

London TravelWatch Response to the IWG Review of Access Planning

March 2010

Response to the Access Planning Industry Working Group (IWG) Review of Access Planning



London TravelWatch is the official body set up by Parliament to provide a voice for London's travelling public.

Our role is to:

- Speak up for transport users in discussions with policy-makers and the media;
- Consult with the transport industry, its regulators and funders on matters affecting users;
- Investigate complaints users have been unable to resolve with service providers, and;
- Monitor trends in service quality.

Our aim is to press in all that we do for a better travel experience all those living, working or visiting London and its surrounding region.

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Executive Summary

London TravelWatch welcomes the of the cross Industry Working Group (IWG) review of the access planning process, because there are clear weaknesses in the current arrangements for access planning from the perspective of stakeholders and passengers. The access planning process is the system which plans the access of the multiple parties of the railway industry to the railway network. The current process is both bureaucratic for minor changes and not effective for major changes.

We Welcome

The suggestions within the review of access planning document appear to have many benefits to passengers and end users of the railway. The key benefits to passengers are as follows:

- Simplification – making the process of planning access to the railway network more easily understood allowing more stakeholder involvement
- Clarity – the outcomes of the access planning process should become more defined
- A Closer relationship with franchises – this will ensure that passengers' needs are paramount and that the best value for money is achieved from franchises
- Flexibility – the revised process allows for both small and large changes to the timetable to be planned effectively
- Transparency – the revised process is more transparent for all parties
- Clear involvement of stakeholder in major changes

We Recommend

London TravelWatch recommends that at all stages there is greater involvement of stakeholders and end users. Where it is practical for stakeholders to be involved, it will ensure that it is not only the needs the funders, infrastructure operator and railway undertakings that are taken into account when planning rail services but also those of end users.

1 Introduction

London TravelWatch has responded to this consultation as an independent watchdog for transport users in Greater London. Our response to the consultation on access planning has been formulated on the basis of representing the interests of transport users. Given that the access planning process is a national process there are few perspectives that are unique to London and its surrounding region.

Table 1 - Glossary

| Term or Acronym | Definition |
|---------------------|---|
| IWG | Industry Working Group |
| Network Code Part D | The Network Code is a common set of rules that apply to all parties who have a contract for rights of access to the track owned and operated by Network Rail (holders of access rights). Part D covers the rules for timetable changes. |
| RUS | Route Utilisation Strategy |
| SLC | Service Level Commitment |
| TAC | Track Access Contract |

2 Consultation Response

The table below sets out London TravelWatch's response to the questions for consultees in the IWG's document published by the Office of Rail Regulation, Consultation on Review of Access Planning (<http://www.rail-reg.gov.uk/upload/pdf/access-planning-review-consultation-210110.pdf>).

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| Para 1.11 | Consultees are invited to comment on whether there are any other areas of focus that should be taken into consideration in this review. |
| London TravelWatch Response | London TravelWatch believes that the process, aims and objectives of the Review are sensible. We do not therefore have any further areas that we suggest are taken into consideration. |
| Para 2.28 | Chapter 2 - Review of overall industry planning |
| (a) | Do consultees think that the proposed revised industry planning process better than the existing arrangements? |
| London TravelWatch Response | The proposal is undoubtedly better than existing arrangements. As the consultation paper sets out the current process is both bureaucratic for minor changes and not effective for major changes. The process set out would appear to reduce the complexity by setting out a perpetual timetable and puts in place a mechanism for major changes. |
| (b) | Are there additional benefits or drawbacks associated with the revised approach? |
| London TravelWatch Response | London TravelWatch is very pleased to see that in the case of major changes the project team would include stakeholders as well as industry players. London TravelWatch receives substantial amounts of correspondence at times of major timetable changes |

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| | <p>(e.g. Southeast SLC2 Dec 2009) which could be addressed in part by the greater involvement of stakeholders in the process. The clearer and more transparent process would be likely to make the decision more easily understood by all parties affected from the industry to the travelling public.</p> <p>There is a potential downside that the creation of a perpetual timetable results in a static timetable with current custom and practice perpetuated for very long periods into the future. However, because the current access planning process is not effective at dealing with major changes this risk will potentially be mitigated by the proposed system for dealing with major timetable changes.</p> <p>Overall it would appear that these proposals have the potential to address much of the current frustration from all parties with the present access planning process.</p> |
| (c) | Do consultees have alternative proposals? |
| London TravelWatch Response | <p>While London TravelWatch is pleased to see that for major changes stakeholders will be explicitly part of the project team. There appears not to be such an equivalent level of involvement in minor changes. London TravelWatch therefore suggests that further consideration is given to explicitly involve stakeholders at all stages of the process. In making the process more effective and straight forward it becomes more easily understood by the end users of the railway. This could further be enhanced by actively seeking the involvement of stakeholders at all stages.</p> |
| (d) | Do consultees agree with the proposed implementation timescales shown in section 6 (next steps)? |
| London TravelWatch | The timescales shown in section 6 are short enough to ensure that resolution to the issue is sufficiently swift, while allowing time for |

