

## Consultation on implementing Minimum Service Levels for passenger rail.

### Submission from Transport Focus

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Transport Focus is an independent, statutory consumer watchdog promoting the interests of transport users. Working with transport providers and Governments across England, Scotland and Wales we ensure that the users voice is heard.

We have focused on questions surrounding the principles behind Minimum Service Levels (MSL), the impact on passengers and how MSLs might be set and implemented. We have not addressed those questions specific to employers, local authorities or about individual travel experiences.

**Question 1** – *Do you agree or disagree with our assessment of the principles that should underpin a minimum level of service? Please provide your assessment for each of the principles set out above, and the rationale for your reasoning.*

Our strong preference is for industrial disputes to be settled through negotiation and agreement. In this way a dispute is resolved, and all parties can go back to focussing on providing services for passengers. There is a risk that MSLs will increase tension between unions and employers. This could prolong a dispute or result in more ‘action short of a strike’ such as an overtime ban or work to rule. We have seen on rail how things like overtime bans can have a huge impact on rail passengers as they can often result in short notice cancellations. So, if Government decides that MSLs are to be introduced, it will be essential that they do not lessen efforts to resolve the original conflict – the priority must remain on reaching an agreed settlement. MSLs cannot be an end in themselves.

If MSLs are to be implemented, then we agree with the four broad principles listed:

- That the service that does run during strike action is safe and reliable and allows passengers to travel where possible
- That it prioritises certainty of service, so passengers know what to expect
- That any MSL set pays due consideration to safety and security considerations and prioritises passengers’ safety.
- That the needs of passengers and the public to access work and public services are balanced with ability of rail workers to take strike action

It will be essential that minimum service levels can be delivered safely. The safety of passengers and staff must continue to be of paramount importance.

It will also be important that minimum service levels can be delivered reliably. Passengers need certainty at such times – they need to know in advance what is running so they can make their plans around it. To this end the timetable has to be dependable rather than heroic – i.e. that it promises what can be consistently delivered rather than what might be delivered only on a good day.

And, for reasons mentioned earlier, we agree that there has to be a balance between the needs of passengers and the ability of workers to take strike action.

We also think that there are three other important aspects that should be considered. It will be important that industry messaging reflects the service level set in the MSL. For example, if the minimum level is designed to provide an ‘essential service only’ then it must be accompanied by advice not to travel and appropriate refund arrangements.

We also think it important that passengers get a chance to contribute to the development of their MSL timetable. We believe it is right to involve passengers in the design of timetables, not only is it a demonstration of putting passengers first (a central theme of the Plan for Rail) but it is also the best way of identifying local travel needs.

We also think that services provided during strike days should be as inclusive as possible. People who rely on services such as Passenger Assist should still be able to travel.

**Question 2** – *Subject to the exemptions described in Question 3 below, we propose that the following passenger railway services will be within scope for MSLs. Please indicate whether you agree or disagree if each of these services are essential to enable passenger trains to meet minimum service levels. If you disagree, please explain why?*

The main purpose of MSLs is to ensure that passengers can access work (particularly key workers), education and health services. If this is to be achieved MSLs will need to cover a broad range of staff including those who provide infrastructure and other essential services as well as those who operate the trains.

As mentioned earlier, we feel this should also include staff who provide assistance to older, vulnerable and disabled passengers.

**Question 3** – *We propose that the following passenger railway services will be excluded from scope for MSLs to apply to. Please indicate whether you agree or disagree that these services should be excluded.*

We agree that international passenger services, heritage services and charter services should be excluded from the regulations.

Heritage and charter services are more leisure based activities rather than focussed on getting people to work, education or medical appointments. While there may be some occasions when international services provide access to work or medical appointments, we feel it will be very difficult to apply the regulations at an international level with the sort of consistency and reliability required.

**Question 4** – *Please indicate whether you agree or disagree that each of the factors below should be used to inform the minimum level of service delivered, and rank them in order of priority. Please set out the rationale behind your choices.*

- *The need to travel by rail for health purposes or for the purpose of seeking medical attention / treatment*
- *The need to travel by rail to access education*
- *The need to travel by rail to earn a living*
- *The need to earn livelihoods from those travelling by rail*
- *The need to travel by rail to enjoy private, or family time*
- *The need to travel by rail for leisure or tourism reasons*
- *The need to avoid damage to the economy*
- *Other relevant factors – please set out*

We feel that MSLs should focus on enabling essential rather than nice-to-have travel. That would include allowing travel for health purposes, to access education and to get to/from work to earn a living. The latter would also encompass the needs of keyworkers to get to their place of work.

We acknowledge that some personal/family travel can also be essential. However, a framework of core service built around work, education and health would also enable a degree of personal/family travel as well.

