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12 February 2016

Small Passenger Services Review Submissions
Ministry of Transport
PO Box 3175
Wellington 6140
Email spsvreview@transport.govt.nz

Submission – Small Passenger Services Sector Review

- 1 Overall, I strongly assert that the proposals in this review impact very negatively on me as a blind woman striving to continue to be a contributing citizen to this country.

Who am I?

- 2 I am making this submission as a private individual. I would be pleased to discuss it with an official from the Ministry of Transport. I shall be making a submission to the relevant select committee if a bill is introduced to Parliament.
- 3 I would like you to email me with the results of the consultation process at
[REDACTED]
- 4 Some 65 years ago I was born blind. I grew up in a very supportive family and country that have enabled me to gain an excellent education, graduating with an arts degree, as a qualified librarian, and later with an MBA. I have had continuous employment since I left university in 1973, first with the Royal New Zealand Foundation of the Blind, rising to be one of the managers reporting to the chief executive. In 2008 I left the Foundation to set up my own consultancy company.
- 5 I am a frequent taxi user. As I used to do with the Blind Foundation, I still travel around New Zealand often on my own usually taking taxis from airport to hotel to meeting and so on. I currently serve on a number of local and national committees which necessitate I use taxis in the evenings. Over the past 40 years for work and leisure reasons I have been privileged to travel, often on my own, to some 18 countries. In most of these countries I have taken some taxi trips.
- 6 Since 2001 I have served on a number of committees giving advice about public transport for disabled people in Auckland.
- 7 In current New Zealand law, taxis are regarded as much a part of public transport as bus, train and ferry services. Disabled people do not yet enjoy the utopia of accessible public transport on buses, trains and ferries. Where regional councils provide the service, we are permitted to travel by taxi at discount using the total mobility scheme. Taxis provide a door to door service and New Zealand drivers can eventually find the front door of the destination building.

Question 1 – What are the important factors driving the need for change for the small passenger services sector?

- 8 I can agree with the listed factors:
 Technology is changing the transport sector
 The current rules are no longer fit for purpose and flexible for the future
 The need for a more innovative sector that delivers improved customer service
- 9 While I recognise the above factors, public transport including taxi services must be considered as an essential service to which everyone should have equitable access.
- 10 In addition, I assert that the quality of taxi service has declined over the last two decades, partly through deregulation, but mostly through inadequate enforcement of existing rules, in particular concerning English language knowledge, area knowledge and driver training.
- 11 In my view the two factors that have improved taxi service in this country over the past seven years have been the addition of braille labels to taxi signage (discussed further below) and texting of the cab number to me when the cab I have phoned is about 200 metres away.

Question 2 – What are the important features you would want to see from the small passenger services sector in the future?

- 12 Features should:
 strike the right balance between being responsive to supply and demand and providing an essential service throughout the community as a whole;
 meet the needs of the whole community, including the transport disadvantaged, people with disabilities, visitors to a town that is unknown to them, casual and infrequent users of such services, and so on;
 allow such services to be economically viable while still providing the needed level of service to the community as a whole;
 maximise safety for drivers and passengers as a high priority;
 ensure fees and charges are transparent providing equal access to information for all passengers.

Question 3 – Which of the five options do you think will be best for New Zealand's small passenger services sector in the future?

- 13 Option 2 where there is a clear distinction between taxi and private hire markets, and regulations are clear as to the distinction between these two services.
- 14 I could agree to option 4 provided there is distinction between those services that provide what might be described as spontaneous transport (taxis) as opposed to the other services (private hire).
- 15 I accept that new services are currently developing that are essentially hire services but with a level of instantaneousness that means they can be treated much like taxis. But while these might be regarded as innovative, it would be wrong to conclude that options 1 and 2 inhibit innovation. In reality what has happened is that the developers of new services have been able to fabricate a hire service that looks like a taxi service, but without meeting the requirements of

a taxi service. It is not innovation that makes these services competitive, it is outdated rules and regulations that fail to adequately define the essential elements of what we all traditionally recognise as a taxi service. If the distinctions were clear in law, traditional taxi services would certainly be subject to competition from new operators coming into the industry with new, innovative ideas. But any such competition would be on a level playing field.

- 16 I favour option 2 because it specifies a statutory difference between a taxi and other services. However it is not sufficient to make this distinction by simply requiring a minimum of one hour for a private hire. Any service providing individualised transport in the community, where the primary objective is simply to get from one place to another in a defined local area, or to take a journey in the local area that comes back to the same place, is a taxi service. The requirements of such a service are significantly different from other private hire services which are there to meet more specialised transport needs.

