

## NDA Submission: Dublin City Council Kilmainham to Thomas Street Interim Cycle Scheme

# Introduction

The National Disability Authority (NDA) would like to thank Dublin City Council (DCC) for reaching out for comment on this scheme, we are very happy to provide our input and advice in relation to this scheme. The 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, Disability, Equality, Integration and Youth in the co-ordination of disability policy. We work through our [Centre for Excellence in Universal Design](http://universaldesign.ie/) (CEUD) 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.

# DCC Cycle Scheme Kilmainham to Thomas Street proposals

Disabled persons are greatly affected by all manner of transport infrastructure and should be consulted at early stages of all policy and infrastructure projects. This is a requirement under the **UN Convention on the Rights of Persons with Disabilities (UNCRPD)** which Ireland ratified in 2018. Further information on the requirements under the UNCRPD are detailed within this submission.

Another requirement in terms of considerations of persons with disabilities is the completion of a disability impact assessment. A Disability Impact Assessment is an obligatory requirement of all substantive proposals requiring Government approval as stipulated in The Cabinet Handbook 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 NDA advises that while this infrastructure is seen to be interim or temporary, the interim cycling infrastructure around the city which has a substantial population would qualify as a substantive proposal.

The NDA advises that DCC conduct and produce a disability impact assessment for all local proposals under the entire cycling infrastructure scheme across the city. A disability impact assessment involves a comprehensive examination of how this proposal impacts on a person with a disability so that fundamental issues are identified early, therefore informing any redesign and delivery of the proposal, to better meet the needs of persons with disabilities. The requirement for conducting this assessment is detailed in the [Cabinet Handbook](https://assets.gov.ie/6813/2a580791a7b24decb97a550539a0faff.pdf).

It is important to recognise that this scheme can impact on entire population of the area concerned – including older people, disabled people, people with buggies/young children etc. It is important that the needs of all pedestrians are not only considered, but are central to this scheme. All pedestrians need to be able to navigate in their neighbourhoods and communities easily and safely and the cycle ways need to be planned, designed, and implemented with this understanding at their core. It is important in the implementation of this scheme that DCC considers the needs of a diverse range of users with regards to the cycle tracks themselves and the interaction between the cycle tracks and pedestrian spaces.

The NDA appreciates that infrastructure considerations for this scheme are intended to be interim measures, however we wish to stress that DCC should also consider a wider range of user types and cycle types from the [Inclusive Cycling Guide](https://wheelsforwellbeing.org.uk/wp-content/uploads/2020/12/FC_WfW-Inclusive-Guide_FINAL_V03.pdf)[[1]](#footnote-1). Consideration should be given to cyclists who are disabled as well as non-disabled users who use non-standard cycles to ensure that the cycle way and the bus stop crossing are suitable for them. This will require consultation and user testing with disabled cyclists, people who use cargo bikes/bike trailers, and others when designing cycle lanes.

# Delivering Universally Designed transport services

Walking and cycling can form an integral part of the transport infrastructure, either as a means of a facilitating a whole journey or to facilitate the first/last mile of a journey using public transport. However, for many persons with disabilities at present this kind of travel is inaccessible or simply not possible. We would stress that it is vital that DCC aims to make infrastructure for walking and cycling as safe and accessible as possible for persons with disabilities. This commitment should be embedded at policy level and run throughout the DCC cycling infrastructure scheme.

Transport is key to the economic and social inclusion of persons with disabilities. Inaccessibility of transport- and this includes walking and cycling infrastructure- therefore presents a major barrier for persons with disabilities. Approximately one in ten people with disabilities said that inadequate/inaccessible transport systems prevented them from participating in social events.[[2]](#footnote-2) Inaccessibility in transport infrastructure, and in public spaces in general, means more than just not being able to gain access to physical infrastructure, it presents a real obstacle for autonomy, personal development and participation in a wide range of activities in the community.[[3]](#footnote-3)

About one in six people with a disability who are not in work but who would be interested in a job, cite transport or parking as an issue for them. Those with sight, mobility or intellectual disabilities are most likely to cite transport as an issue for employment.[[4]](#footnote-4) With the move towards policies, strategies and projects which promote active travel, it is important that the needs of people with disabilities are considered to ensure that changes to infrastructure and services are beneficial to all and will allow everyone to participate in active travel, regardless of age, size, ability or disability.

The importance of integrated universally designed public transport services that include the built environment and information and communication technologies is underpinned by **Article 9 of the UNCRPD.** Article 9 states that in order for persons with disabilities to live independently and fully participate in all aspects of life, they need to have access not only to accessible transportation but also to infrastructure, the built environment, information and communication processes and technologies and to other public facilities and services.

