Modernisation of the Disability Standards for Accessible Public Transport

Bus Industry Confederation

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Contents

Purpose of this Document

This submission is a response to an email request from the Disabilities Transport Access Secretariat (Department of Infrastructure, Transport, Regional Development and Communications) on July 21, 2020 from Ms Jessica Hall and Mr Kevin Cocks AM, respective Chairs of the National Accessible Transport Steering Committee and the National Accessible Transport Taskforce (NATT).

This submission provides input to the modernisation to the Disability Standards for Accessible Public Transport 2002 (Transport Standards) and aims to address three key issues put forward by the Department:

- mobility aid safety on buses
- website accessibility
- communication during planned and unplanned service disruptions.

The information provided by the bus and coach industry in this submission will be utilised by the Department in the development of an Australian Government Consultation Regulation Impact Statement intended for release for public consultation in early 2021.

Submission Contacts

Enquires relating to this submission can be directed to:

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1. About the Bus Industry Confederation

The Bus Industry Confederation (BIC) is an organisation uniting bus and coach operators, bus and coach chassis suppliers and manufacturers, bus and coach body manufacturers, associated suppliers, and professional services. The BIC's vision is to enhance the sustainability and liveability of Australia's cities and regions by *moving people* using bus and coach transportation. We aim to do this by representing the collective interests of our Members and to assist them in promoting the safety, efficiency and effectiveness of bus and coach transport in Australia.

1.1 Our Moving People Objectives

- Encourage investment in public transport infrastructure and services.
- Promote policies and actions that are environmentally responsible.
- Promote the development of a viable and improved bus and coach industry in Australia.
- Foster and promote a viable Australian bus manufacturing industry.
- Protect the business interests of operators, manufacturers and suppliers.
- Promote public understanding of the contribution made by the bus and coach industry to Australia's economy, society and environment.
- Ensure the accessibility and mobility needs of Australians are met, regardless of where they live or their circumstances.
- Promote the use of public transport as a viable alternative to the car.
- Coordinate and make more effective existing Federal, State and Local Government policies and programs that relate to passenger transport.
- Ensure that buses and coaches operate safely and effectively.

2. Mobility aid safety on conveyances

2.1 Have mobility device users on your public transport conveyances had accidents where the device has slipped or toppled over?

There has been a number of cases where a mobility device has either slipped or toppled over while a route bus has been performing transport services. The quantum of actual events is difficult to identify due to the differing regulatory reporting requirements across Australia. The most recent fatality was in 2017, when a passenger suffered injuries in an incident when their wheelchair toppled over during a cornering event. The passenger later passed away in hospital due to injuries sustained. There is not much data available regarding serious injuries or fatalities to identify a problem and what actions (in the form of restraint system) would be the most appropriate to mitigate future accidents.

2.2 Do you employ any mobility device restraining systems on your public transport conveyances? If so, what was the cost of these systems?

There is no industry standard wheelchair restraint system for route buses in Australia. Governments in SA, WA, NSW and Qld have mandated the use of a tie down restraint and "ironing board" combination in their new bus supply contracts. In these jurisdictions there will be a gradual transition across the fleet as new vehicles come into the system. In other states and territories, there is as yet, no formal requirement or specification regarding the introduction of wheelchair tiedowns and occupant restraint systems (WTORS) into the networks. Coaches that provide intra and inter-state services typically have tie down restraint systems installed.

The costs of wheelchair restraint systems will vary depending on the system selected, the type of bus it is fitted to and if it is fitted during the build of the bus or as a retro-fit to an existing bus.

2.3 Are there any technical barriers or difficulties in implementing solutions which prevent tipping of mobility devices in both existing and new fleet?

Mobility devices and their inherent instability while unrestrained in a moving vehicle in the event of an accident, heavy braking or general cornering is a significant issue within the bus industry across all route and coach modes.

The effective restraint of mobility devices is a major concern to the industry. The bus and coach industry is required to meet stringent seat strength and anchorage requirements (for coaches only as route buses are not required to provide seat belts) under Australian Design Rules. Key issues to be considered here are seat and mobility aid strength, and the risk of mobility devices that are not secure becoming projectiles.

The restraint of mobility devices is an ongoing area of uncertainty. The actual restraint of mobility devices is an imperfect science (considering the variability of devices, design of the system, performance of vehicles, and the need for compliance with ADRs and Australian standards) that may result in people with disabilities being put at greater safety risk in order to obtain equal access to services.

