



Consultation on Legislation to Implement Rail Transformation

The Williams-Shapps Plan for Rail

Consultation Response

August 2022

Introduction

The West Yorkshire Combined Authority welcomes the opportunity to comment on this consultation. The Authority has long supported the need for wholesale reform of the railway.

Rail reform

The Combined Authority's objectives for industry reform submitted to the Williams Review were the need for:

- clarity of objectives for the railway: social, economic, and environmental and permeating the railway from top to bottom;
- network outputs driven by these objectives (without conflicting incentives);
- value for money in day-to-day operation and in delivery of new infrastructure;
- a coordinated and integrated rail system with a 'controlling mind' with clear lines for influence and accountability;
- a railway operationally independent of government (but accountable to it nationally and regionally), with a focus on investing in skills and research; and
- devolution to ensure that objectives reflect local priorities and conditions, with accountability to those most affected by the railway

The Combined Authority therefore welcomed the proposals set out in the Plan for Rail, which could go a long way to delivering against the objectives above through the proposed formation of Great British Railways.

Summary

The railway is central to West Yorkshire's ambitions to deliver on our shared economic and social objectives for levelling-up and to achieving our environmental objectives, including delivery against net-zero targets.

In many respects, for the places it serves, the railway performs the function of a mass transit network in West Yorkshire, connecting communities to the jobs and opportunities in the major centres, supporting sustainable growth and development. Almost 7 in 10 people using trains in West Yorkshire are making trips to other places within West Yorkshire, underlining the local importance of the services the railway provides for work, for education, and leisure.

Great British Railways must therefore have an explicit role and remit in contributing to delivery of regional economic, social, and environmental objectives, and to be accountable for doing so. This needs to be reflected in the legislation. Securing an explicit link in the primary legislation to delivery of Local Transport Plans and the Transport Strategies of Sub-National Transport Bodies such as Transport for the North is an obvious opportunity for this.

Strong local partnerships, particularly in the city regions where Mayors and Mayoral Combined Authorities are developing clear and ambitious transport plans for their areas are central to fully realising Great British Railways' potential. **Reform creates the opportunity for the radical simplification needed to ensure that Metro Mayors and their local partners can do business with the railway.** Achieving this relies on strong internal devolution of decision-making within Great British Railways.

Delivering a joined-up London-style integrated and affordable public transport network for West Yorkshire is central to our plans to transform the opportunities for the people and places of West Yorkshire. The Combined Authority continues to invest alongside its partners in the local railway, with a multi-million-pound programme in improving accessibility, in station improvements, in ticketing, and in new stations. **Great British Railways must realise the opportunity to increase cost effectiveness and efficiency in the railway, increasing the case for local co-investment.** Devolved decision-making, industry simplification and increased cost efficiency could unlock huge potential in local partnership working to transform the role of stations.

Great British Railways must achieve these things as part of a national network. It is important that it delivers and is accountable for growing passenger numbers and increasing rail freight nationally. **To do this effectively, and to realise the full potential of the ‘guiding mind’ it is important that it operates at arms’ length from government.**

This must include maximising the potential for Great British Railways to properly co-ordinate enhancement, renewals and operational expenditure. **The investment disconnect promoted by the current Rail Network Enhancement Pipeline approach must be challenged.**

The consultation excludes local partnerships from its scope, as an area not requiring changes to primary legislation. However, **this submission offers practical ways in which the primary legislation, proposed governance framework and business planning process set out in the consultation can provide the basis for effective joint working locally.** These will be important mechanisms to ensure the railway is responsive to local needs and opportunities and these will be key levers for effective local partnerships.

The Case for Devolution

The **Urban Transport Group** (UTG) is also submitting a consultation response on behalf of its members, including the West Yorkshire Combined Authority.

The Combined Authority endorses the UTG response, in particular the strong case made for the value of devolution, and the importance of ensuring rail reform maximises the potential for rail to perform a strong role in local integrated transport networks, contributing to the delivery of local priorities and objectives.

