



HAL
open science

Hopes and limits of the new French policy: towards a fragmented accessibility?

Eric Heyrman

► **To cite this version:**

Eric Heyrman. Hopes and limits of the new French policy: towards a fragmented accessibility?. 85th annual meeting of the Transportation Research Board, Jan 2006, Washington, DC, United States. pp.1-20. halshs-00163576

HAL Id: halshs-00163576

<https://shs.hal.science/halshs-00163576>

Submitted on 19 Jul 2007

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Hopes and limits of the new French policy: towards a fragmented accessibility?

Submitted on November 14, 2005

7484 words (inclusive of abstract, text, references and 2 tables)

Author:

Eric HEYRMAN
State Engineer of Public Works
French National Institute for Transportation and Safety Research (INRETS)
25 avenue Mitterrand, Case n°24
69675 BRON Cédex
FRANCE
☎ 33 (0)4 72 14 24 67
✉ 33 (0)4 72 14 24 37
eric.heyman@inrets.fr

ABSTRACT:

With the enactment of the Equal Rights and Opportunities, Participation and Citizenship of People with Disabilities Act, France has reformed its accessibility policy. Within a period of ten years, collective transportation services must be made accessible. Specialized services are only a substitute to accessible transportation services. When it is technically infeasible to render existing conventional services accessible, transportation authorities must make specialized services available for people with disabilities within three years.

Admittedly the new law benefits from a favorable context. Indeed, people with disabilities no longer accept to have a special treatment. Furthermore, many technical solutions have already been developed. Lastly, the accessibility issue is now set on the institutional agenda of several organizations.

Nevertheless, future decrees may impact its effectiveness and change its objectives. Furthermore some shortcomings in the new legal framework can already be identified. It is to be feared that the priority order between accessible conventional services and specialized services may be reversed at a local level. Juxtaposed implementations in a same area without coordination and a differentiated implementation throughout the national territory are foreseeable. There are also structural forces such as financial and economic constraints which challenge the legitimacy of the new law.

Several tools for local actors should be set on the research agenda to avoid some of these likely outcomes.

216 words

INTRODUCTION

The French government enacted on February 11, 2005 a new law which has reformed its policy on people with disabilities. This act, named n°2005-102 for Equal Rights and Opportunities, Participation and Citizenship of People with Disabilities (*Loi pour l'Égalité des Droits et des Chances, la Participation et la Citoyenneté des Personnes Handicapées*), reaffirms the integration of people with disabilities in the daily life of society as a policy objective. Accessibility is one means to reach this goal. The law n°2005-102 contains several articles on accessibility. The main measure is: over the next ten years, public transport and all public areas, whether publicly or privately owned, must be made accessible in the accordance to the “everything for everyone” principle.

Indeed, France had an accessibility policy elaborated in 1975. However, previous studies have shown a gap between that political will of integrating people with disabilities into society and its translation into concrete achievements at a local level (1, 2 and 3). In this paper, we try to apprehend the likely future effectiveness of the 2005-law. The effectiveness of a law is the difference between what is prescribed by law and what exists in reality (4). It is well known that a law does not strictly determine behaviors but instead restricts them (5). Law is not inevitably a constraint. It is often a tool used by local actors. We rely on feedback from some foreign policies on accessibility to predict its future effectiveness.

In this paper, we present the main measures of the new French accessibility policy (I). Then we show that this policy has emerged in an international, social, technical and political context which would facilitate its implementation (II). Furthermore, the content of future decrees is a decisive factor in the policy's success, influencing its legitimacy, its coherence, its credibility and its acceptance (III). Lastly, we indicate its foreseeable limits and outcomes. A research agenda emerges from this study. It can be useful to tackle the raised shortcomings which concern many national policies (IV).

I-FRANCE HAS STATED A NEW AMBITION WITH A POLICY SHIFT

The law n°75-534 named Orientation Act in favor of People with Disabilities of June 30, 1975 said that these people are to remain in the ordinary living environment when possible. Since 1975, different regulatory texts have been published concerning establishments open to the public, residential buildings, places of work, transportation and more recently street infrastructures. The law n°2005-102 represents a shift in the national accessibility policy.

Indeed, the legal framework gradually adopted since 1975 was noticeable by an obligation to make accessible establishments open to the public and street infrastructures during new projects or when modifications were made. It also marked a provision for the right to mobility for people with disabilities. That right took the form of:

- specialized services,
- the fitting of new travelling vehicles,
- the adaptation of conventional collective transportation networks,
- and the use of personal vehicles.

The law n°2005-102 imposes an obligation to make the living environment accessible within a period of ten years. It marks the passage from a strategy of opportunity to a universal

strategy with a deadline and from the right to mobility to an obligation to render transportation systems accessible.

