

Policy Group

Railways Act: Section 26 Consultation
5/15
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1st March 2013

Dear Sirs,

Consultation on the Draft Statement of policy on the exercise of the Secretary of State's power under section 26(1) of the Railways Act 1993 (as amended by the Railways Act 2005)

Overall Comments

The draft statement of policy does appear to be a significant change in policy (although it would have been useful to have included the current policy in the consultation). This does seem to reduce the involvement of the DfT Directly Operated Railways (DOR) and replace this with commercial deals with existing franchise operators or other industry operators that lack the transparency required and potential poor value for the taxpayer and passenger.

We support the need to ensure the continued provision of passenger rail services (by whatever means) and in practice the services, rolling stock and staff will already be in place. Therefore there is a need for a management role to take this on until an adequate tendering process is complete. It seems practical and reasonable for DOR to take on this role rather than extend a current franchise that has not been selected, shortlisted or passed pre-qualification through the existing process.

It would seem that a public sector DOR would need to be retained as the operator of last resort in any case, but the uncertainties of this policy means that an organisational capacity still needs to be provided but may never be used. This would not be an effective use of funding for the rail industry.

It is likely that an invitation to tender will not be issued (and a direct award is made)

11. The criteria for not issuing an invitation to tender does appear to be too broad e.g. "the fulfilment of government objectives" and "the effective administration of franchise competitions"

Where no invitation to tender is issued

14 c) Appears to put the continued provision of passenger rail service by other private sector operators above the need for transparency to ensure best value and the quality of the passenger service.

Section 30 of the Act – use of operator of last resort.

15. Still is unclear about the use of DOR and only states "may include securing services of a public sector operator".

Yours faithfully,

C Fribbins

Chris Fribbins
Railfuture – Policy Group

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