

John Larkinson
Chief Executive



Andrew Haines OBE
CEO Network Rail

Paul Plummer
CEO Rail Delivery Group

[by e-mail only]

16 September 2020

Dear Andrew and Paul

Improving the accessibility of rail replacement services during disruption

ORR's vision is of an accessible rail network, where passengers are able to request and receive any assistance they may need with dignity and confidence. I know the rail industry shares this vision and is committed to improving accessibility to the network for all passengers.

Today ORR has published new and updated Accessible Travel Policy (ATP) Guidance¹ (the Guidance) requirements for train operators that run rail replacement services during disruption.

The purpose of this letter is to highlight:

1. the changes we have made to the Guidance and our next steps; and
2. responses to our rail replacement consultation which are more suitable for wider industry consideration.

Revised ATP Guidance

The new and updated requirements ORR published today:

- reflect the legal advice we published in February this year² by setting out in the Guidance that, with limited exceptions, rail replacement bus and coach

¹ <https://www.orr.gov.uk/media/10955>

² https://orr.gov.uk/_data/assets/pdf_file/0003/42483/accessible-travel-policy-rail-replacement-services-final-legal-advice-2020-02-06.pdf

services must comply with the Public Service Vehicle Accessibility Regulations (PSVAR);

- introduce new rules on taking appropriate steps to secure accessible rail replacement services via contract tenders to maximise the use of available accessible vehicles, in particular during planned engineering works;
- ensure passengers know where accessible buses and coaches will be operated, by updating the obligations on operators to proactively provide information to passengers when there is disruption; and
- reinforce our requirement that, where needed, passengers are offered an appropriate alternative arrangement, including alternative accessible transport and requiring that waiting times for accessible taxis during planned disruption are comparable to waiting times for rail replacement buses and coaches.

These ATP requirements aim to maximise use of available accessible vehicles and ensure passengers are aware of the accessible travel options available to them. They are the culmination of a significant amount of work ORR has undertaken with stakeholders: to understand the challenge of providing accessible rail replacement services; and to develop a proportionate approach to improving the experience of disruption for disabled and older passengers and those that require assistance.

They take immediate effect. We have asked train operators to update their ATPs by **30 November 2020**.

PSVAR compliance will continue to be monitored and enforced by DVSA. We have entered into positive discussions with DVSA on a potential Memorandum of Understanding to clarify and strengthen our respective monitoring and compliance activities, and ensure a coherent approach is undertaken in this area.

Assistance reliability safeguarding measures

In addition to the measures outlined above, the new and updated Guidance also offered us the opportunity to set the details of the passenger assistance handover protocol for staff that operators have committed to implementing in their ATPs. Its purpose is to improve the reliability of the assistance operators provide. This follows a successful trial on the Govia Thameslink Railway network of measures to ensure a member of station staff is available to provide alighting assistance before boarding the passenger, and that relevant information critical to the delivery of the assistance is passed reliably from the passenger's boarding station to the alighting station. The protocol has been included in the revised Guidance for implementation at the earliest opportunity.

Additional proposals for industry

We recognise that the shortage of PSVAR-compliant vehicles is a challenge for the rail industry. RDG has already set out its plan “Rail Replacement Vehicles – a pathway to regulatory compliance”. As you will be aware, in his response to the plan, the Rail Minister requested a more ambitious approach to improving the accessibility of rail replacement services, whilst providing for special authorisations to bus and coach operators, exempting them from the requirements of PSVAR.

In response to our consultation, we received a number of proposals and suggestions that set out a range of other measures respondents considered would assist in increasing the accessibility of rail replacement services and in providing useful information to passengers. These proposals are outside the boundaries of our regulatory function in this area and could be most effectively reviewed at an industry level. We have summarised these proposals below which you may wish to consider further:

- **Provision of a dedicated fleet of PSVAR-compliant / accessible vehicles**, either by an individual train operator or transport owning group, or supplied at a national level for use during disruption (whether unplanned or planned).
- **A collective or joint approach to rail replacement vehicle procurement**, to better coordinate provision and provide a larger incentive for bus and coach operators to bid for rail replacement work. We note this may be subject to competition law constraints.
- **Deeper consideration of the impact on the provision of accessible rail replacement journeys when planning possessions**. Suggestions included reducing the number of engineering works but increasing their duration; making more use of diversion routes to minimise reliance on rail replacement services; and considering rail replacement issues at T-26 discussions when planning possessions.

We note that RDG’s ‘Pathway to Compliance’ plan already commits the industry to providing better information on the National Rail Enquiries website, including real-time data on details of any disruption and information on the accessibility of rail replacement vehicles. Consultation respondents also proposed that National Rail Enquiries highlight any particular routes for which it is routinely difficult to obtain accessible rail replacement vehicles; train operators should, however, take appropriate steps to procure accessible vehicles for all routes before doing so. In addition, respondents also suggested that passengers be able to select in the Journey Planner a preference for travelling by rail, even if this means a longer journey than using a rail replacement service.

Industry forum

A number of train operators have highlighted the difficulties in obtaining sufficient accessible rail replacement vehicles caused when engineering works cluster in a particular geographical location. To help overcome this, we consulted on our proposal that train operators should establish a **regular communication group or forum** to identify and better manage the availability and use of PSVAR-compliant vehicles at times of high demand (e.g. Christmas, Easter and bank holidays). After considering consultation responses on this proposal, we consider the membership and objectives of this forum should be determined by the industry, but we expect it should be set up to include amongst others DfT, RDG and suppliers of rail replacement services. This could be extended to passenger groups, as proposed by some consultation respondents. We note Network Rail's offer in response to the consultation to support a forum through provision of information about engineering works.

We also note the suggestion by the Disabled Persons Transport Advisory Committee (DPTAC) that this forum could take the form of a **RDG-led national steering group** to look at each Network Rail route, with the aim of planning line closures, making effective use of coaches, taxis and private hire vehicles, and establishing a database of compliant coaches. DPTAC suggested local working groups could include coach operators. A second focus of the steering group could be to develop a long-term strategy to delivering a compliant national fleet.

Next steps

We would be grateful for regular updates on the progress of the proposed industry forum and on the information initiatives RDG set out in 'Pathway to Compliance'. We will be in touch with your teams to discuss this further.

I have also written to the Rail Minister today, to update him on the steps we have taken to revise the Guidance to improve the availability of accessible rail replacement services and to reflect consultation respondents' views regarding the role that legislative change can play in incentivising investment in accessible vehicles. A copy of this letter is attached.

Please note that this letter will be published on our website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Larkinson'.

John Larkinson
Chief Executive