

Getting Nowhere

Reviewing the Government's Approach
to Accessible Public Transport



'As a wheelchair user, I don't feel safe getting to the floating bus stops by traversing across a cycle lane. I feel it is an accident waiting to happen.'

- Annette Costello

'I exit the bus backwards via ramp onto the narrow bus island. Because of this, it is often scary to navigate my small chair on such a narrow floating island with other passengers sharing the same small space, and with cycle lanes intersecting the crossing to the footpath. Sometimes the ramps at the crossings, which span across cycle lanes, are also not dished properly so I need to navigate those backward as well. I have had near misses with cyclists who have nearly clipped me, as I try to navigate the small island. If they hit me, that's it.'

- Anonymous

'For over 40 years, as a person with impaired vision I could navigate my way around Dublin without giving it a second thought. I knew my usual bus stops and stations and getting to them was fairly straightforward for me. Over the last few years things have changed dramatically. I can no longer be the carefree, confident, and competent traveller I once was, and yet my level of vision has remained exactly the same. When I leave home to travel for work and daily life, I need to be in a constant state of high alert. I am now living with the knowledge that at any time I can be wiped out by silent cyclists and scooters zooming across in front of me as I disembark from the bus stop, on the path, or as I cross the road. Sometimes, cyclists have even shouted to get out of their way when I haven't even seen them. Sometimes, the road feels safer to walk on than the footpath! We are literally being pushed off the paths and discouraged from using public transport by designs that exclude us. I have been nearly knocked over and have been shouted at by cyclists as I have not seen them coming and they are not slowing down. My life is changing, and my independence is being reduced, as my anxiety levels increase and it's all down to poor design and no one prioritising my needs and my safety.'

- Elaine Howley

'As a wheelchair user and a representative on multiple consultative committees, I have highlighted the issue of potentially dangerous interactions between cyclist and pedestrians at floating bus islands, bus unloading zones that share spaces with cycle lanes, and cycle lanes that border parking spaces on numerous occasions along with many others by stating how dangerous they are for wheelchair users. The standard response is 'we have had cyclists and people with disabilities in a room together and they could not agree on a design, so this is what we have.' The current design is unsafe for everyone; this is not finding a solution; this is not consultation: this is ignoring the dangerous situation that will lead to the injury and social exclusion of people with disabilities.'

- Joan Carthy

Getting Nowhere

How the Government's Patchwork
Approach to Accessible Public Transport
Infrastructure Fails People with Disabilities

Avery Horne

IWA Research, Advocacy and Policy Officer

Terms of Reference:

For some the term 'disabled people' is a source of pride and identity as it recognises that there are disabling barriers that are placed by society and not due to a person's disability. Alternatively, the term 'person with a disability' is important to those who want to be recognised as a person before their disability.

The logic and rationale behind both terms are recognised and Irish Wheelchair Association respects individual choice and preference.

Both terms can be used interchangeably for some; this is a personal matter. However, in respecting personal choice, Irish Wheelchair Association must ensure it is using the terminology and preferences as expressed by the people in the organisation. Therefore, based on the outcomes of our consultation with members regarding language, Irish Wheelchair Association will use person first terminology in this report, reflecting the prevailing preferences of the people in our organisation.

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Background:

The Minister for Transport has committed to “progressively making [public transport offerings] accessible for all, especially for persons with disabilities.”¹ The Department of Transport’s strategy for doing so is to retrofit old infrastructure, and to build “accessibility features, such as wheelchair accessibility and audio/visual aids... into all new public transport infrastructure projects and vehicles from the design stage,” to “[ensure] that new infrastructure and services are accessible from the start.”²

However, we know that new public transport and accompanying infrastructure are not being designed to be accessible, “from the start.” Irish Wheelchair Association (IWA) has numerous examples of cases where critical aspects of the built environment and public transport infrastructure are inaccessible. In particular, numerous individual reports have centred around the inaccessibility of pedestrian infrastructure and public buses.³ As such, for the purposes of this report, we will define Public Transport Infrastructure as the pedestrian spaces alongside roads, and all the infrastructure on the roads this includes, but is not limited to, footpaths bus lanes, cycle lanes, bus loading docks, floating islands, pedestrian crosswalks, and street parking.

¹ Minister Eamon Ryan’s response when asked about his plans to make transport accessible for people with disabilities: House of Oireachtas, ‘Public Transport: Dáil Éireann Debate, Thursday - 3 March 2022’ <<https://www.oireachtas.ie/en/debates/question/2022-03-03/24/>> accessed 20 June 2023.

² Ibid.

³ Reports have come to us from IWA members, people with disabilities, as well as other Disability organisations. See also: Houses of the Oireachtas, ‘Joint Committee on Disability Matters Debate’, (Thursday, 30 March 2023).

These observed gaps in public transport infrastructure by our members led to this report. But IWA members are not alone in this observation. National Disability Authority's (NDA) 2023 Wellbeing and Social Inclusion Report found that 70% of respondents who identified as a wheelchair user reported difficulties accessing public transport.⁴ Similarly, 53% of respondents who identified as having a disability to a great extent reported difficulties accessing public transport.⁵

And yet, Ireland ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in March of 2018.⁶ Article 9 of the UNCRPD enshrines accessibility as a human right and states clearly what is needed to realise that right. Article 9.1(a) outlines the right to access public transport, services, and the physical environment on "an equal basis with others."⁷ Article 9.2(a) goes further, detailing that State parties must take appropriate measures, "To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public."

UNCRPD Requirements	Does Ireland meet this Requirement?
Right to Access Public Transport on an Equal Basis with Others	Yes, Disability Act (2005), Part 3 provides a Statutory Basis for Accessible Public Services.
Broad and Standardized, Mandatory Accessibility Standards Negotiated by People with Disabilities	No
Monitoring Mechanism for Implementation of Minimum Standards	No
Sanctions and Fines for Failure to Apply the Standards	No

⁴ National Disability Authority, 'How's it going? Wellbeing and Social Inclusion Survey Report' (January 2023), 34.

⁵ Ibid.

⁶ National Disability Authority, 'United Nations Convention on the Rights of Persons with Disabilities' <<https://nda.ie/disability-policy/uncrpd>> accessed 20 June 2023.

⁷ UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 9.1(a), "1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation...[and] to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia: a) Buildings, roads, transportation, and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;"

The accompanying general comment on Article 9 explicitly ties the right to accessibility with the right to freedom of movement enshrined in Articles 13 of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Civil and Political Rights.⁸

The general comment also links Article 9 of the UNCRPD to Article 25(c), Access to Public Service, of the International Covenant on Civil and Political Rights.⁹ The United Nations Sustainable Development goals also stress the importance of accessible transport¹⁰ by setting the goal for safe, affordable, accessible, and sustainable transport systems for all by 2030.¹¹

Reference to other international human rights instruments underscores the grave breach of multiple, interdependent human rights that flow from the failure to create public transport and accompanying public spaces that are accessible. Failure to realise this right constitutes a violation of multiple, international human rights instruments and UNCRPD articles. Without accessible transport, the right to independent living, employment, personal mobility, participation in cultural life, and access to emergency services are all jeopardised.¹²

Irish national policy recognises this critical link: the National Disability Inclusion Strategy addresses accessible transport, buildings, and streets as key factors in enabling people with disabilities to participate in work, as well as cultural and social activities.¹³ However, this strategy has not been sufficiently implemented, monitored, or enforced.

⁸UN Committee on the Rights of Persons with Disabilities, 'General Comment on Article 9: Accessibility (UNCRPD)', (11 April 2014), CRPD/C/11/3, para. 1.

⁹UN Committee on the Rights of Persons with Disabilities, 'General Comment on Article 9: Accessibility (UNCRPD)', (11 April 2014), CRPD/C/11/3, para. 2.

¹⁰Department of Transport, 'National Investment Framework for Transport in Ireland', (21 December 2021), 16.

¹¹United Nations Department of Economic and Social Affairs, 'Sustainable Transport', <<https://sdgs.un.org/topics/sustainable-transport>> accessed 20 June 2023.

¹²UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 11, Article 19, Article 20, Article 27, Article 30.

¹³Irish Wheelchair Association, 'Best Practices Access Guidelines: Designing Accessible Environments' (November 2020), Edition 4, 50.

Despite the clear instruction from the UNCRPD to implement minimum standards¹⁴, there are no National Mandatory Minimum Accessibility Standards for public transport infrastructure that are enshrined in Irish national law. Proposed national mandatory¹⁵ minimum accessibility standards must be mandatory and contain broad accessibility requirements. Here, *mandatory* means that there is enforcement through monitoring.¹⁶ For the purposes of this report, any reference to *monitoring* is defined as the persistent oversight by an independent, public body that has sufficient capacity to engage in a through review through established compliance process that includes enforcement mechanisms, such as fines for noncompliance, to ensure implementation. The term *broad* in this context is referring to the UNCRPD Committee's general comment on Article 9 and is taken to mean encapsulating the needs of many disability groups and in many contexts.¹⁷ The general comment specifically calls out the need for accessibility standards specified for builders and other relevant stakeholders.¹⁸ The comment also makes clear that any minimum standards 'must be negotiated with organisations of persons with disabilities', and that the review and adoption of any law must be 'in close consultation with persons with disabilities and their representative organisations.'¹⁹

Taken together, National Mandatory Minimum Accessibility Standards are defined as broad, unified, and clear technical requirements in both the planning and design stages that dictate minimums that must be met to ensure access, which are monitored for implementation and enforceable through sanctions for non-compliance. Such standards must be negotiated by people with disabilities and their representative organisations, meaning that they are engaged in the decision-making process of defining the standards.²⁰

These features are absent in Ireland's current framework.

Planning

Within the planning stage, there is an absence of monitoring and enforcement for accessibility requirements for procurement, and a lack of clarity on where some designs are procured. Given the lack of clarity on design source, there is a possibility that unsuitable designs are being imported from abroad, which in turn produces inconsistent accessibility in constructed infrastructure.

¹⁴UN Committee on the Rights of Persons with Disabilities, 'General Comment on Article 9: Accessibility (UNCRPD)', (11 April 2014), CRPD/C/11/3), para. 15.

¹⁵Ibid, para. 26.

¹⁶Ibid, para. 28 and 30.

¹⁷Ibid, para. 22.

¹⁸Ibid.

¹⁹Ibid, para. 22, 26 and 28.

²⁰Insufficient involvement of persons with disabilities and their representative organisations is cited as a reason for failing accessibility provisions. Ibid, para 7.

Furthermore, there is an absence of systemic, meaningful and timely consultation with Disabled People's Organisations (DPOs) and people with disabilities.²¹ Such consultation is not prioritised by public bodies²², and instead is often used to pit stakeholders against one another by concluding that access concerns couldn't be addressed due to stakeholder disagreements.²³

The problem extends even further, as disability proofing, the government action intended to be undertaken at the proposal and planning stage of public transport design projects through Disability Impact Assessments and other disability analysis, are routinely not completed.²⁴

Despite being mandatory, there is no monitoring mechanism to ensure that these assessments are undertaken; and therefore, there are no incurred fines to enforce such assessments. Most assessments of this nature are basic projections of how potential transport service users who have disabilities may be impacted by the construction project; they do not capture the design or functionality of a project in terms of access. The disability impact assessment is no more than five questions aimed at addressing whether a project has accounted for the needs of the population with disabilities who have a right to access the public service.²⁵

Other Access audits that may take place in the planning stage are not mandatory, and furthermore are not standardised in their application, which often results in inconsistent outcomes. These audits do not rely on national mandatory minimum accessibility standards, and instead rely on voluntary standards that are not harmonised, or are commissioned by non-profits, including IWA's own Access Guidelines.²⁶ The recommendations resulting from these audits do not carry the weight of requirements.

Design

In the design stage, there are very few accessibility requirements, and what is outlined is derived from multiple sources. Further, where these sources do mention requirements, they are couched in many weak, voluntary suggestions for accessibility. The Design Manual for Roads and Streets (DMURS), which has been cited and relied on in the strategy to underpin accessibility,²⁷ fails to contain a section on accessibility within its pages. New design guidance across the sector that is being developed in the absence of these much-needed national mandatory minimum accessibility standards is, as a result, failing to ensure that there are "accessibility features, such as wheelchair accessibility and audio/visual aids" in the public transport infrastructure.²⁸

²¹UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 4.3: "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 organisations."

²²UN Committee on the Rights of Persons with Disabilities, 'General Comment on Article 9: Accessibility (UNCPRD)', (11 April 2014), CRPD/C/11/3, para. 13 and 14.

²³For more information on meaningful consultation, see NDA's 2022 report: Participation Matters: Guidelines on Implementing the Obligation to Meaningfully Engage with Disabled People in Public Decision Making.

²⁴Department of Justice and Equality, 'How to Conduct a Disability Impact Assessment: Guidelines for Government Departments', (5 March 2012).

²⁵Ibid.

²⁶Jacobs, 'Accessibility Audit Report – Finglas Alignment: BusConnects Radial Core Bus Corridors Infrastructure Upgrade Programme – project B: Liffey Valley to City Centre Core Bus Corridor – Accessibility Audit Report' (28 October, 2021) <<https://liffeyvalleyscheme.ie/wp-content/uploads/sites/8/2022/07/Appendix-I-Accessibility-Audit.pdf>>.

²⁷Department of the Environment, Climate, and Communications, 'Climate Action Plan' (21 December 2022), 210, TR/23/14.

²⁸House of Oireachtas, 'Public Transport: Dáil Éireann Debate, Thursday - 3 March 2022' <<https://www.oireachtas.ie/en/debates/question/2022-03-03/24/>> accessed 20 June 2023.

