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# POSITION PAPER PRISE DE POSITION STELLUNGNAHME OF THE INTERNATIONAL ASSOCIATION OF PUBLIC TRANSPORT

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## PROPOSAL FOR A EUROPEAN ACCESSIBILITY ACT DIRECTIVE: UITP COMMENTS

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

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

**Key facts for public transport in the EU 28**  
*Passenger journeys: 60 billion/year, more or less equally shared between road modes (mainly bus) and rail modes (urban, suburban and regional rail).*

**Economic value of public transport services:**  
*€ 130 - 150 billion/year or 1 – 1.2% of GDP.*

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



UITP, the International Association of Public Transport, supports the Commission's overall goal of improving accessibility to goods and services in Europe.

UITP agrees with the objective of the proposed directive, i.e. define a set of harmonized functional requirements establishing accessibility principles without imposing technical specificities to the solutions that should be put in place. Accessibility is integrated in the current strategies of the public transport sector, which summarises its experience and views below:

- **Most transport operators have been cooperating for a long time with representatives of disabled persons and persons with reduced mobility** when buying new equipment or to improve their services. The efforts and investments made should be duly taken into account, as well as their added value for passengers with reduced mobility;
- When pursuing accessibility objectives, care should be taken to **ensure that the process of harmonizing functional requirements across Member States does not lead to inadequate and disproportionate requirements** for transport operators that would increase costs for the sector which would be passed onto the passenger or the taxpayer;
- Any new requirement that results in additional costs should be subject to a **clear and reasonable transition period**;
- The core text of the directive should specifically mention that **new requirements should apply only to new equipment**, i.e. the requirements should not be retrospective. Member States should be in a position to prioritize where investments will be made first.

More specifically, the following elements of the proposed directive would need clarification:

### **1. Scope of the directive**

The scope of the proposed directive is far reaching, as it applies not only to “persons with disabilities” but also to “persons with functional limitations”.

**The scope should be more precise.** Indeed, taking into account the needs of all “persons who have any physical, mental, intellectual or sensory impairment, age related impairment, or other human body performance related causes, permanent or temporary” seems hardly feasible. For instance, public transport companies cannot make their services fully accessible to people who have an anxiety disorder like agoraphobia or claustrophobia, because the crowds of people waiting at platforms cannot be avoided.

## **2. Definition of “accessible products and services”**

The proposed directive should **better describe what products and equipment are concerned by the requirements**, as this defines also the concerned economic actors (transport operators, organizing authorities...). For instance, busses in France running under public service contracts are bought by authorities, and made available to the operator.

**“Services” and, thereby, “service providers”, should also be better defined.** The text refers to functional requirements; in the public transport sector, “services” would then be for instance passenger information boards. If the wording of the text is too vague, “services” would mean standardized services, i.e. services given to autonomous passengers, and specialized services given to people with special needs. The concept of “services” would then include all the equipment of the public transport network, which, for services running under public service obligations, often belong to the organizing authorities. Taking a broader view, one could also include the services proposed by third parties, such as travel agencies or apps developers that are used for preparing the journey, or while traveling. The current wording leaves a broad margin for interpretation.

## **3. Functional requirements for self-service terminals, ticketing machines and check-in machines**

UITP members are concerned about the requirements being introduced for “Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services”.

Public transport operators do their best to serve passengers with special needs, including by installing ticketing and check-in machines with accessibility features; however, the machines might not meet all the proposed requirements, especially when it comes to having “more than one sensory channel”. For those passengers who have special needs not fulfilled by the accessibility features included in the machines, everything that can be done on these machines, can be done either on the web or on a phone with assistive support or at the stations with support from staff.

Besides, **the cost to public transport providers of making the changes proposed by the European Commission was not properly identified in the Impact Assessment.** Given the potential scale of these costs, the Commission and Member States should agree on ways to meet them, e.g. through making available EU or national funding (an “Accessibility Fund”) or suitable financial instruments. For instance, a systematic implementation of the required accessibility features to the public transport sector's equipment would mean, only for France:

- an upgrade of about 190,000 stations
- about 7,000€ costs for each passenger information board
- about 20,000€ for each check-in machine.

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

#### **4. Disproportionate burden**

The proposed directive introduces the concept of “disproportionate burden”. Certain accessibility requirements would no longer be mandatory if the “economic” operator of the competent authorities can prove that the investments required would impose a “disproportionate burden” on his undertaking. This “disproportionate burden” can however only be invoked by “economic operators” (article 12) or competent authorities (article 22).

The current wording of article 22 does not seem to allow public passenger transport operators by rail and road in the meaning of Regulation 1370/2007 to argue that certain very expensive investments in making their rolling stock more accessible represent a “disproportionate burden” for their companies. However, the “burden” of installing new accessibility requirements will be either born by competent authorities or by the operators in the sense of regulation 1370/2007, depending on the terms of references of the contract.

**Article 22 should introduce the possibility for passenger transport operators by rail and by road under Regulation 1370/2007 to invoke the disproportionate burden.**

The elements justifying the “disproportionate burden” **would in any case deserve to be better defined, as well as the elements for assessing its compensation** with other financing sources than the own revenues, and which could be put forward by the organizing authorities.

#### **5. Proportionality principle**

Although point 3.3 of the explanatory memorandum states that the accessibility obligations affect only new products placed on the market after the application of the Directive, UITP understands that the European Commission intends for the requirements to be applied retrospectively. **Limiting the application of the directive to new equipment only is essential** for transport operators in order to avoid losing investment already made in accessibility features; because of its importance, this aspect of the proportionality principle **should be reflected in the core of the legislative text.**

## 6. Transition period

It must be clarified that the provisions of article 21 on accessibility requirements are **only applicable to new contracts** rather than to all contracts, six years after entry into force of this directive. Durations of city contract in public transport are usually longer than six years.

## 7. Implementing Act

Article 14 allows the European Commission to adopt implementing acts establishing common technical specifications (CTS) for the accessibility requirements set out in Annex I “where no reference to harmonised standards has been published in the OJ of the EU in accordance with Regulation (EU) No 1025/2012, and where further detail for the accessibility requirements of certain products and services would be needed for harmonisation of the market”. This formulation is indecisive and provides a large room for manoeuvre to the European Commission to further adopt new technical specifications although it announced in its proposal that new technical harmonisation is not aimed at.

Generally, we would like to emphasise that **local communities and/or cities should be involved in developing the implementing acts with common technical specifications** mentioned in article 14 since they are directly involved in the implementation process of these acts. This should include a **full consultation on any new technical standards by all affected stakeholders** before they are adopted.

## 8. Consistency with existing legislation in other modes

The railway sector is subject to accessibility features with the regulation on TSI PRM already mentioned<sup>1</sup>, as well as with the passenger rights regulation<sup>2</sup>. This latter text already regulates for instance the aspect of “information of disabled/mobility-impaired persons”.

When defining new accessibility requirements applying also to the rail transport sector, **a consistency with already existing railway legislation should be guaranteed.**

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<sup>1</sup> COMMISSION REGULATION (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility

<sup>2</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations