

Accessibility on the bus?

Study report on the accessibility of public bus transport for wheelchair users in the Netherlands

Summary

Dutch public bus transport is not fully accessible for persons in a wheelchair. This follows from a study commissioned by the Netherlands Institute for Human Rights. The Institute asked DTV Consultants to describe the accessibility of buses in public transport for persons with a manually operated or electric wheelchair. DTV Consultants studied concession conditions drawn up by public authorities in Schedules of Requirements, carried out more than 450 anonymous test drives with wheelchair users in public bus transport and discussed accessibility with various bus transport companies.

The study resulted in the following observations:

- 11% of the boarding devices with which buses are equipped do not function properly. In most cases it concerns a non-functioning automatic wheelchair ramp. No less than a quarter of the automatic wheelchair ramps were defect.
- The assistance was not adequate in 14% of the journeys whereby wheelchair users were offered assistance by the driver when boarding, taking a seat or getting off the bus.
- In 7% of the journeys wheelchair users felt that they were treated without respect or unpleasantly. This is often caused by the behaviour of the driver.
- In 8% of the journeys wheelchair users could not travel by bus. In half of the cases this was because of a defect wheelchair ramp.
- Transport companies feel a tension between driving on time and offering accessible bus transport.
- Schedules of Requirements clearly describe the conditions for the technical aspects of accessibility. However, there is a risk that the (active) performance of the driver remains underexposed.
- The complaint handling and information provision regarding the accessibility of public bus transport are usually well organised by the bus transport companies.

Despite the above-mentioned bottlenecks, wheelchair users nonetheless report many positive experiences about public bus transport. There are indications that there is a reluctance among wheelchair users to travel by bus. It is the responsibility of contracting authorities, transport companies and wheelchair users themselves to take away this reluctance.

On the basis of the study the Institute advises the public authorities, amongst others, to make clear arrangements with the transport providers about punctuality and accessibility in public transport. Transport providers are advised to pay close attention to the often defect automatic wheelchair ramps and instruct bus drivers well about assisting disabled passengers.

The Institute hopes that an optimal accessible bus transport can be realised because of this study and that wheelchair users will use the bus more frequently.

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1 Reason for the study

Since July 2016 the UN Convention on the Rights of Persons with Disabilities has become effective in the Netherlands (hereinafter to be referred to as: CRPD, the Convention). Hereby the Act on Equal Treatment of Disabled and Chronically Ill People (Wgbh/cz) was extended with the broad field of goods and services.¹ The Netherlands Institute for Human Rights supervises the observation of the CPRD and the way in which this Convention is put into practice in the Netherlands. For example, the Institute also monitors whether public transport is accessible for disabled persons.

Accessible public transport is part of the personal rights that are described in the CRPD. According to article 9 of the Convention, the government must take measures to guarantee that disabled persons have access to transportation. Moreover, article 20 of the Convention lays down that the state must take effective measures to ensure personal mobility ‘with the greatest possible independence for persons with disabilities’.

The Institute regularly receives questions and complaints about the accessibility of public bus transport from persons with a mobility impairment. Complaints are not only related to boarding a bus (or not), but also whether they are treated respectfully by the driver or not. In addition, the Institute has given a judgement in five individual cases since 2013, whereby the accessibility of public bus transport was at stake for wheelchair users. In all five cases the Institute concluded that there was a prohibited discrimination.² On a local level there have also been studies on the accessibility of local bus transport, whereby several bottlenecks were reported. These signals, together with the ratification of the CRPD, were the reason for the Institute to start a national study.

¹ Since 2012 the Wgbh/cz has already applied to public transport.

² Opinion 2013-172, opinion 2014-50, opinion 2015-2, opinion 2016-39 and opinion 2016-120.

2 Legislation and guidelines

2.1 Accessible public bus transport

Public transport in the Netherlands is covered by various laws and regulations. Some of these laws and regulations concern the accessibility of public bus transport. For example, it is stated in the Wgbh/cz that it is not allowed to make a distinction based on disability or chronic illness when offering public transport services.³ A passenger who uses a wheelchair therefore is in principle entitled to be transported by bus.

