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6 January 2009

Our Ref Let/1342/Mitchell/AS/ad

Dear Mike

Re: Closure regulation

You will be aware of concerns arising from the recent timetable change on CrossCountry services. Passenger Focus has been in contact with officials at the Department for Transport (DfT) about whether specific changes to the CrossCountry timetable should have triggered the closure provisions in the 2005 Railways Act. Our principal concern surrounds the withdrawal of the Brighton to Manchester service and the fact that this means that short sections of track in the London area have lost *all* passenger services.

We were of the opinion that this fell under the closure provisions set out in the Railways Act 2005 and sought clarification from DfT as to its intention. Following our representations, and those of London TravelWatch, DfT announced that a replacement bus service was to be provided between Ealing Broadway and Kensington Olympia and Wandsworth Road. We presume this is in accordance with Section 40 of the 2005 Act which creates provision for a national authority to "secure the provision of a substitute service for the carriage of passengers by road by means of public service vehicles or private hire vehicles" where a service has been discontinued.

However, we must challenge the presumption that this has removed the need to initiate the closure consultation process set out in Schedule 7 of the 2005 Act. Where does it state in the Act, for instance, that the decision to operate a bus replacement service creates an exemption from the closure consultation provisions? We would argue that there is a need to have gone through the closure process prior to the decision to discontinue services and before introducing the replacement bus service.

We must also challenge the assumption that the train service can be adequately replaced by a weekly bus service. While Section 40 allows the bus replacement to follow a different route and stop at different places than the corresponding train service, it makes no specific mention of frequency. We simply do not feel that the weekly bus service is comparable to the rail service which it replaces. Moreover it seems aimed at avoiding closure regulation rather than providing passengers with a useful service. We believe this sets a dangerous principle. As it currently stands simply providing an infrequent bus service could be used as a way of circumventing the



statutory consumer protection covering closures – something that is clearly against the spirit of the 2005 Railways Act.

We seek DfT's urgent review of this issue and clarification of the legal provisions under which DfT has avoided carrying out the closure consultation process.

We are conscious that a precedent of sorts regarding bus replacement services has already been established during the West Coast Main Line modernisation work with rail services at Barlaston, Norton Bridge and Wedgewood stations being completely replaced by a bus replacement service. This seems to be on an indefinite basis and was again carried out without any formal closure process being initiated. We believe it is now time that DfT reviewed the situation at these stations and formalised the situation – the aim being to establish the best long-term solution for passengers.

The change to the CrossCountry service has also led to questions about additional potential closures in the Midlands area. In particular the cessation of two existing services linking Coleshill Parkway and Tamworth (3.40 pm Reading-Derby and the 6.02 pm New Street-Nottingham) and whether this results in the loss of passenger services running over Whitacre Junction to Kingsbury Junction. We would also welcome clarification on this issue.

Yours sincerely,

Anthony Smith
Chief Executive