

## **Disability and World Bank Safeguards**

# **A Case Study on Lima's "Metropolitano": Five years fighting for accessibility**

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### **Executive Summary**

This case study on “Lima Urban Transport Project” (Metropolitano) demonstrates the effect of the project in perpetuating ongoing exclusion experienced by persons with disabilities due to the absence of safeguards related to accessibility, despite the existence of relevant legislation.

This Project was funded by the World Bank, the Inter-American Development Bank (IDB) and the Metropolitan Municipality of Lima. Its goal was to establish a reliable and fast mass transit system, to improve public transportation in Lima and, in particular, to improve the mobility of the population living in low-income neighborhoods on the outskirts of the city. Its implementation started in 2006 and was completed in 2010, costing more than US\$133 million.

The Metropolitan Municipality of Lima gave assurances that the Metropolitano would be accessible and that it would integrate provisions for accessibility that had never existed before in the city of Lima’s other public transportation systems. However, once it began operating, several obstacles limiting autonomous and safe access to buses and stations were reported. Although elevators were installed and buses enabled boarding by matching floor height to the platforms, other accessibility measures necessary to achieve a truly inclusive and accessible transportation system were not undertaken.

In response, in 2012, the World Bank made a second round of investment (US\$2.5 million) to improve the Metropolitano’s accessibility. Its implementation should have been completed by June 2015. However, to date, this investment has not yielded concrete results in terms of improved accessibility to the Metropolitano. Therefore, persons with disabilities continue experiencing difficulties in accessing and using this transportation system, which represents the only inexpensive, safe, and fast mass transit alternative in Lima.

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## Introduction

The World Bank is completing a multi-phased process to review and update its environmental and social safeguards policies. These policies seek to promote sustainable development approaches in environmental and social terms, and to ensure that the implementation of the projects do not cause harm to people or the environment. These safeguard policies include, for example, those related to the environmental assessment and the protection of cultural resources, forests and indigenous peoples. Unfortunately, persons with disabilities were not considered in this system. There are no requirements related to the inclusion of persons with disabilities or the accessibility of the projects that the World Bank promotes or finances, and States are not formally bound, within the World Bank, to guarantee conditions that ensure the protection of their rights in the projects they develop. A safeguards policy that offers overall protection to the rights of this group is, therefore, essential. In this regard, Bank Information Center (BIC) is leading a global campaign to make sure disability is integrated into the safeguard policies.

This report aims to demonstrate, through the “Lima Urban Transport Project” case study, how the absence of disability safeguards and the lack of effective controls and sanctions for the World Bank funded projects prevented persons with disabilities from using and enjoying the benefits of Lima’s first modern, safe and fast public transportation system because of the project’s non-accessibility.

“Lima Urban Transport Project” represented a unique opportunity for persons with disabilities in Lima to gain access to a public transportation system for the first time. No other mass transit system in the city had been even remotely accessible. But in addition to violating domestic and international standards that Peru ratified, the lack of accessibility to the project prevented persons with disabilities from accessing the available benefits (savings in terms of money and time, a safe and convenient means of commuting and the possibility of mobility of living independently and in community.) The harm has been even greater for persons with disabilities who live in poverty because they have no means of moving around the city since the cost of taxis, which would be the only alternative in Lima’s public transportation system, is too high.

Therefore, it is essential to highlight and draw attention to the lack of accessibility of the project subject to this case study, and the effect this has on persons with disabilities, as a direct consequence of the non-requirement of integrating disability in World Bank projects. To this end, the World Bank must include an explicit, specific requirement to prepare an Accessibility and Inclusion Plan based on a Social Assessment identifying potential negative impacts and risks (these are explicit requirements within the social and environmental standards of the World Bank’s ESS1<sup>2</sup> and ESS10<sup>3</sup> safeguard policies).

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<sup>2</sup> “ESS1: Assessment and Management of Environmental and Social Risks and Impacts is the overarching standard that provides the procedural basis for an integrated environmental and social assessment of projects in a risk-driven and proportionate manner. It establishes the need to characterize how disadvantaged and vulnerable groups may be affected by projects and how impacts may be addressed. It provides clearer project definitions for Borrowers and introduces a clear and actionable risk management system” (taken from the World Bank website).

<sup>3</sup> “ESS10: Information Disclosure and Stakeholder Engagement consolidates and improves provisions on the World Bank’s engagement with stakeholders, including meaningful consultation, access to information and grievance redress. It provides for ongoing dialogue between Borrower and stakeholders, including project-affected parties throughout the life of a project” (taken from the World Bank website).

According to figures released by the World Bank and the World Health Organization (WHO), persons with disabilities represent 15% of the world population and are often among the poorest and most vulnerable groups in countries where the World Bank implements its projects. Because of this, it is extremely important that these projects are inclusive and accessible in order to ensure that persons with disabilities, their families and their communities of support are able to access the benefits these projects may generate and, hence improve their living conditions.

This case study was developed based on a review of documents from the World Bank on the urban transit project in Lima, as well as additional material related to the implementation of accessibility provisions that initially were not taken into account. It also considers administrative documents from the Metropolitan Municipality of Lima. Interviews were conducted with public transportation users and disability-rights activists who had an effect on the Metropolitano before, during and after its implementation, as well as with Protransporte officials (the agency in charge of implementing the Metropolitano). Specific situations and experiences of users with disabilities who were affected by the Metropolitano's lack of accessibility were included, as well as reference to domestic and international standards related to accessibility in transportation rights for persons with disabilities. It is imperative that monitoring be based on a particular provision like an Accessibility and Inclusion Plan, detailing specific activities to avoid and problems to minimize for persons with disabilities, as part of safeguards compliance.

The execution of this case study demonstrates that the World Bank is aware of the Metropolitano's shortcomings and failures regarding the integration of persons with disabilities. Because of this, a second round of investment was issued, in order to correct these errors. However, again the Bank funded something that has not produced any positive accessibility results due to inefficient project implementation and a lack of compliance based on monitoring in terms of its objectives. This highlights the need for the World Bank to exercise effective control and implement an oversight mechanism to execute and implement its projects. This mechanism should eliminate the risk of these projects harming affected communities in general, and vulnerable groups in particular. It should also respect the rules, agreements and guidelines the World Bank has adopted.

