
Secretariat report

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Agenda item 7

CA017

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Policy issues for consideration

1 Purpose of report

- 1.1. To provide details of policy issues for consideration by the Committee which have arisen from recent cases dealt with by the London TravelWatch Casework team.

2 Information

- 2.1. Details of cases to be considered at this meeting are attached at Annex A.

3 Recommendations

- 3.1. Rail replacement Bus issues (Annex A, page 2)

Members are asked to consider whether the current refund policies of London Underground and the train operators are appropriate, and whether we should be arguing for a less rigid interpretation of the rules.

4 Equalities and inclusion implications

- 4.1. No specific issues regarding equalities and inclusion arise from this report.

5 Legal powers and financial implications

- 5.1. Section 248 of the Greater London Authority Act 1999 places upon London TravelWatch (as the London Transport Users Committee) a duty to consider – and, where it appears to it to be desirable, to make representations with respect to – any matter affecting the services and facilities provided by Transport for London which relate to transport (other than freight) and which have been the subject of representations made to it by or on behalf of users of those services and facilities. Section 252A of the same Act (as amended by Schedule 6 of the Railways Act 2005) places a similar duty upon it in respect of representations received from users or potential users of railway passenger services provided wholly or partly within the London railway area.

- 5.2. No specific financial implications arise from this report.

Annex A

Rail Replacement bus service issues

The case concerns Mr K who caught the 12.41am service from Finsbury Park to Potters Bar but getting off at Alexandria Palace to catch the replacement bus service due to engineering works. The station supervisor advised that him on arrival that a replacement bus would arrive within the next 15 minutes. However, an hour later with no sight of a replacement bus, Mr K decided to get a taxi.

When he complained about poor service requesting reimbursement of the £25 taxi fare and £100 for compensation, First Capital Connect's Customer Relations team turned him down and provided a £3 voucher under its Delay/Repay compensation scheme. Upon appeal, we were able to persuade the operator to refund the cost of the taxi fare but initially they would not provide a small goodwill gesture.

We argued that as Mr K had been given incorrect information by the station supervisor and was delayed for over an hour with no information and that, at the time of taking a taxi there was still no sign of a replacement bus, meant that a small goodwill gesture was appropriate as all the operator had done to date was reimburse his costs. The operator argued that, if they were to provide a goodwill gesture of £20, this would mean the costs of compensation are disproportionate to the cost of the ticket purchased and that they had in effect compensated him for the delay by providing compensation under their Delay/Repay scheme. The operator also argued that because there were greater number of passengers than expected earlier in the evening this meant the buses scheduled for this service were used then and they had to order additional coaches to meet demand.

Recommendation

We accept that it is difficult to judge with any degree of certainty the demand for rail replacement bus services. Passengers will often delay journeys or use alternative routes to avoid such replacement services because ultimately, when they buy a rail or underground ticket, they expect to use rail or underground services. Nevertheless, we consider that a cautious approach should be used in procuring services to provide some spare capacity.

However, once a shortfall has been recognised, it is incumbent on the operator to make appropriate alternative arrangements available to passengers. It is not acceptable to leave passengers stranded for over an hour late at night. If they fail to do this, or provide incorrect information to passengers, we consider that it is a reasonable expectation that any taxi fares are refunded and that they should consider appropriate goodwill gestures to reflect the inconvenience caused to the passenger. We consider that, as a minimum, the station supervisor should have used his discretion and, say, after 30 minutes arranged for passengers to get taxis. Instead passengers were left waiting for an hour and then had to get their own taxis.

We last examined the issue of Rail Replacement Bus services in depth in 2004 as part of the When is a train not a train? Report (www.londontravelwatch.org.uk/document/1354/get). Members may wish to consider whether there is merit in further consideration being given to this issue.