



Comments from Imtac on proposal for the Public Passenger Transport (Service Agreements and Service Permit) Regulations (Northern Ireland) 2014

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About Imtac

Imtac is a committee of disabled people and older people as well as others including key transport professionals. Our role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

Our aim is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Regional Development.

General comments

Imtac welcomes the opportunity to comment on the current proposal. The Committee is a powerful voice for inclusive transport that ensures that disabled people and older people have the same opportunities as other people to travel using public transport services. This voice is reflected in our comments on the proposal.

The Department for Regional Development has made significant policy commitments to ensure that issues for disabled people and older people should be mainstreamed in any investment in public transport services in Northern Ireland. The Regional Transportation Strategy (RTS) published in 2012 contained the following commitment:

“Building in accessibility for people with disabilities will be a condition of public money being spent on all new public transport investment.”

Subsequently the DRD published the Accessible Transport Strategy (ATS) in 2005. The ATS sets in a series of Strategic Objectives and policies how accessibility for disabled people and older people should be mainstreamed. Strategic Objective 3 of the ATS commits DRD:

“To develop, in partnership with key stakeholders, an integrated, fully accessible public transport system which will enable older people and people with disabilities to travel by bus, train, taxi, private and community transport services in safety and in comfort and move easily between these modes.”

Imtac very much commends the Department for developing strong policy

commitments around ensuring disabled people and older people benefit from investment in public transport services. The Committee has provided significant advice over the past decade around how the Department can meet these commitments through mainstreaming accessibility and inclusive design in the development of legislation, policy and services.

Directly relevant to the current proposed regulations Imtac strongly advised the Department to ensure that accessibility was included in the legislative framework around securing the provision of public transport services in Northern Ireland. Imtac was pleased that clause 1 of the Transport Act (NI) 2011 contained the following duty:

“The Department must secure the provision of public passenger transport services with due regard to **accessibility**, economy, efficiency, safety of operation and sustainability.”

Government has wider obligations around disabled people including the Articles of the UN Convention on the Rights of People with a Disabilities. Article 9 of the Convention requires the state to address issues around accessibility including:

“appropriate measures to ensure persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility..”

Specific comments on the proposed Regulations

Imtac recognises the importance of the draft regulations. The Service Agreement will set out the provision of public transport services over the next ten years. Service Permits will potentially provide essential local services not met by the current public transport network. DRD policy and legal commitments make clear that disabled people and older people should derive the same benefits from these changes than other members of society. It is essential therefore that these regulations mainstream accessibility for disabled and older people.

Too often in the past the commitments made by DRD have been diluted through linking accessibility with minimum compliance with legislation such as the Disability Discrimination Act (DDA). To organisations of disabled people and older people minimum compliance is not the same as mainstreaming, as minimum standards often fall short of what disabled and older people expect and require. This was most recently illustrated by the purchase of 23 coaches by Translink. Whilst the vehicles do meet current accessibility requirements under DDA, Imtac would argue strongly that the stepped access to these vehicles offers a much-reduced level of access for disabled people, older people and others than the low-floor buses the coaches replaced.

Imtac was disappointed that the Department supported Translink's purchase of the coaches. The impression has been given to Imtac through correspondence with officials that little can be done by Government to prevent the purchase of vehicles that meet minimum legal accessibility requirements. We have also been given the impression that the requirements of disabled people and older people are of lesser importance than the requirements of other passengers despite the priorities and protections given to disabled and older people by DRD in policy and legislation. Imtac would dispute this position and would argue that as the major funder of public transport services and, under these draft regulations, the body that specifies which services are to be provided the Department is ideally placed to require best practice and mainstream accessibility issues in future public transport services.

Imtac recently undertook a study visit to Transport for London where we saw at first hand how accessibility can be mainstreamed to ensure that disabled people and others benefit fully from public investment. Central to the success of this project is not only ensuring that new vehicles and infrastructure meet the highest standards of step-free access but also ensuring that issues such as inclusive information and staff training are given equal prominence and become mainstream. Underpinning the entire approach in London is an understanding of the social model of disability and a commitment to engage with disabled people and older people at every stage of policy and service development.

The example of London shows that with the appropriate commitment and understanding significant progress can be made mainstreaming accessibility in the provision of public transport services. Imtac believes similar progress could be made in Northern Ireland through the proposed regulations. However it is essential that these important regulations that will shape the future provision of public transport

services explicitly reflect the policy and legal commitments made by DRD in the past to mainstream accessibility. As drafted the regulations do not do this.

Imtac therefore recommends that paragraph 1 of schedule 1 of the draft regulations be amended to include amongst the matters that may be dealt with in a service agreement the following:

“the accessibility of passenger transport services, including the details of vehicles and infrastructure, provision and accessibility of information to passengers and particulars of staff training provision specifically relating to disabled people.”

By making this change the Department will have the power to be more proactive in detailing the highest standards in relation to the accessibility of public transport services. For example the Department could specify that low-floor buses should be used on specific routes, require the provision of audio/visual information systems on buses and the requirements for training of drivers and other staff.

If the Department is to meet all their commitments in relation accessibility, disabled people and older people should have the same access to any services provided under the proposed permit scheme. It is therefore important that the same accessibility requirements apply to operators under the Service Permit Applications as apply under the Service Agreement. Imtac therefore recommends that paragraph 1 of Schedule 2 of also contains the above paragraph.

Conclusion

Imtac would like to thank the Department for the opportunity to comment on the proposed regulations. Imtac recognises that on their own these changes will not ensure that in future passenger transport services will be inclusive. Much more work is required by the Department to develop the understanding and the detail around how accessibility can be factored into the Service Agreement and Service Permits. As the experience of London shows working with disabled people and older people is key to this process. Imtac would welcome the opportunity to work with the Department and as a first step the Committee requests a meeting with officials to discuss issues raised in this response. However in the interim it is essential that the draft Regulations be amended to

reflect the commitments DRD has made to mainstream accessibility and inclusion for disabled people and older people.