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ACCESSING PUBLIC TRANSPORTATION POLICIES FOR PERSONS LIVING WITH DISABILITIES IN KENYA

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Abstract

Despite the fact that the constitution of 2010 has given priority to persons with disabilities with specific focus to bill of right, their right to movement is still curtailed in the public transportation sector system in Kenya. This paper is motivated towards examining the challenges faced by persons with disabilities in accessing public transport in Kenya. This paper is based on desktop research/general review design/methodology. Consequently, the transportation services towards persons with disabilities are lacking. The challenges encountered are that there are no vehicles designated for easier mobility from one point to the other, they plight is not looked at by the public and the private sector and they are not accorded due consideration in the access of the public transport. The paper therefore argues that enough has not been done to enhance transport access for the persons with disabilities. Moreover, there is enhanced systematic implementation of vision 2030 towards improved infrastructure throughout the country among other policies by the

government. This has aimed at ensuring that there is access of public transportation system to the citizens at large. Therefore, there is need for stakeholder participation including the public and the private sector towards promoting and providing transportation facilities to the persons with disabilities. The recommendations put forward in this paper are geared towards improved access of transportation facilities by persons with disabilities in Kenya.

Keywords

Access, Persons with Disabilities, Transportation, Challenges

1. Introduction

According to the Kenya National Population Census, 2009, the overall disability rate in Kenya is 3.5% which translates to 1,330,312 million persons with Disabilities. Of this, the largest proportion is physical impairment (413,698) followed by visual impairment (331,594) (GoK, 2009). Accordingly, the Kenyan Constitution's of 2010 definition of 'disability' includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day (GoK, 2010). Disability has been defined by the PWD Act, 2003 as a "physical, sensory, mental or other impairments, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation."

In the recent years, accessibility of public transport for persons with disabilities (PwD) has been of concern to various scholars (Alsnih and Hensher, 2003; CEMT, 2004; Metz, 2000 as cited in Rosenkvist *et al.*, 2009). However, the specific problems faced by persons with disabilities have not been sufficiently studied (Rosenkvist *et al.*, 2009). Continual studies have shown that the challenge of the public transport towards people with disabilities has created many barriers for access (Koppa *et al.*, 1998; Hunter-Zaworski and Hron, 1999). Moreover, attempts have been made to create operational guidelines, and offer suggestions on technological changes, and to develop appropriate operational policies and training programs for persons with disabilities (Koppa *et al.*, 1998 as cited in Rosenkvist *et al.*, 2009).

An inclusive transport system to all is more critical in reducing the isolation, vulnerability and dependency more specifically to the people with disabilities thereby helping to improve their lives. However, the lack of basic data is a serious impediment to estimating the proper nature of demand for more inclusive transport, so as to respond to the actual needs of all people whose

access and mobility are severely constrained (Rickert, 2001 as cited in Peter Roberts and Babinard, 2004). Disability is not just about people with physical impairments. It also extends to people with sight impairment (ranging from low vision to total blindness), hearing impairment (ranging from slight hearing loss to profound deafness) and to those with cognitive impairment (learning disability) and mental health problems. Accessibility for disabled and older people does not only mean physical access to vehicles and systems. It includes information that are useable by everyone, thus training of stakeholders in transportation sector/industry to understand the needs of disabled and older people, and design and layout of urban areas to enable people to move about safely and confidently (Frye, 2013). Consequently, Rosenkvist et al., (2009) argue that there is little knowledge about this group as users of public transport and the barriers on the use of public transport for this group. Bascom (2017) elucidates that persons with disabilities have been faced with the challenge of transportation. In Kenya, little or no studies have focused on accessibility of the transportation system by Persons with Disabilities. It is therefore in view of this paper that we examine the policies that promote access of public transportation system by persons with disabilities. Moreover, the challenges faced by persons with disabilities in accessing public transport in Kenya is crucial in coming up with policy recommendations.

2. Paper Framework

According to the **Figure 1** below, the Environmental factors described here entail the factors that can act as either facilitators or barriers towards access to transportation facilities by persons with disabilities. Environmental factors include: the natural of the transportation facilities, access to accommodative transport; discrimination/isolation thus creation of attitude by the general public. Moreover, there are personal factors, such as motivation and self-esteem, which can influence how much persons with disabilities can use the transportation facilities. This means that if such facilities are improved then this creates the atmosphere for access. Finally, there are legislation and policy formulation strategies; timely policies and adaptive legislations and policies that will lead to availability and accessibility of the transport facilities. Some may be adopted from other counties with a view of improving the policies in Kenya that provides specific focus on persons with disabilities.

