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**Report to:** Transport Committee

**Date:** 21 September 2018

**Subject:** **Consultation reply to DfT Bus Services Act 2017 Information consultations**

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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	

## 1. Purpose of this report

- 1.1. To inform Transport Committee of the Department for Transport's (DfT) Consultations on the 'Bus Services Act 2017: accessible information and open data', and to seek Transport Committee's endorsement of the proposed responses. The consultations for both accessible information and open data commenced on 5 July 2018 and close on 16 September 2018.

## 2. Information

### Accessible Information

#### Current Position

- 2.1. Despite the Public Service Vehicles Accessibility Regulations challenging many of the barriers previously preventing people from using bus services safely and comfortably, many people still find travel difficult because they are not aware of where the bus is on its route. Whilst the availability of audible and visible information has increased in the past twenty years, the majority of buses in Great Britain remain without it. However the benefits to passengers are significant, with advantages for customers unfamiliar with a buses route. There is also the potential for attracting new passengers who may have been

dissuaded from using the bus previously because of lack of confidence of where the bus is going and when they need to alight.

- 2.2. West Yorkshire Combined Authority, through its Metro transport network, is enabling easily accessible travel information through a range of formats. British Sign Language films are available which explain how passengers can use easy access buses and Access Bus facilities, and also include a SmartCard user guide. The Combined Authority also provide 'Easy Read' feedback forms to enable customers to tell us their thoughts about our services. In terms of bus operators, First West Yorkshire have recently trialled audio visual information on their new buses with positive feedback received.
- 2.3. Our West Yorkshire Bus Strategy outlines our aspirations for accessibility over the next 20 years, including providing information which meets best practice guidelines and statutory requirements and ensuring that complaints procedures are accessible and well promoted, of which there are evident synergies within the consultation proposals.

#### Consultation Description

- 2.4. DfT are seeking views on ways to improve information for bus passengers through the Bus Services Act 2017 and Accessible Information Regulations. They want to introduce regulations requiring bus operators to provide audible and visible information on local bus services to help passengers identify:
  - the route and direction of services
  - each upcoming stop
  - points at which diversions start or end
- 2.5. They intend to specify when this information must be made available and to what standard, allowing operators to select equipment or process that works for them. Their proposed approach recognises risks to smaller operators, marginal services and community transport.

#### Summary of Consultation Response

##### **Information to be provided**

- 2.6. The Combined Authority agrees with the DfT's core proposal that to be compliant, information will need to be provided both audibly and visibly and provided at specific points during a journey whilst allowing passengers time to alight.
- 2.7. The Combined Authority also agrees with the proposal requiring the provision of information to identify the respective route and direction, each stopping place, and points at which a diversion begins and ends. However the Combined Authority feel more consideration is needed regarding, specifically, unplanned diversions and the effect these announcements may have on passengers with learning disabilities or autism, who may have undertaken structured training around how to travel.

## **Timing of Information Provision**

- 2.8. DfT propose to specify that information identifying the route and direction is provided whilst the passenger doors are open at every scheduled stop. This information will be provided no earlier than the previous scheduled stop and in enough time for the passenger to alight, if they wish to do so.
- 2.9. The Combined Authority agrees that the proposed timing requirements are appropriate but would like to highlight the need for passengers to have sufficient time to alight the vehicle, especially those with visual impairments who may need extra time to gather any shopping or physical aids e.g. cane, Guide Dog.

## **Quality of Information**

- 2.10. The Combined Authority agree with the proposals that audible and visible information must be discernible to a specimen person positioned at the furthest extents possible from the source of the information and includes being seated in the designated wheelchair space. The Combined Authority have received feedback from our wheelchair user groups that wheelchair users facing backwards are at a disadvantage and require to see and hear information.
- 2.11. The Combined Authority also agrees with the proposal that audible information must be discernible to a person using a hearing aid in conjunction with an audible induction loop system. The Combined Authority believe it's important to provide these standards in the legislation in order to give passengers confidence that their information needs will be met reliably and consistently across different operators.

## **Use of Technology**

- 2.12. DfT propose that it would be inappropriate to require passengers to possess smart devices in order to access required information. The Combined Authority feel this is sensible as, despite its prevalence, there are still a number of passengers who don't own such products, so this requirement would be extremely restrictive. Reliance on this technology whilst moving around the bus could be problematic for some people. However information could still be made available for those with such devices, without having to be the sole medium of accessing it.

