



House of Commons
Committee of Public Accounts

Reducing passenger rail delays by better management of incidents

Fifty-third Report of Session 2007–08

*Report, together with formal minutes, oral and
written evidence*

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The Committee of Public Accounts

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Summary

During 2006–07 over 1.2 billion passenger journeys were made in Great Britain on services that arrived on time almost nine times out of ten. The railways are used by an increasingly large number of people, resulting in a more congested network and greater disruption when problems occur. Performance has only just returned to the levels that existed before the Hatfield derailment of October 2000. However, these improvements in performance have come at a significant cost to the taxpayer. During 2006–07, the Department for Transport (the Department) provided £3.4 billion to Network Rail and £1.7 billion to Train Operating Companies. Passengers paid some £5.1 billion in fares, and the National Audit Office has estimated that delays cost them £1 billion in terms of lost time.

The rail industry is complex. Incidents on the network are managed more effectively if the operators have suitable contingency plans and all the parties involved communicate effectively. This includes staff from Network Rail and Train Operating Companies, as well as staff at different locations, from the incident site to the control centre. New integrated control centres are helping staff to make decisions more quickly and in the interests of passengers. But there is a need to improve the relationships between the rail industry and third parties, such as the emergency services and coroners. Network Rail should also make more use of their incident review process to identify and disseminate good practice and scope for improvement.

Passengers are still unhappy with the information they receive when they are delayed and the rail industry has acknowledged that communication is a crucial area for improvement. The Association of Train Operating Companies has produced a good practice guide to help operators provide more useful information to passengers more quickly. Passengers are not always informed of their rights to compensation when they are delayed. The Department does not monitor whether Train Operating Companies are publicising their compensation arrangements, nor does it monitor how much compensation each Train Operating Company pays to passengers. There is, therefore, a risk that passengers are not claiming the compensation to which they are entitled.

On the basis of a Report by the Comptroller and Auditor General,¹ we examined how the rail industry, led by the Department and Network Rail, manages incidents on the rail network, and how passengers are treated when delays occur.

1 C&AG's Report, *Reducing passenger rail delays by better management of incidents*, HC (2007–08) 308

Conclusions and recommendations

1. **Network Rail receives over half of its funding from the taxpayer but as a private sector company it is not directly accountable to Parliament.** The Department should strengthen the governance and accountability arrangements of the rail industry to make Network Rail more directly accountable to the taxpayer for the money that it receives and for improving passenger rail services.
2. **The Office of Rail Regulation sets its targets for Network Rail for a five year period and does not revise them within that period to reflect changes in circumstances.** In 2006–07, those targets were less demanding than Network Rail's own targets. The Office of Rail Regulation should review and, where appropriate, revise its targets at least once during the main control period so that they take account of changing conditions and continue to be challenging.
3. **Approximately 20% of the most disruptive incidents examined by the National Audit Office involved the attendance of one or more of the emergency services but the relationships between the rail industry and the emergency services are fragmented.** The Department should play a more active role in bringing together the rail industry, the emergency services and other stakeholders (such as coroners, the Samaritans and Passenger Focus) to improve incident management, for example, by organising an annual conference. It should also look to other transport sectors and other industries to identify expertise that will benefit the rail sector.
4. **Many emergency services deal infrequently with the rail industry and do not always have sufficient information to enable them to make contact promptly when required.** The Office of Rail Regulation should provide assurance to the Department that Network Rail has appropriate mechanisms in place to allow the emergency services to contact relevant rail staff during incidents.
5. **Passengers are not receiving the information they need during delays and are not always told how to claim compensation for delays.** The Department, in conjunction with Passenger Focus, should monitor:
 - a) the progress of Train Operating Companies in implementing the Association of Train Operating Companies' guidance on providing information to passengers, including communications by drivers on services where there are no other on-board personnel;
 - b) whether passengers are aware of their rights to compensation;
 - c) whether the value of compensation payments made are consistent with factors such as the numbers of eligible passengers, the delays incurred on services and the compensation arrangements in force for each Train Operating Company; and
 - d) that, where relevant, Train Operating Companies provide compensation claim forms to passengers on delayed services.

1 Holding the rail industry to account for the performance of passenger services

1. The performance of the rail industry has improved since the Hatfield derailment of October 2000, which resulted in widespread speed restrictions and engineering works that severely reduced performance for several years.² In addition, the number of passenger services has increased from 18,000 trains running each day in 2000, to 22,000 in 2007. This expansion means that, when problems do occur, they can cause greater disruption to passengers, making it more important to avoid incidents that can be prevented and to resolve others quickly.³ And, despite the improvements that have been made, delays in 2006–07 still cost passengers around £1 billion in terms of time lost.⁴

2. The Train Operating Companies and Network Rail are taking action to reduce the number of incidents for which they are responsible. Train faults cause the most delays; over 20% of all delays that occurred in 2006–07, despite Train Operating Companies having invested in new trains. Under the rail industry's performance arrangements Network Rail is held responsible for delays caused by infrastructure, as well as those caused by external factors such as bad weather. In 2006–07, these faults caused 62% of delay minutes.⁵ Since 2002, Network Rail has gradually reduced delays for which it is responsible (**Figures 1 and 2**) and it is investing nearly £9 billion on renewing the West Coast Main Line. Nevertheless, services on that route are still regularly delayed by faults in cables, overhead lines and signals.⁶ This reflects the age and reliability of the infrastructure, with some parts up to 60 years old. In addition, this line is the most intensely used stretch of railway, with some sections of track needing replacement every five years.⁷

3. During 2006–07, Network Rail received £3.4 billion in grants from the Department for Transport (the Department), and £2.2 billion in track access charges from Train Operating Companies.⁸ In June 2008, the Office of Rail Regulation announced that, for the period 1 April 2009 to 31 March 2014, Network Rail will receive £16.4 billion in direct grants from the Department, £6.6 billion from train operators, and £3.6 billion in other income.⁹

2 Q 95; C&AG's Report, para 1.12

3 Qq 8, 48

4 C&AG's Report, para 1.1

5 Q 19; C&AG's Report, paras 1.12–1.14, Figure 21

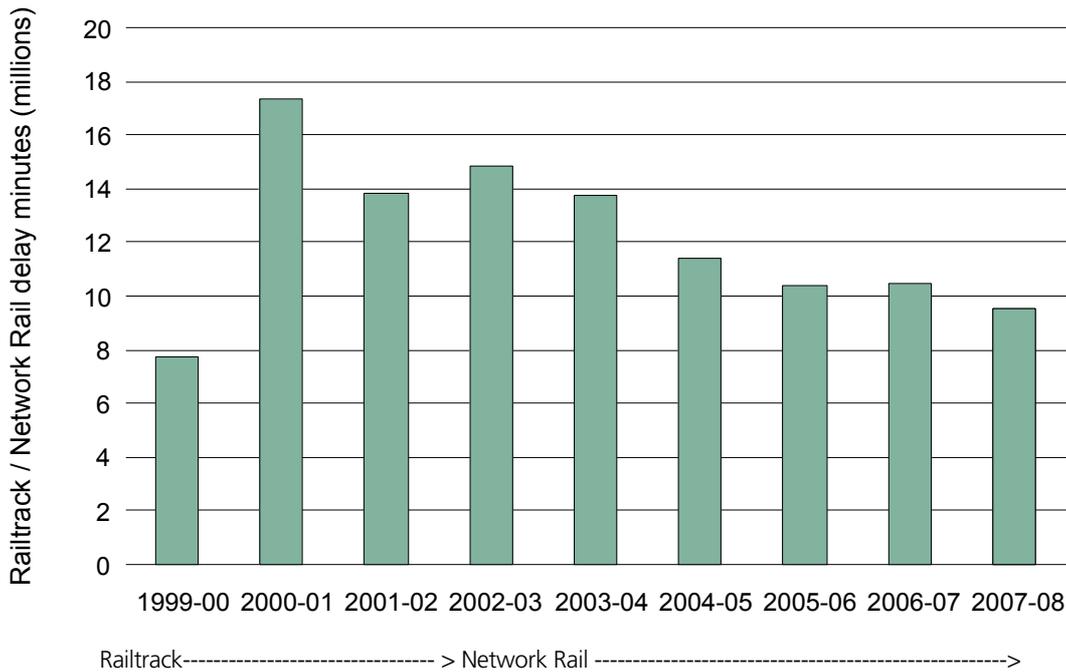
6 Q 9; C&AG's Report, Figure 24; C&AG's Report, *The Modernisation of the West Coast Main Line*, HC (2006–07) 22, para 2.16

7 Qq 31–32

8 C&AG's Report, *Reducing passenger rail delays by better management of incidents*, HC (2007–08) 308, Figure 1

9 Office of Rail Regulation, *Periodic Review 2008: Draft determinations*, June 2008

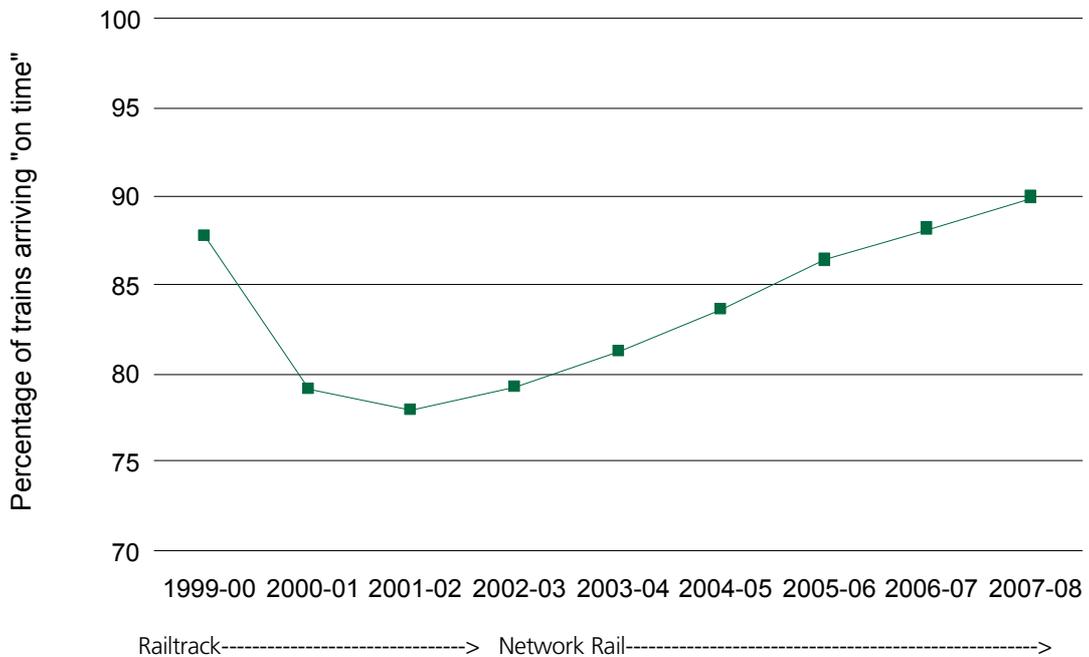
Figure 1: Delay minutes attributed to Network Rail



Note: This chart includes delay minutes caused by Railtrack/Network Rail that were incurred by both passenger and freight services.