**Question 5** – *When setting the minimum service level, what do you think would be the most appropriate metric?*

- *% of services running compared to a similar non-strike day*
- *% of services running at peak times compared to similar services on a non-strike day*
- *Volume of passengers able to travel*
- *Another metric (please say)*

It will be essential that passengers understand what an MSL entails. The more they understand in advance what is running the better able they are to plan around it. Metrics based on the percentage of trains running (both all day and peak) would be easily understood by passengers and could help with journey planning – for instance, knowing that only 25% of peak trains were going to run could help someone decide to work from home and to make all the necessary arrangements in advance.

**Question 25 and 26**– *What is your preferred option for how MSLs are implemented for heavy rail, and for light rail? Please provide two answers if you have a different preference across heavy and light rail.*

- *Option 1: Design a minimum service level framework based on existing timetable arrangements*
- *Option 2: Design a priority route map of the heavy and light rail network across Great Britain upon which minimum levels of service must be provided*
- *No preference*

The decision on what constitutes a minimum service level will be key. Basing the MSL on existing timetables, and offering a set percentage of existing services, would offer several advantages. It would cater for strikes on different days – i.e. if a Saturday strike you take a Saturday timetable and so on - and it would potentially be the simplest to do as the core timetable has already been worked out. It would also be easier to communicate in advance. However, it may not reflect the actual level of demand, leaving some routes over-provided while others face extreme crowding.

Designing a bespoke timetable would be more complicated but it could better match resource with demand. This will be important if the key aim is to get as many people to work, to school and to medical appointments as possible. However, this would require a train company to have a good understanding of its customer base. It would need to know, for instance, how many of its commuters can work from home, who are keyworkers and where they travel, and the key school/hospital flows. Without this detail it could be hard to build a bespoke MSL.

Designing a priority route map has the potential to do the most good for the most people, especially if there was a wider network of such routes than seen so far in existing strikes. It would make best use of scarce resources, ensuring that carriages/seats are available where they are most needed. But this is subject to the industry having sufficient knowledge about demand levels in the first place.

Whichever option is chosen we would again reiterate the importance of involving users in the design of the MSL timetable. This is the best way of identifying local travel needs and of identifying any gaps in service.

**Question 27** – *In the case of Option 2, which do you think is the most appropriate basis for developing the priority route map?*

- *Option 2a: Prioritisation based on extending hours of service*
- *Option 2b: Prioritisation based on extending geographical scope of service*

There are benefits in providing an extended service on some routes – this would help ensure services are more suitable for people working shifts / non-core hours. However, we are also very mindful of the fact that people on rural lines / branch lines also use the railway to get to work, school and medical appointments – and if the aim is to facilitate this then ensuring everywhere has some sort of access also has value.

It is difficult to choose an option without knowing how many people would benefit from each. We think that any decision must take into account local conditions in an area. Local factors include the location of hospitals and schools as well as the key commuter flows and the availability of alternative modes. For example, whether there is a bus service that could provide a service in place of rail, or which links with a rail hub. It may also differ according to whether it is a local or national strike – in some local strikes other operator's services may continue to serve the area.

In short, it is difficult to apply a one-size-fits-all option - what works for one train company or region may not work for another. The key will be to build an accurate picture of demand in an area, and then apply the most appropriate option.

**Question 28** – *If we explored developing priority routes, what do you think should be the most important factor in designing a priority route map?*

The priority aim of an MSL would be to get people to work or school or to access healthcare services – this includes people in rural areas who may not have access to

other transport alternatives. This would mean adopting a broader definition of priority routes than those seen in existing rail strikes.

While it is not in our remit, we also acknowledge the role of rail in transporting goods and raw materials to where they are required.

**Question 29** – *If services can only run during certain hours, which time periods do you think should be prioritised? Please rank your preferred time periods in order of priority with your highest priority option first.*

- *Morning peak*
- *Evening peak*
- *Early morning (before 7am)*
- *Late evening (after 7pm)*
- *Services during a 12-hour period (7am – 7pm)*
- *Whatever can be resourced most reliably, regardless of timings*
- *Other (e.g., weekend travel at specific times)*

Our immediate priority is reliability. Passengers need to be able to trust the timetable. To this end, the timetable must be dependable rather than ambitious, promising what can be consistently delivered rather than what might be delivered only on a good day. There is little value in advertising a half hourly service if every third train ends up being cancelled. So any level of prioritisation will initially have to be based on the level of resources that can reliably be provided.

It is difficult to prioritise the other factors as much will depend on circumstances and local levels of demand. For example, a strike on a weekday will require a different set of peak hour priorities than one on a Saturday, while a route with a good degree of school travel will have more of a need for later afternoon services. Seasonal factors will also apply – for instance, during exam season the importance of school flows increases even more.

As we have said throughout this submission, much will depend on identifying local levels of demand and then matching timetables to this.