This case is also set out in UTG’s publication ‘*Making rail reform work for people and places in the city regions*’, December 2021, available here:

<https://www.urbantransportgroup.org/resources/types/reports/making-rail-reform-work-people-and-places-city-regions>

Consultation responses

Q1: Does the scope of the proposed designation of Great British Railways as an integrated rail body appropriately capture what you would expect for an effective guiding mind for the railways? (Paragraph 2.6) Please explain

The scope set out appears to be consistent with the objectives of the Plan for Rail, which the Combined Authority broadly supports.

It will be important for primary legislation to secure the separation of the integrated rail body from the department, as an arm’s length body, to secure the degree of operational independence and accountability that the Plan for Rail envisages for Great British Railways.

As set out in the introduction, the Combined Authority strongly supports the need for Great British Railways to have this operational independence, as long as the proposed framework of accountabilities is effective.

Q2: Are there any other factors Great British Railways should balance and consider as part of its public interest duty? (Paragraph 2.9) Please explain

The Combined Authority would expect the public interest duty to specifically include a duty on Great British Railways to materially contribute to the delivery of the adopted Local Transport Plan (LTP) and programmes of local transport authorities (LTAs) and of the adopted Transport Strategy of sub-national transport bodies (STBs).

The requirement for and the role of LTPs and the transport strategies of STBs is set out in primary legislation. They are the fundamental building blocks of local transport policy and programmes, developed to ensure transport activity responds to local social, economic and environmental priorities. The rail network and the services it provides are a fundamental part of the local transport mix in many areas, and some of rail's most important contributions to social, economic (including levelling up) and environmental objectives are at the local level.

Meeting identified needs and priorities locally is an effective way to maximise social and economic value nationally in aggregate, as well as ensuring best overall value from the funding devolved to LTAs and local contributions, including via mayoral combined authorities. LTPs are the strategic basis of billions of pounds of local transport investment by LTAs across numerous programmes. Ensuring co-ordination of expenditure can drive value for money and increase overall effectiveness.

Such a requirement, included in the scope of topics to be elaborated in the licence, could provide the foundation of strong and effective local partnership working between Great British Railways and local transport authorities. It would provide Great British Railways with a direct interest in participation of development of local policies and programmes. The requirement would also give ORR a role in ensuring the duty was being fulfilled.

It would also be appropriate to include an explicit link to delivery of the 2050 target for net zero set out in the Climate Change Act 2008, given the important role that transport, and rail have in delivering against this target.

Q3: Do you support the proposal to include a power in primary legislation to enable Scottish and Welsh Ministers to delegate their contracting authority to Great British Railways, subject to the terms of delegation being mutually acceptable to ministers in the Devolved Administration(s) and the Secretary of State? (Paragraph 2.17). Please explain.

No response provided since this is a matter outside the geographic remit of West Yorkshire Combined Authority.

Q4: Do you have any views on the proposal to amend Section 25 of the Railways Act 1993 to enable appointment of a public sector operator by Great British Railways by direct award in specific circumstances? (Paragraph 2.18) Please explain.

The proposal set out is a pragmatic response.

The Combined Authority agrees with the reasons set out to justify this approach in paragraph 2.18 - namely that there will be instances where a direct award to a public sector operator is the most affordable or effective approach. There is no practical justification to indicate otherwise.

The Combined Authority also offers explicit support to the UTG response, including the role of local transport authorities in requesting that Great British Railways makes use of this power in instances of under performance by an operator.

Q5: Do you support the proposed amendments to Regulation 1370/2007, which are i) reducing the limitation period for the challenge remedy, ii) introducing a remedy of recovery to accord with the new UK subsidy regime, iii) clarifying who may bring a claim, iv) retaining the ability to make direct awards under Article 5(6), and v) clarifying the PIN notice period? (Paragraph 2.20) Please explain.

Overall, the West Yorkshire Combined Authority supports these provisions to the extent that they are intended to support fair and transparent procurement processes, that are effective, timely, and proportionate.

