



Consultation response

To: Disability Discrimination Act 1995 – lifting part three exemptions to transport services – Draft Regulations

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1. Introduction

- 1.1** *pteg* represents the seven Passenger Transport Executives of England and Scotland which between them serve more than thirteen million people in Strathclyde, Tyne and Wear ('Nexus'), West Yorkshire ('Metro'), South Yorkshire, Greater Manchester, Merseyside ('Merseytravel') and the West Midlands ('Centro').
- 1.2** Britain's PTEs are the driving force behind the development of public transport in some of Britain's largest City Regions. Their responsibilities include:
- producing the strategies for the development of local public transport networks;
 - planning and managing local rail services (in partnership with the SRA);
 - planning and funding socially necessary bus routes;
 - working in partnership with private operators to improve bus services—for example through bus priority schemes;
 - running concessionary travel schemes—including those for older, disabled and young people;
 - investing in local public transport networks—including new rail and bus stations;
 - developing and promoting new public transport schemes—like light rail and guided bus networks;
 - providing impartial and comprehensive public transport information services – including by phone and internet;
 - managing and maintaining bus interchanges, bus stops and shelters.

In some cases PTEs are the operators of public transport, such as the Tyne and Wear Metro, Glasgow Subway and some ferry services. However, most public transport in PTE areas is operated by private companies.

The PTEs have a combined budget of more than a billion pounds a year, and are funded by a combination of local council tax and grants from national government. They are responsible to Passenger Transport Authorities (PTAs), made up of representatives of local councils in the areas they serve.

- 1.3** 14% of adults have a physical disability or long standing health problems that make it difficult for them to go out on foot or use public transport. The PTEs are fully committed to removing barriers to accessible public transport.

2. Definitions

- 2.1** *pteg* considers that the detailed definitions are sufficient for the services intended to be covered by the legislation.

3. Timing

3.1 *pteg* considers that the intended timetable for implementation is reasonable. For PTEs, most services are provided through contracts with transport operating companies, whether bus or rail. The ability of PTEs to comply with the legislation is, therefore, constrained by the ability and willingness of those operators whom they contract. PTEs' involvement with heavy rail services is by agreements with the Train Operating Companies and the Strategic Rail Authority. PTEs are therefore reliant on disability legislation applicable to the rail industry, including the Rail Vehicle Accessibility Regulations and licensing requirements including the production of Disabled People's Protection Policies. Similarly, bus services are provided through contracts with bus companies. In PTE areas generally, the proportion of fully accessible buses in the overall bus fleet is high. Since fleets are not required to be fully accessible until 2017, however, there may be cases where services are, for the most part, provided by step entrance vehicles. Nevertheless, it is likely that PTEs may be able to require operators to provide accessible vehicles for the vast majority of tendered services before that time. As the test of reasonableness has not yet been established in case law, areas of uncertainty remain.

4. Costs

4.1 *pteg* broadly considers that the Regulatory Impact Assessment provides a realistic assessment of costs. Other than investment in new vehicles and rolling stock, most costs for the industry are likely to come from awareness training. Both the rail and the bus industry already have established training programmes for staff and the additional costs will be, at worst, marginal.

5. Physical alteration of the vehicle

5.1 *pteg* notes that the Government does not propose to make land based transport services subject to the 2004 duties requiring physical alteration of a vehicle, with the exception of vehicle hire. We agree with this in principle, as Section V of the Disability Discrimination Act 1995 and the regulations developed using its powers, specify how a vehicle will be made accessible to disabled people.

5.2 This could, however, have the unwanted consequence that substitute services, such as a bus that is substituted for a train, could be inaccessible to some disabled people who would have been able to use the original means of transport. *pteg* therefore recommends that either the duty to make physical alterations to a substitute vehicle is included in the regulations, or some other solution is found. This could be specifying that the substitute vehicle, such as a bus or a taxi, should conform to the accessibility regulations of its own vehicle class. If this were to be done then we agree the Government would not need to include any provision for a reasonable alternative method of providing a service for transport services, other than in the case of vehicle hire.