Specific accessibility requirements have been laid down in additional regulations. There it is determined, for example, with which requirements an accessible vehicle must minimally comply. For example, a bus must have an entrance and exit, which is connected in such a way to the bus stop or platform that an unrestricted access is possible between the bus stop or the platform and the bus.⁴ This may mean that, for example, the bus has a lowered floor or that the bus is equipped with a boarding device such as a ramp. It is also laid down that the bus driver must offer temporary assistance to a passenger with a disability, depending on the need and in so far as the work allows this.⁵

Since 2012 98% of all buses in the Netherlands must be accessible. Every bus must have at least one boarding place for a wheelchair.⁶

2.2 Conditions regarding travelling with a wheelchair

Passengers in a wheelchair must in their turn comply with safety regulations to travel by bus. A wheelchair must have a length of at most 120 cm, be 70 cm wide and 109 cm high. This may be a manually operated wheelchair or an electric wheelchair. In the bus the brakes of the wheelchair must be locked and the instructions of the bus driver must be followed. A bus driver may refuse a wheelchair for safety reasons.⁷ However, the driver must be able to clearly show that safety was at stake. The bus driver is allowed to refuse mobility scooters in the bus.

³ Article 8, first paragraph, part b, of the Wgbh/cz, together with article 1 of the Wgbh/cz.

⁴ Article 4, first paragraph, part a, Decree regarding accessibility of public transport (Besluit toegankelijkheid van het openbaar vervoer).

⁵ Article 12, second paragraph, Decree regarding accessibility of public transport (Besluit toegankelijkheid van het openbaar vervoer).

⁶ Article 2.1, accessibility of public transport scheme (Regeling toegankelijkheid van het openbaar vervoer).

⁷ General conditions urban and regional transport (Algemene voorwaarden stad- en streekvervoer).

3 Study on the accessibility of public bus transport

3.1 Study design

The Institute has commissioned DTV Consultants, a traffic engineering research and consultancy agency, to conduct a study on the accessibility of public bus transport. The aim of the study is to describe the accessibility of buses in public transport for persons with a manually operated or electric wheelchair in the Netherlands. The accessibility of the handling of complaints has also been assessed.

The study consists of three components: desk research, a mystery guest investigation and additional interviews with transport companies. A focus group provided input and advice when implementing the study. This focus group consisted of a delegation on behalf of the decentralised public authorities, bus transport companies, the Ministry of Infrastructure and the Environment, expertise centre CROW, interest group Ieder(in) and an independent member (also a wheelchair user).

The focus of the study is on passengers who use a wheelchair. However, the accessibility of public bus transport also affects other target groups. For example, persons with a rollator, persons with a visual disability or persons with an assistance dog. Even though these groups are not included in this study design, they should not be forgotten when it concerns making and keeping public transport accessible.

This document describes the most important observations from the study of DTV Consultants. The extensive research report of DTV Consultants can be consulted for complete information (only available in Dutch). It is published on the website of the Netherlands Institute for Human Rights.

4 Results

4.1 Drawing up conditions for accessibility

In the Netherlands the twelve provinces and two urban transport regions (Amsterdam and Rotterdam/The Hague) are the clients of public transport. These decentralised authorities - the contracting authorities or public authorities - grant the licenses to transport companies (the concession holders) in 39 regions to provide public transport. A concession is offered for a period of at most ten years. A contracting authority can impose accessibility requirements on concession holders, as long as they observe the frameworks set by legislation and regulations.

These concession conditions are laid down in a Schedule of Requirements. DTV Consultants has examined five Schedules of Requirements⁸ in detail and investigated to what extent the accessibility requirements have been laid down with regard to the use of wheelchairs. Hereby direct or indirect conditions are imposed in all studied Schedules of Requirements regarding the accessibility of buses for (electric) wheelchair users, including the dimensions, kneeling system,⁹ ramp, boarding height and the securing system for wheelchairs in the bus. These requirements are in conformity with European and Dutch legislation.

However, it is not described in all Schedules of Requirements with which requirements the driver must comply when offering assistance to a wheelchair user. However, in the Schedule of Requirements of the province of Utrecht the role of the driver is highlighted: 'The driver is obliged to offer assistance to a passenger if necessary, whereby any provisions in company schemes about not being allowed to leave the driver's seat do not apply'.

