

PACTS response to the Department for Transport's consultation document, "Rail Regulation – Call for Evidence".

<https://www.gov.uk/government/consultations/rail-regulation-call-for-evidence>

January 2016

Dear Denise Rose,

I write in response to the Department for Transport's call for evidence in relation to its review of rail regulation and, in particular, the remit and functions of ORR.

The review is mainly concerned with the ORR's role as economic regulator of Network Rail. However it also includes a reference to ORR's rail safety remit. PACTS has no particular expertise or locus in relation to the former but we do take a keen interest in the latter.

We discussed the review at the PACTS Rail Safety Working Party (chaired by David Morris), which includes senior safety staff from many sectors of the UK rail industry as well as independent rail safety experts. This has informed PACTS' view. I should clarify however that this submission is on behalf of PACTS only and the organisations and individuals in the Working Party may make their own submissions separately.

Our overall message is that the recent safety record of the UK rail industry is generally a good one, and much improved compared with a decade ago. It also compares favourably with the safety record of railways in other European countries. This reflects the efforts of many players in both the public and private sectors, and the increased levels of Government investment in the rail network. We believe that ORR has played an important and unique role and made a valuable contribution to this improved safety performance. As such we see no case for changing the current arrangements.

This view was endorsed by the Transport Safety Commission (established by PACTS). In its 2015 report *UK Transport safety: Who is responsible?*, the Commission concluded - after comparing the situation in the various transport modes - that "responsibilities for safety in aviation and rail transport are well established and the Commission through this inquiry has no recommendations concerning safety in these modes."

Whilst we do not comment on economic regulation aspects, we would be concerned if the ORR's safety remit was affected (deliberately or otherwise) as a consequence of changes to its economic regulation functions. If any changes are proposed, they should be assessed very thoroughly in terms of their impact on rail safety.

It is sometimes said that economic and safety regulators should be kept separate and independent. There are legitimate arguments both ways. However, in relation to rail, PACTS believes the current arrangements within ORR have proved beneficial to safety.

We would also point to the role that ORR now has in relation to Highways England. We believe there are synergies developing from the different but complimentary roles in relation to rail and road safety.