According to the new law, “the travel chain” - including the built environment, street infrastructures, public areas, transportation systems and their intermodality - is organized to allow its accessibility on a whole to people with disabilities or to people with reduced mobility. In fact, the law n°2005-102 differentiates establishments open to the public, public transportation systems and street infrastructures.

Establishments open to the public: a legal framework with several exemptions

All new establishments open to the public must be accessible to all and namely to people with disabilities – whatever the type of impairment (in particular physical, sensory, cognitive or psychic impairment).

Existing establishments open to the public must be such as any person with disabilities can reach it, circulate and receive information which is disseminated in the parts open to the public. The information intended for the public must be spread by means adapted to various impairments.

Decrees will specify the accessibility requirements and the services that they must provide to people with disabilities according to the type and category of establishments open to the public. Existing establishments will have to fulfil these requirements within a time-limit as indicated in decrees, which will vary with the type and the category of establishment. But it cannot exceed a maximum period of ten years as from the enactment of the law n°2005-102.

Some decrees will specify the particular exemptions which can be granted to establishments open to the public. The National Advisory Council of People with Disabilities (*Conseil National Consultatif des Personnes Handicapées*) will be consulted about the “exemptions” decree. These exemptions are granted after agreement of the Local Advisory Commission of Civil Protection, Safety and Accessibility (*Commission Départementale Consultative de la Protection Civile, de la Sécurité et de l'Accessibilité*). They must be accompanied by substitute measures for establishments open to the public which fulfil a “mission of public utility”. All establishments open to the public in the travel chain will be affected by this measure (rail stations for instance).

Moreover, when construction work subject to a building permit is completed, the building owner must provide a document certifying compliance with accessibility regulations to the authority who has delivered the building permit. This certificate is established by a technical controller. The administrative authority can decide to close an establishment open to the public which does not meet accessibility requirements. Furthermore, the public authority who granted the subsidy will require a refund if the building owner is not able to provide this certificate.

Public transportation system: a legal framework based on master plans

Within a period of ten years as from the enactment of the law n°2005-102, collective transportation services must be accessible to people with disabilities and to people with

reduced mobility. In the French policy, there are no specific deadlines for buses, trams and railway transportation systems.

Any vehicle purchased to replace the fleet or to extend the public transportation network must be accessible to people with disabilities or to people with reduced mobility.

Granting of a public subsidy to develop a collective transportation system is subordinated to the taking into account of accessibility: only accessible systems will be subsidized by the central State.

All transportation authorities and managers of main airports or main harbour stations have to prepare a master plan whose goal is to make accessible collective transportation services they are responsible for. This master plan must be published within a period of three years. It contains the time scheduling of accessibility measures which are distinguished by transportation modes.

When a proven technical infeasibility to make existing networks accessible arises, transportation services adapted to the needs of people with disabilities and people with reduced mobility must be made available for these persons. They are organized and financed by the transportation authority in charge of the conventional system within three years. The fare for the substitute transportation system should not be higher than the fare of the existing public transportation system.

Existing underground railway transportation systems and existing underground guided transportation systems are not subject to the ten-year-deadline provided that the relevant transportation authority designs an accessibility master plan and creates a substitute transportation system within three years.

Moreover, the mayor or the president of the "Inter-communal Structure" (see table 1) establishes a master plan of making street infrastructures and public installations accessible. It takes special care of walkways and parking areas.

Finally, the urban mobility master plans are the last tools put at the disposal of local authorities by the law n°2005-102 to make the city accessible. These plans have several goals. They have already aimed at solving mobility problems, promoting the least polluting and consuming energy modes of transportation and urban and social cohesion. Under the law n°2005-102 urban mobility master plans now integrate a particular appendix relating to accessibility. This appendix indicates measures to be implemented to improve the accessibility of public transportation systems and their timetable. The master plan of street infrastructures accessibility also forms an integral part of the urban mobility master plan. Associations of people with disabilities must be included during the preparation of urban mobility master plan if they want to.

Authority and traveller relations

Within a maximum period of three years, the online services of the State and local authorities must be accessible to people with disabilities. The services of transportation authorities and transportation operators are particularly concerned by this measure.

Within three years as from the enactment of the law n°2005-102, transportation authorities must set up a procedure to register complaints for existing barriers which prevent people with reduced mobility from moving.

Creation of a new local commission for accessibility

A new commission named “Local Commission for Accessibility” (*commission communale pour l’accessibilité*) will be created in “Communes” (the smallest administrative area in France) or “Inter-Communal Structures” of more than 5000 inhabitants.

The representatives of the “Commune”, those of associations of transportation users and those of associations of people with disabilities are ex officio members of this commission. The mayor chairs the commission and specifies the list of its members.

This commission draws up the state of accessibility of the built environment, street infrastructures, public areas and transportation systems existing in the “Commune”.

It publishes an annual report presented at the city council and makes all useful proposals likely to improve the accessibility of the city.

Triennial national conference on disability policy

Article 3 of the law n°2005-102 provides that a national conference on the French disability policy is organized on the initiative of the Government every three years.

