

# COMPLAINT TO THE AUSTRALIAN HUMAN RIGHTS COMMISSION REGARDING DISABILITY DISCRIMINATION

## (1) Introduction

Transport for NSW (TfNSW) is proposing the construction of a two-way cycle lane on the south side of Oxford Street between its intersection with Queen Street near Centennial Park and Taylor's Square (the Oxford Street East Cycleway).<sup>1</sup> The City of Sydney is currently constructing a two-way cycle lane on the north side of Oxford Street between Taylor's Square and Whitlam Square and thence down Liverpool Street to Castlereagh Street (the Oxford Street West Cycleway).<sup>2</sup> The cross-over will occur at Taylor's Square.

In each case, the cycle lane will be located between the footpath and the bus lane. Bus stops will be located on an island linked to the footpath via a pedestrian crossing. An example in London (where they are called 'floating bus stops' or 'bus stop bypasses') can be seen here.



The key issue that arises is pedestrian safety. People wanting to catch or get off a bus have to cross the cycle lane in which cyclists may be travelling in both directions. For older and disabled people, the risk of being hit by a cycle is considerable.

## (2) Our complaint

While improving the safety of cyclists is important, it should not be achieved at the expense of pedestrian safety, particularly pedestrians who are elderly or disabled. It appears neither TfNSW nor the City of Sydney have given adequate (or in the latter case, any) consideration to the safety risks these bus stops pose for people with disability.

“Disability” in its broadest sense includes people who are blind or visually impaired, have varying degrees of deafness or have reduced mobility. This description applies in varying degree to many older people, so the range of those with a disability is a broad one.

It is our contention that the island bus stops being constructed by the City of Sydney and proposed by TfNSW are in breach of the spirit, if not the letter, of the Disability Standards for Accessible Public Transport (DSAPT) 2002 and so of the *Disability Discrimination Act 1992*. They do not have regard for the principles of equivalent access, particularly (but not only) as regards the rights of disabled people to be able to access bus transport safely.

In our view, they may also be in breach of the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD), which Australia ratified in 2008, which requires States Parties to take appropriate measures to ensure people with disability have equal access .... to transportation.”<sup>3</sup> In this submission supporting our complaint we will demonstrate how island bus stops deny equal access to transport for people with disability.

Paddington already has an older population than many areas of Sydney, and with the ageing of the wider population, the issues local residents will face with island bus stops in Oxford Street will become more common elsewhere. The design of transport infrastructure should allow for future demographic changes. Island bus stops do not do this.

It is important to appreciate that this is not just a local issue, but a national one. In the same way as floating bus stops spread throughout the UK after they first appeared in London, so what happens in Sydney will be viewed as a model for transport authorities and councils in other States and Territories.

In the light of the facts and arguments we present, we urge the Commission to ask

- the City of Sydney to suspend construction of the Oxford Street West Cycleway, and
- TfNSW to suspend the development process for the Oxford Street East Cycleway

and initiate a conciliation process which will result in modifications so that bus stops provide equal and safe access for people with disability to bus transport along Oxford Street.

We further recommend that the Disability Standards for Accessible Public Transport (DSAPT) 2002 be amended to make it unlawful for any transport authority in the country to design streetscapes which require pedestrians to cross cycle lanes to access bus stops on islands.

### **(3) The Complainants**

The signatories to this complaint all live in Paddington, with most having varying degrees of disability. So their concerns reflect their own personal circumstances. They use the bus services along Oxford Street on a periodic or regular basis and so will be potentially at risk if they have to cross a two way cycle lane to reach (or leave) island bus stops which are the subject of this complaint.