The right to accessible public transport infrastructure cannot be realised without mechanisms that ensure implementation and monitoring of national mandatory minimum accessibility standards. And yet, repeatedly, there is a lack of clear, mandatory standards in all stages of the commissioning, planning, and designing of public transportation projects; what exists in strategies and voluntary guidelines is not implemented, and where there is monitoring, there are great limits on the capacity of the monitoring bodies and a complete absence of any power to enforce or fine for noncompliance. Most of the accessibility criteria relied upon can be categorised as best practice guidelines or voluntary standards, which makes it incredibly difficult to convince those involved in the project to dedicate funds or time to accessibility requirements that have no legal weight, no enforcement, and no penalty for noncompliance.

The UNCRPD's Article 9 and the accompanying general comment on Article 9 makes clear what is required of States—and it is clear Ireland is failing to meet those requirements.

The general comment on Article 9 also instructs States to undertake, “a comprehensive review of the laws on accessibility in order to identify, monitor and address gaps in legislation and implementation.”²⁹

The goal of this report is to undertake such a review from the perspective of IWA. In it, we will examine the failure of Irish transportation bodies to create accessible public transport infrastructure, particularly regarding bus islands and cycle lanes, to locate the gaps in policy and law that have led to this failure. Before doing that, an explanation of relevant Government policies, is necessary.

Relevant Government Policies:

A web of national policies informs the investments and strategic plans to improve Ireland's public services over the span of 20 years. The following summary captures some of the relationships between the policies:

*“The National Planning Framework is the Government's long-term spatial strategy for accommodating this growth in a sustainable manner and making Ireland a better country for all its people. The ten National Strategic Outcomes represent the priorities of the National Planning Framework, and include objectives relating to compact growth in our cities, enhanced accessibility, strengthened rural communities, sustainable mobility, and decarbonisation. The transport system will therefore be a key enabler of the National Planning Framework over the coming decades. Alongside this, the Climate Action Plan establishes a pathway to half our national greenhouse gas emissions within the next decade. The transport sector accounts for one-fifth of our national greenhouse gas emissions and delivering our decarbonisation commitments will require breaking the link between transport activity and emissions and a fundamental transformation in how we travel. The National Investment Framework for Transport in Ireland (NIFTI) is the Department of Transport's framework for prioritising future investment in the land transport network to support the delivery of the National Strategic Outcomes.”*³⁰

²⁹UN Committee on the Rights of Persons with Disabilities, 'General Comment on Article 9: Accessibility (UNCRPD)', (11 April 2014), CRPD/C/11/3, para. 26.

³⁰Department of Transport, 'National Investment Framework for Transport in Ireland', (21 December 2021), 6.

Project Ireland 2040: The National Planning Framework (NPF) and the National Development Plan (NDP) combine to form Project Ireland 2040.³¹ Project Ireland 2040 aligns the shorter-term plans within the NPF and NDP with the overarching National Strategic Objectives.

National Planning Framework (NPF): The Government, through the National Planning Framework, sets the overall framework (the vision and strategy)³² for capital investment in Ireland. The framework identifies projects, and these projects are incorporated into the National Development Plan (NDP).³³

National Development Plan (NDP): The National Development Plan outlines the government investment plan. The 2021- 2030 NDP is particularly key because it has a large focus on transport; “We’re making the biggest investment in transport in the history of the State—€35 billion over the decade—prioritising walking, cycling and public transport.”³⁴

National Strategic Outcomes 2040 (NSOs): Are the ten priorities of the National Development Plan. Strategic investment priorities flow from the desired NSOs. Priorities two and four support public transport infrastructure³⁵.

National Disability Inclusion Strategy (NDIS) 2017-2021: The NDIS, “commit[s] to the provision of public transport services that are accessible for all, and especially for persons with disabilities. This includes the retrofitting of older, (legacy) infrastructure as well as the ongoing maintenance of existing facilities, such as lifts and transport fleets. The Department of Transport funds a multi-annual, ring-fenced programme, managed by the NTA, towards meeting these commitments.”³⁶

A key focus of the NDIS is accessible transport and places.³⁷ Fifteen specific actions regarding accessible transport are planned in the strategy. Actions 112 -114 are particularly relevant for this report, as they touch on the planning and design of transport projects.³⁸

³¹Government of Ireland, ‘Project Ireland 2040’

<<https://www.gov.ie/en/campaigns/09022006-project-ireland-2040/>> accessed 20 June 2023.

³²Ibid.

³³Transport Infrastructure Ireland, ‘Major Roads Projects Active List: Transport Infrastructure Ireland (TII)’ (September 2020), 6.

³⁴Department of Public Expenditure, NDP Delivery and Reform ‘Government Launches the Renewed National Development Plan 2021 – 2030’ (4 October 2021)

<<https://www.gov.ie/en/press-release/7ac57-government-launches-the-renewed-national-development-plan-2021-2030/>> accessed 20 June 2023.

³⁵Government of Ireland, ‘Project Ireland 2040: National Planning Framework’ (February 2018), 13.

³⁶Department of Public Expenditure and Reform, ‘National Development Plan 2021 -2030’, (4 October 2021), 62.

³⁷Department of Children, Equality, Disability, Integration and Youth, ‘National Disability Inclusion Strategy 2017 – 2021’ (24 February 2020), 45-46.

³⁸Ibid

Action 112: “We will introduce Continuous Professional Development on Universal Design for architects, to encourage application of National Disability Authority guidance such as Building for Everyone and Universal Design Guidelines for Homes in Ireland”³⁹

- The use of the term “encourage” is the issue here. Action 112 charges the National Disability Authority with encouraging voluntary guidelines instead of implementing mandatory minimums. Encouragement of voluntary guidelines includes no implementation or monitoring mechanism because there is no enforceability of these guidelines, or any of the other voluntary standards that will be referenced throughout this report.

Action 113: “We will promote and integrate ISO Guide 71/CEN Guide 6: 2014 Guide to address accessibility in standards, and ensure that terminology used is consistent with international best practice guidelines”⁴⁰

- This international guide from ISO on addressing accessibility standards in services was integrated by the National Standards authority in Ireland.⁴¹ However, they are voluntary as well.⁴²

Action 114: “We will ensure, as far as practicable, the promotion of accessible user engagement in design and planning, including public procedures under Planning Acts.”⁴³

- The use of the phrase, “as far as practicable” operates as a failsafe whereby meaningful engagement by people with disabilities is limited by government agencies. Public consultation and continuous user trials is critical. However, public forums cannot ensure human rights. Safety is at issue here—and robust research has been undertaken to develop standards that ensure safe and legitimate access. Without implementation of this research in the form of national mandatory minimum accessibility standards, public transport authorities will misplace the burden of technical expertise onto public consultations which should be supplemental to mandatory standards, not in lieu of them. Furthermore, the UNCRPD requires that such standards be negotiated by people with disabilities and their representative groups. Meaning, people with disabilities must be given a role larger and more meaningful than mere consultation post-design. The creation of national mandatory minimum accessibility standards cannot be without the perspective of the many people with disabilities who have lived experience of navigating these structures and who are given power to negotiate what must be incorporated to ensure safety and access. Ultimately, national mandatory minimum accessibility standards are needed to ensure compliance with The UNCRPD. Instead, the NDIS affirms that the power to decide what is practicable rests with transport agencies, and weakens the requirement to engage with people with disabilities by saying they will ensure that engagement with this group is “promoted.”

³⁹Ibid

⁴⁰Ibid

⁴¹National Standards Authority Ireland, ‘Universal Design and Inclusion’ <<https://www.nsai.ie/standards/sectors/universal-design-and-inclusion/>> accessed on 20 June 2023.

⁴²Ibid

⁴³Department of Children, Equality, Disability, Integration and Youth, ‘National Disability Inclusion Strategy 2017 – 2021’ (24 February 2020), 45-46.

National Investment Framework for Transport in Ireland; Project Ireland, 2040 (NIFTI): “The National Investment Framework for Transport in Ireland is the strategic framework for future investment decision making in land transport. It will guide transport investment in the years ahead to enable the National Planning Framework, support the Climate Action Plan, and promote positive social, environmental and economic outcomes throughout Ireland.”⁴⁴ NTA, TII, and local authorities will need to ensure that their investments, projects, and programmes align with NIFTI, “and, by extension, with the [National Planning Framework] NPF and [National Strategic Outcomes NSOs.”⁴⁵ Section 1.12 of the NIFTI covers Accessibility and Inclusion.⁴⁶ This section mentions that people with disabilities face barriers to accessing public transport and includes that it is crucial that they be able to.⁴⁷ However, there is no plan or requirements on authorities that would ensure said access outlined in this section, which is the only place where the terms “disability” or “people with disabilities” are mentioned in the document.

NTA manages the Active Travel Investment Programme, which awards Active Travel Grants to important projects that, “[support] strategic pedestrian and cyclist routes, access to schools, permeability links, urban greenways and some minor public transport improvement projects.”⁴⁸ To align with NIFTI, the grantees, “are advised that all infrastructure funded through the Active Travel Grant must be fully accessible for all and be in line with the NTA Advice Note Access Control of Active Travel Facilities.”⁴⁹ The note is more guidance on barriers to public amenities that are used to restrict cars.⁵⁰ However, the note is again, guidance, and simply includes instruction to designers to reference IS EN 17210: Accessibility and Usability in the Built Environment – Functional and Technical Specifications, which is not mandatory.⁵¹ The instruction by NTA to grantees to ensure that their project be ‘fully accessible for all’ is not bolstered by mandatory accessibility criteria.

⁴⁴Department of Transport, ‘National Investment Framework for Transport in Ireland’, (21 December 2021), 11.

⁴⁵Ibid, 12.

⁴⁶Ibid, 16-17.

⁴⁷Ibid.

⁴⁸National Transport Authority, ‘Active Travel Investment Programme’, < <https://www.nationaltransport.ie/planning-and-investment/transport-investment/active-travel-investment-programme/>> accessed 21 June 2023.

⁴⁹Email forwarded from Catherine Murphy to Joan Carthy (IWA) written by Hugh Creegan, Deputy Chief Executive at NTA, in response to in Parliamentary Question No. 177 on (21 June 2023).

⁵⁰National Transport Authority, ‘Access Control of Active Travel Facilities’, (July 2022).

⁵¹Ibid, 3.

Climate Action Plan (CAP) 2023: The Climate plan is part of an ongoing government policy aimed at making Ireland climate neutral by 2050. The plan focuses on areas of the Irish sector that produce significant emissions; As such, transport is one area of focus.⁵² The goal for transport is to reduce vehicle kilometres by 20%, reduce fuel usage, and increase sustainable transport.⁵³ The second annual update of this plan was published in December of 2022, actions accompanying it are forthcoming at the time of writing.⁵⁴ Local Authority's Active travel proposals and Climate Action plans flow from the Climate Action plan objectives on transport.⁵⁵ As such, they are tasked with embedding sustainable accessibility in planning and design of new developments, "wherever possible."⁵⁶ A 2023 objective of the climate action plan is to develop "Guidelines for Local Authority Climate Action Plans to include specific actions and indicators in respect of accessibility, modal shift and active travel."⁵⁷ However, elsewhere in the Climate Action plan there is an objective to promote accessibility through the promotion of DMURS, a design manual that IWA found to be greatly lacking regarding Accessibility.⁵⁸ We will discuss this in more detail in the section of this report titled, "Examining DMURS."

National Sustainability Mobility Policy (NSMP): The Department of Transport reviewed the previous Sustainable Mobility Policy, looking at all aspects of active travel [which encompasses walking and cycling], and public transport policy. This review resulted in a new ten year sustainability mobility framework that replaces the policies in the National Cycle Policy framework.⁵⁹ The National Sustainability Mobility policy sets out a strategy for walking, cycling, and public transportation to help meet Ireland's climate obligations outlined in the **Climate Action Plan (CAP)**. The policy coincides with an action plan of the same name which outlines actions to be taken from 2022-2025. Goal 6, 7, and 10 focus on implementing universal design to ensure "Access for All."⁶⁰

⁵²Department of the Environment, Climate, and Communications, 'Climate Action Plan' (21 December 2022), 18.

⁵³Ibid.

⁵⁴Department of the Environment, Climate, and Communications, 'Climate Action Plan 2023' <<https://www.gov.ie/en/publication/7bd8c-climate-action-plan-2023/#:~:text=The%20Climate%20Action%20Plan%202023,budgets%20and%20sectoral%20emissions%20ceilings>> accessed 20 June 2023.

⁵⁵Department of the Environment, Climate, and Communications, 'Climate Action Plan' (21 December 2022), 195.

⁵⁶Ibid, 195 – 196.

⁵⁷Ibid, 211, TR/23/26.

⁵⁸Ibid, 210, TR/23/14.

⁵⁹National Transport Authority, 'BusConnects Dublin: Preliminary Business Case' (February 2022), 25.

⁶⁰Department of Transport, 'National Sustainable Mobility Policy', (7 April 2022).

Goal 6, which focuses on Access for All, states that, “We will continue to progressively make our walking, cycling and public transport networks more accessible by ensuring that new infrastructure and services are accessible from the start.”⁶¹ Further work towards this goal includes:

- Investment in bus stops including upgraded poles and stop information throughout the country will continue to improve the accessibility of the bus network for all users
- Decluttering footpaths
- Dished crossing for wheelchair users
- Provision of continuous footpaths and cycle tracks across side road junctions and property entrances
- Wider cycle facilities to accommodate cyclists with disabilities
- Removal of access controls (kissing gates) that prohibit wheelchair users and non-traditional bicycles
- Audible pedestrian crossings
- Provision of information in accessible formats.⁶²

Despite these listed goals, no mandatory standards that outline how each provision should be designed to ensure access are included because they do not exist. Additionally, some of the goals, such as the provision of continuous footpaths and cycle tracks across pedestrian crosswalks leads to shared spaces between cyclists and pedestrians, which poses a danger to pedestrians with disabilities. Additionally, the goals listed here are aspirational and not required, design plans that do not include these features continue to be introduced and built.