The Institute encourages contracting authorities to include such a description in all Schedules of Requirements. This may offer clarification with article 12 of the Decree regarding accessibility of the public transport, which states that drivers offer assistance to those in need 'depending on the need and in so far as the work allows this'. Both for transport providers and passengers this description may be confusing, because it is not described which criteria apply hereby.

Transport providers are obliged to obtain advice every year from consumer organisations, for example about the measures they take as concession holder with regard to the accessibility of public transport for disabled passengers.¹⁰ This obligation is not explicitly mentioned in all examined Schedules of Requirements. The Institute advises contracting authorities to include this obligation to consult in the concession conditions. Disabled passengers can then be closely involved in making and keeping bus transport available.

With regard to the examined concession conditions it has been investigated what information the transport providers on duty in the region offer to disabled passengers. All five transport providers inform passengers how bus transport has been made accessible. However, it is remarkable that one transport provider explicitly states in the information provision that wheelchair users have to operate the manually operated wheelchair ramp themselves in a number of transport areas, or have to bring an assistant to do this. This does not appear to be in conformity with the legislation and regulations.

⁸ The studied Schedules of Requirements have been randomly selected on the basis of a sample.

⁹ The kneeling system refers to the possibility to lower the bus up to the level of the bus stop or platform.

¹⁰ Article 33, first paragraph, part g, Decree regarding Passenger Transport 2000 (Besluit Personenvervoer 2000).

DTV Consultants investigated how bus transport is organised in other countries with regard to the accessibility for disabled passengers. For example, Porto has a mobile travel planner, with which passengers can calculate the most optimal and accessible route on the basis of their own criteria. In Cologne the transport provider KVB offers mobility instructions to disabled persons, so that they can travel more independently and more confidently in public transport. Hereby bus drivers are still ordered to offer support to passengers, if necessary.

4.2 Measuring accessibility in practice

In order to understand how accessible public bus transport is organised in practice for passengers in a wheelchair, DTV Consultants carried out a mystery guest measurement in cooperation with Ongehinderd, an organisation specialised in measuring accessibility of public spaces.

Hereby 18 persons who use a wheelchair in their daily life tested public bus transport anonymously in the Netherlands. These mystery guests attempted to make in total 451 journeys by bus, of which 417 journeys were completed in the regions of Noord-Holland, Zuid-Holland, Gelderland, Utrecht, Noord-Brabant and Groningen/ Drenthe. A distinction can be made: 199 of these journeys were made by a mystery guest with a manually operated wheelchair and 218 journeys were made with an electric wheelchair.¹¹ The variation in urban and regional transport, weekly hours and weekend hours and peak hours and off-peak hours was taken into account when dividing the journeys to be completed. Moreover, all transport companies that provide public bus transport in the Netherlands are included in the measurement.^{12 13} The results in section 4.3 up to and including 4.7 refer to the 417 completed journeys. Section 4.8 refers to all 451 attempts to travel by bus.

4.3 Bus stops

Since 1 January 2016 46% of all bus stops in the Netherlands must be accessible.¹⁴ This means that a bus stop must have the same height as the entrance of the bus. An increasing number of bus stops have been adapted since 2016. Even though the study did not explicitly focus on the accessibility of bus stops, mystery guests could indicate whether there is sufficient space on the bus platform for boarding and getting off the bus. With most journeys this was considered to be sufficient. When problems were experienced, this often concerned problems which could have been prevented when the bus driver ‘halts’ the bus (positioning the bus next to the stop). Moreover, some bus stops or stations have an unfortunate spatial design. For example, bus shelters or dustbins may block the entrance to the bus.

¹¹ In the recruitment it has been taken into account that the wheelchair must comply with the required dimensions 120x70x109cm in order to be allowed on public bus transport.

¹² With the exception of the taxi company Taxicentrale Renaissance.

¹³ The study is not a representative study because of the relatively limited number of measurements. It offers a national indication of accessibility on public transport. Statements on the basis of the research findings on a regional level or for each transport provider must be made reluctantly.

¹⁴ <https://www.government.nl/topics/mobility-public-transport-and-road-safety/public-transport/goals-of-public-transport>.

