

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 ☐ **Prof**

Please tick as appropriate

Surname

Forename

2. Postal Address

School of Law		
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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?

Services do not divide neatly into specific categories, e.g. cross-border trains to/from north of the Tay also serve as commuter trains between Fife and Edinburgh in the morning and evening, and any division of the franchise might reduce the resilience offered by an integrated service.

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

Longer franchises appear to offer more incentive for investment in physical facilities and passenger-relations, but there must be review and break mechanisms.

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

Q3 comments:

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

Q4 comments:

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

Anything that damages the integrated nature of the franchise is to be resisted, although there may be some truly severable activities where third parties may be involved.

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

If we haven't solved this after this after 20 years of privatisation in various industries

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

At the very least, the performance bond should cover the costs of continuing the service and re-tendering in the event of the franchise being terminated for whatever reason.

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

Q8 comments:

Achieving reliability, performance and service quality

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

Good performance should be a requirement under the franchise, not something extra. In a financially driven system, though, some financial incentive seems inevitable, to balance financial penalties and to encourage improvements beyond the specified performance.

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

There needs to be distinction between what is measured and monitored in terms of satisfaction (every route, and part-route, against strict timetable) and what triggers any formal determination of poor performance or compensation (some degree of aggregation is appropriate and not every delay requires compensation).

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

See Q.10

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

The suggestion at 4.18 of lengthening journey times to ease meeting punctuality targets is unacceptable.

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?

The division of responsibility within stations cannot assist in providing high quality services.

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

It is hard to see how to avoid some sort of inspection or monitoring scheme, even if only to verify a greater self-assessment element.

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?

The radical approach is to identify why there is such a strong and concentrated peak and to start trying to tackle this. As noted in the work of bodies such as Passengers,' View Scotland, the socio-economic factors leading to so many people living so far from their work need to be addressed. Why are so many people living in Glasgow or Edinburgh and working in the other? Reducing such travel overall is an essential part of establishing a more sustainable society and enabling the transport system to work effectively.

An issue not addressed in the document is the discrepancy between the number of tickets sold and actual occupation. It is not unusual to see in a carriage that the vast majority of seats are booked as a consequence of the ticketing arrangements limiting passengers to specific trains, but then passengers do not in fact travel,* leaving many seats still empty for the leg of the journey covered by the booking. This provides a poor experience for the non-booked passenger who plays Russian roulette by occupying a seat, knowing that many will be unoccupied but not knowing which.

* A perverse consequence of the cheap fares available for advance booking is that for those who travel often but may have their schedules disrupted, it may be worth booking tickets even when it is known that the journey may have to be abandoned, rather than wait until everything is certain but paying the much more expensive "on the day" fares.

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?

Greater fragmentation of journeys is a major concern for the disabled, the elderly, those travelling with children or any substantial luggage and also in the event of delays and disruption - one of the joys of through journeys is knowing that once one is on the train there is no need to worry about delays affecting connections.

Improved interchange between modes, as at 5.18, is very much to be encouraged.

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?

Targeted specification (option 3 at 5.21) seems the best but there must always be some minimum specifications

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

Q18 comments:

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

Regardless of incentives, it should be ensured that there is nothing unmoveable in the franchise arrangements that obstructs what all parties agree is a worthwhile innovation.

Scottish rail fares

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

Given the conflicting pressures, as noted in the paper, it seems inappropriate to allow any one consideration to dominate. Fares policy must be linked to the Scottish Government's wider strategic objectives (social, transport, environmental).

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)?

Fare anomalies (which have a disproportionate effect on the public perception of the overall pricing scheme) need to be addressed, e.g. price differentials vastly disproportionate to the length of journeys and the fact that split journeys may be cheaper than full ones (e.g. tickets for Dundee- Perth plus Perth- Glasgow being cheaper than Dundee-Glasgow).

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?

Q22 comments:

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?

For many journeys, off-peak travel is simply not an option, including long-distance ones where part of the journey must coincide with a peak; this feature will be increased if there is greater use of interchanges as raised at Q.16. For many travellers too, off-peak journeys are not an option unless some of the wider socio-economic features are addressed. As noted at Q.15, the factors underlying the travel patterns that create the peaks need to be further considered.

Scottish stations

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

Any assessment must take account of the service provided in recent years, not just the statistics on usage, e.g. the desultory and inconvenient service for stations between Dundee and Carnoustie has undoubtedly served to depress usage.

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?

In order to ensure integration of service and responsibility, the franchise must be ultimately responsible for what happens in the stations.

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?

Only one person should be responsible. Fragmentation of areas and roles within stations, in the absence of clear final responsibility, is not sensible and can only get in the way of ensuring a strong and integrated service for passengers.

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

Q27 comments:

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

The paper does not consider the position of stations which have sporadic heavy use, e.g. Gleneagles and Carnoustie for golf events.

Indeed, throughout the paper, there is nothing on the role of the railways in special events where there are a lot of people travelling at the same time. How can the flexible capacity for such events be built into the system?

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?

It is absolutely vital that there should continue to be cross-border services travelling north of Edinburgh, for the reasons noted at Q.16 - for the disabled, the elderly, those travelling with children or any substantial luggage and also in the event of delays and disruption. The knock-on effects of delays are especially significant in this context - will there be a service out of Edinburgh if a late evening cross-country train is delayed?

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?

See above.

Rolling stock

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

Q31 comments:

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

This is largely answered by what is said at 9.17-9.20.

Passengers – information, security and services

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

Q33 comments:

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?

Q34 comments:

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

Problems arise from a variety of different causes – drinking on or before boarding the train; high-spirited but inward-looking rowdiness that may be a significant annoyance but no more or behaviour that is directed at other passengers and may be threatening. These require attention to on-train policing issues rather than being resolved by a simple alcohol ban.

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

Q36 comments:

Caledonian Sleeper

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

Given subsequent developments to support the service, there is no need to repeat the arguments why this is an essential service, especially for those north of Edinburgh and Glasgow.

It should be noted, though, that the fact that air travel is often cheaper suggests structural problems in the economics of travel which is another “big picture” issue that is not being addressed by government.

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?

Separate franchising should not lead to fragmentation, e.g. preventing the promotion of return journeys which use the sleeper one way and a daytime service the other.

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?

In addition to the points made at Q.16 and Q.29, the appeal of the sleeper service includes not using working time for travelling, the much greater inconvenience of air travel if one is not within easy reach of an airport with relevant flights, avoiding the hassle of getting to and from airports (especially the potential risk in getting to airports for early morning flights in winter), avoidance of flight disruption from fog etc. (flights to/from Scotland are always among the first affected, for good operational reasons), and environmental considerations based on greenhouse gas emissions. There is no viable alternative that gets one to/from many places in time for an early start to business, without travelling the day before and staying overnight

The current northwards option of an earlier direct through service and a later one as far as Edinburgh seems well suited to varying needs. Earlier departures south might appeal to some, but others will like having the evening available before travelling, and I am not aware that many will benefit from much earlier arrival in London.

Continuing the direct service to and from stations north of Edinburgh is essential.

Environmental issues

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

This section of the paper is worryingly limited in its vision. It is all about the direct impact of railway operations, not the role of railways in the wider sustainable transport and greenhouse gas reduction effort.

The absence of waste and recycling bins at stations and of any recycling facilities on trains (where a large proportion of the waste is paper, plastic bottles or cans) is frustrating and sends a conflicting message when rail travel is being promoted as a “greener” alternative to flying and driving.

Given problems in England over the status of some infrastructure providers, it should be expressly provided that the franchisee is subject to the Environmental Information (Scotland) Regulations.