Specifically, the Combined Authority supports the reintroduction of Articles 5(6) and 7(3) (direct awards) for the reasons set out in the consultation; recent experience has demonstrated the practical benefit of these powers. Indeed, from time-to-time there may be situations where Great British Railways finds this is the most effective response (e.g., for co-ordination of major network and service changes) in fulfilling the 'guiding mind' function.

The Combined Authority supports the UTG proposal that local transport authorities should be consulted in instances where such an action may materially affect its interests.

Q6: Do you support the proposed statutory duty on ORR to facilitate the furtherance of Great British Railways' policies on matters of access and use of the railway, where these have received Secretary of State approval? (Paragraph 2.38) Please explain.

The Combined Authority supports this proposal. As set out, it is a pragmatic mechanism to ensure the regulatory framework contributes to the overall objectives set out by the Secretary of State for the railway. A process which operated to separate criteria would risk driving complexity and potentially undermine the aims of the Plan for Rail.

This approach places onus on ensuring that the public interest duty (Question 2) makes specific reference to promotion of freight on the railway and the associated economic and social benefits that growing the rail role in freight movements offers.

As set out in the UTG response, it will be important as part of the mechanism to ensure equitable allocation of costs to avoid distortion between local / regional services and inter-city services.

Q7: Noting we will consult separately on the use of the power to amend the existing Access and Management Regulations, are you aware of any immediate essential changes that are needed to these Regulations to enable Great British Railways to deliver its guiding mind function? (Paragraph 2.44) Please explain.

The Combined Authority agrees that changes are likely to be needed to the legal framework (whether EU-derived or otherwise) to enable the railway to become more efficient and focused on its end-users – and, in particular, to support the 'guiding mind' function envisaged for Great British Railways, ensuring a joined-up approach between track and train.

Q8: Do you agree with the proposed recasting of ORR's competition duty to better reflect public sector funding? (Paragraph 2.49) Please explain.

The Combined Authority agrees in principle, and this should recognise public sector funding as a whole, not just from central government.

There are instances where open-access operators have provided new connectivity which did not previously exist; in West Yorkshire Grand Central services are highly valued for this reason. However, competition "for the sake of it" between operators, as opposed to rail competing with

alternative modes to provide the best overall public transport offer, is not inherently desirable. The “guiding mind’s” remit should expressly include the ability to design overall service concepts (ideally in partnership and working across other public transport modes) that are in the passenger’s best interests and in keeping with the overall objectives set for rail, including but not limited to cost-efficiency.

This may imply less rather than more competition. So, while public funding is not the only relevant criterion, it is sensible that it should be one. It is however essential that any such approach can also accommodate growth of rail freight.

Q9: Do you support the proposal to include in legislation, a power for Great British Railways to issue directions to its contracted operators to collaborate with one another in circumstances where doing so could otherwise give rise to concerns under Chapter I of the Competition Act 1998, in particular, where this could lead to defined benefits to taxpayers and/or passengers? (Paragraph 2.54)

In keeping with our previous answer, the Combined Authority support this. For the reasons set out above, much competition legislation is not appropriate to rail. The objective in establishing a ‘guiding mind’ is to secure greater co-ordination; integration rather than competition tends to lead to the best outcomes in terms of both strategic objectives and system-wide cost-effectiveness. It could also enable increased co-ordination with local public transport networks.

Q10: Would Train Operating Companies be willing to share information and collaborate in the way envisaged without the proposed legislative provisions? What are the risks to them without the proposed legislation? Would the proposed legislative approach help to resolve these risks?

Whilst this a question for the train operating companies (TOCs), the Combined Authority sees a real benefit in all TOCs being required to provide the same information. Whilst the rail industry does not provide a major opportunity for commercial competition, it is right to ensure an equal playing field with regard to shared information.

Any such information is also likely to be valuable to inform the more effective development of transport policy at the local and regional level.

Q11: Are there any particular additional safeguards (in addition to the safeguards outlined in paragraphs 2.54 - 2.55) that you consider necessary to support the interests of third parties (including freight, open access and charter operators) or to otherwise protect passengers and/or taxpayers?