Of equal importance is the facilitation of the needs of some persons with disabilities who will need to use private cars to complete some or all of their journey. With this in mind, it is important that the cycling infrastructure scheme does not remove people’s ability to get to and from their destinations (and park there) using a private car.

The DCC cycling scheme should aim to address existing barriers to active travel for persons with disabilities (such as inadequate space on pavements and in cycle lanes, uneven pavements and roads, lack of safe pedestrian crossings, no tactile information provided to assist with wayfinding, inadequate signage, no or minimal lighting etc.) and should ensure that no new barriers are created as a result of this scheme.

Central to delivering universally designed transport services is procurement. If accessibility and universal design are key requirements at the procurement stage, this will remain a central component of design and delivery throughout. The NDA would like to remind DCC of accessibility in procurement requirements under [S.I. No. 284/2016 - European Union (Award of Public Authority Contracts) Regulations 2016](https://www.irishstatutebook.ie/eli/2016/si/284/made/en/print) in the case of public service and also in all public works contracts. Accessibility of services provided to public bodies is also a requirement under [Section 27 of the Disability Act](https://www.irishstatutebook.ie/eli/2005/act/14/section/27/enacted/en/html).

# Universally Designed Consultation

The NDA is happy to see that DCC provided textual descriptions of technical drawings in Word format which ensures the plans are more accessible to a wider range of users. The NDA would still like to stress the requirements under S.I. No. 163 of 2006 which refers to the [Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies](https://www.nda.ie/good-practice/codes-of-practice/code-of-practice-on-accessibility-of-public-services-and-information-provided-by-public-bodies-/). Another key requirement is the S.I. No. 358/2020 - [European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020](https://www.irishstatutebook.ie/eli/2020/si/358/made/en/print). All information on public body websites must comply with these accessibility requirements. This is very important to consider when designing online consultation information.

The NDA also wishes to stress the importance of engaging and consulting with persons with disabilities and older people about this scheme, and that their views would inform the policy, the network and ultimately the design of the cycling and pedestrian infrastructure; including accessible parking and public seating.

We recommend consultations on all aspects of design are done prior to taking a decision to ensure that road changes are likely to serve everyone. In addition, persons with disabilities and older people should be consulted during implementation, to determine how the design is or isn’t meeting their needs, so that future designs can be improved. The NDA would stress that **User testing (piloting)** is an important part of this sustained engagement process. This should be a key consideration for all infrastructure projects associated with the cycling network being rolled out across Dublin and should be easy to facilitate as interim infrastructure is being used.

Ensuring accessibility of information and consultations is central to meaningful engagement, however it must be noted that this is also a requirement under the UNCRPD. The UNCRPD outlines obligations on Government for how they include disabled people in the development, implementation and monitoring of policies and legislation and other decision making processes. It applies at the local, national and international level.

Article 4(3) of the UNCRPD states that:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

The NDA has recently published the [Participation Matters Guidelines](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fnda.ie%2Fpublications%2Fothers%2Funcrpd%2Fparticipation-matters-guidelines-on-implementing-the-obligation-to-meaningfully-engage-with-disabled-people-in-public-decision-making.docx&wdOrigin=BROWSELINK) to assist public bodies with implementing the obligation under the UNCRPD to meaningfully engage with disabled people in public decision making. The NDA would also recommend using the [Universal Design Customer Communications Toolkit](https://universaldesign.ie/products-services/customer-communications-toolkit-for-the-public-service-a-universal-design-approach/customer-communications-toolkit-for-the-public-services-a-universal-design-approach.pdf) as a key reference in designing and delivering information to the public.[[5]](#footnote-5)

Accessible information will help people understand what exactly is being proposed and why their opinions are being sought as well as how and when they can engage with the process. This can help ensure greater engagement from persons with disabilities, disabled persons organisations (DPOs) and older people and may reduce the need for costly redesigns and retrofitting in future.

The NDA would like to point out that new infrastructure design features such as new pedestrian crossings and cycle tracks will not necessarily be familiar to both pedestrians and cyclists. Therefore as part of consultations with the public, the DCC should educate all users to understand the appropriate use of the cycle-path, crosswalks and other new design features.

The NDA would like further information on how changes are going to be communicated to residents. This consultation and education process should be continuous, all communications should be universally designed and should inform people following design changes as well, providing demonstrations around the changes.

# Infrastructure Considerations

The NDA appreciates that the plans presented are not intended to be permanent, however the NDA would like to stress several key points about this design at this juncture which may cause additional barriers to persons with disabilities.