#### **(4) Disability Standards relating to Accessible Public Transport**

It is helpful, we believe, to trace the process of how disability standards relating to public transport, and thus bus stops, have developed over the years:

- Public transport is a service covered by the *Disability Discrimination Act 1992* (DDA).
- In 2002 the Disability Standards for Accessible Public Transport (DSAPT)<sup>4</sup> were issued to assist public transport operators and providers to meet their obligations under the DDA. The DDA makes it unlawful for any person to contravene a Disability Standard (including the DSAPT).
- The DSAPT recognise that, over time, alternative solutions to achieving accessibility may evolve. Accordingly, it includes an ‘Equivalent access’ provision to accommodate innovation so long as the resulting alternative approach provides equivalent or better “amenity, availability, comfort, convenience, dignity, price and safety”.<sup>5</sup>
- In 2010, the Australian Human Rights Commission (AHRC) produced a Guideline for promoting compliance of bus stops with the Disability Standards for Accessible Public Transport (DSAPT) 2002.<sup>6</sup> The Foreword noted that the AHRC “encourages all providers to establish mechanisms for consulting with local communities on the location and useability of bus stops”. It did not, however, seek to apply the “Equivalent access’ criteria specifically to bus stops.
- Finally, in 2020, the AHRC issued ‘Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport 2002 (Cth)’.<sup>7</sup>

#### **(5) The Guidelines: Equivalent Access**

In his Foreword, the then Disability Discrimination Commissioner referred to the DDA and the DSAPT as providing a pathway to accessible public transport which “includes the provision of ‘equivalent access’ - a process through which equipment or facilities may be varied from what is otherwise required by the Transport Standards to provide access to public transport, as long as an equivalent standard of amenity, availability, comfort, convenience, dignity, price and safety is maintained and appropriate consultation takes place”.

After noting that the Transport Standards apply to “providers of supporting public transport premises and infrastructure”<sup>8</sup>, the Guidelines explore in detail how the seven equivalent access criteria of “amenity, availability, comfort, convenience, dignity, price and safety” relate to the DSAPT.

While it is unlawful for any person to contravene the DSAPT, these guidelines are intended to facilitate compliance and so do not have the force of law. Nevertheless,

their clear intention is that they should apply to all new developments – such as the island bus stops now being constructed by the City of Sydney and proposed by TfNSW.

While, as discussed below, island bus stops raise concerns with regard to several of the equivalent access criteria, the main issue of concern for people with disability is safety.

## **(6) Equivalent Access - Safety**

Enhancing cyclist convenience and safety are laudable objectives, but we believe it is a general community expectation that they should not be achieved at the expense of the safety of older and disabled people.<sup>9</sup>

### **(6A) How great are the safety risks?**

The Oxford Dictionary defines ‘safety’ as “The state of being safe; exemption from hurt or injury, freedom from danger”. The first and last of these elements mean ‘safety’ cannot be measured simply by the number of accidents or injuries involving older and disabled people.

Anyone who has encountered cyclists on Sydney’s roads will know the speeds at which they often travel and the propensity of many of them to ignore traffic lights and pedestrians. The same is true of London, as can be seen clearly in these two videos of floating (or island) bus stops in London:

[Video 1 \(55 secs\)](#)<sup>10</sup>

[Video 2 \(1min 37 secs\)](#)<sup>11</sup>

Note that the cycle lane in the second video is one way only - so half the risk for pedestrians. Those in these videos are not disabled or old. They don’t show guide dogs or people in wheelchairs having to negotiate their way between cyclists who don’t stop. But the potential risks are obvious.

Despite the best efforts of the UK authorities to educate cyclists, anecdotal data consistently shows that, for pedestrians, particularly disabled ones, there is no “freedom from danger”:

- In 2023, the Transport Research Laboratory filmed 24 hours of video at eight floating bus stops on behalf of Transport for London. This showed that 60% of cyclists do not give way to pedestrians at zebra crossings associated with these stops.<sup>12</sup>
- On 15 August 2018 the National Federation of the Blind of the UK (NFBUK) filmed a blind pedestrian trying to cross a pedestrian crossing at a floating bus stop in Manchester. They recorded 27 cyclists passing in 14 minutes with only 2 stopping.<sup>13</sup>
- On 24 September 2018 the NFBUK filmed pedestrian and cyclists’ interactions during peak hour at a floating island bus stop near Westminster Bridge opposite St Thomas Hospital. This bus stop had a zebra crossing with belisha beacons (flashing

orange globes on top of tall black and white poles). In 72 minutes, there were 5 very near misses and 11 near misses.<sup>14</sup>

- The NFBUK filmed it again on 6 May 2024. The video of this can be seen [here](#).<sup>15</sup> [Video 3](#). It shows much the same story including, at 0.12, a cyclist crashing into a pedestrian on the edge of a pedestrian crossing. (Note: This is only a one way cycle lane – so again half the risk to pedestrians compared with the Oxford Street cycle lane.)

