



Údarás Náisiúnta Míchumais  
National Disability Authority

## **Submission from the National Disability Authority to the National Transport Authority’s consultation on potential changes to the license conditions for public bus passenger services with regard to accessibility**

**08 November 2019**

### **Introduction**

The National Disability Authority (NDA), as the independent statutory body, provides information and advice to the Government on policy and practice relevant to the lives of persons with disabilities. We have a role to assist the Minister for Justice and Equality in the co-ordination of disability policy. We work through our Centre for Excellence in Universal Design to promote the universal design of the built environment, products, services and information and communication technologies so that they can be easily accessed, understood and used by everyone, including persons with disabilities.

The NDA works closely with the Department of Transport Tourism and Sport, the National Transport Authority (NTA) and related agencies and provides them with guidance and advice on developing and implementing integrated universally designed public transport services that are easy to access, easy to understand and easy to use for everyone, regardless of age, size, ability or disability. In the Disability Act 2005, Universal Design is defined as follows:

“Universal Design is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people, regardless of their age, size or disability. This includes public places in the built environment such as buildings, streets or spaces that the public have access to;

products and services provided in those places; and systems that are available including information and communications technology (ICT).”  
(Disability Act, 2005)

In the context, of providing integrated universally designed public transport services, the NDA therefore welcomes the opportunity to make a submission to the NTA’s consultation on potential changes to the license conditions for public bus passenger services; that includes:

- All elements of the service, including travel information in accessible digital, written, spoken and signed formats; accessible vehicle design that include bus livery, the interior design of the bus, the accessibility level of the bus regarding persons with reduced mobility including persons with physical and sensory disabilities and audio visual announcements; accessible complaints processes
- Consideration of a diverse range of users including persons with intellectual; abilities, persons with autism spectrum disorders, persons with mental health issues, older people, visitors, tourists etc.

We note that this consultation is focused on the NTA’s proposed phased approach to improving accessibility to licensed public transport services and the potential costs involved particularly to commercial bus operators providing these services who receive no subsidies from the NTA.

The NDA notes that in the Regulatory Impact Assessment the NTA has focused on improving the accessibility of public transport bus services in the context of its commitments under a number of policy initiatives including the **Transport for All (2012)**, the **Sectoral Plan for the Department of Transport Tourism and Sport**; the **Comprehensive Employment Strategy for People with Disabilities 2015 – 2024** and the **National Disability Inclusion Strategy 2017-2021**

The NTA has also referenced its commitments to develop and deliver accessible transport services as detailed in:

- **Articles 9 and 20 of the UN Convention in the Rights of Persons with Disabilities**
- **EU regulation 181/2011 concerning the rights of passengers in bus and coach transport**
- **The EU buses and coaches Directive (2001/85/EC) that makes it mandatory that all new urban buses must ensure accessibility for persons with disabilities.**
- **Recommendations in the Accessibility of Public Transport Services for Persons with Disabilities (2018)** produced by the Joint Committee on

Transport, Tourism and Sport, to strive for equal access to all public transport services for people with disabilities (across all operators, physical infrastructure and facilities) as soon as practicably possible.

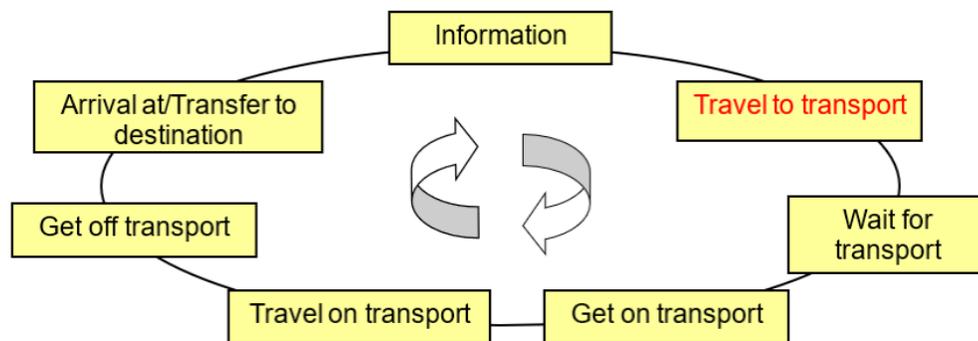
Some of the key recommendations made in the **Accessibility of Public Transport Services for Persons with Disabilities (2018)** focus on the provision of an integrated suite of core elements that are the foundation of integrated universally designed public services. These elements are as follows:

- **Access to Services:** Public transport service providers should ensure that their services are accessible to persons with disabilities. In this context accessible services include not just vehicles but bus stops, access in to, around and out of bus stations, having accessible toilets and lifts that are fully operational at bus stations. Public transport service providers should also provide assistance where necessary to persons with disabilities and ensure there are staff available to provide this assistance as detailed in **Recommendations 1-6, Recommendation 10 and Recommendation 12 of the Accessibility of Public Transport Services for Persons with Disabilities (2018)**.
- **Accessible Procurement Processes:** As part of the tendering process for transport services to be provided on behalf of the State and its agencies public transport service providers should establish minimum accessibility criteria for bus/coach services as detailed in **Recommendation 12.1.3 of the Accessibility of Public Transport Services for Persons with Disabilities (2018)**.
- **Access to Information:** Public transport service providers provide travel information such as timetables, real time information, travel delays, emergencies, cancellations of service and alternative transport arrangements in accessible digital, written, spoken and signed information. Ensuring that audio visual announcements provide accurate information is also an important part of providing accessible services, as detailed in **Recommendations 3, 4, and 11 of the Accessibility of Public Transport Services for Persons with Disabilities (2018)**.
- **Accessible Complaints/Feedback Processes:** Public transport service providers should establish a centralised contact hub for customer feedback regarding barriers to accessing public transport across all modes that is responsive with clear and transparent protocols for addressing the feedback and/or complaints received. Public transport service providers should ensure both the existence and role of the contact hub are widely publicised as detailed in **Recommendation 7 of the Accessibility of Public Transport Services for Persons with Disabilities (2018)**. The NDA advises that public transport services providers should have the contact

details for the personnel in the hub and the process by which complaints and or feedback can be made in accessible formats on the home page of their websites.