Sources: Office of Rail Regulation Annual Assessment of Network Rail 2006–2007. Network Rail Annual Report 2007–2008, C&AG’s Report, Figure 3

Figure 2: Public Performance Measure showing the percentage of trains arriving “on time”



Note: A train is defined as “on time” if it arrives within five minutes of the planned destination arrival time for London South East and Regional operators, and within ten minutes for Long Distance operators.

Sources: Office of Rail Regulation Annual Assessment of Network Rail 2006–2007; Network Rail Annual Report 2007–8, G&AG’s Report, Figure 3

4. The structure of the rail industry is complex and accountability lines are confusing. The Department sets the high level rail requirements which the rail industry must deliver. It also enters into and monitors franchise agreements with Train Operating Companies in England. The Office of Rail Regulation is the economic regulator for the industry. It monitors the performance of Network Rail and can take enforcement action if necessary. Network Rail is responsible for the overall performance of the rail network and for the operation of the network in the interests of passengers. Train Operating Companies run the passenger services set out in their franchise agreements with the Department.¹⁰

5. Ultimately, the Secretary of State for Transport is accountable to Parliament for the performance of the railways and Network Rail is responsible for delivering the requirements specified by the Secretary of State.¹¹ Network Rail is a private sector company and is not accountable to Parliament, despite receiving over half of its income in Government grants. Its Chief Executive is not an Accounting Officer, and so the Committee of Public Accounts cannot hold him, or Network Rail, to account.¹² There are also gaps in the accountability of the three major companies that own the passenger train rolling stock and lease it to the Train Operating Companies. These companies are not regulated and do not take any responsibility for the condition of the trains, even when they cause delays. The Competition Commission is considering a complaint from the Department about the position of the rolling stock companies.¹³

6. The Department sets targets for the Train Operating Companies while the Office of Rail Regulation sets them for Network Rail.¹⁴ There is a risk in any target regime that, in order to meet their targets, organisations will take action which is not necessarily in the interests of their customers. The Association of Train Operating Companies and Network Rail argue that this is not the case in the rail industry. For example, on one occasion in 2006–07, Network Rail kept services running in extreme weather when operators in Holland, Germany and France cancelled most of their services. Network Rail believed its decision was in the best interests of passengers, but running trains in difficult weather on that occasion caused 250,000 delay minutes, which affected its performance for the whole year.¹⁵

7. The Office of Rail Regulation sets targets for Network Rail too far in advance and does not revise them frequently enough to be realistic and challenging. For example, the target for 2006–07 was set in 2004 and was lower than Network Rail's own internal target.¹⁶ The Office of Rail Regulation has set Network Rail a new performance target that by 2013–14, 92.6% of passenger services must arrive on time.¹⁷ It is not due to set any fresh targets, however, until 2014–15, so again it cannot react to changing circumstances.¹⁸

10 C&AG's Report, paras 1.4–1.8

11 C&AG's Report, para 1.8

12 Qq 1–4

13 Qq 85–93

14 C&AG's Report, paras 1.4, 1.5

15 Qq 9–10, 39

16 Qq 12–15

17 Qq 14–15, 95

18 Qq 12–15

2 Communication within the rail industry

8. The National Audit Office found that, in nearly one in five incidents it reviewed, communication within Network Rail was poor, particularly between the incident site and the control centre.¹⁹ One reason is that some parts of the rail network are not covered by mobile phone signals. To address this, Network Rail is introducing a new radio system to provide staff with robust communication links across the country.²⁰ The National Audit Office found that communication between Network Rail and the Train Operating Companies was generally effective, although it did find some examples where meetings were not held to discuss the best way to manage an incident. Integrated control centres, which bring together staff from Network Rail and Train Operating Companies, now cover virtually the whole network and are helping to improve performance through quicker communication and more effective decision-making.²¹

9. The emergency services, such as the fire and rescue services, do not always know how to contact Network Rail. Network Rail acknowledges that the emergency services may not have the right contact details to enable them to communicate promptly with its staff. Many emergency services have only infrequent dealings with the rail industry and may not deal with a railway incident in any year. Network Rail is now acting to ensure that all emergency services have up-to-date contact details for relevant Network Rail staff.²²

10. Parts of the rail network, particularly those adjacent to industrial sites, are vulnerable to disruption because of lineside fires involving acetylene gas cylinders. In these circumstances, the fire service can impose exclusion zones up to 200 metres from the fire. This can result in the suspension of rail services for long periods until the cylinders are made safe. Network Rail is working with the London Fire Brigade to investigate new ways to tackle this problem, including trialling the use of remotely operated vehicles to assess and deal with cylinders, allowing incidents to be resolved more quickly.²³

11. The rail network is virtually impossible to secure against fatalities, particularly suicides. Network Rail is working with organisations such as the Samaritans to target known suicide spots and is training staff to spot potential suicides, although many deaths are not near stations. In any fatality, the emergency services work on behalf of the local coroner who has ultimate jurisdiction over the body. In some parts of the country, Network Rail has not secured effective cooperation with coroners.²⁴

12. Network Rail investigates major incidents in a thorough and structured manner, resulting in a detailed incident report setting out lessons to be learned and examples of best practice. However, these reports, which are produced in each of Network Rail's eight geographic routes, have hitherto not been systematically analysed on a national basis and

19 C&AG's Report, para 2.9

20 Qq 22–24

21 Q 38; C&AG's Report, paras 2.10–2.13

22 Q 54

23 Qq 108–109; Ev 12; C&AG's Report, para 2.16

24 Qq 40, 102–105

their findings and recommendations have not been used across the network.²⁵ Network Rail is now routinely looking at incident reports and sharing best practice across the country.²⁶ Train Operating Companies also investigate incidents to improve the way they manage them and deal with passengers. These are not as detailed as the reports produced by Network Rail, although some Train Operating Companies are beginning to use a similar structure to that of Network Rail.²⁷

25 C&AG's Report, para 2.26

26 Q 25

27 C&AG's Report, para 2.27

3 Providing information and compensation to delayed passengers

13. Successive surveys conducted by Passenger Focus, an independent public body set up by the Government to protect the interests of rail passengers, indicate that passengers remain dissatisfied with the information they receive when their train has been delayed and the rail industry has acknowledged that communication is a priority issue. The Association of Train Operating Companies has set up a working group to investigate how to improve communication with passengers, and has recently issued good practice guidelines to help Train Operating Companies provide better information to passengers during service disruption. There is still a need to improve the way drivers on driver-only operated services communicate with customers.²⁸

14. Passengers who are delayed by service disruption may be eligible for compensation from their Train Operating Companies. These companies have a variety of compensation regimes but the Department is harmonising these arrangements under the new Delay/Repay system being introduced with new franchises.²⁹ It is unclear, however, what proportion of eligible passengers actually claim compensation, or are even aware of their rights, as Train Operating Companies do not collect this data. Although the proportion was likely to vary between companies, National Express East Anglia, a large company which operates a Delay/Repay scheme, estimated that 30% of eligible passengers on its services claimed compensation.³⁰

15. Compensation terms are set out in each Train Operating Company's Passenger Charter but very few passengers are likely to read this document. Four long distance operators, East Midlands Trains, National Express East Coast, First Transpennine Express and Virgin Trains, provide compensation claim forms to passengers on board services that are delayed, but there is no way of telling whether this happens on all relevant services. Other companies collect passengers' details on heavily delayed trains so that they can contact them later, while some operators provide compensation forms on request.³¹

16. There is no incentive for Train Operating Companies to help passengers claim the compensation for which they are eligible. The Department does not monitor how much Train Operating Companies pay out in compensation for delays, nor does it monitor how effectively Train Operating Companies advertise their compensation arrangements.³² Compensation may take the form of a cash refund, a travel voucher or a season ticket extension and may include goodwill payments not required by a train operator's Passenger's Charter. While it did not collect the data centrally, and not all Train Operating Companies were able to supply information, the Association of Train Operating

28 Qq 29–30, 33–37, 51; C&AG's Report, paras 3.1, 3.3

29 Qq 124–126; C&AG's Report, paras 3.11–3.12

30 Qq 62–68; Ev 15

31 Qq 65–68, 76–79; Ev 15

32 Qq 55–58, 69–70, 73–74

Companies estimated that, in 2007–08, the combined value of cash refunds, travel vouchers and goodwill payments issued by train operators was around £9 million.³³

17. In 2007–08, the British Transport Police recorded nearly 1,900 attacks by passengers on rail staff across the network, of which 40% occurred in the London South area. There can be no justification for assaults on rail industry staff under any circumstance, but passengers who are delayed may be more likely to vent their frustration on rail staff. While this has happened in a number of instances, the number of such incidents is not separately available and there is currently no discernable pattern to these attacks.³⁴

33 Ev 15

34 Qq 80–82; Ev 16

Formal Minutes

Monday 20 October 2008

Members present:

Mr Edward Leigh, in the Chair.

Mr Richard Bacon

Angela Browning

Mr David Curry

Mr Ian Davidson

Nigel Griffiths

Keith Hill

Mr Austin Mitchell

Mr Don Touhig

Draft Report (*Reducing rail delays by better management of incidents*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 17 read and agreed to.

Summary read and agreed to.

Resolved, That the Report be the Fifty-third Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 22 October at 3.30 pm.]