Goal 7 is of particular interest because it focuses on universal design. However, the only mandatory design manual referenced in this section is The Design Manual for Urban Roads and Streets (DMURS), which IWA finds does not sufficiently incorporate wheelchair access in mandatory design minimums. We will discuss this in more detail in the section of this report titled **Examining Dmurs**.

National Cycle Policy Framework (2009 - 2020): This framework was the old cycle framework, now superseded by the National Sustainable Mobility Framework. This older policy was the first of its kind, and it was presented as the backdrop to the Government’s Transport Policy 2009 -2020. The goal of the National Cycle Policy Framework was to increase cycling by taking several coordinated actions, unified under the framework, to encourage people to cycle.⁶³ People with disabilities are not mentioned in this framework.

⁶¹Ibid, 45.

⁶²Ibid, 45-46.

⁶³Department of Transport, ‘Ireland’s First National Cycle Policy Framework, 2009 – 2020’ (April, 2009), 8.

The National Cycle Manual (NTA): This manual offers guidance on integrating cycling in design of urban areas, it “challenges planners and engineers to incorporate cycling within transport networks.”⁶⁴ The NTA’s National Cycle Manual will be updated, “to take account of changes to design standards and to complement the guidance in DMURS.”⁶⁵ The National Cycle Manual is referenced in DMURS and calls it the, “principle source of guidance on the design of cycle facilities.”⁶⁶ This makes it a critical document for cycle designs.

Road Safety Strategy: Our Journey Towards Vision Zero (2021 - 2030): This strategy, developed by the Road Safety Authority (RSA), aims to reduce the number of fatal car accidents in Ireland to zero.⁶⁷ It has been discussed in relation to the general reconceptualizing of walking/cycling friendly streets, which is a recurring objective in the Climate Action Plan (CAP) and The National Sustainability Mobility Policy. Decreasing speed limits to 30 mph in say built out areas is a key part of this strategy.⁶⁸

Transport Access for All (2012): Transport Access for All is the Department of Transport Sectoral Plan in response to the Disability Act, 2005.⁶⁹ Its aim is to promote the development of accessible public transport.⁷⁰ The Sectoral plan requires that, “the needs of mobility impaired persons must be taken into account when designing bus stops.”⁷¹ According to the Disability Act, 2005, a sectoral plan can contain regulations relating to the subject matter of the plan.⁷² However, the measures set out in the Transport Access for All Policy, despite being legally supported by the Disability Act,⁷³ are weak. For example, the policy requires that disability proofing be undertaken through Regulatory Impact Assessments, which are not occurring as required and whose mechanisms, in their current form, are insufficient to disability proof.⁷⁴ More is said on this under the “Planning Structure” subheading of the Policy Analysis chapter of this report.

Monitoring of accessibility goals are required by annual reporting, but “explicit enforcement measures for sectoral plans are not provided.”⁷⁵ The Access for All document is intended as a review itself, but the most recent Access for All plan is the 2012 update from the 2011 review. The Guidelines and Standards that the policy refers to are reviewed in detail under the “within design” subheading in the policy analysis section of this report. In sum, our research has found serious accessibility gaps in the current mandatory requirements, and we remain distressed that most guidelines that focus on best practices in accessibility are voluntary.

⁶⁴National Transport Authority, ‘National Cycle Manual’, (June, 2011), 1.

⁶⁵National Transport Authority, ‘National Cycle Manual’, <<https://www.cyclemanual.ie/>> accessed 20 June 2023.

⁶⁶Department of Transport, ‘Design Manual for Urban Roads and Streets’ (4 April 2013), Section 4.3.5: Cycle Facilities, 99.

⁶⁷Department of Transport, ‘Our Journey Towards Vision Zero: Ireland’s Government Road Safety Strategy 2021-2030’, (14 December 2021), 4.

⁶⁸Houses of Oireachtas ‘Committee on Transport and Communications Debate – Tuesday, 1 March, 2022: Urban Area Speed Limits and Road Safety Strategy: Discussion’ <https://www.oireachtas.ie/en/debates/debate/joint_committee_on_transport_and_communications/2022-03-01/2/?highlight%5B0%5D=hierarchy&highlight%5B1%5D=hierarchy&highlight%5B2%5D=disabilities> accessed on 20 June 2023.

⁶⁹Department of Transport, Tourism, and Sport, ‘Transport Access for All (2012 Edition): The Sectoral Plan for Accessible Transport under the Disability Act 2005’, 6.

⁷⁰Department of Transport, Tourism, and Sport, ‘Transport Access for All (2012 Edition): The Sectoral Plan for Accessible Transport under the Disability Act 2005’.

⁷¹Department of Transport, ‘Traffic Management Guidelines’ (6 September 2019), Section 5.1.1, 155. ; National Transport Authority, ‘National Cycle Manual’, (June, 2011), Chapter 5: Getting the Details Right, 155-156.

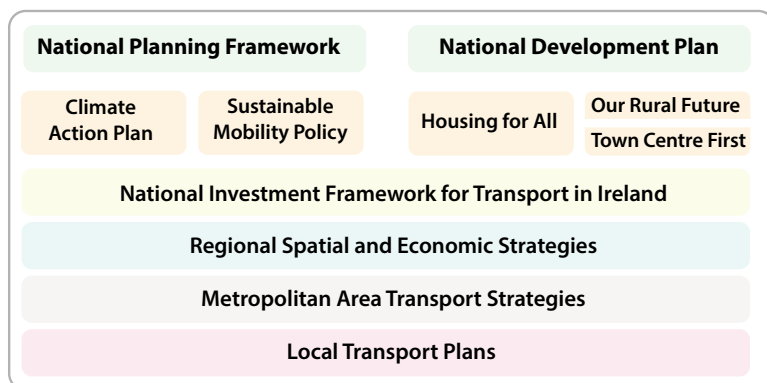
⁷²Disability Act 2005, s 31(4)(a).

⁷³Department of Transport, Tourism, and Sport, ‘Transport Access for All (2012 Edition): The Sectoral Plan for Accessible Transport under the Disability Act 2005’, 87.

⁷⁴Ibid, 89.

⁷⁵Ibid.

Figure 9: Policy Hierarchy and Sustainable Mobility Policy



The graphic above, taken from page 50 of the National Sustainability Mobility Policy, captures the hierarchy and categories of government plans for transport.⁷⁶ It does not include the National Disability Inclusion Strategy or the National Cycle Policy Framework.

Each of these government policies are intended to work together to create a vision of government investments for the next 10-20 years. Ideally, they would interact with one another and the policies would be integrated in implementation. However, some of the policies lack implementation mechanisms to make such an integrated approach a reality.

DMURS instructs that the first stages of design analysis for a project must include, “a desktop study where all relevant plans, policies and previously collected information about a project is collated and reviewed.” This includes: “Plans and policies (relevant national, regional and local plans).”⁷⁷ Where policies are in conflict, or where guidance is not legally binding, there is no instruction as to what path designers should take. This emphasises the need for national legislation that codifies Article 9 of the UNCRPD—legal minimums, mechanisms for monitoring and fines for infractions. The current web of policies does not and cannot accomplish this.

⁷⁶Department of Transport, ‘National Sustainable Mobility Policy’, (7 April 2022), 50.

⁷⁷ Department of Transport, ‘Design Manual for Urban Roads and Streets’ (4 April 2013), Section 5.3.2 Process, 133.

Relevant Laws:

International:

UNCRPD Article 9 (Accessibility): As discussed in the background of this report, Article 9 is the backbone of international human rights law that enshrines access to public services, public transport, and the built environment. Section 2 of Article 9 is particularly relevant for the purposes of this report as it outlines the obligation on States; States must “develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public.”⁷⁸

UNCRPD Article 4.3 (General Obligations): Another critical article of the UNCRPD that has direct influence on the interpretation of Article 9 (Accessibility) is the instruction to States contained in Article 4 to, “closely consult and actively involve persons with disabilities...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.”⁷⁹

General Comment on Article 9: Accessibility (UNCRPD): The UNCRPD’s general comment on Article 9 interprets the application Article 9 for States that are a party to the treaty. Paragraph 12 of the general comment refers to the “The strict application of universal design to all new goods, products, facilities, technologies and services” as the mechanism to “ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity.”⁸⁰ The general comment also states that the State party has, “a duty to provide accessibility before receiving an individual request to enter or use a place or service. States parties need to set accessibility standards, which must be negotiated with organisations of persons with disabilities, and they need to be specified for service-providers, builders, and other relevant stakeholders. Accessibility standards must be broad and standardised.”⁸¹ The comment goes on to specify that where a person with a disability has an impairment not provided for by the standards, reasonable accommodation applies.⁸² The general comment also highlights the requirement on states to provide legally enforceable accessibility standards in the form of legislation. Furthermore, the general comment states that the legislation, “should provide for the mandatory application of accessibility standards and for sanctions, including fines, for those who fail to apply them.”⁸⁴

⁷⁸UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 9.

⁷⁹UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 4.3.

⁸⁰UN Committee on the Rights of Persons with Disabilities, ‘General Comment on Article 9: Accessibility (UNCRPD)’, (11 April 2014), CRPD/C/11/3), para. 12, 4.

⁸¹Ibid, para. 22, 7.

⁸²Ibid, para. 23, 7.

⁸³Ibid, para. 26, 7.

⁸⁴Ibid, para. 26, 8.

UNCRPD Article 20 (Personal Mobility): Article 20 of the UNCRPD instructs States to take “effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities.” This article includes the instruction to States to facilitate “the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost.”⁸⁵

Regional (European):

European Accessibility Act (Directive 2019/882): This Act requires that everyday products and services be accessible to persons with disabilities. These products and services include “services related to air, bus, rail, and waterborne passenger transport.” However, the relevance of the Act is limited to, “the delivery of transport service information including real-time travel information and information about the service provider’s passenger transport products and services, pre-journey information, information during the journey and information provided when a service is cancelled or its departure is delayed.”⁸⁶ The Act does not include technical specifications. Member States must have transposed this Act into national law.

Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending

Regulation (EC) No 2006/2004: Chapter 3 of this regulation covers the rights of passengers with disabilities mostly regarding non-discrimination. The regulation states that, “disabled persons and persons with reduced mobility... should have opportunities for using bus and coach services that are comparable to those of other citizens.”⁸⁷ The regulation directs that, “carriers should establish access conditions, preferably using the European standardisation system.” Access conditions is defined as, “relevant standards, guidelines and information on the accessibility of buses and/or of designated terminals including their facilities for disabled persons or persons with reduced mobility;”⁸⁸ Regarding design, the regulations state, “In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should endeavour to take into account the needs of disabled persons and persons with reduced mobility, in accordance with ‘Design for All’ requirements.”⁸⁹ The 2012 Access for All Transport Sectoral Plan states that NTA has been designated as the national enforcement body for this EU regulation.⁹⁰

⁸⁵UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 20.

⁸⁶Regulations, Directives & Decisions: Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services [2019] OJ L151/70, Para. 32.

⁸⁷Regulations, Directives & Decisions: Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, [2011] OJ L55/1 Para. 7.

⁸⁸Ibid, Article 3(k).

⁸⁹Ibid, para. 9.

⁹⁰Department of Transport, Tourism, and Sport, ‘Transport Access for All (2012 Edition): The Sectoral Plan for Accessible Transport under the Disability Act 2005’, 39.

S.I. No. 284/2016: European Union (Award of Public Authority Contracts) Regulations 2016:

This European Union regulation has been adopted in Irish law as a statutory instrument. The portion relevant for us is the Technical Specifications in paragraphs 42.4 and 42.5.⁹¹ These sections outline that any “procurement that is intended for use by natural persons... shall be drawn up so as to take into account accessibility criteria for persons with disabilities or design for all users.”⁹² Additionally, it outlines that “where mandatory accessibility requirements are adopted by legal act of the European Union, technical specifications shall be defined with reference [to those mandatory requirements].”⁹³ The statutory instrument sets out the order of relevance for technical specifications and lists national standards transposing European standards as the first in importance.⁹⁴

Procurement is a critical part of ensuring accessibility in planning. However, the monitoring and enforcement of S.I. No. 284/2016 is greatly lacking. In addition to the S.I. No.284/2016, Section 27 of the Disability Act states, “Where a service is provided to a public body, the head of the body shall ensure that the service is accessible to persons with disabilities.”⁹⁵ The associated Code of Practice on Accessibility of Public Services and Information provided by Public Bodies covers section 26, 27 and 28 of the Disability Act; the National Disability Authority has legislative authority to monitor public bodies’ compliance with these sections of the Act, which therefore includes procurement requirements. But, due to the lack of clear mandatory criteria to monitor it with, the job of monitoring becomes very difficult. While the S.I. refers to national standards transposing European standards as first in relevance in procurement, the transposed European standards on accessibility are all voluntary standards, contributing to the lack of clarity around what standards are mandatory accessibility criteria. However, even if they were able to monitor based on mandatory criteria, the NDA has no power to enforce. Furthermore, it isn’t clear that the NDA is charged with monitoring the implementation of S.I. No. 284/2016 specifically. A clear lack of connected unified thinking on mandatory standards, monitoring, and enforcement produces poor implementation.

European Standards:

Several European Accessibility standards have been developed but are not mandatory. The European Commission has instructed that these accessibility standards be developed and implemented.⁹⁶ They are in place to “support the implementation of accessibility in (the) built environment”.

I.S. EN17210:2021 Accessibility and Usability of the Built Environment: These standards and its Technical Report (TR CEN/TR 17621:2021) are the first to inform those that design the built environment inclusively. The standards include functional requirements for accessibility. They follow Universal Design principles. It is accompanied by technical reports that, “are relevant to design.”⁹⁷ These standards are not mandatory.

