

Living Streets Birmingham  
c/o 97 Falconhurst Road  
Birmingham  
B29 6SB

Office of Rail and Road

Response to  
PR18.Schedules4and8@orr.gsi.gov.uk

28 January 2016

**Re: Stakeholder engagement on Schedules 4 and 8**

Living Streets is the UK charity for everyday walking. We want to create a walking nation where people of all generations enjoy the benefits that this simple act brings, on streets fit for walking - See more at: <http://www.livingstreets.org.uk>

Thank you for the opportunity to comment on the track access contracts. The form of the contracts has a direct impact on the experience of the travelling public. I am not qualified to comment on the effect on the carriage of goods by Freight Operating Companies.

It is noted that some commentators have been questioning the need for regulation of the railways in view of the re-designation of Network Rail as publicly owned. This 'ownership' issue appears not to be relevant to regulation of a required level of service to be provided by one organisation having access to the infrastructure of another. The model of regulation of rail appears to bear some similarities with other utilities such as electricity.

A relevant starting point for Track Access and what it intends to achieve should be The Railways Act (as amended to establish Network Rail) and Network Rail's licence.

Without repeating all of the contents of the licence, the spirit is for full utilisation and development (and not disposing of land permitting future development and enhancement).

For the Railways Act, the strategy is to be forthcoming from Govt's Department for Transport, and is to be enacted by Network Rail. Although not explicitly stated, strategic input from DfT should enable the railway to play a role in other Govt policies and aspirations.

The detail of how Network Rail achieves its maintenance and enhancement is littered with acronyms of which only the first, the RUS (Route Utilisation Strategy) involves the 'stakeholder'. The RUS is directly related to the track access contracts because:

- a) The wrong stakeholders are consulted
- b) DfT is failing to dictate strategy
- c) The RUS is not drafted by Transport Planners (rather by in-house train planners who have an entirely different skill set)

- d) The RUS could take into account the need for permanent signal installation permitting single line working on two track routes to facilitate maintenance, the aspiration of local transport planners could be accommodated, the provision of alternative routes could be sympathetically rather than obstructively reviewed.

As a regulator, ORR can address the failings of strategy; as an industry, through cooperation and through incorporation of appropriate expertise, the railway can achieve the licence requirements.

Specific to the consultation, the Track Access Charges need to motivate all parties to provide the best experience for the travelling public. At present, there is substantial loss of revenue to train operators when through planned or unplanned events, the nature and/or duration of journeys change. The travelling public do not really have a say in what happens. Here are some suggestions:

- Lower speed alternative services to have double the frequency to the normal service (eg Road replacement services running at half hourly intervals when the normal service is hourly). The 'delay compensation' should reflect the effort put in by all parties to reduce delays.
- Diversionary routes such as reinstatement of old alignments (eg Brownhills, Okehampton) not planned as expensive high speed alignments but as 'basic' that would only be enhanced if traffic justified it. This way the routes might actually be reinstated rather than endlessly reported on.

I trust you will find the two suggestions, and the call for cooperation so that compensation relates to extended journey time for users, worthy of further consideration

Yours faithfully

John Davison, acting chair