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Submission to the Transport Select Committee inquiry into the effectiveness of legislation relating to transport for disabled people.

1 Introduction:

London TravelWatch is the official body set up by Parliament to provide a voice for London's travelling public, including the users of all forms of public transport. Our role is to:

- Speak up for transport users in discussions with policy-makers and the media;
- Consult with the transport industry, its regulators and funders on matters affecting users;
- Investigate complaints users have been unable to resolve with service providers, and;
- Monitor trends in service quality.

Our aim is to press in all that we do for a better travel experience all those living, working or visiting London and its surrounding region.

In preparing this response we have liaised with Passenger Focus. We support the sentiments expressed in their paper to the Committee. This paper will therefore concentrate on the practical outcomes relating to this issue and the fact that we have wider remit covering all modes of transport within the Greater London area. In addition, we had significant input to the planning for the 2012 Olympic and Paralympic Games, and have subsequently looked at the way in which these operated in practice.

We are happy to provide the Committee with copies of correspondence and other background relating to the issues we raise.

2 The Inquiry

London TravelWatch welcomes the House of Commons Transport Committee's inquiry, which will build on its previous work, and will consider:

- The effectiveness of legislation relating to transport for disabled people: is it working? Is it sufficiently comprehensive? How is it enforced?
- The accessibility of information: including the provision of information about routes, connections, timetables, delays and service alterations and fares.
- The provision of assistance by public transport staff and staff awareness of the needs of people with different disabilities.
- What can be learnt from transport provision during the Paralympics and how can we build on its success?

3 Principal concerns

Our concerns are summarised as follows :-

- That whilst the letter of the law in relation to disabled access is observed, compliance with the spirit of the law is dependent in many cases on the enthusiasm, commitment and ingenuity of individual operators, transport authorities and sections of the Department for Transport (DfT) to achieving higher standards of accessibility and customer service within their areas of responsibility and influence.
- That the level of accessibility of rail based transport networks is largely dependent on the geography and historic development of such networks.
- The use and interpretation of the term 'reasonable adjustment' when considering whether a development should include provision for access by people with reduced mobility.

As a result of the above there is considerable variation in the accessibility of transport networks even in an area such as London which has a well developed and mature transport network.

4 Buses and coaches

London TravelWatch has taken a strong lead in encouraging operators and authorities to prioritise the provision of an accessible bus network. In London since 2005 the entire bus network, with the exception of a small number of vehicles on heritage routes, has been operated by low floor buses that are easily accessible to most people with a mobility impairment. This has been matched by an increased visibility of wheelchair users and other people with mobility difficulties using the network. This is reflected in the number of complaints we receive about conflict between wheelchair users and parents with buggies for use of the common space that is allocated to them. Often such complaints include reference to the fact that the driver has been unable or unwilling to intervene on behalf of the complainant. TfL has recently instigated a campaign to encourage passengers to be more considerate of one another's needs and also to remind people of the priority that should be afforded to wheelchair users. This is an example of the difficulty of interpreting the conflicting requirements of different groups of users. But we will be waiting with interest to see how effective this social marketing campaign is, and we would suggest that this is something that Committee might want to probe further as this approach might be more effective than a legislative one.

The utility of buses for people with mobility difficulties is further constrained by the ability of users to access them at bus stops. If a bus is unable to pull up correctly to a bus stop this makes it more difficult, if not impossible, for people with mobility impairments to get on or off the bus. Many bus stops are still not accessible in terms of their protection from obstruction by parked vehicles, the height of the kerb in relation to the first step or ramp or whether there are other obstructions in the immediate vicinity of the stop that prevent the stop being made fully accessible. Transport for London (TfL) has made significant progress at stops where it is the highway authority, with 82% of stops being accessible at the end of September 2012. However, most London Buses

use roads where the local borough is the highway authority. In the London boroughs the level of compliance varies from high (City of London 100%, Sutton 94% and Islington 92%) to very low (Havering 42%, Barnet 45% and Croydon 51%).

Since 2009 we have published a quarterly performance report detailing the numbers of accessible bus stops by highway authority. We have used this encourage those authorities that were poor performing in this area to prioritise improvement works. These reports have received a lot of coverage in the local media which has added further pressure on local authorities to tackle this issue. The result has been that in the three years since 2012 the numbers of accessible bus stops in London has exceeded TfL's original business plan targets earlier than originally planned. The proportion of accessible stops has risen by around one third since 2009. We welcome the recent Mayoral commitment to increase the proportion of such stops to 95% in the next business plan period. However, this is dependent on the co-operation and agreement of the boroughs in London.