⁹¹ S.I. No. 284/2016 – European Union (Award of Public Authority Contracts) Regulations 2018, para 42.4 and 42.5.

⁹²Ibid.

⁹³Ibid.

⁹⁴Ibid.

⁹⁵Disability Act 2005, s 27.

⁹⁶European Commission, ‘Accessibility Standardisation’ <<https://ec.europa.eu/social/main.jsp?catId=1485&langId=en>> accessed 20 June 2023.

⁹⁷NSAI, ‘Design Standards for Our Built Environment’,

<<https://www.nsai.ie/about/news/design-standards-for-our-built-environment/>> accessed 20 June 2023.

IS/EN 17478:2021 Transport Services - Customer communications for passenger

transport services: “This document specifies requirements and recommendations for the planning, design, development and provision of user communications related to passenger transport so that these communications can be accessed, understood and used by the widest range of users, including persons with disabilities and older persons.”⁹⁸ These standards are not mandatory.

I.S. EN17161:2019 - Design for All: I.S. EN17161:2019 is a European Standard that flows from Mandate 473; These “Design for All” standards outline the approach for products, goods, and services. These standards have been adopted by Ireland through the National Standards Authority Ireland in collaboration with the National Disability Authority. However, these standards are not mandatory.⁹⁹ The document is intended to aid organisations in meeting their statutory requirements but does not provide technical design specifications.

National:

Equal Status Acts, (2000-2018): The Acts prohibit discrimination in the provision of goods and services, accommodation, and education. They cover nine grounds, including disability. The Acts prohibit direct and indirect discrimination.¹⁰⁰ Discrimination includes the refusal or failure by a service provider to do all that is reasonable to accommodate the needs of a person with a disability.¹⁰¹

Disability Act (2005): The Disability Act is a positive action measure that provides a statutory basis for accessible public services, the built environment, public buildings, services, and goods purchased by the public entity, and information. This Act creates an obligation on public bodies to make their services and their information accessible. However, it is broad and vague– and limited by qualifications within the Act.

Section 26: This section enshrines access to public services, “by providing integrated access to mainstream services where practicable and appropriate.”¹⁰²

Section 27: This section requires public bodies to ensure that goods and services provided to public bodies are accessible, “unless it would not be practicable or justifiable on cost grounds or would result in an unreasonable delay.”¹⁰³ The language of the Act greatly limits its application.

Section 28: This section requires communications to be presented accessibly, in a way that is compatible with adaptive technology, and provided in easy read formats.

⁹⁸NSAI, ‘I.S. EN 17478:2021 Transport Services – Customer communications for passenger transport services – A Universal Design Approach’ <https://shop.standards.ie/en-ie/standards/i-s-en-17478-2021-1285509_saig_nsai_nsai_3096437/> accessed 20 June 2023.

⁹⁹NDA, ‘Standard I.S. EN 17161:2019 - Design for All’ < <https://universaldesign.ie/products-services/i-s-en-17161-2019-design-for-all-accessibility-following-a-design-for-all-approach-in-products-goods-and-services-extending-the-range-of-users/>> accessed on 20 June 2023.

¹⁰⁰Irish Human Rights and Equality Commission, ‘Equal Status Acts’ <<https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-in-the-provision-of-good-and-services/what-does-the-law-say/equal-status-acts/>> accessed 20 June 2023.

¹⁰¹Equal Status Act (2000), s 4.1.

¹⁰²Disability Act (2005), s 26.

¹⁰³Ibid, s 27.

S.I. No.163/2006 - Disability Act 2005 (Code of Practice) (Declaration) Order 2006: This code of practice on accessibility of public services and information provided by public bodies was developed by the National Disability Authority as a guide to assist public bodies in meeting their statutory obligations.¹⁰⁴ It is a supportive document aimed at giving practical advice and a practical interpretation of sections 26, 27, and 28 of the Disability Act (2005).

Public Sector Equality and Human Rights Duty: Is the legal obligation on the Public Sector requiring that public bodies take actions to 1. Eliminate discrimination 2. Promote Equality 3. Protect the Human Rights of their employees, customers, service users, and everyone affected by their policies and plans. This Duty was established in Section 42 of the Irish Human Rights and Equality Act 2014.¹⁰⁵ These three considerations must be present in the process of procurement.

Key Transport Projects:

Many of the IWA members reported issues in the public transport infrastructure are not unified under a single transport project. However, two key, large transport programmes¹⁰⁶ that have been initiated are examined here due to their large impact on cities and the large threat that looms should they not be made accessible.

BusConnects

BusConnects will be a wider programme that will reform bus infrastructure in five cities.¹⁰⁷ BusConnects Dublin will be the first of the five city programmes. Construction on the first group of work schemes in BusConnects Dublin is set to begin in 2024.¹⁰⁸ BusConnects is the National Transport Authority's programme to improve "bus and sustainable transport services." It plays a key part in The National Development plan 2018 - 2027; the Transport Strategy for the Greater Dublin Area 2016 –2035; and the climate action plan 2019. "A key goal [of BusConnects was to enhance the potential for cycling by providing safe infrastructure for cycling, segregated from general traffic wherever practicable".¹⁰⁹ Another objective of BusConnects is to "improve accessibility to jobs, education, and other social and economic opportunities through the provision of improved sustainable connectivity and integration with other public transport services".¹¹⁰

¹⁰⁴S.I. No. 163/2006 - Disability Act 2005 (Code of Practice) (Declaration) Order 2006.

¹⁰⁵Irish Human Rights and Equality Commission, 'Public Sector Equality and Human Rights Duty', <<https://www.ihrec.ie/our-work/public-sector-duty/>> accessed 20 June 2023.

¹⁰⁶A programme is defined as a series of transport projects grouped together in a programme that are planned and delivered together; this is the case for Bus Connects Dublin: National Transport Authority, 'NTA Project Approval Guidelines', (December 2020), 5.

¹⁰⁷"The Cities of Cork, Galway, Limerick, and Waterford will also see BusConnects programmes implemented in the coming years." All of which will be funded by the National Development Plan 2021-2030: Bus Connects, 'Government Gives Green Light to Dublin's BusConnects' (8 March 2022) <<https://busconnects.ie/government-gives-green-light-to-dublins-busconnects/>> accessed 20 June 2023.

¹⁰⁸National Transport Authority, 'Bus Connects Dublin: Preliminary Business Case', (February 2022), 193.

¹⁰⁹National Transport Authority, 'What are the aims and objectives of BusConnects Core Bus Corridors?' <<https://busconnects.ie/wp-content/uploads/2021/01/aims-and-objectives-a4-web.pdf>> accessed 20 June 2023.

¹¹⁰National Transport Authority, 'Clondalkin to Drimnagh' <<https://busconnects.ie/wp-content/uploads/2022/03/Clondalkin-to-Drimnagh.html>> accessed 20 June 2023.

CycleConnects

CycleConnects is Ireland's cycle network proposal that spans 22 counties.¹¹¹ There is a map of CycleConnects proposals available by each county on the NTA's website.¹¹² The CycleConnects policy review outlines the vision of the policy as, "To connect people and places with sustainable mobility that is safe, green, accessible and efficient."¹¹³ Each of the 22 proposals will follow the cycle plan already developed for the Greater Dublin Area.¹¹⁴ The Greater Dublin Area's cycle plan cut across seven local authorities, and thus was largely pushed forward by the NTA.¹¹⁵ This plan, called The Greater Dublin Area Cycle Plan is, "intended to be developed in accordance with the process set out in the National Cycle Manual."¹¹⁶

The National Cycle Manual is currently being updated. The National Disability Authority (NDA) has urged that this manual include guidelines on accessible cycling infrastructure.¹¹⁸ The NDA completed a submission for the CycleConnects proposal in November of 2022. There is no evidence that the CycleConnects proposal by the National Transport Authority (NTA) included a Disability Impact Assessment, and with no legally binding accessible design regulations on cycle infrastructure, there is no mechanism to ensure that cycle lanes will be designed to be accessible for pedestrians with disabilities who share public space with cyclists. As such, in their submission, the NDA advocated that cycling infrastructure be accessible for pedestrians and cyclists with disabilities in the CycleConnects policy document.¹¹⁹

Policy Analysis:

While the project planning and design process evokes accessibility and the needs of people with disabilities at different points in the project process, what's missing are ***national mandatory minimum accessibility standards***.

What we do have in the way of guidelines and mandatory requirements is scattered between many different sources. To support this claim, this document will break down mentions of disability in the planning and design requirements for NTA funded projects.

¹¹¹National Transport Authority, 'CycleConnects' <<https://consult.nationaltransport.ie/en/consultation/cycleconnects>> accessed 20 June 2023.

¹¹²Ibid.

¹¹³National Transport Authority, 'Draft Ireland's Cycle Network Policy Review', 2.

¹¹⁴National Transport Authority, 'CycleConnects' <<https://consult.nationaltransport.ie/en/consultation/cycleconnects>> accessed 20 June 2023.

¹¹⁵National Transport Authority, 'Greater Dublin Area Cycle Network Plan', <<https://www.nationaltransport.ie/planning-and-investment/transport-investment/greater-dublin-area-cycle-network-plan/>> accessed 20 June 2023.

¹¹⁶National Transport Authority, 'Greater Dublin Area Cycle Network Plan' <<https://www.nationaltransport.ie/planning-and-investment/transport-investment/greater-dublin-area-cycle-network-plan/>> accessed 20 June 2023.

¹¹⁷National Disability Authority, 'NDA Submission: CycleConnects: Ireland's Cycle Network' (November 2022), 7.

¹¹⁸Ibid.

¹¹⁹Ibid, 3.

Current Policy Analysis on Standards on Accessibility in Public Transport Infrastructure

Within Planning:

The three most important and relevant project guidelines are detailed here.

1. **Public Spending Code (PSC):** The PSC “identifies the project life cycle that includes a series of steps and activities which are necessary in order to take proposals from concept to completion and evaluation.”¹²⁰ It includes the appraisal processes and value for money tests for projects that use public funds.
2. **Common Appraisal Framework for Transport Projects and Programmes (CAF):** This framework is intended to be a common framework to appraise transport investments in alignment with the Public Spending Code.¹²¹ It requires projects to be appraised on six broad evaluation criteria including accessibility and social inclusion. The main documents that are required by the CAF are labelled DG0-DG3, DG stands for decision gate.¹²² For our purposes, the two bolded reports are most important.
 - a. The Strategic Assessment Report (DG0)
 - b. Preliminary Business Case (DG1), which has been done and approved for the Bus Connects Dublin programme.**
 - c. Detailed Project Brief and Procurement Strategy (DG2)
 - d. Final Business Case (DG3)**

The CAF requires that a Detailed Appraisal Process be included in the Preliminary Business Case and the Final Business Case.¹²³ The Detailed Appraisal Process includes a financial and an economic appraisal, with risk analyses happening in both.¹²⁴

The economic appraisal process includes a Multi-Criteria Analysis (MCA).¹²⁵ The MCA is mandatory according to the Public Spending Code (PSC) for projects between 5 and 20 million.¹²⁶ However, detailed appraisals are required for projects over 20 million as well, and since detailed appraisals also include economic appraisals, it should be included for projects over 20 million.¹²⁷ The criteria that need to be considered in the MCA include Accessibility and Social Inclusion; the MCA must include a score against each criteria.

¹²⁰Transport Infrastructure Ireland, ‘Major Roads Projects Active List: Transport Infrastructure Ireland (TII)’ (September 2020), 7.

¹²¹Department of Transport, ‘Common Appraisal Framework for Transport Projects and Programmes’, (March 2016, Updated October 2021), 2.

¹²²Ibid, 10.

¹²³Ibid.

¹²⁴Ibid, 23.

¹²⁵Ibid.

¹²⁶Ibid, 39.

¹²⁷Ibid, 11.

Disability is mentioned again in the Project Appraisal Balance Sheet (PABS), in this sheet the impact on “vulnerable groups,” which includes disability, must be evaluated quantitatively and qualitatively.¹²⁸

This balance sheet must be used in the risk assessment which is in both the financial and economic appraisals. Under the Qualitative guidance section 4.3 of CAF, “The appraisal framework requires the following steps to be undertaken by the project appraisal analyst: Consider the distribution of impacts by income group, and the vulnerable groups identified above, such as people with disabilities;” and “Consider, in particular, the impacts on people with mobility and sensory impairment.”¹²⁹

BusConnects Dublin undertook these requirements in their Preliminary Business Case.¹³⁰ In the following section I will review how each required process includes disability. This will include a look at the economic and financial appraisals; the Risk Assessment; the Project Appraisal Balance Sheet; and against the general broad evaluation criterion “accessibility and social inclusion” that the CAF includes in its six core criteria.

CASE STUDY: Dublin BusConnects Preliminary Business Case:

The economic appraisal takes place in Chapter 10.¹³¹ The Accessibility and Social Inclusion assessment does not include any disability analysis and concludes that, “Overall, the BusConnects Dublin programme is expected to have a positive impact on accessibility and social inclusion through the Dublin area.”¹³²

The financial appraisal takes place in Chapter 11.¹³³ It does not include a disability analysis.

This report separated the risk assessment and Project Appraisal Balance Sheet (PABS) from the appraisals. Unfortunately, the risk assessments and the Project Appraisal Balance Sheet (PABS) fare no better.

The Risk Assessment does not include any mention of transport users with disabilities.

The PABS includes no mention of disabled transport users, and the conclusion is simply that this programme will, “[improve] access for all users including vulnerable groups...through improved fleet, ease of payment and improved stop infrastructure.”

¹²⁸bid, 78.

¹²⁹bid, 46 – 47.

¹³⁰National Transport Authority, ‘Bus Connects Dublin: Preliminary Business Case’, (February 2022), 71.