Questions 4 and 5 Carpooling, Question 6 Communications Companies, Question 7 Ridesharing

- 17 Any technology company providing related communications services to bring people together must ensure their services meet well established accessibility guidelines.

Question 8 – Do you agree that the core requirements for passenger safety can be achieved through:

- 18 P endorsement.
I am not comfortable with the proposal to reduce requirements in the P endorsement.
- 19 I note that a P endorsement identification card would have to be displayed in the vehicle.
For equal access to information, braille signs should be retained as at least they indicate the passenger is in a taxi, although they don't identify the qualifications of the driver.
The current requirement should be retained that the P endorsement should include basic knowledge of the English language.

Question 9 – Do you agree that the core requirements for passenger and driver safety can be achieved through:

- 20 Work time limits.
Yes.
However, safety for the passenger, particularly if the passenger has a disability or is vulnerable in some other way, is more than logbooks and driver fatigue. I rely on the driver being competent to provide a genuine public transport service that meets a variety of needs in the community.

Question 10 – Do you agree that the core requirements for passenger safety can be achieved through:

- 21 Reporting serious complaints to the NZ Transport Agency.
Yes and must be applied to Option 2.

- 22 A timeframe for complaints investigation and resolution is required to be set and resources applied for enforcement. This is the case with the Health and Disability Commissioner and much other New Zealand legislation. There is no obligation that I know of that compels taxi companies to resolve complaints in a timely way. If there is, it isn't enforced in my experience.

Question 11 – Do you agree that the core requirements for driver safety can be achieved through:

- 23 Power to refuse to accept some passengers:
This is already the case and I support its continuance.
However, I believe the driver must make it clear to the passenger that he/she is declining to carry the passenger and not merely “slinter” the passenger especially when the cab has been booked by phone or app.
- 24 The carrying of service animals in taxis is provided for under New Zealand legislation. In my experience this affects blind people with guide dogs. My partner has a guide dog.
- 25 I have been with Clive Lansink, my partner, and his guide dog Yorrick, when a driver has refused to carry Yorrick. Quite apart from the unpleasant conversations as Clive tries to explain New Zealand law, it invariably adds to delay in the trips.
- 26 Moreover, some drivers have “slintered” our legitimate phone requests for taxi service because of Clive's guide dog, incurring delay in our getting a cab. After each event we have lodged a complaint with the company, a time consuming business. We have been able to prove this on two or three occasions in the four years since we have had Yorrick.
- 27 Neither government nor the taxi companies have been successful in explaining to taxi drivers that they cannot refuse to carry a working guide dog in harness in their taxis.
- 28 In the Rules, I submit there must be a clear obligation on the driver to be able to substantiate good reason for such refusal. Without that, it would be too easy for the driver to refuse a passenger because he or she looked gay or to be in a particular ethnic group, was accompanied by a guide dog, etc. The authenticity of any such refusal must be measured in the context of delivering a service to the public.

Question 13 – Do you agree that the core requirements for in-vehicle security cameras can be achieved through:

- 29 in-vehicle security cameras.
Yes for taxis. Option 2 allows for the distinction between taxis and private car hire. I think imposition of cameras on private hire cars is an unnecessary burden.

Question 14 – Do you agree that the core requirements for in-vehicle security cameras can be achieved through:

- 30 Exemption from camera requirement:

I cannot support this under the terms listed. The notion of an exchange of name, photo, address, and phone number between a blind passenger and driver is impractical and unsafe.

Question 15 – Do you agree that the core requirements to mitigate driver fatigue can be achieved through:

31 Work time and log books.

A blind passenger cannot be expected to check the driver's logbook. This raises the question of enforcement.

There are too many examples of current rules not being enforced.

I want to see commitment with resources to enforce future legislation and rules.

Question 16 – Do you agree that the core requirements for vehicle safety can be achieved through:

32 Certificate of Fitness.

Yes.

Question 17 – Do you agree that the core requirements for consumer protection can be achieved through:

33 Agree the basis of the fare:

For private hire only yes.

34 Providers of general community transport services must publish and register a schedule of fares. As a taxi user I consider it would be an imposition wasting time and risking trust to have to sort out the fare prior to each trip I take.

