

[DRAFT] PUBLIC SECTOR EQUALITY DUTY & REGULATORY IMPACT ASSESSMENT

Proposed Changes to Accessible Travel Policy Guidance sections relating to Rail Replacement Services

Date: 20/12/19

Section 1: Introduction

This draft document records the current version of analysis undertaken by the Office of Rail and Road (ORR) to enable the organisation to fulfil the requirements placed on us by the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010. The PSED requires the decision maker to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

In undertaking the analysis that underpins this document, where applicable, ORR has also taken into account the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and in particular:

- Article 9: (Accessibility), which requires appropriate measures to be taken to ensure disabled people have access to transportation on an equal basis with others; and
- Article 31: (Statistics and Data), which requires appropriate information, including statistical and research data, to be collected and disseminated.

In lieu of a separate Regulatory Assessment, this document also records the analysis undertaken to understand the impact of ORR's proposals on consumers, passenger and station licence holders and ORR itself.

Section 2: Brief outline of policy or service

Train and station operators (hereafter referred to as "operators") are required by their operating licences to establish and comply with an Accessible Travel Policy (or ATP), which must be approved by the ORR (licence condition 5). An ATP sets out, amongst other things, the arrangements and assistance that an operator will provide to protect the interests of disabled people using its services and to facilitate such use.

In order to inform its approval of ATPs, ORR relies on a document now titled "Accessible Travel Policy; Guidance for Train and Station Operators" (the "Guidance"), published on 27 July 2019. This Impact Assessment considers the impact of changes proposed to the Guidance in respect of the provision of rail replacement services. It forms an addendum to the Equality Impact Assessment and Regulatory Impact Assessment published alongside the Guidance.

The previous 2009 Disabled People's Protection Policy Guidance did not impose any requirements on train operators to ensure that buses and coaches were accessible. In developing the revised ATP Guidance, ORR therefore sought views on proposals to improve the accessibility of substitute and alternative transport provided by train operators during disruption to rail services. This culminated in the inclusion in the Guidance at paragraph A6.2 of Section 4 of a new requirement to set out how, in cases of planned disruption, operators will make reasonable endeavours to secure accessible rail replacement services, and where they are unable to do so to set out why.

Following its publication, ORR received a challenge on behalf of an individual that caused us to re-consider this position. One particular issue raised was the decision by ORR not to make it a mandatory requirement for all new ATPs to provide for accessible rail replacement buses where disruption is planned or reasonably foreseeable. The challenge proposed that compliance with relevant law required ORR to amend the relevant licence condition or guidance to ensure that buses and coaches providing rail replacement services during planned disruption comply with the Public Service Vehicle Accessibility Regulations 2000 (PSVAR). To inform our re-consideration we sought legal advice on the applicability of PSVAR, which from 1 January 2020 requires all single and double deck coaches to have accessibility certificates. Under PSVAR all single and double deck buses should already have

accessibility certificates. This provisional legal advice concluded that buses and coaches used for rail replacement services are required to comply with PSVAR if they provide a 'local' or 'scheduled' service, unless the vehicle is exempt¹, and that rail replacement services will usually be either 'local' or 'scheduled' services.

This Impact Assessment considers, based on the representations received from industry on our provisional legal advice and the evidence we have subsequently gathered, draft proposals for any possible revision of paragraph A6.2, and proposals to introduce further requirements on the provision of information regarding planned disruption. These draft proposals are set out in the public consultation published online at

<https://orr.gov.uk/rail/consultations/open-consultations/consultation-on-accessible-travel-policy-guidance-accessibility-of-rail-replacement-services> on 20 December 2019. We intend to review and update this impact assessment based on the responses to the consultation.

Section 3: Changes to the Guidance

Three options are discussed in this Impact Assessment, presented here in ascending order of departure from the current Guidance:

1. No change to the current Guidance
2. Strengthening the current Guidance by requiring that operators demonstrate reasonable endeavours to source PSVAR-compliant vehicles through requirements in contracts with vehicle suppliers, alongside a series of additional information requirements
3. Alternatively, strengthening the current Guidance by requiring that, with immediate effect, all buses and coaches used as a rail replacement be PSVAR-compliant.