4.4 Boarding the bus

With 8% of the completed journeys it was possible for wheelchair users to board the bus from the platform without any technical device. In the other cases a boarding device with which the bus was equipped had to be used. This could be a kneeling function, whereby the bus partly drops to the level of the platform (observed by the mystery guests in 29% of the completed journeys). When the difference in height is too great, it is possible to use a wheelchair ramp, which can be operated manually (in 57% of the observed journeys) or automatically (41%).¹⁵

Whereas the use of manually operated wheelchair ramps hardly caused problems, the automatic wheelchair ramp did not function properly in a quarter of the cases. This meant that a wheelchair user had to be lifted into the bus or could not travel by bus, especially when the weight of the electric wheelchairs was too heavy. In some buses it is possible to manually operate a defect automatic wheelchair ramp with a crank. However, not all drivers know about this. In those cases that this is done, it takes some time to ‘kill’ the bus (removing the electricity from the bus) and start up again.

Moreover, systematically testing the automatic wheelchair ramp does not offer a guarantee for an undisturbed use. As indicated by the transport providers, an automatic ramp which is tested successfully in the morning may already be defect in the afternoon. One of the interviewed transport providers states that it is generally advisable to not apply automatic wheelchair ramps anymore with new invitations for tenders.

“Boarding and getting off the bus took too much time, because the ramp did not function. The driver said that this often happens.”

The bus could be boarded with a lift on three mystery guest journeys. A boarding device such as a lift is usually only available for long-distance journeys, when buses cannot have a lowered floor because they are allowed to drive faster than 80 kilometres per hour. Even though no problems were observed by the mystery guest during the only measurement whereby the lift was used, the use of the device is not completely undisputed. In the interviews with the transport providers they stated that the use of a lift requires an excessive amount of time.

This is also because more time is needed to properly secure the wheelchair user in the bus. Because of the extra required boarding and embarkation time, the transport provider experiences the pressure that he has to drive on time. In one of the verdicts of the Institute it was concluded that a woman had been discriminated by a transport provider, also because she was confronted with a defect wheelchair lift on a long-distance outward journey. On the return journey the driver refused to help with operating the wheelchair lift.¹⁶

The boarding device did not function properly in 11% of the completed journeys. In more than eight of the ten cases it involved an automatic wheelchair ramp. As stated before, 98% of all buses in the Netherlands must be accessible. This implies, among others, that an unrestricted access must be possible between the bus stop or platform and the vehicle. This does not only imply that a boarding device must be available (in case there is no level entrance and exit possibility), but also that it should function properly. With regard to the functioning of the boarding devices, the study shows that this percentage (98%) is probably not achieved.

¹⁵ The fact that there is a boarding device does not mean that the boarding device is also used. Moreover, a bus may be equipped with more than one boarding device, for example both a kneeling function and a ramp.

¹⁶ Opinion 2016-120.

“The driver did not use the kneeling function when I boarded and disembarked from the bus. He did not know how it worked.”

4.5 Assistance offered by the driver

The starting point is that public bus transport is organised in such a way that wheelchair users can use the bus on their own. If necessary, they can ask the bus driver for assistance. On three quarters of the completed journeys the driver helped the wheelchair user with boarding, taking a seat or getting off the bus. In more than half of the journeys (58%) the driver offered assistance on his/her own initiative to the mystery guest wheelchair user when boarding the bus. In 12% of the journeys the mystery guest explicitly requested this assistance. On the other journeys no assistance of the driver was needed when boarding. In most cases the assistance offered by the driver when boarding was safe and adequate, but nonetheless this was not the case in more than 10% of the cases when the driver helped. This was in particular the case when the mystery guest him/herself explicitly had to ask whether the driver would come and help. For example, if the assistance was not safe or inadequate, this was because the driver had pushed or lifted the wheelchair user into the bus in an unhandy way (because the wheelchair ramp did not function properly), or because the behaviour of the driver showed that he did not want to offer assistance. Comparable experiences were noted down when taking a seat in the bus and when getting off the bus.¹⁷

“The driver asked correctly whether he could help me and where I wanted to disembark, so that he could let me out easily.”

In total one in seven times the wheelchair user stated that the assistance was not adequate when the driver offered assistance with boarding, taking a seat or getting off the bus. It is notable that the offered assistance in urban transport is considered to be less adequate than in regional transport. The additional interviews showed that not all transport providers equally focus on the bus driver assisting disabled passengers. Some transport providers have explicitly included special modules in Code 95.¹⁸

“Despite being busy, the driver has taken a lot of time to help me. Fantastic!”

