

## **Bus and Coach Passenger Rights**

### **SATA's response to the Department for Transport's UK consultation on the European Commission's proposals**

#### **Introduction**

SATA represents the interests of disabled people in achieving accessible transport services and thereby greater mobility. To this end the availability, accessibility and affordability of bus and coach travel is of the utmost importance to them.

We therefore support the aim of improving passenger rights and creating common standards across Europe for the benefit of bus and coach users.

#### **Questions and responses**

### **Chapter I: General provisions**

#### **Q1**

**Do you have any comments on the proposed definitions set out in Article 3 of the proposed Regulation?**

The definitions are acceptable but we consider that parents with infants and children should be included as having reduced mobility and especially when they have particular needs for assistance.

#### **Q2**

**Do you have any comments on the proposed scope of the regulation?**

We note that the proposal would apply to regular bus and coach services on both domestic and international routes. But domestic urban, suburban and short-distance regional services may be excluded if they are 'provided through public service contracts that provide a comparable level of passengers rights'.

All services should be covered. We do not see why any exemptions are necessary even when the level of rights is comparable. Local services link with

longer distance services and the rights of passengers should extend through the whole journey.

**Q3**

**Do you see the requirement for passengers to be issued with a ticket to be entitled to the rights under the proposed Regulation causing any problems?**

The use of smart cards should not be excluded. Under definition (5), 'ticket' is defined as a valid document 'or something equivalent in paperless form'.

**Q4**

**Do you see any problems being caused by the requirement of operators to provide non-discriminatory contract conditions and fares?**

We have no comments

## **Chapter II: Liability of operators with regard to passengers and their luggage**

**Q5**

**Do you have any comments on the Commission's proposals regarding liability?**

We have no comments

**Q6**

**Do you think passengers are already adequately covered for personal and property damage under existing European legislation on motor insurance?**

We have no comments

## **Chapter III: Rights of disabled persons and persons with reduced mobility**

**Q7**

**Do you have any comments on the Commission's proposals regarding disabled people and people with reduced mobility?**

Article 10

We strongly agree that operators, vendors and tour operators should be prevented from refusing to accept a reservation, issue a ticket, or board a passenger on grounds of disability or reduced mobility, or embark them provided they have a valid ticket or reservation.

We strongly agree that 'reservations and tickets should be offered to disabled

persons and persons with reduced mobility at no additional cost'. Under Scotland's national concessionary bus scheme, operators have discretion to charge a booking fee. But for a wheelchair user where there is only a single space available, advanced booking is essential to guarantee the space. A charge is therefore considered discriminatory.

#### Article 11

Notwithstanding Article 10 however, we note that refusal may take place on grounds of (a) safety or (b) the 'physical impossibility' of embarking or carrying a disabled person or person with reduced mobility due to the 'size of the vehicle'. This latter ground needs clarification since it is left to the service provider to decide what is physically impossible and it is usually the accommodation in the vehicle rather than its size which is the relevant factor.

The right, in the case of embarkation being denied, to be 'offered reimbursement and reasonable alternative transport services to the place of destination in a comparable timeframe' is welcome and it is noted that these are not alternatives.

The right, on grounds of safety, for the service provider to require a disabled person or a person with reduced mobility to be accompanied by another person able to provide assistance must be justified on clear evidence and backed by an undertaking to carry that other person free of charge.

#### Article 12

We fully agree with the provisions under this Article, and especially the active involvement of disabled people in the establishment of non-discriminatory access rules including all access conditions, the accessibility of the vehicles operated and the facilities on board and that these rule should be publicly available in appropriate and accessible formats.

#### Article 13

We fully agree with the provisions under this Article regarding the right to assistance.

#### Article 14

We fully support the requirement in this Article for the designation of bus and coach terminals where assistance to disabled people and people with reduced mobility should be provided and that this assistance should be provided at no additional charge.

#### Article 15

We fully support the requirement in this Article that, subject to the provisions of Article 16, assistance on board the coach or bus and during boarding and disembarking should be provided free of charge.

#### Article 16

We note that this Article requires disabled people and people with reduced mobility to give 'at least 48 hours' notice to service providers before assistance is needed. Assistance shall be facilitated provided that the person concerned arrives at the designated point at the time stipulated 'no more than 60 minutes before the published departure time' or 'if no time is stipulated, not later than 30 minutes before the published departure time'. A terminal managing body shall also designate points of arrival and departure, both inside and outside the terminal building, at which people can announce their arrival and request assistance.

We do not think that these time requirements should be made a condition of carriage since disabled people and people with reduced mobility may on occasion, like anyone else, require to travel at short notice. The degree of assistance required may also be minor. Operators should also provide facilities for a companion giving assistance to travel free or at a reduced rate.

#### Article 17

If 48 hours notice of the need for assistance is given, it is reasonable that a third party sub-contractor should be given at least 36 hours notice before the published departure time for the journey. But if 36 hours is sufficient time for a sub-contractor to provide assistance it should be enough for the main contractor - see our comment under Article 16 above.

### **Chapter IV: Operator obligations in the event of disrupted travel**

#### **Q8**

**Do you have any comments on the Commission's proposals regarding in the event of disrupted travel?**

We note that the DfT says the liability of bus and coach operators in the event of interrupted travel is currently governed in the UK by common law contractual principles where a distinction is made between factors within and outside an operator's control. As far as passengers are concerned we think they should always be offered alternative transport and for disabled people and people with reduced mobility this should be by accessible transport.

### **Chapter V: Information for passengers and handling of complaints**

#### **Q9**

**Do you have any comments on the Commission's proposals regarding information for passengers and handling of complaints?**

We fully agree with these proposals.

### **Chapter VI: Enforcement and national enforcement bodies**

**Q10****Do you have any comments on the Commission's proposals regarding enforcement and national enforcement bodies?**

We agree that bodies should be designated to enforce the regulations and receive complaints and that they should be independent of operators. We think they should also be independent of Government, have a high profile with the public, and include members who understand the requirements of disabled people and people with reduced mobility.

Presently the complaints mechanism in Scotland is not in the least clear to the public because the Bus Passengers' Platform (BPP), formerly the Bus Users' Complaints Tribunal (BUCT), is now an integral part of Passengers' View Scotland (PVS), originally named the Public Transport Users' Committee (PTUC), which is basically an advisory not a complaints body. It will become even more confusing if Passenger Focus, which presently has a high profile on rail matters in Scotland as well as elsewhere in the UK, widens its remit to also include bus and coach services.

**Impact Assessment****Q11****Do you have any comments on the costs and benefits identified in the Government's initial impact assessment?**

We think that the main impact on operating costs for operators will be the recruitment, training and deployment of staff to provide assistance. This could be offset to some degree if companions giving assistance were allowed to travel free or at a reduced charge. Other costs to operators will be as stated, ie increases in insurance to cover liabilities and the provision of information. There are capital costs involved in the adaptation of vehicles but these are already having to be met in the UK under the DDA regulations

The benefits to operators should be increased income from a rise in passenger numbers encouraged by higher standards but this may depend on fare levels and competing modes of travel.

The extent to which disabled people and people with reduced mobility will travel more often and more widely will for many of them depend on improvements in service standards, infrastructure and vehicle accessibility and comfort. The end-benefits to them are hard to quantify but are usually experienced as increased access to social networks and a range of services and facilities, resulting in greater social inclusion, health and well-being.

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Submitted following online consultation with individual members and corporate members representing disability organisations, transport planners and operators in Scotland.

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