Question 18 – Do you agree that the core requirements for consumer protection can be achieved through:

35 Driver to take most advantageous route for the passenger.

Yes.

This assumes the driver has sufficient knowledge of English to understand the pick up and destination, and

the driver has sufficient area knowledge or enough English language skill to work the GPS.

Question 19 – Do you agree that the core requirements for consumer protection can be achieved through:

36 Driver to accept first hire offered.

Yes.

Question 20 – Do you agree that the following is no longer required?

37 Registered fares and removal of taxi meter to charge correct fare for each trip.

No.

- 38 I believe taxis should charge according to a published fare schedule registered with NZTA.
- 39 As a blind passenger I should have equal access to the information on the taxi meter that sighted passengers have. I should not have to rely on the driver's word about the fare to pay and wait to verify the fare when I can check the printed receipt with my technology. Fare disputes take time and energy to pursue after the trip. It is better to be aware of a problem and clarify it with the driver at the time, rather than be left with the feeling that the driver may well have taken advantage of my blindness.
- 40 An increasing number of overseas taxi companies have meters that speak the fares. A Dunedin company already offers this service. Several New Zealand companies have the necessary software: they just haven't turned it on.

Question 21 – Do you agree that the following is no longer required?

- 41 Regulated signage (including Braille).
 You write: the current rules set out specific signage requirements for taxi services that relate to the operator's brand, taxi roof sign, contact details, and fares. I disagree strongly with the removal of NZTA controls over this visual signage. These drivers are plying the streets for hire. The public deserves to have the basic information so people can know with some confidence that they are about to get into a genuine licensed small passenger service vehicle. Signage should not only be required and comply with clear rules, but this must be enforced. Presumably it should be an offence for someone to maliciously display such signage if they are not properly licensed. Without a basic legal definition of the required signage, it would be harder, if not impossible, to define such an offence. Without basic rules, a vehicle could look authentic at first glance, so the passenger may be misled into getting into it. But could it be proved that the driver was genuinely trying to masquerade as a legitimate transport provider? I frequently ask sighted help to identify taxis for me and they do so from these signs. NZTA should continue to properly regulate them, rather than leave it to chance for us to discover what to look out for.
- 42 The current rules require information in braille to be affixed to the front passenger door: the name of the taxi organisation, its contact telephone number and the vehicle's fleet number. You propose removing braille signage in taxis.
 I strongly oppose removing this requirement for reasons I list below.
- 43 I was one of two blind people who delivered the original submission to Parliament that won braille signs in taxis. Since their introduction around October 2008 I have enjoyed the increased feeling of independence, safety and security gained from identifying the cab number I am riding in.
- 44 I use taxis frequently going about my daily business in the community, often travelling alone with the driver.
 The braille signs allow me to use taxis with the same sense of independence, safety and security as is provided to print enabled passengers. As I step into the front of the taxi I slide my hand along the door looking for the braille sign. If the sign is not there or has been damaged and is unreadable, I can question the driver immediately and can choose whether or not to ride in the vehicle.

I read the cab number aloud to the driver if it's clear and thank him or her for the sign.

I can use the cab number to provide a compliment to the company about the driver, or if necessary a complaint about the service.

- 45 To improve choice and safety, I would prefer that braille signs were placed on both the front and rear left doors in taxis.
- 46 Phone order versus rank pick up: I know that if I phone for a cab, the fleet number of the cab that is sent is recorded against my phone order.
Normally I would not hail a cab or take a cab off a rank unless I was with a sighted person (or travelling in London and other cities where hailing taxis is the norm).
However, I have risked taking cabs off ranks at New Zealand airports and bus and train stations. The added safety of being able to confirm the name of the taxi company and read the cab number on the braille sign has allowed me to keep following this practice.
- 47 At least one taxi company texts a cell phone caller when the taxi is within 200 metres with the taxi number. Because of the signage in taxis, both braille and print enabled readers can confirm the correct taxi has arrived.
- 48 Braille provides equal access to information for those who cannot read print. Raised braille signs are independent of technology solutions which require different skills to use and may fail at time of use.
- 49 You assert that blind passengers can use alternative ways to obtain the information currently provided in braille, such as enquiring at the time of booking, and using smartphone apps that provide a record of the trip.
In your feedback please provide the evidence of your claim re smartphones and their usage by blind people.
It is certainly true that smartphones are being increasingly used by blind and vision impaired people. I have an iPhone with Voiceover.
To use a smartphone successfully you need the money to buy it (iPhones which work better are much more expensive than Android phones), the ability to master the touchscreen gestures, and the opportunity to learn from a teacher who can explain the gestures and keyboard entry techniques.
Turning to the apps, they are by no means all fully accessible. New Zealand has no regulations that require taxi apps to be accessible. The Uber app is I have been told accessible, primarily because it is an American app and complies with the principles of the Americans With Disabilities Act.
Finally I know of no app that will tell me that the vehicle I am about to get into is a taxi, let alone the cab number of the vehicle itself. I have been told the Uber app does not give this information.
- 50 You assert that blind passengers can find out the information provided on the braille signs by enquiring at the time of booking.
Indeed I do know the name of the taxi company I have phoned. It is rare for a company to tell me during my phone call that Cab xxx has accepted my job. Even if I am given this information, without the braille sign I cannot verify that I have stepped into the taxi I ordered.
- 51 I endorse the Accessible Signage Guidelines that describe braille and raised print signage on the Blind Foundation website at

