

7 CONSULTATION QUESTIONS

This response sheet is in eight sections - we would like to know:-

- 1 who you are
- 2 your views on the approval schemes being proposed
- 3 your views on the proposed technical requirements for the approval schemes
- 4 your views on the proposed approach for trailers
- 5 your views on the subject of Post Registration Conversion
- 6 your views on the proposed inspections fees for the approval schemes
- 7 your views on the draft Impact Assessment, including the costs and benefits; and
- 8 any additional information you may wish to provide.

7.1 Information about you

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Company Name or Organisation (if applicable)	Passenger Transport Executive Group

Please tick one box from the list below that best describes you /your company or organisation.

- Small to Medium Enterprise (up to 50 employees)
- Large Company
- Representative Organisation/ Trade Association
- Trade Union
- Interest Group
- Local Government
- Central Government
- Police
- Member of the public
- Other (please describe):

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

Membership comprises the six English PTE's while Transport for London and Strathclyde Partnership for Transport are associate members. Views were obtained from appropriate officers within the member and associate-member organisations who have an involvement in the areas covered by the consultation.

If you would like your response or personal details to be treated **confidentially** please explain why:

**EC WHOLE VEHICLE TYPE APPROVAL - NATIONAL APPROVAL SCHEMES, TECHNICAL REQUIREMENTS AND FEES
CONSULTATION RESPONSE FORM**

7.2 Your views on the proposed approval schemes

1. The most important question to answer is "should we implement national approval schemes, to assist the producers of bespoke or low volume vehicles?" Under question 1 you are invited to comment.

QUESTION 1

Do you agree with our proposal to introduce National approval schemes in addition to the EC Whole Vehicle Type Approval Scheme (Option 2)? Yes No

Please add any additional comments you wish to make:

The proposed derogation for 3+2 seated 'school buses' will allow PTEs to relace their existing 195 Yellow School Buses and 75 conventional 3 + 2 seated buses. with similar vehicles, thereby ensuring the ongoing viability of the schemes which have been successfully implemented to date.

In addition it will allow them to deliver up to 300 additional Yellow School Buses over the next 8 years.

While PTEG supports a National Approval Scheme, we have commented, at Question 5 below, on the conditions under which such a scheme should operate.

2. In the past **Great Britain** and **Northern Ireland** have had different national approval schemes, we propose to introduce national approval schemes which are common to both territories, to simplify matters. This means identical requirements will be applied to new vehicles across the UK. Under question 2 you are invited to comment.

QUESTION 2

Do you agree with the decision to opt for UK-wide national schemes, identical in Great Britain and Northern Ireland? Yes No

Please add any additional comments you wish to make:

We agree with the decision to opt for a UK-wide national scheme as this will give a wider market within a standardised framework, and offer a wider procurement market for vehicles covered under this scheme.

7.3 Your views on the proposed technical requirements

3. The **Technical requirements** (safety and environmental standards to which each vehicle must be tested) are set out in **ANNEX B**, and vary depending on vehicle category. You need to examine these closely, taking advice from experts if needed. In general they are based on European Directives, with some derogation or changes. Question 3 seeks your views on the requirements for NSSTA whilst Question 4 does likewise for IVA.

QUESTION 3

Do you have any comments on the technical requirements in Annex B for any vehicle category under the proposed National Small Series Type Approval (NSSTA) scheme? Yes No

Please elaborate below, or submit a separate sheet with your comments, including a reasoned justification for any changes you wish us to make.

We have concerns with regards to the proposed revised accessibility regulations for small M2 and M3 type vehicles with fewer than 22 passenger seats, typically relating to van derived base vehicles that are converted to specific operator requirements and not normally used as regulated public service vehicles. Vehicles typically fall under section 19 permit provision and are equipped for multiple wheelchair occupancy. However, some M2 vehicles are also operated on regulated Bus Services.

Annex B covering M2 and M3 vehicles appears ambiguous to us as Section 3 dealing with wheelchair accessibility requirements repeatedly refers only to regulated Public Service Vehicles. We are therefore unclear as to whether Section 3 applies to all M2 or M3 vehicles, or

only to those which operate as regulated PSV's. As this will not be known by the manufacturers or converters up to the point of sale we cannot see how the regulations can apply only to regulated PSV's and not for example to minibuses used on permit operations.