Witnesses

Wednesday 4 June 2008

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Dr Mike Mitchell, Director General, Rail and National Networks Group and **Dr Gary Backler**, Director, Rail Service Delivery, National Networks, Department for Transport; **Mr Iain Coucher**, Chief Executive, Network Rail; **Dr Bill Emery**, Chief Executive, Office of Rail Regulation and **Mr David Franks**, Chief Executive, Trains Division, National Express Group and Managing Director, National Express East Coast ATOC Board Member, Association of Train Operating Companies

Ev 1

List of written evidence

Network Rail

Ev 12

Association of Train Operating Companies (ATOC)

Ev 15

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Second Report	Department of Health: Prescribing costs in primary care	HC 173 (Cm 7323)
Third Report	Building for the future: Sustainable construction and refurbishment on the government estate	HC 174 (Cm 7323)
Fourth Report	Environment Agency: Building and maintaining river and coastal flood defences in England	HC 175 (Cm 7323)
Fifth Report	Evasion of Vehicle Excise Duty	HC 227 (Cm 7323)
Sixth Report	Department of Health: Improving Services and Support for People with Dementia	HC 228 (Cm 7323)
Seventh Report	Excess Votes 2006–07	HC 299
Eighth Report	Tax Credits and PAYE	HC 300 (Cm 7365)
Ninth Report	Helping people from workless households into work	HC 301 (Cm 7364)
Tenth Report	Staying the course: the retention of students on higher education courses	HC 322 (Cm 7364)
Eleventh Report	The compensation scheme for former Icelandic water trawlermen	HC 71 (Cm 7364)
Twelfth Report	Coal Health Compensation Schemes	HC 305 (Cm 7364)
Thirteenth Report	Sustainable employment: supporting people to stay in work and advance	HC 131 (Cm 7364)
Fourteenth Report	The budget for the London 2012 Olympic and Paralympic Games	HC 85 (Cm 7365)
Fifteenth Report	The Pensions Regulator: Progress in establishing its new regulatory arrangements	HC 122 (Cm 7365)
Sixteenth Report	Government on the Internet: Progress in delivering information and services online	HC 143 (Cm 7366)
Seventeenth Report	Foreign and Commonwealth Office: Managing Risk in the Overseas Territories	HC 176 (Cm 7366)
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Nineteenth Report	BBC Procurement	HC 221 (Cm 7366)
Twentieth Report	HM Revenue & Customs: Helping individuals understand and complete their tax forms	HC 47 (Cm 7366)
Twenty-first Report	The Carbon Trust: Accelerating the move to a low carbon economy	HC 157 (Cm 7366)
Twenty-second Report	Improving the efficiency of central government's use of office property	HC 229 (Cm 7366)
Twenty-third Report	Report on the NHS Summarised Accounts, 2006–07: Achieving financial balance	HC 267 (Cm 7453)
Twenty-fourth Report	The privatisation of QinetiQ	HC 151 (Cm 7453)
Twenty-fifth Report	The cancellation of Bicester Accommodation Centre	HC 316 (Cm 7453)
Twenty-sixth Report	Caring for Vulnerable Babies: The reorganisation of neonatal services in England	HC 390 (Cm 7453)
Twenty-seventh Report	DFID: Providing budget support to developing countries	HC 395 (Cm 7453)
Twenty-eighth Report	Government preparations for digital switchover	HC 416 (Cm 7453)
Twenty-ninth Report	A progress update in resolving the difficulties in administering the single payment scheme in England	HC 285 (Cm 7453)
Thirtieth Report	Management of large business Corporation Tax	HC 302
Thirty-first Report	Progress in Tackling Benefit Fraud	HC 323 (Cm 7453)
Thirty-second Report	Reducing the cost of complying with regulations: The delivery of the Administrative Burdens Reduction Programme, 2007	HC 363 (Cm 7453)
Thirty-third Report	Ministry of Defence: Major Projects Report 2007	HC 433 (Cm 7453)
Thirty-fourth Report	Increasing employment rates for ethnic minorities	HC 472 (Cm 7453)
Thirty-fifth Report	Housing Market Renewal: Pathfinders	HC 106 (Cm 7453)
Thirty-sixth Report	HM Treasury: Making Changes in Operational PFI Projects	HC 332 (Cm 7493)
Thirty-seventh Report	Ministry of Defence: Leaving the Services	HC 351 (Cm 7453)
Thirty-eighth Report	Nuclear Decommissioning Authority—Taking forward decommissioning	HC 370 (Cm 7453)

Thirty-ninth Report	Preparing to deliver the 14–19 education reforms in England	HC 413
Fortieth Report	Department of Environment, Food and Rural Affairs: Management of Expenditure	HC 447 (Cm 7493)
Forty-first Report	Department of Health: NHS Pay Modernisation: New contracts for General Practice services in England	HC 463
Forty-second Report	Preparing for sporting success at the London 2012 Olympic and Paralympic Games and beyond	HC 477 (Cm 7453)
Forty-third Report	Managing financial resources to deliver better public services	HC 519 (Cm 7493)
Forty-fourth Report	The roll-out of the Jobcentre Plus office network	HC 532 (Cm 7493)
Forty-fifth Report	Reducing the risk of violent crime	HC 546
Forty-sixth Report	The procurement of the National Roads Telecommunications Services	HC 558
Forty-seventh Report	Meeting needs? The Offenders' Learning and Skills Service	HC 584
Forty-eighth Report	The supervision of community orders in England and Wales	HC 508
Forty-ninth Report	Making grants efficiently in the culture, media and sport sector	HC 641
Fiftieth Report	Preparations for the London 2012 Olympic and Paralympic Games	HC 890 (Cm 7453)
Fifty-first Report	Revenue and Customs Prosecutions Office	HC 601
Fifty-second Report	Protecting consumers? Removing price controls	HC 571
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Second Special Report	Evasion of Vehicle Excise Duty	HC 557 (Cm 7366)
Third Special Report	BBC Procurement: The BBC Trust's response	HC 1118

Oral evidence

Taken before the Committee of Public Accounts

on Wednesday 4 June 2008

Members present:

Mr Edward Leigh, in the Chair

Mr Ian Davidson
Nigel Griffiths

Mr Austin Mitchell
Dr John Pugh

Mr Tim Burr, Comptroller and Auditor General and **Ms Geraldine Barker**, Director, National Audit Office, gave evidence.

Mr Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, gave evidence.

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

REDUCING PASSENGER RAIL DELAYS BY BETTER MANAGEMENT OF INCIDENTS

Witnesses: **Dr Mike Mitchell**, Director General, Rail and National Networks Group and **Dr Gary Backler**, Director, Rail Service Delivery, National Networks, Department for Transport; **Mr Iain Coucher**, Chief Executive, Network Rail; **Dr Bill Emery**, Chief Executive, Office of Rail Regulation and **Mr David Franks**, Chief Executive, Trains Division, National Express Group and Managing Director, National Express East Coast and an ATOC Board Member, Association of Train Operating Companies, gave evidence.

Q1 Chairman: Good afternoon. Welcome to the Committee of Public Accounts where today we are considering the Comptroller and Auditor General's Report into *Reducing Passenger Rail Delays by Better Management of Incidents*. We welcome Dr Mike Mitchell who is the Director General of Rail and National Networks in the Department for Transport; Iain Coucher who is the Chief Executive of Network Rail; Bill Emery who is Chief Executive of the Office of Rail Regulation and David Franks who is the Managing Director for National Express Rail and a Board Member of the Association of Train Operating Companies. Mr Mitchell, before I ask any questions of Mr Coucher, it strikes me that Network Rail is a bit of an enigma; there is a bit of a fiction that it is a private company but in fact 50% of its funding comes from the public sector, from us the tax payer. That is £3.4 billion a year. Mr Coucher is not an accounting officer so how do we actually exercise control over him as a Committee of Public Accounts?

Dr Mitchell: Network Rail, as you know, is an independent private sector company and the Government cannot intervene in its operation and decision making.

Q2 Chairman: An independent private sector company with half its funding coming from the tax payer, to the tune of £3.4 billion.

Dr Mitchell: That is correct, yes.

Q3 Chairman: You say that with a straight face, do you?

Dr Mitchell: Network Rail is a private company but you are correct in saying that most of its funding comes from the Government.

Q4 Chairman: So how are we supposed to exercise control over it as a Committee of Public Accounts if Mr Coucher is not an accounting officer, although he is responsible for £3.4 billion of public money?

Dr Mitchell: The Secretary of State is responsible for the £3.4 billion of public money. Our principal contractor is of course Network Rail and we are able to influence Network Rail in that way, but only as a customer.

Q5 Chairman: You still have not answered my question, but we will have to leave it there. Mr Coucher, you are responsible for this body. Can I refer you to figures four and five on page 12? I want to deal first with the rail delays and what progress has been made. I want to ask you why it has taken so long since the Hatfield disaster to reduce the number of incidents and the length of delays to anywhere near pre-Hatfield levels. If you look at figures four and five you can see it has taken a long time to get back to square one, has it not?

Mr Coucher: We have been set a target by the regulator as to what is achievable given the age of the assets, the funding and the level of use on the network.

Q6 Chairman: I might ask Mr Emery about the targets in a moment; I am not convinced that this target is particularly challenging. Whether there is a target or not, you are responsible for this body. How much are you paid to run it, by the way?

Mr Coucher: I am paid, as a matter of record, £585,000.

Q7 Chairman: Plus bonuses?

Mr Coucher: Yes.

4 June 2008 Department of Transport, Network Rail, Office of Rail Regulation and Association of Train Operating Companies

Q8 Chairman: So what I want to know on behalf of the long-suffering public is why it has taken so long for you to reduce delays and the number of delays to pre-Hatfield levels.

Mr Coucher: That is because we are not measuring on a like for like basis. We are now running considerably more trains and it means that every single incident we get on the railway does impact a lot more trains. Today we run about 22,000 trains a day and in Railtrack's time it was 18,000 trains a day. It is a much more congested railway and we have consistently beaten all targets set for us by the regulator who is there to determine what is achievable given the age of the assets and the activity on the railways.

Q9 Chairman: If you are doing so well why has the rate of improvement slowed in the last year? If what you said was right and gradually the usage had gone up, you would surely expect the improvement to continue, but in fact the improvements have slowed in the last year; the lengths of delays has dropped hardly at all, there has only been a marginal drop in length of delays. You are responsible for this body, what are you doing about it?

Mr Coucher: We have just completed the following year 2007–08 and we have taken another million minutes off that target so the out-turn was actually 9.8 million minutes and we have continued that downward trend. There were specific reasons in 2006–07, in particular one day in which we incurred some 250,000 minutes.

Q10 Chairman: Why was that?

Mr Coucher: Because of extreme weather in which we continued to run trains because we believed that was the right thing to do for passengers, even though it would cause Network Rail to miss its targets. We ran trains in this country whilst Holland, Germany and France cancelled the vast majority of theirs. We stand by that decision.

Q11 Chairman: So that is why the improvements have slowed down in the last year, is it?

Mr Coucher: In the last year we have taken a million minutes off the targets, so the final out-turn which is the next block on the curve which you do not have there is actually 9.8 million minutes and this year we are targeting a further 900,000 minutes reduction to 8.9 million.

Q12 Chairman: Mr Emery, Mr Coucher has mentioned this target and your target for delays in 2006/2007 was 10.6 million minutes which was actually less demanding than Network Rail's own target. You are supposed to be the regulator; why have you got a target which is less demanding than the person you are regulating?

Dr Emery: In the determination in 2003 the then Office of the Rail Regulator set the targets. We expect Network Rail to meet those targets.