Section 4: Evidence

Our draft proposals have been developed based on information we sought from operators and others on the accessibility of buses and coaches used, and available,

¹ N.B. There is an exemption which may apply to rail replacement services provided by vehicles which are 20 years old and which are only used for that purpose less than 20 days a year which may apply to rail replacement services.

for rail replacement over the past 12 months. Where we have identified that we do not hold the information needed to understand particular impacts of these proposals, we have taken reasonable steps to seek it. This included asking operators to provide detailed quantitative and qualitative information on the provision, deployment and usage of rail replacement bus and coach services during both planned and unplanned disruption to better understand the extent to which PSVAR-compliant vehicles are used.

We are also asking for further information to inform this assessment as part of the consultation process which (as above) we intend to feed into this evolving Impact Assessment.

Data on accessible vehicles

This demonstrated that whilst buses used for rail replacement are overwhelmingly accessible (99.96%), the opposite is true of coaches; of more than 55,000 coaches used over the last year (predominantly by long-distance operators) only 175 (0.3%) were PSVAR compliant. Over the year, the average number of coaches used per rail period was over 4,400. Information from the Confederation of Passenger Transport estimates that, although around 2200 PSVAR-compliant coaches have been built, 1000 are still in use on scheduled services, whilst of the remainder half have had their lifts removed once they were no longer used on scheduled services. As a result, there are now only around 600 accessible coaches potentially available for rail replacement work at any one time, but the extent to which they could be deployed during a specific incidence of disruption would be dependent on their geographical location and existing commitments.

Taking buses and coaches together, only 40% of vehicles used as a rail replacement were PSVAR-compliant.

From a safety and comfort perspective, train operators and rail owning groups have argued that coaches are more suitable than buses for longer-distance journeys. Those operators running long distance services therefore tend to use coaches, and as a consequence a greater percentage of vehicles that are not PSVAR-compliant. When a coach is used, disabled passengers that are unable to access these vehicles are offered alternatives (usually a taxi). Only 8 operators were able to provide us with data on this alternative provision, which provided an incomplete national picture.

Rail replacement journeys

We were also keen to understand more about the journeys undertaken on rail replacement vehicles, but the scarcity of the data available from operators, coupled

with the limitations of the data that was provided, has made it difficult to draw any firm conclusions.

We have also considered comments from interested parties on our provisional legal advice on the applicability of PSVAR to rail replacement services, which we published on our website on 30 September 2019.

We received only a small number responses to this legal advice; at least one was provided to us subject to legal privilege, so we have not published it, but we did take all these responses into account in the final legal advice we will publish in due course. However, we also received a number of detailed responses from operators focussing on the availability of accessible vehicles and on the implications of applying PSVAR to rail replacement services.

Availability of suitable accessible vehicles

These responses from train operators highlighted the lack of available PSVAR-compliant vehicles in the bus and coach market which is particularly acute in rural areas, and questioned whether there are sufficient incentives on these suppliers to invest in PSVAR-compliant coaches to meet what they suggest is limited demand in terms of suppliers' overall business. Nonetheless, it was clear in responses that most train operators do not include requirements for the provision of PSVAR-compliant vehicles in either their contract tender documents or the contracts. Some operators commented that the availability of PSVAR-compliant vehicles may impact on their readiness to agree to Network Rail's programme of planned engineering designed to increase maintain and improve infrastructure.

There was also the suggestion from a number of operators that the low number of PSVAR-compliant vehicles would mean that they would either be unable to provide any PSVAR-compliant rail replacement services or only a limited number of them. They suggested this would impact on all passengers including disabled passengers (with and without mobility needs), and create safety issues where potentially large numbers of passengers were unable to travel for lengthy periods of time whilst waiting for a suitable vehicle.

Finally, the suitability of PSVAR-compliant vehicles in some circumstances was highlighted. In particular, train operators noted the unsuitability of PSVAR-compliant vehicles where the station infrastructure is unable to accommodate PSVAR-compliant bus and coach stops, and the limited utility of PSVAR-compliant low-floor buses on long-distance routes where the lack of seat belts and luggage storage may create comfort and safety issues.