## 1. The “Metropolitano”: A new transportation system for Lima

According to figures released by Peru’s National Statistics and Information Institute (INEI), Lima’s current population is just under 8.7 million (8,693,387). About 80% of the population uses public transportation while only 7.6% of people use their own car.<sup>4</sup>

Given the implementation of deregulation policies in the urban public transportation system and the free importation of used vehicles, Lima has developed a very chaotic transportation system, with an oversupply of vehicles, highly congested roads and high levels of contamination and accidents<sup>5</sup>. Hundreds of informal transportation networks are operated by old and unsafe low-capacity vehicles (locally known as “combis”, “coasters”, etc.). The creation of the Metropolitano was supposed to represent a substantial improvement for urban mobility in Lima and allow the city’s residents to enjoy a modern, safe, fast and accessible transportation system for the first time.

The Metropolitano is a segregated transportation system, consisting of a 28-kilometer corridor stretching north-south through Lima’s metro area passing through its downtown core. On this trunk route called COSAC 1 (High Occupancy Segregated Corridor), high-capacity buses transport more than 630,000 people per day.<sup>6</sup> Four concessions, in charge of fare collection and passenger transportation, jointly operate COSAC. Instituto Metropolitano Protransporte De Lima (Protransporte)<sup>7</sup> is in charge of its management and control.

The World Bank partially funded this system through the implementation of the “Lima Urban Transport Project”, with a total cost of US\$133.5 million. The corridor along which the Metropolitano buses run constitutes just one part of the system: to get to the main line twenty auxiliary non-segregated lines of “feeder buses” carry passengers from adjacent areas.

The implementation of this project was supposed to be an opportunity so persons with disabilities could have access to public transportation for the first time, because accessibility measures were taken that did not exist in any previous public transportation system in the city: stations with elevators, buses with floors that could adjust to the platform’s height, guides, etc. However, these accessibility measures turned out to be ineffective and insufficient. For example, the floor of the bus is at the height of the platform, but there is always a space between the bus and the platform that prevents wheelchair users from boarding; also ramps and lifts were installed in the stations but there are no accessible paths leading to the them). As a result, persons with disabilities, especially

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<sup>4</sup> Survey NGO “Lima Como Vamos” 2013.

<sup>5</sup> According to Report N°137 “Urban Transportation in Metropolitan Lima: A challenge in defense of life”, approximately 3,400 people die each year in traffic accidents within the country, and approximately 800 of them die in Metropolitan Lima. The vehicles most frequently involved in fatal accidents are the omnibus and the so-called ‘combis’.

<sup>6</sup> Until July 2014. Source: ACCESIBILIDAD TRANSVERSAL AL METROPOLITANO DE LIMA, PERÚ, Diagnóstico y propuestas de mejora urbana en el entorno de las estaciones del BRT, Page 5.

<sup>7</sup> Public agency of the Metropolitan Municipality of Lima, responsible for all aspects related to planning, implementation, management and maintenance of the High Occupancy Segregated Corridor – COSA, including its infrastructure.

wheelchair users, have not been able to access this system in a free, autonomous and safe way.

In fact, the principles of accessibility and universal design were not taken into account during the design and implementation of the project: access to stations from secondary routes, connections with other public transportation modes and the stations themselves were never properly adapted to the needs of persons with disabilities. Consequently, the project never guaranteed autonomous and equitable use for all persons, regardless of their physical characteristics or disabilities. This left 6.8%<sup>8</sup> of Lima's population unable to use a much safer, faster and cleaner transportation system than any other available in the city. Lima is, in general, a challenging city for pedestrians but practically excludes persons with disabilities from the urban road space.

After many complaints were collected and evidence of the Metropolitan's lack of accessibility had been presented, on July 24, 2012 the Metropolitan Municipality of Lima, the Government of Japan and the World Bank signed an agreement to provide a grant for US\$2.5 million to develop the "Mainstreaming Inclusive Design and Universal Mobility in Lima" project. Its main objective was to improve the Metropolitan Municipality of Lima's capacity to mainstream the needs of persons with disabilities in the planning and implementation of urban walking and public transportation facilities.

The implementation of this project was supposed to be completed in June of 2015, and yet, due to the change of management (as the pilot was approved two months before the new municipal administration started in October of 2014) and administrative issues that delayed the implementation, to date, the executive elements have not been undertaken. As a result, most of the original accessibility issues persist, and public transportation in Lima is still dangerous, complicated and risky for persons with disabilities.

All of the above highlights the need for the World Bank's new social and environmental standards to establish a comprehensive and clear definition of what "inclusion" and "accessibility" mean, so that actions taken on behalf of these terms work properly in practice. This would help to prevent future damage to the community of persons with disabilities and avoid (as in this case) the Bank's need to invest additional funds and resources to repair flaws in the projects.

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<sup>8</sup> The 2012 National Survey on Disability (ENEDIS) estimates that there are 636,439 persons with disabilities in Lima.

## 2. Two investment projects funded by the World Bank

### First project: “Lima Transport Project” (December 2003 - April 2011)<sup>9</sup>

The Metropolitan is the most ambitious urban transport project ever carried out in Lima’s metropolitan area. The project is a 28-kilometer bus rapid transit (BRT) system of segregated busways where high-capacity buses provide fast and safe services from Lima’s historic center to the northern and southern parts of the city.

The main objective was to help the Metropolitan Municipality of Lima enhance the economic productivity and the quality of life in Lima’s metropolitan area by improving mobility and accessibility for its population, especially in the peri-urban poor neighborhoods, through the establishment of an efficient, reliable, cleaner and safer mass transit system.

The project’s specific development objectives were to: (i) implement the new mass rapid transit system on the basis of a public private partnership with concessioned bus corridor and feeder routes operations and fare collection system; (ii) improve access within low income areas through facilitating the use of low cost transport alternatives, such as bicycles and walking; (iii) strengthen the local institutional capacity to regulate and manage the metropolitan transport system on a sustainable basis; and (iv) reduce the negative environmental impact of motorized transport in Lima.

The Lima Transport Project consisted of two operations, one co-financed by grants from the International Bank for Reconstruction and Development (IBRD)<sup>10</sup> and the Inter-American Development Bank, (“the loan”), and another financed through a grant by the Global Environment Fund (GEF), (“GEF Project”). These operations were combined and share the same project documents.