¹³¹bid, 140.

¹³²bid, 158.

¹³³bid, 161.

The assessment of the accessibility and social inclusion criterion in the Dublin BusConnects Preliminary Business Case, as required by the CAF, include no mention of disability. Additionally, In the programme impact assessment section of the business case, accessibility and usability is assessed. Yet, accessibility was not considered with regard to disability. In BusConnects Dublin's Preliminary Business Case they concluded that,

*The redesign of the bus routes will provide greater access to bus services giving considerable social inclusion benefits which is consistent with the NTA's overall equality objectives. The simplification of the routes, improved information services and fare payments, together with investment in high quality bus shelters and interchange facilities will deliver a higher quality service that can reduce the stress associated with travelling, improving health and wellbeing.*¹³⁴

In fact, nowhere in the Preliminary Business Case is disability mentioned. The lack of acknowledgement of barriers for disabled transport users, including the barriers that will be introduced by increasing the number of stops on a journey in the BusConnects Dublin plan specifically, illustrates the inherent weakness of the disability analysis required by the CAF.

Ironically, the current process fails to force proposers to consider the ways in which they make transport users with disabilities vulnerable through their lack of sufficient disability proofing. This illustrates a larger issue within the system, wherein the disability of a given person is considered as creating the barrier that makes them vulnerable instead of focusing on the systems the governing bodies are developing that actively exclude them.

¹³⁴ibid,111.

Name of Assessment	Results	Analysis
Disability Analysis included in the Multi-Criteria Analysis in the Detailed Appraisal Process	An example from Dublin Bus Connects PBC: " Increased orbital and suburban accessibility; Quicker radial access; Restructured fares offer greater social inclusivity" (P. 76)	This analysis is watered down to a couple of bullet points that minimally acknowledge the impact on access and only do so broadly. Each category is looked at in several possible routes, including if NTA were to do nothing or if they were to proceed with the project.
Risk Assessment in the Detailed Appraisal Process, using PABS	"The programme will improve journey times and journey time reliability, thereby improving access to employment, education, healthcare for all users including vulnerable groups. In addition, the programme will improve the quality of service" (P. 172 – 173) Overall under Accessibility and Social Inclusion, Bus Connects was rated "highly positive"	Both of the detailed appraisal analyses are minimal. They evoke access but in name only.
Regulatory Impact Analysis (RIA)	Wasn't found	This would have been completed when the proposal of the program was given to government, however I can find no record of it. It is not in the PBC for Dublin Bus Connects
Disability Impact Assessment	Wasn't found	There is no evidence that these are routinely taking place as required.

3. **NTA's Project Approval Guidelines:** The NTA project guidelines provide the framework for all NTA funded projects.
 - a. Within these guidelines, there are reports required at "gateway" phases of the project in order "to ensure that a project has met certain requirements before it can proceed to the next phase."¹³⁵ "As Approving Authority, the NTA requires that the Sponsoring Agency compile the necessary evidence to demonstrate the specific application of these Guidelines to the project."¹³⁶ There are seven NTA project phases.¹³⁷ Each phase requires a host of new requirements. Phase one ensures that the project is aligned with relevant local authority development plans.¹³⁸ Phase one also includes a Strategic Assessment Report that develops a strategic alignment with government policy and an identification of potential risks. Many of the reports within all phases of the guidelines are not published and therefore are not available for public review.
 - b. Disability is not mentioned anywhere in the NTA Project Approval Guidelines.

Regulatory Impact Analysis (RIA): RIAs are carried out according to certain thresholds. The RIAs are carried out by Government Departments and offices.¹³⁹ There are three scenarios laid out in the Taoiseach handbook that trigger RIAs: when seeking approval for legislation involving changes to the regulatory framework; when seeking approval for a government order involving changes to the regulatory framework; or if the proposal is for a primary significant ministerial or departmental order.¹⁴⁰ The term significant is subject to interpretation. The RIA guidelines state that the degree of significance of any given statutory instrument is determined by the Department themselves, considering the guidance within the guidelines.¹⁴¹

RIAs are mentioned in the Access for All Sectoral Plan 2012 as the mechanism to ensure that "all proposed primary legislation, statutory instruments, EU directives and regulations are accessibility proofed...The Department will incorporate disability proofing into any regulatory impact analysis and when developing new policies, practices and services and in its reviews of existing policies, practices and services."¹⁴² There are two levels of RIAs: screening RIAs and Full RIAs, both include a disability analysis.¹⁴³ Regarding disability, each level of RIA requires:

1. **Screening RIA:** Identification of costs, benefits and other impacts of any options which are being considered regarding: The socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities;¹⁴⁴
2. **Full RIA:** A detailed and rigorous impact analysis of costs and benefits of each option, including with regard to: the socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities;¹⁴⁵

¹³⁵National Transport Authority, 'Project Approval Guidelines', (December 2020), 5.

¹³⁶Ibid.

¹³⁷Ibid, 6.

¹³⁸Ibid, 30.

¹³⁹Department of the Taoiseach, 'Revised RIA guidelines: How to conduct a Regulatory Impact Analysis', (June 2009), 3.

¹⁴⁰Department of the Taoiseach, 'Department of the Taoiseach Cabinet Handbook', (December 2006), 28.

¹⁴¹Department of the Taoiseach, 'Revised RIA guidelines: How to conduct a Regulatory Impact Analysis', (June 2009), 10.

¹⁴²Department of Transport, Tourism, and Sport, 'Transport Access for All (2012 Edition): The Sectoral Plan for Accessible Transport under the Disability Act 2005', 89.

¹⁴³Department of the Taoiseach, 'Department of the Taoiseach Cabinet Handbook', (December 2006), Appendix III, 61.

¹⁴⁴Ibid, 62.

¹⁴⁵Ibid, 64.

Another term mentioned in both the Taoiseach handbook¹⁴⁶ and the RIA guidance is “substantive memorandum” which is said to trigger Disability Impact Assessments.¹⁴⁷ It is unclear if all “significant” ministerial and department orders or statutory instruments meet the threshold of “substantive memorandum,” and therefore include a Disability Impact Assessment. No Disability Impact Assessment, contained in an RIA or otherwise, for the BusConnects Dublin programme has been found. Regardless, the requirements within both types of RIA mentioned above, even with the additional requirements of the Disability Impact Assessment, are not strong enough alone to ensure access.

Disability Impact Assessments: Substantive memoranda are defined in the Department of Justice handbook in their manual, “How to Conduct a Disability Impact Assessment: Guidelines for Government Departments.”¹⁴⁸ By their definition, substantive memoranda include: a change in policy, the introduction, abolition or significant change in an existing scheme, a decision which impacts on the public at large, or on a significant subset of that population, a decision to draft or to approve legislation, decision involving expenditure increases or reductions, or changes in taxation.¹⁴⁹ The impact of the proposal on people with disabilities has been termed the “Disability Impact Assessment” by the department of justice.¹⁵⁰ The Department of Justice details what is required of a Disability Impact Assessment in their handbook. Disability Impact Assessments are not supported by legislation, and there is no regulatory mechanism to ensure that Disability Impact Assessments are completed.

Within planning, it is important that disability analysis and assessments are completed by staff who are carrying out the proposal.¹⁵¹ They are intended to be mandatory.¹⁵² However, there is not evidence that the Disability Impact Assessments are being completed as required. However, impact assessments, while necessary, are projected appraisals that don’t consider functional design – they are simply measuring what type of impact could be had if a programme were to go forward.

The Disability Impact Assessment includes five questions that the relevant government department must answer.¹⁵³ These five questions are the following:

1. Will the proposed decision have an impact on people with disabilities? Yes or No?
2. Outline the evidence on which your initial assessment of potential impact is based.
3. If you consider that the decision may have an impact for people with disabilities, outline what that impact will be.
4. If the potential impact for people with disabilities is negative, outline how you intend to alleviate that negative impact.
5. Outline any action being taken to monitor impact for people with disabilities over time.¹⁵⁴

¹⁴⁶P 2, How to Conduct a Disability Impact Assessment: Guidelines for Government Departments

¹⁴⁷Department of the Taoiseach, ‘Revised RIA guidelines: How to conduct a Regulatory Impact Analysis’, (June 2009), 29.

¹⁴⁸Department of Justice and Equality, ‘How to Conduct a Disability Impact Assessment: Guidelines for Government Departments’, (5 March 2012), 2.

¹⁴⁹Ibid.

¹⁵⁰Department of the Taoiseach, ‘Department of the Taoiseach Cabinet Handbook’, (December 2006), 28.

¹⁵¹Department of Justice and Equality, ‘How to Conduct a Disability Impact Assessment: Guidelines for Government Departments’, (5 March 2012), 10.

¹⁵²Ibid, 2.

¹⁵³Ibid, 10.

¹⁵⁴Ibid, 12 -17.

These questions are posed by the Government department to themselves, consultation is mentioned as a mechanism to potentially answer these questions but is not a required component of the disability proofing within the Disability Impact Assessment.¹⁵⁵ The guidelines of the assessment also suggest that staff carrying out the assessment should consider how people with different disabilities would interact with their proposal; it is not a required consideration.¹⁵⁶ These questions don't force the proposer to take inventory of the needs of the population with disabilities and incorporate those needs into their plan to ensure safety. They are merely an exercise in considering disability within their plan; this process is not enough to produce the expertise needed to ensure functional access and inclusion. Sadly, given the lack of monitoring and sanctioning for lack of implementation, often it seems that even these five questions go unanswered.

Access Audits:

When IWA requested information on Disability Impact Assessments undertaken for BusConnects, we were provided with a series of access audits conducted on different programme sites. These audits were contained as part of an Environmental Impact Assessment Report. EPA guidelines on the Environmental Impact Assessment Reports do not contain requirements to complete Access Audits, as such, they also don't detail requirements for how such an audit would be carried out.¹⁵⁷ The access audits refer to The Disability Act 2005 and the statutory obligation it places on public service providers, to support access to services", but the legislation does not include access audits.¹⁵⁸ Instead, access audits is a voluntary process that is recommended but not required.

This is cause for concern because if they aren't mandatory, they may never be carried out. However, when they are carried out, there is no standardised method for carrying them out. This is borne out in practice, where different contractors have various approaches to the audit and recommendations they proffer.¹⁵⁹ This leads to inconsistent application of accessibility. Also of concern is the fact that some of these audits rely on voluntary standards, and as such, the force of their recommendations is not mandatory. IWA's best practice guidelines were relied on in at least two access audits, alongside NDA voluntary guidelines, each of which have different recommendations that may, at times, conflict.¹⁶⁰

This is yet another area in which accessibility in the planning of public transport infrastructure projects falls short due to a lack of mandatory standards, the absence of uniform implementation, and poor monitoring of existing requirements.

¹⁵⁵Ibid, 13.

¹⁵⁶Ibid, 12.

¹⁵⁷Environmental Protection Agency, 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (May 2022).

¹⁵⁸Jacobs, 'Accessibility Audit Report – Finglas Alignment: BusConnects Radial Core Bus Corridors Infrastructure Upgrade Programme – project B: Liffey Valley to City Centre Core Bus Corridor – Accessibility Audit Report' (28 October, 2021) <<https://liffeyvalleyscheme.ie/wp-content/uploads/sites/8/2022/07/Appendix-I-Accessibility-Audit.pdf>>, 1.

¹⁵⁹See Roughan & O'Donovan – TYPISA, 'Accessibility Audit Report – Finglas Alignment; BusConnects C4 Finglas to Phibsborough Corridor' <<https://ballymunfinglasscheme.ie/wp-content/uploads/sites/3/2022/09/Appendix-I2-Accessibility-Audit-Report-Finglas-Alignment.pdf>> compared to Jacobs, 'Accessibility Audit Report: BusConnects Radial Core Bus Corridors Infrastructure Upgrade Programme – Project b' <<https://liffeyvalleyscheme.ie/wp-content/uploads/sites/8/2022/07/Appendix-I-Accessibility-Audit.pdf>>.

¹⁶⁰Jacobs, 'Accessibility Audit Report – Finglas Alignment: BusConnects Radial Core Bus Corridors Infrastructure Upgrade Programme – project B: Liffey Valley to City Centre Core Bus Corridor – Accessibility Audit Report' (28 October, 2021) <<https://liffeyvalleyscheme.ie/wp-content/uploads/sites/8/2022/07/Appendix-I-Accessibility-Audit.pdf>>.

Within Design:

Examining DMURS:

The Design Manual for Roads and Streets in Urban Areas (DMURS) is the primary mandatory manual for road design; It is one of the few mandatory instruments identified for designers. "The use of DMURS is mandatory for all road authorities (Circular RW 6/2013) and (PL 17/2013) applies to all Roads and Streets in Urban Areas (except where specified)."¹⁶¹

An overview of the entire DMURS manual was undertaken to review the mandatory standards for access in public transport infrastructure that were contained therein. What has surfaced is that design regulations on accessible public transport infrastructure are greatly lacking.

Questions IWA Asked	Answers we found
Does DMURS have minimum widths for the sidewalks?	Yes, 1.8m, which is the space needed for two wheelchairs to pass each other according to DMURS.[1] ¹⁶²
Does DMURS have bus island design minimums for accessibility ?	No
Does DMURS contain crosswalk minimum dimensions?	No, but minimums are listed in the Traffic Signs Manual (2010) in Section 7.16. This section includes the maximum and minimum design specs for pedestrian crossings; generally the minimum is 2m.
Does DMURS contain design minimums for ramp gradients?	DMURS relies mostly on the guidance in Part M, "a maximum gradient of 5% is desirable" yet, "in hilly terrain, steeper gradients may be required but regard must be had to the maximum gradient that most wheelchair users can negotiate of 8.3%" (P113 DMURS) ¹⁶²
Does DMURS contain design guidance on disabled street parking bays that are parallel with cycle lanes?	No, but DMURS references the National Cycle Manual which sets out guidance for street parking that parallels cycle lanes. However, this guidance conflicts with the Part M Building Regulations and the Traffic Signs Manual guidance on disabled parking bays.