The NDA advises the NTA that these core elements of providing integrated universally designed transport services should be incorporated into the license conditions for public bus services. The inclusion of these core elements into the license conditions could act as framework for ensuring the delivery of a phased approach to:

- Improving the accessibility of licensed bus services that are easy to access, easy to understand and easy to use by everyone regardless of age, size, ability or disability.
- Providing public bus services that focus on the customer's end to end journey and ensuring that persons with disabilities can complete their journey from accessing travel information to returning home, as detailed in the diagram below:



The NDA suggests that as part of the license conditions for coach and bus services providers should be requested to:

- Develop Action Plans with clear KPIs and timelines to ensure they are delivering accessible services at every step of the customer journey
- Develop and pilot audit tools to assess if they are providing accessible services that facilitate the customer's end to end journey
- Establish a user group of diverse service users including persons with disabilities and older people to advise the service providers on the development, implementation and evaluation of their Action Plans, audit tools, and the delivery of accessible public transport that are easy to access, easy to understand and easy to use.

The NDA welcomes the opportunity to meet with and advise the NTA and service providers on the above.

In 2018 the European Parliament's Committee on Transport and Tourism (**TRAN**) published a study they had commissioned on **Transport and tourism for persons with disabilities and persons with reduced mobility**. One of the key findings from the study was that Ireland was one of the low achievers, alongside, Hungary and Poland regarding the provision of accessible transportation. The NDA therefore strongly advises that the NTA incorporate the core elements detailed above in the license conditions for service providers to ensure the delivery of integrated universally designed public transport services that support the customer's end to end journey.

## **Section I Wheelchair Accessibility**

**Q 1.1 In your experience, how adequate is the current level of wheelchair accessibility in the licensed bus and coach sector? Please explain.**

In the Regulatory Impact Assessment, the NTA refers to the improving the accessibility of services for persons with reduced mobility. However, there is no clear definition of persons with reduced mobility in the Assessment or in the Consultation Questionnaire. The NDA advises that the NTA and licensed bus providers use the following definitions of persons with reduced mobility as detailed in the European Transport Commission's Report on the Accessibility of Urban Public Transport to People with reduced mobility (2003) and European Parliament's Committee on Transport and Tourism (**TRAN**)'s study on **Transport and tourism for persons with disabilities and persons with reduced mobility (2018)**

- Persons with physical disability (wheelchair user, mobility-impaired, difficulty in standing, gripping or holding)
- Sensory disability (blind, visually impaired, deaf, audibly impaired)
- Persons with speech impairments
- Persons with orientation difficulties
- Persons with small stature; large people
  
- Persons with psychosocial disabilities or mental ill-health issues
- Persons with cognitive disabilities that include persons with intellectual disabilities and persons with autism spectrum disorders
- Persons with age-related mobility restrictions such as small children under 3 years old

- Persons with temporary mobility restrictions for example; Persons experiencing temporary injuries or illnesses; expectant mothers; Persons with buggies or heavy luggage.

**Q 1.3 In your opinion, what are the obstacles in transitioning to a fully wheelchair accessible licensed commercial bus and coach sector?**

The NDA's advises the NTA that while wheelchair accessible vehicles are an important element of the license conditions for the commercial bus and coach sector there are additional core elements that need to be included in the license conditions for this sector such as access to services; accessible procurement processes, access to information and accessible complaint /feedback process as detailed in the Introduction to our submission. The NDA provides a detailed response to the NTA and the license commercial coach and bus sector can develop these services in Section 4 of this submission. The NDA will be meeting with the NTA to discuss how the licensed commercial bus and coach can implement our guidance and advice.

In this context, the NDA advises that there are wider considerations relevant to the provision of integrated universally designed public transport services, and we are taking this opportunity in this submission to highlight these to the NTA.

As in previous submissions the NDA advises that the provision of these type of services requires a joined up integrated planned approach in which different Government Departments and related agencies work together to provide ensure a co-ordinated policy approach to delivering a universally designed integrated transport service that enables everyone, including people with disabilities to get to where they want to go, when they want to go. It recognises the roles and responsibilities of the various government departments, agencies and service providers in relation to transport and the environment.

An integrated planned approach also means that the necessary infrastructure is in place to ensure that people with disabilities, older people, people with buggies and children for example can get on and off buses and trains and get information in a range of accessible formats.

The NDA advises that cross departmental working will be required order to:

- Audit and upgrade bus stops through the country to ensure they are accessible. The NDA advises that the National Transport Authority, Bus Éireann and local authorities need to work together to ensure that there are accessible coach stops in strategic locations that would facilitate people with disabilities transferring to the accessible coach fleet.

- The Department of Health, the Department of Transport, Tourism and Sport, and related agencies need to work together to develop practical protocols and systems so that people with disabilities, particularly those in rural areas, have available transport to help them get to disability services, health services, employment and social activities
- In implementing actions under the **National Disability Inclusion Strategy (2017-2021)** and the **Comprehensive Employment Strategy for People with Disabilities 2015-2024**, it would be beneficial where there are joint responsibilities for actions and priorities if the relevant Government Officials sat on each other's Departmental Consultative Committees to progress key transport issues

The NDA advises that the procurement and any new developments of services and innovations need to be Universal Design proofed, so they are accessible, understandable and easy to use by everyone, but in particular by people of any age, size, ability or disability.

**Q 1.4 Please describe any positive developments in the wheelchair accessibility of services operated by the commercial bus and coach sector.**

In the Regulatory Impact Assessment, the NTA states that in 2017, the total number of accessible commercial vehicles was 468 out of a regular used fleet of 1,002 vehicles. This represents 47% of the fleet. The NDA notes that nearly 50% of the commercial fleet is accessible.

The NDA recently met with Go Ahead buses and provided them with guidance and advice on improving the accessibility of their services. The NDA views this meeting and this consultation as a positive step in helping the commercial bus sector to improve the accessibility of their services.

