



Consultation on Rail Passengers' Rights and Obligations – December 2014

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing more than 20,000 members in train operating companies and freight companies as well as London Underground and light rail systems.
2. The forward of this consultation explains that "As a general principle, we seek to use regulation only where market and other incentives are insufficient to secure the improved services. For that reason, the Government has an overarching policy of reducing the regulatory burden, including legislation arising from the EU, on UK businesses."
3. ASLEF would like to state that is due to the almost non-existent market or incentives in the industry, a greater amount of regulation is needed.
4. One of the great myths of rail privatisation was that competition would improve services and drive down costs. But competition in our industry is almost non-existent. The franchising system means limited competition takes places every 10-15 years when services are let. Following this, Train Operators almost all have monopolies on routes.
5. The contracts given to operators also limit the market incentives. Many have revenue protection clauses that mean, should revenue fall below the predicted levels, the tax payer will make up this difference. This reduces any incentive for operators to produce a quality services. No matter what

happens they are almost guaranteed revenue, whether it is from passengers or the taxpayer. This distorts the supposed “market”.

6. It should also be remembered that many people rely on rail services and have no alternative other than taking them. Many commuters, especially in the south east have no other viable option than to take the train on a daily basis. They may not do so because they believe the service is being run well or represents good value for money.
7. In short, Train Operating Companies have a closed market, with little incentive for improving services or keeping costs down. They have virtually no competition. Therefore “market and other incentives” are certainly insufficient on the railway and regulation is very much needed. ASLEF therefore firmly believes that the Department for Transport should start with this mind-set.
8. One of the problems passengers face in the UK is the fragmentation and use of more than one operator to complete a journey. Many of the questions raised about connections, refunds, reimbursements and rerouting are made more complex by the fragmented and disjointed nature of the British rail network. Passengers are often unaware of what services they can take and who they should apply to for compensation. Much of these concerns would be alleviated by have a single, publicly owned operator.
9. ASLEF strongly agrees that the exemption from regulations calling for more information for disabled persons and persons with reduced mobility should be removed. The railway is an important public service and ensuring those who have a disability are not prohibited from using services must, where possible, take precedence over commercial interest.

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