The loan financed the infrastructure for the first bus rapid transit corridor, known as the Metropolitan, the North-South line, or High Capacity Segregated Corridor (COSAC 1), including corridor paving, stations, terminals, bus depots, complementary infrastructure, sidewalks, and bikeways. The loan also financed institutional strengthening for the public transport sector.

The loan was granted to the Metropolitan Municipality of Lima (the Borrower) and was backed by the National Government. Protransporte (Project for the Preparation of the Lima Metropolitan Transport Investment Plan) was responsible for the project’s implementation; the project is a decentralized public entity established by the Metropolitan Municipality of Lima (MML) to implement and operate the BRT projects in the capital. The Urban Transport Office (GTU) is the local authority responsible for the administration and supervision of the transportation routes and taxi concessions.

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<sup>9</sup> Implementation completion and results report on a loan in the amount of US\$45 million to the Metropolitan Municipality of Lima for the Lima Transport Project. <http://goo.gl/QW73yq>

<sup>10</sup> The IBRD is the original World Bank institution. It works closely with the rest of the World Bank Group to help developing countries reduce poverty, promote economic growth, and build prosperity.

The project financed by the loan was jointly prepared and supervised with the IDB. The project originally involved six components, in which the World Bank invested US\$45 million:

- Component 1: Mobility and Environmental Improvements (\$99.92 million in total; US\$37.94 million IBRD, US\$37.94 million IDB and US\$24.04 million MML);
- Component 2: Social Mobility and Community Participation (US\$5.75 million in total; US\$1.6 million WB, US\$1.63 million IDB and US\$2.49 million MML);
- Component 3: Institutional Strengthening (US\$3.67 million in total; US\$1.5 million WB, US\$1.5 million IDB and US\$0.7 million MML);
- Component 4: Studies and Construction Supervision (US\$8.58 million in total; US\$3.4 million WB, US\$3.48 million IDB and US\$1.62 million MML);
- Component 5: Program Administration (US\$5.58 million IDB and MML); and
- Component 6: Grade Separation of Plaza Grau (US\$10 million IDB and MML).

The “Institutional Strengthening” component was able to effect a gradual change in behavior toward accessibility and inclusion through internal sectorial reforms. If the Bank had safeguard policies that explicitly referred to disability, including specific requirements, it could become the vehicle for these changes. An Accessibility and Inclusion Plan could contain concrete measures and actions so that efforts such as “institutional strengthening” would make these changes/sectorial reforms come about, making accessibility and inclusion mandatory in any urban transportation project regardless of its funding source.

During the project’s implementation there were two changes made to the loan and three deadline extensions. The purpose of the deadline extension was to help the implementation unit, Protransporte, finalize labor contracts and consulting services. Furthermore, the original designs for Plaza Grau’s Central Station (US\$10 million) anticipated an easy separation through the partial sinking of the Metropolitano. But the MML modified these plans so the Central Station would be completely underground and would include a shopping mall. It would also have the capacity to handle not only the current North-South line, but also future routes. As a result, the total cost increased from US\$10 million to US\$32 million, which the MML financed in its entirety.

### **Second Project: Mainstreaming inclusive design and universal mobility in Lima Project (Period 2011 – 2015)<sup>11</sup>**

On February 7, 2012, representatives of the World Bank, in their role as administrators of grant funds provided by Japan under the Fund for policy and human resources development, proposed a grant of US\$2.5 million to the MML. The grant was intended to enable, through Protransporte, the implementation of a project that aims to integrate inclusive design and universal mobility for persons with disabilities in Lima. These grant funds come from a trust fund through which the World Bank receives regular contributions

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<sup>11</sup> <http://www.protransporte.gob.pe/attachments/article/47/resolucion-241-2014.pdf>

from the Japanese government. There<sup>12</sup> were several parties involved in the application for an intervention improving accessibility. Those with a more active involvement were the civil society groups (especially persons with disabilities). On the other hand, Protransporte itself also took some initiative given that the Metropolitano project envisioned accessibility for all from the start. Lastly, the municipality (which was already making improvements) also had some influence, as did the World Bank.

The general project development objective is to improve the mainstream accessibility and disability-friendly quality of Metropolitano stations, particularly the conditions in urban areas where the stations of the COSAC 1's corridor are located.

The implementation of the project will be completed in June of 2015. This provides for a technical and social assessment, to serve as an analytic basis for selecting access roads to one or more stations on the COSAC 1 route that could be modified to enhance the security and remove barriers affecting persons with disabilities. This intervention would be a Pilot Project and would involve an urban design pre-draft, including its main technical characteristics and a cost estimate for its implementation.

The specific project components are:

- Conducting an assessment of the limitations on inclusive mobility conditions and the constraints persons with disabilities experience in Lima's metropolitan area. Its budget is US\$228,000.
- Development of mechanisms and tools that support more inclusive mobility in Lima generally and in terms of access to transit more specifically. Its budget is US\$96,800.
- Identification and design of a high priority model pilot project for inclusive design in urban transport including technical, safeguards and consultations. Its budget is US\$110,000.
- Implementation of a pilot project. Its budget is US\$1.9 million.

On December 10, 2012, the Project Launch Workshop took place with an event celebrated at the Hotel Sheraton in Lima, with the participation of approximately 200 guests. During this presentation, a panel of experts was introduced who would oversee, together with Protransporte's Technical Team, the project through its different stages. As a next step in the process, an international contest was held to design a study entitled "Development of the Diagnosis: Study of the Proposal for Analysis and Re-Design to Enhance the Metropolitano's Accessibility Conditions for Persons with Disabilities." UTE Aceplan and Rovira-Beteta Accesibilidad won the competition. The consultancy's service contract was signed on April 21, 2014.

This study was carried out with the representation of persons with disabilities. Through focus groups, interviews, group exercises and a participatory workshop, among others, several accessibility problems were identified and recommendations were made. However, the pilot has not yet been implemented. According to the project's Operations Manual that was approved by Protransporte<sup>13</sup>, the annual Institutional Operating Plan of this institution must detail all activities to be undertaken and all resources needed for its implementation. There must be details about the business plan for the year and a definition of the physical

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<sup>12</sup> According to an interview with Protransporte's General Manager, Italo Fernández.