**Q 1.5 With limited resources, please rank what services should be prioritised for wheelchair accessibility (with 1 being the most important priority):**

- a. City & town services to be wheelchair accessible at all times**
- b. City and town services to be wheelchair accessible at 24 hours' notice or 36 hours' notice**
- c. Commuter services to be wheelchair accessible at all times.**

**d. Commuter services to be wheelchair accessible at 24 hours' notice or 36 hours' notice**

**e. Rural services only to be wheelchair accessible at all times**

**f. Rural services to be wheelchair accessible at 24 hours' notice or 36 hours' notice**

**g. Intercity services to be wheelchair accessible at all times**

Persons with different types of disabilities in rural areas still encounter many issues in accessing integrated universally designed public transports services. The NDA suggests that improving the accessibility of rural services for persons with disabilities and older people should be prioritised first. However, the NDA advises that the wording of option (e) needs to be amended as follows:

**e. Rural services are accessible to persons with reduced mobility which includes**

- Persons with physical disability (wheelchair user, mobility-impaired, difficulty in standing, gripping or holding)
- Sensory disability (blind, visually impaired, deaf, audibly impaired)
- Persons with speech impairments
- Persons with orientation difficulties
- Persons with small stature; large people
  
- Persons with psychosocial disabilities or mental ill-health issues
- Persons with cognitive disabilities that include persons with intellectual disabilities and persons with autism spectrum disorders

The NDA then suggests that the accessibility of the following services is prioritised in the following order:

**g. Intercity services to be accessible at all times to persons with reduced mobility**

**c. Commuter services to be accessible at all times at all times to persons with reduced mobility**

**a. City & town services to be wheelchair accessible at all times persons with reduced mobility which includes:**

The NDA has placed city and town services last as Dublin Bus has reported to the NTA that its service is 100% accessible. Bus Éireann has also reported to the NTA that its regional service is 100%. However, the NDA advises that it is important that Dublin Bus and Bus Éireann should focus on maintaining the accessibility of these services to ensure that they remain easy to access, easy to use and easy to understand for everyone regardless of age, size, ability or disability. Maintaining the accessibility of services should also be included in the license conditions for the commercial bus and coach sector.

The current policy in the provision of accessible services is to move away from persons with disabilities having to give advance notice as detailed in the **Accessibility of Public Transport Services for Persons with Disabilities (2018)**. The NDA suggests that none of these options should have to be listed as the services should be accessible at all times.

**Q 1.6 Can you describe any foreseeable developments in wheelchair or powered mobility equipment or use which are likely to impact on accessibility standards for buses or coaches?**

**Mobility as a Service**

The international trends are for transport to be recognised as a “service” that enables mobility for all. The term Mobility as a Service (MaaS) is based on the vision that there needs to be a dramatic reduction of car ownership worldwide. In order to achieve this a more holistic and integrated view of how transport can be delivered and accessible for everyone and in particular for people with disabilities and older people is required. Therefore, NDA suggests that the way forward will require more integration between public transport and innovative mobility solutions, such as:

- car- and bicycle-sharing, e.g. Dublin, Cork bicycles, - Car Sharing (GoCar and Toyota Car club in Dublin). Research shows that 1 car share vehicle can replace up to 15 private cars and this could have the ability to transform the use of urban streets and spaces<sup>1</sup>
- Electric Cars – lack of sound is seen as a safety issue
- app-enabled on-demand micro-bus services, and
- IT platforms that connect app-using travellers and drivers

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<sup>1</sup> Transport Co-operative Research Programme 108 (2005) Car-Sharing: Where and How it succeeds. <http://www.ccdcboise.com/wp-content/uploads/2016/02/Document-D1-TCRP-Car-sharing-Where-and-How-It-Succeeds.pdf>

That will also require the provision of adaptable vehicles for persons with reduced mobility who will be unable to use the standard accessible vehicles such as the regular buses or taxis

The Department of Transport, Tourism and Sport, the National Transport Authority and other related agencies will need to play a key role in ensuring that the potential commercial innovation of these new integrated transport services is underpinned by public policy and regulation.

The Department of Transport working with these agencies will need to identify the agreed principles by which these range of services will operate to guide partnerships between innovative mobility services and public transport operators.

The NDA advises that the Government may need to implement clear regulations to ensure that this integration does not lead to reduced mobility options for those that have difficulty using existing modes of transport. A planned approach will need to be applied to ensure that the needs of an ageing population are met in an evolving mobility service landscape.

The NDA also recommends that any future developments in the area of transport for all are Universal Design proofed. In other words that the new services are accessible, understandable and usable for all people but in particular for people of any age, size, ability or disability.

**Q 1.7 What other changes, if any, could be made to the current policy and regulations to increase wheelchair accessibility?**

The European Parliament's Committee on Transport and Tourism (**TRAN**)'s study on **Transport and tourism for persons with disabilities and persons with reduced mobility (2018)** recommended that:

Due to Ireland being classed as a low achiever in the provision of accessible transport that the legal framework in Ireland for the provision of accessible transportation and the implementation of this requires improvements. This study recommends that the Irish government needs to strengthen the legislative framework on transport accessibility and apply it across transport modes (including rail, sea, air, etc.), without exemptions. The NDA welcomes the opportunity to meet with the NTA to discuss this recommendation in greater detail.

## Section 2: Visual/ Audio Accessibility

**Q 2.1 In your experience, how adequate is the current level of visual/ audio announcements in the licensed bus and coach sector? Please explain.**

In the **Accessibility of Public Transport for Persons with Disabilities** report produced by the Joint Committee on Transport Tourism and Sport in 2018, Dublin Bus reported that 100% of the Dublin Bus fleet had audio visual announcements.

Bus Éireann also reported that it intended to roll out on-board audio announcements for all 6,000 stops across its network this year. Audio visual announcements had been recorded for 550 stops in 2018 and work was ongoing to record audio visual announcements for stops throughout the country. Bus Éireann stated that the audio visual recordings were linked to the development and implementation of the NTA's Short Common Name project – where all transport operators, including Dublin Bus and private bus companies – will adopt the same name for each bus stop in the country. This is a large-scale project that requires agreement and the changing of names on signage, timetables and online information. This project will impact the timeline for inputting of the announcements but that work is ongoing on both of these projects.