We note that some boroughs have been more enthusiastic to implement such measures than others. In our view these are those that have recognised the importance of buses generally to the vibrancy of their local communities. Those boroughs that place less value on the importance of buses have not achieved the same level of improvement that those with a greater commitment to buses e.g. Barnet, Havering, Croydon, Redbridge, Hounslow, Bromley and Enfield are still in the bottom 10 boroughs for stop accessibility in 2012, having featured since 2009. In contrast, Richmond and Kensington & Chelsea have more than doubled the numbers of such stops in just three years to take their position in London from near the bottom of the league to near the top. Another recent good performance has been from Brent who had only 41% of stops accessible in 2009, had moved to 61% in September 2012, but had reached 76% by December 2012.

We note that the cost of making bus stops fully accessible is relatively modest for a significant gain in improved accessibility. Work to do this can often be cost effectively incorporated in other highway improvements or maintenance programmes. This is shown by the improvements that boroughs such as Brent, Richmond and Kensington & Chelsea have been able to achieve in relatively short periods of time, and through a concerted effort to address the issue.

We would suggest that publication of national tables of bus stop accessibility would encourage highway authorities to be aware of their responsibilities for providing accessibility at bus stops and to encourage improvement.

5 Streets

An area of increasing concern to us is the practice of businesses and others placing A-boards on the pavement and other public spaces, advertising business products or acting as wayfinding signs during business hours. These A-boards present particular difficulties for people with restricted or no vision, they are disliked by the elderly and people with disabilities, as they can often be placed in unexpected places and present significant obstacles to free pedestrian movement.

Legally local authorities have an obligation to keep pavements and highways free from obstructions. We have researched the policies of London boroughs and have found that a wide variety of approaches are adopted across London. These range from no restrictions and no enforcement of such highway obstructions, through to no tolerance and high levels of enforcement. Some authorities operate a licensing scheme for A-boards but do not believe legislation allows the licensing of such boards.

The condition of streets, particularly pavements is a concern because of the trip hazard that they present to the partially sighted and others with restricted movement.

London TravelWatch would like to see greater consistency in the enforcement of regulations relating to A-boards and other highway obstructions and also recognition of the needs of partially sighted people for unobstructed and consistent walking routes.

6 Rail

London TravelWatch notes that substantial progress to improve accessibility has been made on the rail network through programmes such as 'Access for All'.

However, the rail industry and in particular the DfT is in our view still in need of a major cultural change in relation to designing in and taking account of the need to provide step free access to station platforms and trains. Too often decision makers regard providing such access as a 'nice to have' optional extra, that can either be sacrificed to reduce costs or whose funding stream can be used to cross subsidise the cost of other works on the same site. Two recent examples illustrate our concerns. Both of them raise wider questions of principle.

The first is that of Alexandra Palace station in North London. We have had recent correspondence with the DfT, the Office of Rail Regulation, Network Rail, and First Capital Connect over the failure to provide step free access to a completely new platform at this station, which was being provided as part of a capacity enhancement scheme.

The works at Alexandra Palace were part of a wider scheme to upgrade non-passenger tracks to passenger standards between Alexandra Palace and Finsbury Park so as to increase the capacity to handle train services on this stretch of the East Coast Main Line. This involved the construction of new platforms at Alexandra Palace and the reinstatement of old platforms to public use at Finsbury Park. It was originally proposed that both stations would receive step free access as part of the scheme. At Finsbury Park lifts are being provided at both the reinstated platform and others as part of an 'Access for All' project. However, at Alexandra Palace, the DfT subsequently decided not to proceed with the installation of lifts as a cost saving measure, despite the fact that completely new platform was being built as part of the work. This decision was taken without consultation or reference to ourselves as the relevant passenger body or the local authority. When we queried this decision, we were given a number of inadequate reasons as to why step free access could not be included. Further probing on our part showed that there was no rational or physical basis for not providing step free access.

We were also disturbed by the fact that the DfT used exemptions from disability regulations designed for minor works such as platform resurfacing to relieve itself of the obligation to specify and pay for step free access to such a major piece of new infrastructure as a completely new 200 metre platform. When challenged that they had not applied a 'reasonable adjustment' test the response from the Minister was that providing step free access to this platform would have made the project economically unviable; that 'reasonable' was not defined by the Equalities Act 2010; and that it would be for the courts to decide on a case by case basis, depending on the circumstances of the individual bringing the case and the facilities at the particular station.

We also challenged the fact that no derogation had been sought from European Technical Standards of Interoperability that require the provision of obstruction free routes between all elements of a station and that where station infrastructure is being upgraded or renewed that the facility must comply with this, unless a specific derogation is applied for. This matter has been taken up with the Office of Rail Regulation.

We believe the failure to include step free access in this scheme suggests that much more needs to be done to develop a sympathetic culture to access issues within the DfT and the rail industry. Those concerned should be given the maximum encouragement to take advantage of opportunities that present themselves to provide improved access at reasonable cost.

