

Respondent Information Form and Questions

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ **Please tick as appropriate**

Surname

Forename

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3. Permissions - I am responding as...

Individual / Group/Organisation

☒

Please tick as appropriate

☐

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☒ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☒

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☐ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

Consultation Questions

The answer boxes will expand as you type.

Procuring rail passenger services

1. What are the merits of offering the ScotRail franchise as a dual focus franchise and what services should be covered by the economic rail element, and what by the social rail element?

A dual focus franchise might facilitate investment of risk capital by the franchisee in the relevant part of the railway network and in the provision of additional rolling stock, to enable a better level of service to be provided than would otherwise be provided by public funding. However the scope for doing so in Scotland would seem to be very limited as even the so called express or intercity routes (for example Edinburgh to Glasgow, Aberdeen and Inverness) which might be considered as candidates for being classed as part of the economic rail element also serve intermediate stations which would still form part of the social rail element. The level of service to such stations could be detrimentally affected by focussing on end to end traffic and the network benefits of a single focus franchise could be lost.

2. What should be the length of the contract for future franchises, and what factors lead you to this view?

If there should be a dual focus franchise with a significant economic element, then an argument might be made that the contract should be for a sufficiently long period to encourage investment, which suggests a 15-year contract, provided that there were performance and review breaks. However given the likelihood of constitutional change, the need to reduce rail industry costs, and the limited scope for investment by franchisees, a much shorter franchise period of say 5 years is to be preferred to ensure that the Scottish Government's hands are not tied for too long and to maintain competitiveness.

Although the consultation paper is largely predicated on the UK legislation remaining in place to prohibit a UK public sector body from operating train services (except as a last resort), I believe that there is no such prohibition enshrined in EC law and bizarrely non-UK public sector bodies such as Deutsche Bahn already do so. As part of the current or any future constitutional review, the Scottish Government should seek the necessary powers to enable it to repeal in its application to Scotland the relevant provisions of the Railways Act 1993.

The break-up, privatisation and selling off of British Rail in the 1990's destroyed one of the most efficient and cost-effective national railway systems in Europe and created major problems which have not yet been solved. In

particular the cost (in real terms) to the public purse of maintaining the railway network and providing passenger train services is several times what it was under British Rail.

Once the Scottish Government has obtained the necessary powers and repealed or disapplied these provisions, ScotRail services should then be operated by a public sector or not for profit body as is the case with Northern Ireland rail and London Underground and Overground and not by large conglomerates which have no long stake in nor commitment to the Scottish rail network. The current franchise holder (First Group) is primarily bus company and one with not a very high reputation in terms of bus services in South East Scotland.

3. What risk support mechanism should be reflected within the franchise?

In principle, if there is to be a franchise, the contract should incorporate some mechanism such as cap and collar whereby both the risk and the profit are shared, to protect the public purse and the public interest. At the same time the financial terms should ensure that fares are affordable and reasonable and should encourage maximum use of the rail network at both peak and off-peak times.

4. What, if any, profit share mechanism should apply within the franchise?

See comment 3 above.

5. Under what terms should third parties be involved in the operation of passenger rail services?

It is difficult to see what scope exists for third party operators of regular services (as opposed to special or charter trains) given the existing capacity constraints on the rail network and the need to ensure that overall that the best use is made of the network for the benefit of the community as a whole. The services provided by any third party operator would have to be fully co-ordinated with those provided by the franchisee and by any other train operator. The regulation of the fares to be charged by a third party operator is an issue which would have to be considered in the light of overall fares policy.

6. What is the best way to structure and incentivise the achievement of outcome measures whilst ensuring value for money?

While I agree that any contract should focus on outcomes, I have no views on how this is best achieved.

7. What level of performance bond and/or parent company guarantees are appropriate?

I have no views as I have no personal experience of such matters. However the experience of other franchising authorities both in the UK and elsewhere

in Europe should be sought and considered.

8. What sanctions should be used to ensure the franchisee fulfils its franchise commitments?

There should be financial penalties and ultimately the right to terminate the contract in the event of significant failure to achieve commitments.

Achieving reliability, performance and service quality

9. Under the franchise, should we incentivise good performance or only penalise poor performance?

Both

10. Should the performance regime be aligned with actual routes or service groups, or should there be one system for the whole of Scotland?

Given the characteristics of different parts of the network, for example densely operated metro type services and long straggling rural routes, the performance regime should be aligned according to service groups.