Equally compelling are the personal anecdotes:

- A visually impaired person said he was “not prepared and not able to cross a cycle lane” to access bus stops, adding “It’s like playing Russian roulette if I was to step onto the cycle lane. I can’t see a cyclist coming, so how and when do I take this leap of faith? It’s clearly a no go area for us.”<sup>16</sup>
- “Some people have a guide dog and they are trained to stop at the kerb, but it can only recognise a kerb with a minimum height of 60mm. So what is happening is guide dogs are taking their owners across the cycle lane because they are not aware. It would be fine if cyclists observed the rules but they don't. They go flying along these lanes, there are electric bikes, delivery bikes and these are heavy machines.”<sup>17</sup>

In a submission to the British Prime Minister in 2023, the National Federation of the Blind of the UK crystallised the issue of risk in these terms:

“Expecting people who cannot see, who cannot move very fast or who are using mobility aids to step on and into a cycle lane with speeding cyclists and people using e-devices is simply not safe. No blind, deaf, visually impaired, disabled, older person and vulnerable bus passengers should be expected to do as it puts their lives in danger. All buses should be allowed to pull up directly to the pavement and all bus passengers have the right to be able to stand on a pavement to get on and off a bus.”<sup>18</sup>

While the focus of concerns about floating bus stops in the UK has largely been on their impact on visually impaired people, deaf people are as much at risk – and a significant proportion of older people have hearing difficulties. Cyclists, including E-bikes, travel fast and make little noise and what noise they do make is often lost in the ambient noise of surrounding traffic. Older, less mobile, people are also very much at risk.

There’s no reason to expect that Oxford Street cyclists will be any better than those in the UK. Several long stretches on the Oxford Street Cycleway (East and West) will allow cyclists to gather momentum and travel at high speed. They will pass seven island bus stops - five in Oxford Street East and two in Oxford Street West.

A further risk factor for pedestrians generally is the use of e-bikes by people under the influence of alcohol. The magnitude of the risk is highlighted by the fact that 500 e-bike riders have been admitted to Emergency in Sydney hospitals in the past two years

requiring critical care as a result of a road incident. 16% of them attended St. Vincent's Hospital, the nearest hospital to the proposed cycleway.<sup>19</sup>

The obvious risk for pedestrians – whether abled or disabled – is compounded by the fact that cyclists are anonymous. If they hit a pedestrian they know they're unlikely to be caught and have no incentive to stop. They also have no CTP insurance so injured pedestrians will have to bear all their medical costs.

### **(6B) Do reports of few accidents involving pedestrians mean there's little risk?**

Sometimes it's suggested that, because there aren't a lot of accidents involving cyclists and pedestrians at floating (or island) bus stops, pedestrian safety associated with these isn't a problem. Thus, London's Walking and Cycling Commissioner suggested that the risk of accidents at floating bus stops was low as, of 623 pedestrians injured in collisions with cyclists between 2020 and 2022, only four were injured in collisions with cyclists at bus stop bypasses - two were seriously injured and two had minor injuries.<sup>20</sup>

Similarly, in its 2023 consultation report, TfNSW stated that "The City of Sydney has told us that there have been no reported collisions or near misses between people walking and people riding bikes where they have installed widened bus stops."<sup>21</sup>

Each of these statements ignores near misses (which are rarely if ever monitored by police) and the broader "freedom from danger" definition of safety.

The TfNSW comments are also highly misleading, as it is unlikely that there has been any systematic attempt to collect data on collisions between cyclists and pedestrians at the few island bus stops that exist in Sydney and it is even less likely that people would report near misses and that these would then be recorded.

### **(6C) How do older and disabled pedestrians respond to the risk?**

The inference that, if the number of cyclist-pedestrian accidents associated with floating or island bus stops is small, then the number affecting disabled and older people must be negligible hides a darker truth. Faced with the danger of fast moving cyclists when using buses – a greater danger when they come from both directions – there is ample evidence in the UK that near misses are common and that older and disabled people therefore simply stop using buses.