The impact of non-accessible vehicles on passengers

In advance of the public consultation, it is not clear to us the extent to which passengers with different impairments and needs have a preference for a particular mode of transport. PSVAR reflects the importance of ensuring that disabled people, and in particular wheelchair users, are able to access the same local and scheduled bus and coach services as persons who do not have a disability or persons whose disability gives rise to different needs. ORR recognises the role of accessible rail replacement services in terms of eliminating discrimination against disabled people and in advancing equality of opportunity for this cohort. Ensuring that public transport is accessible to all is an important way of fostering the inclusion of disabled people in everyday life. However, whilst wheelchair users will require PSVAR-compliant vehicles supported by trained drivers and suitable kerbside infrastructure, only a quarter of Passenger Assist users – themselves a subset of disabled travellers – require the use of a ramp to board and alight trains, and by extension lifts to board and alight coaches². Other disabled passengers and users of Passenger Assist (many of whom are making use of the luggage assistance service) may benefit from or indeed prefer to use alternative transport. The public consultation asks for respondents' experiences of using buses, coaches and taxis as rail replacement services and their views on the implications of our proposal not to duplicate the enforcement of PSVAR by mandating compliance with PSVAR in the ATP Guidance.

We have considered evidence from the focus group research carried out by Transport Focus³, in which rail passengers express a preference for coaches (including scheduled coaches where these are a suitable alternative) over rail replacement buses, whilst acknowledging that suitable provision has to be made for disabled passengers on all rail replacement services. This research also recommended taxis be used for longer journeys. More recently, in its response to our provisional legal advice on the applicability of PSVAR to buses and coaches used as rail replacement services, Transport Focus highlighted the consensus view reached in its recent Accessibility Forum that some form of accessible transport must be provided on all occasions of disruption, although it was agreed that this may be harder to arrange for unplanned disruption.

We have also considered responses to the Improving Assisted Travel consultation we published in November 2018, which sought views about methods to improve the accessibility of substitute and alternative transport provided by operators, amongst other improvements we proposed to make to assisted travel. These were

² Experiences of Passenger Assist research by Breaking Blue 2018/19 (to be published in January 2020)

³ <https://www.transportfocus.org.uk/research-publications/publications/rail-passengers-experiences-and-priorities-during-engineering-works/>

encapsulated in our summary of consultation responses published on 27 July 2019.⁴ In that document we acknowledged the evidence provided to us of the potential difficulties caused to some passengers when a suitable accessible alternative to rail cannot be provided; this includes disabled passengers requiring access to toilet facilities and those with non-wheelchair mobility needs who may find the step height to enter the vehicle challenging.

Section 5: Analysis

Our duties under PSED are to have due regard to the need to:

Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act.

Advance equality of opportunity between people who share a particular protected characteristic and people who do not share it.

Foster good relations between people who share a particular protected characteristic and people who do not share it.

This document is primarily focussed on the protected characteristic of disability. The consultation invites comments in relation to any other particular protected characteristic which consultees consider may be affected.

Our overall objective in this area is to ensure passengers can request and receive assistance to travel safely with confidence and ease. We recognise that if all rail replacement services were PSVAR-complaint, this would advance equality of opportunity for disabled people and foster inclusion between disabled people and non-disabled people generally. However, we have to bear in mind the practical realities faced by operators at the present time and the implications of these for all passengers, taking account of our wider statutory duties.

In considering the extent to which our proposals contribute to the fulfilment of these duties, we have thus come to the view that:

- rail replacement services should continue to be provided so that all passengers can travel successfully when there is disruption;
- all disabled passengers should be able to use rail replacement services, whether or not they require an accessible vehicle; and

⁴ https://orr.gov.uk/data/assets/pdf_file/0012/41520/improving-assisted-travel-summary-of-consultation-responses-and-orrs-response-july-2019.pdf

- the wider improvements to the provision of assisted travel and passenger information required by our ATP Guidance should be implemented without delay.