The public and private actors working in favor of people with disabilities are invited to this conference to discuss orientations and means of the national disability policy.

At the end of the national conference, the Government releases a report on the implementation of this policy. The National Advisory Council of People with Disabilities (*Conseil National Consultatif des Personnes Handicapées*) gives its opinion on this report. It is transmitted to the Senate and to the National Assembly. The evaluation of the national disability policy might be publicly debated in Parliament.

The Equal Rights and Opportunities, Participation and Citizenship for People with Disabilities Act lies down a deadline to make the living environment accessible. It also institutes new tools for planning and a new local commission is created. Decrees of application will be soon published to specify this ambition of a city accessible to people with disabilities.

DISCUSSION: IS THE 2005-LAW LIKELY TO HAVE A GOOD EFFECTIVENESS?

The law n°2005-102 has determined the objectives of the French accessibility policy. One cannot help wondering whether it will reach these goals or not. In this section, we argue that the 2005-law is more likely to make the living environment accessible than the 1975-law. However, the French accessibility policy is not completely defined. The content of future regulations could modify the legitimacy, the coherence, the credibility and the acceptance of

this policy, which could affect its effectiveness. Lastly, some policy failures can already be predicted.

II-A favorable context to pass and implement this law

We use the John Kingdon's policy stream model in order to specify the conditions of the policy change (6). According to this model, three streams have to be explored: the problems stream, the solution stream and the politics stream. Kingdon argues that a reform window opens at the conjunction of the three streams. This is apparently the case for the accessibility policy.

A shift of prevailing model of disability

Since 1980s the prevailing medical model of disability has declined in favor of the social model of disability (7).

People with disabilities no longer accept to have a special treatment. The first demonstration against inaccessible public areas took place in 1982 (8). Since 1985, the main association of people with physical impairment (*APF*) has claimed for "accessibility of individual and collective transportation". Organizations of people with sensory impairment stayed in the background until late 1980s. The main association of people with cognitive disabilities (*UNAPEI*) expresses demands on accessibility since mid-1990s.

To illustrate this shift of prevailing model, we can notice that medias had stressed on allowance for people with disabilities in 1975 (9). In 2004 and 2005, they have emphasized on the accessibility of the living environment, compensation and administrative simplification. Furthermore the 1975-law was based on an individual model of disability (*10 and 11*). The 2005-law proclaims to be based on the social model of disability. Its third part is entitled "accessibility" whereas the 1975-law had only two articles on accessibility.

Moreover, France has now an ageing population. That was evidently not the case in 1975: French demography left the baby boom era. This has been used by accessibility advocates to promote "accessibility for everybody", "universal design" or "comfort for all" (*12*). It has legitimated decisions made in favor of accessible transportation whose people with disabilities have benefited first.

Except medias implication correlated to the law making context, all these elements could remain accurate during the implementation of the new policy. So they should make it easier to implement the 2005-law.

Many technical solutions have already been developed

The previous accessibility policy encouraged local experiments and "city emulation". The State has got used to highlighting exemplary achievements. As a result, many technical solutions have been designed since 1975. Indeed, all new vehicles can be designed as accessible to people with physical impairment. For instance, COST 322 Low Floor Buses and COST 335 Passengers' Accessibility of Heavy Rail System have validated technical solutions. A few ISO Standards have been released or are about to.

However, according to French policymakers, bridging the gap between platform and heavy rail vehicle floor (except for tramway systems) and making over-the-road passenger coaches accessible remain to be solved. Since associations of people with sensory impairment and those of people with cognitive disabilities have claimed for accessibility recently, all access problems of these disabilities have not been settled. These issues are currently set on

the research agenda. Furthermore, carrying out research study in social sciences is now more common. This field had been neglected for a long time.

To be brief, almost all new vehicles are designed accessible... at least for people with physical impairment. Consequently, accessibility will be improved when transportation authorities buy new vehicles. Nowadays it is more difficult to buy a non-accessible vehicle than to purchase a low-floor one...

Several institutions have set the accessibility issue on their agenda

At an international level, the ECMT established in 1985 a working group on access and inclusion. Its role consists of bringing together Governments and experts to exchange ideas on transportation for people with reduced mobility. This group has produced many reports and recommendations which provide guidance on achieving barrier-free travel. Political support for this work has been given through the adoption of several formal resolutions by the Council of Ministers of the ECMT. This Council has encouraged its Member States to promote accessible transportation.

Furthermore, the United Nations adopted “the World Programme of Action concerning Disabled Persons” in 1982 and “the Standard Rules on Equalization of Opportunities for Persons with Disabilities” in 1993. The rule 5 is relating to accessibility. Moreover, on 15 February 2001, the Committee of Ministers of the Council of Europe adopted the Resolution “on the introduction of the principles of universal design into the curricula of all occupations working on the built environment”.

These texts recommend that governments of member states draw up and implement national strategies applying their principles. Nevertheless, they are not coercive constraints.

The European Union has such a power. It addresses regulations, directives or decisions to the Member States. The European Parliament and the Council have adopted the “Directive 2001/85/EC relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat”. This directive requires that all new urban buses to be low floor. Technical Specifications for Interoperability on Accessibility for Reduced Mobility will soon be passed. They will detail requirements on accessibility to infrastructure and rolling stock provided for in the Directive 2001/16/EC on interoperability of the trans-European conventional rail system. These directives are binding on the Member States as to their effect whilst leaving the choice of means of implementation to national administrations.

In a word, several international organizations encourage their member States to draw up national policies on transportation accessibility. We can notice a policy convergence amongst Western countries. Thus, the USA, the UK and Germany respectively passed the Americans with Disabilities Act in 1990, the Disability Discrimination Act in 1995 and the Equal Treatment for People with Disabilities Act (*die BehindertenGleichstellungsgesetz*) in 2002. They have similar objectives: they aim at a barrier-free living environment. These three laws require that all new vehicles and facilities be accessible. However their measures are quite unlike to render existing transportation systems accessible. According to the German policy, freedom from barriers as far as possible is a goal. But there is no deadline. The ADA requires that at least one car in each train having two or more cars be accessible within five years. Existing key stations in rapid rail, commuter rail and light rail systems must be readily accessible within three years. All existing Amtrak stations must be accessible by 2010 (49

CFR 37.55). As for the UK policy, it differentiates each type of transportation modes and attributes them a different deadline.

At a national level a new deal appeared when President Chirac was re-elected. In 2002 in a national address, the President made integration of people with disabilities into society one of three priorities for his second mandate. Taking this stand has made the policy shift easier. However, this national impulse will be likely to disappear in 2007 when a presidential election takes place. As a result, policy implementation stage would be likely to distinguish by a lack of involvement of national politicians.

Several elements shown above might overcome this shortage. Furthermore, recent articles in the French national press have highlighted the French delay on accessibility. France is seen to be out of step with other Western countries. Consequently, it has to implement an ambitious policy.

III-The unknown: the strategic content of future decrees

The law n°2005-102 makes provisions for publishing more than eighty decrees ...within six months.

It is an important step since local actors usually wait for the publication of decrees to implement a law. Moreover, in his paper, Thoenig showed that decrees and circulars are more important, consistent and significant than law (13). They specify the operational translation of public choices. They sometimes empty the content of a law or they sometimes change the objectives of a policy.

The first work of the Government and the central administration of the French Ministry of Transport and Public Works will be to give a definition of accessibility and people with reduced mobility. This definition reveals the ambition of integration of a society and of a time. This ambition takes shape into technical standards (14). The concept of accessibility has gradually included people with physical impairment, then people with sensory impairment and lately people with cognitive and psychic disabilities. Disability is eminently cultural (15 and 16). There are indications that the concept of accessibility will continue to evolve.

Several decrees will be published to specify accessibility requirements:

- of new buildings,
- of existing residential buildings,
- of existing establishments open to the public,
- of vehicles of collective transportation services.

These requirements of accessibility can take various forms. Thus, in the field of transportation there are two distinct procedures used by Western countries:

- to define standards of performance, prescribing a minimal level of accessibility,
- or to impose an objective – i.e. providing a transportation service – whilst leaving the choice of means used to reach this obligation of result.

On the one hand, the United States and the United Kingdom have privileged the first alternative. In the United States, the Congress has mandated the Department of Transportation to publish regulations specifying, amongst others, the horizontal and vertical gaps between platform and vehicle floor (17). The United Kingdom has also standards of

performance. Moreover, in the UK new vehicles must receive a license from the Department for Transport, certifying compliance with the DDA, before going into service (18). On the other hand, functional regulations are used by New Zealand to buy travelling vehicles of European, American and Asian technology freely (18 and 19). In New Zealand it is prohibited to refuse the access of vehicles or services open to the public because of disability.

The increasing practice of unfortunate candidates of calls for tenders (i.e. manufacturers) to sue the result of these calls would encourage policy makers to define detailed and precise standards of performance. Publishing regulations would increase the legal security of transportation authorities. Otherwise technical standards of accessibility would be defined by the judgments of the administrative courts.

The French Parliament also mandated the Government to specify the conditions to grant an exemption to the legal obligation to make residential buildings and establishments open to the public accessible. According to the 2005-law, there are three types of exemptions:

- when a proven technical infeasibility to make the building or the service accessible arises,
- because of constraints relating to the conservation of the architectural heritage,
- when there is manifest disproportion between improvements and their consequences.

The possibilities to depart from the rules should not be too many. Otherwise, organizations of people with disabilities would no longer believe in the politicians' discourses and in their goodwill. The credibility of the accessibility policy is at stake. On the other hand, if there were no exemptions, this policy would be seen as an unrealistic policy by owners. Consequently, they would not apply the 2005-law which does not take their local constraints into account. Exemptions must exist to improve the acceptance and the credibility of the accessibility policy.

