



Department
for Transport

From the Minister of State
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Andy Bagnall
Director General
Rail Delivery Group

21 September 2021

Dear Andy,

Public Service Vehicles Accessibility Regulations 2000 (PSVAR) and its application to Rail Replacement Services (RRS) – Progress Report May – July 2021 and compliance with PSVAR for Rail Replacement Services (RRS) 1 October 2021 to 30 June 2022.

Thank you for your letter of 13 August 2021 enclosing the RDG's latest progress report on the use of PSVAR compliant vehicles for rail replacement services during the period from May to July 2021.

May I start by congratulating the Rail Delivery Group and its members for maintaining the high levels of compliance that were achieved in the latest reported period. Despite the effect that the pandemic and lockdown has had on the figures, PSVAR compliance continues to remain high and averages above 94% for both planned and unplanned services. Whilst I understand that the figures are high partly due to the impact of the pandemic, as stated in my previous letters to you, it is important that as numbers return to the railway, you continue to do everything you can to ensure that these high levels are maintained.

I am pleased to see your continued commitment to this issue and to reaching a sustainable solution that ultimately delivers the best possible customer experience for all passengers. I am also pleased to hear of the progress that you have delivered on the specific commitments, included in the 'Pathway to Compliance' report and the launch of your video which highlights what to

expect as a disabled customer when returning to the network and how customers will be assisted in completing their journey should RRS be in place.

As you know from my letter to you of 27 July, I am aware that the current period of Special Authorisations ends on 30 September 2021. We have made some progress towards resolving the issue and Baroness Vere's letter to the coach industry sets out the aims of the Government in reviewing the PSVAR themselves and delivering a medium-term solution by mid-2022. My position is clear, we must do everything to ensure that all journeys are accessible for all passengers. I have agreed to allow coach and bus operators who provide Rail Replacement services, to apply for strictly time-limited special authorisations pursuant to s. 178 of the Equality Act 2010 for a period of up to 9 months from 1 October 2021 to 30 June 2022. This period will cover the period for home-to-school Special Authorisations which ends 31 March 2022 and will ensure that Special Authorisations are in place for the Easter, May Day and Her Majesty the Queen's Jubilee bank holidays in 2022. I recognise the efforts that the industry has made to introduce other measures to ensure accessibility for disabled passengers and I believe that this extension will give my officials and the industry time to continue to deliver the more robust long-term solution to this issue.

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-compliant 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. The industry will continue to work with the Office of Rail and Road (ORR) during this period of special authorisations, and will provide data on the level of compliance with PSVAR for Rail Replacement 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.

I recognise the work that you and the industry do with the Office for Rail and Road to meet and monitor the requirements in the Accessible Travel Policies to ensure that compliant rail replacement services are delivered whenever possible and that the industry maximises the use of its commercial contracts to ensure this. As Baroness Vere made clear in her letter to the coach industry, such exemptions must not incentivise operators to stop investing in their fleets, and nor should they support delaying the making of accessibility improvements where doing so now is feasible.

Unlike previous Special Authorisation periods, I will not continue to require the RDG to provide me with a written update every 3 months setting out what progress has been made in delivering fully-PSVAR compliant rail replacement services as you and the industry have worked with the ORR to align your reporting and collection of compliance data as part of the ORR's standard monitoring compliance activity. I do believe that the commitment to reviewing the PSVAR themselves and the proposals for a medium-term solution being developed by my officials whilst the review is undertaken offer the possibility of a solution to this issue. My and the Government's aim remains that every journey is made accessible for all passengers. I know that you and the industry share this aim and will work with us to achieve this.

Yours sincerely,



CHRIS HEATON-HARRIS

MINISTER OF STATE FOR TRANSPORT