Q13 Chairman: I am sorry but you have not answered the question I put to you. You are supposed to be the regulator; you are not supposed to be a pushover. Why are your performance targets not more demanding? Why are they not challenging enough?

Dr Emery: In essence I think there is a bit of hindsight here. The judgment was made by the regulator in 2003; the trajectory on delayed minutes was set for a five year period.

Q14 Chairman: The obvious question then is why do you not review your targets more regularly then?

Dr Emery: We review our targets and as we will be making our announcement for the period 2009 to 2014 tomorrow—our draft determination is tomorrow—we will be setting Network Rail challenging targets for the next period.

Q15 Chairman: Which will be more challenging than what we have seen hitherto, will they?

Dr Emery: Certainly. The Government, in its requirements for the railways from 2009 to 2014, has set out expectations for increased punctuality, reductions in delays; those are part and parcel of the package of measures that we will be requiring from Network Rail as part of our draft determination which we will announce tomorrow.

Q16 Chairman: Dr Mitchell, let us look at the train operating companies. If we look at the targets you set there at paragraphs 1.4 and 1.13 they caused 38% of delayed minutes last year. Are their targets challenging enough?

Dr Mitchell: I believe they are, yes.

Q17 Chairman: Why?

Dr Mitchell: The performance targets have been tightened over the years and the train companies have, in most cases, achieved them. However, in one particular case they did not achieve them and, as you know from the Secretary of State's announcement some three months ago, we took action against that company.

Q18 Chairman: Train faults are the main cause of delays, are they not?

Dr Mitchell: They are, yes.

Q19 Chairman: Are train operating companies not operating trains? So if it is their fault why are you setting a target which apparently is not very challenging?

Dr Mitchell: The targets for overall performance are, I believe, challenging. You are correct in saying that train faults are the most significant cause of delay. Having said that, a large number of new trains have entered service over the last few years and, as a result of that, the number of train faults is declining.

Q20 Chairman: Is that still the main cause of delays?

Dr Mitchell: That is correct, it is still the main cause of delays.

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Q21 Chairman: Something for which they are entirely responsible.

Dr Mitchell: They are, yes.

Q22 Chairman: Other colleagues can come back on rail delays but I will just leave that for a moment. Can I just ask a couple of questions about incident management and lesson learning? Mr Coucher, would you like to look at paragraph 2.9 which you can find on page 16? If we look at paragraph 2.9 we see that 20% of incident reports noted that communications were poor within Network Rail. Should you not do more to improve them?

Mr Coucher: Yes. We always try to improve and improve and improve. There is obviously scope for improvement and we will continue to do so.

Q23 Chairman: Some of these reasons were very basic, for instance mobile phones were not available. It does not sound like rocket science to me.

Mr Coucher: Not all of the network has network coverage with mobile communications. There are pockets around the country, particular in remote parts of Scotland, where there is no signal at all so that does cause us difficulties.

Q24 Chairman: You believe you could do more to improve communications.

Mr Coucher: Yes, and we are currently rolling out a complete mobile communication system which will enable everybody—signallers, drivers and line side people—to be able to talk. That is a big win for the rail industry.

Q25 Chairman: If we look at the incident review process—this is dealt with in paragraph 2.26—we can see that incident reports are often very carefully compiled. Perhaps they could be used to spread best practice more. Is that right, do you think?

Mr Coucher: I do agree and that is an area where the NAO rightly pointed out areas where we can improve and since we have done that we now routinely look at the incident reports and we promulgate best practice across the country.

Q26 Chairman: Can I just ask you a question about how you work with the emergency services, Mr Coucher? If you look at paragraph 2.22 which you can find on page 20 you will see there that you stopped funding British Transport Police to train other emergency services. Why did you do this?

Mr Coucher: I think that is perhaps a misrepresentation there. We have doubled the amount we give the British Transport Police in the last five years from £33 million a year to £66 million a year and we have changed the arrangements, so we have an all inclusive sum and we had expected that to be included.

Q27 Chairman: They say that eight police forces commented that more training would be beneficial: “Three forces noted that they had experienced difficulties in organising exercises with Network Rail in recent years. The British Transport Police

commented that until the late 1990s it had received funding from Railtrack (Network Rail’s predecessor) to provide multi-agency training for all rail incidents and confirmed that it would be happy to reinstate such a training programme again”. So all this is wrong, is it?

Mr Coucher: No. What I said was that the funding for the British Transport Police we have increased from £33 million in 2002 to £66 million, which includes the provision of training and we are prepared to work with any outside agencies in any kind of training. We are happy to do that at any time.

Q28 Chairman: So the British Transport Police can have as much money as they want to help train the other emergency services, can they? This paragraph is giving a wrong impression, is it?

Mr Coucher: There has been a change in the funding arrangements by which we fund British Transport Police and we are more than happy to work with any outside agency in training their people if they are prepared to do so, but we do have 43 police forces out there, the primary interface of course is with the British Transport Police.

Q29 Chairman: Mr Franks, looking at paragraph 3.5 on page 24, why is it so difficult to provide the public with reliable and decent information about delays?

Mr Franks: The most difficult thing is finding out precisely what has happened at any particular time and getting the message across to a large number of customers, a large number of trains and a large number of staff. This whole point is a subject of real review within the industry. ATOC has established a working group to try to improve things; we have issued a code of practice for the whole industry and we are trying to ensure that that code of practice is rolled out across all of the train operating companies. It is an area of real focus.

Q30 Chairman: I am sure you recognise it is a real priority with the public.

Mr Franks: Absolutely.

Chairman: It drives them crazy to be sitting in a train and not know what is going on. John Pugh?

Q31 Dr Pugh: One of the great opportunities you have here, if you have been delayed by trains and trains going off the rails, is to get your own back in part. I use the West Coast Main Line quite a lot. I looked through the stats and I find they have the greatest number of significant incidents—I think that is correct from the stats we have in front of us—and most of those are down to Network Rail in origin and most of those appear to fall into various categories: cable faults, overhead lines and signal faults. I have sat here in the past and I have heard quite glowing reports of West Coast Main Line progress and all that sort of thing. Is that not something of a paradox? If I had thought that a lot

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of money had been spent to little effect given the actual reliability record of that particular line, would I have any sort of case?

Mr Coucher: We have to be slightly careful about the comparison for the West Coast Main Line because it is our geographical area. Our London Northwest area goes from Euston right the way to Holyhead, into the northern parts of Wales, into Manchester and into the Pennines; it is a very, very large geographical area, it does not relate just to the West Coast Main Line. I think your comments about West Coast reliability just go to underline precisely why we need to complete the investment programme. It is very old infrastructure; it is very unreliable. That is why we are trying to replace it. Recent incidents that we have experienced on the West Coast go to underline that. The cable problems we had just a few weeks ago were because cables that were 60 years old were starting to fail and they are due to be replaced, but we know that this causes very significant impact on the travelling public and we are determined to finish this project so that we can give a much better service to the passengers very quickly.

Q32 Dr Pugh: I travel across lines which obviously have been invested in because they are disrupted on a Sunday and lots of other times for good purposes and have been for quite some time. I am assured that the sections I travel on have received very, very significant investment. You are saying that even with this you are still looking at very old equipment on certain stretches of line.

Mr Coucher: We are gradually replacing it. Not all of it is being replaced of course; there is a rolling programme that will go on for many years. The West Coast is the most intensely used piece of railway that we have out there; some of the track that we put down today will have to be replaced in five years because it is wearing out. It is a constant challenge to keep that railway operating at very, very high levels of performance.

Q33 Dr Pugh: Going back to the point the Chairman made about communication, the point made in the Report is that there are not enough rail staff often available at the time when things go wrong. That is quite understandable because you do need extra staff. If you see people mobbing round Euston when the trains are called off you fear for them to some extent because they are in a very pressured situation and they do not actually know themselves what is going to happen. In terms of good practice guidance that is disseminated, what does that have in it that is not done at the moment? What is that suggesting that people do more of?

Mr Franks: There are a number of things. I have a copy here, if you would like to see it. It is quite a comprehensive document but it actually covers information off station, so that is including things like websites and e-services, external media, contact centres and giving information to those places. It includes information at stations and, picking up your point about additional resources, when we take this and develop it into contingency plans or review

our contingency plans it is looking at things like whether we can bring people out of headquarters organisations, can we train them to actually assist on stations and give support? It is looking at information on train, providing guidance on precisely when and what type of information we should give on train and it has also got a section on information for planned engineering works and how we should get that information out to customers. It is a very comprehensive document.

Q34 Dr Pugh: One of the points picked out on page 24 at 3.5 is a point made by the train operating companies: "too many rail staff trying to contact the control centre at the same time".

Mr Franks: That is a real issue because obviously everyone is seeking information.

Q35 Dr Pugh: Does that document say something about that?

Mr Franks: Yes, it does, and there is some real innovation in this using the web where we are now able to provide information on what we call a flip chart—an automated flip chart—so that as much information as we can get out to our people is actually available and can be accessed electronically.

Q36 Dr Pugh: Does it say something about a point also made here: "a perceived reluctance among drivers to speak to passengers"? I think all of us round here are very glad to have the drivers or the guards or whoever speak to us; the more chatty they are, the more we, as passengers, actually like it.

Mr Franks: Exactly. There is a cultural issue in the industry with drivers and getting drivers to actually communicate with customers where there are driver-only operated services. Where we have guards and on-board personnel then that is not so much of an issue.

Q37 Dr Pugh: Rather than protocol it would be quite a good idea to ask everybody to be more forthcoming. I travel on a train to Liverpool very, very frequently and there is a chap on there who not only tells me where I am going and what is happening, but what football he supports and how they have done in the European Championship. That kind of communication actually gives you the impression that you are dealing with a human being who understands the transport experience.

Mr Franks: I support the point totally.

Q38 Dr Pugh: On the question of being able to respond positively to the situation when it occurs, clearly there is a difficulty mentioned in the Report that sometimes the people at the stations have no idea what is going on out there because the information is possessed by Network Rail or whoever is looking at the bit of mangled signalling or cabling that confronts them out in the sticks. How is that being improved?

Mr Franks: One of the big innovations in recent times is integrated control centres where our own train operating personnel are sitting right next door

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to Network Rail personnel and making the decisions on how to deal with disruptions. That is almost widespread across the country now, that the train operating companies are sitting with Network Rail. So that is one way. The second way is through technology. I would be the first to admit that there is a lot we can still do in terms of technological advance here but, as I said, the guidance that we have issued actually does tackle all of these points. I would be happy to leave a copy behind.

Q39 Dr Pugh: Targets have been mentioned already and clearly you are very sensitive to that because they affect how you are remunerated and so on, but that may be not necessarily always to the advantage of the passenger. Is there any evidence within the industry that actually the targets to some extent do not always help when there is an incident? In other words, it may be sometimes more expedient to the company not to let the train run late but actually to cancel it altogether. It is not useful to the passenger to have that happen but it may actually help you meet targets.