We understand the new proposals would increase the wheelchair envelope to 1300mm x 750mm for all wheelchair spaces and there would be a requirement for a 750mm gangway to allow access/egress for a wheelchair. Standard van derived vehicles have an internal width of approximately 1.9m. Therefore compliance with the legislation would mean only 1 wheelchair passenger and no seated passengers could be carried in a minibus that under current DiPTAC small bus recommendations could carry 5 wheelchair passengers or 1 wheelchair passenger and up to 10 seated passengers.

Consequently, the implications on transport services providing multiple wheelchair occupancy vehicles would be extremely significant due to the reduction in available seating and wheelchair spaces. This would have far-reaching implications on the required numbers of vehicles, staff resources and budget provision, and would almost certainly lead to curtailment of some activities benefiting passengers who travel in wheelchairs, on financial grounds.

Therefore we recommend an exemption be made for compliance with the requirement to provide a gangway as specified in Annex B - Section 3 – 7. Gangways for minibuses converted from van derived chassis's or that have restricted aisle width should not be included as this would severely affect service providers ability to provide transport services to current and future levels. The alternative in this instance could be defined as meeting the requirements of the DiPTAC small bus accessibility recommendations.

We understand that the number of approved vehicles will be restricted by type based on their respective vehicle category. We would seek clarity on the following points:-

- a) We are concerned that the numbers of M2 and M3 vehicles could be too restrictive at 250 per annum. The term "type" is not clearly defined in relation to the numbers of vehicles to be manufactured annually. Does this mean that each manufacturer of a 3+2 seated school bus can only produce one product without having significant differences that would allow extra vehicles to be defined as an additional vehicle type? There is a limited range of 3+2 seating products in the market place, unlike conventional buses, and we believe that the total number of manufacturers multiplied by the permitted numbers of vehicles could fail to satisfy demand as the number of services utilising this vehicle type continues to grow. This indirect affect of demand outstripping supply could result in premium prices being charged.
- b) A type of vehicle can contain variants; if the variants are part of the total permitted numbers this would restrict the numbers of each variant within a type. For example, if there are 5 variants of a type, would the manufacturer only be allowed to produce 250 in total of all variants? If this is the case it would further suppress availability, and will have the same indirect effects as in point a.

For example would a two-door bus require separate type approval, even if essentially to the same design as a one-door model? Would this extend to seating configuration and different internal layouts? Given that the directive affects the whole EC, would a right-hand-drive bus be a different type from its left-hand-drive equivalent (this is possibly of particular relevance to school buses)?

If the above assumption are founded, we believe that restricting manufacture of these products will not be in the best interests of procuring and operating bodies and recommend that either the restriction be removed, the limit on permitted vehicles be increased, or that an annual process that reviews the permitted allowances based on actual sales or approvals of each vehicle type is introduced.

QUESTION 4

Do you have any comments on the technical requirements in Annex B for any vehicle category under the proposed Individual Vehicle Approval (IVA) scheme? Yes No

Please elaborate below, or submit a separate sheet with your comments, including a reasoned justification for any changes you wish us to make:

See Question 3 above. Clarification is sought on whether IVA will allow manufacturers of specialist bespoke passenger vehicles requiring multiple wheelchair positions to continue to produce such vehicles in the future.

We have picked out two subjects for special comment.

4. There is a provision under the Directive to offer exemptions in national approval schemes for **School buses**, to permit more compact 3 plus 2 seating and a reduced minimum dimension for 'seat pitch' (leg room), thus allowing more passengers on board than the 'Bus Directive' (2001/85/EC) would otherwise permit. We propose taking advantage of this provision, but plan to restrict the use of such vehicles, to prevent abuse. Question 5 invites comments on whether our proposals are desirable.

QUESTION 5

Do you agree with the proposal to introduce a national specification for **school buses**, and the proposal to prohibit their use on scheduled services? Please give a reasoned justification for your views, including any data that supports your arguments.

