



## Policy Impact Note | 21 July 2020

### Private coach transport: what group size is permitted?

Private coaches are convenient low-emission vehicles to move groups of people around. However, unlike public transport, their operating conditions under COVID-19 precautions are often unclear and can seem irrational. Social distancing measures differ, and national variation is usual. This is an obstacle to business recovery and undermines consumer confidence. Other forms of collective transport are also subject to rules which, from the point of view of passengers moving from one mode to another, make little sense. These difficulties are compounded for cross-border services.

To take two examples: first, a group of visitors from Germany, arriving in Amsterdam by road to start their city tour with a canal cruise, must switch from non-socially distanced seating arrangements on a private coach to strict social distancing afloat. Depending on group profile, two or three vessels would be needed where previously one would do.<sup>1</sup>

Second, a legal limit in England (not the UK) of 30 people attending a single gathering, had been taken by some as a basis for maximum load factor on a coach; this seemed reasonable enough at first sight. But on closer examination, the inference was questionable. There is no such legal limit for coaching: capacity is likely to vary based on group profile and companies' risk assessment.<sup>2</sup> While some coach and ferry operators serving the UK have assumed 30 is the limit, our current understanding is that a full coach arriving from the continent would be allowed to enter the UK.

These examples demonstrate the curious position into which the crisis has led government and trade associations, each looking to the other to provide clarification. Industry needs certainty to operate and to compete effectively: while it may be expert on what is possible and how it could work, only government can impose legal restrictions. These must be clear, rational, proportionate, and properly disseminated. Industry will evolve practical guidelines and share good practice, but it must not set the rules.

#### Issues arising

1. Government recommendation or encouragement to follow guidance is not law. 'Should' cannot become 'must', nor imply a legal obligation. 'Nudging' a population into good practice may suit community behavioural psychology; it does not work for business.
2. Legal certainty is required: it is not reasonable to keep business in doubt. Clarity about the legal position allows industry to establish a foundation on which to build good practice.

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<sup>1</sup> In Germany, providing passengers wear masks, there is no restriction on load factor at time of writing. In the Netherlands, canal cruises must provide for 1.5m social distancing between passengers who are not connected, e.g. from different households.

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2020/684/regulation/5>

3. Transport Ministries must coordinate their work cross-border to evolve a practical regime that makes sense to the travelling public, retaining sufficient flexibility to respond to local epidemiological circumstances.
4. Non-binding guidelines are useful but can quickly become problematic if they are used as a way of displacing responsibility for providing legal clarity. They can also create a duty of care which may conflict with what an operator has concluded makes most sense for them considering their vehicles/vessels, clients, and product.
5. Group members on a private coach are often with the same people for a multi-day tour. They are less exposed to third-party risk, and present less of a risk to others, than passengers on public transport. This should affect policy on mask wearing.
6. Practical precautions have more impact on risk of transmission than a numerical limit to group size (unrelated to the passenger limit for which the vehicle/vessel is licensed). Measures introduced by industry range from pre-tour (self-)certification or declaration of being symptom free, to temperature checks at start of trip, careful flow management loading/unloading, providing gloves, face masks and hand sanitiser, devising low-risk way of handling luggage and deep cleaning of vehicle/vessel.
7. Group profile is also a factor: participants could be made up of various households, or mainly unconnected individuals. The number of people in a group does not necessarily correlate to risk, so it is rational to question any limit proposed. Recommendations regarding social distancing remain just recommendations.

#### **Domestic and international providers**

8. Consistency of application of the rules is essential. How will knowledge of what is legal be disseminated among those tasked with enforcement, e.g. ports, police, local authorities, and private companies tasked with e.g. coach park management?
9. The risk of confusion and bad feeling increase if domestic and international providers are operating to different standards in the same territory. What will government do to minimise risk of animosity and worse in e.g. coach parks when domestic and foreign clients / driver are in same place and can perceive differences in regime?
10. If domestic coach operators feel they must conform to guidelines as regards load factor, irrespective of any risk mitigation, and international operators are not similarly affected, what is to stop international operators offering services in third countries? They will have a competitive advantage and may provide services under cabotage arrangements.

### **Recommendations arising**

1. Do not use group size as a means of public health control on private transport.
  - Load factors should remain primarily related to what the vehicle is legally allowed to carry, subject to 'workplace' adaptation for the driver(s) e.g. keeping front row clear; risk mitigation achieved through PPE and process.
2. Do not impose a stricter load factor limit or social distancing regime on private transport than on public transport.
  - All other things equal, more latitude should be given to private transport as it removes load from public transport and minimises external contact. It is counter-productive to impede optimal use of coaching, one of the most environmentally friendly forms of collective transport.
3. Better coordination of regimes in neighbouring countries.
  - Epidemiological conditions permitting, it is counter-productive to have material differences in operating conditions for same mode of transport.