

## **Written evidence submitted by the Parliamentary Advisory Council for Transport Safety (PACTS) (RRB0016)**

### **About PACTS**

The Parliamentary Advisory Council for Transport Safety (PACTS) was formed in 1982 by parliamentarians and experts from a range of disciplines who had amended what became the Transport Act 1981 to make seat belt wearing compulsory.

Today, PACTS is the only NGO which:

- addresses transport safety (road, rail and air) across the UK;
- focuses on parliament, government and key stakeholders;
- has a wide membership base across the modes and the public, private and third sectors;
- has no commercial or sectional interests.

It provides the secretariat to the All-Party Parliamentary Group for Transport Safety.

PACTS is a founder member of the European Transport Safety Council (ETSC) and continues to be one of its most active members. More details about PACTS can be found on our website [here](#).

### **1. If enacted, would the draft Bill provide the necessary legislative foundations for an integrated rail body with franchising powers (Great British Railways), as envisioned in the Plan for Rail?**

PACTS makes no general response to this question; but to make the following comments on specifics of the Bill.

### **2. Will the integrated rail body (IRB), as proposed in the draft Bill, achieve the Government's aim of a 'guiding mind', providing: (i) better accountability, (ii) more reliable services, (iii) greater efficiency, and (iv) coordinated growth, across both passenger and freight sectors?**

PACTS considers that the Government's aim of providing (i) better accountability, (ii) more reliable services, (iii) greater efficiency, and (iv) coordinated growth, across both passenger and freight sectors, can only be achieved if the safety and security of passengers, staff, partners and members

of the public is made a conscious priority. The accolade of being one of the safest networks in Europe is something that has come about through hard work, collaboration and regulation. Such significant change and reorganisation brings potential risks and this has been manifested in previous changes to the industry.

PACTS advises that it should not just be assumed that existing roles and responsibilities be maintained without due consideration of the potential risks, and benefits, of the creation of the new guiding mind. Great British Railways should demonstrate that safety management systems and competence are in place before the restructuring commences, during the transition and be embedded within the new entity.

PACTS has been told by the DfT that there will be a formal review, of the safety arrangements involving the industry (and PACTS) relating to the introduction of the IRB but we do not know when or if this is happening. See our response to 14 below.

**3. 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?**

In addition to our responses to other questions here (2, 4, 5, 6 and 7 in particular) we make the following comment(s):

Consideration should be given to a guiding mind which would assure adequate funding and appropriate prioritisation of any work relating to safety, standards, research and innovation that would benefit more than one rail. This work is currently undertaken by RSSB whose members are NR and the TOCSs and FOCs. It is not clear to PACTS how/if the related consequences/opportunities of creating the IRB has been considered.

There are indications that the industry needs to better learn from incidents and investigations of the past; that recommendations from various investigations/inspections and the industry itself are not resulting in the removal of risk and prevention of the reoccurrence of similar failings. We believe consideration should be given to incorporating a means of improved reporting of and accountability for and transparency of actions taken in response to incidents and ensuring ORR has adequate capacity and capability to supervise remedial measures.

**4. Are the arrangements set out for the granting and amendment of the IRB's licence and the inclusion of specific conditions within that licence appropriate?**

PACTS makes no response to this question other than the response at 13 below.

**5. 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?**

This is a positive move and suggest that it should include how this has leveraged benefit to the railways including safety.

**6. What arrangements should be put in place for scrutiny of the IRB's business plan?**

PACTS recommends that a council of representatives be created to include, among others, operators, regulators, and representatives from advisory committees.

There should be provision in the Bill also for a similar arrangement for consultation on and review of the IRB's strategy (including for safety and freight – see 7 below).

**7. Are there further elements of the Government's aims for the IRB that should be given a statutory footing?**

Apart from the foregoing and following comments which may require statutory provisions, PACTS makes no response to this question

Other provisions

**8. Are the interests of passengers and freight users sufficiently promoted by the provisions of the draft Bill?**

The primary interest of any passenger using any mode of transport in the UK should be their safety during the whole journey. The current safety performance of the rail system in Great Britain is the best in its 185-year history, nevertheless, fatal and life changing accidents do still happen. Great British Railways must consider as part of its public interest duty to balance the safety of rail passengers, freight customers, rail staff and the general public.

To ensure this, the IRB should work with the other transport authorities to ensure the cross-modal safety for passengers and wider public. Incentivising the logistics sector to shift the movement of freight from our roads to rail would be a positive step in this direction. The government consulted on the draft National Networks National Policy Statement last year, it provides detailed guidance for the development of Strategic Rail Freight Interchanges. It addresses Important factors such as location selection, transport links, design requirements, economic benefits, and the need for infrastructure capable of facilitating a shift from road to rail transport. The proposed Integrated Rail Body should ensure that our network has enough capacity to facilitate the shift of freight from our roads to rail alongside the reliable passenger services and should be funded and have policies that positively incentivise this. In doing this the government might recognise the contribution this will also have in achieving its objectives concerning the environment.

**9. Does the draft Bill make effective provision for the role of the Office of Rail and Road?**

PACTS considers that with the creation of the IRB there are opportunities for making safety improvements by giving ORR a role as regulator over a broader remit. PACTS is of the view that the current organisation of ORR will need to be reviewed to assess the need for necessary resources and competence to adequately supervise the enlarged IRB safety responsibilities.

**10. What assessment should be made of the draft Bill's provision that the Scottish and Welsh governments may arrange for the IRB to exercise their devolved franchising powers?**

PACTS makes no response to this question

**11. What will be the effect of the implementation in UK law of the Luxembourg Rail Protocol? Is the range of powers granted to the Secretary of State in clause 15 necessary to achieve the aims of the Protocol?**

PACTS makes no response to this question

General

**12. Are the delegated powers envisaged by the draft Bill necessary and sufficient to meet its aims?**

Further to comments made elsewhere in this consultation response. **What lessons should be learned from previous legislative changes to the institutional architecture of the rail sector?**

See our response in the specific sections above and in particular to question 2.

**13. Are there further provisions within the draft Bill that the Committee should focus its scrutiny on?**

A separate consultation was to be undertaken on opportunities to optimise the approach to health, safety and security. This has not yet been conducted. PACTS asks the Committee to press for this to be undertaken prior to creation of the new IRB.

The Plan for Rail indicates that there will be no immediate changes to safety and standards roles across the sector, including those of the Rail Safety and Standards Board (RSSB) (but see our related comment at 3 above) and the Rail Accident Investigations Branch (RAIB). PACTS recommends that all the existing duties of Network Rail to promote and improve safety should also remain and be more generally incorporated in the aims of the IRB.

'... For the safety benefit should be added to Schedule 1 4(d). The IRB should be required to optimise the delivery of safety through its overarching management of the network and train operators.

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