Moreover, regulations will have to define what collective transportation services are. We do currently not know which transportation services are really affected by the law n°2005-102. At the moment there is no legal text which precisely delimits the scope of these services. However the scrutiny of the law n°2005-102's parliamentary debates would encourage us to believe that this concept of "collective transportation" falls within the framework of the Duguit School of public service. As a consequence, the "collective transportation services" would include all the transportation services controlled and managed by transportation authorities. Taxis would be affected by the law n°2005-102 only if they were funded by a public body. Transportation systems managed by private organizations without public subsidise would not be concerned by the obligation to render collective transportation services accessible.

Furthermore, decrees will clarify two principles of the law n°2005-102 which will deeply affect the action of local authorities. They will specify on the one hand what a technical infeasibility to make collective transportation services accessible is and on the other hand which organization is concretely responsible for asserting that it is technically infeasible to do so. The wide range of local situations would incite to choose a local organization. The law n°2005-102 of February 11, 2005 reinforces the powers of the Local Advisory Commission of Civil Protection, Safety and Accessibility. According to in force regulations and to the law n°2005-102, this commission has already been in charge of the exemptions to

make establishments open to the public and street infrastructures accessible. A sensible and practical solution would be to centralize all of the exemptions of the accessibility policy into this commission (see table 2).

The law n°2005-102 imposes to make available transportation services adapted to the needs of people with disabilities within three years when it is infeasible to make conventional transportation services accessible. So “dial a ride” services are substitutes of totally accessible conventional transportation services. The language of the law n°2005-102 allows the Government to release regulations to specify the role allocated to these specialized services and their recipients.

Some transportation authorities have already managed such specialized services in France. For reasons of safety, liability and operation, society has preferred that certain people with severe disabilities do not use conventional public transportation services (20).

It is likely that attractiveness of these services and their demand will increase as their fare will decrease when the law n°2005-102 is applied. However the American example shows that the conditions of eligibility should be strict. In fact, American local authorities have often been reluctant to restrict use of specialized services to the disability conditions described in ADA rules ...to avoid being prosecuted for discrimination (21 and 22). The results are an increase of the paratransit service use and a rise of their cost. The American local authorities are currently trying to shift people with disabilities able to use the accessible transportation system from the transport on demand to the conventional service.

Moreover, it is to be feared that French transportation authorities will develop paratransit services first since the legal deadline is three years from the enactment of the law n°2005-102. Then people with disabilities may get into the way of using these services. So their operating budget could rise. As a result, there could be no longer money to render conventional transportation services accessible.

Thus, the priority order between accessible conventional services and specialized services may be reversed at a local level. Therefore, the conditions of eligibility should be defined at a national level and be binding. These specialized services should be reserved for people who really need them to challenge the idea that paratransit is the best means to reach mobility of people with disabilities and to legitimate and give credibility to the accessibility policy. In the spirit of the law n°2005-102, these conditions would only depend on the functional aptitudes of the person – the real ones and those perceived by this person (23) – and on the level of the transportation system accessibility.

IV-A research agenda to avoid foreseeable undesirable effects of the new legal framework

Publishing decrees is an important step and may modify and clarify a policy. However this stage only concerns fields for which the French Parliament has mandated the Government. According to articles 34 and 37 of the French Constitution, some measures of the new legal framework are already “definitive”. Consequently, we can seek to anticipate likely policy failures and to tackle them by developing some specific tools. Three main risks jeopardize the policy objective of a barrier-free living environment.

1-Juxtaposed implementations in a same place

France has three levels of local authorities. It is divided into 26 “Régions”, 100 “Départements” and more than 36000 “Communes”. All these local authorities are transportation authorities (see table 1). Moreover, the State is in charge of long-distance railway services. As a result, at least three transportation authorities are concerned by a same territory. According to the law n°2005-102, all these authorities must make their collective transportation services accessible and elaborate an accessibility master plan.

How avoiding juxtaposed implementations in a same place? How coordinating the different access measures? Indeed, the 2005-law states that the travel chain includes “the built environment, street infrastructures, public areas, transportation systems and their intermodality”. How treating the interface between two transportation networks? In fact, they are no hierarchical links between the different administrative levels of local government. French transportation authorities are not used to working together on the accessibility policy. The 2005-law does not create a coordinating committee.

In order to reach an accessible living environment, we suggest to expand the range of the missions of the Local Commission for Accessibility and its membership (see table 2). This commission would have two additional missions. On the one hand it would coordinate the programs of the different local actors. On the other hand it would manage the accessibility public policy at an urban area level. According to foreign studies, the Local Commission for Accessibility should include:

- associations of and for people with disabilities (24 and 25), representing the physical, sensory, cognitive and psychic disabilities (26, 27 and 28),
- associations of transport users,
- all transportation authorities present in the urban area,
- transportation operators which are responsible for the vocational training of their drivers (29) and for information to travellers,
- authorities in charge of street infrastructures,
- authorities in charge of parking policy.