4.6 Design of the bus

Almost always the mystery guests experienced that there was enough space to board and disembark from the bus. Manoeuvring in the bus usually went well, although they sometimes found that there was insufficient space (on 5% of the completed journeys), for example, to turn around with a larger turning radius. Manoeuvring was also obviously more difficult when the bus is crowded.

The design of the wheelchair location was often discussed by wheelchair users. In 23% of the journeys the wheelchair location was considered to be not safe or not practical.¹⁹ This

¹⁷ In two thirds of the cases no help was needed for getting seated in the wheelchair location. When getting off the bus, the driver offered assistance in 55% of the cases on his/her own initiative and in 10% of the cases the mystery guest had to explicitly request assistance

¹⁸ Code 95 is a basic qualification to be a professional driver, and is supplementary to the driver's diploma.

¹⁹ In 11% of the journeys the wheelchair location was not considered to be safe, and in 18% of the journeys the wheelchair location was considered to be impractical.

was because, for example, there was nothing to hold on to, or because driving backwards was experienced as unpleasant. This is partly blamed on not being able to see the information screen and on the lack of an announcement system in the bus or a defect announcement system. The use of safety belts is also not entirely without problems. For example, there were no safety belts in 9% of the journeys. Moreover, some mystery guests intentionally did not use the safety belts, for example to see the travel information.

“I cannot see the sign with the stops because I am sitting with my back to the driver. The safety belts are also not practical in case of an emergency stop.”

4.7 Experienced treatment

With every completed journey the mystery guests were asked whether they felt that they had been treated with respect by the driver, or that they felt that they had been treated unpleasantly in another way during their bus journey. On 7% of the completed journeys wheelchair users felt that they had been treated without respect or experienced that their treatment was unpleasant. For example, the lack of any assistance by the driver was regarded as negative, or the assistance was offered with so much reluctance, which made the wheelchair user feel unwanted. It seems that electric wheelchair users feel relatively more often that they are treated unpleasantly.

On the other hand, eight in ten wheelchair users feel that they were treated well. 9% neither felt to be treated pleasantly nor unpleasantly. During the evaluation some mystery guests admitted that their trust in public bus transport had increased and that they would use the bus more often as a result of their participation in the study.

“The bus driver thought that I should travel under assistance. He grumbled for a moment. However, when I left the bus he nonetheless apologised, because I said that I thought that I had not been treated with respect.”

4.8 Incomplete bus trips

Not every attempt of a mystery guest resulted in a completed journey. There were 451 attempts to make a bus journey. However, in total 34 times wheelchair users could not travel by bus (8% of all attempts). The refusals occurred with ten of the twelve investigated transport providers and in five of the six regions. Half of all mystery guests could not travel by bus at least once. One wheelchair user was refused entrance six times by the same transport provider.

The nature of the refusal may differ. Four times the bus drove on without stopping for the wheelchair user who was waiting at the bus stop. For example, one of the mystery guests gave feedback that a driver who drove on only waved ‘no’ with his finger. With the other refusals the driver stopped, but in most cases the wheelchair ramp did not function. This meant that especially mystery guests in electric wheelchairs could not travel. In a few cases the bus was too full or the wheelchair location had already been taken by another wheelchair user. One of the bus drivers assumed that the wheelchair of the mystery guest was a mobility scooter, another driver did not know how it all worked. Drivers are allowed to refuse a wheelchair user when safety is at stake. How this rule is applied and which criteria are applied may be unclear in practice.

“He just drove on.”

“The driver was very unhappy that the electric ramp did not function and reported it at once.”

The reaction of the drivers when a wheelchair user cannot be taken varied. Some drivers thought it was disagreeable, apologised and promised to report it, while a few other drivers were indifferent.

It was expected that when a bus already had a delay, the chance would be greater that the driver would be inclined to refuse a passenger in a wheelchair to save time. This has not been proved from the observations yet: with one of the refusals there had been a delay of more than five minutes, but this was because there already was another wheelchair user in the bus (whereby it is likely that taking the person in question resulted in the delay).

