

As a member of the travelling public rather than one who is involved on a day-to-day basis in running Britain's railways, I am not qualified to comment on some of the detailed technical questions in your consultation document about various options for encouraging greater and more effective competition on the railway network by changes to the regulations on Open Access.

However I feel that a basic principle should be followed in considering proposals for Open Access in order to ensure that passengers are protected from failures by franchise holders to provide a railway service of adequate standards. It is clear that some train operating companies (TOCs) do not have to try very hard in order to satisfy the basic requirements of the franchise which they have been appointed to operate, sometimes for a lengthy period. Several TOC which I have used in recent years – in particular Northern and also TransPennine Express – run the services which they are contracted to run, but with the most minimum of staffing levels, poor rolling stock, very basic stations and a total lack of innovation or initiative.

It is quite possible that no other TOC / Open Access Operator would be interested in competing with the basic services operated by the franchise incumbent, even if track capacity can be found. I also accept that the TOCs have inherited rolling stock which they may have no choice but to use, despite their unsuitability for the task in hand.

However I believe a principle of Service Enhancement Preference should apply, whereby any operator seeking the right to operate an Open Access service on a line where capacity exists to accommodate their proposed service should be accepted in principle if the operator can demonstrate that it will (1) provide a significant increase in seat availability on routes where there is clear evidence of overcrowding on existing services; and/or (2) deliver other improvements for passengers by way of (for example) more modern and reliable rolling stock (and therefore fewer train cancellations), provision of catering, station enhancements, ticketing deals and incentives, more frequent services, services at times of day when existing services are poor, and faster journey times.

There are too many parts of Britain where rail services of poor and declining quality are provided by only one TOC, sometimes with a lengthy franchise period still to run, and where the TOC has no incentive to improve the service provided to the passenger.

It may be that Open Access will not provide an answer to these problems because of a lack of interest from other operators, and/or lack of track capacity, in which case I believe the ORR should be looking at other ways in which higher quality services can be delivered. TOCs must not be allowed to 'rest on their laurels'.

By way of just one example, I attach two photographs taken on 15th July at Manchester Piccadilly, where large crowds of intending passengers are seen attempting to board a delayed - and very elderly and uncomfortable - two-car Pacer unit bound for Derbyshire. It seems quite wrong that passengers in the North West should have to put up with such a poor quality service while, in Greater London for example, virtually all the rolling stock is now modern and high quality, and services more reliable.

Yours sincerely

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