Mr Franks: If a train is cancelled it features in our passenger performance measure as a failure, so it is effectively late; it counts in our statistics. There is no reason for taking that sort of decision other than to try to recover the railway in an effective way.

Mr Coucher: If I could just draw the Committee's attention to paragraph 3.9 which did question whether there was a perception of whether it was in the best interests of the passengers and the Report did not find evidence that we were not doing the right thing. Indeed, on the contrary there are instances where we have made the right decision for passengers even though it will affect the incentivisation regimes of Network Rail.

Q40 Dr Pugh: The Report mentioned difficulties you have with coroners when there are incidents and so on. I did not understand how coroners could generate difficulties for you; could somebody explain to me how?

Mr Coucher: We do sadly get some 240 suicides a year; they are very, very disruptive to the network. The British Transport Police do a very good job in trying to clear these up and they try to get them sorted out in 70 minutes but that does cause us a big problem, particularly if they are very messy. The coroners are the people who decide whether this has been a suicide or not and there are a number of coroners around the country who insist on using their own undertakers and their own people to assert death. That causes us problems in one or two pockets.

Q41 Mr Mitchell: I would just like to ask the National Audit Office, why did you not talk to the victims? You have used general surveys from Passenger Focus or whatever it is called, but they are very general. They just say whether there is dissatisfaction and, if there is an incident, was it well-handled. I was involved in a major incident just before your survey began in 2005. There was a big

break down on the East Coast Line and the train was stuck for hours in conditions which approximated those on the Bridge on the River Kwai in an overheated train with no information. I could have given you a very graphic story about it. Why did you not talk to the victims?

Ms Barker: We did talk to Passenger Focus and use their information.

Q42 Mr Mitchell: You could have taken an incident and talked to those people who had live through it.

Ms Barker: To be honest it is the practicalities of how much we can do within a period on a study and unfortunately we did not have the time to do that. We had a good source of information from Passenger Focus about passengers' experiences.

Q43 Mr Mitchell: If you talk to the companies and you talk to the Department and to Network Rail and the rest of it, they are all going to put the best possible gloss on it. You need to get the harrowing stories and try to come to some conclusions from that.

Mr Burr: I agree with your point, Mr Mitchell, that it is always better if you can talk to the consumers, the users of the service, and not just to those who provide it. We did try to cover that through Passenger Focus.

Q44 Mr Mitchell: It is not so much the consumers, it is the victims.

Mr Burr: The victims, yes.

Q45 Mr Mitchell: Just one more point for the Audit Office. Why are there no figures company by company? I see on page 15 at paragraph 2.2 the most common incident category was train faults: "with some 48 incidents (65% of our sample)" had train faults. Those are related, presumably, to the up-to-date rolling stock, to the maintenance of the rolling stock, to the way the companies invest in new rolling stock. Surely we need to know that on a company by company basis.

Ms Barker: The data we had was on the basis of routes and, given the sample size, if we had broken it down by companies I think it would probably have been misrepresentative, there would not have been a big enough sample size. The best thing for us to do was to do it by routes; that was statistically more valid. You might have more than one train company operating on a route and given that we were looking at a constrained period that might not have been a fair picture of what was going on with particular companies.

Q46 Mr Mitchell: Mr Mitchell, does the Department have company by company information on who is investing, whose trains are most likely to break down, who has the ancient rolling stock? Certainly when it comes to Grimsby we have been served by ancient, appalling stock. First Group has now put in some new rolling stock, but the adequacy of that

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service and the rolling stock was appalling. Do you have company by company break down information?

Dr Mitchell: There is a body called the National Task Force which is made up of representatives of Network Rail and the train companies and attended by ourselves and the Office of Rail Regulation. They review, on a company by company basis, how companies are performing across a whole range of issues, including the performance of the rolling stock. However, you are correct in saying that over the past few years this feature has declined in importance as new rolling stock has been brought into use.

Q47 Mr Mitchell: I cannot see from the Network Rail point of view that it is any achievement to have got the rate of breakdowns and problems back down to the level it was before 2000. That is no achievement.

Mr Coucher: We are proud of our contribution to pushing rail punctuality to the highest level it has been in recent memory. The trains are now running at 90% punctuality; that has been a huge effort by the entire rail industry and we are proud of our record.

Q48 Mr Mitchell: The improvement has not gone on, has it?

Mr Coucher: We are now running considerably more trains; it is a lot more congested out there and that means that every time you get a single failure it does cause more delays, but on a like for like basis it is performing in many parts at pre-Hatfield levels.

Q49 Mr Mitchell: Mr Franks, I would like National Express to put trains on to Grimsby so I will be very deferential. I have had a brief experience of this disaster but there are others that have happened when the cables get tangled on the East Coast line and the whole line is put out. It struck me that a lot of the problems were those of the operator because as a passenger first of all I am struck by the fact that supplies—water and food supplies—just were not available. The trains do not carry enough supplies to cope in case of a breakdown.

Mr Franks: There are a few issues there. On the point about supplies on the train, we should carry enough supplies. You referred to the incident in GNER time when there was a big problem when the train overheated; because the train was stranded for a long period of time the air conditioning was not working.

Q50 Mr Mitchell: They ran out of water within a quarter of an hour.

Mr Franks: Yes, they did, and there were a number of lessons learned. As a consequence the trains now carry big supplies of water in the guard's brake van. There was a very deep inquiry into that particular incident I remember well because it was brought and shared with the industry.

Q51 Mr Mitchell: In that incident a helicopter had to bring in bottles of Perrier water which was slightly humiliating, I thought, for the train company. The other thing that struck me—we were several hours on the train in overheated conditions—was that nobody knew what to tell us. Staff were running up and down but nobody could tell us anything. The passengers were anxious to know but nobody could give us any information. You are very adept at huge announcements when people get on the train telling you to get off if you do not have this ticket or that ticket or you have got an advanced booking ticket; announcements flood out that you should not really be there. However, in this particular incident announcements dropped off.

Mr Franks: That was before we were operating that piece of railway.

Q52 Mr Mitchell: I accept that.

Mr Franks: There was an investigation and a lot of lessons were learned. What I would say is that the guidance that we have issued from ATOC to all industry partners actually does pick up a number of these issues. It picks up a number of things that have come from previous investigations and I hope you will find that it is properly implemented across the industry and we have a group making sure that the recommendations of the guidance are implemented. When implemented you will see a difference in the way we handle these things. Sometimes things have not been done well; we want to make a big difference.

Q53 Mr Mitchell: We were eventually pulled or towed or whatever back to Peterborough. Peterborough Station was milling with thousands of people because all the trains had stopped and they were just being disgorged there. We were told to go to the Peterborough Railway Hotel which was crowded out. Five minutes after my arrival they ran out of meat pies. There was nobody from the company in a position to tell us what was going on. I accept again that this is your predecessor but it seemed to be a major weakness that nobody was coordinating anything and giving the information to the passengers.

Mr Franks: We have been running the East Coast Main Line now for six months and in that period of time one of my urgent tasks has been to review all of our contingency plans up and down the line. There was a good reason for that because soon after we took control we had the overhead wires down on a number of occasions and as a consequence we have had similar types of incidents to deal with. Because of that, as I said, we have reviewed the contingency plans up and down the East Coast Main Line and our contingency plans do address the issues that are shown in our guidance notes. I hope you will see a difference in the future.

Q54 Mr Mitchell: Moving on to Mr Coucher, the Report finds at 2.17 and 2.19 that often the emergency services do not know who to deal with and there seems to be inadequate communication

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between Network Rail and the different emergency services. Is this being put right? What are you doing about it?

Mr Coucher: We had already picked up on that but on the basis of the NAO Report we have gone back and looked at precisely what we do here. We recognise that this was a weakness. I know the Report highlights many failings here but in general a single emergency service will not have anything to do with the railway for months and months—maybe years—before they have to deal with something significant. We recognise in that period of time that phone numbers may have got out of date and we need to do more in that area. We have looked at this and we have a rolling programme to go out and re-brief emergency services. From our perspective there are one or two slight issues to deal with. We do have co-located controls with our operators so that they can be geographically separated from the incident itself—for example trains as far as Carlisle are controlled out of Birmingham—so we need to work more closely with the local areas. Yes, it needs to be put right and we will do so.

Q55 Mr Davidson: Can I ask about compensation to passengers? Do we have figures about how much has been paid out in compensation for delays to passengers by company?

Dr Mitchell: I am afraid we do not have a figure broken down by companies. We can send you a note on that.¹

Q56 Mr Davidson: That would be helpful. Do you know how many incidents occurred in which compensation was paid?

Dr Mitchell: Yes.

Q57 Mr Davidson: Can you tell me what it was?

Dr Mitchell: We can supply that too. We do not have detailed figures.

Q58 Mr Davidson: Give me a feel for it as a percentage of journeys for which a compensation claim ends up being payable.

Dr Mitchell: We do not have that data to hand.

Mr Franks: I can give you a feel in terms of revenue that we hand back to customers. Using an East Coast example we will be paying back about 1% of our turnover in compensation to customers, about £5 million per annum.

Q59 Mr Davidson: For how many of your journeys do you think payment would be due? Is it only 1%?

Mr Franks: We offer compensation to anybody who has been delayed for more than 30 minutes. If their journey has been delayed for an hour or longer then they get much bigger compensation. For a journey delay of 30 minutes they get half of their ticket price back.

Q60 Mr Davidson: That was not the point I asked. What I was asking was what percentage of the journeys that are undertaken are eligible for compensation?

Mr Franks: I would need to give you a calculation to give you that answer.

Q61 Mr Davidson: I am presuming it is much more than 1%.

Mr Franks: It is, yes.

Q62 Mr Davidson: What percentage of those passengers that would be due compensation actually make claims?

Mr Franks: Again that is a very difficult question to answer because we do not know precisely who is joining and alighting from trains at particular times.

Q63 Mr Davidson: You must have a feel for it.

Mr Franks: No. I could do a calculation and give you an answer if you want me to.²

Q64 Mr Davidson: I think that would be helpful. What I am concerned about or interested in is to what extent the pockets of the operating companies depend upon people not claiming the compensation that they are due and about which they are not made aware. Can you give me a feel for that at all?

Mr Franks: Perhaps I can answer the question slightly differently. The performance regimes within our access agreements and the payments we pay back to customers absolutely incentivise us to get the performance right on the railway. I will use an East Coast example because I know it well, but we could find ourselves exposed to a £10 million to £15 million payment to Network Rail and a £5 million payment to customers in a typical year if we do not get things right.