¹⁶¹What is DMURS?, <<https://www.dmurs.ie/what-is-dmurs>> accessed on 20 June 2023.

¹⁶²Department of Transport, 'Design Manual for Urban Roads and Streets' (4 April 2013), Section 4.3.5: Cycle Facilities, 86.

These questions, while key, are only part of the picture. A review of the entire manual was undertaken to highlight key takeaways that illustrate the access issues with DMURS. The following are key takeaways that emerged.

Takeaway: In the discussion of the previous dominant public transportation infrastructure it is highlighted again and again the ways in which pedestrians and cyclists were disadvantaged by the infrastructure, but it never mentions the barriers faced by people with disabilities in the previous infrastructure.¹⁶³ This absence reflects the recurring absence of people with disabilities—both in the consideration of their needs and in the departments and organisations charged with developing design manuals. In doing so, people with disabilities are rendered invisible. If, in a discussion about barriers in a previous segregated system the barriers people with disabilities experienced aren't mentioned, they will not be included in the new system yet again.

Takeaway: People with disabilities are absent from the hierarchy of user needs in DMURS.¹⁶⁴ However, pedestrians are prioritised over cyclists in the hierarchy. DMURS assumes the needs of nondisabled pedestrians are the same as the needs of pedestrians with disabilities. While, people with disabilities are mentioned in this section as the “most vulnerable,” their access needs are not separated from pedestrians without disabilities; thereby erasing the need for designs that are tailored to the unique needs of people with disabilities: “The need for more walkable communities is also an issue of social equity as it is the poorest and most vulnerable in society, including children, the elderly and the disabled for whom car travel is less of an option.”¹⁶⁵ Despite the pretence mentioned here that car travel is less of an option for people with disabilities, there is no practical prioritisation of those most disadvantaged by the current systems.

Takeaway: Where walkable and cyclable paths are mentioned as a priority to maximise in design, the needs of pedestrians with disabilities, in particular pedestrians who are wheelchair users, aren't mentioned.¹⁶⁶ This absence is more egregious because of the lack of unified, National Mandatory Minimum Accessibility Standards for public transport infrastructure that must be met in all design plans for the built environment to be used by people with disabilities. IWA concedes that different design solutions are needed in different contexts.¹⁶⁷ However, the human right to access a public space is not negotiable, nor an aspirational goal, dependent on the context of the space. It is a right.

¹⁶³In section 2.1.2 of the Design Manual for Roads and Streets in Urban Areas (DMURS) discusses the comfort and safety of pedestrians, people with disabilities and the challenges they experience are never mentioned; Department of Transport, 'Design Manual for Urban Roads and Streets' (4 April 2013), Section 2.1.2, 19-24.

¹⁶⁴Department of Transport, 'Design Manual for Urban Roads and Streets' (4 April 2013), Figure 2.21, 28.

¹⁶⁵Ibid.

¹⁶⁶See an example of this on page 41, second bullet point under Section 3.3.1; Ibid, 41.

¹⁶⁷Section 3.2.2 of DMURS discusses the importance of place context in the designing of public spaces; Ibid, Section 3.2.2.

Takeaway: Where inclusive design regarding visual impairments is mentioned, the language is not strong. DMURS instructs designers that they “should...use contrasting materials and textures to inform pedestrians of changes to the function of space,” they include that such a method should be used in a “consistent logic,” yet no consistent standard is presented for use throughout Ireland. This leads to variation in application of design elements. The term “should” here is noteworthy, because mandatory provisions in DMURS are indicated by “shall or must.”¹⁶⁸ The Traffic Management Guidelines (2003) are referenced as a source that “may” also serve as further guidance. These guidelines are mentioned at the conclusion of this report. Yet, no mandatory standard or legal minimum is outlined.¹⁶⁹ IWA is not the expert for blind or visually impaired road users; however current DMURS guidance highlights the need for meaningful engagement with representatives from those communities.

Takeaway: There is a whole section in DMURS dedicated to historic contexts and cycle facilities.¹⁷⁰ Yet, there is not a section on accessibility. In the historical section a “mechanism for the protection of historic areas” “based on statutory protection” is included. This is more than what is included for people with disabilities.¹⁷¹

Takeaway: In the discussion of crossing design, there is no mention of protection of pedestrians (particularly people with disabilities) from cyclists in the crosswalks mentioned. Instead, we see a prioritisation of cyclists within the mandatory design manual, ‘designers should: optimise pedestrian movement, with pedestrian cycle times of no more than 90 seconds at traffic signals.’¹⁷² Yet, walking speeds for pedestrians differ widely based on age and disability.¹⁷³

Takeaway: A commonly used method to slow cyclists to allow for pedestrian crossings is level grade crossings (these are crossings that are aligned with the height of footways), this is mentioned in DMURS but only as an objective (Action 16) of the Smarter Travel (2009) government policy, it is not outlined as a design minimum.¹⁷⁴ Additionally, this is a slowing, not stopping mechanism. A stopping mechanism is preferred to ensure the safety of pedestrians with disabilities. However, it is notable that the slowing mechanism is only “highly recommended in areas where pedestrian flows are high such as in Centres,” despite being an objective of a government policy.¹⁷⁵ This instance illustrates the limitations of government policy, and the need for mandatory minimums on accessibility that are not aspirational or “highly recommended.”

¹⁶⁸Ibid, Section 1.3 Application of this Manual,10.

¹⁶⁹Ibid, Section 4.2.6 Materials and Finishes, 81.

¹⁷⁰Ibid, Section 4.3.5 Cycle Facilities, 99.

¹⁷¹Ibid, Section 4.2.8 Historic Contexts, 85.

¹⁷²Ibid, Section 4.3.2 Pedestrian Crossings, 90.

¹⁷³J. Montufar, J. Arango, M. Porter, & S. Nakagawa ‘Pedestrians’ Normal Walking Speed and Speed When Crossing a Street’, (2007), Transportation Research Record, 2002(1), 90–97.

¹⁷⁴Department of Transport, ‘Design Manual for Urban Roads and Streets’ (4 April 2013), Section 4.3.2 Pedestrian Crossings, 92.

¹⁷⁵Ibid.

Takeaway: In Section 4.3.4 on Pedestrianised and Shared Surfaces, the manual states, “Shared surface streets can be very intimidating for impaired users. Visually impaired users in particular rely on kerb lines to navigate streets. To assist in navigation and movement through shared spaces, designers should apply design measures such as:

- Sections of tactile paving that direct movement along the street or across spaces (see Figure 4.50).
- The creation of distinct zones that delineate pedestrian only space from shared space (as per Figure 4.48).
- Flush kerbs, drainage lines and/or sections of tactile paving to assist guide dogs and indicate movement from a pedestrian only space to a shared carriageway (see Section 4.4.8 Kerbs).
- Verges that act as refuge zones allowing pedestrians to step on and off the carriageway to let cars pass (see Figure 4.51¹⁷⁶).

None of the design measures mentioned include restricting cyclists to protect people with disabilities from being overtaken by cyclists. Additionally, none of these measures are mandatory, indicated by the term “should.”¹⁷⁷

Takeaway: DMURS outlines that it “promotes cycling as a sustainable form of transport and seeks to rebalance design to promote a safer and more comfortable environment for cyclists.”¹⁷⁸ However, there is no acknowledgement of the need to balance the safety of pedestrians, particularly pedestrians with disabilities with the promotion of cycling. There is a way to design safely for all; all road users’ needs must be accounted for in the promotion of cycling, but, in particular, the needs of users with disabilities must be included in design.

Takeaway: The path to improving facilities for pedestrians and cyclists is not well outlined in DMURS, as there is nothing in DMURS that addresses pedestrian crossings at cycle lanes. The National Cycle Manual is intended to address this, but the Cycle Manual, by nature, prioritises cyclists over the needs of pedestrians with disabilities. Pedestrian crossings at cycle lanes are particularly critical with the addition of parking spaces, where additional barriers to the footpath are introduced. Regarding street parking, some dimensions are given, such as, “a loading bay should be 2.8 x 6m to cater for large vans.”¹⁷⁹ DMURS also states that, “The first priority of designers should be to improve facilities for pedestrians and cyclists, prior to the addition of on-street parking.”¹⁸⁰ However, the manual also instructs that designers add street parking so drivers stop parking on the footpaths, which is what has been observed given the absence of street parking in the previous iteration of street design.¹⁸¹ This makes it unclear what the prevailing design guidance is in the case of street parking. Regardless, the needs of people with disabilities are not mentioned in the section on street parking and loading of DMURS at all.

¹⁷⁶Ibid, Section 4.3.4 Pedestrianised and Shared Surfaces, 98.

¹⁷⁷ Ibid, Section 1.3, Application of this Manual, 10.

¹⁷⁸ Ibid, Section 4.3.5 Cycle Facilities, 99.

¹⁷⁹ Ibid, Section 4.4.9 On Street Parking and Loading, 121.

¹⁸⁰ Ibid, Section 4.4.3 Junction Design, 119.

¹⁸¹ Ibid, Figure 2.1.2, 22.

Takeaway: A priority again and again explicitly written in DMURS is to reduce cycle times, this means minimising waiting times at junctions and crosswalks which disfavours pedestrians—particularly pedestrians with disabilities.

Takeaway: In Section 5.3.1 discussing design teams, professionals from different backgrounds are suggested to take a multidisciplinary approach of design. Several specialists are referenced here, including heritage, conservation, and environmental specialists. Accessibility/universal design specialists are not included here.¹⁸²

Takeaway: DMURS outlines the need for a Road Safety Audit (RSA) + Risk Assessment analysis, both of which are undertaken after a project is built. The Audit and assessment are guided by TII standards. These are mandatory where any permanent change to the road layout is taken on national roads or mandatory where schemes are funded or co-funded by the Department of Transport.¹⁸³ The RSA may be part of a larger quality audit, but they may not be. It is acknowledged that, “Mobility and visually impaired users have particular needs that may not be picked up in more general pedestrian audits” – such as the road safety audit and road user audit.¹⁸⁴ A Quality Audit is introduced as a solution to this.

Quality Audits, “generally include an access audit.” Yet, nothing is outlined in DMURS regarding how this access audit would be undertaken. DMURS references “Advice Note 4 - Quality Audits” for more information on these quality audits. Within that Advice Note it is said that Quality Audits are beneficial in that they are, “A transparent process that demonstrates that the needs of all user groups have been considered alongside the design objectives.”¹⁸⁵ Typically, quality audits take place in the initial design stage and the detailed design stage by designers.¹⁸⁶ It is noted that, “Audits which check against the principles of Universal Design are highly recommended for all major projects, in particular where shared spaces (i.e. shared carriageways) are proposed to ensure the needs of visually impaired users are catered for,” **but are not mandatory**.¹⁸⁷ In fact, “Quality Audits have not been widely prepared in Ireland”.¹⁸⁸ Instead, “Quality Audits/ DMURS Street Design Audit may be used to complement or supplement the existing range of reports submitted in support of development,” yet, neither the quality audit nor the DMURS street design audit are mandatory. There are also no standardised formats for quality audits.¹⁸⁹

¹⁸² Ibid, Section 5.3.1 Design Team, 132.

¹⁸³ Department of Transport, ‘Circular RLR 16/2008, Road Safety Audits and Road User Audits’ (2008).

¹⁸⁴ Department of Transport, ‘Advice Note 4- Quality Audits’, (May 2019), Section 3.2: Other Design Audits, 4.

¹⁸⁵ Ibid, 1.

¹⁸⁶ Ibid, 9.

¹⁸⁷ Ibid, 4.

¹⁸⁸ Ibid, 1.

¹⁸⁹ Ibid, 5.

Part M of Building Regulations:

The Technical Guidance Document for Part M deals with 'Access and Use.' It is part of the 2010 Building Regulations, which are law.¹⁹⁰ "The Regulations set out the requirements to be observed in the design and construction of new buildings and the extension, refurbishment and change of use of certain buildings."¹⁹¹ The document, "sets out guidance on the minimum level of provision to meet requirements M1-M4," however, it also states that "those involved in the design and construction of buildings should also have regard to the design philosophy of Universal Design and consider making additional provisions where practicable and appropriate."¹⁹² This encouragement has not been born out in construction. Since the creation of this document, there has continued to be a systemic absence of universally designed buildings in Ireland. This is yet another critical reminder that legally binding, comprehensive, and cohesive access minimums are necessary to ensure the human right enshrined in Article 9 of the UNCRPD.

For the purposes of the report, we will only examine areas of Part M that relate to public transport infrastructure, as defined in the introduction (i.e. areas that would interact with pedestrian paths, cycle lanes, bus islands, traffic islands, bus stops, and street parking).

Section 1.1.4 covers pedestrian crossings and is cited in all other sections of the manual where pedestrian crossings are covered. "Where pedestrian crossings are provided, tactile paving and dropped kerbs should be provided at controlled and uncontrolled pedestrian crossings in accordance with 'Good Practice Guidelines on Accessibility of Streetscapes.'¹⁹³ These Good Practice Guidelines include, "standard details for the design and layout of controlled and uncontrolled crossing and include details on staggered junctions"¹⁹⁴ these do not carry the legal weight that Part M does. This is the extent of information in Part M on pedestrian crossings.