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| Response | the details of the process to be fully worked through. |
| (e) | Do consultees recognise any issues of confidentiality associated with this proposal? |
| London TravelWatch Response | From the perspective of London TravelWatch as a transport watchdog there are no confidentiality issues with these proposals. London TravelWatch would always urge transparency because it makes the decision making process far more easily understood by the end users of the railway. |
| (f) | Do consultees think current TACs need revising if the proposal is implemented? |
| London TravelWatch Response | The Track Access Contracts (TACs) in their current form are aligned to the requirements of the current process. The structure of the TACs could be simplified to reflect the proposals to revise the planning process. This would make access rights easier to understand. A revised structure might also allow more potential to make minor changes more quickly following engagement with stakeholders. |
| (g) | Does the IWG proposal provide sufficient protections for all users of the route, including passenger and freight open access operators? |
| London TravelWatch Response | For major changes the appeals process should give sufficient protection and the decision criteria should make the outcomes more certain. The perpetual timetable also gives stability and assurity to operators allowing forward planning with confidence. |
| (h) | Do consultees have comments or concerns regarding the interaction of this proposal and the Rules of the Route processes – including the Possession Strategy Notice provisions? |

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| London TravelWatch Response | London TravelWatch would hope that the principles of the ‘Seven Day Railway’ will see significant revision of the Rules of the Route to allow the availability of the network for traffic to increase. The issues are large and in order that they are consistently dealt with, the suggestion of the treatment of this as a project is welcomed. |
| (i) | Under the IWG’s proposed new process, what should be the detailed criteria for defining complex to simple applications and the appropriate timescales Network Rail should be accessing within? |
| London TravelWatch Response | The definition of ‘significant change’ in the document stating a list of example events which would trigger a major change appear sensible. In defining the different between simple and complex applications there may always be debate at the margin. It is important that the ORR can be appealed to in order to raise or lower the status of an application. For both simple and complex changes it is clearly to be hoped that the timescales can be shortened. London TravelWatch believes that its for the industry to come up with a workable but shortened timescale for all applications. |
| (j) | Are consultees content with the existing linkages between the RUS process and the Part D processes? |
| London TravelWatch Response | To ensure that the RUSs are able to represent a genuine route strategy it is vital that they are linked into the other aspects of industry planning. If not they will not be able to fulfil their full potential to insure quality long term railway industry planning. |
| (k) | Do consultees agree with the process described in paragraph 2.17 for managing situations where the steering group does not reach agreement? |
| London | London TravelWatch believes that it is essential to have a robust |

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| TravelWatch Response | <p>decision making criteria which can be used where agreement cannot be reached. This is a common scenario with major timetable changes and it is important that a rational and defensible decision making criteria can be used in order to reduce the time taken to reach decisions where there is not a consensus view. As has been seen on the East Coast the competing needs of stakeholders, freight and passenger operators has made it very hard to achieve consensus. Given this is a common situation it is important that there is a fair and impartial set of criteria that can be used to resolve the issues quickly and effectively.</p> <p>The only problem with resorting to Decision Criteria is that they must be of exceptionally high quality given the range of circumstances that they will be required to be used in. The whole industry and its stakeholders must be consulted in ensuring that these criteria are fit for purpose. However, if they can be developed the use of Decision Criteria would add a welcome level of speed, clarity and fairness to the access planning process.</p> |
| Para 3.20 | Chapter 3 - Review of the relationship between access planning process and franchising |
| (a) | Have the key issues surrounding access for franchise specification been correctly identified in this document? Are there any others? |
| London TravelWatch Response | <p>London TravelWatch welcomes the proposal that funders should take more role in ensuring that the outputs they specify can be met in TACs. As part of this process it is essential that Network Rail is more involved with both bidders and the funder throughout the process. Only fully addressing the deliverability of the service level commitment after the franchise award leads to wasted time, effort and capacity.</p> |
| (b) | Do consultees agree that funders' franchise timetable |