<sup>13</sup> <http://www.protransporte.gob.pe/attachments/article/11/resolucion-234-APROBACION-POI-2015.pdf>

indicator to measure the project's progress. However, the Institutional Operational Plan makes no reference to activities related to this project.

The pilot was supposed to demonstrate the impact of accessible infrastructure, not only for persons with disabilities but for the community at large; the mechanisms through which the community of disabled people can contribute to the planning, implementation and evaluation of the urban infrastructure to support the development of cost-effective, fully accessible infrastructure; create a model designed to access the roads and infrastructure in selected areas, and demonstrate the impact of a network accessible to the Metropolitano stations.

It is important to note that, as part of the diagnostic studies, five stations were identified as priorities<sup>14</sup>. A pilot project was also recommended: the Plaza Dos de Mayo. The renovation of this station was supposed to expand the pedestrian space by broadening the sidewalks around the plaza and improving walkability within the area of the circle, among others. The area has intense traffic of persons with disabilities because of the proximity of several hospitals, like Arzobispo Loayza and San Bartolomé, clinics, offices and clinical laboratories.

However, not a single measure has been undertaken so far, even though the implementation of the project was supposed to be completed by June 2015.<sup>15</sup>

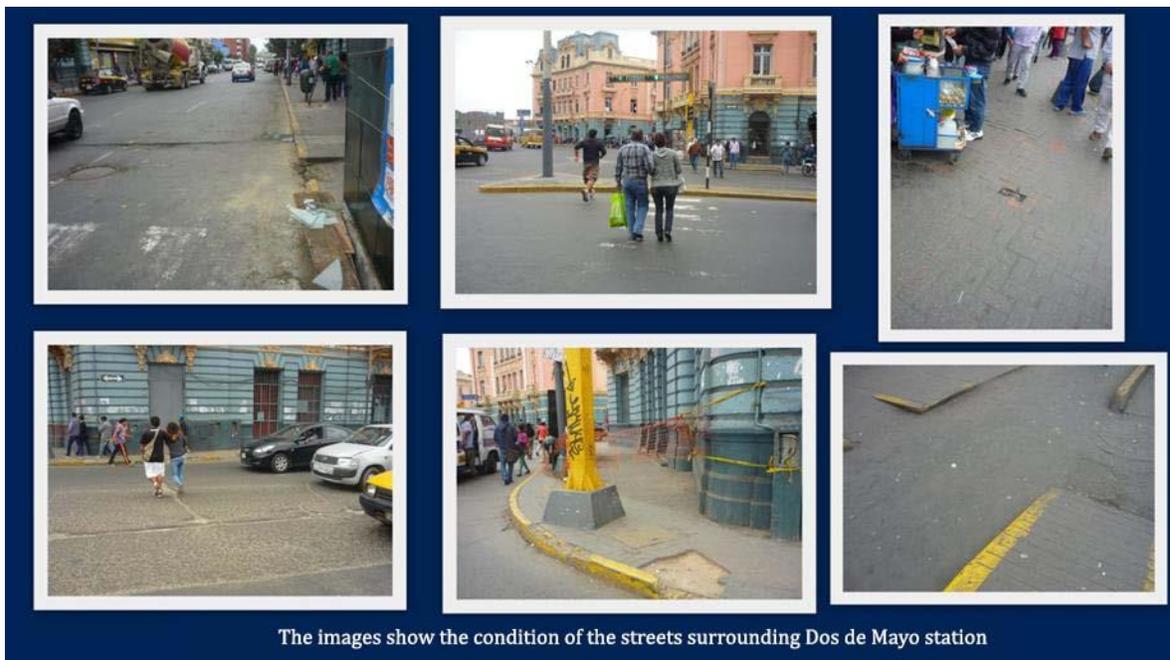


Photo 1

<sup>14</sup> The five assessed COSAC 1 stations were: Naranjal, Central, Canaval y Moreyra, Tomás Valle and Quilca-2 de Mayo.

<sup>15</sup> Photo 1 (taken in June 2015)

### **3. The obligation of the Peruvian State regarding accessible public transportation**

#### **International regulatory framework**

The Convention on the Rights of Persons with Disabilities (CRPD), ratified by Peru, recognizes accessibility as one of its general principles in Article 3. CRPD's Article 9 lists the appropriate measures States shall take to ensure that persons with disabilities have access to the physical environment, to transportation, and to information and communications. Some of the measures identified in the Convention include: promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities; ensure that private entities take into account all aspects of accessibility; provide training on accessibility issues; and provide forms of live assistance and intermediaries.

It is important to note that the CRPD recognizes accessibility as a principle that other rights depend on. In other words, accessibility would not be the right itself but the instrument for its enjoyment. According to the Committee on the Rights of Persons with Disabilities, accessibility should also be considered as an investment in the future of society and as an integral part of the sustainable development agenda.

In 2012, the United Nations Committee on the Rights of Persons with Disabilities, the body of independent experts that monitors the CRPD's implementation, highlighted the lack of information about the failure to comply with the state requirement that all persons with disabilities have access to public facilities. It also called attention to the lack of information about private entities' compliance with accessibility standards. In this regard, the Committee urged the Peruvian State to streamline plans and programs so persons with disabilities can access facilities, communication technologies and public transportation in urban and rural areas. It should also make sure private entities take into account accessibility for persons with disabilities.

Meanwhile, Article 18 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "San Salvador Protocol", which Peru ratified on May 17, 1995, requires States parties to consider solutions to specific requirements arising from the needs of persons with disabilities as a priority component of their development plans.

Finally, the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, which Peru ratified on July 20, 2001, establishes in its Article III that States parties must adopt the legislative, social, educational, labor-related or any other measures needed to eliminate discrimination against persons with disabilities and promote their full integration into society, including measures to ensure that new buildings, vehicles and facilities constructed or manufactured within their respective territories facilitate transportation, communications and access by persons with disabilities; and actions to eliminate, to the extent possible, architectural, transportation and communication obstacles to facilitate access and use by persons with disabilities.

## **National regulatory framework**

Under Peru's Constitution, the accessibility principle is included in the non-discrimination mandate and articles 2.1 and 2.22 that recognize every person's right to free development and well being, as well as an appropriate environment to live their life.

On December 24, 2012, Peru enacted Act 29973, the General Law of Persons with Disabilities (LGPD), which widely embraced the accessibility principle. First of all, accessibility is considered to be a principle that must guide all policies and programs in different government sectors and levels (Art. 4, f).