The additional interviews showed that driving on time is an issue that is important for transport providers. When boarding devices are used and the wheelchair has to be secured, this obviously takes more time on average than with passengers without a disability. Transport providers are assessed by the contracting authority for driving on time, which means that there is a tension between offering accessibility and driving on time. It is advisable that contracting authorities and concession holders make clear arrangements about this.

“The driver said that he had a lowered bus and therefore could not extend the ramp, because the ramp would otherwise slide over the pavement and be stuck. He did not make any effort to try it. So I had to wait 10 to 15 minutes again.”

4.9 Complaint handling

On the basis of the refusals the research agency filed complaints with the transport provider in question to see what the result is of filing a complaint.²⁰ With almost all transport providers it is only possible to file a complaint through an online complaint form. Handling a complaint takes between three and twenty days. Most transport providers responded soon and within the stated handling period. One transport provider did not respond at all.

All transport providers apologised and in most cases stated that the complaint would be further handled internally. Besides filing a complaint with transport providers, passengers can also file a complaint with the public transport desk (‘OV-loket’).²¹ The research agency analysed the twenty complaints which the public transport desk has received in the past three years and which referred to the use of wheelchairs in the bus. Half of these complaints concerned problems with a defect ramp again.

5 Conclusion

Wheelchair users should be able to use public bus transport on their own and unrestricted. This was already evident from the Dutch equal treatment legislation and from the UN Convention on the Rights of Persons with Disabilities, which was ratified in 2016. However, the study by DTV Consultants revealed some bottlenecks which show that public bus transport is still not optimally accessible for passengers with a wheelchair. One of the greatest bottlenecks is the often defect automatic wheelchair ramp. It is one of the main reasons that wheelchair users are sometimes not picked up at the bus stop. The assistance offered by the bus driver when boarding, taking a seat or getting off the bus is also not always adequate, according to wheelchair users. The design of the bus is often sufficient for using a wheelchair, but the wheelchair location does not always meet the wishes of wheelchair users.

On the other hand, the testing wheelchair users also reported many positive experiences on the bus. Some of them were very satisfied about the accessibility of the buses and the assistance by the bus drivers.

“I had a very thoughtful driver who explained how and why I had to be fastened in the safety belt because I was a wheelchair user. We also had a small chat at the final stop.”

6 Recommendations

Following the study, the Netherlands Institute for Human Rights offers recommendations both to the contracting public authorities and to the bus transport companies, with the aim to make public bus transport as accessible as possible for disabled passengers.

The Institute offers the following recommendations to public transport authorities:

- Besides the technical aspects of accessibility, the Schedules of Requirements should also state with which conditions the actions of the driver must comply. It may be expected of drivers that they actively intervene when it is clear that a wheelchair user needs assistance when boarding or getting off the bus.
- The Schedules of Requirements should also explicitly state that concession holders are obliged to be advised by consumer organisations. It is important that disabled passengers also have a say in making and keeping public transport accessible.
- Make clear arrangements with concession holders, explain what it implies to offer both punctual and accessible bus transport.

The Institute offers the following recommendations to transport companies:

- Automatic wheelchair ramps cause too many problems. Invest in adequate maintenance and examine alternatives.
- Explicitly focus on the actions of the driver when dealing with disabled passengers. This may be done, for example, by including special modules in Code 95.
- Bus drivers are expected to be familiar with the regulations and procedures concerning disabled passengers. For example, they must know how boarding devices can be used in the bus, that passengers in an electric wheelchair can also travel by bus and that disabled passengers are not obliged to travel with an assistant.
- Not being able to leave the cash drawer behind unattended is not a reason to refuse assistance to disabled passengers. Consider alternatives, such as introducing only PIN payments in the bus.
- Ensure that travel information is always available in the bus and that it can be seen or heard at several places. Wheelchair users can often not see the travel information because they are sitting backwards.

Finally, the Institute also has the following recommendations for wheelchair users:

- If necessary, ask the driver for assistance when boarding, taking a seat and/or getting off the bus and follow his or her instructions.
- Report problems that you experienced with the accessibility of bus transport. This can be done, for example, to the driver, the transport provider in question or the public transport desk ('OV-loket'). Transport providers will know where and how they can improve accessibility when these problems are communicated to them.

Colophon

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Publication date: May 2017