Q65 Mr Davidson: I do understand that, but you are also incentivised to make sure that passengers are aware of their right to claim. Network Rail will know the system for claiming, but at the moment there is not much effort made by the operating companies to tell passengers that they are entitled to claim. Is that correct?

Mr Franks: No, it is not correct. Again if you were to travel on a train that has been delayed for 30 minutes on the East Coast you will be handed out a delay repay form on the train.³

Q66 Mr Davidson: Of the times that I have been on either the East Coast or the West Coast and there have been delays I have never received a form indicating to me that I can claim.

Mr Franks: I can only comment in this regard in terms of the services I am operating, but that is certainly the case.

¹ Ev 15.

² Ev 16.

³ Ev 16.

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Q67 Mr Davidson: I am genuinely surprised by that answer. You are saying to me that the rule that you are trying to apply is that everyone who might be eligible would actually be handed an application form to claim back compensation.

Mr Franks: Absolutely.

Q68 Mr Davidson: That would be, to take the London to Glasgow line, as little as 30 minutes of a delay.

Mr Franks: I am using my East Coast as an example here, so if you came on the East Coast from Glasgow then if you had been delayed 30 minutes or more then you would be entitled to claim a refund.

Q69 Mr Davidson: How do you know whether or not that is actually taking place?

Mr Franks: I certainly know how much money I am handing back to customers.

Q70 Mr Davidson: That does not count because it could be that you are either paying a large amount from one train or a small amount from a large number of trains. It does not necessarily follow that forms are always handed out. Do you have figures, for example—I think it would be helpful if we had a note on this—which indicate which trains were delayed and then being able to compare whether or not you had any claims for compensation from those particular trains. Not just yourself as your particular company, but for the industry as a whole, because presumably if there were trains which had been delayed by an amount which would then lead to a claim being payable but in fact no claims were made, it would be reasonable for us to assume that the forms had not been issued.

Mr Franks: I can answer for National Express Group companies.

Q71 Mr Davidson: Can I clarify something? I understand that you are not here from National Express; you are here from the Association of Train Operating Companies and therefore you are liable to answer for all companies, not just for yourself. Sliding out of it by saying, “It wasn’t me, guv, it was somebody else” is not really clear enough.

Mr Franks: I have not tried to slide out of it. What I would say is that I think if it is an industry response to this you might need to ask Dr Mitchell from the Department. I can certainly provide data from the train operating companies that I operate.

Q72 Mr Davidson: You are not here representing only your company. You are here, as I understand it, representing the Association of Train Operating Companies and therefore presumably speaking on their collective behalf rather than as an individual. Is this being passed to Dr Mitchell?

Dr Mitchell: We can possibly help you. We are quite happy to ask the Association of Train Operating Companies for the data you have requested and we will get back to you on that.

Q73 Mr Davidson: Would you normally collect that?
Dr Mitchell: No, we would not normally collect that data.

Q74 Mr Davidson: So if I had not been raising this you would not be asking for it. If I had not raised this with you there is no check on whether or not the train operating companies actually issue the forms to passengers who are delayed by an amount for which compensation would be payable.

Dr Mitchell: We do not carry out a check. I know it is only a number of instances that I can tell you about, but I am a regular passenger on the East Coast Line and I can recall four or five occasions when I have been issued with delay pay forms.

Q75 Mr Davidson: They will recognise you!

Dr Mitchell: No, not at all.

Q76 Mr Davidson: A little flag will go up when you are on the train.

Dr Mitchell: No, I do not think so, but I can say in support of Mr Franks that it does happen when delays occur. What I cannot say of course is that it always occurs on every train and that is why we would offer to get the information for you from the Association of Train Operating Companies.

Q77 Mr Davidson: It would be helpful if you got it not only collectively but also by companies to identify whether or not there is any company that is particularly poor. I take it that yourself or the National Audit Office will actually check that the figures you are getting back in are correct on that. Can I just clarify about the publicity for eligibility to claim? Is there publicity provided only at the point when the delay occurs or is it provided beforehand? From my own experience I have never had any publicity provided to me about eligibility to claim.

Mr Franks: It appears in our Passenger Charter.

Q78 Mr Davidson: How many passengers do you think read that?

Mr Franks: That is where it is recorded.

Q79 Mr Davidson: So really that means that no information is provided.

Mr Franks: Other than in the way I have described, we would hand out the forms on trains.

Q80 Mr Davidson: Can I ask about attacks on staff related to delays? Obviously you monitor attacks on staff. Is there a pattern by which it is identifiable that attacks on staff are more numerous at times of delay?

Mr Franks: There certainly are a number of instances recorded where staff have been assaulted as a consequence of passengers being unhappy about disruption.

Q81 Mr Davidson: Is there a pattern to that at all? Is it a particular line? A particular area? A particular part of the country? Or is it entirely random?

Mr Franks: Again I would need to go and check statistics but I think it is probably random.

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Q82 Mr Davidson: Could you do that? I think it would be helpful for us to know whether or not there was any pattern there. In terms of delays, which operating company is worst and which is best, and how do you define that?⁴

Dr Mitchell: There are figures which are published on a monthly basis and it will be no secret that First Great Western was, until recently, the poorest performing company. As a result of that the secretary of state took action to enforce an improvement plan. Generally speaking the most up-to-date figures I have for period 13—which is most of March this year—the cumulative position for the whole of the train industry showed the best performer as Chiltern Railways achieving a 95% public performance measure, which is a measure including not only lateness but cancellations as well. The worse performer was National Express East Coast at 82.6%.

Q83 Mr Davidson: Do I take it that there should probably be a correlation between the bad figures from the National Express and the amount paid out in compensation, and that generally we would expect that those were the best records?

Dr Mitchell: Yes.

Q84 Mr Davidson: If there is anything that does not correlate to that then there would be something wrong.

Dr Mitchell: One would expect that except that, as the table on page 47 of the Report at appendix four indicates, there are variations, but with that proviso yes.

Q85 Mr Davidson: The final point I would seek to clarify is about train faults and the relationship between the operating companies and the leasing companies. Is there any sanction in these circumstances applied to the companies from whom the trains are being leased or does it all fall on the operating companies?

Mr Franks: It all falls onto the operating companies.

Q86 Mr Davidson: So there is no responsibility for the leasing companies at all then.

Mr Franks: No.

Q87 Mr Davidson: Are any of the faults traceable back to the leasing companies or are they all the responsibility of the operating companies?

Mr Franks: The most common problem that could be associated with a rolling stock company would be where they have undertaken heavy maintenance, which is their responsibility, and there may be a warranty issue with a piece of equipment that has been installed on a train which then causes delay on the network, but that becomes our accountability.

Q88 Mr Davidson: Can you then claim the money that you end up paying to somebody else back from the leasing company or are they getting off scot-free?

Mr Franks: They do not take any responsibility for any compensation that we pay.

Q89 Mr Davidson: Being a leasing company is the best position of all in these circumstances.

Mr Franks: Well it is certainly better than being a train operating company if they cause a delay.

Q90 Mr Davidson: Who allowed this position to develop, that the leasing companies can lease the trains but they have no accountability for the fines that are applied to the operating company? It does seem to be a trifle unfair.

Dr Mitchell: The leasing companies effectively purchased the rolling stock from British Rail in the mid-1990s and the terms on which they are then leased back were determined at the time. The leasing companies own the rolling stock but they do not take any responsibility for the condition of the trains. It is left to the operators to maintain those trains in good condition.

Q91 Mr Davidson: Does that seem reasonable to you?

Dr Mitchell: They are not regulated.

Q92 Mr Davidson: That is not what I asked you. Does that seem reasonable to you?

Dr Mitchell: That is the position we have inherited.

Q93 Mr Davidson: I know that; I am asking you whether or not that seems reasonable to you.

Dr Mitchell: We have made a complaint to the Competition Commission about the position of the rolling stock companies and the Competition Commission is considering our complaint as we speak.

Q94 Nigel Griffiths: Dr Mitchell, you said the newer rolling stock is more reliable; what is the sort of history and pattern of replacing rolling stock over the past decade or two decades?

Dr Mitchell: The majority of the new rolling stock came into service in the early part of this century, that was to replace the slam door rolling stock on the electric lines south of London. That is the biggest single influx of additional rolling stock that came in. However, I think it is fair to say that every company in the country has seen an influx of new rolling stock, so much so that we now, I believe, have the youngest rolling stock fleet in Europe.

Q95 Nigel Griffiths: I notice the Report says that passenger rail services are being used more heavily than at any time in almost 60 years which must be putting some strains on it. I am interested to know the impact of Hatfield on your operations. Can you tell us something about pre-Hatfield and post-Hatfield?

Dr Mitchell: No doubt Mr Coucher will wish to comment on that particular issue because, as you are aware, the Hatfield incident arose from a track defect which then caused multiple speed restrictions throughout the country and that led to a major

⁴ Ev 16.

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reduction in punctuality of the railways. It has been a major challenge to get back to pre-Hatfield performance and we have now set the high level output specification for the next five years from 2009 to 2014, an even higher target for the railways of 92.6% right time, which compares with the current performance of about 90%.

Q96 Nigel Griffiths: What were the reasons for Hatfield? What caused the Hatfield incident?

Mr Coucher: A piece of rail on one of the high speed turns cracked and failed due to a concept called rolling contact fatigue.

Q97 Nigel Griffiths: How widespread was that throughout the network?

Mr Coucher: Immediately after Hatfield Railtrack then put in an investigation programme which uncovered huge amounts of problems with this concept called rolling contact fatigue and that has largely been removed now.

Q98 Nigel Griffiths: What had caused the fatigue?

Mr Coucher: Just the speed of trains going over the rails and the problem had not been picked up.

Q99 Nigel Griffiths: Figure 16 on page 29 indicates that the annual number of incidents causing delays is actually at an eight year low. Is that right?

Mr Coucher: Yes.

Q100 Nigel Griffiths: I am not sure in the Report why eight years were chosen as the sort of timescale. Was there something horrendous the year before that?

Ms Barker: No, it is fairly standard to look at Hatfield and then look at performance thereafter. It is just a way of looking at it.

Q101 Nigel Griffiths: What has been the trend in passenger satisfaction?

Dr Mitchell: Passenger satisfaction is currently running at a very high level. It is approximately 80% of people being satisfied or very satisfied with performance, but of course I would be the first to admit that that is an average figure across the whole of the railway and may not necessarily reflect the position on individual services or individual lines.

Q102 Nigel Griffiths: One of the things that I did find distressing and shocking, although not as terrible for the train crews and the emergency services, is the number of fatalities and incidents. If I look at table 21 in appendix two, am I right in interpreting that the external fatalities and trespass amount to what is almost one year of delays, a delay of 522,000 minutes?

Dr Mitchell: Yes.