Second, the LGPD specifically recognizes the right of persons with disabilities to equal access to a physical environment, public transportation, services, information and communications in the most autonomous and safe way possible (Art. 15). Additionally, the LGPD includes a chapter that details accessibility requirements in an urban environment and buildings (Arts. 16 ad 17), residences (Art.18) and public transportation (Art. 20).

The LGPD Regulation, approved through Supreme Decree N° 002-2014-MIMP and published on April 8, 2014, also includes a chapter on accessibility that expands the law's disability requirements. For example, Article 20 requires public transportation companies to have "(...) accessible units for persons with disabilities and senior citizens" to guarantee the exercise of their right.

Finally, the National Building Regulations (RNE) recognizes universal design as one of its general principles and establishes the minimum requirements for buildings to be accessible by persons with disabilities. Technical Rule A. 120 "Accessibility for Persons with Disabilities and Senior Citizens" specifically regulates the minimum design requirements with which public and private buildings must comply.

#### 4. The Metropolitano's access problems

The World Bank's environmental and social safeguard policies were designed to prevent harm and lessen social and environmental risks associated with World Bank investments. However, as they stand now, the rights of persons with disabilities have not been addressed in these policies. In the case of Lima's Metropolitano, the lack of safeguards has confronted persons with disabilities with a system that does not address their specific needs, causing them harm, as they cannot benefit from a project in which the World Bank invested US\$47.5 million.

Transportation accessibility is an essential component of an inclusive society. Without accessible public transportation, it would be too expensive for a wheelchair user or a person with other physical disabilities to travel to school, work or the few existing rehabilitation services, limiting their participation in society and the exercise of their rights, contributing to alienation from the community. In fact, transportation accessibility improves life for all, but especially for specific groups, including senior citizens, pregnant women or persons with short stature. This requirement derives from the respect for diversity.

This is the reason the UN Convention on the Rights of Persons with Disabilities, which Peru ratified, and the new General Law on Persons with Disabilities, Act 29973, recognize accessibility as a guiding principle and establish a mandate for the State and its various levels of government to ensure transportation accessibility, by introducing accessible public transportation for persons with disabilities.

In Lima, the average commuting time and transportation costs are very high, and due to traffic congestion, a low-income urban worker spends on average between 1.5 and 3 hours to travel back and forth from home to work. Additionally, the quality of the provided services is low; personal safety and security are major concerns, especially among women; and access to buses for persons with limited mobility is scarce at best.

Accessibility to a suitable transportation service involves a series of measures that must respond to the needs of persons with disabilities. For this service to be accessible, it should include access to relevant information, offer physical access to the vehicle, be affordable and meet essential principles such as non-discrimination. The Metropolitano fails to appropriately or fully comply with any of these measures.

Physical accessibility comprises the areas surrounding the stations,<sup>16</sup> posing a serious problem. Pedestrians, including persons with disabilities, must dodge potholes on roads and sidewalks, and circumvent street vendors and concrete manhole covers to access the stations.<sup>17</sup> Additionally, several crosswalks lack ramps for persons with disabilities and, as stated by the National Council for the Integration of Persons With Disabilities (CONADIS), the few available fail to meet design standards. Finally, there is no special signage for the blind or visually impaired and even the guides for the blind at some stations do not meet international accessibility standards.

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<sup>16</sup> Photo 1

<sup>17</sup> Newspaper "El Comercio", May 2010 ([http://elcomercio.pe/lima/sucesos/varias-estaciones-metropolitano-tienen-sus-accesos-mal-estado\\_1-noticia-478876](http://elcomercio.pe/lima/sucesos/varias-estaciones-metropolitano-tienen-sus-accesos-mal-estado_1-noticia-478876))

Information accessibility relates to signage, information placement, and user-friendliness. The Metropolitan's service fails to comply with these requirements, especially harming persons with intellectual disabilities and the visually impaired.

Information about the use of smart access cards that will replace direct payments is not available in a format accessible to the blind or vision impaired (lighting, Braille) or persons with an intellectual disability (information easy to understand). This limits or restricts their full participation in the Metropolitan service because they do not know how this transportation system works and, therefore, cannot use it.

Secondly, external information about the stations explaining where passengers can get on or off the bus, showing the stops in the city that form the so-called "trunk" route, is not accessible either to the blind and visually impaired (lighting, Braille, audio) or persons with an intellectual disability (information easy to understand).

Thirdly, information inside the buses about the stations covered by the line is not accessible to the blind or visually impaired (lighting, audio) or persons with an intellectual disability, given that the information is displayed as a map and/or a sign with an established sequence in the stops the bus will make that are not accessible to everybody. The information about the direction the bus is traveling and the names of its stops also fails to be inclusive for all.

Support staff at the stations are not present during the full service schedule. This demonstrates the importance of making the information very clear and accessible to persons with any type of disability.

Another aspect to highlight is that the Metropolitan lacks an emergency protocol for persons with disabilities. This implies that in case of an accident or natural disaster, persons with disabilities will not be protected and are at risk of being unable to exit the vehicle or getting seriously hurt while trying.

Physical accessibility inside the vehicle comprises ease entering and exiting the buses, appropriate space and security inside the bus and ease of movement at the stations. The Metropolitan does not appropriately meet any of these standards. First, there are no specific spaces to rest while waiting for the bus, which strongly affects persons with disabilities.