Australian Design Rules provide a level of occupant protection with regard to seat anchorage requirements that will need to be met when considering restraint systems for mobility devices. Anecdotally, in a non-seat belted route bus, a rearward facing wheelchair passenger that is backed up against an ironing board and tethered is offered a higher level of restraint then other passengers. Standards used in developing restraint systems include AS/NZS 10542.1:2015 for restraints and ADR 68 for quick release systems that have been fully tested.

The practice of facing rearward is not accepted by many people with disabilities who wish to face to the front of the vehicle like most other passengers. However, this is a less safe option. There is a need to undertake specific and empirical research and testing on the performance of a range of mobility devices in a practical environment to better understand the forces that are experience by passengers during the operation of buses. The opportunity exists to consider standardised fitments in future mobility device design that supports the ability for effective restraint in buses. This includes ensuring appropriate tie down points are designed into each mobility device, and mobility devices have "feet" designed into the structure to provide stability when the device is tied down.

From this information, further analysis can be carried out on the different systems that are currently available to determine which system(s) is best suited for the industry. The Department of Transport in Victoria has secured funding to commence investigations into WTORS for 2020/21. This work will be undertaken by Central Queensland University and will be delivered in conjunction with active industry participation.

2.4 Are there any potential operational impacts or considerations in requiring a mobility device restraint system in new public transport conveyances?

The bus and coach industry believes that a system is required to have mobility devices clearly identifiable as being able to be carried on relevant modes of public transport and in this case buses and coaches. Although there is an existing Technical Standard for the designation of powered wheelchairs and mobility scooters for access to public transport consistent with the provisions of the DSAPT: *SA TS3695.3:2018 Wheelchairs Requirements for designation of powered wheelchairs and mobility scooters for public transport and/or road-related area use*, the BIC has issues with the use and application of the document.

TS3695.3:2018 does not provide the mechanism for bus and coach operators, drivers, or people with disabilities to determine which mobility devices are suitable for use on accessible buses and coaches. The present system imposes significant operational and safety issues in the provision of these services; this includes reducing the ability to operate efficient timetabled services; having inadequate restraint systems that may impact the safety of the mobility device user and other passengers; drivers having to leave their position for extended periods; and driver safety in applying a restraint system that is not designed to fit a particular mobility device.

The Bus Industry Confederation would like to see introduced the requirement for mobility device manufacturers to ensure that all devices are appropriately identifiable as being safe and suitable to be carried on a public transport conveyance as per the requirement of the DSAPT, and that purchasers of such devices are made aware of the limitations that the standards impose, for example in the areas of size, mass and manoeuvrability of a device on a bus.

Currently many mobility device manufacturers advise in their user manual and warranty documentation that use of mobility devices whilst travelling in a moving vehicle is not recommended, but no formal identification of this is available on the mobility device itself. This creates an environment where bus operators are forced to undertake an inherently unsafe activity at the risk of a complaint to the Australian Human Rights Commission or other Anti - Discrimination bodies (as per the complaints process outlined in the Disability Discrimination Act) by the person with a disability, often at great legal and operational expense to the bus operator.

The BIC supports a labelling process complimented by a Federal and State by State education program for people with disabilities to understand the requirements of the standards for mobility devices.

This would enable Bus and Coach Operators and drivers to manage access to a public transport bus or booked coach service for mobility devices that are not labelled as safe to travel on public transport.

With the increase in safety requirements through bus operator accreditation, bus service contracts, Australian Design Rules for vehicles, Work Health and Safety laws, National Heavy Vehicle Laws and particularly Chain of Responsibility laws, there is a need to review the current requirements of the DSAPT in relation to mobility devices through a broader legislative lense than “equal access”.

Equal access in the context of people with disabilities and the requirements of the Disability Discrimination Act and DSAPT should not be at the expense of or undermine other legislative and regulatory requirements that bus and coach operators are required to meet. Currently laws that are aimed at ensuring the safety of passengers and employees, and laws aimed at providing equal access for people with disabilities, create an environment where employer’s obligations are compromised in trying to achieve legislative requirements. Simply put, the different Acts are not complimentary.

The BIC believes that a thorough cross review of these laws is needed to ensure that compliance can in fact be achieved and that the laws work together to reduce the risks for people with disabilities travelling on bus and coaches on mobility devices, ensures the welfare of bus and coach company employees, and protect the employer in relation to their due diligence.

2.5 When incidents involving mobility device users tipping or sliding out of allocated spaces are reported, what steps are taken or processes initiated to prevent future incident recurring?

