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Minister of State  
Department for Transport  
Great Minster House  
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19 July 2011

**Re: South West Trains**

I am sorry that a change of ministerial responsibilities denied us the chance to resume our discussions on the poor quality of service provided on the London-Portsmouth railway line by South West Trains; however, I understand that future Rail Franchises remain within your purview, and it is in this respect that I write to you.

It is now well known that passenger comfort is not, remarkably, explicitly included in any Rail Franchise Agreement; however, oblique mention is made to the standards a passenger can expect. The RFAs state that any rolling stock substituted for that operating at the time of the Agreement at the end of extant lease arrangement must be of a 'reliability, capability and quality that is at least equal to the reliability, capability and quality of the original rolling'. As I have said to the Parliamentary Under-Secretary of State, this stricture can only be of any value if it applies to the operation of a particular line – and if the trains in use on that line are maintained to the end of their lease.

The Department feels it cannot stipulate which carriages are used by a Train Operating Company, but it does have a duty to ensure that a company enjoying a licenced monopoly does not exploit its position by substituting inferior rolling stock during a lease. The consequence of the introduction of 450 carriages in place of 444 carriages means that passengers are provided with an inferior carriage (by the admission of the Parliamentary Under-Secretary of State) for the same fare. SWT has in effect overseen the reintroduction of Third Class travel on Great Britain's railways as there are now three distinct grades of seating: first class on a 444 carriage; standard class on a 444 carriage and first class on a 450 carriage, though the latter is somewhat worse than the former; and standard class on a 450 carriage. This arrangement existed in 2006 but has been exacerbated by the unnecessary proliferation of 450 carriage services during the current RFA. This change was effected without passenger consultation or approval, and as things stand without fear of sanction from the Department.

The justification offered by SWT for this retrograde step for passenger comfort, though it does not recognise it as such, is that the Passengers In Excess of Capacity figures warrant

it, specifically those for 2005 and 2006. As you know, I dispute that these figures could inform the extent of the changes introduced, and I am therefore sceptical when SWT avers that its up-to-date passenger loading figures warrant the extent of 450 deployment because there has been no change since 2006. SWT jealously protects its passenger figures as they are 'commercial confidential'. This might serve SWT's interests, but it is not in the interests of passengers now, as we seek improvements under the current RFA, or in the interests of a fair, open and competitive bidding process for the next RFA – ultimately to the detriment of passengers' quality of journey in the future.

The privatised railways function as a network of time-limited licenced monopolies. The improving pressure of competition is only felt at the negotiation of RFA stage, thereafter it is the Department which must ultimately safeguard the interests of the passenger. In order to ensure that passengers get the best deal from the most open bidding process it should not be tenable for TOCs to hide their passenger loading figures or the terms on which they lease rolling stock – all of this should be in the public domain. In order to ensure that passengers are well served by TOCs during what will be lengthier RFAs in the future, there must be minimum standards of comfort explicitly set out in those RFAs and a commitment must be made to maintain the same quality of carriage on each line covered by the RFA – and the arbiter of whether that test has been met should not be the TOC itself.

The Department's response to the 'Reforming Rail Franchises' consultation stated that bidders may be asked to commit to quality improvements to the onboard environment, which must include passenger comfort; this is encouraging. It also stated that some level of standing is acceptable. We urgently need clarification on the tolerance for standing passengers and I implore the Department to produce specific guidance on this point for inclusion in tender packs. I have written to the Parliamentary Under-Secretary of State on how this matter touches current RFAs.

I have further raised with the Parliamentary Under-Secretary of State the need to encourage existing holders of RFAs to improve their services now as a means of demonstrating their suitability to hold franchises in the future. I hope that you will bear in mind the intransigence shown by SWT to-date, and indeed any improvement in its response to passenger complaints, when assessing its fitness to continue in its present role.

Thank you for your continued assistance.

Penny Mordaunt MP

cc. Norman Baker MP, Parliamentary Under-Secretary of State, Department for Transport