www.blindfoundation.org.nz/about/business-services/environmental-design-advisory/accessible-signage.

- 52 I believe that the effect of the Human Rights Act 1993 and the Bill of Rights Act 1990 is that New Zealanders should have equal access to public information.
- 53 I believe the proposal to remove braille signs in taxis violates the principles of equal access to public information in:
the Human Rights Act 1993;
the Bill of Rights Act 1990; and
the United Nations Convention on the Rights of Persons with Disabilities which New Zealand has ratified.

Question 22 – Do you agree that the following is no longer required?

- 54 Area knowledge for taxi drivers.
I strongly disagree with the proposal to remove this test.
Passengers are often visitors to a town, or visitors to New Zealand. The passenger may know what they want in broad terms, for example, the Town Hall, the hospital, a local pharmacy, a local church, or some other destination that ought to be well known, but may not know the address. Or the passenger may just want to be taken somewhere to get something good to eat.
The driver may not need area knowledge but at least the service operator must have area knowledge which the driver must be able to tap into if he or she is to be only guided by GPS.
- 55 Increasingly taxi companies insist we provide a street number when I book a cab. Similarly they want me to give them my destination including street numbers. Even if the street number is provided, it is either not obvious or the building name is more relevant.
In 2015 I had signed up for 18 concerts at the Auckland Town Hall. Three of the inwards taxi drivers did not know where the Auckland Town Hall was. One when picking me up after the concert tried to find me at Q Theatre which is further up the street from the Town Hall.
Last Christmas I went to Holy Trinity Cathedral for Nine Lessons and Carols. The driver asked: "What number is it on Parnell Road?"
- 56 You write: Technology, such as GPS systems, provides alternative means to achieve the objective. Passengers are also able to use this type of technology to track the route that the driver is using.
Indeed that should be correct. However, in my experience since the introduction of GPS and less awareness of area knowledge there has been much more difficulty getting to the right destination, always at increased cost to me.
Because most drivers have English as a second language several have difficulty spelling street names correctly, even when I spell them with careful courtesy.
I have ridden in vehicles with passengers who are checking their own GPS technology against the driver's system. Sometimes that can help. If the driver has difficulties with English it's a waste of effort.
The lack of area knowledge means the requirement that the driver should take the most advantageous route for the passenger is unlikely to be honoured.

Question 23 – Do you agree that the following is no longer required?

57 English language knowledge.

I strongly disagree with the proposal to remove the English language test.

It is a serious concern that the Transport Agency states in this section that in their view few drivers are currently tested, when it is stated in section 3 that knowledge of the English language is a requirement of a P endorsement. If the public is to have any sort of confidence in the P endorsement, the requirements of the P endorsement must be enforced.

If transport is to be regarded as an essential service in the community, it is very important that drivers offering passenger transport services can speak English. It is fundamental that the passenger and driver can communicate sufficiently so the driver knows where the passenger wants to go, the passenger can inform the driver if it appears they are not going the right way, the passenger may have a change of mind, the passenger may wish to deviate to another place, and/or the passenger may have specific needs to communicate (even if it is something as simple as can you please close the window, turn the air conditioning off or turn the music off).

Given that it would not take long for any driver to learn a few words of English to greet the passenger, the passenger may not be in a position to determine that the driver of the vehicle they are about to get into cannot speak more than a limited few words of English.

