCAG 2.1 AA for mobile applications and websites is supported.
23. Accessible fare system elements	Regulatory option 1 - with changes	Performance-based option providing greater flexibility in the design of future ticketing is supported, however, ensures accessible outcomes for people with disability.
Part 3 Accessibility at station, stops, wharves and access routes		
24. Doors on access paths	Regulatory option 2 - with changes	NSW advocates a balanced approach for critical facilities. There are challenges in meeting requirements for conveyances, particularly if application is retrospective.
25. Continuous accessibility on access paths	Non-regulatory	Guidance is supported as the regulatory proposal does not consider the complexities associated with land ownership and topography issues.
26. Flange gaps	Regulatory sub option 2 - with changes	Inclusion of flange gaps provides greater clarity on this issue. The proposal aligns to industry standards for level crossing requirements.
27. Resting points	Regulatory	Provision of better amenities and consistent application across sites is supported.

Recommendation	Preferred option	Comment
28. Requirements for handrails in overbridges and subways	Non-regulatory	Guidance is supported as the regulatory option would be difficult to achieve in all transport environments and may create unintended safety consequences.
29. Location of Fare System Elements	Regulatory - with changes	Regulatory option to provide a performance requirement to ensure ticketing infrastructure is as accessible as possible without the need to reference the ICT procurement standard is supported (covered in topic 21).
30. Allocated spaces and priority seating in waiting areas	Regulatory - with changes	Clarity on the number of facilities provided is supported. Amendment is proposed in relation to seating ratios for bus stops.
31. Accessible toilets with equal proportion of left and right hand configurations	Non-regulatory for Conveyances; Regulatory for infrastructure – with changes	It is not possible to apply requirements on all conveyances, particularly if retrospectively applied. Added guidance is preferred, allowing configurations to be provided where possible. A regulatory solution for infrastructure provides better customer outcomes and aligns to the Premises Standards.
32. Emergency call buttons in accessible toilets	Regulatory - with changes	Assurance and seeking assistance during emergency situations is reasonable. Specific design requirements limit future technology solutions and is restrictive in constrained spaces. Propose a performance-based solution which offers flexibility in solution development.
33. Ambulant toilets	Non-regulatory for Conveyances; Regulatory for infrastructure	The proposed requirement is technically difficult to implement on existing conveyances. A non-regulatory solution promotes inclusion of such facilities where possible. A regulatory solution for infrastructure provides better customer outcomes and aligns to requirements in the Premises Standards.
34. Lift specifications and enhancements	Non-regulatory	Guidance is supported as some clauses within the standard do not align with transport operations and conflict with other Transport Standards requirements.
35. Specifications for escalators and inclined travelators	Non-regulatory	Regulating minimum widths for escalators is not preferred as there may be site constraints that prevent installation of wider escalators.

Recommendation	Preferred option	Comment
36. Poles, objects and luminance contrast	Regulatory option - 1 with change	The proposal provides added clarity on contrast requirements and calculation methodology for items abutting an access path. Minor amendment is suggested to combine both sub-options to offer flexibility in meeting compliance.
37. Lighting	Regulatory option 1 - with changes	Regulation change to lighting is supported. The current Transport Standards requirements are not fit for purpose. Option 1 provides the most flexibility to accommodate various environmental contexts (e.g., light rail stops along a roadway).
<i>Part 4 Accessibility of boarding and alighting and egress of infrastructure</i>		
38. Signals and process for requesting boarding devices	Non-regulatory	Prescriptive requirements are not readily achievable on conveyances due to space constraints, interference with other systems and technical difficulties in retrofitting new systems.
39. Notification by passenger of need for boarding device	Non-regulatory	Front line staff on services and systems already meet boarding assistance needs. Added regulation is not supported as there are significant cost and technical impacts.
40. Portable boarding ramp edge barriers	Non-regulatory	Existing standards are fit for purpose and added guidance is supported. There is very minimal evidence for change to current requirements.
41. Boarding ramp and removable gangway definitions	Non-regulatory	The distinction for gangways is already provided in the NSCV industry standards and requirements.
42. Removable gangway design	Non-regulatory	Gangway design requirements is already provided in the NSCV industry standards and requirements. Duplication of industry requirements is not supported as this will create inconsistencies should NSCV future changes arise.
43. Nominated assistance boarding points	Non-regulatory	Flexibility is needed for unique operational requirements across different modes. Guidance is preferred to articulate the operational complexities considered in development of boarding assistance procedures.
44. Identification of lead stops	Non-regulatory	Guidance is supported. It is unclear why a distinction or alternate regulation is required between lead stops and bus stops.

