

Third Observation by VVI on Bus Connects (NTA) December, 2020.

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1 Introduction/Background

The National Transport Authority's Bus Connects plan for a re-design of bus-routes in the Greater Dublin Area continues to ignore five issues which, if allowed to continue, will be disastrous for the most vulnerable pedestrians (including children under 10, older people (over 75), and those with severe disabilities (such as those with severe sensory., physical, and/or intellectual disabilities).

According to the last census, there are c.55,000 people in the State with a severe visual impairment (with approximately a third of those living in the Greater Dublin Area – that is, c.18,000 people with a visual impairment in the GDA). Because 86% of this sector of the population between 24-65 are unemployed, their poverty means that they are much more likely to depend on the bus for travel.

We in VVI are experts in this perspective, being ourselves blind or partially sighted.

2. Non-Consultation

The Convention on the Rights of People with Disabilities (Article 4.3, as clarified by General Comment 7), obliges all State's parties to 'prioritize' DPOs such as VVI in policy, design, and decision-making processes affecting disabled people. Such parties are also obliged to 'support' DPOs. Rather than being prioritized and supported by the NTA in the Bus Connects 'consultation' process, we (VVI) have been effectively ignored.

The NTA's idea of 'consultation' is that expert opinions such as that of our members, are aggregated in with the thousands of other submissions, and reduced to a miniscule minority. This is a total violation of and contempt for the CRPD, and means that the process is built on sand from a safety and legal perspective.

For example, regarding safety, if the design for a bridge was open to public consultation, and a thousand were in favour, and one was against, one might think that the majority should be respected. However, if the one against was the

only submission on behalf of a civil engineer, and the objection was on serious safety grounds, then the aggregation of that one submission into the thousand others becomes a serious problem.

Under the CRPD, we and our members in VVI are the national experts on matters relating to policy and design in so far as visual impairment is concerned, and from start to finish, our concerns have been ignored, and we have not even been facilitated in a properly accessible consultation process.

3. Inaccessible Information

In previous consultations, we have informed the NTA that its public consultations are not adequately accessible for people with a severe visual impairment in general, and VVI in particular. For example, previous consultations held meetings in shopping centres – which are mostly inaccessible to independent people with a severe visual impairment.

However, the most inaccessible elements of all phases of the consultation have been the lack of accessible information to people with a severe visual impairment. Most of the information is presented in maps, which are not adequately described with alt text. For instance we cannot find out where island bus-stops and cycle-through bus-stops are planned to be built.

The NTA's stock response to this problem has been the equivalent of sticking its fingers in its ears and sticking out its tongue...just repeating that its information is provided online in .pdf, audio, and html. Inadequate description of images is the basic issue, and the NTA refuses to address this.

The 'audio' it speaks of is as useful as a chocolate teapot. Use of third party screenreaders on websites is a waste of money, since people with a severe visual impairment already have their own screenreaders which are adapted for their own needs...that is how they find websites in the first place. The last thing they need as a third party screenreader on top of the one they already use. The third party screenreader appears to be a sighted person's idea of what a blind person needs...no consultation with DPOs such as VVI, of course. This speaks to a more general cultural antipathy within the NTA towards fulfilling its obligations

regarding disability consultation.

4. Island Bus-Stops

At least twelve routes are to have island bus-stops. This means that a vulnerable pedestrian will have to run the risk of crossing a cycle-lane, i.e., where cyclists think they have priority), in order for those pedestrians to go to or from such a bus-stop.

This endangers a blind pedestrian in two serious ways:

4.1. Locating the Bus-Stop:

Finding the bus-stop becomes much more difficult, and for many, it will be a complete matter of chance. Tactile paving is insufficient as an indicator for a substantial minority of blind people, since they have diabetic neuropathy, inhibiting the sensations in their feet and hands, etc.).

In the event of missing an island bus-stop, there is an unacceptable risk of a blind pedestrian ending up in the main carriageway along with the heavy traffic.

Furthermore, difficulty in locating bus-stops makes bus-use less accessible – meaning that far less blind people (and other vulnerable pedestrians) will be able to use them.

