

**Mobility and Access Committee for
Scotland (MACS)**

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The Office of Rail and Road

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Dear Sir or Madam,

MACS RESPONSE TO THE ORR CONSULTATION ON ACCESSIBLE TRAVEL POLICY

Please see below a response to your consultation on Accessible Travel Policy Guidance - accessibility of rail replacement services, submitted by the Mobility and Access Committee for Scotland (MACS).

Kind regards,

Aga Lysak
MACS Secretary

The Mobility and Access Committee for Scotland (MACS) is grateful for the opportunity to respond to your consultation. We are encouraged to hear that the overall objective is to ensure that all passengers can request and receive assistance to travel safely with confidence and ease. Our response to the specific issues on which you are seeking views is as follows:

- **Mandatory tendering for accessible buses and coaches in rail replacement contracts to incentivise investment in the supply chain and increase the availability of vehicles over time.**

The tendering process will allow a specification that will cover the requirements for replacement vehicles. We note that legal advice to ORR in 2019 concluded that PSVAR should apply to rail replacement vehicles, however PSVAR is limited in coverage as it only applies to vehicles over 22 passenger seats and is also flawed because the coach specification is for wheelchair access rather than access for all.

In order to achieve your aim that disabled people should be able to travel with confidence and ease, the tender specification should ask that all vehicles used on rail replacement services should be step free as well as complying with regulations required for wheelchair access, visually and hearing impaired individuals and have a designated space for an assistance dog.

We are aware that a number of disabled people are able to use rail services without assistance but would struggle if the replacement service was not as accessible as the train. We therefore feel that measures taken to provide replacement services should consider not only those who have booked assistance but those who are able to use the train unaided but may not be able to use the replacement rail services.

We note that ORR is aware of the above issue and is proposing to ensure that passengers are aware of planned disruption and told of alternative transport arrangements. This information should be available through all channels, including person-to-person at stations and on-board trains, and including to passengers travelling spontaneously and who have not booked assistance.

We would urge that care is taken when defining accessibility and rather than using compliance with PSVAR, passengers are informed if replacement services have steps. This will also be an issue when the replacement vehicle is a taxi or private hire car, as certain vehicles are difficult for those who cannot step up into certain vehicle types or stoop down to sit in lower vehicles. We understand that some taxi drivers may have exemptions from carrying dogs, including assistance dogs, on medical grounds, but we would ask where this is the case that vehicles that can be readily available. Provisions should be made for taxis that can accommodate wheelchairs so that passengers who require this are able to travel with family or friends without being separated. We are aware of instances where the latter has happened and caused severe anxiety to the disabled passenger. In addition, with regard to taxis, care should be taken to ensure adequate supply to meet anticipated demand in order that disabled passengers do not face undue delay during times of disruption when

compared to their nondisabled counterparts who are able to use the provided rail replacement transport. We are aware of situations where, where accessible taxi transport was or could not be sourced, disabled passengers were forced to wait for the next available rail service, with considerable delay, and where this was offered as the only possible option with no consideration of any alternative. This is a particular issue in rural areas where rail services may be few and far between.

- **Encouraging earlier procurement and greater use of accessible vehicles at times of planned disruption**

Should the requirement to have accessible vehicles available at times of planned disruption be included in individual franchise requirements? MACS previously asked for measures to be taken to ensure that fully accessible vehicles were used during the planned disruptions on the Aberdeen to Inverness line. We subsequently heard from a number of passengers that the measures were not implemented. We also heard that there were no staff on hand to assist passengers between the train and the replacement vehicle and that no staff member had been given the responsibility of ensuring that all passengers had successfully been transferred. This is particularly important where unstaffed stations are used for the planned transfer.

A recent Poll undertaken by Disability Equality Scotland (DES) on access to rail services showed that a worryingly significant number of people are concerned about travelling when they board or alight at unstaffed stations. Comments made in response to this Poll stated that information is often not passed on between booking staff and staff on the train. It is therefore important that communication as well as access is covered in the contract specification for rail replacement services. Measures should be taken to ensure that information regarding and relating to transfer procedures is communicated to passengers in a format accessible to them including, for example, BSL (British Sign Language) or Easy Read. It is important to remember that a lack of information, particularly for those who are unable to independently find staff to provide it, can be extremely distressing and the difference between them continuing to use the network and never travelling by rail again.

- **Proactive provision of information to passengers on the accessibility of rail replacement services, and on any alternatives that may be more appropriate**

It is essential that clear information is given to passengers of all abilities. We note that recognition has been given in ORR documents to the needs of deaf and/or visually impaired passengers however the proposed options can only succeed if the passengers have appropriate digital devices incorporating accessibility features, the ability to use them, and they are in an area where there is adequate digital coverage. It should be noted that blackspots for digital coverage are present in both rural and urban areas.

- **Working with industry partners to improve the provision of accessible coaches during large scale engineering works.**

Unfortunately, in our experience the coaches used as rail replacement transport do not currently comply with PSVAR. This is mainly due to the fact that the contractors undertaking the rail replacement work normally use their vehicles on tours, private hires and school contracts where they do not have to comply with PSVAR. As stated above, even if PSVAR coaches are a requirement some disabled people will be unable to use them because of steps. This might be an opportunity to ensure that fully accessible vehicles are introduced to these areas but it is likely to be costly for this to be achieved. It would be unfortunate if the inability to provide suitable vehicles or the cost of provision was to establish an exemption to compliance using the grounds of “reasonable adjustment”. In addition, buses and coaches rarely offer the same accessibility features and standards as are present on rail rolling stock. For example, the majority of trains provide automated announcements of upcoming stations and stops or have a member of staff on board who provides this information in real time. This allows passengers, especially those who are visually impaired, to know where they are and to alight from the train independently. This information is not normally provided as a matter of course on rail replacement transport leaving the potential for passengers to be carried past their desired stop. We would ask that it be a requirement of all contracted operators that this information be provided by the driver with an awareness of its importance to disabled and other passengers.

We hope that the views conveyed in this response prove useful and are happy to be contacted with any queries.

Hussein Patwa
Co-Lead, for and on behalf of Rail Workstream

Mobility & Access Committee for Scotland (MACS)