Our second example comes from the lifts at Dagenham Dock station. This highlights that even when opportunities are taken, the projected benefits are not always delivered. These were specified as part of the planning process for the construction of the adjacent HS1 line and the closure of a level crossing. HS1 opened in 2007 yet in 2012 the lift to the main London bound platform was still not operational because of contractual disputes between Network Rail, London Borough of Barking and Dagenham and C2C as train operator. We have attended meetings and tried on numerous occasions to get each of these parties to agree to fund or take on responsibility for getting this one remaining lift operational, but institutional resistance seems high, as illustrated by Network Rail's insistence that the lift mechanism is replaced because it was built by HS1 and not to Network Rail's own standards. HS1 do not wish to be involved as they have finished the project and have handed it over to Network Rail. Barking and Dagenham do not wish to have responsibility because the lift is to the railway platform. C2C want the lift in use but cannot justify the expenditure because there is uncertainty over whether they will get their franchise renewed. The result is that passengers still do not have step free access to the London bound platform even though a lift has been in place (but out of use) for over five years.

More generally, we are aware of a number of stations (see Appendix A) where it would be relatively easy to provide step free access by means of ramps rather than lifts – which are therefore much cheaper to provide and maintain, but which have not been taken up by operators or authorities. Partly this is due to perceived passenger usage lower than other stations which are considered more important for the allocation of 'Access for All' funding. However, this should not be a reason to abandon all efforts at improving accessibility. There is plenty of evidence that improving accessibility stimulates growth in usage. It is also worth noting that station usage figures which are used to evaluate business cases for funding are not universally accurate – in the case of London area stations the ORR's statistics do not currently include any estimates of use by concessionary pass holders. This therefore discriminates against stations that

might have high usage by the very passengers that 'Access for all' funding is intended to benefit.

'Access for All' funding was originally not subject to business case evaluation on the basis of value for money, as it was intended to be a public benefit programme, and one in which it was accepted that use of conventional evaluation of the efficacy of expenditure was not appropriate. Despite this, we understand that a value for money test is now applied to assess applications for funding from this source. As a result we know of at least one case where an applicant (Harrow Council) has been actively deterred from putting in an application (to provide new ramped entrances to Sudbury Hill Harrow station), even though the scheme is relatively simple and would have very low maintenance on an ongoing basis. However, the station's low official ORR usage statistics and reluctance by the station facility owner (Chiltern Railways) to progress the scheme have militated against it progressing further.

We have also encountered a reluctance to tackle relatively minor accessibility and information issues at main line terminal stations such as Paddington that are managed by Network Rail. Here there are often conflicting demands between the need of passengers to move easily around the station and the commercial pressures from station retailers to be able to promote their products and to maximise space availability. The listed nature of many such buildings, and the requirement to seek approval from English Heritage for alterations, has also been cited as a reason not to pursue accessibility improvements, in the belief that the applications might be refused. However, our discussions with English Heritage officials show that this is often unfounded and that there are often creative ways of improving accessibility without compromising the integrity of the buildings concerned.

A further concern relates to the number of instances of large gaps between train doorsteps and the platform. Some of these are continuing to appear on newly built platforms at mainline stations – e.g. Farringdon, London Blackfriars and platforms 1 and 2 at Stratford. This is in addition to places where these have occurred historically – e.g. at Clapham Junction, East Croydon, Vauxhall and numerous other locations.

These gaps not only present significant barriers to disabled people, requiring them to pre-book assistance in the form of portable ramps, but also are a safety hazard and a cause of delay to trains. We feel the industry can and must do more to address this issue, e.g. by means of installing platform humps as well as marking gaps / steps and making announcements both on trains and on stations¹.

By contrast, some parts of the rail industry and individuals working within it have been genuinely innovative and creative to improve accessibility, particularly when other works are being undertaken. An example of this is a recent project to increase cycle storage and access at East Dulwich station, which has in the process created step free access to the platform that was previously not accessible by extending a ramp to avoid a flight of stairs. Similarly, track renewals on the Piccadilly line some years ago meant

¹Railway Group Standards (which are mandatory for new trains and platforms, but cannot be enforced retrospectively) now stipulate that the maximum distance between the platform edge and the footstep should be 275 mm horizontally, 250 mm vertically, and 350 mm diagonally. How these relate to any particular type of train depends on the length of the carriages and the positioning of its doors. But on Class 319 trains the maxima at East Croydon platform 2 are reported to be 279, 306 and 379 mm respectively. Though non-compliant in all three dimensions, this platform is better than many (there are 1835 platforms at Network Rail stations with even greater vertical gaps than this),

that London Underground were able to minimise the step/gap between train and platform at a number of stations. The East London Line of London Overground also has some very good practice in this respect at the stations owned by TfL infrastructure owner, Rail for London. These examples illustrate very well what can be achieved with the right kind of commitment.