Q103 Nigel Griffiths: In Sussex I see the problems that are highlighted in paragraph 23 on page 36 where fatalities on the Sussex route caused over 40,000 delay minutes, that is a month of delays. Am I interpreting the data from the Report correctly?

Mr Franks: This is a continuing trend. In East Anglia alone this year there have been more than 50 fatalities.

Q104 Nigel Griffiths: Can more not be done to prevent such fatalities?

Mr Franks: It is an incredibly difficult problem. We have been working with the Samaritans, particularly in East Anglia, because it seems an extreme set of circumstances there. We have tried to adopt a number of things, providing contact details and alerting our staff and training our staff to look out for potential signs that somebody may be attempting to commit suicide. There are some things you can do, but it is a really difficult problem.

Q105 Nigel Griffiths: The Jubilee Line at Westminster in particular is like the Moscow Underground and does have a non-access closed door system. Has that been considered at all for stations or do fatalities take place mainly away from the stations?

Mr Franks: It is a mix. Some are at stations; some are away from stations. It would be an incredibly expensive exercise to try to protect people on every single station. It is not an easy thing to do.

Q106 Nigel Griffiths: I see train crew causes, which are fourth highest for causing delay minutes. Presumably that is a mixture of non-attendance, sickness or what?

Mr Franks: It can be but it can also include displacement of train crews because of other disruption earlier on on the network.

Q107 Nigel Griffiths: Knock-on effects.

Mr Franks: Yes.

Q108 Nigel Griffiths: The examples that the National Audit Office have helpfully given us, the case studies, you clearly seem to be in the hands of the emergency services. If we take case study three, they seem to be able to respond fairly quickly to a potential incident around acetylene gas cylinders. These must be difficult problems to get to grips with.

Mr Coucher: Yes. Fire is a particular concern for us. There was a change in the fire regulations which extended the cordon zone which fire officers would put around a burning fire to 200 metres. Regrettably, because of the nature of the railway, we do get a lot of industrial work sites along the side of the railway and we have been caught with that a number of times. You can see from example three just how impactful these things are. We have been working very closely with the London Fire Brigade to look at new ways in which we can use technology—remote robots for example—to reduce the impact of these but they are disruptive. We have got some great ideas of how we can reduce it and hopefully we can roll those out in the next few months or years.

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Q109 Nigel Griffiths: I think it might be helpful to have a summary of that in a note.⁵

Mr Coucher: Of course.

Q110 Nigel Griffiths: On fatalities, I notice it is not listed in the 44 categories and I presume that it is not in the top 44, but there are dangerous operating conditions obviously for contractors. Do you have at your fingertips the trend in terms of fatalities on railway lines by staff and contractors working and whether action that you have taken has eliminated those?⁶

Mr Coucher: I can certainly provide that. These are all the categories of delays, not just the top 44. We have worked long and hard to improve the safety of our workforce over the last four years. The safety record of the workforce is at an all time high. The previous year we had zero workforce fatalities for the first time in the history of the British rail network but sadly since then there have been one or two instances and we are constantly looking for ways in which we can improve safety for our workforce.

Q111 Nigel Griffiths: On page 35 the NAO make the pretty sensible point that shows that the routes that have the highest number of incidents and delays also I think have the highest loads and they are contrasting London and the Northeast and Scotland. Do you monitor a per mile usage or per passenger usage figure that shows you that some areas are actually much better at dealing with incidents than others and if that is the case are you able to showcase and adopt best practice from those areas?

Mr Coucher: That is precisely what we do do. A lot of the efforts we have done to reduce delays over the last four or five years have been based on identifying best practice and rolling it out, not just in dealing with incidents but providing the best ways of maintaining the asset to reduce the number of failures in the first instance. I have countless examples I could provide—but I am sure you would not want them all—about how we are taking best practice and rolling it around the country. The charts are slightly misleading here because they are not normalised by the number of train movements but we could do that for you as well. You will find that although places like Sussex and Wessex have relatively small numbers when you normalise the number of trains, they are actually similar in terms of complexity.

Q112 Dr Pugh: We touched briefly on the weather and I think you said proudly that you were running trains in times when Holland and so on were taking them off because of bad weather. That is not the perception of the British passenger; the British passenger often thinks that when trains go off because we have some freak weather that over in Switzerland, Sweden, Finland and all those sorts of places the trains carry on regardless and there is

something quintessentially British about the fact that we take our trains off during bad weather, which is precisely the times when we do not want to use our cars. You gave us the anecdote—I was impressed by it, it was not what I expected—but is there any hard data that either you have or the NAO have that show whether our system is more vulnerable or less vulnerable to bad weather?

Mr Coucher: I do not have the statistics for that but I can explain that we do a lot of benchmarking work. A lot of the European companies come to us to see how well we manage autumn. Autumn has been a problem in the past and there has been a lot of hard work with ourselves and the train operating companies because it is a joint responsibility. We have improved that. We still struggle from extreme weather conditions; it is difficult to run trains when the railway is under water.

Q113 Dr Pugh: To be fair, our weather is probably no more extreme than weather of most mainland continental European countries.

Mr Coucher: It is much more variable so we get swings in weather conditions which change in a matter of hours rather than the more benign type of weather. The weather in Switzerland, for example, is much more predictable and they do have systems and processes designed to cope with their weather.

Q114 Dr Pugh: Is it possible for you to share with us the results of some of your benchmarking exercises?⁷

Mr Coucher: Yes, I would be happy to do that.

Q115 Mr Mitchell: I see from the Report that delays—passenger mile delays or whatever—are up 30% in the period concerned due to vandalism and theft. This is largely attributed to cable thefts in the Northeast. Why is that? Is it that the scrap metal dealers live by the railway track in Geordie-land? Or is the cabling more exposed there? What are you doing about it? I know a kind of glad song of praise for Geordies goes up at Doncaster Station every time the train is a couple of hours late because of cable theft. Why is it?

Mr Coucher: In the last few years the price of copper has risen dramatically.

Q116 Mr Mitchell: Yes but not particularly in the Northeast.

Mr Coucher: It has risen dramatically and we have seen a significant increase in the amount of cable theft and the specific target areas—we are not entirely sure why this might be—are the Sheffield and Nottingham areas. Those are the most prevalent areas. We have had instances in the Northeast but we are working long and hard with the British Transport Police. It costs the industry millions of pounds a year in sorting repairs out and causes huge amounts of disruption to passengers. It is a real problem we are having to wrestle with now; I do not think it is specific to certain people around the country, but there are parts of the railway which are

⁵ Ev 13.

⁶ Ev 13.

⁷ Ev 14.

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more easily targeted, particularly where there are freight only lines which are scarcely used. If you are trying to be a cable thief in the Southeast where there are trains moving every few minutes you do not get much chance to work. It is where they are lightly used and exposed.

Q117 Mr Mitchell: Have you got on top of it now? The stoppages have not been as frequent.

Mr Coucher: It is a difficult problem to get on top of. We put a huge amount of resource in, along with our customers and with the British Transport Police to try to keep it in abeyance. It looks like it is coming down but it could change drastically. There has been a lot of hard work targeting thieves and the scrap metal merchants. We are using helicopters and doing anything we can to try to track this down but it is a real problem and it particularly affects the operators on the East Coast.

Q118 Chairman: I see at appendix two on page 33, Mr Coucher, that incidents are analysed by category. There is an incident there: vegetation management failure. What does that mean?

Mr Coucher: The railways are a wonderful natural corridor covered with a lot of trees and when it rains and branches fall down they can either fall onto the overhead line or they can obscure signals and we have to fix them. One of the solutions is to cut these things back but we appreciate that is somewhat sensitive in many areas.

Q119 Chairman: Mr Franks, what difference have you made in the six months since you have taken over from GNER as far as the public are concerned?

Mr Franks: I can give you a couple of very quick examples. Our National Passenger Service goals have improved from 82% to 86% in our first go, and our performance has also improved quite significantly such that in the last period of results which have just been published we have managed to get a PPM score of 89.5%. So performance is getting better.

Q120 Chairman: What about the way the staff deal with the passengers?

Mr Franks: I would like to think there has been some improvement. GNER in their time did a good job with the staff on the East Coast Main Line and I think towards the end of the franchise some heads went down; I think some heads have come back up now. I would like to think that we have made an immediate impact but I think there is always a lot to do to keep that going.

Q121 Chairman: Do you mind if I ask a purely personal question? Mobile phones drive me absolutely round the bend on trains. Why do you not have a quiet coach in first class as well as second class? Or extend quiet coaches generally? There is nothing worse than people who just witter inanities into their mobile phone endlessly.

Mr Franks: It is a difficult balance because there are a limited number of seats in first class and a lot of people want to use the space to actually work.

Q122 Chairman: We are in the era now of blackberries and texting and all the rest of it. It is not necessary for people to have lengthy meetings on their mobile phones, is it?

Mr Franks: It is a difficult call. Some people would say that but other people would say they want to be able to use their mobile phones.

Q123 Chairman: So you are not going to do anything about it.

Mr Franks: I will certainly take the point you have made.

Q124 Mr Davidson: Perhaps you could have a special section for boring calls and another for interesting calls. Some of the calls I hear are actually quite interesting. People obviously have far more exciting lives than I do! Going back to the question of compensation Dr Mitchell, I see in paragraph 3.12 that there are negotiations under way to have harmonisation of compensation as part of the franchise agreement. Do you have any idea when that is likely to take place and are you meeting with any resistance?

Dr Mitchell: I would not say that we are meeting with any resistance, but we have so far got to delay repay arrangements with a large number of franchises. I can give you the list here if you wish: Arriva Cross Country, East Midlands Trains, Chiltern Railways, First Capital Connect, Gatwick Express, London Midland and the two National Express East Anglia and East Coast franchises. We would expect, to answer your question directly, to complete that when we complete the full round of franchises.

Q125 Mr Davidson: None of the new arrangements are worse than the best of the previous arrangements.

Dr Mitchell: No, that is correct. In fact there is a fair amount of evidence that the individuals who are delayed are getting a better deal from the new arrangements than they were out of the more generalised season ticket discounts and other arrangements that applied before.

Q126 Mr Davidson: Just to be clear, the new arrangements are better than all the old arrangements, are they?

Dr Mitchell: We believe so, yes.

Chairman: Thank you very much gentlemen. As trains become more popular they become more crowded and we are still looking at 10,000 days of

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delays suffered by travellers so there is a lot of hard work still to be done, but we are grateful for your efforts. If one thing comes from this hearing I am sure we would like to stress the absolute vital importance of sharing information as quickly as possible with passengers. Thank you very much.

