

14 February 2020

Dear Stephanie

## **Accessible Travel Policy Guidance - accessibility of rail replacement services: a consultation**

Thank you for the opportunity to comment on this matter. This is the response of the Confederation of Passenger Transport (CPT). CPT is the national trade association for the bus and coach sector in the UK and represents around 1000 bus and coach operators and suppliers to the industry.

### **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?

We have previously provided data to the ORR and cannot provide anything further on this point at this time.

### **Question 2**

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

The proposals for amending ATP guidance contain some pragmatic approaches to do this, specifically proposals 2, 3 and 5. It is noted that whilst PSVAR aims to address a range of accessibility issues apart from the use of a wheelchair, a fleet of PSVAR accessible coaches providing the same capacity as a longer distance train will generally have significantly more wheelchair spaces than the equivalent train.

### **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

We feel that this question is more appropriate for other stakeholders

### **Question 4**

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

Anecdotal evidence from members is that numbers are extremely low but we cannot provide any data.

**Question 5**

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?

We are not in a position to provide further information on this point.

**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 agree with this proposal. It is acknowledged in para 23 of the consultation document that mandating compliance with PSVAR in the ATP Guidance would be likely to lead to a substantial reduction and possibly even cessation of rail replacement services in some cases. Legislation currently allows for special authorisations to be granted in certain circumstances. Duplicating the requirements in the ATP Guidance could therefore conflict with that legislation and result in passengers becoming stranded.

**Question 7**

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

Rail replacement is an important part of many of our coach operating members' business. However, in most cases, it does not underpin the business. A contractual commitment could help to justify the significant investment in PSVAR compliance that may be required. Realistically this would need to guarantee a certain amount of work at a price level above traditional rates.

**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?

Train operators will be better placed to answer this but for a coach operator, the availability of PSVAR compliant vehicles 12 weeks ahead will vary according to seasonal factors. At certain times of the year, the fleet may already be fully committed at this stage. In some cases, vehicles may be available at weekends but operators may not have any driver availability due to weekday commitments and drivers' hours rules.

**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?

We believe that the proposals are on the whole pragmatic and could be used in combination. We should reiterate our previous comment that rail replacement is an important part of many of our coach operating members' business but does not generally underpin the business. A requirement for PSVAR compliance in tenders and contracts would generally need to be accompanied by a commitment to a minimum level of work and price in order to justify the investment that would be needed by the coach operator; longer term commitments would clearly be preferable.

**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?

We have nothing further to add to our comments above.

**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?

The consultation document makes reference to the fact that a disabled passenger may prefer to use a taxi and also highlights the importance of train operators retaining the flexibility to respond to the needs and choices of passengers. However, it is worth noting that an accessible taxi alternative will often provide a door to door service for disabled passengers and full PSVAR compliant provision would likely result in the loss of this level of service.

**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?

The consultation document acknowledges that station infrastructure is often unable to accommodate PSVAR compliant buses and coaches. A requirement for all rail replacement coaches to be PSVAR compliant needs to be considered in this context. There will usually need to be a hard flat surface up to three metres wide adjacent to a coach to enable a wheelchair lift to be deployed and a wheelchair user to use the lift.