Bus Éireann also reported that new vehicles purchased since 2015 have been fitted with multimedia screens which show route progress and stop information. However, the NDA suggest that unless the multimedia information includes captioning in an accessible font size it will be very difficult for persons with hearing loss to clearly follow this information. The information needs to also be accompanied by an accurate audio description regarding the routes stops than persons with low vision or sight loss will not be able to access the information on the screens. The use of a hearing loop system to be installed in buses as happened on the Luas should also be considered as part of any new developments.

The NDA acknowledges that Dublin Bus has these announcements in place and that Bus Éireann is the process of implementing it across their fleet. However, in the **Accessibility of Public Transport for Persons with Disabilities Report (2018)** the primary issue raised by persons with disabilities, particularly in relation to Bus Éireann's services was that audio-visual announcements did not work all the time. Persons with sight loss, persons with hearing loss, persons with intellectual disabilities, and persons with autism spectrum disorder often had no idea where they were going and frequently got off at the wrong bus stop and had no idea where they were. The NDA has received consistent feedback from

persons with different disabilities on the lack of consistency regarding the operation of audio-visual announcements on buses and trains.

Further feedback from persons with different disabilities is that they find it hard to trust or have confidence that this service is in place on all bus services, nor can they trust that when audio visual announcements are in place that they will be fully operational and that they will provide them with accurate information. This has a severe implication for persons with a range of disabilities to complete their end-to-end journey.

The NDA advises the NTA that the provision of consistent audio-visual announcements across the licensed bus sector needs to improve significantly. The NDA therefore suggests that the license conditions should state that all licensed bus service providers in Ireland must provide fully operational and accurate audio-visual announcement systems on each of their vehicles.

**Q 2.2 What visual/ audio enhancements do you think would be required to ensure vehicles are accessible?**

As previously mentioned, the key issue regarding audio visual announcements on vehicles is that there is no consistent approach to the provision and operation of these announcements, rather than the announcements themselves. The NDA therefore suggests that as part of the conditions of their licenses that the licensed bus sector needs to ensure that the audio-visual announcements need to be fully operational and provide accurate information at all times. The NDA is happy to meet with the NTA to discuss the possibility of conducting research into possible future developments that could enhance audio visual announcement on future bus services.

**Q 2.3 If applicable, please could you explain the current procedure for visually impaired passengers with/out an assistance dog?**

Dublin Bus states on their website that they can provide information in Braille for persons with sight loss on request.

Dublin Bus also states on their website that a Guide, Assistance or Therapy dog must wear its harness or jacket so that the driver knows it is a Guide, Assistance or Therapy dog. The dog must be trained by a recognised organisation as a Guide dog, Assistance dog or Therapy dog. The training must include traveling on public transport. There is no limit to the number of dogs the bus driver can allow on a bus, as long as there is space. The dog is the responsibility of its owner and must be kept under control, whether it is in a harness, leash or carrier. The dog must not block the aisle or travel on a seat.

Bus Éireann states on its website that all guide-dog owners must carry identification cards and the dog will have a tag on its lead which will read “Irish Guide Dog for the Blind”. Assistance dogs are used by some people with different types of disabilities, such as autism, deaf or balance problems (Stability Dogs). An assistance dog will always be wearing a blue coat marked “Assistance Dog”. A parent or guardian identity card for the dog.

When a member from Irish Therapy Dogs visits a Care Facility or Hospital, they wear their uniform at all times (gold sweater with logo and black trousers). The dog also has a yellow coat, collar and lead to show that he too is a member.

Note: All the types of dogs listed in this section are permitted to travel on all Bus Éireann services.

Go Ahead buses on their website state that “guide dogs and assistance dogs are welcome on our buses and all animals should be required to sit at the feet of person responsible for them without blocking the gangway”.

The NTA reports that as of 2017, there are 1,002 commercial coach and bus services in Ireland. The NDA has reviewed a few of these service providers’ websites. These service providers had no information on their websites regarding their procedures for visually impaired passengers with/out an assistance dog. These service providers also did not have any procedures on their websites regarding the provision of accessible services for persons with reduced mobility. The NDA therefore suggests that as part of the license conditions that licensed commercial coach and bus service providers must publish their procedures for persons with reduced mobility, including persons with sight loss in accessible formats as detailed previously in this submission.

**Q 2.4 If applicable, please could you explain the current procedure for hearing impaired/ deaf passengers?**

Dublin Bus states that all of their customer service counters have hearing loop services but there is no other procedure detailed for persons with hearing loss regarding their services except for the provision of audio-visual announcements.

Bus Éireann, Go Ahead also have no procedure regarding persons with hearing loss/deaf beyond stating that they have audio visual announcements for persons with hearing loss.

The NDA has reviewed some of the websites of the licensed commercial coach and bus services and found no information about their current procedures for hearing impaired/ deaf passengers.

The NDA strongly advises that as part of their communications strategy that the NTA and all licensed service providers have a clear statement in accessible formats on the home page of their websites detailing how persons with hearing loss/deaf can access their services. This statement could include the steps they are taking to improve the accessibility of their services such as having designated customer service representatives who are trained in Irish Sign Language and how this will positively affect persons with disabilities to complete their end to end journeys.

### **Section 3: Accessibility Options – based on NTA Approach**

**For explanatory information on this section, please see the accompanying Regulatory Impact Assessment (RIA).**

**Q 3.1 Do you agree that accessibility conditions should only be applied to the regular license category? Please provide reasons for your answer.**

The NDA advises that it is essential that the core elements of integrated universally designed public transport services such as: access to services; accessible procurement services; access to information and having accessible complaints and feedback processes are conditions that are applied to all five of the license categories for public bus passenger services including the **Regular License Category**.

