Disability Resources Centre

Level 4, 247-251 Flinders Lane

Melbourne VIC 3000

Ph: 03 9671 3000

drc.org.au

28 September 2020

**Disability Resources Centre Inc.**

submission to

**The Australian Human Rights Commission**

relating to

**The Australasian Railway Association application for temporary exemptions to the Disability Standards for Accessible Public Transport 2002 and the Disability (Access to Premises – Buildings) Standards 2010**

***"We need public transport accessible for everyone,***

***otherwise it’s not public transport at all.”***

***Peter, Campaigner, Melbourne 1996***

**Background to Disability Resources Centre:**

Disability Resources Centre (DRC) is a member-based Disabled People’s Organisation established in 1981. DRC is unique in that it is an Advocacy Organisation which is wholly led and staffed by people with disabilities. DRC’s systemic advocacy is focused on ensuring that people with disabilities have a voice that is heard, and advocates for change to achieve equity. DRC have been actively campaigning for a fully accessible public transport system in Victoria for almost four decades and, whilst there has been some progress towards improving public transport for people with disabilities, there remains considerable work to be done.

DRC, with the support of the Office for Disability (Victorian Department of Health and Human Services), conducted an Accessible Public Transport research project in 2017-2018. Over 400 people with disabilities were consulted in both metropolitan Melbourne and regional Victoria to gain an insight into:

* What is working, and/or not working;
* What needs to be introduced to improve accessibility; and
* What the impacts of an inaccessible public transport system are on the lives of people with disabilities.

This research was collated in the report ‘Transport for All’ and was submitted to the Third Review of the Disability Standards for Accessible Public Transport in November 2018 <http://drc.org.au/wp-content/uploads/2018/11/drc0001-transport-report-online.pdf>

This work has naturally progressed to DRC’s *Transport for All* campaign where a network of people with disabilities, who share a frustration with inaccessible public transport and a passion to see this change, have been mobilised. This has enabled DRC to sharpen its advocacy towards key issues such as the ongoing lack of reliable accessible rail travel in the western regional areas of Victoria and the continued inability for people to travel on public transport independently, with the added strength of people’s real world stories and experiences.

It is from this rich experience and expertise that Disability Resources Centre presents this submission for consideration by the Australian Human Rights Commission in relation to the application by the Australasian Railway Association (ARA) temporary exemptions to the Disability Standards for Accessible Public Transport 2002.

**Introduction:**

***“We’ve been told to wait 25 years for accessible transport.***

***We refuse to wait 20 to 25 years.”***

***Katie Ball, Campaigner, Melbourne 1996***

The Disability Standards for Accessible Transport (DSAPT) was introduced to the Commonwealth Disability Discrimination Act in 2002 and has been reviewed in 2007 and 2012 and 2018. This required the energy and resources of the disability community to identify the areas in which DSAPT targets had not been met and to recommend that the Government and transport operators commit to a schedule of improvements. These targets were put in place to enable incremental improvements to be made over thirty years to achieve full accessibility by 2032.

The ‘whole of journey’ experience is widely understood as essential for reliable travel, however, it only takes one aspect of a journey to be inaccessible to render the whole trip impossible. It is exasperating to Disability Advocates that 5-year exemptions continue to be requested by transport operators and governments, profoundly jeopardising the 30-year plan to achieve full access for all people to Australia’s Public Transport system. Whilst there is a failure to deliver on this clear commitment, the question is raised as to whether this government can ever be trusted to deliver.

**DRC is extremely clear that ARA’s proposed exemptions should NOT be granted. Operators have already had twenty years to complete these works. Instead operators should be required to submit comprehensive annual plans demonstrating how they intend to meet the transport standards by the required date, alongside transparent progress reports so that their development can be tracked.**

***Clause 2.1 – ‘Access Paths – Unhindered Passage’ and clause H2.2 of the Access Standards ‘Accessways’:*** *For a period of five years, flange gaps of up to 75mm are permitted where a level crossing forms part of an access path on rail premises or rail infrastructure.*

The ARA states that customers will often continue to cross the tracks at the level crossing because they seek a shorter route even when an overbridge is introduced. DRC would assert that any pedestrian crossing that is accessed by able-bodied people should be made safe for crossing by people with disabilities. It is noted that many crossings, particularly in regional/rural areas, are not earmarked for overbridge or underpass installation.

DRC also contends that flange gap technologies have been investigated for over two decades with various solutions being identified. STRAIL’s modular system has been in use globally since 1976, and VeloSTRAIL has proved effective for speed trains up to 120 km/h. Correspondence to DRC from the Department of Transport (Victoria) confirms that V/Line have noted that VeloStrail would be appropriate for some locations around Victoria but would not be a solution at all stations across the network due to its constraints.

ARA asserts that the current DSAPT modernisation process may impact the flange gap requirements. However, the continued improvement of the safety of level crossing pathways should not be delayed until the modernisation process is completed. Education and awareness of safety around railways and level crossings does not remove the inherent dangers of crossings with flange gaps that are too wide.