11. How can we make the performance regime more aligned with passenger issues?

Punctuality should be measured at intermediate stations as well as at the ultimate destination station and should be measured against tighter criteria, for example 5 minutes or less.

12. What should the balance be between journey times and performance?

While journey times should be reduced where practicable, sufficient margin should be built into the timetable to allow for unavoidable and out of course delays so that the timetable is sufficiently robust.

13. Is a Service Quality Incentive Regime required? And if so should it cover all aspects of stations and service delivery, or just those being managed through the franchise?

Yes some form of service quality regime is required to cover all aspects. In the case of those stations managed out with the franchise, for example by Network Rail, the franchisee should still be responsible for enforcing the standard of service provided by such other parties and be given a means of policing and enforcing these. Transport Scotland should also institute a similar regime for bus services.

14. What other mechanisms could be used for assessing train and station quality?

The quality regime should be flexible and take into account issues raised by passengers in surveys.

Scottish train services

15. Can better use be made of existing train capacity, such as increasing the permitted standing time beyond the limit of 10 minutes or increasing the capacity limit? What is an acceptable limit for standing times on rail services?

On peak-hour trains running on inner suburban and metro type services (e.g. Queen Street and Central low level lines through Glasgow) where electric trains with adequate standing room are provided, it is not unreasonable for a significant number of passengers to have to stand for up to 15 minutes. This is probably preferable to spending large amounts of capital on enlarging peak hour capacity. On the other hand the Edinburgh to Glasgow express trains are not suitable for large numbers of standing passengers nor are those services which are operated by trains with relatively cramped layouts such as class 158 units. The design of the internal layout of the rolling stock should take into account the nature of the traffic, journey distance and standing criteria.

16. Should the number of services making use of interchange stations (both rail to rail and rail to other modes) be increased to reduce the number of direct services? What would be the opportunities and challenges of this?

The opportunity to create more interchanges between internal Scottish rail services by reducing the number of direct services is limited. This should only be contemplated where it leads to an improved overall service, as for example the present arrangement whereby Edinburgh to Lenzie passengers change at Croy to reduce the number of intermediate stops on the express service and so achieve optimum end to end journey times. Adequate waiting rooms and reliable real time information must be provided and the timetable should be sufficiently robust to allow for perturbations and out of course running.

There is a much greater need to provide rail to bus interchanges. Public transport co-ordination between different modes in Scotland is poor and often non-existent. As an example, the nearest railhead to Bo'ness (home of the Bo'ness and Kinneil heritage railway and Scottish national railway museum, which together constitute a major tourist attraction) is Linlithgow. There are very few direct buses from Edinburgh to Bo'ness on weekdays and none on Sundays (the previous hourly direct service was withdrawn some years ago by the so-called 'First' Group). At Linlithgow the bus stance is several hundred yards from the railway station. At certain times in the day (Sunday morning being particularly bad) buses do not connect with the trains from Edinburgh and Glasgow.

Scotland needs a fully integrated national public transport timetable to enable passengers to travel easily around the country. In this respect Scotland compares very unfavourably with countries like Switzerland. The absence of a properly integrated transport system is detrimental to the development of the tourist industry. Integration would require the re-regulation of bus services to end the present wasteful and inefficient free for all which does not serve the country well. The objective should be the creation of a Scottish Travel Service, akin to the Swiss Travel Service which has contributed to Switzerland's successful marketing as an accessible tourist destination despite the serious disadvantage of a strong currency.

17. Should Government direct aspects of service provision such as frequency and journey time, or would these be better determined by the franchisee based on customer demand?

Yes the overall level of services should be specified in terms of journey time and frequency but allowing a degree of flexibility within overall guidelines. Timetables should be developed and reviewed periodically in consultation between the franchise holder and Transport Scotland who should also be responsible for ensuring full integration and co-ordination with bus services.

18. What level of contract specification should we use for the next ScotRail franchise?

By specifying the overall level of services within clear guidelines including integration and co-ordination with bus services.

19. How should the contract incentivise the franchisee to be innovative in the provision of services?

Perhaps by providing for a bonus payment if certain targets (for example number of passenger journeys) are exceeded provided that the overall policy guidelines are not breached.