4.2. Cyclist-Pedestrian Conflict:

Because, rightly or wrongly, cyclists will perceive that they have priority over pedestrians in cycle-lanes, pedestrians will need to be able to perceive such cyclists coming in order not to walk out in front of them. In other words, a blind person cannot see a cyclist coming, and there is no engineering or training fix that can modify the current design to cater for this problem.

The ineluctable fact is that vulnerable pedestrians will at least be injured in attempting to cross cycle-lanes in order to get to or from bus-stops. How can this not happen?

This hazard is demonstrated in the Transport Laboratory Research report of July 2018 , *Bus Stop Bypasses: pedestrians and cyclists survey* (commissioned by Transport for London). One of the findings in this report is that more than half of cyclists cycling through these island bus-stops did not alter their behaviour when a person with an obvious disability was trying to cross the cycle-track.

Note: TRL's proposed solutions to this (education campaigns for cyclists and blind people), are naive, impractical, and not empirically based.

The TLR study is here:

https://www.google.com/url?q=https%3A%2F%2Ftrl.co.uk%2Fsites%2Fdefault%2Ffiles%2FPFR853%2520-%2520Bus%2520Stop%2520Bypasses%2520-%2520Accompanied%2520visits%2520of%2520people%2520with%2520disabilities%2520to%2520Bus%2520Stop%2520Bypasses.pdf&sa=D&sntz=1&usg=AFQjCNGsyhygc5huOB5G06r8ThQAuo_A-A

For examples of problem of 'island' bus-stops (called 'floating' bus stops by Transport for London), in London, see the following links:

Bus Lane Bypass, London.

Link: <https://youtu.be/PkLiRF06VD4?t=12>

Link: Whitechapel Road bus stop bypass, London.

https://youtu.be/I_1JHiGoKK0?t=26

Bus Lane Bypass, London.

Link: <https://youtu.be/7KKMWRchwCY?t=130>

Cambridge Bus in the UK had serious issues with the idea of floating bus stops also or what the NTA Busconnects refer to as island bus stops.

Link#1: <https://johnwilliams.mycouncillor.org.uk/2014/05/29/cambridge-floating-bus-stops-holed-by-poor-officer-report/>

Link#2: <https://road.cc/content/news/115114-cambridge-bus-boss-calls-floating%E2%80%99-bus-stop-plan-absolutely-ludicrous%E2%80%9D>

Finally, here is a protest against a floating bus lane at St. Thomas's Hospital, London.

Link: <https://www.youtube.com/watch?v=bSuBNKV1yb0>

5. Cycle-Through Bus-Stops

A second type of bus-stop will be located on the pavement, but in order to get on or off a bus at that stop, a vulnerable pedestrian will have to run the gauntlet of whizzing bicycles. Again, blind people have no way of knowing that these are coming.

Both of these types of bus-stop (in 2 and 3 above), go against the NTA's own National Cycle Manual (for Planners), of all things - specifically, sections 1.9, and 5.1.3 - where pedestrians and passengers with a visual impairment are explicitly mentioned.

1.9 says, in general, that 'shared facilities between pedestrians and cyclists generally result in reduced Quality of Service for both modes [i.e., cyclists and pedestrians], and should not be considered as a first option'.

1.9.2 says that the principles of sustainable safety suggest that 'passengers and cyclists...should be segregated whenever possible'; and 'An alternative route or segregation is preferable'.

1.9.3 says, 'Shared facilities are disliked by both pedestrians and cyclists and result in reduced Quality of Service for both modes. With the exception of purpose-designed shared streets, shared facilities should be avoided in urban areas as far as possible...'.

As part of the 'Design Checklist' for bus-stop planning in the Cycle Manual, 5.1.4.3 asks, 'Has the design addressed cyclists' conflict with 1) pedestrian access to/from the bus stop? 2) passengers boarding/alighting from a bus? 3) passengers waiting for a bus? 4) buses pulling in and out from the kerb?'

Data on increased accident rates in contexts where pedestrians have to cross a cycle-lane in order to access buses or bus-stops is found in *Road safety and perceived risk of cycle facilities in Copenhagen*, (Jensen, 2006), However, even

if very little ‘injury data’ is generally available regarding cyclists and pedestrians, the phenomenon very clearly exists, and should be taken seriously. The precautionary principle is required by any responsible planner.