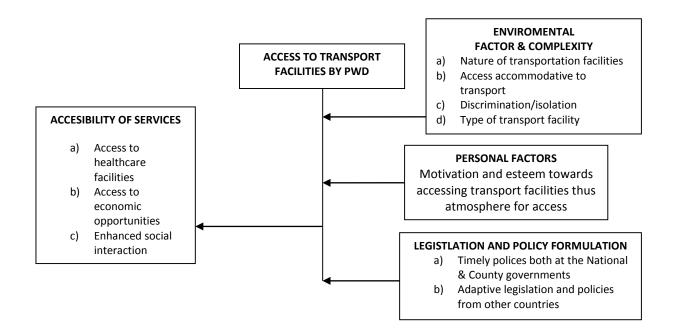


Figure 1: Framework Showing Factors Enhancing Access to Transport Facilities

3. Methodology

This paper used desktop review design to critically understand the challenges faced by persons with disabilities, based on the literature reviewed. The paper also analysed the legislative policies from Kenya and that of other countries that focuses on the improving conditions for access to public transportation by persons with disabilities. It looked at the gaps in the transportation sector with regard to persons with disabilities and what can be done to improve the status quo. Consequently, there are impeding challenges with regard to access of public transportation system by persons with disabilities. At the same time the paper provides a review of literature from various authors and policies that provide an overview of the access of public transportation facility by persons with disabilities in other countries and in Kenya and what has been done so far.

4. Laws and Policies from the Kenyan Perspective With Regard to Persons with Disabilities

Under the Kenyan constitution 2010, there are sections that provide for the fundamental freedoms for every Kenyan including persons with disabilities. Thus it states that;

a) Under Equality and freedom from discrimination, **Section 27** (4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex,

pregnancy, marital status, health status, ethnic or social origin, colour, age, **disability**, religion, conscience, belief, culture, dress, language or birth (Kenyan Constitution 2010).

- b) **Section 54** (1) A person with any disability is entitled;
 - i. To be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
 - ii. To access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;
 - iii. To reasonable access to all places, public transport and information;
 - iv. To use Sign language, Braille or other appropriate means of communication; and
 - v. To access materials and devices to overcome constraints arising from the person's disability.

Consequently, the Ministry of Transport in 2003 introduced the National Transport Policy. This was seen as a step to bridging the gap on the challenges inhibiting the transport sector. More specifically, the challenge identified here was that under current circumstance the transportation sector did not cater for persons with disabilities. The policy recommended for the development of accommodative transport system and infrastructure that would be accessible to persons with disabilities.

Furthermore, there have been policies that have been established that include the Sessional Paper on Integrated National Transport Policy introduced by the Ministry of Transport. This focused on amending the Transport current Traffic Act and the Transport Licensing Board thus taking into consideration the needs of persons with disabilities. There was also the have also been attempts to introduce a curriculum to be used to administer driving tests to persons with disabilities to ensure they can obtain driving licensees.

Polices that include the Vision 2030 has geared towards improved infrastructure for the rural and urban dwellers there by indicating that there should be proper development of infrastructure that can be accessed and accommodate all. Moreover, there are regulations that were put in place in 2009 for the purposes to Access to Employment, Services and Facilities. This called for the installation of auditory signals at the traffic lights in the public roads for the benefit of persons who are visually impaired; the provision of kerb cuts and slopes to be made in pavements for the easy access of wheel chair users; the engraving on the surface of pedestrians crossings and the edges of railway platforms for persons who are visually impaired; the posting of appropriate symbols of disability; and the posting of warning signals and symbols at appropriate places.

Further, **Regulation 12** of The Persons with Disabilities Act of 2003, requires owners of public service vehicles to adapt rail compartments, buses, vessels and aircrafts so as to permit easy access to persons with disabilities and to further adapt toilets in these places including their waiting rooms so as to permit wheel chair users and other persons with disabilities to use them conveniently.