In general, we feel that decision makers and funders within the rail industry such as the DfT and Network Rail do have formal mechanisms that recognise the importance of providing an accessible network. However, much still needs to be done to ensure that providing an accessible network is part of the culture in specifying, designing and operating facilities and services throughout the network, and not just for 'Access for All' projects. Staff should be aware of both the need to provide access, but also the potential impact that other decisions may have on people with mobility difficulties. Essentially, this requires a decision making that is passenger centred, and with a pro-active 'can-do' approach.

We have suggested to the ORR that one way of measuring, encouraging and rewarding pro-active thinking on the part of Network Rail and train operators would be to incorporate accessibility into the Station Stewardship Measure that forms part of the proposed outputs for Control Period 5 (2014-2018).

London Travelwatch thinks there is still much to be done to improve accessibility of rail services. The issues are complex and much depends on attention to detail, but there is good practice that can be built on. We would like to see a much more positive approach from all decision makers in the sector, based on a willingness to build on the many opportunities that already exist.

7 Taxis and private hire vehicles

Taxis and private hire vehicles are a significant means of travel for many people with mobility difficulties. In London, all taxis are wheelchair accessible. However, we are aware that some disabled passengers find conventional vehicles licensed as private hire vehicles to be easier to get in and out than conventional accessible taxis. We contributed to the recent Law Commission review of taxi and private hire legislation. In this we argued that a significant proportion of the private hire fleet particularly of large companies should also be accessible. We supported the Commissions' proposal to retain the concept of 'compellability' because as we said in our response:-

“We have anecdotal evidence and personal experience that this rule is ignored by Taxi drivers on their way home at the end of a shift or they avoid picking up wheelchair using passengers. We also know of cases where blind or partially sighted passengers have been refused a taxi journey because they are travelling with an assistance dog. In cases where there is a medical reason for a driver refusing to give a ride they should be obliged to organise an alternative taxi. We would like to see higher penalties for non-compliance”.

8 The impact of the Olympic and Paralympic Games

London TravelWatch carried out in association with Transport for All a 'Mystery Traveller' exercise to test the accessibility of transport to and from the Olympic Games venues in May 2012. The results of this work can be found at:- <http://www.londontravelwatch.org.uk/document/14168> .

London TravelWatch believes that there has been a significant legacy for passengers with reduced mobility as a result of the 2012 Olympiad. This has included physical infrastructure such as new trains and stations, but also better training and a greater appreciation of the needs of people with reduced mobility by staff, and the transport industry operational planning processes. The very act of planning and carrying out a trip to the Games by people with mobility difficulties will in itself have also boosted their confidence to use public transport more generally. The sight of so many elite Paralympians using ordinary public transport to get around London and to other venues also cannot be underestimated in its value for 'normalising' the presence and requirements of people with disabilities on the transport network. Historically, disabled people have had very low confidence that the public transport network is able to meet their needs.

We have been encouraging operators and authorities to capture the lessons learnt from the Games experience and to embed these in their operational cultures. In particular the importance of good signage and information, availability of staff at key interchanges and retention of facilities such as the manual boarding ramps that were introduced by London Underground for the duration of the Games are important items in the improvement of the journey experience of people with mobility impairments. We produced a report to our board which captures the main experiences of transport users during the Games and also overall benefits in terms of transport legacy. This can be found at:- <http://www.londontravelwatch.org.uk/document/14231>.

Provision of accurate, timely and accessible information was also a key component of the success of the transport provision of the Games. However, the provision of maps showing accessibility is one area which would give people greater confidence to use public transport. In particular we would like to see a unified all-London rail map showing whether stations are accessible or not, and also for TfL to follow the example of National Rail and produce station accessibility maps for London Underground and Docklands Light Railway stations.

9 Conclusions

Progress in improving the accessibility of the transport network is being made, but it is a long drawn out process that requires a degree of determination and commitment. In particular local authorities need to recognise the importance of bus stops being fully accessible, and that pavements need to be kept free from obstructions such as A-boards and free from trip hazards.

The DfT and Network Rail need to be aware of the impact of their decision making on the accessibility of the rail network and also to culturally embrace the importance of good accessibility for the benefit of passengers. This is an area where the ORR could make a difference in terms of monitoring industry activity.

Changes in culture should also be encouraged amongst users to show more consideration of one another. This rather than additional legislation is likely to have more benefit to people with disabilities.

Appendix A

Rail stations where simple ramp access would if provided make the stations fully accessible

Bellingham (both platforms)
Haydons Road (Wimbledon bound platform)
Maze Hill (eastbound platform)
Penge West (southbound platform)
Ravensbourne (northbound platform)
Saunderton (southbound platform)
Sudbury Hill Harrow (both platforms).