This has helped guide our draft assessment. We have also taken into account ORR's various other statutory duties that may apply in exercising our economic or safety functions. We have included a more detailed description in chapter 3 of the consultation document of our economic duties as set out in section 4 of the Railways Act 1993, but in summary they include:

- to promote improvements in railway service performance;
- otherwise to protect the interests of users of railway services;
- to promote efficiency and economy on the part of persons providing railway services;
- to have regard to the interests, in securing value for money, of the users or potential users of railway services, of persons providing railway services or of the persons who make available the resources and funds and of the general public; and
- to have regard, in particular, to the interests of persons who are disabled in relation to services for the carriage of passengers by railway or to station services.

ORR also has safety duties that could, for example, require us to ensure that train operators consider any potential impact on passengers and railway staff of the use, or changes in the provision of, rail replacement services

We must therefore take the regulatory approach we consider appropriate, bearing in mind all our competing duties and considerations, including our public sector equality duty.

Our initial assessment, subject to public consultation and the receipt of any other information or advice, is therefore that mandating in the ATP Guidance that all rail replacement services must comply with PSVAR will lead to a substantial reduction, and possibly even cessation, of rail replacement services. We recognise that this may yet be the effect of train operators' consideration of PSVAR and its possible criminal law implications, but at this stage we are not minded, having weighed the various competing duties to which we are subject, to impose an absolute obligation in the ATP Guidance.

We are therefore minded not to proceed with option 3 (strengthening the current Guidance by requiring that, with immediate effect, all buses and coaches used as a rail replacement be PSVAR-compliant). Our role here is to consider, in accordance with our statutory duties, how train operators should enable passengers to make journeys using accessible transport, with a view to advancing equality of opportunity for disabled people. Whilst ORR has powers to take enforcement action under the licence where obligations are breached, and apply prioritisation criteria to help us focus our resource and priorities, breach of the PSVAR is a criminal offence enforced by the Department of Vehicle Standards Agency (DVSA).

However, we consider that in the light of the legal advice we have received on the applicability of PSVAR to rail replacement services, and taking into account the impact on wheelchair users and other passengers with mobility impairments who are unable to access rail replacement coach services, it is appropriate to take steps to strengthen the requirements we impose on operators as set out in the Guidance. We consider that this is likely to advance equality of opportunity between wheelchair users and other passengers. For these reasons, we are minded to take appropriate action to improve the situation, and therefore we do not propose to adopt option 1 (no change to the Guidance).

Balancing our public sector equality, economic and safety duties, we consider that we should amend the ATP Guidance to influence train operators' behaviour to support the greater availability and use of PSVAR-compliant vehicles in rail replacement services – option 2. Our specific proposals for doing so are set out in the public consultation; an initial assessment of their potential impacts is provided in **Annex A**:

- On the provision of rail replacement services;
- On disabled passengers, including wheelchair users;
- On all other passengers, including those with protected characteristics;
- On rail, bus and coach operators; and
- On ORR.

We have also provided in **Annex A** the same assessment for option 3.

Decision making

We understand that by not including within the ATP Guidance a requirement that train operators must comply with PSVAR, there is a risk of undermining equality of opportunity for some disabled people if they are not able to travel on the same rail replacement vehicles as other passengers, and particularly if the alternative available is also unsuitable for their needs. However, given the lack of suitable accessible coaches in the near term, we must also consider the potential negative impact on the fostering of good relations and equality of opportunity that curtailing rail replacement services until all coaches are PSVAR-compliant would have. In particular, we have a duty to ensure all disabled passengers can continue to use rail replacement services, whether or not they need assistance and require a PSVAR-compliant vehicle (noting that our research suggests only a quarter of Passenger Assist users require the use of a ramp to board and alight trains, and that not all disabled travellers need to or choose to use Passenger Assist), as well as other protecting the interests of other people with protected characteristics.

Subject to the views of respondents to the consultation, we therefore consider that the package of draft proposals put forward in the consultation is a more effective method of advancing equality of opportunity for all disabled people and other people with protected characteristics. This package also avoids the potential negative impacts of doing nothing or introducing measures that may limit all passengers' ability to travel safely during disruption.