There have been instances where flange gaps have resulted in the serious injury and even death of wheelchair users due to the wheels of a chair becoming wedged. It should also be noted that it is not only the width of these flange gaps but also the depth that are of concern; where depth is minimised the wheels of a chair will not sink into the gap.



**In Conclusion:**

DRC rejects the need for a further exemption on installation of flange gap fillers, particularly where trains are running less than 120 km/h. Access paths that cross railway tracks pose a significant safety hazard and finding an appropriate solution should be a priority.

***Clause 2.6 – ‘Access Paths – Conveyances’:*** *For a period of five years an access path is only required at a single door of existing rail conveyances.*

The existing exemption allowing conveyances to allocate a single boarding point means that people requiring assistance have to travel to the extreme end of a platform which in some cases may be the entire length of the platform, well away from designated safe zones, call buttons and shelters. At times of high patronage on platforms it can be difficult to safely navigate from the entrance to the designated boarding areas. People with disabilities can find themselves having to traverse the platform dangerously close to the platform edge to access the carriage with accessible customer amenities. This affects not only people with mobility aids but people with vision impairment and chronic illness who can board independently but require accessible amenities.

Regional trains operate at different lengths and the stopping points can vary. Members of DRC’s community have reported instances where they were clearly at the designated board point when the V/Line train arrived but were not given sufficient time to travel from the designated boarding area to the door on the accessible carriage and consequently missed the train.

Additionally, it should be noted that it is the common experience of people with disabilities that cyclists use the designated areas for wheelchairs and mobility scooters where there are larger spaces for bicycles, reducing the areas for people to safely travel.

Many countries around the world have conveyances that provide safe areas for mobility aids on all carriages and customers are not constrained to segregated areas.

A participant in DRC’s *Transport for All* research project gives her perspective on these segregated areas:

“Having a ‘special’ area for everyone requiring wheelchair space means that I am unable to sit with my able-bodied friends. It also means that I am banished to sit outside the toilet which isn’t pleasant. People with disabilities have children too and it is a safety concern when younger children have to be seated further away because the parent cannot sit near them. Most of all I just feel like an outcast.”

The new high capacity Metro trains in Melbourne, when matched to a station where the gap between the train and platform meet, enables independent boarding at all carriages. This is only useful for routes where the user can get on and off at a suitable station. Further investment in these conveyances and platform upgrades should be planned to ensure full compliance of the DSAPT by 2032 to avoid further exemptions at this time.

**In Conclusion:**

DRC reject the exemption request that an access path is only required at a single door of existing rail conveyances.

***Clause 6.4 – ‘Slope of external boarding ramps’:*** *For a period of five years where the relationship between the platform and the rail carriage means that the external board ramp can only be provided at a gradient greater than 1 in 8 and less than 1 in 4, ARA members are not required to provide staff assistance to customers to ascend or descend the ramp.*

It is not clear in V/Line’s 2018-19 report (p 13) whether all boarding ramps are non-compliant and greater than 1:8, or whether a specified number of platforms present non-compliant gradients. Advice from the Department of Transport (Victoria) is that V/Line’s findings in 2020 showed that one V/Line station met the gradient of 1:8, with all other platforms exceeding this gradient. We have not yet been able to confirm the number of platforms where boarding ramps are greater than 1:8 for Melbourne Metropolitan Trains.

The Victorian Department of Transport also confirmed that neither Melbourne Metropolitan or V/Line provide full assisted boarding however conductor/station staff will deploy boarding ramps when required and passengers are expected to independently board once the ramp is in place. It is therefore essential that all external board ramp gradients are within the DSAPT guidelines.

Department of Transport (Victoria) informs that platform geometry research looking at the kinetic footprint of each of V/Line’s fleet and gap between the platform has identified the gaps that exist. Funding is required by the Victorian Statement Government to look at localised boarding solutions.

The current exemption to Clause 6.4 puts the onus on passengers with a disability to find out where the non-compliant boarding ramps are on their journey. Passengers with a disability are effectively required to travel with a caregiver in order to be sure of boarding assistance. This comes with considerable expense and inconvenience which goes unacknowledged by ARA, and it may even

render a journey unfeasible.

DRC acknowledges that legacy infrastructure and a mixed rolling stock in regional rail services make a blanket approach to unassisted boarding an impossibility. However, a huge growth in demand for services means that non-compliant rolling stock is expected to remain in use for 20 years beyond its original life span.  Bespoke solutions for individual platforms are the only solution, and yet 20 years after DSAPT these bespoke solutions are still not being applied.

**In Conclusion:**

DRC recommends data mapping stations and stops state-wide in order to prioritise the work of implementing bespoke raised boarding platforms. We also feel very strongly that this work should be prioritised in order that all Victorians can fully participate.

***Clause 8.2 – ‘Boarding – When boarding devices must be provided’:*** *For a period of five years, a manual or power assisted boarding device is only required at a single door rather than all doors of a conveyance.*

Our responses to Clause 2.6 also apply here.