## **Use of Exemptions**

- 2.13. DfT suggest that vehicles operated under Section 19 and 22 permits ('not for profit' transport), vehicles carrying fewer than seventeen passengers and heritage vehicles should be exempt from the Regulations. The Combined Authority agrees with this and appreciate that providing audio and visual information would be a financial burden for these types of operators. The Combined Authority also recognise tour services don't run a regular timetable, therefore the need to provide audio and visual information is unnecessary.

## **Implementation Timescales**

- 2.14. DfT propose that the requirement to implement the Regulations for operators would be delayed for between two and six years, from commencement date, to provide smaller operators with longer to comply and plan for implementation. The Combined Authority agrees this is the most appropriate option, but is conscious that most operators will be required to retrofit equipment onto their buses, creating a financial burden for them. Conversely, without retrofit it will take a long time to roll these requirements out and there will be a variability/unreliability in the system.
- 2.15. Local Transport Authorities (LTA's) will also be required to fit audio visual announcements systems to local authority funded secured bus services. Whilst the Combined Authority don't oppose this, there are important implications for LTA's with the resulting additional costs of supported bus services. The Combined Authority agrees with UTG's assertion within their response that this could put some supported bus services at risk and to mitigate this, external and ring fenced funding, through a Government Grant, should be provided to assist LTA's with implementing this.
- 2.16. DfT are aware of at least one operator subsidising their ongoing information costs by using visible information displays to show advertisements. Whilst the Combined Authority broadly agrees that this could be an effective approach to lessening costs for operators, the Combined Authority would recommend that the balance between advertising and audio/visual announcements is considered. For example, interrupting visual information with advertisements would be okay if any audible information is ad-free. It is important that the primary function of providing travel information is respected and any advertising doesn't overwhelm or override this.

## **Guidance for Operators**

- 2.17. DfT propose to develop draft guidance to help operators understand the new legal requirement, including its role in supporting passengers, the duties of operators, and sources of additional help. The Combined Authority agrees with the elements of the proposed guidance.

## **Compliance and Enforcement**

- 2.18. The Combined Authority agrees with the proposal to specify in guidance and passenger communications, a process for complaining about alleged non-compliance. The Combined Authority is conscious that many disabled people are unaware of the levels of service they should expect, as well as complaints and enforcement procedures, and therefore acknowledge the importance for passengers to be aware of their rights. However, the Combined Authority is conscious of the importance of operators considering how they publicise these messages to passengers so that these processes are easily understood.

## **Extent of Regulations**

- 2.19. DfT do not intend to make provision in the Accessible Information Regulations for different implementation approaches for England, Scotland and Wales. The Combined Authority agrees that they should apply consistently across the three nations and as an English Authority particularly, the Combined Authority believes the regulations should certainly apply cross boundary.

## **Open Data**

- 2.20. Collectively, bus operators, Local Transport Authorities and data aggregators already deliver a significant amount of route, timetable and real-time information. A free national open dataset on routes and timetables is available through the Traveline National Data Set (TNDS) and Real Time Information (RTI) is available via Traveline and the NextBuses API for some local authorities and bus operators, but not all.
- 2.21. Responsibility for providing data, even the established routes and timetables, is often far from clear and relies on organisational good will. For fares and ticketing data, the lack of an agreed data standard is a barrier to publishing, which results in many customers not knowing the cost of a ticket before starting the journey. Research shows that RTI is highly valued by customers, and many operators in West Yorkshire have Automatic Vehicle Location (AVL) equipment on board buses. However, without high-quality, universal coverage of RTI, customer experiences and expectations will continue to vary across the region.

### Consultation Description

- 2.22. The DfT are seeking views on ways to improve information for bus passengers through the Bus Services Act 2017 and open data legislation. The DfT are proposing to make Regulations requiring the provision of digital Open Data by all operators of local bus services across England (outside London). The aim is to make it easier for bus passengers to plan their journeys through access to routes and timetables data, fares and tickets data, and RTI.

### Summary of Consultation Response

## **Distributed publishing model**

- 2.23. DfT are proposing to use a distributed data publishing model where bus operators and Local Transport Authorities are responsible for publishing their own data (routes, stops, fares and RTI). The DfT aim to build a Bus Open Data portal to make each operator's information discoverable. The Combined Authority believes a distributed data model is an acceptable method as it permits the publication of data as close to source as possible, making individual publishers accountable, which is in the best interest of customers. Although a distributed model puts pressure on data publishers, who don't all have the same capability or resource to publish data, DfT will need to provide adequate support so that any costs aren't passed to the customer. The

Combined Authority would like to see mechanisms in place ensuring a distributed model creates high quality, accurate data which can be developed into applications which will result in more accessible information available to customers. The Combined Authority believes customers need to have confidence in the data (routes, timetables, fares and real time information), so they can make informed travel decisions, and this confidence will only develop if they are provided with accurate and reliable information.