The Local Commission for Accessibility would be the place to enhance the city accessibility and to define together priorities and a coordinated program of measures. Formalization by contracts seems to be a relevant tool (30).

2-Differentiated implementation throughout the national territory

According to the law n°2005-102, the Local Commission for Accessibility draws up the state of accessibility in the territory of the “Commune”. However, the French Parliament did not mandate the Government to publish a regulation on an evaluation methodology. Consequently, this methodology is likely to be defined at a local level by each local commission. Developing an evaluation methodology is an important step of the accessibility policy since it will define what is accessible or not. However, it would not be comprehensible that this definition of the “accessible city” varied from a city to another. Indeed French people have been far more ardently and tenaciously attached to equality than to freedom (30). So they prefer central norms to local bargaining of rules.

As a result, we suggest to elaborate an evaluation methodology at a national level. An ad hoc group would be created. It would include the national representatives of the members of local commissions for accessibility. These people would define an evaluation methodology and performance indicators of the accessibility policy. These indicators should have a double function. They would be a tool used by members of local commissions to manage the

accessibility policy and they would constitute a means to inform people with disabilities of the accessibility level of their city. Consequently, these indicators should be easily comprehensible by all and have a significance shared by all actors as far as possible. This ad hoc group would rely on works of technical centers (for instance the Centre for the Study of Urban Planning, Transport and Public Facilities) and it would analyze foreign experiences to import and adapt them.

The appropriation of these methodology and performance indicators by their end-users – i.e. local actors – would constitute an important step. It is well known that national rules might be translated into local discourses and that their goals or significance might be (mis)interpreted (32). As a consequence, the evaluation methodology and performance indicators should be precisely defined to prevent this translation and improve the policy coherence.

Lastly, appropriating these indicators by local actors without misrepresenting them would make it possible to compile data truly comparable and to evaluate the national accessibility policy each three years as planned by the law n°2005-102.

3-Difference between “buildings exemptions” and “transportation exemptions”: the consideration of the cost has been evaded

According to the law n°2005-102, exemptions to make an establishment open to the public accessible can be granted to the owner “when there is manifest disproportion between improvements and their consequences”. The exemptions because of economic reasons are included into this type of exemptions. As for the transportation field the 2005-law holds that only technical exemptions can be granted. However, rail stations are considered as establishments “open to the public”. Which types of exemptions apply to them? This incoherence in the law is likely to be settled at a local level. This is a risk of a spillover effect from the building accessibility policy to the transportation accessibility policy, more especially as no special subsidies for the accessibility policy have been planned by the Government.

Likewise the ADA (21), the law n°2005-102 could be perceived as a costly mandate. For instance, the “Département of Eure-et-Loir” has assessed the cost to make their interurban transportation services accessible at more than 130 million dollars (110 million euros) (33). Its annual operating budget for transportation services is almost 70 million dollars (58 million euros) in 2005.

In order to fit with the way of thinking of transportation operators and transportation authorities, we suggest to develop a methodology of a cost benefit analysis. Unlike the United Kingdom, France is unused to assessing economic impacts of legal texts. Consequently, the capital and operating costs of rendering existing transportation services accessible might be overvalued. Furthermore, the benefits of accessibility are often forgotten. So we should identify and quantify costs, benefits and net benefice (34). Likewise the USA (35), we suggest to monetize user and non-user benefits. We should specify the “total economic value” of accessible transportation services. This total economic value includes “use value”, “option value”, “bequest value” and “existence value”. To be more accurate, option value represents an insurance value of accessibility in relation to the probability of becoming disabled (temporarily or permanently). Bequest value is the value of leaving something behind for the next generation. Existence value recognizes people’s willingness to pay for such things as the extension of equal protection to different groups. By defining these figures, accessibility

advocates would be able to meet the constraints and the way of thinking of transportation operators and of some local actors. Because of net benefits, the transportation accessibility policy would be legitimated. Moreover, these figures might be used to compare the economic efficiency of parallel paratransit services and the accessible conventional services ones.

CONCLUSION

France has recently reformed its policy in favor of people with disabilities. The law n°2005-102 spotlights the image that the French society gives to itself: it is supposed to be a friendly society which does not leave one of its members by the way side. One of the policy objectives is to make the living environment accessible within a period of ten years. Existing transportation services are also affected by this measure. As a result, France would be barrier-free in 2015.

Keep our distance from this statement! Some shortcomings in the legal framework can already be identified. For instance, there are no real sanctions for transportation services that fail to comply. Indeed there are no penal sanctions. Furthermore, a withdrawal of State funds took place in 2004. The French State has no longer allocated funds for transportation investments since that date. So the effects of financial sanctions would be quite limited: only local authorities will grant subsidies to improve local transportation systems.