Monitoring and evaluation

In November 2017 ORR published its Economic Enforcement Policy and Penalties Statement. This sets out our approach to these matters in accordance with section 57B of the Railways Act 1993. We recognise the role of DVSA in monitoring and enforcing compliance with PVSAR. DVSA has yet to set out its plans for monitoring compliance with and enforcing PSVAR although we are aware that DVSA has a published enforcement sanctions policy. We have powers to take enforcement action under the licence where obligations are breached.

In terms of ORR, we apply prioritisation principles criteria to help us focus our resources in a way that will deliver most value from our interventions. These prioritisation criteria apply across most of our discretionary enforcement activities. We focus our resources and priorities on systemic issues or one-off events of material significance and those aspects of compliance which are most important to passengers and where non-compliance would cause most harm. In deciding whether to take enforcement action for example in relation to ATP Guidance for rail

replacement, we would seek evidence to demonstrate the steps taken (or not taken) by train operators to meet requirements of the ATP Guidance.

As an evidence-based regulator we also routinely collect and publish core data from train operators to monitor their compliance with regulatory obligations and inform any further action which may be necessary. This includes information about alternative accessible transport provided and ongoing research into the experience of passengers using Passenger Assist. The data we have obtained from train operators demonstrates that most do not record the use of PSVAR-compliant vehicles. It is important that we understand the extent to which PSVAR-compliant vehicles are used and whether there is progress being made in this area. Therefore, in relation to PSVAR, we will consider what metrics to collect to monitor performance, for example the number of accessible rail replacement buses, and coaches, per rail period and will draw on our sources of information such as any post-blockade reviews conducted by Transport Focus.

Annex A

Guidance Option	Impact on provision of rail replacement services	Impact on disabled passengers (incl wheelchair users)	Impact on other passengers (incl those protected under EA2010)	Impact on rail, bus and coach operators	Impact on ORR
<p>A. Operators must take appropriate steps to source PSVAR-compliant vehicles through explicit requirements in tenders and contracts with vehicle suppliers.</p>	<p>[=] Short term: minimal impact; effect on supply of accessible vehicles for longer distance trips will take time to materialise; in the meantime there may be some substitution of low-floor buses for coaches at the margins.</p> <p>[+] Medium to long term: should drive investment in compliant vehicles by train operator owning groups / some independent suppliers but the replacement of non-compliant vehicles with compliant vehicles would be at a sustainable rate as supply of such vehicles increases. We expect it would take a number of years for the supply of accessible vehicles to increase significantly. We invite evidence on</p>	<p>[=] Short-term: minimal impact (positive or negative); disabled people will continue to use rail replacement services or be provided alternatives as now. Substitution of coaches for low-floor buses may result in increased accessibility and advanced equality of opportunity for wheelchair users (N.B. 26% of Passenger Assist users require a ramp to board a train) at a cost of reduction in comfort and facilities e.g. luggage for other disabled passengers (including the 74% of Passenger Assist users that do not require a ramp to board and alight trains).</p> <p>[+] Medium to long-term - more people</p>	<p>[=] Minimal impact (positive or negative) overall; passengers will continue to use rail replacement services as now. However, any substitution of coaches for low-floor buses on longer routes in the near-term could result in a reduction in comfort and facilities e.g. luggage for certain passengers, including older travellers.</p>	<p>[+] Potential revenue benefit for bus operators with compliant vehicles (we understand this revenue increase may be up to 30% per vehicle depending on availability, but invite evidence of these costs.)</p> <p>[-] Whilst buses are already compliant, potential to increase value of compliant coaches, thereby increasing rail operators' operating costs for longer distance journeys. (We understand from one owning group that this may be up to 30% but invite the submission of further evidence.)</p> <p>[-] Potential to add to the cost of tendering for rail replacement</p>	<p>[+] Deliverability means approval and monitoring of full range of ATP commitments can continue.</p> <p>[+] Facilitates delivery of our objective to improve assisted travel</p> <p>[-] Additional burden of monitoring terms of bus tenders.</p>

