

NORTH LANARKSHIRE COUNCIL

REPORT

To: Environmental Services Committee	From: Director of Environmental Services
Your Ref:	Ask for : Tel: 01236 751217
My Ref.: 040ekmmr	Date: 15 April 1998
Copied to:	Subject: Disability Discrimination Act 1995

1. This report gives additional comments to the report by the Director of Planning (ref:- D/IT/79/21/SCW) on the above as submitted to the Planning and Development Committee of 1st April 1998.

2. Background

The Environmental Services Department operates a fleet of buses for use within the council departments. These are mainly for Education and Social Works special needs. The department currently complies with existing legislation for disabilities and will be subject to the future requirements of the proposals made in this consultation document. The main implications relate to bus/coach design and staff training/awareness. As with planning the department welcomes the principle of inclusivity which this legislation seeks to enhance.

3. Environmental Services agrees and encloses the comments and views expressed by the Director of Planning in his report and would add the following comments relative to the formal questionnaire;

a) Ref:- Vehicle Types Q. G1
Consideration should also be given to possible options of side entry access by lift. Rear access should not be deemed as the single alternative solution.

b) Ref:- Q. G3

Luggage storage would be acceptable provided a separate and secured storage area is created.

c) Design Specification

HI Portable device systems should be subject to a strict code of practice including training aspects and operation by a competent person.

M. King
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NORTH LANARKSHIRE COUNCIL

REPORT

To: PLANNING AND DEVELOPMENT COMMITTEE (Transportation and Development Sub-Committee)	Subject: DISABILITY DISCRIMINATION ACT - THE GOVERNMENT'S PROPOSALS FOR BUSES AND COACHES
From: DIRECTOR OF PLANNING AND DEVELOPMENT	
Date: 1 APRIL 1998	Ref: D/TT/79/21/SCW

Purpose of Report

1. This report offers comments on the Government's proposals for applying the Disability Discrimination Act 1995 to buses and coaches. These proposals follow on those for taxis reported to sub-Committee on 24 September 1997.

Background

2. Through our responsibilities for planning, transportation, building control and property, the Planning and Development Department has a major interest in access and mobility issues. Currently, the Department is pursuing a strategy to improve the accessibility of Council property and the general pedestrian environment in order to meet our obligations under the Disability Discrimination Act 1995.
3. The Act as published gives Central Government powers to make regulations on the accessibility to buses and coaches for disabled persons. It is these proposals which form the basis of a discussion paper issued by the Department of Environment, Transport and the Regions (DETR).
4. The proposals set out timescales for the implementation of accessible buses and coaches, technical criteria for the vehicles and exceptions to the regulations. There is also a questionnaire where the Department invites comments on the types of services to be covered, possible exemptions, implementation timetables, design specifications, infrastructure and traffic management and costs to industry. Comments are invited by 17 April at the latest.

Summary of Contents

5. A copy of the full document has been lodged in the members library but the contents can be summarised as follows.
6. New large single deck buses used on scheduled services will have to be wheelchair accessible from January 2000. New double deck buses have a further two years to comply (January 2002). All existing single decks would have to comply by 2015 while double deckers would have until 2017.
7. Exemptions are proposed for vehicles operated by voluntary organisations, off road vehicles and prison transport. Meantime views are sought by Government on whether vehicles used on non-scheduled services should be brought within the ambit of the regulations.

8. Vehicles under 7.5 tonnes or with less than 23 seats would also have to be wheelchair accessible but the proposals allow for this to be achieved by rear tailgate lift.
9. Coaches operating scheduled services tend to run over longer distances, have fewer stops than local bus services, may have pre-bookable seats and usually incorporate extensive luggage space under the seating area (on single deck vehicles). With this in mind, the Government view is that low floor, wheelchair accessible single deck coaches are impractical and that lift access is acceptable. New coaches introduced from 2005 will have to be wheelchair accessible.
10. The situation is further complicated by the separate draft proposals for a European Commission Bus and Coach Directive. These have been incorporated into the DETR document as far as practical.
11. Annexes A, B, C, D, E and F give details of such matters as dimensions, security measures and lift requirements. The comments below are related to these annexes.
12. The final part of the document includes a short section on Infrastructure and Traffic Management which is of direct interest to the Council as local roads authority. Reference is made to the need for off-vehicle infrastructure to be barrier-free, to the problems posed by some forms of traffic calming measures and to the need for low floor buses to be able to access the kerb at bus stops if they are to realise their potential.

