

Passenger Rights Bus and Coach

- Position Paper: 20 January-

EPTO –

**The EU Commission Proposal for a Regulation on the rights of passengers in
international bus and coach transport
Overview & Comments**

EPTO is the association of European Passenger Transport Operators, whose members are the ten largest public transport companies in Europe: Arriva, First Group, Go-Ahead, Grupo Barraqueiro, Keolis, National Express, Stagecoach, Transdev, Transdev-Connexion and Veolia Transport.

We represent a fleet of nearly 75.000 vehicles, employ nearly 360.000 people and carry 12.0 bn in EU and 21 bn passengers worldwide every year

We provide an extensive range of services including buses, trains, trams, metros, commuter coaches, taxis, water buses and fully accessible demand responsive vehicles.

Summary

- We have considered in detail the proposed Regulation on the rights of passengers in the bus and coach transport sectors. While we welcome initiatives to improve the attractiveness of bus and coach services, and recognise the value of creating comparable regimes for passengers throughout the travel chain, we have strong reservations about the proposals currently being considered. In particular, we believe that the proposals have not considered the specific needs of local and regional public transport. Compensations and more generally **passenger rights are regulated by contracts between authorities and operators** in case of public service contracts and **a third party should not interfere with the agreements** signed on the local or regional level for this type of services.
- Member States should be able to adapt the requirements to the different legal and insurance arrangements in their jurisdictions.
- **The regulation seems to apply clearly on long distance lines (national and international);** the proposed regulation does not reflect properly the different situations on short-distance and long-distance passenger services.
- **The inclusion of buses in the proposed Regulation (but not other local transport modes) is illogical.** Urban transport networks often offer travel options involving different modes (including regular bus, metro and light rail services), many times being organised in a coordinated and integrated way. **This is clearly in contradiction with the "integrated approach for PT" promoted by the European Commission.** We do not believe that local transport services require a Regulation of this nature.
- **For this reason, all national, regional and local bus services (whether run under PSR rules or otherwise) should be exempted from these proposals.**
- Any obligations or liabilities that are imposed on bus and coach operators must be limited to those that can realistically be managed by operators and their employees, taking account of the real operating environment for bus and coach services.

Remarks on liabilities

- The liabilities that operators are expected to bear are unrealistic.
- **Liabilities should be defined for risks which can be controlled by the operator** and its staff under the real operating environment..
- **More and more transport systems are interconnected** (transfer stations, bus and rail connections, call centres, etc.) and **it will not be easy to find who is responsible for delays and who should compensate in case.**
- **Buses and coaches have to suffer from traffic conditions for which they are not responsible** (which makes a big difference with the railways which have their own right of way): The fact that delays are not under control of the operator should be stated in the document and would be an argument to alleviate or cancel discounts or compensations in case of delays.
- **The proposals do not match services where passengers do not pay a fare:** In many parts of the EU, operators run services where there is no fare for passengers: these include schemes where tariff obligations provide free travel for defined categories of passengers (the elderly or those with defined disabilities or mobility problems) and “shuttle services” around disperse urban areas (to link retail locations and train stations, for example) or between car parks or railway stations and airport terminals. In the case of tariff obligations, rules usually require that operators are not paid to carry passengers who would not have travelled if the tariff obligation did not apply.
- The costs of compensation would have to be covered by the state in circumstances where, in the absence of the obligation imposed by the state, an operator would not carry those passengers. **Unlimited responsibility should be eliminated,** and the figures quoted (EUR 21.000 EUR and 220.000) appear too excessive.
- **The liability for luggage loss and damage does not reflect the reality of regional and local bus services,** which usually are not involved in luggage handling.
- In relation to the death of passengers, an **obligation to pay within 15 days without clear recognition of responsibility seems unfair.**

There are well-understood arrangements already in place to deal with these matters. It would be disproportionate to put the costs (irrespective of liability) onto bus passengers when private cars and other road users are not included; those modes have much worse risks and accident rates than buses or coaches.