### **Routes and timetable**

- 2.24. The DfT are proposing that bus operators would be responsible for publishing route and timetable information by the end of 2019 in an industry standard TransXChange (xml) file format.
- 2.25. Bus service registration process is currently the trigger to capture route and timetable information. The Combined Authority uses the bus service registration information to populate routes and timetables in its central database that facilitates the production of easily accessible information to customers across a range outputs including printed timetables, bus stop displays, online timetables and journey planners on behalf of operators. Quality assurance forms a part of the process. The Combined Authority release this (Open) data which forms the part of the Traveline National Data Set (TNDS) which is already used by customer-focused journey planning apps including Google.
- 2.26. DfT proposals mean the responsibility for publication of route and timetable data (and quality assurance) will fall to bus operators, which is likely to have a financial impact on them. However, there will still be a requirement for the Combined Authority to consume the data in order to generate its passenger information outputs such as timetables. Publishing this data is in the best interest of the passenger so the Combined Authority strongly supports this proposal, however the Combined Authority would not expect to see the cost of the provision of such data to be passed to taxpayers.

### **Fares and ticketing**

- 2.27. The DfT are proposing that operators publish basic fare and ticket information by the end of 2020, with all fare variations by the end of 2022. Fare and ticketing information is not currently published universally by operators and there is no agreed standard, making this a major challenge, which DfT will need to address.
- 2.28. The Combined Authority strongly supports the publication of fares information as this will assist customers in making informed journey decisions. The Combined Authority note the UTG's concerns about the investment needed by operators to achieve this and therefore the cost to the bus industry, however the Combined Authority do not expect to see the cost of information provision be passed onto the taxpayer.
- 2.29. The benefits of making information on fares more transparent and accessible to customers may result in increased patronage and in the long term may

encourage a simplification fare structures. However, the Combined Authority notes that a phased approach to publishing fare information is not in the best interest of passenger, and therefore disagree with this approach. Releasing the full range of fares means passengers have the ability to choose the best value ticket for them. A phased approach, where simple tickets are released first, means that passengers could end up with the wrong product or be presented with inflated fares (particularly for multi-operator journeys), which could generate a negative perception and deter future bus use based on the information provided.

- 2.30. Consideration also needs to be given to the frequency at which fare data is to be published by operators. A lag time between a change in ticket prices and the fares data being consumed by third party apps, and ultimately delivered to the customers, may result in incorrect prices being advertised. This raises the question of who may be responsible for not selling tickets at the advertised price.
- 2.31. The DfT also propose that Local Transport Authorities could provide fares data on behalf of operators as a bureau service. The Combined Authority notes that Local Transport Authorities will need to be adequately financially supported if they were to provide service on behalf of operators. Any costs associated with implementing this need to be considered, so that the end result is not a cost to the taxpayer.

### **Real time information**

- 2.32. RTI informs members of the public about the current status of buses with predicted arrival times at bus stops. The DfT are proposing that bus operators should be responsible for generating and providing AVL data. The requirement to transform this into meaningful RTI for passengers and provide this to the Bus Open Data Portal will sit with Local Transport Authorities. This is consistent with the current approach in West Yorkshire.
- 2.33. The Combined Authority believes delivering RTI to customers is vital and bus operators and the Combined Authority have invested in an extensive RTI system, responding to customer expectations. It is recognised that the Combined Authority must maintain customer confidence in the information it provides and there is ongoing investment in the technology which operates the system. The Combined Authority currently already collates and quality assures RTI from operators, including validating against registration information. This information is accessible to customers via a variety of means (digital displays at stops/stations, via the website, text messages and third party apps).
- 2.34. The Combined Authority reiterates the UTG's concerns about the costs of this process at a time when funding is under severe pressure. Future funding constraints may mean that these services could become unaffordable without government support.
- 2.35. Not all operators have AVL systems and there is incomplete RTI coverage in West Yorkshire, which results in varying customer experiences and

expectations. The financial implications on smaller operators to provide RTI may force some out of business, potentially leaving local authorities to provide tendered services to plug the gap, which in turn has financial implications on them. However, a move towards complete coverage of RTI would result in a more universal standard for customers improving their experience of these services. In addition, the Combined Authority believes there is merit in standardising the frequency (timing) operators provide RTI.

- 2.36. Statistics from annual surveys and RTI usage figures from the website, text messages highlight how valued RTI is to customers and the Combined Authority recognises its importance and therefore strongly support the universal publication of RTI.

