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Dear Ms Grenfell

Re: "Amending licenses to give passengers the information that they need to plan and make journeys"

Thank you for the opportunity to respond to the consultation at reference.

RTIG is a community group whose members include UK local authorities, public transport operators and system suppliers, with representatives from Government and other key industry groups. Our aim is to further the effective use of information technology in the public transport sector, through sharing experience and through developing common approaches and specifications.

This letter provides our corporate view; however, please note that individual RTIG members may have different perspectives and will, of course, have the opportunity to make their own submissions.

We do not regard any part of this response as confidential.

Introduction

Passenger information, particularly real time information, can make a true difference to the use of public transport, offering reassurance and an increased sense of security for passengers and supporting sustainable cities. It can change perceptions about public transport and is therefore key to promoting smarter choices, and make travelling easier and more manageable. In particular, we believe that the provision of reliable disruption information is crucial to winning the trust of passengers and their future engagement with public transport information channels.

It is essential to ensure that the information that is available is readily available, accurate and consistent; stakeholders must work hard to overcome the numerous technical challenges and operational complexities. We therefore support the ORR's

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intent to improve the availability, accuracy and consistency of disruption information on the rail network.

Below are our comments on the specific questions raised in the consultation document.

Q1: Do you agree that there is a lack of clear accountability in the current framework for providing information to passengers?

Yes. However, it is only reasonable to impose accountability where there is a capability of delivery.

The provision of reliable and timely information requires an effective set of interworking systems, together with a clear set of priorities, responsibilities and processes. Accountability is the end result of this. It will be crucial to establish, not just within each organisation, but within the industry as a whole the processes which will ensure that reliable information reaches the correct channels in a timely fashion.

This is no small task and should not be undertaken in a piecemeal fashion. For instance, requiring individual TOCs to generate their own Codes of Practice will lead to differing levels of service across the country and will not promote integrating information across the network. An industry-wide Code of Practice – like those in banking, travel, etc – will be more effective and will ultimately lead to greater accountability.

We believe that this would help to fulfil the spirit of the McNulty review of better cross-industry working.

There is another space where accountability is lacking: third party information services. This is a rapidly changing context. Traditionally, someone who merely installs screens to display a TOC's information is "accountable" through the acquisition and installation contract. However someone who takes a data feed for several TOCs, mashes it with mapping data and weather data, and offers some journey planning software and some ticket sales software, is undertaking a value-added business. If the TOCs' data feed is a public one (and especially if the TOCs are required to offer it), then it has no control over the service offered.

The mismanagement or failure of such a service might have a direct impact on rail passengers and operators, in terms of both the rail service and the TOCs' own information provision. With the spread of technology and diversity of channels, the scale of this issue will only grow with time. ORR should consider whether such third party services should be regarded as an integral part of GB rail, for accountability purposes, and how this might practically be achieved.

Q2: Do you agree that licences are the best place to set out aligned accountabilities for providing information?

It is essential to clarify the regulated functions of stakeholders in their licences. Licence conditions can, therefore, reasonably establish the principles of responsibility.

However, a licence condition can only be effective if it is possible clearly to establish where a licensee is non-compliant. Clearly the details of information collection, processing, sharing, analysis and dissemination are too variable and context dependent

to merit inclusion in a licence; our conclusion is that the licence condition needs to be backed up by a supporting framework. Our proposed industry-wide Code of Practice could set out specific obligations, and would be available to the ORR to determine whether the general obligations as stated in the licenses are being met.

Q3: Do you agree the split of responsibilities described is sensible?

In the main, yes. It is right that the passenger-facing TOCs should provide the principal channel for information to passengers whatever the conditions.

However, passengers require information not just about the running of trains, but also about the operation of stations. For stations which are run by Network Rail, there should be a direct responsibility to inform passengers about their operational status.

Beyond single-leg rail journeys, passengers are increasingly demanding information on door-to-door journeys which are often multimodal and/or multi-operator. There is an implied duty on rail operators to ensure that they contribute effectively to such information. This issue links with the question of third-party information services, raised previously.

Q4: 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?

Information is currently available through a number of channels, and it is a challenge to ensure that fast-changing information is consistent across all of them. Passengers who get mixed messages from different information channels may end up trusting none of them. Mechanisms need to be put in place which establish the processes by which information is disseminated, and controlled.

Some processes will need to be manual (eg in case of system crash), while others will need to be automated (where large volumes of data need to be exchanged quickly and accurately). In both cases, industry-wide standardisation will be of value, and ORR should support and encourage the momentum within GB rail to achieve this.

This needs to cover third party services as far as possible. The proposed clause 2.9 of Network Rail licence, and the proposed clause 4.11b of TOC licence, imposes an obligation to make information available to third parties; however, in order for downstream channels to work effectively, more active engagement may be required.

Q5: Do you have any suggestions to improve the proposed licence drafting?

The Code(s) of Practice are expected to be based on Parts D and H of the Network Code. This portion of the code is primarily concerned with the variation to the working timetable. However, passengers most need "appropriate, accurate and timely" information in conditions of disruption.

In such conditions, a great deal of information may need to be exchanged rapidly and among numerous organisations to ensure that passengers can make informed choices about their journey and their onward journey. While it is hard to impose rigid obligations for what is by definition a sudden and uncontrolled occurrence, we believe that this is

key to fulfilling passenger needs. Even when updated timetables or even accurate running information is not available, stakeholders must be prepared to communicate effectively with passengers.

Passengers are neither tolerant nor forgiving when things go wrong, and poor information experiences in disrupted conditions may become a significant brake on modal shift.

We support the desire (as identified in clause 39 of the consultation document) to “ensure accurate and timely information...including information about cancellations and delays at the point of sale” of tickets. This will certainly require major reengineering of ticket vending machines, as well as manual ticket sales and indeed web/mobile channels, and the practicality, affordability and timetable for this certainly deserve further scrutiny. However we do not see where this is required in the proposed licence conditions.

Where ticketing is provided through third-party channels, there needs to be an obligation on the channel to ensure that relevant information is provided to purchasers. Again, this reinforces the need to expand ORR’s perspective to include these services.

Q6: Who do you think should be covered by these proposals?

The proposals should be applied across the industry in a fair and reasonable way. It appears that applying the licenses to cover all main line train operators and all licensed station operators meets this obligation.

We have commented above on the accountability of third party services. It would be curious to enforce obligations on NR and TOCs if a substantial fraction of passengers receive their information through unregulated independent channels.

Q7: What impact do you think these proposals would have?

The proposed licence changes by themselves will have little effect beyond formalising, in a legal context, the need for activity which is already underway in the industry. Coupled with clear supporting mechanisms (ie an industry Code of Practice, a clear enforcement régime etc), it could result in significant improvements in the information available and, therefore, the experience of passengers.

However, it is noted that any material operational change by rail stakeholders will have a price tag, and will take time to implement. ORR will need to ensure that this is taken into account in its economic regulation of the industry.

Q8: What extra information about how these conditions would work in practice would be useful?

As stated above, we believe two additional structures are required from the regulatory side: a working out in detail of what is expected of TOCs and NR (through a single industry Code of Practice), and a clear statement of what constitutes non-compliance (and what the consequences might be).

ORR then needs to be a scrutiny party to the project work being undertaken within GB rail to implement the necessary systems and processes.

We trust this is helpful. If we can be of any further assistance, or if our views as stated are unclear, we would be pleased to hold further discussions.

Yours sincerely

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