Yes No

Your comments:

- 1.1) We agree in principle with the proposal for National Type Approval and with prohibiting the use of designated school buses on scheduled services which are used to a significant extent by the general public. We also agree with your suggested specification of a designated 'school bus' in the national approval schemes, with reduced leg room and seat width.
- 1.2) We do not, however, agree with the proposal to restrict the number of passengers over a certain age that can be carried by a 'school bus' to a maximum of 10 persons 'over 16 years'. The commentary below discusses our reasons for opposing this in more detail.
- 1.3) Our proposed alternative restriction would be:-
Restrict the use of designated school buses to 'journeys with an educational purpose' where educational purpose is defined as any journey made primarily in connection with participation in school, college, further education, adult education or training.
- 1.4) This would limit designated school buses to use on journeys with an educational purpose but exclude scheduled local services which are used to a significant extent by the general public.

Commentary

- 2.1) ECWVTA, proposed to apply to new school buses from 2009 – 2011, will affect the delivery of Yellow School Bus (YSB) and conventional 3+2 seated services by PTE's working in partnership with bus operators. YSB services differ from conventional home to school services by offering a package of improvements.

These normally include a modern, high quality, accessible, CCTV equipped dedicated vehicle, as well as a regular driver, allocated seats and pass system and a code of conduct agreed by all stakeholders and signed up to by students and parents.

- 2.2) While existing vehicles will not be affected, existing services will be affected where additional capacity is required and in the longer term when fleets need to be renewed.
- 2.3) Currently a total of 195 3+2 seated YSB's and 75 conventional 3+2 seated school buses are being successfully operated in the PTE areas.
- 2.4) In addition PTE's have plans to introduce up to a further 300 YSB services over the next 8 years :-
- 2.5) All existing and planned future vehicles are 3 + 2 seated in order to maximise passenger capacity and operational flexibility and to ensure that the schemes are affordable; bearing in mind there is little or no flexibility to use the vehicles for other purposes.
- 2.6) If seating on YSB's were restricted to four not five per row, there is considerable evidence (which can be supplied if required), that the Business Case (BC) benefits from using YSB's in preference to conventional buses would be considerably weakened. This is due to lower vehicle capacity, leading to the need for more buses and drivers, at greater cost, to carry the same number of passengers.
- 2.7) Similarly, if 3+2 seating was fitted, then the suggested DfT restriction limiting passengers over 16 to a maximum of 10 would also reduce BC benefits due to the reduction in the range and volume of work that such vehicles could undertake; as detailed below:-
- Any services for sixth form and FE colleges using new 3 + 2 seated Yellow School or conventional buses would not be deliverable.
 - Services for schools that include a sixth form would only be deliverable by vehicles with 3+2 seating if the total number of sixth form users and Year 11 students over the age of 16 years was no more than 10 students. These will be difficult to administer and enforce since it will be necessary to continuously monitor the number and birthdays of Year 11 and Sixth Form pupils travelling on each vehicle through the academic year and, wherever the number exceeds 10, prevent students who exceed the maximum age limit from travelling.
 - Any surplus Year 11 students or sixth-formers would have to travel

separately, and the costs of duplication of vehicle and driver could make the whole service undeliverable.

- There will be a reduction in the scope of non home to school work that the vehicles could operate, (no journeys could be undertaken where more than 10 over 16 year olds were to travel) so the vehicles could not operate trips for school sixth forms, sixth form colleges and universities, with a consequent reduction in operator income if suitable replacement in-scope work cannot be found. GMPTE estimates that this could reduce income from YSB's by up to 20% for vehicles registered under the proposed regime.
- It should also be noted that requirements for 16+ home to school transport will increase upon implementation of the recent Queen's Speech proposal for the mandatory extension of school attendance to 18 years. If 3+2 seat vehicles were still available, more of this extra demand could be met within available resources.
- The House of Commons Transport Select Committee has extended their Inquiry into School Travel to include -
 - * Travel options for students aged 16 to 19, including those studying at a sixth-form colleges and further education colleges.
 - * Travel options for students aged 16 to 19, including those studying at a sixth-form colleges and further education colleges.