The problem is compounded for me as a blind person. I may not know the detail of my destination and I may need a little help when I get there, at least in the form of clear directions to the door or something similar. As a blind person I cannot use the hand gesticulations that sighted people adopt when communicating with someone whose command of English is not great.

The passenger might be a child who is being taken from one place to another and the driver should be able to ensure, through proper communication, that the child has been safely delivered to the destination and that the correct person has taken over responsibility for the child.

If a driver does not have a basic knowledge of English, it is hard to imagine how such a driver can meet other requirements that come with providing a passenger transport service, such as communicating with vehicle service people to ensure their vehicle is in fact safe, being able to respond to unusual road signs that might indicate danger or the need to go a different way, communicating with their transport operator, communicating with people enforcing the relevant laws, and keeping records that can be effectively scrutinised.

It must be remembered that the subject under discussion is transport of the public, including people who are vulnerable. Other people may be driving on our roads with no knowledge of English, but people providing a transport service must be held to a higher standard.

Question 25 – Do you agree that the following is no longer required?

58 Passenger service licence (PSL).

I disagree.

The discussion paper suggests it should no longer be a requirement that an approved transport service operator has a certificate of knowledge of law and practice. With fewer regulations as proposed, there is less need. But as the paper itself states, “the certificate demonstrates that the holder has acquired the

necessary knowledge of the laws and practices as they relate to the safe, efficient and proper operation of a transport service.”

Surely this still applies even if the compliance regulations are reduced. Otherwise on what basis will such operators be approve? Surely whatever the regulations, something like a certificate is needed as independent objective evidence that the operator is fit to be licensed to provide the service.

Question 26 – Do you agree that the following requirement is no longer required?

59 24/7 service.

I strongly disagree that there is no longer a need for 24/7 service.

This proposed change would simply allow operators to cream off the more profitable transport activities and leave the less profitable activities to chance. There are many services in a typical community which are left to the market to respond to demand. I recognise that transport services must be economically viable. However I emphasise that transport is a fundamental service in the community.

Leaving the less profitable aspects of transport to chance could easily lead to my being subject to a curfew, where I must get home before a certain time, in the knowledge that otherwise I may not make it home until the next morning.

Question 27 – Do you agree that the following is no longer required?

60 Restrictions on private hire services connecting with customers.

I disagree.

There needs to be a clear distinction between taxis and private hire services. Any operator providing individualised transport in the community, where the primary objective is simply to get from one place to another in a defined local area, or to take a journey in the local area that comes back to the same place, should meet requirements similar to the current requirements of a taxi.

I believe Uber and similar services should comply with the requirements of taxi services.

Question 28 – Do you agree that the following is no longer required?

61 Driver passed driving test in last five years.

I disagree.

If I am to have confidence in the P endorsement, I must be sure the driver is in fact competent to drive. The vast majority of road accidents, including fatal accidents, are caused by licensed drivers. For a passenger transport service, it is not sufficient to simply rely on the idea that all licensed drivers are competent to drive taxis. Passenger service drivers are currently and should continue to be held to a much higher standard than regular car drivers.

Question 29 – General comments on the proposals in the Future of small passenger services consultation paper

62 It's no surprise but a real sadness to me that there's no mention of training drivers to relate to passengers in the discussion document.

Never mind disability awareness training, surely tourists in our country should be entitled to meet competent drivers in our taxi fleet who can communicate with a wide range of passengers?

I challenge NZTA to review driver training standards and improve them.

63 I express considerable disappointment at what I perceive to be poor enforcement of the regulations as they currently exist. Reducing regulations will not provide me with the improved service you are marketing.

64 Taxi transport is a fundamental service in the community. There is a need for regulation of small passenger transport services to ensure safety of passengers and drivers alike, and to ensure that everyone in the community, including the vulnerable and transport disadvantaged, have equitable access to transport in order to learn, work, recreate, socialise and live fully productive lives in the community.

65 In conclusion, I strongly urge you to:

- maintain and improve an economically viable taxi service in our towns and cities that I can use with confidence;
- retain braille signs in taxis;
- retain an English language test for drivers;
- retain area knowledge for drivers;
- retain a 24/7 service;
- text a cell phone caller with the taxi number when the taxi that has been phoned for is within 200 metres;
- mandate accessibility of all taxi apps;
- provide spoken word access to information on taxi meters; and
- enforce the regulations consistently with appropriate penalties for non-compliance.



Mary Schnackenberg