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# POSITION PAPER

PRISE DE POSITION  
STELLUNGNAHME

## OF THE INTERNATIONAL ASSOCIATION OF PUBLIC TRANSPORT

DE L'UNION INTERNATIONALE DES TRANSPORTS PUBLICS  
DER INTERNATIONALE VERBAND FÜR ÖFFENTLICHES VERKEHRSWESEN

### PROPOSAL FOR A EUROPEAN ACCESSIBILITY ACT DIRECTIVE: THE POSITION OF PUBLIC TRANSPORT OPERATORS AND ORGANISING AUTHORITIES

*In the European Union, UITP brings together more than 400 urban, suburban and regional public transport operators and authorities from all member states. It represents the perspectives of short distance passenger transport services by all modes: bus, regional and suburban rail, metro, light rail and tram and waterborne.*

*These services are often organised in integrated public transport networks covering metropolitan areas and other specific territories.*

#### **Key facts for public transport in the EU 28**

*Passenger journeys: 60 billion/year, more or less equally shared between road modes (mainly bus) and rail modes (urban, suburban and regional rail).*

*Economic value of public transport services:*

*€ 130 - 150 billion/year or 1 – 1.2% of GDP.*

*Employment: direct employment 1.2 million and indirect employment 2 - 2.5 indirect jobs for each direct job on average.*

1. UITP, International Association of Public Transport, supports the objective of the proposed directive, i.e. harmonization and improve functioning of the internal market.

2. The public transport sector is **committed to a well-functioning internal market and to fully accessible transport**. Not only specific sectorial national and European legislation tackles the accessibility notably of rolling stock, infrastructure, assistance, but accessibility is also integrated in the current strategies of the public transport sector. Most transport operators have been cooperating for a long time with representatives of disabled persons and persons with reduced mobility when buying new equipment or to improve their services.

For instance, the number of step free stations on London Underground has doubled in the last 15 years and Mayor Sadiq Khan is committed to further progress.

In Austria, all underground stations and vehicles, as well as all of Wiener Linien's buses, are accessible to people who have difficulty walking, people in wheelchairs and people with prams, etc. As far as the trams are concerned, almost 2/3 of vehicles are barrier-free. The remaining high-floor trams will be successively replaced by new barrier-free trams. Wiener Linien also cooperates closely with associations for the disabled and self-help organisations as early as the planning phase for new systems in order to be able to correctly understand and optimally take into account the specific requirements of these customers. One of the most successful examples here is POPTIS (Pre-On-Post Trip Information System), an indoor navigation system for blind and visually impaired passengers to improve orientation with audio announcements, which was developed by Wiener Linien in cooperation with organisations for the blind. Working in close cooperation with representatives of the Austrian Association in Support of the Blind and Visually Impaired, it has also been possible to significantly improve the qando (passenger information) app by improving its readability for screen readers. On Android and iOS smart phones with the latest update, the screen reader of the operating system now reads out loud the sections of text that users touch with their fingers. This makes the app easier to use for visually impaired people.

Still in Austria, Wiener Lokalbahnen has been continuously working to make all Badner Bahn stations and stops barrier-free for physically disabled and visually impaired people since 2010. At the end of 2015, 17 out of 24 stops had already been equipped with a guidance system for the blind. 23 out of the 24 stops now offer access via wheelchair (at two stations this only applies to one of the platforms rather than both). The aim is to make all stops barrier-free by 2020.

The modern units operated by WLB are ultra-low-floor models (14 out of 48) which are also fitted with a hydraulic lift which allows wheelchair users to travel with the Badner Bahn.

3. It should also be recalled that more and more cities are developing sustainable urban mobility plans with guidance from the Commission, and they include accessibility elements.

4. **Investments already made should be duly taken into account**, as well as their added value for passengers with reduced mobility, in order to avoid imposing additional requirements that would create disproportionate investments for the sector which would be passed onto the passenger or the taxpayer.
5. If the background for this initiative is the UN Convention for the rights of people with disabilities (UNCRPD), it should be noted that the proposed directive enlarges the scope of the UN Convention quite significantly.

6. Besides, **any new requirements should not lead to perverse side effects for the transport sector and all its passengers**. For instance, in an increasingly digital society, the use of smart tickets is becoming the norm. Public transport operators' experience shows that where passengers with reduced mobility aren't already entitled to free travel they feel more comfortable when buying their tickets before traveling, and have it available on their smartphone, or on their public transport traveler's card. As digitalization is expected to increase, also strongly promoted by the European Commission, the use of ticketing machines may be obsolete by the end of the transition period proposed by the draft directive.

In some cities, for instance in London, people with reduced mobility, such as blind people, receive free travel. Under the terms of the proposed directive, public authorities would be required to replace their ticket machines specifically for a group of people who don't even need to purchase a ticket.