There may be implications for the DfT if they choose not to amend the proposed legislation without considering the outcome of Select Committee Inquiry.

2.8) PTEG's proposed restriction does not include any age limits. This would allow designated school buses to continue, as now, to benefit the widest possible range of students including those at Further Education Colleges and Universities.

2.9) We understand that the proposed 16 year age limit may reflect DfT concerns about the passenger space and comfort on 3+2 seated vehicles. GMPTE's experience, over 5 years of YSB operation, is that this issue has never been raised by students or their parents in responding to a number of passenger surveys.

2.10) We assume and would suggest that, unlike conventional buses and due to the restricted aisle width, no standees would be permitted on designated school buses with 3+2 seating. Unlike most conventional 2+2 seated buses, Yellow School Buses and many 3+2 seated conventional buses and coaches have overhead and/or under floor storage space for school bags and do not carry standees. This will in itself increase safety and passenger space. On conventional

buses standees will be necessary for a single-deck vehicle to match the seating capacity of a YSB. We consider that, while standing capacity is desirable to maximise capacity on general services, accommodating all passengers in an individual seat, as on YSB's, will result in improved safety and behaviour on designated school services.

2.11) PTEG understands that the national rules will only apply to vehicles built in small numbers – possibly up to 250 units p.a.

2.12) We would welcome clarification on this. Does this number refer to total volume or UK volume? Does this apply to all manufacturers, including those based elsewhere within or outside the EC as well as UK manufacturers? Would a production run exceeding 250 in one year rule the vehicle out of scope in future years, even if production volumes decreased?

2.13) If the number applies to total volume a limit of this level may prove restrictive, especially where large numbers of YSB or conventional 3+2 seated vehicles are required by PTE's and other Local Authorities.

There is a facility for manufacturers to apply for permission to sell unsold vehicle stocks which do not meet the latest standards, known as the '**End of Series**' derogation. Our proposal is to adopt the '3 month rule' contained in the Directive. Question 6 requests your views on this proposal.

QUESTION 6

Do you agree with the proposal to operate only the "3-month" rule for **End of Series** vehicles of all categories? Yes No

If the answer is no, please specify why you would prefer the "percentage of previous year's production" rule to apply. (more information is in Article 27 and Annex XII of the RFD):

7.4 Your views on the proposed approach for trailers

10. **Trailers** are being subject to approval for the first time. At the same time, the regime for **entry into service** of trailers needs to change, to enable enforcement of the requirement for type approval for new trailers. We are not proposing to require registration of trailers.
11. The proposal is for retailers of **small trailers** to check the approval certificate and keep records, when selling a trailer. Question 7 requests your views on this. For **large trailers** (subject to annual testing) the proposal is that VOSA modify their existing scheme and require sight of an approval certificate before a large trailer can be used on the road. Question 8 requests your views on this.

QUESTION 7

Do you agree with our proposal for checking the approval certificate for small trailers (trailer that do not have an annual test)? The proposal is that retailers check the approval certificate when selling a trailer, and keep records of this. Yes No

Please add any additional comments you wish to make:

We agree with the proposal for the checking other approval certificate for small trailers. This will ensure that equipment meets the required standards and increase safety standards and also provide a robust records audit trail.

QUESTION 8

Do you agree with our proposals for checking the approval certificate for large trailers, (trailers that have an annual test)? The proposal is that large trailers are notified to VOSA before being placed on the road, VOSA will then provide consent that the trailer can be used. Yes No

Please add any additional comments you wish to make:

We agree with the proposal for checking the approval certificate for large trailers, (trailers that have an annual test). This will reduce the risk of non compliant large trailers being used on the road, increase safety and reduce road risk.

7.5 Your views on Post Registration Conversion

12. Many vehicles are **modified after registration**, ranging from the addition of alloy wheels to the removal or addition of seats. On heavy vehicles more extensive modifications like addition of an axle are common. There are already regulations on this topic. Question 9 asks whether there is an issue with safety today, question 10 asks which specific areas are most problematic and question 11 asks whether we should impose more stringent requirements on vehicle owners and operators to declare modifications to vehicles.