Under the Persons with Disabilities Act of 2003 there are provisions for access to public transportation, thus include:

- a) Section 21 that provides for the rights of persons with disabilities to accessibility and mobility and therefore entitled to a barrier-free and disability-friendly environment to enable them to have access to buildings, roads and other social amenities, and assistive devices and other equipment to promote their mobility.
- b) **Section 22(1)** further requires proprietors of buildings to modify and adapt their buildings to suit the need of persons with disabilities. Furthermore, **Section 24** of the PWD Act, 2003 mandates the NCPWD (National Council for Persons with Disabilities) to serve **Adjustment Order** upon the owner of the premises or the provider of the services, or amenities concerned an adjustment order if it considers that any premises, services or amenities are inaccessible to persons with disabilities. The same became operational on 1st January 2010, which means that proprietors of premises **now have five (5)** years to comply with the provisions. This also provides for the auditing of buildings and institutions that have complied with the requirement on accessibility.
- c) Section 23 requires operators of public service vehicles to adapt them to suit persons with disabilities in such manner as may be specified by the Council within two years of coming into effect of the section. This is to allow for the rights for persons with disabilities to access public transport vehicles.

The question that is posed here is that; have these regulations and policies been implemented and complied with on the ground? There is still perceived notion that we have put such policies in the paper for them to be implemented later. Therefore, there is still no implementation of such policies (paper) on the ground.

5. Legislations Adapted by Other Developed Countries

Many developed countries have compulsory legislated and formulated policies that necessitate the need for access public transportation by persons with disabilities (Ståhl *et al.*, as

cited in Suen and Mitchell, 1999; National Transportation Agency of Canada, 1995). Some of these legislations include:

- a) In 1988, the British government published and recommended specification for local buses that would be easy for elderly and ambulant disabled people to use. Metropolitan legislation has required all new taxis in London to be wheelchair accessible since 1989. In 1995, the Disability Discrimination Act set the general framework for accessibility legislation this strengthened the existing laws regarding access of transport by persons with disabilities. Regulations now apply to all new rail vehicles, and draft regulations for buses and coaches were published for consultation in August 1999. Accordingly, the draft regulation has been published for the accessibility of taxis by persons with disabilities.
- b) U.S. Rehabilitation Act of 1973 (implemented in 1979) was the first federal regulation regarding accessibility and mobility by persons with disabilities. In 1990, the Americans with Disabilities Act (ADA) made accessible and usable transportation a qualified civil right. The ADA is unique in that it covers public and private transportation providers and services in all modes, regardless of funding sources. The Federal Transit Administration has become active in complaint investigation and compliance reviews related to the ADA. Evidence to date suggests that, unlike **Section 504**, the ADA is effective in providing for accessible transport to persons with disabilities.
- c) The Swedish government in 1979 passed legislation mandating that public transport be adapted, over a 10-year period, to the needs of persons with disabilities. This legislation led to a holistic approach, with provision for automobile subsidies and accessible urban and intercity transport services. Regulations published in 1985 defined and adapted public transport for buses, trains, trams, subways, taxis, ships, and aircraft thus making it possible for persons with disabilities to access public transport.
- d) In Canada, the National Transportation Act of 1987 entrenched the concept of equal access to all. The act led to the establishment of an agency; the Canadian Transportation Agency that investigates complaints and conducts compliance reviews with regard to the National Transportation Act and Codes of Practice established for air, rail, intercity bus, communication, and related accessibility matters. This means that persons with disabilities can complain if their needs are not met.

However, compared to developing countries including Kenya, there still exists barrier to movement among persons with disabilities. There are no effective polices that have been laid on ground to enable for accessible transport for persons with disabilities thus these persons cannot access or move from one point to the other.

6. Challenges Faced when Accessing Public Transportation

6.1 Availability and Access to Public Transportation

Bascom (2017) points out that access to transportation is essential for obtaining employment, education, healthcare and social interaction. However, the public transportation for persons with disabilities in Kenya is lacking. For instance, persons with disabilities can be said to have to travel more often, and for longer, to access health services. Furthermore, such persons are left without access to cars or public transport and are overwhelmingly faced with the prospect of not receiving treatment that is urgently needed. This further means that persons with disabilities cannot access vital services. Therefore, if transportation services are availed to such persons then this will lead to them being linked to access such vital services. The lack of transportation facilities may be attributed to issues of distance and a lack of proper public transport for such persons. Moreover, low socio-economic status and a reduced ability to purchase tickets/fare may further hamper efforts towards accessing public transportation.

This paper identifies the fact that lack of access of the transportation facilities can lead to stress and the financial burden of travel that can eventually cause emotional distress and hardship for people with disabilities who are in need of specialised medical services. Iwarsson and Ståhl (2003) postulate that accessibility problems within the public transport are specifically attributed to inability to access public transportation facilities. They further point out that complex external environment affected persons with disabilities especially when getting onto buses.

