

Reforms of the DSAPT 2002 (Cth) Act – Stage 2

9 August 2022

Attention:
Director, Disability and Transport Standards, Land Transport Policy
Department of Infrastructure, Transport, Regional Development and Communications
GPO Box 594
Canberra ACT 2601

Dear Sir/Madam,

Re: Reforms of the Disability Standards for Accessible Public Transport 2002 – Stage 2 consultation Regulation Impact Statement

PMP Urbanists welcomes the opportunity to provide this submission to the Federal Government's review of the existing legislation and progress thus far in regard to the Disability Standards for Public Transport (2002, Cth). We consider the report as provided to generally be thorough, and as such our submission seeks to provide additional perspectives that we think could further strengthen its qualities.

PMP Urbanists is a specialist sustainable transport planning and urban strategy consultancy. We stand for well connected, vibrant and liveable places giving people better, more sustainable travel choices. Transport planning to us is about people, not numbers, and we specialise in providing pragmatic, advice that transforms cities from the 'age of the car,' to bring forward a redesigned and re-imagined city that helps people create better choices. We are all about, People, Movement and Place.

We are happy for this response to be published.

Summary

We have been aware of the limitations of the existing Federal and Victorian legislation with regard to disability accessibility of public transport for some time, and we are glad to see that a review is presently underway; particularly as the target dates outlined in the 2002 legislation have almost expired and relatively little progress has been made.

This paper seeks to advise on only a small range of the issues outlined in the draft reforms paper, with general comments applicable to the remainder. We first note a possible oversight in the project scope, then comment on the general themes of the paper, and finally highlight a few specific responses to some of the reform areas.

Scope of Reform

We note that the Executive Summary on page 9 cites Kayes & Sands (2020), discussing the benefits to people with disabilities when equal access is provided for travel. This is incredibly important, but it is not the whole equation. We feel that some emphasis should be placed on the benefit to non-disabled people when infrastructure and services are upgraded, both in making public transport generally easier to use, and in causing passive interaction between disabled and non-disabled individuals on a regular basis; reminding the general public that people with, for example, mobility, auditory and/or visual disabilities are part of the community encourages a stronger social fabric and generally discourages

discrimination across society as a whole, helping to minimise the ingroup-outgroup dynamic that may otherwise develop.

The above commentary could be considered a partial response to Reform Area 2, Equivalent Access, Consultation Questions 3 and 8, though we have provided it here because it covers a wider range of issues.

Collective oversights in existing legislation

We note that of the sixty-one elements listed, the majority can be summarised as either a lack of applicable standards, or standards quoted in the legislation that have since been superseded.

In cases where the existing legislation simply does not reference an applicable standard, we are satisfied that between the work already completed and other submissions, appropriate solutions will be found. In general, we recommend adoption of the regulatory solutions because it makes our responsibilities as practitioners clearer and provides standardised outcomes for users, as well as informing other aspects of design i.e. width and weight limits of mobility appliances.

In cases where the legislation refers to a since-superseded Standard, we suggest that this be overcome both in the short- and long-term by adding a new clause to the DSAPT legislation, something to the effect of:

“Standards identified as references in this legislation are immediately superseded when those Standards are replaced with new versions, without need for a new Act or amendment to this legislation.”

This will avoid the risk of incompatible or insufficient infrastructure being provided due to reference to old standards, even in cases where such standard was current when the legislation was published but has since been superseded.

Specific elements

Reform Area 15: Braille

We feel that an exemption should be made in 1-to-1 translation of braille in signage, to avoid the use of words related to colour. For instance, the passenger information totems at Southern Cross Station, in central Melbourne, say in both English and Braille to press the red or green buttons. We feel it would be more sensible for the braille translation to specify, for instance, the left or right buttons. This issue was first publicly identified in by Marcus Wong in 2014: <https://wongm.com/2014/06/asking-vision-impaired-to-push-green-button/>

This appears to have occurred due to exact following of the legislated requirements, even where that process clearly generated a sub-optimal outcome for those with low vision. We feel that this specific instance could be resolved by adapting the relevant Standard, but more generally a register of precedential exemptions should be recorded and accessible via the legislation. This would make it clear to practitioners and other readers if part of the legislation or relevant Standard is found to be significantly flawed, and what solutions have been deemed acceptable and implemented that generated a better result. A regular review process of both the Standards and legislation would see these amendments incorporated into both and the list of precedents reset from that time.

Reform Area 26: Flange Gaps

We note the legislated requirement for no gaps greater than 40mm in pathways, and applaud the work being done in researching methods of reducing this, while noting the grease element which may generate a further hazard. We suggest cross-referencing the accessibility aspect with similar solutions that render tram and light rail routes safer for cyclists, as currently being implemented in Basel, Switzerland, referenced here –

https://www.youtube.com/clip/UgkxQ_Dq_N9xaoGqqD9S843tid1lyephLM0w

An additional element worth considering may be whether the 40mm limit should apply at various approach angles, i.e. a shallower angle would increase the risk of a flange gap capturing a wheel on a mobility aid, and therefore either wider gaps may be acceptable at right angles, or shallower approach angles should be prioritised for remedies.

Reform Area 44: Lead stops

This section explicitly identifies lead stops on the bus network, but it is worth noting that the Melbourne tram network has a handful of extended platform stops that function in much the same way, with trams lining up in a queue, sans the overtaking aspect of longer lead bus stops. We suggest that consideration be given to limiting the maximum length or number of bays that can form a single lead stop, above which a new identifier must be applied for clarity of directions and real-time information being displayed. Such a limit may be tied to, for instance, standards relating to a reasonable distance at which potential passengers can be expected to read destination board information.

Reform Area 61: Implementation Approach

PMP Urbanists wishes to highlight the Melbourne experience under which the vast majority of the train and tram networks are not, and will not, be compliant with the requirements set out for the Target Date of 2022. While this outcome is unacceptable it does provide the opportunity for a study into why the existing legislation did not succeed in enforcing compliance with the various Standards and we would welcome the opportunity to be involved in such a study given our two decades of working in, and alongside, transport operations across Australia.

Of the three proposed resolutions, we prefer Option 2 over Option 1 because the Standards as they exist will eventually ensure all elements constructed are compatible, while avoiding delays to some elements being caused by complexities in adjacent areas. We would like to see the original complete compliance date of 2032 retained, though we accept that this may not be practical. However, to encourage such improvements, we recommend that an enforcement capability be built into the legislation such that if, for instance, an operator has not provided their plan to achieve compliance rates of X by Y date (or is not on track to meet those obligations), the Federal Government (or other authority, i.e. a State asset owner) must step in to enforce changes as necessary, with suitable penalties issued for non-compliance. We categorically reject Option 3 on grounds that it would effectively render the entire DSAPT project as opt-in, and little to no progress on legacy infrastructure and conveyances would be made in the foreseeable future.

Yours sincerely



Kathy Lazanas
General Manager
Level 19, 15 William Street, Melbourne Vic 3000

E @pmp-urbanists.com

W www.pmp-urbanists.com