	<p>this point.</p>	<p>would travel by accessible coach rather than taxi, thereby advancing equality of opportunity, although the option of taxi travel would remain for passengers unable to access a PSVAR-compliant vehicle (26% of Passenger Assist users). In 2018-19, 97% of Passenger Assist users who were transported by taxi are satisfied with the assistance they received.</p> <p>Since coaches are also preferred to buses, this may result in people using Passenger Assist who would otherwise choose not to travel during disruption.</p> <p>However, Transport Focus data suggests 55% of all passengers would rather not travel if it is a bus rather than a train – disabled people are more likely than the average passenger to prefer a</p>		<p>contracts, given the current difficulties of sourcing accessible coaches</p> <p>[-] Additional reporting requirement to ORR from passenger licence holders</p> <p>[+] In the longer term, reputational and revenue benefit for rail operators that provide accessible vehicles.</p> <p>[-] Potential for negative revenue impact on coach operators that do not have compliant vehicles and choose not to acquire them, and negative impact on costs of meeting tender requirements for operators that do choose to procure vehicles, which may increase by up to 30% depending on availability (we invite evidence of these costs).</p> <p>[+] Prevents ‘double jeopardy’ monitoring</p>	
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		<p>diverted train than a replacement bus and passengers over 65 are more likely not to travel at all.</p> <p>[+] Benefits of improvements to assisted travel are not put on hold</p>		<p>and enforcement of use of PSVAR compliant vehicles, as limits ORR regulatory oversight to procurement process.</p>	
<p>B. For planned disruption, operators must be able to demonstrate they have taken appropriate steps to assess the requirement for, and to procure the use of, PSVAR-compliant vehicles at least 12 weeks before all major planned engineering works.</p>	<p>As per A, but in addition</p> <p>[+] This may provide operators with time to increase the number of PSVAR-compliant vehicles that are used during major planned disruption, particularly in the medium to long term but also potentially in the short term. It will not negatively impact of the overall provision of rail replacement services.</p>	<p>[+] As per A, but we may expect more immediate impacts from accessible vehicles being used during planned disruption, where available.</p> <p>[+] In addition, the negative impacts of A would not materialise during unplanned disruption, as this proposal applies only to planned major engineering works.</p>	<p>[+] As per A, but we may expect more immediate impacts from accessible vehicles being used during planned disruption, where available.</p> <p>[+] In addition, the negative impacts of A would not materialise during unplanned disruption, as this proposal applies only to planned major engineering works.</p>	<p>As per A, but limited to vehicles used during planned disruption.</p>	<p>As per A.</p>
<p>C. For planned disruption, operators must take appropriate steps to contact those passengers who have booked assistance in advance of travel to provide information on the use of rail</p>	<p>[=] No impact on overall provision of rail replacement services.</p>	<p>[+] Advances equality of opportunity; ensures that when operators contact passengers who have booked assistance when there is planned service disruption, those passengers will be able to make informed travel</p>	<p>[=] No impact (with the exception of older and other passengers who may book assistance, who would benefit in the same way as disabled people).</p>	<p>[+] More passengers may travel if they have confidence their needs will be met during disruption.</p> <p>[+] Additional burden of sourcing and providing the extra detail re vehicle accessibility.</p>	<p>[+] Facilitates delivery of our objective to improve assisted travel</p> <p>[+] Burden of additional monitoring of information provision</p>

<p>replacement services and discuss the individual needs and preferences of the passenger</p>		<p>decisions based on the accessible transport options open to them.</p> <p><i>N.B. Operators are already required to provide information to passengers on board trains and at stations during disruption, whether they have booked or not.</i></p> <p>[-] Does not improve the provision of accessible vehicles.</p>			
<p>D. For planned disruption, operators must provide passengers with appropriate, accurate and timely information about the accessibility of the rail replacement transport they will be providing for the affected service and the options available to the passengers to be able to make their journey.</p>	<p>[=] No impact on overall provision of rail replacement services</p>	<p>[+] Disabled passengers will be able to make informed travel decisions based on the accessible transport options open to them, advancing their equality of opportunity.</p>	<p>[+] Older and other passengers will be able to make informed travel decisions based on the accessible transport options open to them.</p>	<p>[+] More passengers may travel if they have confidence their needs will be met during disruption</p> <p>[-] Train operators already publish information about service information during disruption; additional cost may be incurred to ensure this covers the accessibility of rail replacement services. We invite the submission of evidence of these costs.</p>	<p>[+] Facilitates delivery of our objective to improve assisted travel</p> <p>[-] Burden of additional monitoring of information provision</p>