6.2 Comfort and Immobility to other Areas (including Urban and Rural Areas)

This paper identifies that mobility limitations or handicaps may be as a result of physical, sensory, or cognitive impairment; accompanying children or baggage; a language barrier; or unfamiliarity with the local area. The challenges encountered are that there are no vehicles designated for easier mobility from one point to the other. The plight of the persons with disabilities is not looked at by the public and the private sector and they are not accorded due consideration in the access of the public transport. Therefore, there is no comfort when accessing

public transport system. This makes them stay at home because they feel that their lives will be at stake or in most cases they may be of inconvenience to other.

6.3 Poverty/Cost verses Access

The majority of people on low incomes do not have access to cars and rely particularly on walking. They face a number of barriers in accessing work, learning, healthcare and other activities that relate both to problems with travel and the location of services (UK Social Exclusion Unit, 2003). A majority of the persons with disabilities cannot afford private transportation facilities which in most cases is expensive and can disproportionately impact on their income especially when looking at household income.

Affordability of the transport facilities in Kenya, particularly for low income area is another issue. More often, the transport services can become more expensive, particularly for people who don't have the required fares. For instance, when boarding a vehicle from one point to the other these persons face likelihood of being charged a fare for two; for example, the wheelchair and him/her as a person. This paper therefore identifies that persons with disabilities face the challenge of accessing transportation facilities, either because of cost, availability of proper services to cater for their disabilities or poor physical accessibility is experienced as social exclusion. In most cases, these persons still face the challenge of being accommodated comfortably in the transport facilities.

6.4 Harassment when Accessing Public Transportation

This paper acknowledges the fact that there is still harassment of such persons as they are perceived to be a 'bother'. In most cases, the prevailing negative social attitudes and perceptions of disability reportedly affected the self-esteem of people with disabilities. They faced harsh treatment especially when they used public facilities such as transportation systems. Basic needs of belonging and love are hard to fulfil because the community considers people with disabilities inferior. People feel ashamed to walk or be seen in the company of, or be friends with persons with disabilities. People with disabilities are often seen as a burden to society. In some communities disability is seen as a curse. People who are superstitious consider disability hereditary or a curse, which might be transmitted from parents to children (AUFB, 2007).

6.5 Remain Isolated and Discrimination

People with disabilities often experience isolation as a result of the poor physical accessibility of transport modes. Moreover, persons with disabilities still remain isolated in mostly the rural areas in Kenya and some of the urban areas including slums. Due to their physical

conditions they are sometimes left out when accessing public places. Although road networks have been established in the recent years, persons with disabilities still remain isolated.

Furthermore, this paper identifies that persons with disabilities face discrimination in their use of existing services that includes access transport services. Such persons are routinely being refused to board the bus (*Matatus*), taxi or other services on the basis of their physical characteristics (disability). People with disabilities are frequently discriminated against and left out by public service vehicles. Again, the issue here is not so much on the particular discriminatory attitude of an individual bus driver, but rather the lack of resources and the total indifference towards the needs of those with disabilities by the whole public transportation system. It is clearly a systemic, rather than an individual issue (AUFB, 2007). In many other cases where people with disabilities were misdirected, left by public service vehicles or even chased away, the problem was a broader social issue. It was social in the sense that the stereotype that people with disabilities are beggars and will not pay for anything is so deeply entrenched that the bus conductors would not direct the individual to the right vehicle for fear that he or she would not pay (AUFB, 2007).

In addition, studies by Wendel *et al.*, (2008) have shown that persons with disabilities are less frequently involved in social activities outside of their homes. They further point out that such persons, preferred to avoid thinking about public transport in order to avoid psychological dissonance. Bascom (2017) posits that persons with disabilities are faced with even fewer opportunities to interact within their communities. Furthermore, research finding by Mets (2000), elucidate that the livelihoods and economic opportunities of people with disabilities in developing countries are often worse because they are more likely to be excluded from services, social contact and community activities. He further expresses that such exclusion in turn leads to reduced economic and social out-put, not only of those with disabilities but also of those who care for them and whose productive employment may be reduced as a result.

6.6 Inadequate Fora to Address their Plight

Persons with disabilities are excluded from consultation and planning processes with regard to access to transportation and access. This paper argues that when consultations do not exist then this makes it difficult for persons to express their views. This makes existing disadvantage worse since persons with disabilities are persistently excluded from developing solutions to the current problems with regard to access to transportation. Implementation and effective planning processes should include persons with disabilities in order to address the challenges towards access.