Anna Lawson, a professor of law at the University of Leeds who is blind and researched the "inclusiveness of public space" for disabled and older pedestrians, said: "People with visual and mobility impairments and parents with pushchairs told us how bus stop bypasses made getting around much more difficult and dangerous. Several reported startlingly near-misses with cyclists when trying to cross a cycle lane or getting out of a bus. Collision statistics won't reveal just how dangerous these designs are because the people they put most at risk stop using them. They run counter to government commitments to make Britain more accessible and enable disabled people to live independently, participate actively in their communities and find work."<sup>22</sup>

If many older and disabled people exclude themselves from using bus transport because of concerns for their own safety – and the UK experience suggests it is likely this will happen here - it cannot mean they have equal access to bus transport as younger and able bodied people.

Island bus stops create a barrier to safe and accessible bus transport by blind, visually impaired, deaf, disabled and older people. If State and Local Governments genuinely believe that transportation options should enable disabled people to “live independently, participate actively in their communities and find work”, then it should not put barriers in the way of them using bus transport.

### **(6D) TfNSW views on the safety of older people and those with disabilities**

TfNSW has a policy on Road User Space Allocation<sup>23</sup> which “applies to anyone in TfNSW involved in the planning, design, scheme approval, building, management or operation of roads in NSW”. This specifies outcomes to be avoided when allocating road user space, including

- “adverse impacts on road safety for all road users including a focus on vulnerable road users, particularly when considering re-routing .... public transport”
- “discriminatory barriers to access an adjacent place or service due to people’s physical ability”.<sup>24</sup>

In proposing island bus stops, TfNSW is ignoring its own policy.

TfNSW claims to have met in August 2023 with the Accessible Transport Advisory Committee, which it says comprises disability and accessibility advocates, and says it is incorporating their suggestions into the design.<sup>25</sup> However, no public information is available about who is on the Committee, what views they expressed or suggestions they made - although elsewhere TfNSW states that accessibility advocates have emphasised the need to slow bike riders down when interacting with people walking.

TfNSW does not appear to have consulted with individual groups advocating for older and disabled people and there have certainly been none with older and disabled people in the local community. This is despite the suggestion in the AHRC accessible bus stop guidelines that they should do so. (See further discussion of this under (6G) below.)

While acknowledging concerns about rider behaviour, TfNSW has also shown little inclination to address the risks associated with the convergence of this and pedestrian activity at island bus stops. Its analysis of the potential impacts of island bus stops on older and disabled people has been superficial and lacking in transparency. Weak comments such as “Changing the profile of people who ride will help alter behaviour as bike riding becomes a more common feature of our cities”<sup>26</sup> conveys the impression that it is trying to play down the safety issue and suggests it really doesn’t have any answers.

Its approach as outlined in its consultation report sits uncomfortably with the view expressed recently by TfNSW Deputy Secretary Sally Webb that “For older pedestrians, age-related cognitive and physical changes can affect safe judgement in road crossings”.<sup>27</sup> Her comment was accompanied by a graph showing that pedestrians over the age of 70 account for 38% of serious pedestrian injuries in NSW between 2018 and 2022 – the largest age group by far. It would seem that the message hasn’t got through to those developing plans for the Oxford Street East cycleway.

### **(6E) City of Sydney views on the safety of older people and those with disabilities**

The City of Sydney evidently doesn’t have any views on this issue. The list of government agencies and stakeholders with whom Council staff met did not include any agencies or groups representing disabled or older people. If they received any comments from older and disabled people in the community, they have not disclosed these.

Remarkably, its 514 page Review of Environmental Factors<sup>28</sup> includes no discussion of

- the safety implications of cyclist/pedestrian interactions,
- safety considerations associated with island bus stops, or
- the potential safety implications of island bus stops for older and disabled people.

One can only conclude that the City of Sydney has no appreciation of its obligations under the DDA or the *United Nations Convention on the Rights of Persons with Disabilities*.