The effectiveness of this law will depend on the “strength of the law” which is a cultural factor. Indeed, there is no doubt that the 2005-law is valid since it has been adopted by the French Parliament. But its legitimacy, its credibility, its coherence and its acceptance are at stake. There are structural forces such as financial and economic constraints which challenge its legitimacy.

In order to increase policy coherence, we suggest to clarify exemption cases and conditions of eligibility to specialized transportation services with the greatest precaution. Their definition might lead to a gap between national objectives and local achievements (or non-achievements).

Likewise most countries (19, 26 and 27), the French accessibility policy would be implemented by numerous local actors without coordinating their various programs. To prevent this, we put forward the creation of a coordinating committee which could be the Local Commission for Accessibility with additional missions and members. This commission would use a policy evaluation methodology and performance indicators defined at a national level. Local actors would be able to manage a coordinated policy using the same tools. Formalization by contracts would make up this plan of action.

Moreover, everywhere in the world, strong pressures are exerted on public budgets. Rendering existing conventional transportation services accessible is often seen to be costly and a burden. In order to convince opponents, we propose to value user and non-user benefits of accessible transportation services in monetary terms and to carry out cost-benefit analyses. Such a “legal value” would legitimate that the accessibility policy becomes one of the top priorities as giving a value to human life has justified road safety measures.

Developing policy evaluation methodology, defining performance indicators and giving a monetary value to accessibility emerge from this study. Since most countries have similar concerns, they should be set on the international research agenda.

REFERENCES

- 1 – Assante, V. *Situations de handicap et cadre de vie*. Conseil économique et social. Paris, 2000
- 2 – Fardeau, M. *Personnes handicapées : analyse comparative et prospective du système de prise en charge*. Rapport au Ministre de l'emploi et de la solidarité et au secrétaire d'Etat à la santé, à l'action sociale et aux handicaps, La documentation française, Paris 2000.
- 3 – Lévy, G. *L'accessibilité des transports aux personnes handicapées et à mobilité réduite*. Rapport au Premier Ministre, La documentation française, Paris, 2003
- 4 – Cohendet, M.-A. Légitimité, effectivité et validité. *Mélanges Pierre Avril*. LGDJ/Montchrestien, Paris, 2001
- 5 – Serverin, E. *Sociologie du droit*. La Découverte, Paris, 2000.
- 6 – Kingdon, J. W. *Agendas, Alternatives, and Public Policies*. Little Brown, Boston, 1984
- 7 – Oliver, M. *The politics of disablement*. MacMillan & St Martin's Press, Basingstoke, 1990.
- 8 – Larrouy, M. French urban transportation accessibility: 1975 to 2004. *The Review of Disability Studies: an international journal*. In press.
- 9 – Sanchez, J. L'accessibilité et les associations dans les années soixante. In Barral, C., F. Paterson, H.-J. Stiker, and M. Chauvière, *L'institution du handicap, le rôle des associations*. Presses Universitaires de Rennes, Rennes, 2000
- 10 – Chapireau, F. Le handicap impossible. Analyse de la notion de handicap dans la loi d'orientation du 30 juin 1975 (1ère partie). *Annales médico-psychologiques*, Vol. 146, n°7, 1988, pp. 609-631.
- 11 – Chapireau, F. Le handicap impossible. Analyse de la notion de handicap dans la loi d'orientation du 30 juin 1975 (2ème partie). *Annales médico-psychologiques* Vol. 146, n°8, 1988, pp. 691-706.
- 12 – Heyrman, E. *Les personnes à mobilité réduite : vers une mise en accessibilité globale des projets d'aménagement publics? L'exemple lyonnais*. Ecole Nationale des Travaux Publics de l'Etat, Vaulx-en-Velin, 2002.
- 13 – Thoenig, J.-C. L'innovation institutionnelle. In Lacasse, F. and J.-C. Thoenig, *L'action publique*. L'Harmattan, 1996, pp. 219-244.
- 14 – Iwarsson, S. and A. Stahl. Accessibility, usability and universal design – positioning and definition of concepts describing person-environment relationships. *Disability and rehabilitation*, Vol 25, n°2, 2003, pp. 57-66.