Secondly, feeder buses are not fully accessible to persons using wheelchairs because some lack ramps. Help from a third party is necessary to access the articulated buses because the chair needs to be carried due to the wide space between the station platform and the vehicle's floor.<sup>18</sup> The Metropolitan's system has more than 300 articulated buses and 168 feeder buses. Only 24 of the feeder buses are accessible<sup>19</sup>, meaning they have space, safety belts and ramps for wheel chairs.<sup>20</sup> Only 10 percent of the feeder buses are

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<sup>18</sup> Photo 2

<sup>19</sup> Photo 3

<sup>20</sup> Report Municipality of Lima for Idehpucp. Memorandum N. 312-2014-MML-IMPL/GOP. April 28, 2014.

accessible (meaning they have a ramp the driver must place so the wheelchair user can get on) but none of them have the necessary safety measures, which has already seriously harmed several wheelchair users.<sup>21</sup>

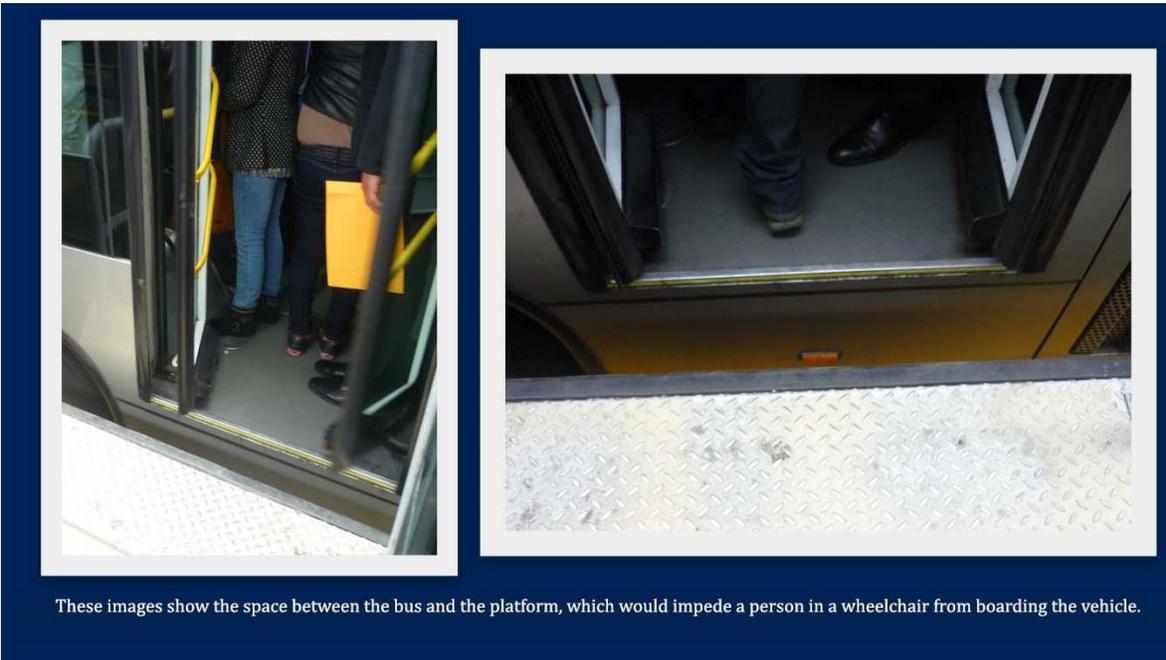


Photo 2

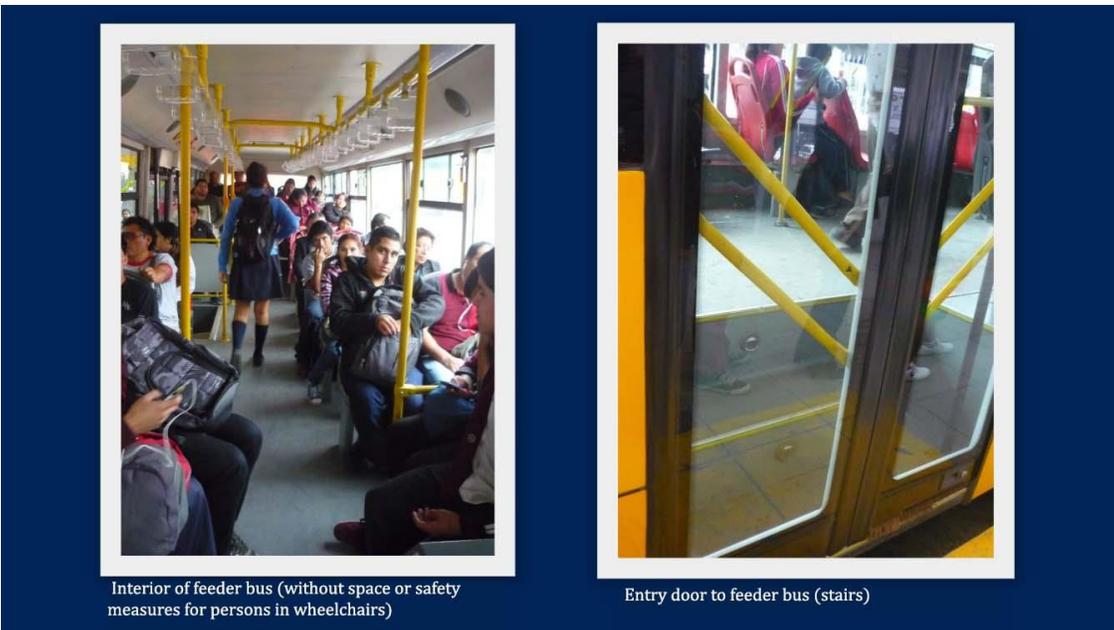


Photo 3

<sup>21</sup> PROTRANSPORTE's website changed its information on February 3, 2014, after a wheelchair user tipped over inside a feeder bus. Before, it stated that all buses were accessible. Currently it specifies that only 10% are fully accessible.

Thirdly, there is little signage to mark reserved spaces, and little awareness. Therefore, few third parties respect these spaces. Furthermore, there is no supervision to ensure people respect these reserved spaces. They are not accessible or safe for any type of disability (non-universal design), putting their health and lives at risk.

Although buses have grippers at an accessible height, which are usually placed low, their system is flexible, limiting its stability. Finally, there are no units for groups who require special treatment or their companions.

It is important to highlight that the main group affected by the Metropolitano's lack of accessibility are persons with physical disabilities since they do not only face problems at the stations and in the buses (congestion preventing mobility within the stations and access to the bus, the space between the bus and the platform that prevents a wheelchair from getting on, lack of a protocol to help persons with disabilities in case of an emergency, the absence of a mechanism to secure wheelchairs, etc.) but also on the way to the stations, such as sidewalks without ramps.

To solve the problem of affordability, a policy of equal opportunity is necessary in light of the current correlation between disability and poverty. Also, commuting costs for persons with disabilities should take into account the fact that they usually travel accompanied by others. The Metropolitano does not take into account the additional cost persons with disabilities bear in order to travel. Therefore, the Metropolitano does not reduce the economic barriers that limit and restrict access. On the other hand, this consideration responds to the fact that, in most cases, persons with disabilities require the help of another person to assist them while traveling, which doubles transportation costs.