In many Member States this is also true for the information to passengers, where websites are very much used by passengers with reduced mobility when preparing their journey, combined with mobile apps which will help the passenger during the whole journey.

7. Another potential side effect of fully accessible, but costly, ticketing machines would be the decision by the transport operator **to reduce the presence of employees at stations to meet the extra costs**. That would impact negatively all passengers, starting with the target group of this directive.
8. The high costs associated with new functional requirements would **prevent the transport sector from implementing more efficient solutions, from investing in innovation, dedicated services and assistance** which would be beneficial to all passengers, including passengers with reduced mobility.

9. It should also be noted that **the proposed directive penalizes transport services running under public service obligations (PSO)**. The article 21 imposes indeed the requirements of section IX of

annex I, which are stricter than the general requirements of the directive and apply in a mandatory way to buildings and vehicles, to public services, including rail and road passenger transport services according to regulation 1370/2007. A level playing field should be guaranteed between all transport service providers, whether they run under PSO contracts or not.

10. Finally, European regulations on passenger rights<sup>1</sup>, which are already in place, do include accessibility requirements for each mode of transport. Rail and bus services which are covered by the regulations have implemented the requirements of the existing regulations, or are in the process of doing so. This includes information to passengers and ticketing machines. Any new legislation on accessibility should **ensure legal certainty and be fully consistent with already existing legislation.**

11. And last but not least, **the European Union has recognized the specificities of urban services**, keeping them out of the scope of the European regulations on passenger rights. Compared to other long distance modes, urban transport is characterized by a high frequency of services, a high number of stops, a high number of passengers (a total of about 60 billion journeys every year, about 152 journeys made every year by an average citizen living in an urban area). They are furthermore mostly services running under public service contracts, ; accessibility requirements are usually then part of the terms of reference of the public service contract, and directly or indirectly financed with public money.

For instance in Austria, the existing Austrian Bundes – Behindertengleichstellungsgesetz- obliges every public transport operator to develop a plan in which it lays down how and when it will become fully accessible. This plan should also include the implementation of these requirements by stages and must be coordinated with the “Austrian national Council of Disabled Persons”.

In addition, the public service contract between Wiener Linien and the city of Vienna also contains provisions for accessibility.

12. Given the above, **UITP considers that the objective of making public transport accessible for persons with reduced mobility can be further pursued without the proposed directive aiming at improving the functioning of the internal market.**

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<sup>1</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations  
 Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) no 2006/2004

13. As for the objective of the directive of improving the functioning of the internal market the following amendments would be **a workable balance between the directive's objective and the reality of the public transport sector**:

#### Amendment 1:

Article 1 paragraph 2	
Commission's proposal	UITP proposal
(c) air, bus, rail and waterborne passenger transport services;	(c) air, bus, rail and waterborne passenger transport services, <b>unless an alternative option addresses the needs of persons with disabilities, which offers similar capabilities, in relation to the following aspects:</b> <b>(1) the websites, the mobile device-based services, smart ticketing, real-time information;</b> <b>(2) self-service terminals, ticketing machines and check-in machines (at least one machine per pre-defined station area) used for provision of passenger transport services at the end of their lifecycle;</b> <b>(3) the built environment if applicable in accordance with Article 3(10);</b>
<p><i>Justification: The life-cycle of ticketing and check-in machines need to be taken into account, as well as the investments already made.</i></p> <p><i>If not realistic, the timeframe proposed in the directive may eventually have to be postponed anyway, such as the French law of 2005 whose implementation deadline had to be postponed already several times.</i></p> <p><i>Websites and mobile device based services can be adapted quicker but are today, in the absence of a EU regulatory environment, very dependent on the strategies of the web giants.</i></p> <p><i>Besides, it should be made clear that not all machines in the station should be made accessible. There should be one machine near a defined area where PRMs are expected to pass by, e.g. close to the lift or to the info point. Not only equipping all machines for PRMs would impact all other passengers, but a systematic implementation of the required accessibility features to the public transport sector's equipment would mean, only for France:</i></p> <ul style="list-style-type: none"> <li>- <i>an upgrade of about 190,000 stations</i></li> <li>- <i>about 3,000€ investment for each passenger information board</i></li> <li>- <i>about 20,000€ for each check-in machine.</i></li> </ul> <p><i>In France, the association of urban and rail transport UTP estimates that about 1Md€ would be necessary to replace existing information material in busses, stations and stops compatible, about 250Mio€ for check-in machines and more than 2.6Mds€ for the replacement of automatic ticket vending machines in all stops of the urban networks in France.</i></p> <p><i>Transport for London estimates that replacing all its ticket machines would cost hundreds of millions of</i></p>	

Euro.