The NTA states that the **Regular License Category** provides for the regular transport of passengers on a predetermined route, with predetermined pick up/set down points. Services of this nature could include:

- **Interurban Services:** services linking major towns and cities. Such services may be further categorised as follows:
  - **Express services** with no immediate stops or limited intermediate stops at major towns or cities on the route. For example, Cork to Limerick to Galway
  - **Multi-stop services** with multiple intermediate stops between terminal points
- **Commuter services:** services to centres of employment or education (not a bus service solely for carrying children to or from school), which are provided to match the travel patterns of commuters. In other words, services to the destination are provided predominately in the peak travel periods.

- **Rural services:** services linking two or more small towns, villages, or rural areas.
- **Urban/suburban services:** includes the majority of services that operate within urban and suburban areas.

All licenses in this category are granted for 3 years and can be renewable under the terms of section 16 of the Public Transport Regulation Act 2009. Licenses can be renewed for an all-year round service or for seasonal services. For example, summer months or academic terms.

The public transport services under this license category cover a range of different types of services in urban and rural areas. It is therefore essential that the regulatory license conditions for these services contain the core elements of integrated universally designed services as detailed above.

The other license categories focus on the provision of the following transport services.

- The **Specific Targeted Services** covers City or regional hop-on hop-off tourist services and services for people attending specific social events, which may serve one destination or may include intermediate stops. Licenses under this category have a validity period of 3 years and can be renewed under the terms of section 16 of the Public Transport Regulation Act 2009.
- **The Event or Venue Specific Licenses** apply in respect of the provision of services to events such as a festival, a race meeting, a concert. This license covers all events for a period of twelve months. Licenses under this category are not renewable, and all future applications will be considered without any entitlements arising from previous licenses held for a particular event.
- **Temporary Services Licenses** are made available to facilitate the deployment of bus services in exceptional circumstances.
- **Demand Responsive Services Licenses** apply to circumstances which may arise where services are authorised to have optional routes that reflect specific demands. An example of this would be a service that addresses the specific needs of particular people living in relatively remote locations. This type of service is normally provided for passengers who have booked in advance. Licenses under this category will have a validity period of 1 year and will be renewable under the terms of section 16 of the Public Transport Regulation Act 2009.

Persons with disabilities need to be able to access the transport services under all of these different license categories as these services provide them with the means to participate in mainstream social events. The NDA advises that the conditions for these license categories should include the core elements of integrated universally designed public transport services as detailed above.

**Q 3.2 Do you agree that the Authority’s phased approach to accessibility, with minimum requirements increasing over time until all vehicles meet the required standard, is the most feasible approach? Please provide reasons for your answer.**

The NDA welcomes the phased approach as it will provide all licensed bus service providers with the opportunity to plan ahead in order to resource and fund the accessibility of their services. A phased approach also provides the NTA with the opportunity to monitor the progress the service providers are making regarding improving the accessibility of their services.

**Q 3.3 given the differences in the existing infrastructure at stop locations across the country, should all regular services be held to the same accessibility standards?**

As stated previously improving the development and delivery of integrated public transport services requires that all aspects of the service are easy to access, easy to understand and easy to use. In this context improving the accessibility of buses should occur in tandem with improving the accessibility of bus stops across the country.

Since 2018, Bus Éireann has commenced an audit of approximately 12,000 bus stops around the country. The NDA has been working with the NTA to develop a Universally Designed audit tool for these bus stops to determine how accessible these stops are and to determine any necessary changes that need to be made to the existing infrastructure to ensure they are universally designed.

The NTA is providing more funding for local authorities to upgrade bus stops. The NDA advises that the National Transport Authority, Bus Éireann and local authorities need to work together to ensure that there are accessible coach stops in strategic locations that would facilitate people with disabilities transferring to the accessible coach fleet. It is critical here as part of the rollout that bus stops are aligned that return journeys can be made on the same route. The NDA therefore suggests that the purchase of low floor accessible vehicles by Bus Éireann and the commercial bus and coach sector should continue to ensure that the buses are in place when the infrastructure of the bus stops are accessible.

In view of the ongoing work to improve the accessibility of coach stops around the country, the NDA suggests that all regular licensed services should be held to the same accessibility standards.

**Q 3.4 Considering the potential cost (indicative as set out in the Regulatory Impact Assessment), which option do you believe is most feasible for operators:**

- **Option 1 - Total Accessibility by 2023;**
- **Option 2 - Total Accessibility by 2029; and**
- **Option 3 - Total Accessibility by 2032.**

Under **Option 1** service providers, face indicative costs of compliance in present value of around €11.8m, mostly via higher capital, operating costs, and small and medium sized service providers bear the majority of these costs.

In terms of benefits, across the different willingness-to-pay scenarios, service providers receive an uplift driven by demand of between €6.2m to €13.1m. The NTA suggests that under this option service providers costs are partially to completely recovered.

The NTA meanwhile faces costs of around €45,000 via administration and monitoring.

Benefits accruing to users of the service are valued at €15.8m, €20.3m and €9.7m over the appraisal period.

Under **Option 2**, service providers face costs of compliance in present value of around €5.6m, mostly via higher capital and operating costs. Small and medium sized operators bear the majority of these costs. In terms of benefits, across the different willingness-to-pay scenarios, service providers receive an uplift driven by demand of between €2.2m to €4.6m. The NTA suggests that under this option none of the service providers' costs are covered.

The NTA meanwhile faces costs of around €26,000 via administration and monitoring.

Benefits accruing to users of the service are valued at €5.5m, €7.2m and €3.4m over the appraisal period.

Under **Option 3**, service providers face costs of compliance in present value of around €3.0m, mostly via higher capital and operating costs. Small and medium sized operators bear the majority of these costs. In terms of benefits, across the

different willingness-to-pay scenarios, operators receive an uplift driven by demand of between €0.9m and €1.8m. The NTA suggests that under this option none of the service providers' costs are recovered.

The NTA meanwhile faces costs of around €18,000 via administration and monitoring.

Benefits accruing to users of the service are valued at €2.2m, €2.8m and €1.4m over the appraisal period.

The Regulatory Impact Assessment and the Consultation Questionnaire has focused on providing vehicles that are wheelchair accessible and that have audio visual announcements. In the context of the NDA's advice that improving the accessibility of services also includes other core elements such as access to information, access to assistance etc, the NDA suggests that the NTA needs to take these additional elements into consideration before deciding the best option in terms of costs and timelines for improving the accessibility of services provided by the licensed coach and bus sector.