The Metropolitano's inaccessibility directly impacts persons with disabilities, limiting their access to the only transport system that is public and safe, and has a modern infrastructure in the city. As a result, many users must continue driving their own cars or take taxis, which are quite expensive, making them inaccessible to most persons with disabilities.

As shown, before the implementation and execution of a project it is necessary to have an Accessibility and Inclusion Plan that identifies potential negative impacts and risks on persons with disabilities, taking into account the different obstacles that exist for each type of disability; so that at the stage of the operation, all problems have been solved and all needs have been covered, so nobody is left behind. The plan should detail the specific activities to avoid or minimize the damages to the group.

## 5. Cases that demonstrate how the Metropolitano causes harm to persons with disabilities

### *Persons with disabilities reported discrimination in the Metropolitano*<sup>22</sup>

Persons with disabilities protested against the Metropolitano's service by blocking the Lecaros bus stop, in Puente Piedra, because drivers were not allowing them to access feeder buses.

### *A disabled woman has an accident on the Metropolitano*<sup>23</sup>

Milagros Ruiz, a woman with a disability, had an accident in one of the Metropolitano buses due to its lack of accessibility: it had no ramps or safety belts for wheelchairs. After this incident, she was mistreated by a Metropolitano official who called her "ignorant" because she asked for an explanation to this lack of accessibility.

After this complaint, Mariano Farías, the Metropolitano's head of security, admitted only two feeder buses on the Puente Piedra route have ramps for persons with disabilities.

Milagros Ruiz said<sup>24</sup> the system is inaccessible and that buses do not have ramps or safe spaces for wheelchair users. Furthermore, the drivers do not treat them appropriately. She said that the second time she tried to access the Metropolitano transport service (feeder bus) she had an accident due to the lack of adequate security measures for wheelchair users in the buses.

Apparently Ruiz tried to travel using this transport system after reading on the website that the buses included all safety measures, but this turned out to be false.

### *Persons with disabilities demand more inclusive buses in the Metropolitano*<sup>25</sup>

The collective of persons with a physical disability facing daily challenges to navigate the Metropolitano transport service demand a greater amount of accessible feeder buses that meet the needs of this sector of the population.

Yesenia Vento is a good example. She has a 13-year-old daughter who is a wheelchair-user. Sometimes she has to wait at the bus stop for more than an hour because there are very few inclusive feeder buses. Vento explained that only a few units are equipped with an elevator to allow wheelchairs on. Buses (approximately 90%) that do not have this elevator are not allowed to transport persons in a wheelchair.

### *Metropolitano: driver hurts seeing eye dog when preventing it from getting on the bus*<sup>26</sup>

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<sup>22</sup> Online newspaper El Comercio. April 9, 2014. Lima: <http://elcomercio.pe/lima/ciudad/discapitados-denuncian-discriminacion-metropolitano-noticia-1721736> (accessed 21-05-2015)

<sup>23</sup> Online newspaper Trome. January 20, 2104. Lima: <http://trome.pe/actualidad/metropolitano-mujer-discapacidad-denuncio-maltratos-1685970> (accessed 21-05-2015)

<sup>24</sup> Interview with Milagros Ruiz

<sup>25</sup> [http://www.rpp.com.pe/2013-10-29-discapitados-piden-mas-buses-inclusivos-del-metropolitano-noticia\\_643494.html](http://www.rpp.com.pe/2013-10-29-discapitados-piden-mas-buses-inclusivos-del-metropolitano-noticia_643494.html)

<sup>26</sup> [http://www.rpp.com.pe/2014-10-09-metropolitano-chofer-hirio-a-perro-guia-al-impedir-que-suba-a-bus-noticia\\_732230.html](http://www.rpp.com.pe/2014-10-09-metropolitano-chofer-hirio-a-perro-guia-al-impedir-que-suba-a-bus-noticia_732230.html)

A man sued Protransporte for not properly training its staff and for beating his seeing eye dog when he tried to get on the bus. Under Peruvian legislation, seeing eye dogs are allowed to access any public place with a person who is visually impaired.

Marco Segura, whose life has been affected by this unfortunate negligence by having to give up his dog, said that this was not the first time he had a dispute with Metropolitano drivers. In one occasion, he said, he was almost beaten by a bus driver but that the intervention of a passenger prevented it from happening.

*Persons with disabilities ask for crossroads and traffic lights in Chorrillos*<sup>27</sup>

Patients with disabilities from the National Rehabilitation Institute of Peru experience great difficulties in getting to the hospital because it is far from any close public transportation stops. Fernando Urcia, the director of the Institute, met with Protransporte and the Municipality of Chorrillos to point out these obstacles.

*Protransporte's report on the accessibility on the Metropolitano buses is not accurate*<sup>28</sup>

After receiving a request about the accessibility on buses, Protransporte said that all articulated buses were accessible to wheelchair users. However, in reality these buses are not fully accessible, because the space between the vehicle's floor and the platform prevents many wheelchairs from getting on.

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<sup>27</sup>Online newspaper Virtual RPP. October 31, 2013. Lima: [http://www.rpp.com.pe/2013-10-31-discapacitados-piden-paso-peatonal-y-semaforos-en-chorrillos-noticia\\_644135.html](http://www.rpp.com.pe/2013-10-31-discapacitados-piden-paso-peatonal-y-semaforos-en-chorrillos-noticia_644135.html) (accessed 21-05-2015)

<sup>28</sup>Protransporte's response to the bus accessibility request. April 28, 2014, Lima: <http://idehpucp.pucp.edu.pe/wp-content/uploads/2014/05/protransporte.pdf> (accessed 21-05-2015)

## **6. Persons with disabilities warned about the Metropolitano's problems but were not taken into account**

During the planning stage of the Lima Urban Transport Project - Metropolitano, persons with disabilities and the various organizations representing them advocated for the Metropolitano's accessibility.

Initially, the Metropolitano was introduced to the population as a transit system that would be accessible to all. Between 2000 and 2002, during Alberto Andrade's municipal administration, the Metropolitan Municipality of Lima presented a model of the proposed Metropolitano, so people could get to know it and give their feedback on the project. A discussion then followed about features that needed to be modified for the project to be truly accessible. The National Council for the Integration of Persons with Disabilities (CONADIS), together with several disability rights organizations, advocated against the proposal.