- 15 – Hamonet, C. *Handicapologie et anthropologie*. Université Paris V, Paris, 1992
- 16 – Stiker, H.-J. *Corps infirmes et sociétés*. Dunod, Paris, 1997
- 17 – Simon, R. M. *Factors influencing public transit operators' policies for accessible transportation*, University of Maryland, 1993.
- 18 – Baker, D. *Moving backwards: Canada's state of transportation accessibility in an international context*. Final report to the Council of Canadians with Disabilities, 2005.
- 19 – Gleeson, B. The regulation of environmental accessibility in New Zealand. *International Planning Studies*, Vol. 2, n°3, 1997, pp. 367-390.
- 20 – Imrie, R. Disability and discourses of mobility and movement. *Environment and Planning A*, Vol. 32, 2000, pp. 1641-1656.
- 21 – Winter, M. A. and F. L. Williams. Transit access for Americans: a proposal for the next stage of implementing the Americans with Disabilities Act of 1990. *Policy Studies Journal* Vol. 29, n°4, 2001, pp. 674-681.
- 22 – Désidério, M. *Les transports à la demande aux Etats-Unis*. ENTPE, Vaulx-en-Velin, 2005
- 23 – Ravaud, J.-F. Modèle individuel, modèle médical, modèle social : la question du sujet. *Handicap, revue des sciences humaines et sociales*, n°81, 1999, pp. 64-75.
- 24 – Drake, R. F. Disabled people, voluntary organisations and participation in policy making. *Policy and Politics*, Vol. 30, n°3, 2002, pp. 373-385.
- 25 – McColl, M. A., and W. Boyce, Disability advocacy organizations: a descriptive framework. *Disability and rehabilitation*, Vol. 25, n°8, 2003, pp. 380-392.
- 26 – Manley, S. Walls of exclusion: the role of local authorities in creating barrier-free streets. *Landscape and urban Planning*, n°35, 1996, pp. 137-152.
- 27 – Switzer, J. V. Local government implementation of the Americans with Disabilities Act: factors affecting statutory compliance. *Policy Studies Journal*, Vol. 29, n°4, 2001, pp. 654-662.
- 28 – Barnes, M. Bringing difference into deliberation? Disabled people, survivors and local governance. *Policy and Politics*, Vol. 30, n°3, 2002, pp. 319-331.
- 29 – De Boer, E. Introducing and sustaining accessible transport. Social and physical challenges. *Transportation Research Record: the journal of the Transportation Research Board*, n°1885, 2004, pp. 15-20.

30 – Gaudin, J.-P. *Gouverner par contrat - L'action publique en questions*. Presses de Sciences Po, Paris, 1999.

31 – Tocqueville, A. *De la démocratie en Amérique*. 1835

32 – Lascoumes, P. Normes juridiques et mise en oeuvre des politiques publiques. *L'année sociologique*, Vol. 40, 1990, pp. 43-51.

33 – Coliac. *Analyses et propositions pour la mise en application des dispositions concernant l'accessibilité du cadre bâti et de la chaîne de déplacement*. 2005

34 – Oxley, P. R. Compliance costs for the bus industry. The impacts of the Disability Discrimination Act 1995, on local bus services. *Transport Policy*, Vol. 5, n°2, 1998, pp. 83-91.

35 – 28 CFR Parts 35 and 36. *Federal Register*, Vol. 69, n°189, 2005, pp. 58767-58786.

LIST OF TABLES

TABLE 1 The Administrative Organization of France and New Legal Obligations

TABLE 2 Proposals to Improve the Legal Framework

**TABLE 1 The Administrative Organization of France
And New Legal Obligations**

	Transport competences	2005-law obligations
<i>The State</i>	Long-distance railway services	Master plan of accessibility
<i>Régions</i> (France is divided in 26 régions)	Regional railway services	Master plan of accessibility
<i>Départements</i> (France has 100 départements)	Interurban transport services School transport services	Master plan of accessibility
<i>Communes</i> (France has more than 36000 communes).	Urban transport services Street infrastructures	Master plan to make urban transport services accessible Master plan to make street infrastructures accessible for communes with more than 5000 inhabitants

Local authorities

The Communes can work together and create an “Inter-communal structure”. When a Commune has transferred a competence to the “Inter-communal structure”, the legal obligation is also transferred.

The managers of airports and harbor stations are often the chamber of commerce and industry. But local authorities can also be managers of airports. The legal obligation is also to publish an access master plan.

TABLE 2 Proposals to Improve the Legal Framework

Local advisory commission of civil protection, safety and accessibility (already settled)

(New) local commission for accessibility

According to the previous regulation, its members are:
- The representative of the State in the "Département" (the "Prefect")
- Local services of the central State
- Representatives of local authorities
- Representatives of associations of people with disabilities

According to the 2005-law, its members are:
- The commune
- Associations of people with disabilities
- Associations of users

It is managed by the "Prefect".

It is managed by the mayor.

It gives an opinion which has an obligatory statute in building permit process.
It is in charge of the exemptions to make establishments open to the public and street infrastructures accessible.

It draws up the state of accessibility of the living environment.
It publishes an annual report.
It makes all useful proposals likely to enhance accessibility.

Proposal:
It would be also in charge of the exemptions to make collective transportation services accessible.

Proposals:
*All transportation authorities present in the urban area, transportation operators and authority in charge of parking policy would be members of this commission.
It would become the place to define an accessibility policy at an urban area level and to coordinate all master plans.*