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#### **DRAFT TRANSPORT (WALES) BILL**

Thank you for the opportunity to comment on the draft Transport (Wales) Bill. Network Rail welcomes the Bill and is supportive of the purpose of the Bill - to facilitate the delivery of integrated transport in Wales. Clearly there may be implications on the provisions of this Bill arising from the government's current rail review; these comments are therefore based on the existing structure of the rail industry.

Network Rail currently has positive working relationships with both the Welsh Assembly Government and the existing Rail Passengers' Council for Wales; we consider these measures offer the Assembly a range of transport related powers that could allow these to further develop and achieve benefits for the whole of the rail industry.

We also positively note that that the proposals acknowledge the significance of an integrated transport network, as is evidenced by the importance and value of cross border services. Network Rail believes that the interests of the rail network and all its passengers is best served by a single, national integrated rail infrastructure, in which the benefits of a national network are fully leveraged, and we believe the draft Bill implicitly supports this approach.

Our comments are directed at specific clauses, where we believe further consideration could be given to recognise Network Rail's central role, as the network operator, in decision-making that

could affect the capacity of the network – both in terms of performance as well as possible financial implications.

## **Clause 2: Wales Transport Strategy**

We welcome the approach to provide for the development of a Wales Transport Strategy. Whilst the Bill leaves absolute discretion for the Assembly to consult whom it feels appropriate in preparing its Transport Strategy we believe that in a range of transport modes, not least rail, there are particular bodies with technical expertise who ought to be consulted as a matter of course, e.g. tram operators, port authorities, and rail operators.

Accordingly we would recommend that under clause 2(5) a number of bodies (including the network operator) should be consulted in preparing or revising the strategy to be prescribed, with an obligation to discuss the operational consequences of proposed policies.

In addition, in setting priorities and giving directions, we believe such a document will be far more robust if the cost implications of any proposal have been taken into account and potential funding bodies have been appropriately consulted to identify funding streams for the Assembly's potential aspirations.

We would therefore submit that a new sub-clause (8) should be included which requires that any priorities and future schemes set out in the strategy must be developed having regard to funding available.

## **Clause 3: Local Transport Plans**

We recognise the importance in the Bill for the ability of the Assembly to direct local authorities as to the manner in which they are to carry out their functions in relation to local transport plans. However, we would seek assurance that such actions would not have the effect of diverting proposed local authority funding from projects already under development with third parties. These could impact on commitments made to other transport providers – for example joint schemes with train operators or infrastructure providers to regenerate station environments.

Schedule 1 (amendments to Part 2 of the Transport Act) could be phrased in such a way that in directing local authority plans, due consideration should be given to existing undertakings with transport providers and agreements entered into.

## **Clause 6: Financial assistance - local transport functions**

Network Rail is a body in a position to potentially implement objectives that may be set in the Wales Transport Strategy on behalf of the Assembly. As such the power covered in this clause should be extended to explicitly include the network operator to

whom the Assembly may give financial assistance for the purpose of enabling or facilitating the discharge of functions relating to transport. This provision could also be extended to other transport undertakers.

## **Clause 7: Provision of public passenger transport services**

We would welcome further clarification as to the meaning of "secure" in the context of this clause, or the extent of the power that the Assembly intends to grant. It would be a concern if the Assembly could exercise this power without having due regard to the effect on other services (including those which begin and end outside Wales) and the ability of the infrastructure provider to ensure the efficient operation of the network.

We would therefore suggest that Clause 7(2) includes an additional requirement under a new sub-clause (d) to have regard to existing transport strategies outside Wales, the effect on other services, and the impact on the efficient operation of the network across the UK.

Any power to provide services should also be exercised in a manner that is consistent with the existing processes for the establishment of new services on to the network (for example the timetabling process).

## **Clause 9: Powers to direct the SRA**

We note this provision gives the Assembly powers that reflect those already held by the Scottish Executive in its ability to give directions and guidance to the SRA.

Further investigation into the experiences of the Scottish Executive may be useful therefore, in order to reflect in the Bill the experiences of the Executive and modifications to their process; for example, the proposed establishment later this year of the National Transport Authority, an arm of the Scottish Executive that will be responsible for the implementation of capital projects and their direct management, rather than management through local transport bodies.

As commented under Clause 2 above, we believe it is desirable for the consultation parties specified to include the network operator. Clause 9(2) should therefore include an obligation to consult with the network operator for guidance on the effect on railway services.

Whilst recognising that the Bill does not attempt to legislate for Scotland, we believe that consideration should be given as to the effect of the Wales Transport Strategy on all users of the rail network. In this context we would point out that under sub clause (3) the interests of persons joining or leaving potential services in Scotland (or indeed users of potential trans-European services), are excluded. The inclusion of the words 'and other jurisdictions' following references to England would clarify this matter.

I hope these comments prove informative, and I look forward to discussion these matters further with the committee on June 21.

If however you have any further questions, please do hesitate to contact me.

John Armitt