6. Hazzardous Location of footway bus-stops

There is a trend, endorsed by the NTA, towards the locating of bus-stop poles 40cms in from the curb, instead of the <10cm which has traditionally sufficed. This inward movement of bus-stops is exemplified by the new bus-stop in Broombridge, Cabra. This type of relocation is dangerous because it disrupts the legibility of both the pedestrian footway, and of the line of poles at the footways edge. This disimprovement of legibility disproportionately affects and disorientates vulnerable pedestrians, such as those with a visual impairment.

7. Standard of Stepped kerbs

There is not enough accessible detail as to the proposed height of stepped kerbs a). between footways and cycle tracks, and b). between cycle-tracks and carriageways.

The NTA’s own National Cycle Manual (2011, 1.9.3.7), says the following:

Visually impaired pedestrians rely on having a longitudinal kerb to demarcate the edge of the footpath. The kerb provides a tapping edge to help them negotiate their way along the footpath. Importantly, the level change tells them which surface is the footpath and which is the road, cycle facility or other surface. The principle of “Up = Safe” is of fundamental importance to the visually impaired”.

Moreover, research by UK Guide Dogs in 2009 and 2012 shows that guide-dogs need a minimum kerb-height of 60mm to operate safely – i.e., not to walk out in front of traffic (including cyclists).

Since 2015, minimum kerb heights in Northern Ireland have been 125mm.

Independently of this, the TrinityHaus report for the Centre for Excellence in Universal Design (2012) strongly advises against shared spaces, but where an authority is intent on shared space, disability stakeholders should be involved at all stages of the design and testing. The CEUD is part of the National Disability Authority (whose statutory role it is to set standards for the State). Also, in anything to do with disability, DPOs take priority in consultations over service-providers (CRPD, General Comment 7.13), so the key stakeholders in this case are DPOs like VVI. We can categorically confirm that zero consultation has taken place without ourselves, and it is our understanding that no other DPOs have been consulted for such testing either.

8. Inadequate Funding for Re-Learning

It appears that no extra funding has been put aside for training of people with disabilities to know where their new connections are going to be. Roger Flood, from Dublin Bus, provides an excellent service of this type, but with a complete re-design of the routes, a hundred more Roger Floods will be needed.

Instead, the NTA is about to give the N.C.B.I. one and a half million euro to set up a centralized National Transport Training Centre for all disabilities - which is the opposite to the Roger Flood/Dublin Bus approach.

Legal:

Inter alia, What is lacking here is:

- a). the opportunity cost appraisal required under the Common Appraisal Framework (Dept. of Transport, 2016), and
- b). the report into accessibility and social inclusion/integration in the same CAF.

The principle of the pedestrian as top of road-user hierarchy in DMURS and Local Authority policies, is clearly being ignored.

9. High Contrast surfaces

Partially sighted people are greatly helped by high contrast surfaces, and it is probable that this sort of surfacing helps reduce accidents among the general population. This appears to be absent in the Bus Connects plan.

10. The Law

7.1: Consultation:

Article 4.3 of the Convention on the Rights of People with Disabilities (as clarified by General Comment 7) states it as a ‘general obligation’ that State’s parties consult with a wide range of disability stakeholders in the formulation of planning and all stages of design. Since priority must be given to the expertise of DPOs (Disabled People’s Organizations), as opposed to ‘service-providers’, the NCBI cannot be used as a fig-leaf for the absence of this consultation.

Worse still, the NTA’s lumping the expert observations by DPOs in with the thousands of observations from the general public is contemptuous of the CRPD, as well as contemptuous of our expertise. Neither expertise nor Human Rights are contingent on popularity contests – e.g., a heart-surgeon wouldn’t put his planned procedure to a public vote). We, as people with visual impairments, are the ones whose safety and security is being seriously compromised by these plans, and we are also the ones with the consultancy expertise, and the NTA needs to engage with us.

S42 of the Human Rights and Equality Act (2014) obliges all statutory bodies to comply with ‘Public Sector Duty’, for the inclusion of minorities (under the nine grounds of the Equal Status Act) in the work and awareness of that statutory body; and a process whereby this should be done is laid out by the Irish Human Rights and Equality Commission (IHREC). To date, the National Transport Authority has shown contempt for such an obligation – by completely ignoring it.