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| | specifications should be agreed with Network Rail before an Invitation to Tender is issued? |
| London TravelWatch Response | <p>London TravelWatch believes that this is very important. There is very little use in producing a timetable which in part cannot be delivered by the infrastructure manager. There are a numerous examples of bidder's commitments or funder's specifications which cannot be realised. The Franchisee must effectively go on bidding the path unless the competent authority allows them not to. This results in wasted effort both at the bid stage and during the franchise. The cost of this could be effectively reduced if Network Rail was involved before an ITT is issued.</p> |
| (c) | What degree of validation do consultees think should take place as part of the agreed franchise timetable specification? |
| London TravelWatch Response | <p>Obviously the timescales of a franchise bid do not allow full validation of all elements. Bidders must be free to offer innovative solutions which might not have occurred to the funders. However, in general terms the following items should be validated:</p> <ul style="list-style-type: none"> • Rules of the Route opening times (London TravelWatch is aware of a number of circumstances where the Rules of the Route prevent a SLC commitment from being delivered) • Capacity for additional services particularly where this would require additional infrastructure • Network Rail's support for changes in operating practices such as splitting and joining • Support for any changes that might be required to Rules of the Plan, for example decreased turn round times at terminating locations. |
| (d) | Do consultees think that the approach proposed in paragraph 3.18 |

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| | would result in significant cost savings? Please explain your answer. |
| London TravelWatch Response | London TravelWatch believes that there is evidence that money could be saved at the bid stage in terms of the efforts of bidders if the process was more collaborative with Network Rail. The validation of the ITT is also likely to result in more efficient capacity utilisation, which in turn may result in cost savings and better value for money. |
| (e) | Does the proposed approach provide appropriate signals and incentives to enable capacity to be allocated effectively (in the short and long term)? |
| London TravelWatch Response | The proposals to integrate long term planning in the form of the RUSs, with the franchise process and the access planning process is welcomed by London TravelWatch. In connecting these disparate processes it is more likely to result in more joined up decision making on the usage of capacity, and therefore more efficient capacity allocation. The integration of short, medium and long term planning sends a more coherent signal about capacity allocation. |
| (f) | How do consultees think rights and options should be expressed in order to allow Network Rail to allocate available capacity effectively, while providing for risk to all parties in the rail industry to be allocated appropriately? |
| London TravelWatch Response | The creation of the concept of the 'perpetual' timetable provides a far clear basis for rights and options to be expressed. It makes it clear the stand point from which a change is being proposed. There will always be competing demands for capacity. It is important that the criteria for its allocation are effective and that the awarded capacity is utilised in the most effective way. For this |

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| | <p>reason there may be a conflict between franchised operators on the one hand and open access and freight on the other. In the case of freight, the formal TAC rights need to be designed in such a way that they reflect the flexible requirements of freight but do not waste paths which are under utilised by freight flows.</p> |
| (g) | <p>What changes need to be made to industry Decision Criteria to ensure that access planning is as clear and transparent as possible, whilst reflecting best value?</p> |
| London TravelWatch Response | <p>The decision making criteria needs to be made more public, as well of the details of the judgement so that they can be understandable to all parties. London TravelWatch believes that this area merits a full consultation with a clear range of options proposed so that all elements of the railway industry are involved in creating the decision criteria.</p> <p>In the case of freight decision criteria it is important that the freight operators are able to use the capacity sufficiently efficiently and that they can operate within the narrow time bands that are dictated by the passenger railway. These factors must be considered in decision criteria. Standard Pattern passenger timetables tend to make the most efficient use of capacity. However, freight needs to develop a way of operating within these strictures to allow the passenger railway to operate without performance suffering.</p> |
| Para 4.20 | <p>Chapter 4 - Review of the expression of track access rights</p> |
| (a) | <p>What are the key characteristics of consultees' business that need to be protected from erosion in the timetabling process? Please include a brief explanation.</p> |
| London TravelWatch | <p>London TravelWatch is an independent watchdog for transport users in Greater London. As such our involvement in the process</p> |

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| Response | <p>is in promoting the interest of passengers both when we are formally or informally consulted on track access changes.</p> <p>London TravelWatch would be concerned if the process did not allow for sufficient stakeholder input. Our concerns with the current system are as follows:</p> <ul style="list-style-type: none"> • Complexity • Timescale for changes • Disconnect from Franchise and RUS processes • Lack of clarity of decision making, and • Lack of input for end users. <p>In any revised structure it is these key elements that we would wish to see addressed.</p> |
| (b) | <p>Assuming that franchise SLCs could be changed to provide more flexibility to affected parties, do consultees believe that there are other more innovative and simple ways of protecting your required outputs than using Schedule 5 of TACs?</p> |
| London TravelWatch Response | <p>From the perspective of the passenger there are threats and opportunities to making the system more flexible. There are good reasons why SLCs have been specified so rigidly in order to protect the services for passengers. That said the very rigidity also means that passengers needs cannot easily be taken into account as there is very little prospect of altering the train service because it is so tightly specified.</p> <p>London TravelWatch believes that it is for the industry to come up with a track access contract structure that reflects both the need to protect users from changes that are not beneficial as well as leaving flexibility to enable train operators to react to the needs of their passengers and stakeholders.</p> |