Route bus and coach operators operate under various state accreditation scheme that require the achievement of the highest safety standards in the industry. Reportable incidents to the relevant safety regulator are required to be investigated and reported on, including carrying out a root cause analysis and identifying actions and strategies to mitigate against events occurring again. As noted above, the variability in what is considered a reportable incident under different state based accreditation schemes has led to (anecdotally) inconsistent and potentially under reporting of some incidents, in particular sliding of wheelchairs. There is a need for regulators to work with industry to establish appropriate and consistent reporting regimes to establish a library of information of incidents and enable operators to implement proper processes to respond to incidents.

Some operators have implemented fleet wide upgrades to include either manual tie downs or "ironing boards" in response to incidents on their network. Unfortunately, due to issues identified in this submission, there is no empirical evidence to determine if either system is actually effective in the prevention of subsequent incidents.

3. Website accessibility

3.1 Do your current public transport services websites meet website accessibility requirements as prescribed under Web Content Accessibility Guidelines (WCAG) version 2.0 AA?

Public Transport agencies are the central conduit for public transport information and journey advice, including timetables. The websites for public transport agencies across Australia are typically compliant with WCAG version 2.0 AA.

A broad audit of bus operator compliance with WCAG version 2.0 AA has not been undertaken. From a transport operators perspective, the level of compliance with the WCAG 2.0 would vary from fully compliant for a few operators, through to non compliant for accessibility requirements for many operators, in particular smaller and regionally based operators. It should be noted that most operators have direct links on their websites to central agency timetabling and travel information.

3.2 If the current site does not meet the AA requirements, would you envisage incurring substantial additional expenditure in order to meet the requirements? If so, could you provide an indication of costs possibly to be incurred?

The for the majority of bus operators, the technical requirements associated with creating and maintaining a website are generally contracted to external companies. The complexity of existing websites ranges from simple static websites that provide basic information through to complex, interactive websites. To ensure that websites for each bus operator across Australia are WCAG Version 2.0 AA compliant, it will require the engagement of external expert resources to review and audit websites, updating websites as required to ensure compliance and in some circumstances will require the creation of a new website. The extent of this task will vary based on the size of the operator, as well as the need to upgrade websites to ensure connectivity with internal systems and external sites.

A review of online audit providers identifies that the initial audit fees for the review of existing websites range between $3,000 (simple) to $10,000 (complex).These audits identify the level of compliance of existing websites to WCAG Version 2.0 AA and identify actions needed to update the website to achieve compliance.

The cost of upgrading a website to ensure compliance with WCAG 20 AA will vary significantly across operators. Based on the short turn around timeframes associated with this review process, it is very difficult to identify indicative costs to upgrade or rebuild websites.

3.3 Are there any limitations/technical issues in the current WCAG AA requirements? If so, what are they?

The WCAG 2.0 AA does not directly set requirements for the relationship of webpages with mobile based information platforms. Although the document does provide guidance material to support the use of associated mobile platforms. This issue is currently being addressed by the review and update of WCAG. As significant engagement with customers on public transport is done through the mobile phone platform, it is important that there is an opportunity to develop a platform for operators to enable the use of the same systems to work across website and mobile user interfaces.

3.4 Would your current public transport services websites possibly meet website accessibility requirements as prescribed under WCAG AAA?

As noted above, there would be very few websites that would comply with the requirements of WCAG 2.0 AA let alone WCAG 2.0 AAA.

3.5 Would there be any challenges in adopting WCAG AAA requirements?

As noted above, there would be time, resource and cost issues associated with ensuring compliance with WCAG 2.0 AA. A detailed audit of websites will enable a better understanding of the costs required to move to WCAG 2.0 AA and then through to WCAG 2.0 AAA.

3.6 If the current site does not meet the WCAG AAA requirements, would you envisage incurring substantial additional expenditure in order to meet the requirements? If so, could you provide an indication of costs possibly to be incurred?

As noted above, there would be substantial costs to industry to initially undertake a detailed audit of their existing systems in line with WCAG 2.0 AAA. From this audit process, it would be possible to commence better understanding of the resource, time and financial cost of transitioning to WCAG 2.0 AAA.

4. Communication during planned and unplanned service disruptions

4.1 People with disability who experience planned and unplanned service disruptions view a lack of communication as one of their major challenges. What success stories/complaints have you heard of concerning communication during disruptions? What key issues have been identified?

Communications for planned and unplanned service disruptions is best coordinated through the central responsible agency to ensure consistency and timeliness of messaging to customers. There needs to be multiple communications formats to cater for the needs of all travellers and to align with the different modes of public transport. Transport operators have a responsibility to ensure information is conveyed as required, however this needs to be a coordinated and consistent process for planned and unplanned disruptions. A formal set of communications guidelines and protocols established and agreed across all stakeholders will support the ability to convey a consistent message to customers with a disability.

