

NDA submission to Sustainable Transport Corridors - BusConnects Cork

September 2022

# 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 Children, Equality, Disability, Integration and Youth 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 submitted responses to the BusConnects Cork Key Choices report and the Draft New Network information based on our areas of expertise and competency. In these submission we expressed concern that the consultation process did not demonstrate a universal design approach that would facilitate meaningful participation by all persons, regardless of age, size, ability or disability. We are therefore heartened to see that BusConnects Cork is at this juncture seeking a feedback from a diverse range of stakeholders regarding the proposed sustainable transport corridors through the creation of Community Forums being set up as part for each of the corridors. [[1]](#footnote-1)

The NDA welcomes the inclusion of the requirement of two representatives from disability and special interest groups as part of the membership of these forums. However, we do want to stress that inclusion of persons with disabilities in consultation is vital, not only to the success of the project and to ensure inclusion and accessibility for all, but also as a responsibility under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Article 4(3) explicitly encourages meaningful engagement with persons with disabilities and obliges States Parties to ‘closely consult with and actively involve’ persons with disabilities in relation to the development and implementation of legislation and policies concerning issues relating to disability. There is specific obligation under UNCRPD to actively involve DPOs in decision making processes relating to disabled people. Consultations do not have to be limited to DPOs only, and the NDA would recommend as wide a consultation incorporating as many representations as possible, however, including individuals and advocacy organizations instead of DPOs does not meet UNCRPD obligations.

The NDA would like to re-iterate that continued, meaningful engagement with a wide range of stakeholders is key to ensuring that services are not only accessible but universally designed. We therefore wish to provide the NTA with useful information and resources to ensure a universally designed bus service which meets legislative requirements and which is fit for purpose for the widest possible range of the public.

# Universal Design Approach – Engagement and Communication

Specific engagement with people with disabilities is crucial. In the 2016 Census, the overall number of people with disabilities has increased, comprising 13.5% of the total population compared to 13% in 2011. There are now 643,131 people with a disability living in Ireland.[[2]](#footnote-2)

The NDA wishes to remind the NTA of the NDAs [**Code of Practice on the Accessibility of Public Services and Information provided by Public Bodies**](https://nda.ie/Good-practice/Codes-of-Practice/Code-of-Practice-on-Accessibility-of-Public-Services-and-Information-Provided-by-Public-Bodies-/) whichoutlines the statutory obligations public bodies have in providing accessible services and information under section 26, 27 and 28 of the **Disability Act 2005**. We would also like to highlight the NTAs responsibility under Action 3 of the **OPS 2020**: **Make services more accessible to all[[3]](#footnote-3)** - All public services should be easily accessible by all members of the public, including those with diverse needs regardless of language, culture, literacy or ability and also migrants and people in vulnerable situations.

The NDA would also like to point out that a universal design approach involves examining and reviewing all elements of the service to determine if they are universally designed – that is easy to access, easy to understand and easy to use for everyone regardless of age, size, ability or disability. Taking a universal design approach would also, therefore, include engagement of children and younger people in the process. Of a recent study done of 16 countries, Ireland scored among the lowest for children’s independent mobility and active travel. [[4]](#footnote-4) Universally designed tools, such as the walkability audit [[5]](#footnote-5) can get as wide a range of people, including children, involved in providing views and feedback. It is important to remember that there is no “average” or “ideal” person. For example, two individuals of average height, might have very different arm lengths, leg lengths, and capabilities. Those conducting Universal Design seek to consider human variability in their work and produce designs that work equally well for everyone- this is why the NDA encourages ‘sampling the tails’ when seeking out input and feedback from the public.[[6]](#footnote-6)

The NDA advises that the NTA ensures they facilitate an inclusive and accessible consultation process on Bus Connects so that a diverse range of users, including persons with different disabilities can participate. We note with concern that there was no information of how to make a request for accessibility arrangements for attendance at any of the forums on the BusConnects website. On this note, we would also like to remind the NTA of the requirements under the [**Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies**](https://nda.ie/Good-practice/Codes-of-Practice/Code-of-Practice-on-Accessibility-of-Public-Services-and-Information-Provided-by-Public-Bodies-/)  which requires that public bodies provide information in accessible formats to the public and has a mechanism in place to request alternative formats of information provided as well as mechanisms in place to enquire about and request accessibility arrangements for access to buildings as required. The NDA also wishes to highlight requirements under the [**Irish Sign Language Act 2017**](https://www.irishstatutebook.ie/eli/2017/act/40/enacted/en/print) which places an obligation on public bodies to ensure interpretation is arranged for persons who cannot hear and wish to access their statutory entitlements. The NDA would suggest consultation with our newly published guidelines [**Participation Matters: Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making**](https://nda.ie/publications/others/uncrpd/participation-matters-guidelines.html) which provides context on the requirements for engaging with Disabled Persons Organisations (DPOs), the importance of engagement with DPOs and how to gain meaningful engagement and input from engagement with DPOs and persons with disabilities.