Scottish rail fares

20. What should be the rationale for, and purpose of, our fares policy?

Affordability (from the perspective of the intending passenger), sustainability including social and economic objectives (encouraging use of rail services by making rail travel easy and accessible to all and discouraging unnecessary private car use) and flexibility and simplicity (not penalising walk-on travel).

21. What fares should be regulated by government and what should be set on a commercial basis? Do your recommendations change by geographic area (the Strathclyde area example), or by type of journey (for example suburban or intercity)?

Fares in conurbations and journey to work areas, not just limited to Strathclyde but also extending to other areas such as Lothians and Fife, should not only be regulated but should also be based on conurbation wide tariffs as part of an integrated public transport system so that optimum benefit can be obtained for example from ride at will tickets valid on all operators. In this respect Scotland compares badly with progressive countries such as Germany.

This would also require re-regulation of bus services, with the added benefit of removing wasteful duplication of services. A classic case (not directly relevant to the Rail review but still relevant to establishing the Scottish Travel Service which I proposed in Q16 above) is the Service 44 bus between Balerno and Wallyford in Edinburgh and East Lothian where the well established service operated by the incumbent Lothian Buses (a well run and efficient bus operator in the public sector) is shadowed and duplicated by a privately owned operator (First Group) which has a poor reputation and which simply creams off some of the traffic. From personal observation, all of the passengers carried on the First Group's service 44 could be easily accommodated on the existing Lothian Buses service 44. In other words the aggregate bus mileage accounted for by these two operators' service on this one route could be reduced by 50% with large savings in bus support grant and in the consumption of diesel oil. At the same time bus traffic congestion in the centre of Edinburgh would be reduced with resultant benefits to other traffic and the environment.

Outwith the tariff regions proposed above for the conurbations and journey to work areas, there should also be regulation of fares within overall policy guidelines and the level of fares should not just be left to commercial decision.

22. How should we achieve a balance between the taxpayer subsidy and passenger revenue contributions in funding the Scottish rail network? At what rate should fares be increased, and how feasible would it be to apply higher increases to Sections of the network which have recently been enhanced?

As well as taking into account the factors proposed in Q20, fares should be set at a level which would make public transport use competitive with car use. Arbitrary mechanisms such as $RPI + x\%$ are not appropriate and indeed contribute to price inflation. Increases based on improvements to parts of the network are discriminatory and do not take into account the fact that most journeys are dictated by the need to travel to a particular destination.

At the same time it is fully recognised that the cost to the public purse of funding the Scottish rail network and Scottish passenger train services is much too high and should be substantially reduced to ensure that the tax payer and the community obtain value for money. However it would be unfair and counter-productive to penalise the travelling public for this state of affairs which arises as a direct result of the badly managed rail privatisation carried through by the Major regime in the 1990's. The Scottish Government must therefore urgently address the serious shortcomings of the present structure of the railway industry in so far as concern Scotland. The key issues are:

- (1) the high cost of leasing rolling stock from the banks and other financial institutions that currently supply rolling stock to Scotrail, where a large profit margin and a high price for 'risk' are factored into the lease charges. In my opinion it would be much cheaper for the Scottish Government to borrow the funds to enable it to buy and own the rolling stock itself and hire to the body operating Scotrail from time to time;
- (2) the expensive interface between different parts of what was once a single entity (British Rail) most of which should be capable of being eliminated by bringing as much as possible within the direct control of Transport Scotland including the network itself, subject to complying with the separate accounting requirements of the relevant EU regulation.

23. What should the difference be between peak and off-peak fares? Will this help encourage people to switch to travelling in the off-peak?

It is unfair and may indeed encourage unnecessary car use to penalise passengers who have to travel at peak times. Off peak use should be promoted by other means e.g. group fares for families and other groups at weekends and other off-peak times as apply in Bavaria and other progressive parts of Europe.

Scottish stations

24. How should we determine what rail stations are required and where, including whether a station should be closed?

The provision of new stations or relocation of existing stations should be based on (1) assessment of local travel requirements and potential demand; (2) access including walking routes; (3) the need to encourage social and economic development; and (4) how the proposed station would fit into the overall provision of public transport, for example co-ordination with bus services and effect on overall journey times.

Where existing stations attract very few passengers or no longer serve any substantial purpose (I believe that Breich in West Lothian may be such an example) then there may be a good case for closure provided that the opportunity for future re-opening should not be prejudiced as circumstances might change in the future. Many of the closures in the Beeching era were effected without allowing for future reopening. The fact that stations are relatively close together is not in itself a reason for closure or relocation.