7. Conclusion

This paper used a desktop research/general review. Although there was no collection of data, secondary data was relied upon to provide the review of various literatures by various reports and scholars/authors. The paper therefore argues that enough has not been done to enhance transport access for the persons with disabilities. Moreover, there has been enhanced and systematic implementation of vision 2030 towards improved infrastructure throughout the country among other policies by the government. This has aimed at ensuring that there is access of public transportation system to the citizens at large. However, this paper concludes that access by persons with disabilities in the public transport is still lacking. Therefore, understanding the needs of people with disabilities towards access to transportation poses unique challenges for inclusive participation. This paper therefore concludes that the persons with disabilities are not accommodated and are under-represented in the formulation and implementation of policies aimed at ensuring access to transport facilities. It therefore advocates for inclusive stakeholder participation of both the national and the county governments towards the potential to improve public transportation systems for everyone through accessibility and improved infrastructure for the persons with disabilities. Moreover, it is paramount to conduct research that includes the primary research/field research to understand the plight of the persons with disabilities towards access of the transport facilities in Kenya with a view of understanding their day to day challenges.

8. Policy Recommendations

With above mentioned, the effective recommendations that this paper entail the following:

- a) Effective formulation and further amendment of the current Transport act to cater for the rights for the persons with disabilities. This should further focus on transport SACCOs that deals with transportation of passengers. If such policies are to be implemented, then every SACCO should have a vehicle designated to persons with disabilities. This will enhance their mobility.
- b) The mainstream public transport services (road and rail) accessible to people in wheelchairs, ambulant disabled people, and frail elderly people should be adequately provided and therefore there should be service routes that use accessible low-floor midior minibuses on routes close to housing for elderly and disabled people, health facilities,

shopping, and other common destinations as shown in **figure 2** below as adapted from Cape-Town South Africa. There should be accessible taxi services with user-side subsidies to assist older travelers and those with mobility limitations; and Door-to-door services availed to such persons.



Figure 2: Accessible BRT (Bus Rapid Transit system) in Cape Town, South Africa

- c) Moreover, voluntary organizations should be able to come up with voluntary car services for passengers who need assistance from house to vehicle, during travel, or at their destination. This can be enhanced through youth participation thus alleviation forms the current unemployment. They can be trained on how to assist persons with disabilities through care and support.
- d) Effective, efficient and accessible public transport also requires accessible pedestrian infrastructure (sidewalks, traffic signals, street crossings); Terminals, stations, and stops; and Travel information for people with sensory, cognitive, or linguistic impairments. This can be through enhanced training of persons with disabilities on who to access such facilities. Such trainings have been adopted in countries that include Germany as shown in **Figure 3**. Consequently, we should not assume that the persons with disabilities know how to use the public transport. Training and awareness raise knowledge and understanding for such persons.



Figure 3: Familiarisation Sessions for Disabled People on the Metro System in Nurnberg, Germany

e) Encouraging good design for infrastructure for access by persons with disabilities. This means that encouraged planning, design and implementation of infrastructure will improve access for all with disabilities and limited mobility. For instance accommodative railway system among other transport infrastructure as shown in **figure 4** below



Figure 4: Modern Railway System Accommodative to Persons with Disabilities

f) There should be the introduction of low-floor vehicles where passengers in wheelchairs can board the bus via a simple ramp or directly from the sidewalk if the curb is raised at stops as shown in **Figure 5** below.



Figure 5: Establishment of Ramps for the Elderly and Persons with Disabilities (Adopted from Frye, 2013)

- g) Efficient and effective informed policies for inclusivity in the transport sector in Kenya. Good practice cases will help the governments (national and county governments) in developing access for all policies and formulating the supporting legislation; among other mechanisms necessary for the mobility of persons with disabilities. Poor planning decisions can have a major impact on mobility especially to whose persons with disabilities. The Government among other institutions of learning should conduct and an audit of urban public transport accessibility with regard to persons with disabilities.
- h) Political will/commitment alone cannot deliver social sustainability for persons with disabilities. Therefore, there must be engagement at a practical level with people with disabilities to understand their needs. Consequently, moral support and encouraged help to persons with disabilities towards access of transport facilities as shown in **Figure 6 & 7** below. Moreover, there should be introduced technology that would assist persons with disabilities in accessing various avenues. This has been adapted in countries such as Bulgaria as shown in **Figure 8**.



Figure 6: Having a Helping Hand towards the Persons with Disabilities



Figure 7: A Non-Motorized Transport Solution for a Paraplegic Person (Adopted from Frye, 2013)



Figure 8: Audible and Visual Real Time Information at Public Transport Stops in Sofia, Bulgaria (Adopted from Frye, 2013)

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