The NDA notes with concern that part of the designs include a ‘share with care’ cycle and pedestrian track in St James Linear Park. The NDA strongly advises against the implementation of such a track used by both cyclists and pedestrians as this can present significant safety issues to pedestrians, particularly those with disabilities, older people and children. This is best reflected by the Department of Transport in London redacting guidance associated with the design and implementation of shared spaces in July 2018, deeming that implementation is not inclusive and the potential risks outweigh the benefits[[6]](#footnote-6).

The NDA would strongly recommend physical barriers separating cycle tracks from pedestrian tracks throughout the design as well as in the St James Linear Park. In the case of interim infrastructure, we would point to user testing as the best method for determining what design for this track will suit as wide a range of users as possible.

Pedestrian crossings, whether of roads or of cycle tracks can be quite dangerous for pedestrians on the whole but in particular persons with disabilities, older people and children- good design can help to mitigate the risks and therefore the stress associated with pedestrian crossings. With regards to on-track cycle markings to alert cyclists to yield for upcoming crosswalks and the use of markings at crosswalks we strongly recommend the use of zebra marking at crosswalks as used in [CYCLOPS, Manchester](http://www.jctconsultancy.co.uk/Symposium/Symposium2018/PapersForDownload/CYCLOPS%20Creating%20Protected%20Junctions%20-%20Richard%20Butler%20Jonathan%20Salter%20Dave%20Stevens%20TFGM.pdf)[[7]](#footnote-7) and [Getting to the Curb, San Francisco](https://walksf.org/wp-content/uploads/2019/12/getting-to-the-curb-report-final-walk-sf-2019.pdf)[[8]](#footnote-8).

DCC should also consider design guidance in [CYCLOPS, Manchester](http://www.jctconsultancy.co.uk/Symposium/Symposium2018/PapersForDownload/CYCLOPS%20Creating%20Protected%20Junctions%20-%20Richard%20Butler%20Jonathan%20Salter%20Dave%20Stevens%20TFGM.pdf) on page 7 which provides Guiding Principles for Protected Junctions regarding where there might be some junctions where traffic lights for cyclists would be necessary.

While we appreciate changes to disabled/accessible parking spaces are not planned for this design, the NDA would like to take this opportunity to emphasise the importance of facilitating that the needs of some persons with disabilities who will need to use private cars to complete some or all of their journey. It is important that the DCC cycling scheme does not remove people’s ability to get to and from their destinations (and park there) using a private car.

Contained in [Building for Everyone Guidelines- External Environment and Approach](https://universaldesign.ie/Built-Environment/Building-for-Everyone/1-External-Environment.pdf), is information concerning the recommended specifications for design and provision of accessible parking bays as well as recommendations on the amount of accessible parking required. The NDA would strongly suggest consulting these guidelines for details on best practice of accessible parking provision, however, this is not a substitute for consultation and user testing with persons with disabilities and older people.

# Conclusion

On a final note, **Article 9 of the UN Convention on the Rights of Persons,** states that in order for persons with disabilities to live independently and fully participate in all aspects of life, they need to have access not only to accessible transportation but also to infrastructure, the built environment, information and communication processes and technologies and to other public facilities and services.

As this scheme will have a significant impact on new and existing infrastructure such as cycle tracks and associated links to transport (either through active travel or public transport) this project has significant impact for persons with disabilities, particularly in relation to travel and transport. DCC should consider the impact this project will have on the rights of persons with disabilities, particularly in reference to Article 9.

The NDA is happy to meet with DCC to discuss this submission, other interim cycling schemes and/or the wider Dublin City Cycle Scheme overall.

1. <https://wheelsforwellbeing.org.uk/wp-content/uploads/2019/06/FINAL.pdf> [↑](#footnote-ref-1)
2. National Disability Survey (2006) Vol. 2, Table 7.30 [↑](#footnote-ref-2)
3. Kapsalis et al (2022)Disabled-by-design: effects of inaccessible urban public spaces on users of mobility assistive devices – a systematic review [↑](#footnote-ref-3)
4. National Disability Survey (2006) Vol. 2, Table 7.30 [↑](#footnote-ref-4)
5. This toolkit is undergoing an update, the current version is available at: <http://universaldesign.ie/products-services/customer-communications-toolkit-for-the-public-service-a-universal-design-approach/> [↑](#footnote-ref-5)
6. <https://www.bbc.com/news/uk-england-44971392> [↑](#footnote-ref-6)
7. <http://www.jctconsultancy.co.uk/Symposium/Symposium2018/PapersForDownload/CYCLOPS%20Creating%20Protected%20Junctions%20-%20Richard%20Butler%20Jonathan%20Salter%20Dave%20Stevens%20TFGM.pdf> [↑](#footnote-ref-7)
8. <https://walksf.org/wp-content/uploads/2019/12/getting-to-the-curb-report-final-walk-sf-2019.pdf> [↑](#footnote-ref-8)