- Understanding that the commission wants to avoid long delays in paying an advance payment in cases of loss of life, **the advance payment is very large at EUR21.000 per passenger.** We ask for this to be lowered, as this initially will be an operator cost.

Remarks on PRM

- EPTO supports initiatives that aim to provide reasonable and realistic improvements for people with disabilities and reduced mobility. The range of requirements that operators (and the general public) have to face means that decisions must always be based on having reasonable and feasible solutions to the needs that are identified.
- **Requirements should be specific and achievable**

- **If there are requirements for changes to stations, vehicles and other infrastructure, there must be a recognition that an assessment of reasonable cost has been undertaken.**
- **In many areas, changes to improve the conditions for persons with reduced mobility are already being introduced, along with new vehicles and other infrastructure changes.**
- **The full implementation of such changes will take some years to complete. Any new obligations will need to be financed by local or national public authorities.**
- **It should be understood that the number of bus stops, stations and terminals account to millions over Europe, other than in the case of seaports or airports.**

Local and regional bus services

- The decision on how best to offer facilities for PRM should be taken locally in the light of local circumstances.
- Many public transport services operated under PSR include travel facilities for PRM; in some places, local authorities provide special mobility services covering the needs

of PRM in specially designed transport services, rather than using standard local services. **This is not a matter for which the EU should take responsibility.**

- In many areas, local authorities have a duty to consider the needs of PRM passengers when formulating their transport plans. Good practice in this area should be encouraged. **Where new facilities are being considered for PRM, suitable transitional periods and additional public funds must be provided.**

Long-distance coach services

- **The Commission's proposal does not take account of the costs that would be required to match its plans.**
- The proposal does not recognise that on long haul routes (e.g. those running more than 800 kilometres) **coach operators are unable to attend to PRM issues along the whole length of the route.** Considering that the majority of the coach routes are towards Eastern European countries (from the Baltic States all the way down to the Balkan countries) the Commission ignores here also that in these countries **the existing coach and bus station facilities are not adapted** for these passengers.

- **One solution would be to oblige local authorities to invest in proper bus and coach stations and to equip them with the necessary infrastructure and facilities to enable disabled people to board vehicles in a proper and safe way. The costs (and the time that this would take) are substantial.**
- In case the Commission wants to enlarge this obligation also to the international lines, it should realise that **the existing bus fleet is totally non-adapted for carrying disabled passengers.**
- Adaptation to these requirements would require a transition period of more than 6 years, which is the minimum renewable period for an existing bus fleet.

Remarks on Delays and Cancellations

- The compensation for delays will only constitute a problem for long-distance services. It must be realised that on many occasions delays are not always communicated due to a variety of reasons. **Coaches are not generally fitted with tracking devices and drivers are not encouraged to use the telephone whilst on the highway.**

- **Reality of local and regional bus services should be better reflected.** Passengers on local service are looking for regular, reliable and predictable transport with short (and frequent) stops to allow boarding and alighting close to their origin and destination. The interaction (if any) between passenger and driver will be limited to the purchase or presentation of a ticket with (from time to time) enquires about services, local facilities, the location of stops, etc. In a large and well-developed urban network, there will be many interchange points where passengers can choose how best to complete a journey requiring the use of more than one bus (or metro or light rail) line.
- The proposals that passengers should be provided with “appropriate and comprehensible information regarding their rights under this Regulation” on departure and during their journey (Article 25) and that “adequate information” should be provided “throughout their travel” (Article 24) are not suited to standard bus services.
- The necessary infrastructure development and investments information of passengers should be included as a principal objective in ITS funding.

Other Remarks

- The proposal that a passenger should be “provided with a proof of the conclusion of the transport contract by issuing one or more tickets” (Article 4) does not match the rapid loading and unloading of passengers on high-frequency urban services, nor those where no fare is paid on the vehicle, nor where passengers have been issued with a permit to travel by a local authority under a scheme of reduced price travel for specific groups (e.g. free travel for elderly or disabled passengers).