For customers with a disability this information is important as it will enable them to:

- plan their journey knowing what the potential travel impacts are
- undertake their journey
- change their journey options whilst undertake a trip as a result of network disruption.

Planned Disruptions

Communications success relates to:

- early engagement with the customer
- multiple formats, tailoring to transport mode
- targeted engagement with particular organisations that work with people with disability
- focusing messaging at the locations where disruption work is to be carried out.

Complaints relating to communications for planned disruptions include:

- poor coordination on site – unable to direct customer with accessibility issues to correct area
- poor coordination between modes for when customers required to transfer (bus / train)
- customer not being provide real time information of when next accessible vehicle was arriving
- communications channels not covering all user groups.

Unplanned disruptions

Unplanned disruptions are more difficult to coordinate and respond to from a customer communications perspective. The ability to engage customers with a disability becomes limited as unplanned disruptions are generally location or line specific and the cause and impact is difficult to ascertain in the early stages to provide detailed information to support alternative journey options.

Communications success relates to:

- rapid dissemination of information across multiple communications channels
- advising customers of the impact of disruption to current journey's
- identifying actions and alternative travel modes to customers
- keeping station staff / drivers updated so they can inform customers in real time.

Complaints regarding communications include:

- slow dissemination of real time journey information impacts
- limited communications channels and the ability to use in real time
- lack of timely information update to the customer
- poor alternative whole of journey information options.

Key existing communications issues identified:

- information needs to be made available across multiple channels to capture the communication needs of all users of the public transport network
- information needs to be timely and provide an actual message
- alternative options need to be made available and clear for users
- lack of real time in-vehicle information for customers.

4.2 What kind of remedies/methods have you trialled concerning communicating planned and unplanned disruptions advice to people with disability that have been successful/unsuccessful?

Within the route bus sector, for planned and unplanned communications, there have been a range of communications options identified and rolled out by operators and agencies. These include:

- in-vehicle audio announcements
- driver announcements
- in-vehicles passenger information screens

- in-vehicle messaging and information sheets
- messaging via apps
- notices at bus shelters/stops.

The biggest communications issue Industry faces relates to unplanned disruptions, in particular the ability to engage quickly and broadly with customers. Unplanned disruptions come in two typical areas for buses:

- bus delays due to breakdown or road network issues
- rail replacement work due to rail network disruptions.

For bus delays due directly to issues with the provision of bus services, in vehicle communications are very effective in engaging with customers. Drivers are able to provide up to date information generally relayed to them from the control centre. Updates to customers who use the service are typically managed through the central agency online and mobile systems. The ability to get data back to the central agency and have that information then related to customers through multiple channels is critical in ensuring an engaged customer.

Rail replacement services provide a different communications issue for buses engaged to provide a replacement service. As buses are typically contracted in to provide these replacement services, communications are usually coordinated through the rail company and the central agency. The bus company and the bus driver have very minimal contact with the customer even though they are providing the actual service. The ad hoc nature of the provision of these services has most likely led to the type of communications protocols and the way they are implemented.

Success Criteria

In vehicle communications is critical in the provision of bus services due to planned and unplanned disruptions. A mix of visual and audio communications channels need to be progressed, in particular to support the bus industry's involvement in supporting service provision during unplanned disruptions. Information to the customer needs to be clear and provide customers with alternative options to support them in completing their journey in a comfortable and timely way.

For planned disruptions, the greatest communications success is demonstrated when customers are engaged at the community level. Communication needs to allow for two way interaction to ensure equivalent transport solutions can be provided for all users during times of planned disruptions.

4.3 Have you experienced any additional costs in applying/trialling additional communication methods as part of planned/unplanned disruptions

Automated audio announcement systems are a simple add on to older vehicles in the fleet. Newer vehicles typically come with built in communications systems. The ability to connect this system with the control centre to provide automated messaging to passengers is a key issue that needs addressing. At present communications are typically related to the driver who passes the information on to the passengers.

The use of direct visual and audio messaging within a bus from a central control function is limited, although the technology exists to support a broader roll out. Bespoke systems are expensive when considering visual and audio messaging as stand-alone product offerings. The costs of these systems vary significantly and includes a capital and ongoing maintenance and service access costs.

At present, communications systems are typically the responsibility of the operator, however essential communications channels are managed by the relevant jurisdictional agencies. A lack of coordination of systems at the jurisdictional level often results in disparate and bespoke communication systems introduced at the operator level. To facilitate a long term communications strategy, and to mitigate cost to agencies and operators, an agreed performance based communications transition plan needs to be established and funded by agencies to support consistent customer communications across multiple channels and across all transport modes.