Section 1.1.5 covers on-site car parking. However, the guidance is limited to instructions on designated parking bays, meaning the accessible parking spots, and not information regarding minimum measurements needed for street parking to be accessible. There is no information about minimum dimensions for space for passengers to disembark with a wheelchair alongside the street and bicycle lanes. This would be categorised as "Off-site parking"; the Technical document on Part M only mentions on-site. This is likely because the guidance in Part M is limited to what infrastructure is connected or related to buildings. What is mentioned is the following: "The minimum dimensions of the designated parking bays (accessible parking spots) should be in accordance with Diagrams 8 and 9."¹⁹⁵ Additionally, "A 1200 mm wide access zone should be provided on both sides and at the rear of each designated parking bay. The access zone at the rear of the parking bay should be clear of vehicular circulation routes."¹⁹⁶ Diagrams 8 and 9 are included overleaf:

¹⁹⁰S.I. No. 497 of 1997, Building Regulations, 1997.

¹⁹¹Explanatory Note, S.I. No. 497 of 1997, Building Regulations, 1997.

¹⁹²Department of Housing, Local Government, and Heritage, 'Technical Guidance Document M 2022- Access and Use', (2022), Section 01. General, 10.

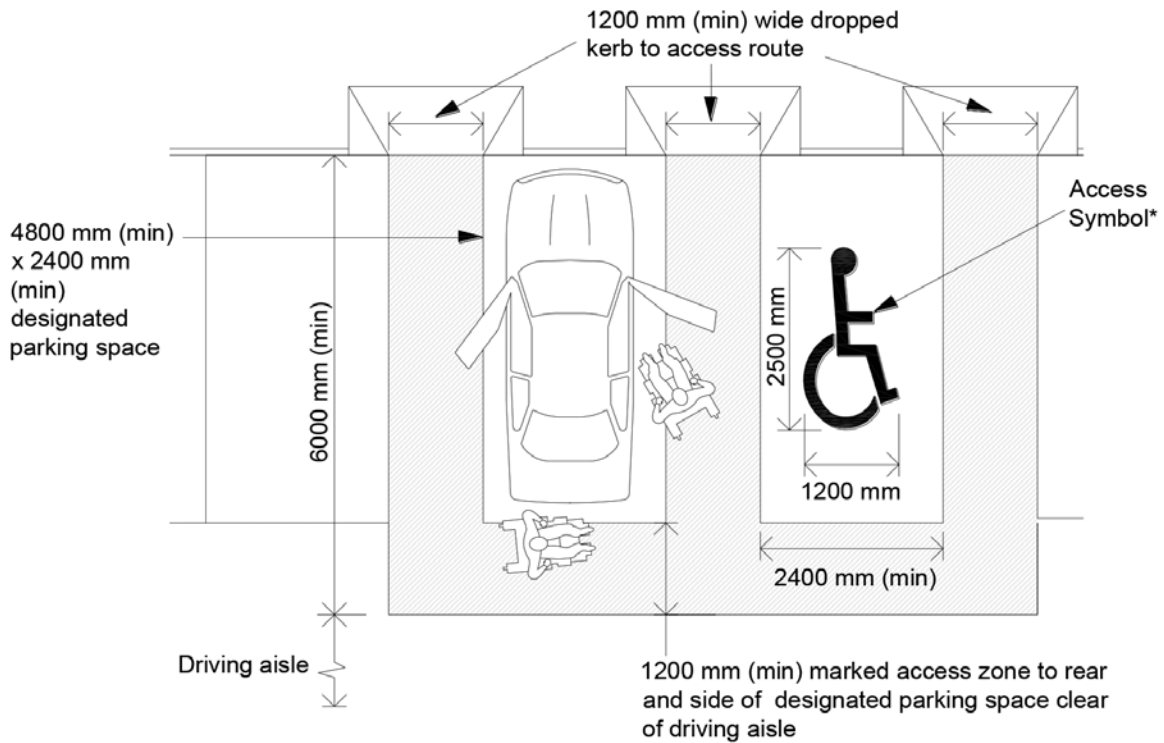
¹⁹³Ibid, 43.

¹⁹⁴O'Herlihy Access Consultancy, 'Good Practice Guidelines on Access of Streetscapes', <https://www.accessconsultancy.ie/newsletters_2009october_3> accessed on 20 June 2023.

¹⁹⁵Department of Housing, Local Government, and Heritage, 'Technical Guidance Document M 2022- Access and Use', (2022), Section 1.1.5(d): On-site car parking, 45-46.

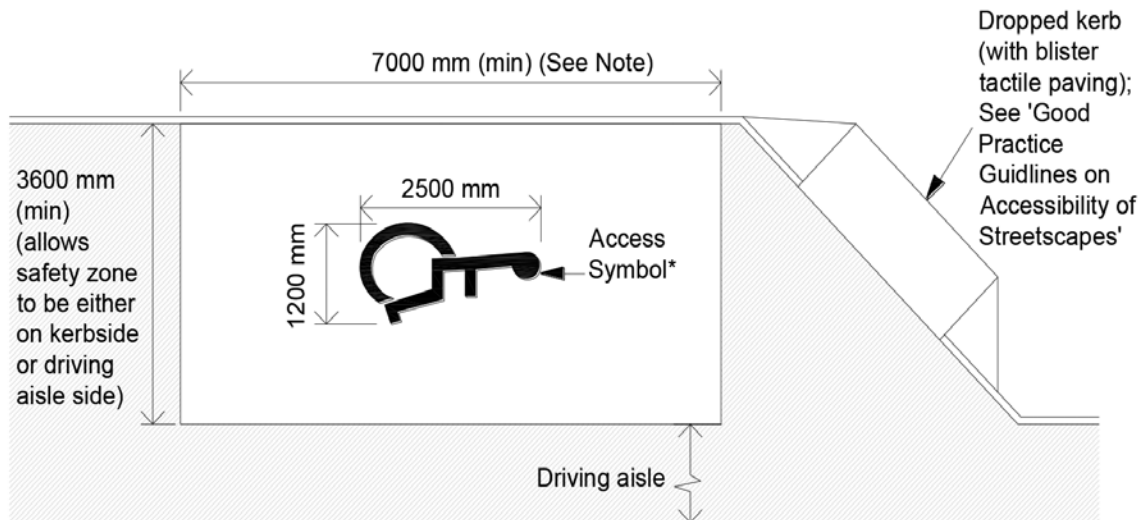
¹⁹⁶Ibid, 44.

Diagram 8 Access Around Designated On-Site Perpendicular Parking Bay



* Extract from the 'Traffic Signs Manual'

Diagram 9 Example of a Designated On-Site Parallel Parking Bay



NOTE: Where designated parallel parking bays are provided in series, or in combination with standard parking bays, an additional 2000 mm buffer zone should be provided at the rear of the designated space. The length of the designated parking bay may be reduced to 5800 mm long in this instance.

* Extract from the 'Traffic Signs Manual'

Given that Part M focuses on access in buildings, there is no mention of buses, bus lanes, or cycle lanes. Local Authorities have adopted accessibility guidelines flowing from the areas that are covered in Part M of the Guidelines. These often include checklists that cover pedestrian crossings, on-site car parking, ramps, steps, handrails, and access routes.¹⁹⁷

Traffic Signs Manual:

The Traffic Signs Manual (2010) was published by the Department of Transport and, “constitutes a direction given by the Minister of Transport to Road Authorities under section 95(16) of the Roads Traffic Act (1961) in relation to the provision of traffic signs.”¹⁹⁸ This manual includes mandatory requirements.¹⁹⁹ The Traffic Signs Manual details directions on road markings—including parking bays and restrictions, bus and tram lanes, cycle tracks, cycle signals, and pedestrian signals. Much of this manual is not relevant for our purposes, but this report includes some sections that mention accessibility specifications. Mandatory provisions in this manual are indicated by “shall or must”, “should” denotes a recommendation that is not mandatory.²⁰⁰

Chapter 7 includes information on Road Markings. Section 7.6.10 - 7.6.12 covers disabled persons’ parking bays. However, key language within these guidelines is weak, and not mandatory: “Care *should* be taken to ensure that adequate space is provided between a disabled persons’ parking bay and adjacent parking bays to permit a wheelchair to be manoeuvred safely. It is recommended that buffer zones be provided as shown to permit easy access.”²⁰¹

Chapter 9 has directions for cycle signals and pedestrian signals in sections 9.7 and 9.8. It is noteworthy that, again, in Section 9.7.11 on pedestrian signals, weak, non-mandatory language is used regarding accessibility features; “*Complementary measures* to assist visually impaired pedestrians should be provided to indicate the green figure period.”²⁰² The “complementary” measures recommended include tactile signals and audible signals. The use of the word ‘should’ and the use of the phrase ‘complementary measures’ greatly weakens the impact of the guidance and signals it is not mandatory. Safety is not complementary. Also of note, Section 9.8.19 outlines the preferred minimum for crossing widths as 2.4m, but goes on to state that the absolute minimum is 2m.²⁰³

¹⁹⁷An example of one such set of guidelines is Wexford County Council’s Accessibility Guidelines: Wexford County Council, ‘Wexford County Council Accessibility Guidelines’, <<https://www.wexfordcoco.ie/sites/default/files/content/AccessForAll/WCC%20Accessibility%20Guidelines%20Edition%201%20%28June%202014%29.pdf>> accessed on 20 June 2023.

¹⁹⁸National Roads Authority, ‘Traffic Signs Manual’ (November, 2010), i.

¹⁹⁹Ibid, Chapter 7 – Road Markings, 7/6.

²⁰⁰Ibid, Section 7.1, Chapter 7 – Road Markings, 7/6.; Ibid, Section 9.1, Chapter 9 – Traffic Signals, 9/3.

²⁰¹Ibid, Chapter 7– Road Markings, Section 7.6.11, 7/55.

²⁰²Ibid, Chapter 9 – Traffic Signals, Section 9.7.11, 9/25.

²⁰³Ibid, Chapter 9 –Traffic Signals, Section 9.8.19, 9/28.

Other Guidelines:

1. **National Cycle Manual (NCM):** As mentioned previously, the National Cycle Manual outlines guidance for designers to encourage safe cycling infrastructure and promote cycling. It is important to note here that NCM is not mandatory, it is merely guidance.²⁰⁴ However, some guidance is noteworthy. DMURS references pages 138-139 and 149 of the National Cycle Manual “to illustrate how [street parking] can be achieved with Cycle Lanes.”²⁰⁵ The referenced pages in NCM outline that pedestrian disembarking zones that border cycle lanes are recommended to be only 1.0m wide, with the minimum width being noted at .75m. IWA best practice guidelines instruct that the minimum width for disembarking zones should be no less than 1.2 m wide, yet even this is not sufficient to allow for a 360 degree turn.²⁰⁶ Additionally, Section 1.1.5 of Part M of the Building Regulations references the guidance to the Traffic Signs Manual on disabled parking bays that conflicts with the National Cycle Manual guidance on street parking with cycle lanes, which was detailed above.²⁰⁷ This further illustrates the failures of the piecemeal system of accessibility requirements and guidance littered throughout the resources that designers rely on.
 - a. NCM includes mention of disability in Section 5.1.2: Disability Act. In this section, a design checklist for bus stops is given and it is stated that the design should comply with requirements of the Disability Act 2005.²⁰⁸ And yet, the National Cycle Manual diminishes the responsibility of the designer: “While it is recognised that it will not always be possible to provide conflict-free access for all users to and from buses and/or bus stops, there is an onus on the designer, nevertheless, to ensure in respect of mobility-impaired persons that access is facilitated, and that the highest degree of convenience is afforded them, *insofar as is reasonably practicable*.”²⁰⁹ Additionally, the referenced sectoral plan, Access for All (2012), does not contain mandatory regulations on bus stops nor does the traffic management guidelines, which were also updated after the Disability Act was introduced. More on this topic is explored below. As a result, the references to the accessibility in the National Cycle plan are devoid of **mandatory design minimums**.

²⁰²Ibid, Chapter 9 – Traffic Signals, Section 9.7.11, 9/25.

²⁰³Ibid, Chapter 9 –Traffic Signals, Section 9.8.19, 9/28.

²⁰⁴National Transport Authority, ‘National Cycle Manual’, (June, 2011), Chapter 5: Getting the Details Right, 1.

²⁰⁵Department of Transport, ‘Design Manual for Urban Roads and Streets’ (4 April 2013), Section 4.3.5: Cycle Facilities, 100.

²⁰⁶Irish Wheelchair Association, ‘Best Practices Access Guidelines: Designing Accessible Environments’ (November 2020), Edition 4, 58.

²⁰⁷Department of Housing, Local Government, and Heritage, ‘Technical Guidance Document M 2022- Access and Use’, (2022), 34.

²⁰⁸National Transport Authority, ‘National Cycle Manual’, (June, 2011), Chapter 5: Getting the Details Right, 155.

²⁰⁹ Ibid.

2. **The Traffic Management Guidelines** are another source of guidance issued by the Department of the Environment and Local Government (DoELG), the Department of Transport (DoT) and the Dublin Transportation Office (DTO). The Transport Access for All Sectoral Plan (2012) refers to these guidelines as, “recognis[ing] that vulnerable road users including those with mobility/sensory impairment may require special consideration within traffic management systems.”²¹⁰ This special consideration does not amount to design requirements as these guidelines are not mandatory. The guidelines are merely a tool to help designers achieve policy goals. It covers a variety of topics, including: “the provision of suitably designed facilities for public transport users and for vulnerable road users such as cyclists, motorcyclists and pedestrians (including those with mobility/sensory impairments).”²¹¹ Chapter 13 of the Traffic Management Guidelines Manual focuses entirely on “facilities for mobility impaired people.” This chapter does include a section on traffic islands.²¹² The guidelines state, “Facilities **should be** designed to accommodate all road users expected to use the facilities **where possible**,” and goes on to list the following:
- “A wheelchair requires a length of 1140mm - 1500mm and has a passage width of 900mm
 - A wheelchair plus a person pushing requires a length of 1750mm and has a passage width of 900mm”²¹³

Again, these guidelines are guidance for designers, not requirements. They acknowledge issues in design for disabled road users but do not set out requirements to eliminate these barriers. Inclusion in road design should not be framed as a “special consideration,”²¹⁴ taken into account “where possible.”²¹⁵

The Traffic Management Guidelines were also referenced in the National Cycle Manual as containing, “existing guidance and provision of bus stops, including their location” in response to the Disability Act, 2005.²¹⁶ “Section 15.5 of the Traffic Management Guidelines deals specifically with bus stop design, and sets out advice under a number of headings, including location, layout, passenger access arrangements, street furniture and adjacent parking.”²¹⁷ This advice acknowledges the needs of “mobility impaired persons”, such as, “The optimum kerb height at a bus stop to cater for these persons should be around 180mm.”²¹⁸ The guidance provided in this section remains limited by its lack of mandatory requirements and does not provide sufficient reference to the needs of people with disabilities, particularly with regard to bus stops that intersect with cycle lanes.

