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Dear Philip

### **ORR's Approach to Transparency**

Thank you for the opportunity to comment on the ORR's proposed approach to transparency. This is the formal response of Freightliner Group (Freightliner) - representing Freightliner Limited (FLL) and Freightliner Heavy Haul Limited (FLHH).

Freightliner recognises the desire to increase transparency, particularly where the rail passenger industry is providing a public service and receives a significant contribution from the taxpayer to provide services. However rail freight operates wholly within the private sector and is in a highly competitive market place; with competing rail operators and is in direct competition with other transport modes.

Freightliner like other freight operators is already incentivised to meet our customer's needs both in terms of the level of service provided and information. Our customers do not necessarily have common requirements in terms of service levels, data provision and consignment tracking; this will be highly dependent on the commodity and market segment. This is very much an area where the customer and market determines requirements and really falls outside any notional regulatory requirement. As a private sector activity freight movement is not a 'public service' and are not for the most part the recipient of taxpayer funding - Mode Shift Revenue support Grants being the most obvious funding area although that is only provided in order to secure environmental benefits by mode shift from road to rail.

The consultation document makes few references to freight so it is unclear what it is ORR is proposing or considering beyond the data that it already publishes. We like other freight operators would not consider live running information to be something that should be in the public domain. There are clear commercial and security reasons for this not to be so and it would be of very limited public interest. ORR seems to be suggesting that we should operate in a transparent environment whereas our road, sea and air competitors do not and would not be asked to do so. This is plainly not equitable and is unreasonable.

Punctuality data can also be misleading as often freight services are held beyond a timetabled departure time in order to meet a customer request to complete loading for example. Overall great care must be taken in presenting and, at the same time explaining current published data as well as considering other possible data to publish in the future.

We remain opposed to the publication of results from safety inspections and the comparative performance of duty holders from audit and inspection activities. We believe that such information

can be taken out of context when read in isolation and we have found that ORR reports can be inaccurate in the first instance, which gets resolved through dialogue. If the report is published, any errors have the potential to do harm and if this is based on inaccuracy this is especially damaging.

Further, we believe that comparisons drawn between duty holders can be misleading. This is especially the case where readers may not fully appreciate the difference in operations between two duty holders who appear to perform similar functions.

In summary we note the trend to greater transparency and where this can confer advantages to freight customers and in supporting greater use of rail freight can see there may be advantages. However we believe ORR needs to understand better the needs of freight customers and the extent to which the industry is not meeting those needs before deciding to publish further data.

Yours sincerely

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