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Dear Stephanie,

Accessible Travel Policy Guidance – accessibility of rail replacement services : a consultation.

Thank you for the opportunity to comment on your recent consultation. This letter is a joint response from London TravelWatch and Transport Focus, as the consumer watchdogs representing the interests of passengers on the railway network.

Accessibility is a matter of great concern to passengers. Our research has shown that even for passengers without a specific mobility impairment improving accessibility is something that they consider the rail industry must do. It is therefore regrettable in our view that the rail industry has not made the progress in this area that its' passengers and funders expect of it. The continued need for exemptions from accessibility regulations is regrettable, and in our view, now requires a clear path to show how compliance will be achieved.

We have answered your consultation questions as below:-

Question 1

Can you provide any data or information beyond what is set out here on the availability and use of accessible buses and coaches for rail replacement services?

No

Question 2

How can rail operators prioritise the available accessible coaches to maximise the opportunities for passengers to make journeys on PSVAR-compliant vehicles?

Minimising the requirement for PSVAR compliant vehicles:

In the first instance train operators and Network Rail should prioritise enabling passengers to complete their journeys by rail instead of by road vehicles. This should be a central part of any

plans to enable passengers to travel during planned disruption for engineering work. This is borne out by research amongst passengers¹. However, at times co-operation between train operators has not been as close or as helpful to passengers as it could have been e.g. over ticket acceptance or changes in stopping patterns. It should be standard practice that train operators should co-operate with one another to get the best outcome for passengers.

Passengers also expect train operators to come to arrangements with bus and coach operators that provide local bus or express coach services on routes that enable the rail passenger to complete their intended journey. In London, TfL routinely enhances existing bus routes where closures of TfL Rail, London Overground, DLR, London Underground and London Tramlink services are affected by closures. Where demand is likely to be low rail passengers are accommodated without the need to provide additional capacity.

For both these requirements the train operators should be required to demonstrate to the ORR that they have made efforts to use these methods of alternative travel before, and as part of any process to procure replacement bus and coach services, with reporting on levels of compliance as part of any licence condition..

Where PSVAR vehicles are required then a number of tests should be applied to determine the types of vehicles needed for the proposed service.

The tests should cover:-

- Suitability for the roads to be used e.g. narrowness or speed
- Suitability of the station infrastructure – i.e. provision of PSVAR-compatible bus and coach stops, as some stations do not have these.
- Maximum speed of the vehicle
- The internal layout of the vehicle and the location of luggage facilities
- The duration of the journey that passengers would experience.

As a worked example of this, a short journey of five miles on urban roads with a speed limit of 30mph could be operated with a standard low floor bus, with luggage accommodated on seats or other passenger areas. In contrast, for a journey of 15 miles, using high speed roads (70mph limit), a coach type vehicle with separate luggage compartments should be used to minimise a) the journey time; b) in the event of a road traffic collision to reduce the likelihood of injuries from unrestrained luggage on passengers. In either case if a PSVAR compliant bus or coach is not available, then a taxi, private hire or community transport vehicle should be provided concurrently and in a timely manner with the bus or coach to enable passengers with reduced mobility to complete their journeys.

All of the above measures would ensure that available PSVAR resources are deployed at their maximum efficiency for passengers.

Another means of measuring success would be to measure delay to passengers requiring an accessible vehicle, and to allow these passengers to claim under the Delay Repay arrangements for each train operator where there was a delay to a passenger's journey. This

¹ Rail passengers' experiences and priorities during engineering works. Transport Focus. 2017

would be measurable by the number of such incidents, accompanied by an explanation for the delay and should apply also where a concessionary fare is being used, but with recompense also to the user.

Question 3

- (a). Where you have experience of using rail replacement buses or coaches or taxis, what are your views on the importance and suitability of these services?**
- (b). If you have a disability, please explain whether, and how, the service was appropriate for your needs.**
- (c). Do you have a preference for the type of replacement service you receive? If so, please explain why.**

Rail replacement services are essential to allow a) the proper maintenance and enhancement of the railway and b) passengers who rely on the railway and who have no other means of travel, to complete their journeys. This includes people with reduced mobility.

Below are some notes by the London TravelWatch Deputy Chair, Alan Benson² who uses a wheelchair on his experiences.:-

'For Rail Replacement Bus Services (RRBS) there are short distance services run using buses and longer distance coach services. There is no shortage of accessible buses so there is no reason these services shouldn't be accessible immediately.

