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Dear Mr Adeleye

**"Improving Bus Passenger Services through the Regulatory Framework":
consultation response**

Thank you for the opportunity to review and respond to the Government's consultation paper at reference. This response collects the view of the industry body RTIG, a collaborative group of some 80 subscribers including UK local authorities, transport operators, and the system industry whose scope is the effective use of technology in public transport.

Inevitably there are areas where our members' views do not coincide. This response represents **only** the consolidated views of RTIG where there is a consensus view. Members will doubtless use other channels to provide any additional perspectives they may have.

Moreover this response is restricted to those aspects which are within RTIG's scope of operation, namely the role of technology in public transport. We believe that, whichever way the regulatory decisions go, it will be important to ensure that technical approaches are used both effectively and efficiently.

RTIG remains committed to delivering benefit to UK plc and will be happy to discuss any of its comments further.

Yours sincerely

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Annex to RTIG-c041-mc: Specific questions answered

Registration of local bus services: improving the provision of reliable and up-to-date information

Advance notice to local authorities

Question 1: Do you agree with the proposal for amending The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) with an additional provision requiring an operator to inform the relevant authority or authorities 14 days before making an application to the Traffic Commissioner to start a bus service, or vary or cancel an existing service? Please give reasons for your views.

The current systems for registration are fairly complex and have multiple steps to validate a registration. Electronic Bus Service Registration (EBSR) has been developed with DfT centre, VOSA and the industry cooperating to provide a more efficient and reliable solution. Data quality for both regulators and the public has, we believe, improved as a result, but the process is a challenge for all bus operators given the additional work this requires.

If this change in business process were required, the systems used to deliver existing EBSR services would need to be reviewed. Care would need to be taken that the systems were capable of supporting the new process efficiently, or there would be a risk that industry would revert to a lower quality manual system.

Minimum period of operation for newly-registered services

Question 2: Do you agree with the proposal to introduce a 'No variation or cancellation of a registered service for 90 days' provision, and for notice of any proposed variation or cancellation to be placed on vehicles for a minimum period of 21 days? Please give reasons for your views.

As with the previous comment, a process change of this kind could have significant implications for existing systems.

Notifying passengers of service changes

Question 3: Do you agree that the proposed requirement for operators to place notice of any proposed variation or cancellation on vehicles would ensure that the travelling public are well informed about changes which affect their journeys? Please give reasons for your views.

This is a complex and contentious question, and we can make no simple response which is universally supported by our members.

Question 4: Are there other factors to consider with regard to compliance and enforcement of this proposed requirement? Please give reasons for your views.

See answer to previous question.

Variation of services around bank holidays

Question 5: Do you agree with suggested changes to Regulation 9(2) of The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) to redefine the journeys for which a service may be varied; to substitute 56 days for 21 days as required period of notice, and 28 days for 21 days for community bus services? Please give reasons for your views.

Bank holidays have proved a particular headache for both scheduling and registration systems. The proposals are unlikely to change this much.

Rail replacement bus services

Question 6: Do you agree that the Public Service Vehicles (Registration of Local Services) Regulations 1986 should be amended so that no notice period would be required for registration of temporary rail replacement bus services? Please give reasons for your views.

Rail replacement services are typically implemented as a result of unforeseen problems with the rail service, as a means of helping rail passengers complete their journeys. On this basis registration as bus services seems inappropriate. Customers generally understand that these are provided as an emergency fallback.

It is however essential that rail replacement services continue to be fully planned in terms of routes, stops etc. This will ensure that they can be activated quickly when needed, and that sound information is available to pass to travellers.

Question 7: On a long term, do you agree that exempting rail temporary replacement bus services from the requirement to register will facilitate greater effectiveness of the service? Please give reasons for your views.

This is an operational matter and we have no comments.

Publication Regulations

Question 8: Will the proposed changes to the publication regulations remove ambiguity and provide needed clarity with regard to these regulations? If not please state why and provide all the necessary supporting evidence.