In an analysis of options<sup>29</sup> a key objective is stated to be “Improve safety for pedestrians by improving pedestrian connectivity”. Option 3 is then described as improving “safety for pedestrians by improving pedestrian connectivity through mid-block crossings to the new bus island and improved kerb/footpath connections”. There is no explanation of what these statements mean or discussion of how they will be applied.

Scattered through the document are references to “improved pedestrian access”, “improved pedestrian priority” and “improve safety and amenity for people walking”. But again there is no explanation as to what these statements mean or how they will be achieved.

In a discussion of operational impacts, the City of Sydney notes that factors “outside the scope of this study may increase the number of people ... using the bus stop. The condition is to be monitored to minimise bus passengers queuing into the cycleway.”<sup>30</sup>

UK experience suggests that if an island bus stop isn’t large enough at any given time for the number of people waiting to catch a bus (eg at peak hour or when several buses arrive in close succession) those waiting will spill over onto the cycle lane while others run down the cycle lane to catch a bus that is overlapping the bus stop.



Such situations are all the more dangerous for older people and those with disabilities. For example, having to exit a bus into a cycle lane where a bus overlaps the island can disorientate visually impaired people who then can't work out where the zebra crossing back to the footpath is located.

Such a situation would not only fail the safety test. It would create an uncomfortable and unpleasant experience for older and disabled people and so fails both the amenity and comfort tests discussed below.

### **(6F) Ruling by the British Columbia Human Rights Tribunal**

In November 2020 the British Columbia Human Rights Tribunal upheld a complaint by the Canadian Federation of the Blind, finding that Victoria's "floating" bus stops discriminate against blind people.<sup>31</sup> Commenting on the decision, Oriano Belusic, vice-president of the Canadian Federation of the Blind said:

"There's a real pro-cycling and healthy living agenda at the moment, and we're all for it — blind folks believe in cycling as a healthy way of living — but it shouldn't be at the expense of somebody's safety and the ability to use public transit."<sup>32</sup>

### **(6G) The dynamics of safety**

We share the view above of the Canadian Federation of the Blind, that cycling is a healthy way of living, but this should not be achieved at the expense of the safety of older and disabled people. Clearly, both TfNSW and the City of Sydney are focused on the end goal of enhancing cyclist convenience and safety. It is unlikely that they have intentionally prioritised the safety of cyclists over pedestrians but this will be the effect of what they're proposing and doing.

The views of the Director of Transportation in Victoria, Canada, highlight how getting the balance right can be difficult. After the British Columbia Human Rights Tribunal found that Victoria's floating bus stops discriminate against blind people, he noted that when the first floating bus stop was installed in 2012, potential problems for people with disabilities weren't really a consideration. "We hadn't really thought a lot at that point about the accessibility issues." He said that in the last five years, planners have realized many other recent innovations designed to keep pedestrians and cyclists safe — things like raised crosswalks and protected intersections — have only created new challenges for some people with disabilities.

"Maybe a decade ago, we thought we had the answers... [But] designing something for someone who has mobility issues and someone who might have hearing loss and someone who has autism, it takes a lot of work and it takes a lot of consideration to work with those communities."<sup>33</sup>

Denmark has a long-standing culture of cycling and Copenhagen's bus stops require pedestrians to access buses directly from the cycle lane – so even more dangerous than what's proposed in Sydney. A 2010 article<sup>34</sup> drawing on data about 8,500 accidents and

dealing with cyclist and pedestrian safety generally concluded that, while cycle lanes have resulted in important gains in cyclist safety,

“These gains were more than outweighed by new safety problems: more accidents in which cyclists rode into other cyclists often when overtaking, more accidents with cars turning right, more accidents in which cars turning left drove into cyclists as well as more accidents between cyclists and pedestrians and exiting or entering bus passengers.”

In particular, there was a 1951% increase in the number of accidents involving ‘entering and exiting bus passengers’ and these involved a 1,762% increase in injuries – both off a low base but nevertheless significant.

