

To:

Mr Chris Heaton-Harris MP
Minister of State
Department for Transport

31 March 2021

Dear Minister,

Public Service Vehicles Accessibility Regulations 2000 (PSVAR) and its application to Rail Replacement Services (RRS) – Progress Report February 2021

Please find enclosed the third progress report detailing the use of PSVAR vehicles during the period of November 2020 – January 2021. We committed to continuing to provide these updates following your correspondence of 11 December 2020, granting a time-limited special authorisation to coach and bus operators who provide RRS, pursuant to s.178 of the Equality Act 2010 from 1 January this year to 30 September 2021.

PSVAR compliance during this latest period remains high despite the typically scarce supply of PSVAR compliant vehicles (specifically coaches) available to Train Operating Companies (TOCs) for the provision of rail replacement. The enclosed report should be reviewed within the pandemic context. Compliance remains artificially inflated due to suppressed demand across the other markets with which rail usually competes for supply, such as tours and holidays leading to greater availability of compliant coaches. Rail industry passenger volumes also continue to be significantly lower than was the case pre pandemic as lockdown restrictions continue.

While TOCs continue to adopt all reasonable measures to secure PSVAR compliant vehicles as evidenced in the attached report, the soon to be eased lockdown restrictions are likely to impact on compliance levels as home to school, domestic tours, and holidays return in significant volumes. Increased demand from other markets for compliant vehicles, coupled with reducing fleets or businesses folding due to COVID, will likely stretch the number of PSVAR compliant coaches available for rail replacement.

Despite current and pending challenges, the rail industry continues to demonstrate how seriously it takes this issue through the delivery of commitments that were established prior to the ORR's Accessible Travel Policy obligations on rail replacement and that go beyond PSVAR. As set out in the attached report, TOCs continue to refine and provide detail about rail replacement provision on the National Rail Enquiries website, up-to-date journey planner information about vehicle type, as well as the rollout of staff training material to improve the experience of disabled passengers when travelling.

We understand from our discussions to date and from your letters, that you are frustrated that this remains an issue but welcome the recognition that this is not something the rail industry

can rectify alone. The need for further short-term special authorisations is something that the rail industry desperately wants to avoid; however, we are not aware that DfT and DPTAC engagement with wider stakeholders has begun to find a long-term and permanent solution to PSVAR compliance.

When RDG published a 'Pathway to Regulatory Compliance' report in early 2020, we drew upon expertise within the coach industry and disabled people and their representative organisations, concluding that compliance could be achieved by linking rail replacement compliance with larger markets - such as Home to School (H2S) - and by creating a hard deadline for compliance – such as four years for planned disruption. We therefore welcomed DPTAC's recently published position on PSVAR, which is broadly aligned with RDG's publication, whilst also noting the need to review PSVAR to ensure it better meets the needs of disabled passengers – a concern raised by industry in its 'Pathway to Regulatory Compliance' report.

The rail industry submitted its proposals for compliance after the first special authorisation and are now three months into the fourth. We are keen to push ahead now, collectively and in partnership with DfT, DPTAC, ORR and the coach industry, to avoid a situation whereby little or no progress has been made by September. RDG and its members stand ready to play their role in further tackling this issue, but we are currently in stasis and await further indications from the DfT or DPTAC around next steps. It would also be helpful to understand how the commitment to review PSVAR by 2023 in the National Bus Strategy interacts with this specific work.

It remains our belief that without fiscal or legislative intervention, the latter of which is also recommended by DPTAC, total compliance remains ambitious for the coach industry in the short to medium-term, particularly in the context of the pandemic. We would welcome urgent clarity around the next steps the Government is planning on taking to avoid the need for further short-term special authorisations, and towards a permanent and collective solution on the question of PSVAR compliance for the benefit of disabled passengers.

As ever, should you or your officials have any queries on this matter or relating to the data enclosed, please do not hesitate to let me know.

Yours sincerely,



Andy Bagnall
Director General