However there are some instances, for example the Cathcart Circle group of services, where 'heavy rail' services serving closely spaced stations may not be appropriate and where better and more cost-efficient services could be provided if the routes were converted to light rail or tram-train operation. This would also open up the possibility of new extensions using light rail and tram trains at less cost than investing in new heavy rail routes.

25. What are the merits or issues that arise from a third party (such as a local authority or local business) being able to propose, promote and fund a station or service?

No views on this.

26. Should only one organisation be responsible for the management and maintenance of stations? If this was the franchisee how should that responsibility be structured in terms of leasing, investment, and issues relating to residual capital value?

The day to day management of stations is probably best undertaken by the franchise holder or train operator but maintenance and upgrading is probably best undertaken by the network owner. The heritage use of station buildings not required for national network purposes should be encouraged.

27. How can local communities be encouraged to support their local station?

By pursuing further the initiatives already taken by ScotRail etc. It should be a contract obligation to facilitate community and local business use so that railway stations become an integral part of the local community.

28. What categories of station should be designated and what facilities should be available at each category of station?

The existing levels of facilities are generally acceptable.

Cross-border services

29. Should cross-border services continue to go north of Edinburgh? In operating alongside ScotRail services, how do cross-border services benefit passengers and taxpayers? And who should specify these services, the Department of Transport or the Scottish Ministers?

Yes cross-Border services should continue to run north of Edinburgh. The timetables should be integrated into the ScotRail timetables (as is generally the case at the moment). They provide economic and social benefit including benefits to the tourist industry.

30. Or should the cross-border services terminate at Edinburgh Waverley, allowing opportunities for Scottish connections? And if so, what additional benefits would accrue from having an Edinburgh Hub?

While many journeys will still entail changing at Edinburgh or Glasgow, the need to move luggage and the risk of missed connections highlights the need to maintain through trains as well.

Rolling stock

31. What alternative strategies or mechanisms could be used to reduce the cost of the provision of rolling stock?

Rolling stock should be owned by either Transport Scotland or by another public sector body. See Q22 above. The selling off of the British Rail rolling stock fleet in the 1990's was one of the worst aspects of the privatisation and the break up of British Rail carried out by the Major regime.

32. What facilities should be present on a train and to what extent should these facilities vary according to the route served?

The existing levels of facilities are generally acceptable.

Passengers – information, security and services

33. How should we prioritise investment for mobile phone provision and / or Wi-Fi type high-bandwidth services?

No views

34. How should we balance the need for additional seating capacity and retain the flexibility of a franchisee to offer first-class services if commercially viable?

On most services, optimisation of passenger carrying capacity and overall passenger comfort are the most important objectives. .

35. What issues and evidence should be considered prior to determining whether or not to ban the consumption of alcohol on trains?

Ban on consumption of alcohol on trains would unfairly penalise the great majority of passengers, who act responsibly. If any ban is proposed it would be important to make sure that the legislation allowed for serving drink to accompany meals on regular trains and that any legislation did not apply to heritage railways nor to privately operated charter trains on the national network.

36. How can the provision of travel information for passengers be further improved?

No views

Caledonian Sleeper

37. Should we continue to specify sleeper services, or should this be a purely commercial matter for a train operating company?

Provided that the costs to the public purse can be reduced (for example by

public ownership of the rolling stock) , the overall provision of the sleeper services should be specified.

38. Should the Caledonian Sleeper services be contracted for separately from the main ScotRail franchise? Or should it be an option for within the main ScotRail franchise?

No view. Perhaps sleepers should be specified along with other cross-border services provided that there is suitable integration with Scotrail, for example to facilitate provision of seated accommodation and its use by local passengers on routes such as the West Highland line.

39. We would be interested in your views in the level and type of service that the Caledonian Sleeper Services should provide. Including:

- What is the appeal of the Caledonian Sleeper Service, and if there were more early and late trains would the appeal of the sleeper services change?
- What is the value of sleeper services to Fort William, Inverness and Aberdeen and are these the correct destinations, for example would Oban provide better connectivity?
- What facilities should the sleeper services provide and would you pay more for better facilities?

No views

Environmental issues

40. What environmental key performance indicators should we consider for inclusion in the franchise agreement or the High Level Output Specification?

Agree with the views expressed in part 12 of the consultation document.