In Austria, Wienerlinien estimates that the replacement of all 365 fixed ticketing machines would cost around 15 Mio. €. The replacement of around 500 mobile machines in trams is likely to exceed 8.5 Mio € since the cost for mobile machines range between 10 000 to 17 000 € depending on their amount of functionalities. Machines with even more functions are more expensive.

As for the possibility to provide an alternative way: see justification of amendment 12.

## Amendment 2:

Article 1 paragraph 4 NEW	
Commission's proposal	UITP proposal
	<p><b>Paragraph 3 should apply to:</b></p> <p><b>(a) public contracts in accordance with paragraph 3(a) and 3(c) where technical specifications related to those contracts are published in a call for competition after the date of application of this Directive;</b></p> <p><b>(b) transport infrastructure in accordance with paragraph 3(d) designed or constructed after the date of application of this Directive;</b></p> <p><b>(c) programmes in accordance with paragraph 3(b) adopted or implemented after the date of application of this Directive.</b></p>
<p><i>Justification: It must be clarified that the provisions of this directive are only applicable to new contracts rather than to all contracts, six years after entry into force of this directive. Durations of city contract in public transport are usually longer than six years.</i></p> <p><i>The same goes for transport infrastructure and programmes.</i></p>	

## Amendment 3:

Article 1 paragraph 5 (new)	
Commission's proposal	UITP proposal
	<p><b>(a) Accessibility obligations affect only new products placed in the market after the application of the Directive and for services provided from that date on.</b></p>

*Justification: As stated in point 3.3 of the Memorandum, accessibility obligations affect only new products placed in the market after the application of the Directive and for services provided from that date on. Not only the principle of legal security means that EU law should not be retroactive, but limiting the application of the directive to new equipment only is also essential for transport operators in order to avoid losing investment already made in accessibility features; because of its importance, this aspect of the proportionality principle should be reflected in the core of the legislative text.*

*For instance, a systematic implementation of the required accessibility features to the public transport sector's equipment would mean, only for France:*

- an upgrade of about 190,000 stations
- about 3,000€ investment for each passenger information board
- about 20,000€ for each check-in machine.

*In France, the association of urban and rail transport UTP estimates that about 1Md€ would be necessary to replace existing information material in busses, stations and stops compatible, about 250Mio€ for check-in machines and more than 2.6Mds€ for the replacement of automatic ticket vending machines in all stops of the urban networks in France.*

*In Austria, Wiener Linien estimates that the replacement of all 365 fixed ticketing machines would cost around 15 Mio€. The replacement of around 500 mobile machines in trams is likely to exceed 8.5 Mio€ since the cost for mobile machines range between 10,000 to 17,000€ depending on their amount of functionalities. Machines with even more functions are more expensive.*

#### Amendment 4:

Article 1 paragraph 5	
Commission's proposal	UITP proposal
	<b><i>This Directive is without prejudice to provisions when relating to accessibility requirements contained in existing Union legislation. This includes the Regulation (EC) 1371/2007 with regard to providing information on the accessibility of rail services upon request and with regard with to providing tickets; Regulation (EU) 1300/2014 with regard to establishment of the technical specification for interoperability; Regulation (EU) 181/2011 with regard to providing minimum information to be provided to passengers; and Regulation (EU) 1177/2010 providing minimum information to be provided to passengers and with regard with to providing tickets</i></b>
<i>Justification: existing Union regulations dealing with accessibility should not be hampered by the proposed directive.</i>	



#### Amendment 5:

Article 2 paragraph 1	
Commission's proposal	UITP proposal
(1) "accessible products and services" are products and services that are perceptible, operable and understandable for persons <b>with functional limitations, including persons</b> with disabilities, on an equal basis with others;	(1) "accessible products and services" are products and services that are perceptible, operable and understandable for persons with disabilities, on an equal basis with others;  <b>+ Delete the reference to "functional limitations" in the whole directive and its annex.</b>
<p><i>Justification:</i> The scope of the proposed directive is far reaching, as it applies not only to "persons with disabilities" but also to "persons with functional limitations".</p> <p><i>Taking into account the needs of all "persons who have any physical, mental, intellectual or sensory impairment, age related impairment, or other human body performance related causes, permanent or temporary" seems hardly feasible.</i></p> <p><i>Besides, there should be consistency with the definition of PRM in the UNCRPD and existing Union legislation, e.g. TSI PRM.</i></p> <p><i>References to "persons with functional limitations" should therefore be cancelled in the whole text of the proposed directive, and its annexes.</i></p>	