A new meeting was called under the new municipal administration at the Library of San Isidro. During this meeting, chaired by then President of CONADIS, Guillermo Vega, the Metropolitano project was described as accessible. However, the new mayor, Luis Castañeda, did not comply with the accessible design project its own management team presented. Castañeda also did not respect the agreements with the previous administration to include CONADIS' input.

In 2002, the World Bank organized an event in Washington, D.C., for the International Day of Persons with Disabilities. During this event, several disability matters were discussed and disability rights activists urged the World Bank to include compliance with accessibility standards as a precondition to the approval of any development projects the Bank funds. Participants also advocated for the Metropolitano's accessibility because persons with disabilities in Lima depend on it to gain access to public transportation for the first time.

In addition, during the project's implementation stage, several persons with disabilities and associations held meetings with Protransporte to address accessibility. This demonstrates that concerned stakeholders warned about the project's lack of accessibility and advocated to make the necessary changes.

On the other hand, several World Bank documents related to the project (the Project Information Document, the Integrated Safeguards Data Sheet and the Project Appraisal Document) state that all physical works will be based on 'inclusive design' principles that take into account the specific needs and obstacles limiting access of vulnerable groups, including persons with disabilities, to the public transportation system.

Finally, there are two reports Tom Rickert developed for the World Bank which directly address specific problems that have prevented many mass transport systems from reaching its full potential to serve all passenger categories. These documents, "Bus Rapid Transit Accessibility Guidelines"<sup>29</sup> and "Technical and operational challenges to inclusive Bus Rapid Transit: A guide for practitioners"<sup>30</sup> were compiled in 2006 and 2010, respectively. When the first report was written, the Metropolitano was still a work in

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<sup>29</sup> <http://siteresources.worldbank.org/DISABILITY/Resources/280658-1172672474385/BusRapidEngRickert.pdf>

<sup>30</sup> [http://www.lausina.org/datosdeinteres/articulos/doc/BRT\\_Espanol%20.pdf](http://www.lausina.org/datosdeinteres/articulos/doc/BRT_Espanol%20.pdf)

progress. Both documents contain very detailed guidelines and requirements on what a mass transport system should have in order to be fully accessible to persons with disabilities. As a matter of fact, many of these guidelines are consistent with Peru's current system's shortcomings and failures. This demonstrates that despite having its own resources to guarantee the Metropolitano's accessibility, the World Bank allowed the project to be implemented without complying with the 'inclusive design' requirements. This has deeply affected the community of persons with disabilities.

In the previous stage to the Mainstreaming Inclusive Design and Universal Mobility in Lima Project, several disability rights organizations complained to the MML about the Metropolitano's lack of accessibility. For example, José Antonio Isola met directly with the mayor Susana Villarán to ask her to find a solution to this problem in the service.

All these complaints made by organizations, as well as persons with disabilities, politicians and transport and accessibility experts urged the MML to improve the Metropolitano's accessibility, a project in which the World Bank has invested an additional US\$2.5 million.

## 7. Lessons and recommendations

- The World Bank must ensure systematic, cross-cutting integration of disability throughout all safeguard policies, ensuring that persons with disabilities are not left out or harmed by ongoing development projects. As seen in this case, it is not enough for countries to have relevant legislation on the subject, but they must also take action to monitor and enforce standards and guidelines throughout the full implementation process.
- The World Bank's new social and environmental standards should include a comprehensive and clear definition of what "inclusion" and "accessibility" mean. In this regard, the concept of accessibility should:
  - Ensure that disadvantaged and vulnerable people are given the same opportunity as any other member of the community to develop personal bonds and identities, which evolve through participation in shared experiences and engagement with groups, neighborhoods and communities.
  - Take into account that for persons with disabilities, accessibility is more than a function of universal design. Measures needed to promote independence through full participation on an equal basis with others must be present in all aspects of life with access to the built environment, infrastructure, transportation, information and communications, as well as other facilities and public services.
  - Understand that the relationship between social and environmental accessibility and inclusion of all people ensures resilience and longevity of the community.
- The World Bank should make an Accessibility and Inclusion Plan (as a result of a Social Assessment identifying potential negative impacts and risks) based on specific measures (which is part of the safeguards compliance). The plan must contain concrete activities to avoid or minimize damages to the community of people with disabilities. To do this, it is necessary:
  - To identify, assess and document all the risks and impacts that current and future projects can have on persons with disabilities;
  - To consider a mitigation strategy to correct or compensate for environmental or social barriers for people with disabilities created or aggravated by previous projects;
  - The Borrower's and/or trading partners ability in terms of experience and knowledge on disability issues;
  - A disability approach for the implementation of the funds; and
  - An accessible and inclusive process of participation.
- United Nations Convention on the Rights of Persons with Disabilities (CRPD) must be a model for World Bank safeguard language on disability. This concern is especially relevant because most people in the world live in countries that have already ratified the CRPD, representing a model for policy development in accessibility. The Convention provides these countries with a framework so that national and local policies can address inclusive design, allowing all citizens to exercise their right to mobility.

- Persons with disabilities must be included in the safeguard review consultation process and considered when designing and implementing projects. These actions must also take into account the voices and suggestions of persons with disabilities. In this case, a lot of harm to this group could have been avoided if that had been done, as well as a second World Bank investment and many expenditures by the MML (which has been forced to invest in the stations' accessibility).
- The World Bank must expand its interest in disability beyond issues of social protection and security. For example, in this case study, the corridors of the main lines should adapt the accessibility measures that will help these groups to benefit from the universal design.
- It must adopt binding disability rights standards to monitor borrowing countries' compliance. The binding aspect of these standards is very important because in the Metropolitan case, the World Bank worked with two very complete documents about accessibility guidelines. However its "guiding" and "non binding" character led to many of the faults of the project that were foreseen in those documents.
- When there are multiple donors, it must use a common approach based on the strongest binding standards. This case exemplifies such a situation with the WB and IDB financing a large project. There is a risk that standards in use are based on the lowest common denominator.
- The World Bank must set up clear internal standards for monitoring safeguard-affected projects to ensure the essential and systematic integration of disability.
- It must monitor implementation of the safeguards to ensure compliance on disability.
- Disability must be included as a key indicator in any environmental and social impact assessment.

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