Memorandum from Network Rail

Question 109 (Nigel Griffiths) *on the use of robot technology to reduce the impact of lineside fires or potential lineside fires involving acetylene gas cylinders*

In recent years there have been an increasing number of line-side fires, each causing significant disruption to passengers.

When fires break out near railway tracks, and acetylene cylinders are found or suspected to be present, the standard Brigade procedure is to initially impose a hazard zone of up to 200 metres which could remain in place for 24 hours or more. This is because the risk of explosion following heating can remain long after the fire is extinguished and even after extensive cooling has been applied—causing enormous disruption to train services. Should an unstable acetylene gas cylinder explode the resulting dangers can include a fireball, large flying cylinder fragments and other debris potentially causing structural damage to nearby buildings in the 200 metre radius.

Working with the London Fire Brigade (LFB), Network Rail is currently undertaking a trial using remotely operated vehicles (ROVs). QinetiQ, the international defence and security technology company, was commissioned to provide and operate specialised ROVs. These can be used to safely assess and deal with the cylinders, allowing incidents to be resolved more quickly, so enabling the lines to be promptly reopened and minimising disruption to passengers.

If acetylene cylinders are thought to be involved in a fire, the Brigade can request the attendance of QinetiQ. The ROVs, with their all-terrain capabilities, will be able to enter environments that would be unsafe for firefighters. Their cameras can identify whether any Acetylene cylinders are present and, using thermal imaging, can gauge whether the cylinders are sufficiently cool for the Brigade to safely approach and deal with them.

QinetiQ's response team is available 24/7 and if called upon a special QinetiQ response vehicle, containing the three different ROVs with operators, is dispatched to the incident. On arrival they immediately come under the command of the senior fire officer present who determines how and when to deploy them. The three specialised vehicle types comprise: Talon, a small, highly manoeuvrable tracked vehicle, extensively used in Iraq for bomb disposal and equipped with video and thermal image cameras; Black Max which is similar in size and appearance to a quad bike which again has a video link camera but also provides a remote hi-pressure hose and water delivery capability; and the Brokk 90, a heavier duty mini-digger based vehicle designed to remove debris and gain access to vehicles or structures and therefore any cylinders.

Whilst the trial is not due to conclude until the end of June 2008, an initial assessment suggests that the use of ROVs has been beneficial on a number of occasions. There have been fifteen callouts over the trial period, though only four had any impact on railway operations. In addition, operational improvements implemented by LFB have also contributed to there being significantly less disruption than previously.

Question 110 (Nigel Griffiths) *on trends in workforce safety and what action had been taken to reduce the risk to those working on the railway*

The safety of those using and working on the railway is the number one priority for Network Rail. In recent years the company has made a determined effort to improve workforce safety—it is understandably a matter of utmost importance to the Board. Network Rail is committed to working to enhance the culture and processes of the company to minimise risk to all those working on the railway.

During 2007–08, the “accident frequency rate” for our workforce has improved to the lowest ever level—now 0.226 accidents for every 100,000 hours worked. This represents a 14% improvement over the previous year, and a 55% reduction since Network Rail was established.

However, during the year, there were two workforce fatalities. On 19 April 2007, a welder died when struck by a train whilst undertaking maintenance work at a crossing near Reading. On 29 November, another maintenance worker died when struck by a train, in the middle of the night, at Kennet Bridge. These tragic incidents provide a salutary reminder that, despite improving trends, there can be no room for complacency in our drive to improve safety and that constant vigilance is essential.

The following table provides details on trends in the area of workforce safety since Network Rail took over responsibility for the operation of Britain's rail network.

<i>Year</i>	<i>AFR¹</i>	<i>Workforce Fatalities</i>
2002–03	0.410	4
2003–04	0.508	8
2004–05	0.454	4
2005–06	0.359	4
2006–07	0.260	0
2007–08	0.226	2

Network Rail takes a creative and innovative approach to communicating safety issues. “Safety 365”, is a national communications programme built on the philosophy of keeping anyone who works on or around the railway, safe and healthy every minute of every day of the year.

The strategy uses a structured framework of campaigns to deliver clear, evocative messages addressing health and safety risks, looking at issues such as personal protective equipment, manual handling, infectious diseases, working at heights, drugs and alcohol, safe driving and safety critical communications, to name but a few.

It is also using new ways to reach people. From 60 foot fluorescent training trucks and thought-provoking films to creatively designed posters and information booklets, the programme is helping to show Network Rail’s commitment to safety.

In 2007, the Safety 365 campaign won a prestigious “Gold” in the Internal Communications category of the Design Business Association (DBA) Design Effectiveness Awards. The judges acknowledged the great effort the campaign has made to spread various safety messages, including those relating to infectious diseases, drugs and alcohol, summer sun, driving and slips, and trips and falls campaigns, as well as the use of the safety trucks.

Question 114 (Dr Pugh) about the work undertaken by Network Rail to reduce the impact of adverse weather conditions on the operation of the railway

Network Rail has in place specific contingency plans to deal with the impact of weather conditions on the operation of the railway in three of the four seasons—Summer, Autumn and Winter. Broadly, this can be summarised as mitigating against extreme heat, leaf fall and snow and, particularly, ice. In addition, Network Rail has also developed initiatives to reduce the effect of high wind and flooding on operations. The overall objective is to make the national rail infrastructure as a robust as possible at times of extreme weather conditions.

The following details some of the key activities Network Rail is undertaking to address specific forms of adverse weather conditions:

EXTREME HEAT

Work to combat the effects of extreme heat is led by Network Rail’s Maintenance Directorate. This involves the production of critical rail temperature maps which are shared with our train operator customers so they are able to understand where the problems are. It is also about “good housekeeping”, for example by removing litter or anything that can cause a lineside fire.

LEAF FALL

Autumn and falling leaves are a challenge for railways the world over. The leaves form a mulch on the rails, which is as slippery as ice on the roads. There are 21,000 miles of track nationally to keep clear and there are six species of trees which cause particular problems. They are all deciduous, broad-leaved and thrive by the railway: Ash, Sycamore, Poplar, Lime, Sweet chestnut and Horse chestnut.

Network Rail’s National Delivery Service’s Railhead Treatment Programme is a £24 million train-borne programme which uses high-powered jets of water to clear leaf mulch from the tracks. These jets shoot out water at an equivalent pressure of 1,000/bar (up to 1,000 times faster than the water coming out of a typical tap). Last Autumn, these trains covered 650,000 miles, using 130 million litres of water and 2.5 million litres of Sandite (traction gel).

In 2007, approximately 150,000 sites were successfully treated (94% of the target). An indication of the success of work in this area can be seen from the reduction in delay minutes caused by leaf fall from 491,000 in 2005 to 210,000 in 2007. This success attracts interest from rail infrastructure operators across Europe and beyond.

¹ Per 100,000 hours worked.

ICE

Network Rail's southern routes suffer particularly from the formation of ice on the conductor rail, which can cause major delays in the morning peak. This is being successfully combatted by a daily programme of anti-icing circuits, anti-icing trains and, in addition, investment has been made to create new trains that apply heated anti-icing fluid to the conductor rail in problem areas.

WIND

On 18 January 2007, high winds caused huge problems across all transport modes, with five airports shut and 66 lorries falling onto their side around Britain. In a single day, over 200,000 delay minutes were attributed to Network Rail, with blanket speed restrictions in place across the network for safety reasons. Since that day, a huge amount of work has been undertaken to acquire live weather data to be used by Network Rail's Control Centres to inform decision-making. Network Rail is currently working with other transport providers to develop a uniform information service. Essentially, better data allows the removal of unnecessary speed restrictions, and thereby improves performance of the network.

FLOODING

Network Rail has procedures in place, developed in partnership with relevant agencies such as the Environment Agency and the Met Office, to respond to flooding and provide as much service continuity as possible.

Infrastructure failures can affect train operations when communication, signalling, control and power distribution systems are affected by water. Modern rolling stock is also much more sensitive to flooding than it was 50 years ago, because of the use of smaller diameter wheels, underslung power units, and roller bearings.

In the flood events in 2007, extreme rainfall caused both surface water flooding, and subsequently, fluvial flooding from streams, ditches and rivers. Network Rail has safety procedures, including line closures and speed restrictions, to respond to heavy rainfall and flooding. Network Rail is making drainage systems even more robust and increasing the amount of mobile pumps at high risk locations.

Memorandum from the Association of Train Operating Companies (ATOC)

At the PAC hearing on the 4th June, further information was requested by members, and the National Audit Office has expressed this in the form of the four questions answered below:

Question 55 (Mr Davidson)

1. *An analysis of passenger compensation by Train Operating Company*

This is difficult to quantify as compensation may take the form of a cash refund or a travel voucher and may include good will payments not required by the train operator's Passenger's Charter. It may also be in the form of a season ticket discount. The data is not collected centrally, and not all TOCs can supply the information, but our best estimate is that the value of the cash refunds, vouchers and good will payments amount to around £9 million a year in total. Available details by train operator are:

<i>Train Company</i>	<i>Value of Passenger Compensation 2007–08</i>
Arriva Trains Wales	£184,600.00
c2c	£110,944.22
CrossCountry	£349,300.95
<i>Note: From November 2007 only*</i>	
East Midlands Trains	£448,000.00
First Capital Connect	£333,266.90
Merseyrail	£3,416.67
National Express East Anglia	£1,960,608.77
National Express East Coast	£1,731,480.00
<i>Note: From November 2007 only*</i>	
Northern	£110,675.00
<i>Note: From May 2007 to April 2008</i>	
South West Trains	£299,530.13
Southeastern	£117,738.00
First Transpennine Express	£173,360.47
Virgin Trains	£1,664,571.10

* Start date of new franchise

Question 62 (Mr Davidson)

2. *What percentage of passengers who are eligible for compensation actually claim it?*

This data is not collected. National Express East Anglia, a large company which operates a “delay/repay” scheme, estimates that 30% of passengers eligible claim compensation, but the proportion may vary between companies depending on the characteristics of their journeys (commuting, business, leisure, short or long distance).

Question 65 (Mr Davidson)

3. *Which Train Operating Companies hand out compensation forms on their trains?*

Four long distance operators, East Midlands Trains, National Express East Coast, First Transpennine Express and Virgin trains hand out compensation forms on delayed trains. Three other operators, Cross Country, London Midland and South Eastern collect passengers’ details on heavily delayed trains so that they can contact them subsequently. Other operators provide compensation forms on request.

Questions 80–82 Mr Davidson)

4. *An analysis of the attacks by passengers on rail staff by area*

<i>Area</i>	<i>2007–08 Recorded</i>
London North	485
London South	748
London Underground	698
North Eastern	122
North Western	166
Wales and Western	249
Scottish	126
Force Total	2,594

Source: British Transport Police
The area descriptors are those of the British Transport Police areas.

10 July 2008