This highlights the difficulty of getting the balance right between cyclist and pedestrian safety, but also the importance of adequate, and appropriate, consultation. In this regard, the AHRC accessible bus stop guidelines suggest that, while organisations representing people with disability may have more technical expertise and be in a position to offer a systemic perspective, passengers with disability will have specific knowledge and experience crucial to the implementation of any equivalent access measure.<sup>35</sup>

It is therefore of concern that neither TfNSW nor the City of Sydney have engaged with older and disabled people in residential areas adjacent to the cycle lane to ascertain their views.

### **(7) Equivalent Access - Amenity**

Appendix 3 to the equivalent access guidelines defines ‘Amenity’ as it applies to public transport as relating “to the level of facility quality and availability for all; all features of public transport should provide a comfortable and pleasant experience to all passengers”.

It’s obvious that people with disability who have to make their way across a two way cycle lane between cyclists, many of whom don’t stop, to get from the footpath to the bus stop are not going to have a “comfortable and pleasant experience”. Even less so if they have to wait in the cycle lane because the island isn’t large enough for those waiting (as discussed in (6E) above). In both cases, the experience is more easily handled by, and has less impact on, younger and more mobile people.

Island bus stops therefore fail the equivalent access amenity test.

### **(8) Equivalent Access - Availability**

Appendix 3 to the equivalent access guidelines defines ‘Availability’ as it applies to public transport as including “the location of facilities relative to the accessible path of travel”.

The UK experience shows that younger and more mobile people can readily access island bus stops, even if they need to be careful of cyclists when doing so. However the risk of crossing a two way cycle lane to reach or leave an island bus stop represents a barrier to safe and accessible bus transport for older and disabled people. To the extent that they respond by ceasing to use buses as has happened in the UK, island bus stops will mean bus services are not equally accessible for older people and those with disabilities.

### **(9) Equivalent Access – Comfort**

Appendix 3 to the equivalent access guidelines defines ‘Comfort’ as it applies to public transport as “a state of ease, with freedom from pain and anxiety” and provides as an example of a “design element to consider ... unobstructed access paths”.

The commentary above on the UK experience makes it very clear that people with disability experience considerable anxiety. Another quote:

"A lot of people are fearful of going on and off buses because of having to walk over a cycle lane and cannot use public transport because of these floating bus stops. We want the bus to be able to pull up to the pavement so that I know it's safe when I am stepping off the bus, not be fearful of a cyclist or anything coming at me at speed and me and my guide dog can't jump out of the way of it."<sup>36</sup>

Why will the Oxford Street Island bus stops create a better experience for disabled people? They therefore fail the equivalent access comfort test.

### **(10) Equivalent Access – Convenience**

As noted previously, Paddington has an ageing population. The reduction from eight to five in the number of bus stops in Oxford Street East - the sole objective of which is “to mitigate any delay in bus travel times due to the reduced number of lanes”<sup>37</sup> - will force many older people and those with disability to walk further to the nearest bus stop. It follows that this will materially affect the scope for many of them to access bus transport.

The proposal to reduce the number of bus stops in Oxford Street East therefore fails the equivalent access convenience test.

### **(11) Equivalent Access - Dignity**

Appendix 3 to the equivalent access guidelines defines ‘Dignity’ as it applies to public transport as follows:

“Dignified access means a person can access a public transport service through good design and processes that are safe, comfortable and convenient. Examples of design elements to consider include appropriate movement for customers with disabilities, positioning of all facilities to promote inclusion....”

The creation of island bus stops has precisely the opposite effect. They promote the exclusion of people with disabilities from using bus transport. Forcing older people and those with disabilities to cross cycle lanes and reducing the number of bus stops will make access to bus transport more difficult. Rather than promoting inclusiveness, therefore, these factors will encourage them to turn to other less convenient and more expensive forms of transport. They therefore fail the equivalent access dignity test.

## **(12) Equivalent Access – Conclusions**

The above analysis underlines the failure of both the City of Sydney and TfNSW, in planning for and constructing island bus stops, to consider the principles of equivalent access for older people and those with disabilities. For this large (and growing) section of the population in Paddington, island bus stops are

- unsafe
- discourage access to bus transport
- create anxiety and discomfort, and
- do not promote inclusion and dignity.

