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Abigail Grenfell
Manager, Licensing and Network Regulation
One Kemble Street
London, WC2B 4AN

20th June 2011

Dear Abigail,

Amending licences to give passengers the information they need to plan and make journeys – a consultation: response from Placr Ltd.

Who we are

We are a London-based public transport data aggregator founded in 2008 to provide app developers and operators with value-added services around routes, timetables and live running transport data. Working with Transport for London and Traveline data feeds, we are powering a number of smartphone apps and web sites such as UK TravelOptions and Busmapper that serve tens of thousands of users.

Jonathan Raper is CEO of Placr, a Member of Mayor of London's Digital Advisory Board, and a member the Steering Group for the Technology Strategy Board's Information & Communication Technologies Knowledge Transfer Network.

Background

The fastest growing channel of information to rail passengers is via their smartphone through web sites and apps. These services are provided by 3rd party developers, often SME's, with substantial expertise in transport data handling. More than a million apps for rail data have been downloaded to smartphones in the last couple of years, and many passengers turn to these apps for everyday enquiries and during disruption.

These apps do not have free access to routing, timetable, departures and fare data for the rail network despite this type of information being (for example) freely available through Traveline for all local bus services. Transport for London has made its live tube departures service Trackernet freely available under an open licence along with all its timetables, and dozens of apps and web sites have sprung up to redistribute this data and add value to it. It is a striking anomaly that the rail industry does not freely distribute this data, especially since the industry is in receipt of more than £5bn a year in public funds.

Routing, timetable, departures and fare data is currently distributed as a monopoly commercial service through the Association of Train Operating Services (ATOC), despite Network Rail having no powers in the Network Code or Licence to make this exclusive arrangement, as conceded in §13 of this Consultation. ATOC have refused licences to those who they judge would 'bring the industry into disrepute', for example those developers wishing to enable automated claiming of compensation for delay. Hence, independent developers wishing to add rail data to public transport information apps are prevented from having guaranteed access to rail data, and very substantial charges are levied by ATOC, despite much of the data coming originally from Network Rail, which has a public task and public funding.

An account of the current position can be found at the following URL:

<http://placr.co.uk/blog/2011/05/why-train-departure-information-is-not-currently-open-data/>

The rail industry is almost the only sector receiving public funding that has not embraced the release of open data despite the development of the Public Data Corporation, the Open Government Licence and the data.gov.uk portal initiatives.

Reform of the current arrangements for access to rail data (proposals below) would lead to substantial innovation while retaining its authoritative nature (as illustrated by the successful release of TfL tube departures). There are many services that the rail industry itself is not currently incentivised to provide, for example:

- apps to automatically claim for rail journeys that would properly attract compensation under performance targets
- apps to monitor delays and check if the performance targets are being met line by line, or station by station... information that ATOC does not currently release

– produce fare-splitting apps that would cut the cost of journeys by distributing them across the cheapest time periods to travel eg breaking a journey into two tickets one either side of a peak fare boundary

The creation of new services around rail data also serves the government's growth agenda as the SMEs running apps and web sites for public transport information create jobs locally, pay taxes in the UK and have a lower cost base for service provision.

Assumptions made by the Consultation

We wish to question the premise of this Consultation that the distribution of passenger information be solely a matter for the rail industry. We find it surprising that third party apps and web sites are not mentioned anywhere in this Consultation, as they are becoming one of the most significant channels of communication to passengers. The Consultation says:

§5 "Relevant information should then be fed through industry systems to be given out on trains, at stations, on the internet and over the phone"

We would recommend that this expectation is modified to take account of apps and web sites using data feeds from Network Rail and the train operating companies (see proposals below).

We are also surprised at the assertion in this para:

§9 "providing all station customer information systems with a real time feed from Darwin (the industry system with the most useful, up to date information)"

NREs Darwin database is only one example of a passenger information service, and is not provided on a statutory basis. Other industry systems with real-time data exist within Network Rail (e.g. on TDnet) and are provided to industry partners through the External Services Gateway (ESG). If this data became available to 3rd party developers then other sources of passenger information could be developed based on Network Rail data feeds.

Response to the Consultation questions

1. Do you agree that there is a lack of clear accountability in the current framework for providing information to passengers?

