

Abigail Grenfell
Manager, Licensing and Network
Regulation
ORR
One Kemble Street
London, WC2B 4AN
abigail.grenfell@orr.gsi.gov.uk

26th June 2011

Dear Ms Grenfell,

Response to consultation on Passenger Information During Disruption

I am writing to give the Department's response to your consultation on Passenger Information During Disruption (PIDD) published on 29th March concerning amending licences to give passengers the information they need to plan and make journeys. As I am sure you know DfT Ministers are keen to see rapid progress on this initiative so that an appropriate mechanism is in place for the coming winter. During the severe weather we experienced in late 2010 and early this year the Government made it absolutely clear to train operators that they should do everything possible to keep passengers properly informed.

The Government believes it is unacceptable for rail passengers not to be kept fully up to date about what is happening with their services during disruption. It welcomes this action from the regulator which it believes is good news for passengers and puts onto a formal footing what responsible operators should be doing already, but in some cases have not.

I note that your proposals work within the European Regulation (EC) 1371/2007 on rail passengers' rights and obligations concerning information to passengers during their journey, in particular concerning any delays or interruptions to services.

Please see the responses to the individual questions in your consultation below.

Do you agree that there is lack of clear accountability in the current framework for providing information to passengers?

We agree it could be improved. Network Rail and Train Operators already have respective duties to provide information to help passengers plan their journeys. Given the difficulty passengers experienced in obtaining accurate data over the last two winters, it is clear that this can be improved upon. In addition, franchise agreements do not apply to non franchised operators, which currently leaves a gap in accountability.

There are a number of data sources in existence for passengers to enable them to plan their journeys. While it is right that should have a focus on creating and managing timetables, presently they have no requirement to provide up to date information to passengers. Train operators and Network rail should have an individual and collective responsibility to make travel information available to passengers.

Do you agree that licences are the best place to set out aligned accountabilities for providing information?

Yes. The alternative would be action under the Franchise Agreements, but these can only cover part of the picture. Licences cover non – franchised operators as well as franchised operators and Network Rail so this will capture the whole industry.

Do you agree the split of responsibilities described is sensible?

Yes. We feel that the proposed licence conditions sensibly impose respective obligations on operators and Network Rail, which centre on the common sense need for those parties to have sufficiently robust processes in place, to enable prompt communication of relevant and meaningful information concerning amendments to train services to passengers during periods of service disruption. Both licence conditions ensure that the current necessary timetabling process is also covered.

Are there any other changes in the way the industry handles information for passengers that would complement new licence obligations and help the industry deliver the needed improvements?

The proposed TOC licence condition 4 brings a requirement to publish one or more codes of practice or other documents setting out the principles and processes by which it will comply with the general duty. Passengers need to have confidence and trust in the Code of Practice and any improvements to it. It would be helpful if it were to include where the Code should be published and address how passengers know where it is published and when it has been updated. The Passenger Information strategy Group could still have a role here.

It would also be helpful if the amended TOC licence accompanying guidance sets out a non exclusive list of where passengers could be expected to find data before setting out on their journeys on the internet and at the station.

Do you have any suggestions to improve the proposed licence drafting?

As observed in your consultation document there are already clauses in Franchise agreements that overlap to some extent with the current and proposed licence condition. An example of this is the requirement to establish the Timetable in paragraph 4.4 of the proposed TOC licence which is already covered to some extent in schedule 1.4 of the National Rail Franchise Terms (NRFT).

We agree that the extent to which these obligations overlap raises questions of which party will enforce the obligations. This lack of clarity will import risk to operators and also to the fulfilment of the objectives. It would be good practice to reduce these risks and we

propose that we engage further on these issues with ORR in order to identify fully and resolve the areas of double jeopardy.

Who do you think should be covered by these proposals?

The aim should be to capture the timetabling process from start to finish, that is from creation to dissemination. In order to do this we think that the proposals should cover all passenger licence operators and Network Rail.

What impact do you think these proposals would have?

We would expect that these proposals will achieve better co-operation between Network Rail and passenger licence operators: ultimately the passengers should benefit. The proposals set out an expectation that the industry will act maturely and with respect for the passenger and the passenger experience.

What extra information about how these conditions would work in practice would be useful?

The new conditions as drafted have an "output" based approach—relying on a definition of the general purpose and duty. Before adoption we and train operators need to be sure that compliance with the licence is attainable. This is as much for the TOCs to plan their businesses as it is for passengers to benefit from consistent implementation.

We understand that you intend to publish further information on what licencees would be required to do to achieve compliance with the licence conditions. We welcome this and think that it should outline appropriate remedies for breaching these proposed conditions.

I am copying this letter to Transport Scotland and the Welsh Assembly Government and look forward to taking this forward.

Yours sincerely,



ff. Nick Bisson

Director, Rail Policy