We are not opposed to improving cyclist safety. This would make no sense. We just don't want this to be prioritised ahead of the safety of pedestrians, particularly those who are older and disabled. If the NSW Government and City of Sydney genuinely believe in inclusiveness then they will ensure that cyclist safety isn't achieved at the expense of the safety of the more vulnerable members of society.

Michael Waterhouse  
Kathryn Greiner AO  
Andrew Cutbush  
Timothy McCarthy  
Suzi Whitehead Pope

30 May 2024

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<sup>1</sup> Oxford Street East Cycleway Consultation Report. Transport for NSW December 2023  
<https://www.transport.nsw.gov.au/system/files/media/documents/2023/oxford-street-east-cycleway-consultation-report-2023-12.pdf> Accessed 27 May 2024 See particularly street profile, Figure 6, page 31. For the detailed layout of the proposed Oxford Street works see

[https://tfnsw.mysocialpinpoint.com.au/oxford-street-east-cycleway#/sidebar/tab/strategic\\_design\\_features](https://tfnsw.mysocialpinpoint.com.au/oxford-street-east-cycleway#/sidebar/tab/strategic_design_features)

<sup>2</sup> Building Oxford Street west and Liverpool Street cycleway, City of Sydney  
<https://www.cityofsydney.nsw.gov.au/improving-streets-public-spaces/building-oxford-street-west-liverpool-street-cycleway> (1) Updated design plans last modified December 2023. (2) Review of Environmental Factors September 2023 last modified 4 December 2023 See street profile in Appendix D Healthy Street and Built Environment Indicators Assessment; page 13. Accessed 27 May 2024

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- <sup>3</sup> AHRC Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport 2002 (Cth) July 2020, page 7 <https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-equivalent-access-under-disability-standards> Accessed 27 May 2024
- <sup>4</sup> Disability Standards for Accessible Public Transport 2002 (DSAPT) <https://www.legislation.gov.au/F2005B01059/latest/text> Accessed 27 May 2024
- <sup>5</sup> *ibid.*, section 33.3(1)(b)
- <sup>6</sup> Australian Human Rights Commission accessible bus stops guidelines <https://humanrights.gov.au/our-work/disability-rights/australian-human-rights-commission-accessible-bus-stops-guidelines> Accessed 27 May 2024
- <sup>7</sup> AHRC Guidelines: Equivalent Access, *op.cit.*
- <sup>8</sup> *op.cit.*, page 14
- <sup>9</sup> While not directly relevant to our complaint, we note that similar safety issues arise for people with strollers and prams and young children.
- <sup>10</sup> [https://twitter.com/NFBUK/status/1621611277729628164?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Eembeddettimeline%7Ctwterm%5Escreen-name%3ANFBUK%7Ctwcon%5Es1](https://twitter.com/NFBUK/status/1621611277729628164?ref_src=twsrc%5Etfw%7Ctwcamp%5Eembeddettimeline%7Ctwterm%5Escreen-name%3ANFBUK%7Ctwcon%5Es1)
- <sup>11</sup> <https://www.youtube.com/watch?v=igPArEXVewc>
- <sup>12</sup> Written evidence submitted by the National Federation of the Blind of the UK to the Transport Select Committee Inquiry on Accessible Transport 2019, Section 5.0 <https://committees.parliament.uk/writtenevidence/120877/pdf/>
- <sup>13</sup> *op. cit.*, section 5.4.3
- <sup>14</sup> *op. cit.*, section 5.4.1
- <sup>15</sup> <https://x.com/nfbuk/status/1787211980027101194>
- <sup>16</sup> “Leith Walk is a no go area for blind pedestrians”, The Edinburgh Reporter, 30 December 2022. <https://theedinburghreporter.co.uk/2022/12/leith-walk-is-no-go-area-for-blind-pedestrians/>
- <sup>17</sup> “Blind Leicestershire woman calls on new PM Rishi Sunak to remove dangerous ‘floating’ bus stops”, Leicester Mercury 26 October 2022 <https://www.leicestermercury.co.uk/news/local-news/blind-leicestershire-woman-calls-new-7744285>
- <sup>18</sup> Urgent Petition on Safety and Accessibility at Bus Stops in the UK, to the Prime Minister, Rt. Hon Rishi Sunak, 11 January 2023 Appendix C to Written evidence submitted by the National Federation of the Blind of the UK *op. cit.* In May 2024 the NFBUK was reported to have produced a petition to the UK Prime Minister signed by more than 270 organisations. Source as for end note 12.
- <sup>19</sup> “St Vincent’s e-bikes study reveals alarming road trauma trend”, St. Vincent’s Hospital 28 February 2024 <https://www.svhs.org.au/newsroom/news/e-bikes-study>
- <sup>20</sup> “Floating’ bus stops ‘feel dangerous’ as unruly cyclists refuse to give way to pedestrians”, The Telegraph (London) 7 January 2024 <https://www.telegraph.co.uk/news/2024/01/06/floating-bus-stops-cyclists-london-sadiq-khan-tfU/#:~:text=Dance,'Floating'%20bus%20stops%20'feel%20dangerous'%20as%20unruly%20cyclists,to%20give%20way%20to%20pedestrians&text=Sadiq%20Khan's%20cycling%20tsar,crossings%2C%20The%20Telegraph%20can%20reveal.> Accessed 6 May 2024
- <sup>21</sup> Oxford Street East Cycleway Consultation Report December 2023 *op. cit.*, page 34
- <sup>22</sup> “Floating’ bus stops ‘feel dangerous’ .... *op.cit.*
- <sup>23</sup> Road User Space Allocation Policy CP21000, R. Staples, Secretary, 27 January 2021
- <sup>24</sup> This is consistent with the view expressed recently by a UK Department for Transport spokesperson, commenting on growing criticisms of floating bus stops in London: "TfL are responsible for these schemes in London but we expect them to engage with disability groups and follow our guidance which clearly sets out that all infrastructure designs should be accessible for everyone." <https://www.bbc.com/news/uk-england-london-69001698#> BBC News 15 May 2024
- <sup>25</sup> Oxford Street East Cycleway Consultation Report December 2023 *op. cit.*, page 33
- <sup>26</sup> *ibid.*
- <sup>27</sup> “Teen students need help to cross road”, Sun-Herald, 28 April 2024
- <sup>28</sup> Design for a better future. Oxford Street Cycleway. Review of Environmental Factors City of Sydney September 2023 <https://www.cityofsydney.nsw.gov.au/improving-streets-public-spaces/building-oxford-street-west-liverpool-street-cycleway> Accessed 5 May 2024
- <sup>29</sup> *op.cit.*, page 21
- <sup>30</sup> City of Sydney Oxford Street and Liverpool Street Cycleways Transport Impact Assessment, Appendix F of Design for a better future *op. cit.*, page 58