Once again, we would also suggest it may be particularly useful to specifically engage with persons with disabilities who are not currently using public transport services to capture any previous experience they may have had of public transport and the reasons why they do no use public transport. Good communication needs to be in both directions, that consultation includes advising the public on how their input and feedback has been considered, used and applied. This can help the public feel more included in the process and can diminish feelings of frustration and being ignored.

In communications the NDA suggests that the NTA should use the [Customer Communications Toolkit for the Public Service - A Universal Design Approach](https://universaldesign.ie/products-services/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.

The NDA suggests the NTA may also find the standard- Design for All – Accessibility following a Design for All approach in products, goods and services – Extending the range of users useful. Irish standard EN 17161:2019 may be useful in this regard. This standard was developed by European Standards Committee chaired by staff at the Centre for Excellence in Universal Design at the NDA and secretarial support by the National Standards Authority Ireland in 2019 and specifies requirements and recommendations that enables an organisation 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. This standard is available on [standards.ie](https://shop.standards.ie/en-ie/standards/i-s-en-17161-2019-1146165_saig_nsai_nsai_2717159/).

# Delivering Universally Designed Transport Services

Universal Design operates by a set of seven principles defined to maximize accessibility for everyone, these principles can be applied to transportation to ensure a more inclusive transportation network.

Implementation of universal design in public transport systems requires considered planning, detailed implementation and appropriate resources, however it is important to consider the long-term benefits of adopting and incorporating accessibility and universal design at an early stage of the process. Consistent and strong adoption of universal design will normalise and standardise accessibility which will help facilitate adoption of further accessibility standards. The more accessibility is considered and adopted the more available and affordable innovative solutions become, thereby creating a ‘virtuous circle’ of accessibility and allowing accessible services to become self-sustaining. [[7]](#footnote-7) It also must be noted that in designing for everyone all passengers and users of a service are benefitted, creating both social and economic benefits for passengers and providers.[[8]](#footnote-8)

The NDA wishes to stress again that at this stage of the BusConnects Cork project, a Disability Impact Assessment of the proposed plan should be carried out at this point in the development process. A Disability Impact Assessment is an obligatory requirement of all substantive proposals requiring Government approval as stipulated in [The Cabinet Handbook](https://assets.gov.ie/6813/2a580791a7b24decb97a550539a0faff.pdf)[[9]](#footnote-9) when there is:

* a change in policy;
* the introduction, abolition or significant change in an existing scheme; or
* a decision which impacts on the public at large, or
* on a significant subset of that population.

The requirement for such an assessment for a scheme of the scale and significance of BusConnects is therefore evident. The Department of Justice provides Guidelines on **How to Conduct a Disability Impact Assessment.[[10]](#footnote-10)** We are concerned that we have yet to see a Disability Impact Assessment for either the Dublin or Cork BusConnects schemes. We request that the Disability Impact Assessment on the BusConnects programme is promptly sent to the NDA and made publically available.

The NDA would also like to point out the following points based on what is contained in the Sustainable Transport Corridors report:

* It is stated in this report that BusConnects Cork is planning to implement a cashless payment system. The NDA would like to stress that before this is introduced, DPOs and persons with disabilities must be consulted about the proposed system to ensure that payment terminals which have been designed with accessibility in mind are used. The NDA also wishes to emphasise that drivers must still have the facilities to accept cash payments. It is not detailed whether drivers will still be required to take cash payments as well as to accept cashless payment, but this will be vital so as not to disadvantage people with disabilities, older people or others who may be unable to use a payment terminal. Many older people rely on cash as their default way of paying and some do not have bank accounts or bank cards[[11]](#footnote-11) and some people with disabilities may prefer this method over using an unfamiliar method of payment. The NDA advises that the NTA will need to take account of the European Accessibility Directive (EU) 2019/882, on the Accessibility Requirements for Products and Services (European Accessibility Act) as well as accessibility requirements with regards to procurement under section 27 of the Disability Act as well as The [Public Procurement Directives](https://ec.europa.eu/environment/gpp/eu_public_directives_en.htm).
* It is detailed in the report that new bus livery will be incorporated as part of the BusConnects Cork plan. The NDA would like to stress that DPOs and persons with disabilities must be consulted in any redesign process. It is vital that both the interior and exterior of buses can be seen and recognised by persons with disabilities, engagement and consultation will be vital to ensure any re-design does not disadvantage persons with disabilities. Engagement with persons with disabilities and DPOs can prevent unnecessary expenditure on unsuitable and/or inaccessible design which will have to changed or reversed at a later stage.
* The NDA would stress that consideration should be given with regards to road works being done which will result in infrastructure changes such as temporary pedestrian pathways/crossings, moved bus stops etc. The NTA should make efforts to provide accessible and up to date information in accessible formats in order to ensure that disruption to persons with disabilities’ transport needs. The NDA would advise that the NTA reaches out specifically to DPOs in the area to assist with dissemination of information.
* The NDA wishes to stress that all staff should complete disability awareness training which will give staff a greater understanding of disability, of the barriers persons with disabilities face, and providing information and services to passengers with disabilities. It is advisable that further training initiatives beyond the basic disability awareness training are identified for certain staff in order to build in-house capacity for expert advice.
* The report mentions that in order to facilitate more walking and cycling trips in Cork there will be a reduction of on street parking. The NDA wishes to stress the importance of provision of accessible parking spaces close to local amenities and services. Accessible parking spaces should be designed according to the specifications detailed in the [Building for Everyone: External environment and approach guide](https://universaldesign.ie/Built-Environment/Building-for-Everyone/1-External-Environment.pdf).