The NDA acknowledges that the cost of providing integrated accessible services needs to be factored in. However, the primary objective of this consultation is to improve the accessibility of services provided by the licensed commercial and bus sector. The NDA therefore advises that a key consideration for this sector needs to on how they can allocate their spending to increase the number of persons with different disabilities that can access their services.

**Recommendation 8.2.3 of the Accessibility of Public Transport Services for Persons with Disabilities (2018)**, suggests that public transport service providers engage in research with people with disabilities not currently using public transport services to ascertain perceptions and/or previous experience of public transport, as well as any potential barriers to public transport usage to the whole journey' or the customer's end to end journey. The NDA welcomes the opportunity to meet with the NTA and discuss how service providers could effectively engage in this type of research.

The NDA suggests that another key consideration that the licensed commercial and bus sector needs to take into consideration when allocating funds to improve the accessibility of their services, is how can they provide accessible services to this cohort of people. This may be an additional condition for the allocation of licenses in the future. The NDA is happy to discuss this issue with the NTA and the licensed commercial and bus sector in the future.

**Please provide reasons for your answer.**

**Q 3.5 If you do not agree with options set out above, please explain what license conditions you think could the Authority place on commercial bus operators to improve accessibility of their services, while not placing an unreasonable burden on them?**

Please see the response to the question 3.4.

## **Section 4: Compliance**

**Q 4.1 Commercial bus operators are not subsidised by the state and must carry the cost of increased accessibility. What license conditions could the Authority place on commercial bus operators to improve accessibility of their services while not placing an unreasonable burden on them?**

In the Regulatory Impact Assessment, the NTA reported that in 2017, the NTA reported that total passenger demand was 25.78m journeys, of which approximately 5.21m journeys were undertaken by passengers under the free travel scheme that included persons with disabilities. This represents a growth of circa 28% in total passenger journeys over 5 years and circa 8.7% increase in free travel (“FT”) passenger journeys between 2013 and 2017. Total revenue also increased from roughly €136m in 2013 to €178m in 2017.

The NTA also estimates that the licensed commercial and bus sector will increase its revenue by improving the accessibility of its services. A central theme of this submission is that the NTA and licensed commercial and bus sector should focus on the customer’s end to end journey and the provision of integrated universally designed public transport services that are easy to access, easy to understand and easy to use for everyone regardless of age, size, ability and disability. The NDA therefore suggests that the following core elements of providing an integrated universally designed services should be included in the license conditions:

**Access to Services:** Public transport service providers should ensure that their services are accessible to persons with disabilities. The exterior livery of the buses and the interior design of the buses is a key element in the provision of accessible services. The buses’ livery should include the colour yellow on the front and sides of the bus. The buses are therefore more visible and recognisable to persons with sight loss, persons with intellectual disabilities, and persons with autism spectrum disorder, older people, visitors and tourists. The colour of the poles in the interior of the buses should also

be yellow ensuring that they are more visible and recognisable to a range of different users. However, accessible services also include bus stops, access in to, around and out of bus stations, having accessible toilets and lifts that are fully operational at bus stations. The NDA produced a suite of guidance called **Building for Everyone** that provides comprehensive best practice guidance on how to design, build and manage buildings and spaces so that they can be readily accessed and used by everyone, regardless of age, size ability or disability. This guidance is on the NDA's website at <http://universaldesign.ie/Built-Environment/Building-for-Everyone/>. The NDA welcomes the opportunity to meet with the NTA and the licensed commercial and bus sector to discuss how they can apply this guidance, as relevant and appropriate to their operations.

The proposed European Accessibility Act aims to improve the functioning of the internal market for accessible products and services by removing barriers created by the limitations of existing legislation and regulations. It covers services related to air, bus, rail and waterborne passenger transport and refers to making ticketing and checking in equipment and procedures accessible to people with disabilities. Accessibility requirements also cover the "built environment" where a service is provided, including transport infrastructure, in case member states do not already have such requirements in place.

The NDA notes that the European Accessibility Act has not yet been formally adopted by the EU. However, it is very important that the Department of Transport, Tourism and Sport and the NTA ensure that they work with local authorities and other relevant agencies to focus on incorporating and implementing the key principles of this Act into their provision of integrated universally designed public transport services. The Department of Justice and Equality is the national point of contact on this Act. The NDA is advising the Department of Justice and Equality on key aspects of this Act and how it will be transposed in Ireland.

Public transport service providers should also provide assistance where necessary to persons with disabilities and ensure there are staff available to provide this assistance. The NDA has advised the NTA on the importance of all employees, particularly those engaging with the public such as customer service representative, ticket sellers and drivers receiving training in disability awareness and in how to communicate with and support persons with disabilities.

**Accessible Procurement Processes:** As part of the tendering process for transport services to be provided on behalf of the State and its agencies public transport service providers should establish minimum accessibility criteria for bus/coach services

- **Access to Information:** Public transport service providers provide travel information such as timetables, real time information, travel delays, emergencies, cancellations of service and alternative transport arrangements in accessible digital, written, spoken and signed information. Information on timetables, real-time information and delays, emergencies and cancellations should be provided in audio format for persons with sight loss. Travel information should also be provided in large print for persons with low vision. The NTA and service providers may also wish to consider having videos that explain their how people can access their services that include captions and Irish sign language.

The **EU Directive on Web Accessibility 2016/2102** came into force in September 2018. This new directive covers all public sector websites as well as apps. Government Departments and related agencies will be required to prepare an accessibility statement on potential deviations from the criteria. The NDA is working closely with the Department of Communications, Climate Action and the Environment on the implementation of this Directive in Ireland. The NDA has already advised the NTA that all transport service providers must ensure that their websites and mobile apps comply with this Directive. The NDA suggests that compliance with this Directive should be included in the license conditions for the commercial bus and coach sector.