QUESTION 9

Do you believe that there are safety or environmental protection issues today with vehicles modified at some point after registration? Please explain why and provide evidence to support your statement. Yes No

Please add any additional comments you wish to make:

We believe that there are some safety or environmental protection issues today with vehicles modified at some point after registration. However, current legislation, regulation and testing requirements are such that the risk today is significantly reduced. However, there are concerns as to the effective policing of these risks in particular relating to periods between first registration and specified test periods which can be up to 12 months.

QUESTION 10

Are there any particular areas of the vehicle where you believe there is a problem at present, where modifications are made which have a negative effect on road safety or the environment? If yes please give details below, and describe which vehicle categories you are most concerned about. Yes No

Please add any additional comments you wish to make:

QUESTION 11

Do you favour more stringent restrictions and checks on the modifications that can be made to registered vehicles? Please give a reasoned justification and advise which vehicle categories you are addressing.

Yes No

Please add any additional comments you wish to make:

We believe that better policing based on current legislative requirements may reduce the safety and environmental risk caused by vehicles being modified after registration. It may be prudent to consider increasing the frequency of checks where there is a recognised issue affecting safety and/or impacting on the environment.

7.6 Your views on the proposed inspection fees

13. The proposed **fees** for the **national approval schemes** (NSSTA, IVA) are set out in section 6.5, paragraphs 107-116. It is important to note that these fees will only be a small part of the overall cost of developing vehicles to meet with the new regime. Questions 12-13 invite your views on the fees.

QUESTION 12

Do you agree with the proposed fees for National Small Series Type Approval inspections? Yes No

Please add any additional comments you wish to make:

The fees are broadly in line with the current fees structure for COIF and SVA and are considered reasonable. However, a significant increase could have implications on the smaller manufacturers and those producing a number of vehicles types. These costs may ultimately be reflected in the cost of vehicles and have budget implications for purchasing authorities.

Therefore, clarification on any proposed increases and subsequent time scales could be published as part of this consultation process.

QUESTION 13

Do you agree with the proposed fees for Individual Vehicle Approval inspections? Yes No

Please add any additional comments you wish to make:

The fees are broadly in line with the current fees structure for COIF and SVA and are considered reasonable. However, a significant increase could have implications on the smaller manufacturers and those producing a number of vehicle types. These costs may ultimately be reflected in the cost of vehicles and have budget implications for purchasing authorities.

Therefore, clarification on any proposed increases and subsequent time scales could be published as part of this consultation process.

Your views on the Draft Impact Assessment

14. Our draft **Impact Assessment** is attached at Annex C. Questions 14-16 invite your views on this document and whether you can supply further information.

QUESTION 14

Do you have any views on the overall presentation of the draft impact assessment? Yes No

Please add any additional comments you wish to make:

QUESTION 15

Do you have any views about the costs or benefits of each of the options proposed as detailed in the impact assessment or on any of the underlying assumptions made? Yes No

Please add any additional comments you wish to make:

QUESTION 16

Do you have any views about the potential impacts on businesses of implementing the requirements in the Directive / national schemes?

Yes

No

Please add any additional comments you wish to make:

7.7 Any Other Information

QUESTION 17

If you have any other general comments that you would like to make concerning this consultation, please give them here.

We are very concerned that the consultation letter and the consultation document itself (in paragraph 4) set out those groups who the DfT consider are likely to find the consultation 'of interest'.

Operators/buyers of vehicles and procurement bodies involved in commissioning public transport, school buses and wheelchair-accessible transport are not listed.

We feel that many such organisations are likely to have taken the DfT's advice at face value and therefore that the consultation exercise is flawed and will have failed to attract much relevant comment from parties who are likely to be affected by the proposed implementation of the directive.

Both the consultation letter and the document play down the changes that will be made to vehicle specifications, indicating that the proposals focus primarily on the approval mechanisms.

Our greatest concern is that the changes to wheelchair capacity in small vehicles (minibuses) will adversely affect the level of provision which can be afforded for passengers with disabilities. In view of the fact that many interested parties are, in our opinion, unlikely to have commented, we believe the nationwide impact of this may be far greater than the Department has anticipated.