Responses to Questionnaire

13. In terms of responses to the issues raised in the questionnaire, the following comments are suggested:-
 - A1 If the Government is committed to creating an inclusive society, as many types of vehicles as possible should be covered by the regulations.
 - B1 The proposed exemptions seem reasonable except for the general exemption for vehicles used for Crown Purposes - this seems contrary to the spirit of the Act and means that State organisations are exempt from Government policy!
 - B3 Exemption of "Heritage" vehicles seems reasonable.
 - C1 The 2000 date for new single deckers is eminently achievable.
 - C3 The end date of 2015 seems too far away - while the average bus may have a life of 12-15 years, operators and manufacturers have known since 1995 at least that wheelchair accessibility was likely to be introduced. 2010 seems a better target date.
 - D3 The 2002 date for wheelchair accessibility to double deck vehicles is dictated by the unpreparedness of British Industry and probably has to be accepted.
 - D5 The end date of 2017 is again too late. 2015 is a better compromise date.
 - E3 If, as Government indicates, lifts can be readily fitted to any vehicle, there is no reason why new small buses/coaches should not be required to be wheelchair accessible from 2000 as for new single deckers. There can, however, be a problem for accessing vehicles with rear lifts in that access is made from the road. There is a road safety issue and dropped kerbs may not be available. Driver assistance will, however, normally be involved in using the lift and it seems reasonable to expect the driver to be required to deploy portable ramps to assist wheelchair users to mount kerbs (see also G1 and H1).

- E5 The 2015 end date seems too far ahead for a class of vehicle which is generally recognised as having a shorter useful life than full size buses/coaches. 2010 is probably a fair compromise.
- F3 The document does not make it clear why the implementation date for wheelchair accessible coaches should be 5 years after single deck buses, although there is the issue of how best to achieve access (See G3). It is suggested that the requirement should be related to use. Coaches are often used for local bus services in the Cumbernauld area and in other parts of the UK either as the regular vehicle or as a substitute for a bus. Some operators could seek to avoid compliance with wheelchair access requirements by purchasing and operating coaches rather than buses if there is a 5 year difference in the requirements for introducing new vehicles and the end date.
- There is a need for Government to set targets for the introduction of wheelchair accessible services rather than wheelchair accessible vehicles.
- G1 See previous comments regarding rear lift access.
- G3 The lower saloon of double deck coaches should be capable of being wheelchair accessible in the same timescale as for single deck buses. Access to upper floors of double deck coaches or buses is probably unreasonable and would cause problems in an emergency situation.
- H1 There should be no problem with the deployment of a portable device which offers a more flexible approach for smaller vehicles and could help to counteract the situation referred to earlier regarding mounting high kerbs, etc. The issues would be ensuring that the device was carried at all times, that it was structurally sound and that drivers/operatives were competent in its use. The parallel is with the taxi industry.
- H8 The proposal that de-mountable seats be provided on pre-booked services seems sensible - it has parallels with rail or air operations where the operator knows in advance when special facilities are required and can, therefore, make appropriate provision.
- L1 Section 2, Part 5, relating to infrastructure, is one of the shortest sections in the consultation document yet in many ways it is one of the most important and also the one of most interest to local authorities as opposed to bus operators.

There is not much use in promoting the purchase and deployment of low floor and wheelchair accessible vehicles if the road network is not designed and maintained to accommodate them - crests and dips in the road geometry and speed reducing road humps conspire against low floor vehicles. Meanwhile, pedestrians need to be able to access bus stops and this requires investment in better footway surfaces and dropped kerbs. There is also the issue of buses unable to access bus stops because of thoughtless parking and the converse - bus drivers who do not come near enough to the kerb negate the benefits of accessible vehicles. There is a need for greater awareness education/training involving the public, local government officers and bus operatives.

Recommendation

14. Members are asked to:-

- a) note the publication of the consultation document,
- b) welcome the continued progress towards an inclusive society and to
- c) approve the responses outlined in paragraph 13 above as the views of the Council for onward transmission to the DETR.

Stanley C. Cook

SCC Stanley C. Cook
DIRECTOR OF PLANNING AND DEVELOPMENT

18 March 1998

For further information please contact Stuart Wilson on 01236 616256.