²¹⁰Department of Transport, Tourism, and Sport, ‘Transport Access for All (2012 Edition): The Sectoral Plan for Accessible Transport under the Disability Act 2005’, 56.

²¹¹Department of the Environment and Local Government, Department of Transport, and the Dublin Transportation Office, ‘Traffic Management Guidelines’, foreword.

²¹²Ibid, 204.

²¹³Ibid, Section 13.5, 206.

²¹⁴Department of Housing, Local Government, and Heritage, ‘Technical Guidance Document M 2022- Access and Use’, (2022), Section 1.1.5: On-site car parking, 43.

²¹⁵Department of the Environment and Local Government, Department of Transport, and the Dublin Transportation Office, ‘Traffic Management Guidelines’, Section 13.5, 206.

²¹⁶National Transport Authority, ‘National Cycle Manual’, (June 2011), Chapter 5: Getting the Details Right, 155-156.

²¹⁷Department of the Environment and Local Government, Department of Transport, and the Dublin Transportation Office, ‘Traffic Management Guidelines’, Section 5.1.1, 155.

²¹⁸National Transport Authority, ‘National Cycle Manual’, (June 2011), Chapter 5: Getting the Details Right, 155-156.

Some other, less referenced, sources of voluntary guidelines are listed below—none of which are mandatory:

3. “Good Practice Guidelines on Accessibility of Streetscapes” by the Local Government Management Services Board (LGSMB), which is a State agency. The Good Practice Guidelines are mentioned in Part M with regard to pedestrian crossings.²¹⁹
4. EN17210 Accessibility and Usability of the Built Environment (National Standards Authority, Ireland)
5. National Disability Authority’s Shared Space Report
6. NDA (2012) Building for Everyone
7. Urban Design Manual (2009): this manual is a best practice guide, not mandatory.²²⁰

The many sources of standards and guidelines, several of which are examined in detail here, fail to supply a comprehensive source of **national mandatory minimum accessibility standards**. While every effort was made to examine the most sources of material, where there are additional sources of accessibility guidelines missing from this report it can be explained by the overarching issue plaguing accessibility standards in Ireland: a siloed approach without uniformed mandatory minimums that leads to varied application of accessibility guidelines and, ultimately, inaccessible public transport infrastructure.

Key Findings:

This research was initiated because of the routine observations that IWA members have made and communicated about the dangerous inaccessibility of the public transport infrastructure. These issues are not isolated, and are instead, a symptom of a larger issue within the system. It is critical to examine why this gap appeared in the first place to locate the critical areas of improvement. From the review of law and policy, the policy analysis conducted, and with the requirements of the UNCRPD in mind, the following key findings capture the key issues with the current Irish scheme:

- It is our argument that Ireland needs national legislation that mandates **national mandatory minimum accessibility standards**, which would include legally binding minimums when undertaking all public transport infrastructure projects. Monitoring mechanisms for the implementation of these design minimums that exist outside of sectoral plans are critical to ensuring that noncompliance does not go unnoticed or unpunished. Otherwise, there will always be gaps that individuals and civil society must continually discover and uncover to advocate for fundamental human rights that Ireland has already committed to realise.

²¹⁹Department of Housing, Local Government, and Heritage, ‘Technical Guidance Document M 2022- Access and Use’, (2022), Section 1.1, Approach to Buildings other than dwellings.

²²⁰Environment, Heritage, and Local Government, ‘Urban Design Manual: A Best Practice Guide’ (May 2009). ²²¹UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 4.3.

- In the planning stage, there are weaknesses in implementing disability proofing in public transport infrastructure projects; there is no evidence that disability impact assessments (which are intended to assist with disability proofing) are being completed. There is no formal monitoring or enforcement mechanism for disability impact assessments that can impose fines for failure to conduct an assessment or consultation. Furthermore, there is no legislative support mandating Disability Impact assessments. Finally, Disability Impact Assessments are not sufficient to ensure access. Conducting such an assessment does not ensure that services are designed accessible—that must be addressed in design.
- There are similar issues throughout the planning process regarding the lack of requirement for and standardisation of access audits as well as with the poor inclusion of disability considerations throughout the current Common Appraisal Framework for Transport Projects and Programmes (CAF) and NTA Project Approval Guidelines.
- The meaningful, systemic, and timely consultation with people with disabilities and their representative organisations during the transport public consultation period of a given project is not taking place. Public entities have signalled that public consultation with stakeholders of the disability community has been undertaken when it hasn't been deployed as intended by the UNCRPD.²²¹ Meanwhile, any sourced opinions from the disability community is routinely dismissed by public entities when it conflicts with other community stakeholders. Because the nature of public consultation produces conflicting opinions, public entities must simply cite a reason that any opinion proffered in consultation will not be incorporated into their plan before moving forward.
- Accessible design regulations is a major area of weakness. Current guidelines on accessibility are littered throughout different manuals, with varying degrees of mandatory status. Sources for accessibility requirements are not cohesive and are not strong. Largely, accessibility requirements are not mandatory, even when referenced in mandatory manuals. Despite being protected from discrimination in the administration of public services in national legislation, there exists no cohesive set of minimum accessibility requirements for public streets and public transport infrastructure.
- Currently, there is a call to incorporate a disability lens within the upcoming national cycle manual to ensure that new cycling infrastructure is designed safely for persons with disabilities. However, any such guidance would not be binding. It is critical here to emphasise that cycling is being prioritised over the human rights of people with disabilities, even though cycling falls under pedestrians in the hierarchy of street users in DMURS. The prioritisation of pedestrians with disabilities is not borne out in policy nor design. Evoking the need for accessibility in policy documents without providing mandatory mechanisms has led to the incorporation of largely voluntary standards and guidelines that has produced systemic gaps in planning that are easily overshadowed by other policy objectives, like cycling, because there is no legal enforcement of the human right to access public infrastructure. Ultimately, a core issue is that no National Mandatory Minimum Accessibility Standards have been codified in law, despite a wealth of voluntary standards available.

²²¹UNGA A/RES/61/106, Convention on the Rights of People with Disabilities, (13 December 2006), Article 4.3.

- Following the design stage, we see further failures: the post-construction audits outlined in DMURS do not sufficiently include the needs of people with disabilities. The audits suggested to compensate for this gap are voluntary and not customary in Ireland. No mandatory mechanism to ensure that projects are accessible post construction is included in the primary design manual (DMURS), as such, no monitoring mechanism or fine system are imposed to ensure accessibility of transport projects.
- In sum, the lack of enforceable accessibility considerations in all stages of public transport and infrastructure projects flow from the gap in robust national law focused on the implementation of Article 9 of the UNCRPD.
- Cyclists are a priority in national and regional transport policy and projects, and in design. People with disabilities are not. Human rights are not prioritised in the same way that cycling infrastructure has been. By conservative estimates, cyclists are mentioned three times more than any reference to disability in DMURS.²²² The two objectives, safety for cyclists and safety for pedestrians with disabilities, are not inherently in conflict with one another. However, in the absence of legally binding accessibility minimums for cycling infrastructure, human rights are being compromised. People with disabilities can and do cycle.²²³ However, current cycle lane planning is not inclusive of pedestrians with disabilities nor cyclists with disabilities. Emerging guidance on cycle lane infrastructure is increasingly aimed at creating shared pedestrian spaces to encourage cycling, yet shared spaces pose a danger to people with disabilities. Shared spaces are, “generally not supported by people with a disability and is not recommended by IWA as a safe and inclusive design approach to the design of urban streetscapes.”²²⁴ People with disabilities need to be considered when planning pedestrian spaces, yet the current mechanisms are failing to ensure this. As new cycling infrastructure is introduced to help lower emissions and improve the sustainability of Irish cities and towns, the needs of people with disabilities must be protected through National Mandatory Minimum Accessibility Standard that dictate the requirements of the designs in upcoming cycle infrastructure plans. Current guidance is failing to consider accessibility in the design of protected cycle lanes that interact with footpaths and bus islands. A sustainable, climate resilient public transportation infrastructure must include those who will be most impacted by climate change: people with disabilities.²²⁵ Otherwise, it will compound inequalities, deprive fundamental liberties, and put people with disabilities in danger—violating human rights further. However, as this report illustrates, the needs of people with disabilities are not being adequately considered in planning, design, or construction. This actively creates more barriers in public transportation infrastructure that make the environment inaccessible.

²²²In the Design Manual for Roads and Streets in Urban Areas (DMURS) cyclists are mentioned 55 times. Bicycles are mentioned 5 times. Cycle lanes and routes are mentioned 11 times. The National Cycle Manual is mentioned 18 times. In contrast, People with disabilities are mentioned three times; The term mobility impaired is used twice; The term Impaired users are used three times; the term wheelchair users is used once; the term Disabled is used twice. Accessibility is used 14 times, but it is often not in reference to people with disabilities, instead it is often used regarding rural connectivity. Additionally, accessibility is not defined within the guidelines. The terms “vulnerable users” is used twice in the manual content, and “vulnerable road users” is used three times, however, on page 16 it was defined to include pedestrians and cyclists so it was not counted in this analysis: Department of Transport, ‘Design Manual for Urban Roads and Streets’ (4 April 2013).

²²³Wheels for Wellbeing, ‘A Guide to Inclusive Cycling’, 4th Edition (2020), 63.

²²⁴Irish Wheelchair Association, ‘Best Practices Access Guidelines: Designing Accessible Environments’ (November 2020), Edition 4, 71.

²²⁵United Nations Human Rights Office of the High Commissioner, ‘The Impact of Climate Change on the Rights of Persons with Disabilities: OHCHR and Climate Change’

<<https://www.ohchr.org/en/climate-change/impact-climate-change-rights-persons-disabilities>> accessed on 20 June 2023.

- The differing levels of investment between disability retrofitting and inclusive design in ongoing projects compared to that of cycling paints a good picture of the inequities entrenched in transport priorities and projects. For example, the Department of Transport funds the multi-annual ringfenced Public Transport Accessibility Retrofit Programme.²²⁶ And yet, this retrofit programme receives significantly less funding than other transport initiatives, such as cycling, and has not been updated since 2021.²²⁷ The UNCRPD general comment on accessibility explicitly outlines that sustained sufficient funds are needed to continue to remove barriers to accessibility in older infrastructure.²²⁸ This is an ongoing trend in government transport policy; priority and investment in the human right to access public transportation infrastructure does not see the same visibility nor support as the goal to increase cycling.²²⁹
- Given the demand for new cycling infrastructure, minimum, legally binding accessibility requirements must be fully integrated into cycling infrastructure—accessibility measures should also be fully integrated into the National Cycle Manual, but it is not enough to simply have more voluntary guidelines.
- Where the terms accessibility and inclusion are used in government policy, guidelines, and manuals it does not provide a mechanism to achieve this through mandatory processes with sufficient monitoring and enforcement.
- While it is a critical issue that consultation is not being completed, and that issue alone must be magnified, consultation alone does not resolve the duty of public entities to ensure the human rights of people with disabilities. And while critical, consultation alone is not enough to ensure that public infrastructure is accessible. Human rights cannot be realised through a public forum; the right to access public spaces and the mechanism to ensure this need to be legally enshrined. Meaningful public consultation must be central in the development, protection, and propagation of disability rights. However, sourcing opinions without meaningful action is not in and of itself sufficient to establish the right to access.
- The General Comment on Article 9 of the UNCRPD is very clear that mandatory accessibility minimums with oversight and enforcement mechanisms is critical to ensure the right to accessibility. Any National Mandatory Minimum Accessibility Standards must be “negotiated with organisations of persons with disabilities,” meaning that people with disabilities with decision making authority must be a key negotiating party in the evaluation of the mandatory minimums, along with recurring consultation throughout periodic reviews of the law.²³⁰ Current mandatory instruments on design do not meet the UNCRPD criteria.

²²⁶House of Oireachtas, ‘Public Transport: Dáil Éireann Debate, Thursday - 3 March 2022’ <<https://www.oireachtas.ie/en/debates/question/2022-03-03/24/>> accessed 20 June 2023.

²²⁷National Transport Authority, ‘Public Transport Accessibility Programme’ <<https://www.nationaltransport.ie/planning-and-investment/transport-investment/public-transport-accessibility-programme/>> accessed 20 June 2023.

²²⁸UN Committee on the Rights of Persons with Disabilities, ‘General Comment on Article 9: Accessibility (UNCRPD)’, (11 April 2014), CRPD/C/11/3, para. 30.

²²⁹There is less investment in the NTA’s Public Transport Accessibility programme program (28 million euro for the four year program) than in cycling investment (projected at 365 million a year); National Transport Authority, ‘Bus Connects Dublin: Preliminary Business Case’, (February 2022), 25.

²³⁰UN Committee on the Rights of Persons with Disabilities, ‘General Comment on Article 9: Accessibility (UNCRPD)’, (11 April 2014), CRPD/C/11/3, 7, para. 23.

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