The NDA also suggests that the licensed commercial coach and bus sector should refer to the **Customer Communications Toolkit for the Public Service - A Universal Design Approach**. This toolkit was co-developed by the Centre for Excellence in Universal Design (CEUD), at the NDA and the Department of Public Expenditure and Reform. This aim of this toolkit is to help public bodies to produce universally designed written, verbal and digital communications that can be easily accessed, understood and used by everyone. In 2019, this toolkit won top prize at the National Adult Literacy Agency (NALA )Plain English Awards, in the category, Best use of plain English by an organisation. This toolkit can be downloaded from the NDA's website at: <http://universaldesign.ie/Products-Services/Customer-Communications-Toolkit-for-the-Public-Service-A-Universal-Design-Approach/>

- **Accessible Complaints/Feedback Processes:** Public transport service providers should establish a centralised contact hub for customer feedback regarding barriers to accessing public transport across all modes that is responsive with clear and transparent protocols for addressing the feedback and/or complaints received. Public transport service providers should ensure both the existence and role of the contact hub are widely publicised. The NDA advises that public transport services providers should have the contact

details for the personnel in the hub and the process by which complaints and or feedback can be made in accessible formats on the home page of their websites including audio formats for persons with sight loss and large print for persons with sight loss. Persons with sight loss should also be able to request the above information in Braille. The NTA and service providers may also wish to consider having videos that explain how people can access their complaints/feedback processes that include captions and Irish Sign Language.

The NDA advises that as part of the license conditions for coach and bus service providers should be requested to:

- Develop Action Plans with clear KPIs and timelines to ensure they are delivering accessible services at every step of the customer journey
- Develop and pilot audit tools to assess if they are providing accessible services that facilitate the customer's end to end journey
- Establish a user group of diverse service users including persons with disabilities and older people to advise the service providers on the development, implementation and evaluation of their Action Plans, audit tools, and the delivery of accessible public transport that are easy to access, easy to understand and easy to use.

The NDA welcomes the opportunity to meet with and advise the NTA and service providers on the above.

**Q 4.2 Do you think that refusal to renew a license is a proportionate response to an operator's non-compliance with accessibility standards in the first instance? If not, please state what you deem to be proportionate?**

The Regulatory Impact Assessment refers to the accessibility standards regarding the dimension of wheelchairs that can be carried on buses and the dimensions of wheelchair accessible spaces on buses.

However, there is no clear definition regarding accessibility in the Regulatory Impact Assessment. The NDA advises the NTA that they should use a definition of accessibility that covers the core elements of integrated universally designed **public transport services** as detailed above. This definition of accessibility is detailed in the **International Organisation for Standardization's (ISO) and the International Electrotechnical Commission's (IEC) Guide 71: 2014 (E), a Guide for addressing accessibility in standards**. This definition is as follows:

“the extent to which products, systems, services, environments and facilities can be used by people from a population with the widest range of characteristics and capabilities to achieve a specified goal in a specified context of use”<sup>2 3 4</sup>

This definition of accessibility matches the definition of Universal Design in that it includes products, services, and the built environment and its reference to “people from a population with the widest range of characteristics and capabilities” incorporates “people regardless of age, size, ability and disability.” **Guide 71: 2014 (E)**, explains and describes the capabilities and preferences of persons with different disabilities.

The NDA advises that the reference to “products, systems, services, environments and facilities” also includes the following elements of a transport system: location of bus stops, vehicles, fares, routes, information on timetables fares and routes at bus stops and on the service providers’ websites, audio visual announcements, customer services, complaints services, etc.

The NDA has suggested that as part of the licensed conditions that the licensed commercial and bus sector should consult with a diverse range of users including persons with disabilities and older people on the development and delivery of accessible services. In 2019, the Centre for Excellence in Universal Design at the NDA and the National Standards Authority Ireland developed a new standard - **Design for All – Accessibility following a Design for All approach in products, goods and services – Extending the range of users. Irish standard EN 17161:2019**. This standard specifies requirements and recommendations that enables an organization to extend their range of users by identifying diverse needs, characteristics, capabilities, and preferences, by directly or indirectly involving users, and by using knowledge about accessibility in its procedures and processes. The NDA has advised the NTA on using this standard. The NDA suggests that the licensed commercial and bus sector may find this standard useful in helping them to engage in a sustained manner with a more diverse range of users.

The NDA also suggests that we should meet with the NTA to discuss the development of accessibility standards specifically for public transport services.

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<sup>2</sup> ISO 26800, Ergonomics — General approach, principles and concepts

<sup>3</sup>ISO/TR 9241-100, Ergonomics of human-system interaction — Part 100: Introduction to standards related to software ergonomics

<sup>4</sup> ISO/TR 22411, Ergonomics data and guidelines for the application of ISO/IEC Guide 71 to products and services to address the needs of older persons and persons with disabilities

The NDA advises that it would be important for the NTA to have a process in place to measure the accessibility of services being provided by the licensed commercial bus and coach sector.

In 2006, the NDA developed a **Code of Practice on Accessibility of Public Services and Information provided by Public Bodies** to monitor public bodies' compliance regarding the provision of accessible as detailed in Sections 26-28 and Section 38-38 of the Disability Act 2005, which are as follows:

- **Section 26 of the Disability Act 2005, Access to Services:** Public transport service providers where practicable must ensure that their services are accessible to persons with disabilities. In this context accessible services include not just vehicles but bust stops, access in to, around and out of bus stations, having accessible toilets and lifts that are fully operational at bus stations. Public transport service providers must also provide assistance where necessary to persons with disabilities and ensure there are staff available to provide this assistance. Public bodies must also ensure that they have an Access Officer to assist persons with disabilities with any queries they may have about making the journey. The NDA advises that the name and contact details of the Access Officer should be on the home page of the service providers' website
- **Section 27 of the Disability Act 2005, Accessible Procurement:** Public transport service providers must ensure where practicable that the services they procure that will be used by the public are accessible.
- **Section 28 of the Disability Act 2005, Access to Information:** Public transport service providers provide travel information such as timetables, real time information, travel delays, emergencies, cancellations of service and alternative transport arrangements in accessible digital, written, spoken and signed information. Ensuring that audio visual announcements provide accurate information is also an important part of providing accessible services
- **Section 38 of the Disability Act 2005, Accessible Complaints Process:** Public transport service providers must have an accessible complaint process in place. The NDA advises that public transport services providers should have their complaints process in accessible formats such as Plain English on the homepage of their websites.
- **Section 39 of the Disability Act 2005, Inquiry Officer:** Public transport service providers should have an Inquiry Officer in place to respond to and resolve complaints, particularly from persons with disabilities. The NDA advises that the name and contact details of the Inquiry Officer should be on the home page of the service providers' website.