The NDA also wishes to stress once again consideration of the following at this juncture:

* Developing and publishing a strategy on the BusConnects Cork website detailing how the NTA will ensure that every element of the Cork Metropolitan Area Transport Policy and the BusConnects Cork initiative will meet the needs of persons with disabilities and older people. The NDA notes that we have yet to see evidence of a strategy of this kind for the BusConnects scheme in Dublin or Cork.
* Committing to adopting a universal design approach at this stage in the process and implementing this approach in future developments of the BusConnects Cork initiative. A universal design approach means examining and reviewing all elements of the service against the seven principles of universal design to determine if they are universally designed – that is easy to access, easy to understand and easy to use for everyone regardless of age, size, ability or disability. For example, perceptible information is one principle of universal design. Adopting this principle means the design of all information and navigation systems associated with BusConnects Cork (i.e.: journey planners, timetables, journey times, etc.) be provided through a combination of tactile and/or optical and/or acoustic elements.[[12]](#footnote-12) The NDA would be happy to provide greater detail on this approach for future planning, development and implementation stages of this initiative.
* The design and procurement of certain products and services must comply with **EU Directive 2019/882 on the accessibility requirements for procurement of products and services and in particular** for information and communications technology to be accessible for people with disabilities (harmonised standard EN 301 549. We also recommend that for all stops and stations you consult the European Standard **EN 17210:2021: Accessibility and usability of the built environment** which details functional requirements for bus and coach stops.

# Conclusion

The NDA can provide further information and background with regards to the above and is happy to meet with the NTA and BusConnects Cork to discuss ensuring a universal design approach in greater detail. The NDA is looking forward to continuing to work with the NTA to develop and implement integrated universally designed public transport services.

1. [BusConnects-Cork-Sustainable-Transport-Corridors-Report-April-22-FINAL.pdf](https://busconnects.ie/wp-content/uploads/2022/04/BusConnects-Cork-Sustainable-Transport-Corridors-Report-April-22-FINAL.pdf) [↑](#footnote-ref-1)
2. Census 2016 [↑](#footnote-ref-2)
3. <https://www.ops2020.gov.ie/app/themes/ops2020/dist/pdfs/Our-Public-Service-2020-WEB.pdf> [↑](#footnote-ref-3)
4. <https://westminsterresearch.westminster.ac.uk/download/03175f2b7388716c0b78acce44b7af6cd907564d6b437038519cb3dc525ad27e/3906556/PSI_Finalreport_2015.pdf> [↑](#footnote-ref-4)
5. [Universal Design Walkability Audit (nationaltransport.ie)](https://www.nationaltransport.ie/wp-content/uploads/2021/01/Universal-Design-Walkability-Audit-Tool-V1.pdf) [↑](#footnote-ref-5)
6. <https://universaldesign.ie/products-services/guidelines-on-body-size/> [↑](#footnote-ref-6)
7. [Microsoft Word - ID034\_RT Economic Benefits Of Improved Accessibility.docx (itf-oecd.org)](https://www.itf-oecd.org/sites/default/files/docs/economic-benefits-improved-accessibility-transport-systems.pdf) [↑](#footnote-ref-7)
8. [Microsoft Word - ID034\_RT Economic Benefits Of Improved Accessibility.docx (itf-oecd.org)](https://www.itf-oecd.org/sites/default/files/docs/economic-benefits-improved-accessibility-transport-systems.pdf) [↑](#footnote-ref-8)
9. <https://www.gov.ie/en/publication/05c2e2-cabinet-handbook/> [↑](#footnote-ref-9)
10. <https://www.justice.ie/en/JELR/20120305%20DIA%20Guidelines.pdf/Files/20120305%20DIA%20Guidelines.pdf> [↑](#footnote-ref-10)
11. [What do older people think about access to cash? | Discover | Age UK](https://www.ageuk.org.uk/discover/2021/june/what-do-older-people-think-about-access-to-cash/) [↑](#footnote-ref-11)
12. <https://iopscience.iop.org/article/10.1088/1757-899X/960/3/032089/pdf> [↑](#footnote-ref-12)