#### Amendment 6:

Article 12 paragraph 4	
Commission's proposal	UITP proposal
The burden shall not be deemed disproportionate where it is compensated by funding from other sources than the economic operator's own resources, whether public or private.	The burden shall not be deemed disproportionate where it is compensated by funding <b>available for ensuring accessibility</b> from other sources than the economic operator's own resources, whether public or private.
<p><i>Justification:</i> clarification of the Commission's proposal about what funding should be taken into account.</p>	



#### Amendment 7:

Article 14 paragraph 3 (new)	
Commission's proposal	UITP proposal
	<b>When defining the implementing acts referred to in article 14(1), the Commission should consult all affected stakeholders.</b>
<i>Justification: public transport authorities, local communities and/or cities should be involved in developing the implementing acts with common technical specifications mentioned in article 14 since they are directly involved in the implementation process of these acts. This should include a full consultation on any new technical standards by all affected stakeholders before they are adopted.</i>	

#### Amendment 8:

Article 21	
Commission's proposal	UITP proposal
(a) When establishing the technical specifications and award criteria related to all public contracts and concessions the object of which is intended for use by persons, whether general public or staff of the contracting authority or contracting entity, which are subject to Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU.	(a) When establishing the technical specifications and award criteria related to all public contracts and concessions the object of which is intended for use by persons, whether general public or staff of the contracting authority or contracting entity, which are subject to Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EU, <b>with the exception of passenger transport services by rail and road under Regulation (EC) No 1370/2007.</b>
<i>Justification: The proposed directive penalizes transport services running under PSO. The article 21 imposes indeed the requirements of section IX of annex I to public services, which are stricter than the requirements applied to passenger transport not running under PSO services, e.g. mandatory inclusion of vehicles and built-in environment. A level playing field should be guaranteed between all transport service providers, whether they run under PSO contracts or not.</i>	

#### Amendment 9:

Article 21	
Commission's proposal	UITP proposal
(c) When establishing the accessibility requirements related to social and quality criteria established by competent authorities in tender	<b>deleted</b>

procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007;

*Justification: see the justification of amendment 8 above.*

#### Amendment 10:

Annex Section V	
Commission's proposal	UITP proposal
A. 1. (a) (i) ... via more than one sensory channel;	A. 1. (a) (i) ... via more than one sensory channel <b>unless an alternative option addresses the needs of persons with disabilities, which offers similar capabilities;</b>
C. 1. (a) (i)...via more than one sensory channel	C. 1. (a) (i)...via more than one sensory channel <b>unless an alternative option addresses the needs of persons with disabilities, which offers similar capabilities;</b>
D. 1. (a) (i) must be available by more than one sensory channel	D. 1. (a) (i) must be available by more than one sensory channel <b>unless an alternative option addresses the needs of persons with disabilities, which offers similar capabilities;</b>
D. 2. (a) provide for communication and orientation via more than one sensory channel	D. 2. (a) provide for communication and orientation via more than one sensory channel <b>unless an alternative option addresses the needs of persons with disabilities, which offers similar capabilities;</b>
<p><i>Justification: Public transport operators do their best to serve passengers with special needs, including by installing ticketing and check-in machines with accessibility features; however, the machines might not meet all the proposed requirements, especially when it comes to having "more than one sensory channel". For those passengers who have special needs not fulfilled by the accessibility features included in the machines, everything that can be done on these machines, can be done either on the web or on a phone with assistive support or at the stations with support from staff.</i></p> <p><i>Besides, a systematic implementation of the required accessibility features to the public transport</i></p>	

sector's equipment would mean, only for France:

- an upgrade of about 190,000 stations
- about 37,000€ investment for each passenger information board
- about 20,000€ for each check-in machine.

Transport for London estimates that replacing all its ticket machines would cost hundreds of millions of Euros.

Also, many cities' public transport networks offer free travel for certain categories of disability (e.g. blind Londoners can travel for free) so a blanket enforcement of this criteria would be an enormous waste of public resources.

Forcing operators to shift this amount of investment to ticketing machines would compromise other schemes essential to making networks more accessible, such as adding elevators to subway stations, giving vehicles step-free access, dedicated door-to-door services for severely handicapped users who cannot travel independently.

Finally, at a time when many operators are moving away from paper tickets, this forced reallocation of resources to a particular type of technology will jeopardise investment in other more innovative schemes such as contactless credit cards or app-based tickets.

Our view is therefore that the directive should allow alternative ways to meet the objective of allowing services to be accessible to all.

#### Amendment 11:

Annex Section V - A	
Commission's proposal	UITP proposal
<b>(c) including functions, practices, policies and procedures and alterations in the operation of the service targeted to address the needs of persons with functional limitations.</b>	<b>delete</b>
Justification: the text exceeds the objective of the proposed directive, i.e. harmonise functional requirements of products and services for a well-functioning of the internal market.	