This **Code of Practice** has been revised and it is awaiting approval from the Minister. However, as detailed above, the current **Code of Practice** is designed to monitor the progress public bodies are making in providing a suite of accessible services that are similar to the core elements of integrated universally designed public transport services such as: access to services; accessible procurement services; access to information and having accessible complaints and feedback processes. While this **Code of Practice** is for public bodies, the NDA suggests that the NTA and the licensed bus and coach sector may find it useful to adopt a similar structure to measure the accessibility of private services.

Regarding the issue of license renewal, the NDA suggests that the NTA should not refuse to renew a license the first time a service provider is non – compliant with accessibility standards. It will take time for different service providers to improve the accessibility of their services which is why the NDA welcomes the NTA's phased approach to this issue, as it enables licensed service providers to incrementally improve the accessibility of their services. There may be good reasons why a service provider has been unable to comply such as loss of staff through retirement, or the fact that it is a small operator and may find it difficult to meet the accessibility standards

The NDA suggests that the NTA needs to consider if the service provider has a number of key criteria or measures in place to provide accessible services before a service provider can be considered to be non-compliant for example:

Do they have policies and processes in place regarding the provision of accessible services; procuring accessible public services; providing information in accessible digital, written spoken and signed formats; providing accessible complaints processes and having an Inquiry Officer to respond to and resolve these complaints.

If a service provider does not meet the accessibility standards the first time but provides reasonable explanation of the current situation and the plan that they are implementing, then the NTA could determine that the service provider does not warrant a determination of non-compliance. The NTA can provide the service provider with written feedback and inform them that their performance is being closely monitored.

However, the NDA suggests that if the service provider does not demonstrate improvement in the provision of accessible service when their license is up for renewal after three years then the NTA should refuse to renew their license in the third year.

The NTA may wish to engage with the Department of Transport, Tourism and Sport to seek to have the law reviewed to address issues of non-compliance regarding the provision of accessible services.

**Q 4.3 Please indicate how you think NTA can best monitor improvements in accessibility in the commercial public bus passenger services and ensure compliance with license conditions in accessibility?**

The NTA issues quarterly reports that all licensed service providers including the licensed and commercial and bus sector must complete. The quarterly reports are used to determine if service providers are providing efficient and punctual public transport services. These reports currently have a question asking public transport service providers if their services are accessible. This question requires a Yes or No response. The NDA is currently in the process of discussing with the NTA the possibility of including a number of questions in these reports that focus on the following core elements of providing an integrated universally designed transport services as previously described in this submission:

- Access to Services
- Accessible Procurement Processes
- Access to Information
- Accessible Complaints/Feedback Process

The inclusion of these questions in the quarterly reports could provide the NTA with the opportunity to monitor the progress of the licensed commercial and bus sector are making over a period of time to improve the accessibility of their services.

This monitoring process may act as an additional incentive to commercial service providers to improve the accessibility of their services. It can also provide them with the opportunity for them to outline the barriers they are encountering to progressing to a fully accessible service. The NTA could also use this information to determine the type of non-financial supports commercial service providers may require to help them to deliver accessible services.

## **Section 5: Disability Awareness Training**

**Q 5.1 EU law states that drivers and staff should receive disability awareness training and, for journeys above 250km, disability assistance training.**

**Please outline your views on what training should be required in the commercial bus sector to improve accessibility of public transport services.**

**Please note that disability-awareness training is defined as:**

**“Training of staff that deal directly with the travelling public includes: — awareness of and appropriate responses to passengers with physical, sensory (hearing and visual), hidden or learning disabilities, including how to distinguish between the different abilities of persons whose mobility, orientation, or communication may be reduced, — barriers faced by disabled persons and persons with reduced mobility, including attitudinal, environmental/physical and organisational barriers, — recognised assistance dogs, including the role and the needs of an assistance dog, — dealing with unexpected occurrences, — interpersonal skills and methods of communication with deaf people and people with hearing impairments, people with visual impairments, people with speech impairments, and people with a learning disability, — how to handle wheelchairs and other mobility aids carefully so as to avoid damage (if any, for all staff who are responsible for luggage handling);”**

The NDA advises that providing all staff, including management, in the commercial bus sector, with disability awareness training and disability assistance training is an important element regarding the provision of universally designed services. All staff providing public transport services, from the drivers to the customer service representatives, need to be equipped with the skills to communicate with and to provide any necessary supports to persons with different disabilities and support needs.

The NDA suggests that the NTA and the licensed commercial coach and bus sector should refer to the **Customer Communications Toolkit for the Public Service - A Universal Design Approach**. This toolkit was co-developed by the Centre for Excellence in Universal Design (CEUD), at the NDA and the Department of Public Expenditure and Reform. The aim of this toolkit is to help public bodies to produce universally designed written, verbal and digital communications that can be easily accessed, understood and used by everyone. In 2019, this toolkit won top prize at the National Adult Literacy Agency (NALA) Plain English Awards, in the category, Best use of plain English by an organisation. This toolkit can be downloaded from the NDA’s website at: <http://universaldesign.ie/Products-Services/Customer-Communications-Toolkit-for-the-Public-Service-A-Universal-Design-Approach/>

The NDA has a free eLearning programme on disability equality and providing inclusive customer service that public transport staff may find useful. The eLearning programme can be accessed by following this link

<http://nda.ie/Resources/eLearning/>

## **Conclusion**

The NDA looks forward to continuing to work with the NTA and relevant agencies to develop and implement integrated universally designed public transport services that are accessible to everyone regardless of age, size, ability or disability.