A number of coach companies have invested to meet the PSVAR regulations. To allow exceptions will effectively penalise these companies.

School coach services have been given 2 years to be 50% compliant and 4 years to be 100%. Industry seems to think 100% compliant in 2 years is reasonable. Stepped goals make sense for longer deadlines. I would like to see financial penalties for failure (this is law after all) but I accept this may be hard/unpalatable.

There is anecdotal evidence that accessible coaches are being unused for RRBS in preference to cheaper non-compliant coaches. Train operators do not seem to be trying hard enough to source compliant vehicles. Any plan should involve regular quarterly returns by train operators detailing compliant/non-compliant services and reasons for non-compliance. I am told this data is not currently collected.

The legislation is rooted in principles of inclusivity, that everyone be treated the same and have the same access. The current approach of taxis on demand is not consistent with this and does not work anyway. There are excessive waits and a lack of accessible taxis in large parts of the country. Train operators frequently don't contract with local (i.e. taxi rank) companies'.

Question 4

Can you provide any additional data on the number of disabled passengers, and passengers overall, using rail replacement services?

No

Question 5

² Also chair of Transport for All.

We are particularly interested to understand more - including through provision of relevant data - regarding the potential impact on Network Rail possessions identified by some train operators. What further information is available to support this point?

N/A

Question 6

Do you have any views on our proposal not to duplicate the enforcement of PSVAR by mandating compliance with PSVAR in the ATP Guidance?

We are mindful that DfT and DVSA also have a role in PSVAR compliance alongside ORR. We note that the DfT has just granted a further 12-week extension to the use of non-compliant rail replacement vehicles, subject to the industry meeting a series of conditions.

Given the multi-agency element to this issue it is important that there is a joined-up approach to regulation and enforcement between DfT, DVSA and ORR. There should not be a situation whereby compliance with one body represents a breach with another – this so called ‘double-jeopardy’ position would simply add to the confusion and further hinder efforts towards full compliance.

ORR’s decision not to duplicate the enforcement of PSVAR will help to prevent such a situation. However, passengers must also be given clear guidance on their rights and expectations through the Accessible Transport Policies, showing the route for asserting these and appropriate restitution in the event of failure.

Question 7

How can train operators use contractual arrangements to incentivise suppliers to increase the provision of PSVAR-compliant vehicles?

The key to increase supply of PSVAR compliant vehicles is to a) specify their use in contracts and b) to pay a premium for the use of such vehicles as against the use of non-compliant vehicles. This should be backed up by spot checks to ensure compliance.

Question 8

Do you have a view on the 12-week time limit we have proposed for a train operator to demonstrate that it has taken appropriate steps to assess the requirement for, and to procure the use of, PSVAR-compliant vehicles?

This seems reasonable. Timetables should be publicly available 12-weeks in advance and show planned engineering works and the use of bus replacement services. The earlier that timetable information and bus replacement information can be made available the better it will be for people planning journeys. Standardising timescales for compliance and timetabling will help journey planning.

Question 9

What do you see as the advantages and/or disadvantages of each of the proposals? Do you have a preferred ranking or view as to whether some or all could be used in combination?

All of the proposals (1 to 5) seem to be a common sense approach that passengers would expect operators to be doing as a matter of ordinary business

Question 10

Are there any other measures that you consider would assist in incentivising the use of PSVAR-compliant vehicles for rail replacement services that we have not included here?

As noted above the tendering regime for vehicle contracts should incentivise the provision of compliant vehicles through the price mechanism. Similarly, operators should be required to report back on a regular basis to the ORR for enforcement purposes on the use of rail replacement vehicles and the reasons for any deviation by the use of non-compliant vehicles.

Question 11

Do you have any additional information not given above which you consider we should take into account in our equality and regulatory impact assessment, whether in relation to impacts on those with the protected characteristic of disability or any other protected characteristic?

There should be a means of recording the impact of non-compliance on people with protected characteristics.

Waiting times at stations for alternative accessible transport should be monitored. Passengers unable to travel on replacement services should not face extended waiting times.

Question 12

Do you have further data, information or comments relevant to our proposed approach or to the information or evidence of the impact of our proposals on passengers or rail, bus and coach industries outlined in this consultation document?

It would be useful to collect anonymised data on the use of services by people with protected characteristics, where and when they travel in order to help inform future investment decisions on station upgrades and rolling stock design / allocation.

Yours sincerely

Tim Bellenger

Director, Policy and Investigation