Recommendation	Preferred option	Comment
45. Pontoon boarding points on infrastructure	Regulatory - with changes	Separating requirements for modes by providing clarity for pontoon structures operating in a dynamic environment is supported. Proposed amendments include removal of maritime design standards which are already required for industry.
46. Bus, tram and light rail boarding points on infrastructure	Regulatory option 1	Regulation to align with requirements under the Premises Standards and the NCC allowing a crossfall of 1:33 on bitumen surfaces is supported.
47. Hail and ride boarding points on infrastructure	Non-regulatory option 1	Regulation which may limit the introduction of new service types is not supported. New requirements will be restrictive and difficult to achieve for landowners.
48. Accessible taxi ranks	Non-regulatory	Generally, this is the responsibility of local government. As these are in public spaces with complexities related to roadways and topography, it is recommended that guidance is provided.
49. Accessible passenger loading zones on-street	Non-regulatory	Generally, this is the responsibility of local government. As these are in public spaces with complexities related to roadways and topography, it is recommended that guidance is provided.
50. Accessible parking spaces in infrastructure off-street carparks	Regulatory sub option 1 - with changes	Alignment with the Premises Standards for the provision of accessible parking bays is supported.
Part 5 Accessibility in conveyances		
51. Grabrails on access paths	Non-regulatory	The proposal has overly prescriptive requirements which are not practical. In NSW, other mechanisms are in place to consider customer safety on board.
52. Grabrails in allocated spaces	Non-regulatory	There are technical difficulties for retrospective application in older conveyances. Guidance is supported and the NSW Government considers current requirements in the Transport Standards are fit for purpose.
53. Mobility aid movement in allocated spaces: passive restraints	Non-regulatory	Regulatory proposal is not supported. There are technical difficulties in creating a solution which contains movement in allocated spaces as specified, particularly for sideways movements.

Recommendation	Preferred option	Comment
54. Mobility aid movement in allocated spaces: active restraints	Non-regulatory	Regulatory proposal is not supported. There are technical difficulties in creating a solution which restrains movement that can be independently operated by the user.
55. Appropriate seats on booked services	Regulatory - with changes	Amended wording to identify appropriate seats which are suitable to a passenger's needs when allocated on booked services is supported.
56. Conveyance dwell times at stops	Non-regulatory for buses and coaches; Status quo for other modes	Guidance being provided and applicable only to transport services with line of sight from the driver is supported. Operational impacts of this proposal if applied to all modes are significant.
57. Stairs on trains	Regulatory - with changes	Requirement to meet existing building stair profiles is not practical, however removal of the requirement for riser heights and goings is positive.
58. Stairs on ferries	Regulatory - with changes	Requirement to meet existing building stair profiles is not practical, however removal of the requirement for riser heights and goings is positive.
59. Stairs on buses	Regulatory - with changes	Requirement to meet existing building stair profiles is not practical, however removal of requirement for riser heights and goings is positive.
60. Doorway contrast and height	Non-regulatory	Reform proposed for doors is not supported. On conveyances, there are spatial and operational limitations making compliance technically difficult with a significant cost impact.
Part 6 Implementation		
61. Implementation approach	Option 3 - with changes	Retrospective application of amended Transport Standards is not supported. New or amended requirements should only apply to new infrastructure and conveyances or during major upgrades, similar to requirements in the Premises Standards. Added guidance on aspirational target dates is supported, however a legislated compliance schedule, similar to that in the current Transport Standards, is not supported.