<p>E. For planned disruption, operators must establish a regular communication forum – including amongst others DfT, RDG and suppliers of rail replacement services 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).</p>	<p>We consider that this proposal would likely have the same impacts as option B, albeit limited only to periods of high demand.</p>				
<p>X. With immediate effect, all buses and coaches used as a rail replacement must be PSVAR-compliant.</p> <p>[N.B. OPTION NOT CONSULTED UPON]</p>	<p>[-] This may incentivise operators not to offer bus and coach replacements for any passengers if accessible vehicles cannot be provided. There may be some substitution of low-floor buses for coaches at the margins.</p> <p>It is unclear if taxis or smaller PSVs (minibuses) could be provided in sufficient numbers as alternative transport for passengers. We invite evidence on this point.</p>	<p>[IF/WHEN DELIVERABLE] [+] Advances equality of opportunity: every wheelchair user who has booked assistance will be able to travel on an accessible bus or coach, provided the station infrastructure permits safe boarding / alighting. Scooter users, and other disabled people for whom this would be inappropriate (including users of wheelchairs that cannot be carried on coaches) would continue to be provided with alternative transport if required.</p>	<p>[IF/WHEN DELIVERABLE] [=] No positive or negative impact – provision of rail replacement services continues for all passengers.</p> <p>[IF/WHEN NOT DELIVERABLE] [-] Potential negative impact should operators to some extent be incentivised not to offer any bus and coach replacements if the required number of accessible vehicles cannot be provided. Furthermore, in such a scenario, the</p>	<p>[-] ORR assumes responsibility for PSVAR monitoring and enforcement alongside DVSA – potential for double jeopardy or misalignment in enforcement policy.</p> <p>[IF/WHEN DELIVERABLE] [+] Potential revenue benefit for bus operators (of up to 30%) with compliant vehicles remains.</p> <p>[+] In the longer term, reputational benefit for rail operators that</p>	<p>[-] Additional burden of collecting data on the provision of wheelchair spaces on buses and coaches during disruption.</p> <p>[-] ORR assumes responsibility for PSVAR monitoring and enforcement alongside DVSA – potential for double jeopardy or misalignment in enforcement policy.</p> <p>[IF/WHEN DELIVERABLE] [+] Approval and monitoring of full range of ATP commitments can continue.</p>

		<p>[IF/WHEN NOT DELIVERABLE] [-] Potential negative impact of being unable to travel if bus and coach replacements cannot be provided. It is unclear if taxis or smaller PSVs (minibuses) could be provided in sufficient numbers for the increased number of passenger assist users needing alternative transport, which risks a lack of journey options and – during unplanned disruption - crowding and safety issues at stations.</p> <p>In addition, there may be some risk to the approval of outstanding ATPs and commitments to other improvements to the provision of assisted travel if an undeliverable requirement is added in Guidance.</p>	<p>alternative transport on offer to disabled people may not be available to other passengers (including older passengers). For planned disruption this may mean they cannot travel; during unplanned disruption this also risks crowding and safety issues at stations.</p>	<p>provide accessible vehicles</p> <p>[-] Whilst buses already compliant, potential to increase value of compliant coaches remains, thereby increasing rail operators' operating costs for longer distance journeys of up to 30%.</p> <p>[-] Potential to add to the cost of tendering for rail replacement contracts (of up to 30%).</p> <p>[-] Additional reporting requirement to ORR from passenger licence holders</p> <p>[-] Potential for negative revenue impact on coach operators that do not have compliant vehicles and choose not to acquire them.</p> <p>[IF/WHEN UNDELIVERABLE]</p> <p>[-] Risk of both franchise agreement</p>	<p>[+] Facilitates delivery of our objective to improve assisted travel.</p> <p>[IF/WHEN NOT DELIVERABLE] [-] Approval of outstanding ATPs at risk.</p>
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				<p>breach and non-compliance with passenger licence.</p> <p>[-] Reputational damage of being unable to transport customers during disruption.</p>	
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