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| (c) | Access rights form just a part of the available suite of protections for train operators. Could this range of protections, including those in the Network Code, be used in a more efficient way? If so, how would consultees go about it? |
| London TravelWatch Response | London TravelWatch does not have a view on this subject as such but believes that more application of the Network Code to make decisions based on its criteria. This would mean that there was a more consistent decision making process with fairer access to the network for competing interests. That said, London TravelWatch would want to ensure that the interest of passengers' were sufficiently weighted to reflect their needs for rail transport and position as the major user of rail transport. |
| (d) | What benefits or drawbacks do consultees envisage if passenger track access rights described train services characteristics using language and terminology similar to funders' SLCs? (SLCs themselves may change, as described in section 3). |
| London TravelWatch Response | Current SLCs are very specific and if not changed then the specificity that is inherent within them would not be fit for purpose for track access contracts. However, if the SLC structure is altered, then harmonising the language and content of the SLC and TAC would seem only sensible as they are two contractual elements of the franchise process. Particularly if the language of the SLC reverted more the Passenger Service Requirements structure listing quantum, service day and minimum stops. In this context the TAC could be aligned with the SLC. However, the same level of complexity as is typically found in the current generation of franchises in existence would not be appropriate in a TAC because it would make change to complicated due to the specificity of the contract content. |

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| (e) | Are the model clauses for freight access rights fit for purpose in protecting freight operators' business needs? Please give reasons for your views. |
| London TravelWatch Response | London TravelWatch as a passenger watchdog does not have a view on the protection of freight operators' business needs. |
| (f) | Step change improvements to timetables may be slowed or prevented from being introduced by existing access rights held by different operators. To streamline the introduction of such improvements, would consultees support a new standard track access provision to enable Network Rail to buy back rights as described in paragraph 4.12? Please give reasons for your views or explain the conditions (if any) under which such a provision might be acceptable to you (if you do not think it would be acceptable, please explain why). |
| London TravelWatch Response | London TravelWatch would support this change to allow Network Rail to buyback rights in circumstances such as low take up of the path. The buyback approach could compensate operators for loss of paths where modifications were required. However there would have to be very defined conditions of use and clear mechanisms for appeal. With the appropriate checks and balances London TravelWatch would support the buyback approach. |
| (g) | Participation and investment in the industry can be facilitated currently via longer term TACs and access options. How do consultees think this can best be reflected using access rights, while also allowing for future flexibility and responsiveness in the industry? |
| London TravelWatch | The rebate mechanisms which is in use in the Chiltern Railways Evergreen 3 application is one way of protecting access rights |

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| Response | which appears to have a good balance between flexibility and protection. In general terms in the TACs a less rigidly specified contractual right would allow the paths to be flexed but with enough balance retained to protect the interest of the investor. |
| (h) | Do consultees have any other relevant points or proposals to add? |
| London TravelWatch Response | <p>As a representative of transport users London TravelWatch is keen to emphasise the needs of stakeholders and end users. The main reasons that we welcome the proposals to alter the access planning process are of benefit to passengers because of the following:</p> <ul style="list-style-type: none"> • Simplification • Clarity • Flexibility • Transparency • Clear involvement of stakeholder in major changes <p>London TravelWatch would wish to see greater involvement of stakeholders and end users, where practical, to ensure that it is not only the needs the funders, infrastructure operator and railway undertakings that are taken into account.</p> |
| Para 5.16 | Chapter 5 - Revisions to Network Code |
| (a) | Do consultees agree with the proposed approach to revise Part D as summarised in paragraph 5.14 above? |
| London TravelWatch Response | London TravelWatch agrees with the proposed approach particularly in making Part D of the Network Code more easily understood both in terms of language and structure. |
| (b) | Do consultees have any suggested improvements to Part D? |

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| London TravelWatch Response | <p>The proposal to re-draft Part D of the Network Code in a more accessible manner and to reflect the proposed access planning process changes are welcomed by London TravelWatch. Beyond these general requirements, London TravelWatch is particularly keen to see the Decision Criteria (Condition D6) revised. London TravelWatch would like to see far more detail in the specific criteria. The current criteria, while sensible in heading terms, lack quantification as to how each condition will be applied in reality.</p> |