### **Information about the operation of the service**

- 2.37. The Combined Authority would support the DfT's view to impose legislation for the provision of RTI as this will provide the most benefit to existing customers and prospective users of bus services. By publishing high quality, accurate route, timetable and RTI data, customers will be presented with the full picture, allowing them to make informed travel decisions.
- 2.38. The Combined Authority would also support sharing of aggregated bus punctuality information in line with the Bus 18 initiative. Sharing of punctuality data between operators and local authorities will allow us to address areas of concern and use the data to develop shared solutions for the benefit of customers and the operation of services.

### **Information about bus stops**

- 2.39. There are currently two national data sets which contain information on bus stops. The National Public Transport Access Node (NaPTAN) covers information on access points to the transport network and National Public Transport Gazetteer (NPTG) provides topographic contextual information. The DfT are proposing to make maintenance of both datasets a statutory requirement for local authorities.
- 2.40. The Combined Authority recognises the value of NaPTAN and NPTG datasets and routinely update these so the proposals have no additional impact on the work already undertaken. The Combined Authority also sees the benefits of bus operators regularly consuming these datasets so there is a 'single version of the truth', reducing validation errors when producing timetable information for stops.

### **Tools and training**

- 2.41. The DfT recognise all data publishers will need to develop a level of digital maturity and capability to enable them to digitally publish data required by the draft regulations. The DfT are looking at developing guidance, software and training to help operators achieve this.

- 2.42. The Combined Authority believes the DfT should create step-by-step, technical guidance for all publishers on the topics covered in the Open Data Bus Services Act, which clearly outlines roles and responsibilities of publishers. The Combined Authority expect that any guides, tools and training resources provided by DfT should focus on ensuring that the processes for opening up bus data are cost-effective, straight-forward, efficient and consistent.

### **Use and disclosure of information**

- 2.43. The DfT propose that the data made available as part of the bus services act will be made freely available without restrictions on its use, a fundamental principle of Open Data.
- 2.44. Open Data on bus routes, timetables, fares and RTI will encourage use of the data in as many ways, including helping customers make informed travel decisions and allowing Local Transport Authorities and operators to make stronger evidence-based spending decisions.

### **Compliance and enforcement**

- 2.45. Currently, the majority of operators provide route and timetable information in paper format and Local Transport Authorities conduct quality assurance activities. The DfT's proposals mean that the bus operators will be responsible for publishing data via a distributed model and therefore they will be accountable for supplying high quality, accurate data. However, the Combined Authority recognises that the level of digital maturity and technical knowledge in this area varies between operators. To mitigate the impact of this the Combined Authority suggests that DfT need to enable operators to achieve a standardised level of technical competency so they have the capability to meet the DfT's proposals. The DfT suggest that Local Transport Authorities may be in a position to offer regional data publishing bureaus, providing support with data assurance activities. The Combined Authority currently provides this service locally and notes that that appropriate financial support needs to be provided to allow all Local Transport Authorities to resource this.
- 2.46. If data is published directly by operators, careful consideration needs to be given to how data is quality checked before being made available on the DfT data portal. High quality, accurate data is critical to the success of these proposals, given that ultimately this data will be collated by third party applications and consumed (and judged) by customers. The Combined Authority believes that the end-users of the data, the customers, need to be at the forefront of these proposals, ensuring they have access to timely, high quality, accurate information, which should be the main driver for enforcing compliance. Although DfT have indicated their desire to decouple bus Open Data from bus service registration, the Combined Authority suggests that there is an opportunity to perform some data quality assurance at the point of registration.
- 2.47. The Combined Authority believes that the DfT could consider financial support (e.g. grant loans) to help data publishers meet the proposed requirements.

Customers need to have confidence in the information published as part of these proposals so they can make informed travel decisions. Without complete compliance to the proposals, this key objective will fail to be met.

### 3. **Financial Implications**

3.1 There are no financial implications directly arising from this report.

### 4. **Legal Implications**

4.1 There are no legal implications directly arising from this report.

### 5. **Staffing Implications**

5.1 Response to the consultation is currently dealt with by existing resources within Transport Policy and Transport Services.

### 6. **External Consultees**

6.1 No external consultations have been undertaken.

### 7. **Recommendations**

7.1 That members endorse the submission of the consultation response.

### 8. **Background Documents**

8.1. DfT consultation documents:

<https://www.gov.uk/government/consultations/bus-services-act-2017-accessible-information>

8.2. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/722573/bus-services-act-2017-open-data-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722573/bus-services-act-2017-open-data-consultation.pdf)

### 9. **Appendices**

9.1. Appendix 1 – Accessible Information Consultation Response

9.2. Appendix 2 – Open Data Consultation Response