

Written evidence submitted by Fen Line Users Association (RRB0007)

The Fen Line Users Association is the rail user group covering the line between Cambridge and King's Lynn.

- **Would the provisions of the draft bill establish an IRB with the independence and accountability to achieve its aims? If not, what amendments would be needed?**

No.

In clause 1(2), section 4D allows government to continue the micro-management that has been the main cause of so many problems, with too many decisions needing permission to be sought from DfT or the Treasury. The usual response to our request or suggestion for an improvement to the service is “we'd like to do that but the Treasury/DfT won't let us”, and this provision would appear to perpetuate that situation.

Clause 4(3) refers to policy statements “approved by the Secretary of State and published by the IRB” which implies that decisions will be handed down from DfT and the IRB is then required to adopt them.

Clause 7 (along with paragraph 23f in the Commentary) appears to require the current mechanism for apportioning blame for delays to be retained, in spite of the assertion on page 31 of the Williams-Shapps Plan for Rail that “The cottage industry of costly commercial disputes over delay attribution will end.”

In Schedule 2, paragraphs 5 to 18 and 32 to 34 appear to require the current franchising system to be retained. This would restrict the IRB's options for train operation, e.g. whether outsourced or in-house and if outsourced the terms of the contract.

- **What will be the effect of the requirement on the IRB to prepare an annual report setting out what it has done to increase private sector involvement in the running of railway services?**

While it is to be expected that the IRB would produce an annual report, in a similar way to any public company, the requirement in clause 1(2) section 4C(1) when taken together with 4D(1) restricts the IRB's options to structure its business in the most efficient way.

- **Are the interests of passengers and freight users sufficiently promoted by the provisions of the draft bill?**

No, because it would lead the IRB to prioritise pleasing its masters in Whitehall over its customers.

Under the current regime there have been numerous examples of where passengers are inconvenienced by TOCs not working together, for instance incompatible systems for "contactless" travel, not holding a connection if another TOC's train is a few minutes late, or suggesting passengers don't travel at all during planned engineering work rather than recommending an alternative route by a different TOC (with the other TOC running more or longer trains to accommodate the extra passengers). These are all consequences of the current franchising system, which the draft bill seeks to retain.

- **Are the delegated powers envisaged by the draft bill necessary and sufficient to meet its aims?**

They are not sufficient.

As detailed above, too much power over the detail of how the railways are run is retained by the Secretary of State. This is liable to lead to short-termism, with investment decisions only considering immediate gains whereas they ought to cover the lifetime of the asset, which could be 40 years or more.

Also, it is not made clear what the IRB's aims are; the draft bill does not include any criteria against which the IRB's performance could be judged. While a single figure, such as the Bank of England's 2% inflation target, would probably not be useful, there should at least be some guidance, similar to a company's articles of association, as to what the IRB's management's priorities should be.

- **What lessons should be learned from previous legislative changes to the institutional architecture of the rail sector?**

It is interesting to compare the railways before and after the 1993 privatisation. For example, in the late 1980s British Rail began modernising the signalling system by commissioning the design of, and then installing, Integrated Electronic Control Centres (IECCs). (Both design and construction were procured from private-sector companies.) IECCs were a standard system, with

a common set of spare parts; signallers and technicians were able to move between locations with a minimum of retraining. After privatisation each resignalling project was tendered separately and a variety of different systems installed. A project to upgrade the West Coast Main Line, including a number of IECCs linked together so that if one signalling centre had to be evacuated another could take over control, was cancelled.

In 1999 the government announced that they would create the Strategic Rail Authority (SRA) which would "put the railways at the centre of an integrated transport system". In the event, its main function was awarding, and ensuring compliance with, passenger rail franchises. Although producing several Strategy documents setting out its own objectives and how it was going to manage things, the SRA failed to set out why the Railway existed, who and what was it supposed to serve, what were its short and long term objectives, or how it fitted into an "integrated transport system", maybe because it was not given sufficient powers or independence. It was abolished by the Railways Act of 2005. The Rail Reform Bill as currently drafted would be repeating many of the mistakes made with the SRA.

March 2024