In terms of disability inclusion, Public Sector Duty complements Article 4 of the CRPD, and the contempt for both by the NTA is found in its general work,

but is exemplified in its ignoring of the four serious issues at the core of this observation.

10.2: Discriminatory Design:

The Public Transport Regulation Act (2009, S29.1c)

‘in exercising its functions, the authority [i.e., the NTA] shall seek to achieve the following objectives:

- a). the development of an integrated transport system which contributes to environmental sustainability and *social cohesion*, and promotes economic progress;
- b). the provision of a well-functioning, attractive integrated, and safe public transport system of networks and services *for all users*;
- c). improved access to the transport system, and in particular, to public passenger transport services *by persons with disabilities*.
- d). *increased use* of the public transport system;
- [...] g). increased recourse to cycling and walking as means of transport[...].

Clearly, all of these points are being violated, but in particular, c)., which specifically relates to improved access to public transport by people with disabilities.

Denial of reasonable accommodation under the Equal Status Act (2000) is also relevant for anyone wishing to take a case in a personal capacity.

In cases of personal injuries arising from this plan, if it is allowed to proceed, the injured parties would have recourse to claim against the NTA on the grounds of neglect of duty of care.

EU Planning Regulations (including 2014/52/EU)

The NTA’s failure to investigate the many red flags raised regarding this plan (in particular the safety of people with disabilities in attempting to cross an

uncontrolled crossing of a cycle lane in a pedestrian area), any assertion that the EU planning regulations have been complied with cannot hold water. Human safety is one of the prime tenets of the EU project, and we believe that the necessary preliminary screenings for health and safety analyses were inadequate (and effectively non-existent for vulnerable pedestrians). Also relevant here is the Aarhus Convention.

We are of the opinion that our rights under the European Convention of Human Rights are being violated: in particular, Article 8 which guarantees each of us the right to a private life, and Article 14, which bans discrimination, on grounds of disability, which interferes with our rights under Article 8.

The UN Convention on the Rights of People with Disabilities (CRPD) is violated in several parts:

Article 2: Universal Design, see universaldesign.ie

Universal Design means that accessibility for all is incorporated into all plans from the concept stage. Universal Design is not – as some planners say – a balancing of the (perceived) needs of one group with those of another. It literally means access for all.

Article 4: Consultation with DPOs

Article 5: non-discrimination and reasonable accommodation.

Article 9: Access to the Environment

Article 19: Independent Living

Article 20: Personal Mobility.

The Department of Transport Sectoral Plan (2011), pursuant to the Disability Act (2005) says that the needs of the mobility/visually impaired need to be taken into account in the design of bus-stops. This appears to have been ignored in Bus Connects. This Sectoral Plan also states that all traffic/transport plans must have an ‘Accessibility Audit’, and we suggest that this should happen at every stage.

The Common Appraisal Framework (Dept. of Transport, 2016), also appears to have been ignored, at least in relation to the social inclusion of people with disabilities.

Constitution of Ireland, Article 43.1: right to an environment consistent with human dignity and well-being. (as recognized in recent case of Friends of the Irish Environment vs. Fingal County Council (2017).

Regarding general lack of “injury data” relating to cyclists and pedestrians, the Treaty of the Functioning of the European Union, 2012 (TFEU, Article 191.2) that EU policy on the environment should be based on the Precautionary Principle.

11. Proposed Solutions:

11.1. Given that pedestrians are at the apex of the road-users’ hierarchy, in the interests of the safety of most vulnerable pedestrians, cycle-lanes should not be placed between pedestrians and their access to buses/bus-stops. Instead, the status quo regarding access of pedestrians to buses/bus-stops should pertain.

11.2. All footways need stepped kerbs which should be a minimum of 100mm high, and flat-facing.

11.3. Guaranteed adequate funding of re-learning of routes is an essential component of any new system that intends to include vulnerable pedestrians.

11.4. As with all projects, the NTA needs to consult with the expertise of DPOs before going any further with Bus Connects.

11.5. An Environmental Impact Statement is required (as per the Development Act (2000), and the impact on blind and partially sighted pedestrians and passengers must be a serious component of this EIS.