



Department
for Transport

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From the Minister of State
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21st April 2020

Dear Paul

**Pathway to compliance in relation to Public Service Vehicles
Accessibility Regulations 2000 (PSVAR) and its application to Rail
Replacement (RR) Services**

Thank you for your letter of 31 March 2020 accompanying the Rail Delivery Group (RDG's) plan *Rail Replacement Vehicles – a pathway to regulatory compliance*. I appreciate a lot of work and engagement has gone into your thinking.

I agree that compliance with PSVAR is one of many elements of our commitment to ensuring the railway is accessible for all and is an important staging post that I know the rail industry want to go past in as short and as practicable time possible.

I have regularly made clear my disappointment with this ongoing situation in the various conversations we have had on this matter and I know that we share the frustration that fully accessible vehicles cannot always be provided for all passengers. As I have said previously and repeat here, I acknowledge and appreciate the genuine efforts the industry has made so far in terms of accessibility and as my letter of 8 April sets out, it is more important than ever as we tackle the Covid-19 virus to ensure that accessibility for all is maintained.

So, although I believe that your proposals are, potentially, a step in the right direction that could help bring resolution to this issue in the medium to longer term, I do believe we must be more ambitious about how and by when PSVAR compliance can be achieved. I am, of course, aware that the supply of compliant vehicles is not within the industry's gift and acknowledge the issue is not one the rail industry can resolve on its own.

Therefore, I have agreed to allow coach and bus operators who provide RR services, to apply for strictly time-limited special authorisations pursuant to s.178 of the Equality Act 2010 for a period of up to 8 months from 1 May – 31 December 2020. I know that this is not what you requested in your proposal but I do believe this will allow the time for you to hold further multi-modal, multi-organisational discussions and explore and devise a more ambitious timeline than that currently proposed in respect of planned and unplanned disruption.

I will ask my officials to work closely with yours to facilitate and shape these further discussions and agree a timeline for providing further advice to me. Although I am providing the opportunity to apply for these special authorisations, I expect RDG and the Train Operating Companies (TOCs) to do the following:

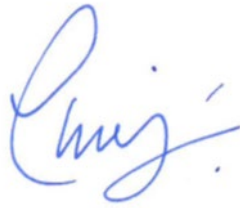
1. TOCs must source and use PSVAR compliant vehicles wherever possible in the first instance, and only use a non-complaint vehicle that has been granted a special authorisation when all other compliant options have been exhausted
2. When no PSVAR compliant vehicle is available, TOCs must provide alternative accessible transport for disabled passengers which offers the same levels of service as those for non-disabled passengers with no detriment (for example on comfort, safety and waiting times) to those passengers
3. Arrangements must be made in advance during planned engineering works to ensure such alternative accessible transport is readily available, to avoid any unnecessary and extended waiting periods for those passengers who require it – particularly if they have requested a wheelchair space or passenger assistance
4. RDG will provide me with a written update every 3 months setting out what progress has been made in delivering fully-PSVAR compliant RR services and the progress with and outcome of further discussions on a more ambitious timeline
5. The industry will work with the Office of Rail and Road during this period of special authorisations, and provide data on the level of compliance with PSVAR for RR services, the use of non-PSVAR-compliant vehicles, the number and types of alternatives provided (e.g. taxis), and the number of complaints that are received in respect of TOCs where the alternatives provided have fallen short of expectations of safety, comfort and timing

Going forward, any legislative proposals and any requirements or requests for government support will obviously require further detailed policy consideration

and analysis of the impact on industry. I will ask my officials to consider these promptly over the coming months.

Finally, I'd like to thank you for all the work you have obviously put into this matter so far. I know you are keen to get to reach the same policy goal as the Government, where we are delivering an accessible service for every passenger on every rail journey and have created a truly inclusive and accessible railway.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chris', is centered on the page. The signature is fluid and cursive, with a small dot above the 'i'.

Chris Heaton-Harris MP

Minister of State for Transport