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<sup>31</sup> “Ruling on B.C. bus stops reflects cities' 'terrible' track record on accessibility, plaintiff says”, CBC News 21 November 2020 <https://www.cbc.ca/news/canada/british-columbia/bc-floating-bus-stops-human-rights-tribunal-1.5811152>

<sup>32</sup> *ibid.*

<sup>33</sup> *ibid.*

<sup>34</sup> S. Jensen & others “Road safety and perceived risk of cycle facilities in Copenhagen”. [https://nacto.org/wp-content/uploads/2010/08/Cycle\\_Tracks\\_Copenhagen.pdf](https://nacto.org/wp-content/uploads/2010/08/Cycle_Tracks_Copenhagen.pdf) The bus stop arrangements in Copenhagen are different to those proposed and being constructed in Sydney. But the article demonstrates how efforts to improve cyclist safety can nevertheless unintentionally compromise pedestrian safety.

<sup>35</sup> AHRC Guidelines: Equivalent Access *op. cit.*, page 27 The Guidelines add (page 28) that equivalent access measures are likely to benefit passengers other than passengers with disability, such as parents with small children and using prams, people with luggage and shopping carts. As such, operators and providers may wish to consider consulting with passengers without disability who may also benefit or otherwise be impacted by an equivalent access measure.

<sup>36</sup> Leicester Mercury, 26 October 2022 <https://www.leicestermercury.co.uk/news/local-news/blind-leicestershire-woman-calls-new-7744285>

<sup>37</sup> Oxford Street East Cycleway Consultation Report December 2023 *op. cit.*, page 34