YES. The lack of clarity in the industry accountability framework and the voluntary codes of practice for National Rail Enquiries (NRE) data licensing have left developers outside the rail industry without adequate guarantees of access to

data feeds, despite their success in building the fastest growing channels of communication to passengers. The exclusive licensing of data from Network Rail to ATOC creates a monopoly arrangement that is not mandated in the structure of the industry nor is it in the passenger's interest. Competition by developers to provide new services based on authoritative feeds from Network Rail will drive down the cost of passenger information to the consumer and increase choice.

2. Do you agree that licences are the best place to set out aligned accountabilities for providing information?

YES. However, the current proposals for rewording do not address the most pressing needs to release data feeds under an open licence to allow developers to innovate. Although both Network Rail and ATOC are commercial bodies and entitled in practice to charge for their services, the underlying data feeds have been substantially funded by public subsidies to the railways. We would advocate that the new licence wording recognises that the route, timetable, departures and fare data should be released as open data under the Open Government Licence (or other public domain licence). The new licence wording should then enable any organisation to access the Network Rail data and charge for onward distribution as they saw fit. In this scenario ATOC might continue to charge for access to its Darwin database, but other organisations would set up competing forms of distribution, possibly at zero cost. Currently, Microsoft sponsor the free distribution of TfL's Tracknet live tube departures feed on its Azure Cloud platform.

3. Do you agree the split of responsibilities described is sensible?

YES. The train operating companies (TOCs) have commercial ownership of their own data feeds covering rolling stock, timing, cancellations and services eg catering. Although it is in their commercial interests to make this available to developers for incorporation into apps as it promotes their services, it would be sensible to alter Franchises at renewal to ensure that this information was also released as open data to ensure a level playing field for all information providers.

4. Are there any other changes in the way the industry handles information for passengers that would complement new licence obligations and help the industry deliver the needed improvements?

YES. We believe that the ORR should move rail data into the domain of open data as Network Rail and the train operating companies that are receiving public funds should align their information policies with the government's drive to create an open data economy. We believe that the aspiration in this para is insufficiently ambitious:

§29 "we propose a new obligation to publish one or more codes of practice for providing information to passengers and to deliver plans for making improvements."

The new obligation should be to release the route, timetable, departures and fare data as open data and to define arrangements for distribution that allow existing arrangements to continue with new competition from industry players such as app developers.

5. Do you have any suggestions to improve the proposed licence drafting?

YES. The new licences should clearly make Network Rail responsible for 'releasing' data not 'providing' it as suggested in this para:

§33 "Network Rail's current obligation is more general, requiring it to provide information to enable passengers to plan their journeys. There would then be a general duty to achieve the purpose to the greatest extent reasonably practicable, reflecting the need for some flexibility delivering the complicated timetabling process. A final addition would be to incorporate a specific obligation to cooperate with operators to enable them to achieve the purpose in their licences."

The innovation, cost reduction and competition that could be provided by new industry players such as app developers who have ongoing customer relationships with passengers would be the key benefits of a modification to the licensing arrangements.

6. Who do you think should be covered by these proposals?

Route, timetable, departures and fare data from Network Rail and rolling stock, cancellations and catering information from the train operating companies. Where footfall information is available from gatelines in stations this should also be released as open data to enable those developers who want to offer accessibility advice to cover 'station crowding information'. Any accessibility information such as photos, routes and access data should also be released, whoever operates the station.

7. What impact do you think these proposals would have?

The impact of the opening up of rail data would be a burst of innovation around apps and services, and the reduction of the cost of apps (currently charged at £3–5, despite the typical price of these apps being under a pound). New partnerships would be formed around access to data feeds, for example, between local authorities, train operating companies and local businesses.

8. What extra information about how these conditions would work in practice would be useful?

The proposed extended train operating company licence condition should be redrafted in 4.11(b) to make the data releases via the Open Government Licence (or other public domain licence) and to allow any organisation to request data feed access from Network Rail. The specification of the data release should also cover the channel of distribution eg Network Rail ESG, and include real time train movement in addition to timetable data.

The licence condition in Condition 2, section 2.9 should remove the reference to 'prices charged, means of access and confidentiality' in this para:

"The licence holder shall grant access to information it holds on the planned [and actual] movement of trains on its network to persons providing or seeking to provide credible enquiry services relating to the operation of railway passenger services on the licence holder's network. The licence holder shall grant access to such information as these persons may reasonably require for the proper carrying out of their operations. The licence holder shall grant access to the information on reasonable terms (including the prices charged, means of access and confidentiality)."

We thank you for the opportunity to make a submission to the Consultation and hope that you will be able to consider our proposals as part of your review.

Jonathan Raper/ Placr Ltd.