Clearly it is important that the statutory requirements to provide information are in step, and this seems a sensible clarification.

Bus contract 'de minimis' provisions: reducing administrative costs for local authorities and bidders for service contracts

Question 9: What are your views regarding proposal to change the de minimis level provisions in domestic legislation in favour of EU levels? Please give reasons for your views.

We have no specific views on the *de minimis* limits for tendering.

Question 10: Which of the three options proposed are you in favour of, and why?

See response to previous question.

'General rules' provisions re: EU Regulation EC 1370/2007; increasing the scope for securing better deal on fares for passengers

Question 11: Do you have any views on proposal to make secondary legislation (under Section 91(1) of the Transport Act 1985) enabling local authority to make "general rules" to impose maximum fares on bus operators and compensate them accordingly, without going through competitive tendering? Please give reasons for your views.

The question of how far to enable the public sector to subsidise and control the local bus transport market is a political one, and as a non-political organisation we have no views on this.

However it is worth emphasising the systems impact of such changes. The UK's several national concessionary schemes have generated not just unforeseen market changes (for instance, given that reimbursement is on a no-profit basis operators have very little commercial incentive to attract disabled or older travellers), but also complex technical and commercial challenges.

There is a danger, if broad based legislation were passed, of a plethora of varying local schemes, all slightly different. Not only would this create a "postcode lottery" in terms of access to public transport, but it would be highly inefficient in terms of procuring and implementing systems, both for local transport authorities and for operators. Model solutions applicable nationally would help mitigate this problem.

Driver and passenger conducts: improving bus journey experience for everyone

Sanctions against repeated breach of Conduct Regulations

Question 12: Do you agree with proposal to impose less than criminal sanctions (such as penalty fines) against operators who repeatedly violate the Conduct Regulations? Please give reasons for your views.

We have no comment on this.

Question 13: Are there any other considerations that should be taken into account in determining appropriate and effective sanctions against repeated breach of Conduct Regulations? Please give reasons for your views.

We have no comment on this.

Consumption of alcohol on buses

Question 14: Do you have any general views on the consumption of alcohol on buses? Please give reasons for your views.

We have no comment on this.

Question 15: Do you agree with proposal to amend The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990; to introduce a ban of the consumption of alcohol and carriage of open container of alcohol on buses, in England and Wales? Please give reasons for your views.

We have no comment on this.

Question 16: Are there any other considerations that should be taken into account in introducing such a ban? Please give reasons for your views.

A ban would need to be enforceable, taking into account safety considerations for other passengers and drivers alike.

Technologies that might assist in this (subject to cost-effectiveness) include automated announcements, perhaps driver triggered, to warn offenders; CCTV equipment; and tools that enable a driver to alert the control centre of an infringement, if necessary without drawing attention to himself.

An effective enforcement regime would probably need to be agreed with the police. Again, technology systems could potentially allow police to be alerted to an infringement automatically, and the track of the vehicle, so they could board at a convenient point and take appropriate action.

As with other systems identified in this response as being of potential value, there is a cost to acquiring and operating them. Who will take responsibility for this investment, and on what timetable, cannot be foreseen at this point.

Changes to the definition of Regulated Public Service Vehicles to include European approved vehicles

Question 17: Do you agree that propose changes to the definition of 'regulated public service vehicle' in the Conduct Regulations, to include other European approved vehicles is a step in the right direction? If not, please state why and provide all the necessary supporting evidence.

We have no comment on this.

Smoking on buses

Question 18: Do you have any comments regarding updating the Conduct Regulations in line with the smoking ban in Part 1 of the Health Act 2006? Please give reasons for your views.

As with alcohol, there are a number of technologies that could potentially be used in support of this, including smoke detectors and CCTV systems. However these could be complex, costly to use and/or unreliable, and should not be assumed to be universally applicable.

General

Question 19: What other amendments to secondary legislation do you think might facilitate improvements to bus services? Please state why and provide all the necessary supporting evidence.

We have no additional comments to make.