The operators concerned will be best placed to answer the specifics of this question. However, the Combined Authority notes and supports the over-riding objective to enable Great British Railways to provide strategic direction to the whole railway. It is therefore important to ensure that narrow commercial interests are subordinated to this objective. Open access should be adding wider value to the overall service offer by demonstrably addressing / growing new markets.

The position with freight is different and clearly does need protection whilst the model remains one of private provision by open access operators. It is essential to achieving wider transport objectives that whatever safeguards are appropriate should be provided to ensure that the growth of rail freight is considered alongside passenger rail priorities.

Charter operators complement, rather than compete with, the core passenger offer, and play a small but valuable role especially in the leisure economy. There is therefore a good case for ensuring their interests are protected, commensurate with the scale of their role in the railway.

Q12: How should we ensure that Great British Railways is able to fulfil its accountability for the customer offer while also giving independent retailers confidence they will be treated fairly? (Paragraph 2.61) Please explain

Whilst encouraging competition in the ticketing retail market there also needs to be significant simplification of the fares offer. Complexity is a driver of confusion and makes rail ticket retailing unnecessarily difficult. Customers must have confidence that all products will be available via any channel or retailer. All providers should also be able to and be encouraged to provide multi-modal tickets.

The role of local transport authorities in providing multi-modal tickets must be protected and developed. Many LTAs manage and market multi-modal ticketing products such as the West Yorkshire Combined Authority's MCard via associated joint Ticketing Company arrangements with industry. It is important that Great British Railways continues to engage in and support these arrangements. These initiatives widen the market for rail, driving revenue and patronage, and contribute to transport objectives by encouraging multi-modal journeys.

Q13: Does the proposed governance framework give Great British Railways the ability to act as a guiding mind for the railways, while also ensuring appropriate accountability? (Paragraphs 3.13) Please explain.

The proposed framework follows the model for arms' length bodies, based on accountable, principles-based tasking. The Combined Authority supports the principle that Great British Railways should be operationally independent of, but be accountable to, the Secretary of State. This operational independence is crucial to realising the objective of 'guiding mind' set out in the Plan for Rail.

The governance framework should ensure that Great British Railways has good internal autonomy (and accountability) over its finances, as this is key to achieving the objective of improved value for money. This is important to the Combined Authority as an investor in the rail network. The Combined Authority also supports the need for strong internal devolution of decision-making in Great British Railways and has been working with UTG to support the case for this. Great British Railways should have the freedom to respond in the most effective ways in different places, but the principle of strong internal devolution should be enshrined in the governance framework. This will, in turn, provide the basis for strong partnerships with local leaders and transport authorities.

The provisions set out at paras 3.29 and 3.20 to ensure that any Guidance or Directions issued to Great British Railways are on the public record, with assessment by ORR as appropriate, will help to secure transparency and a proportionate level of engagement from government. The Combined Authority agrees that the Department for Transport's role should be more strategic (para 3.4), and that it should not get drawn into operational matters (para 3.29) to ensure Great British Railways can realise the 'guiding mind' role.

It is also important that Great British Railways' mandate is clear and well-understood, so that it can be effective in its role, and accountable for discharging it. This should include a clear expression of the relationship between the Secretary of State and Great British Railways.

Since the Licence, Guidance and Directions will be defined in primary legislation, the Combined Authority suggests there is merit in the primary legislation also placing a duty on the ORR to maintain and publish a combined single record of the content of the Licence, Guidance and Directions in force from time to time. This should also include the content of the relevant HLOS documents issued by funders. This should help ensure all parties provide a coherent and readily understood mandate to Great British Railways across the various governance mechanisms, and to mitigate against the risk of introducing mis-aligned requirements. Clarity and simplicity are central to accountability and in-turn effective decision-making; it must be clear 'who is in charge.'

Q14: Do you agree with the proposal for Great British Railways' new duties to be captured in the licence and that primary legislation should require the licence to include specific duties in relation to accessibility, freight and the environment? (Paragraph 3.16) Please explain.

The Combined Authority supports this approach, as set out in the response to Question 2 above. In particular, given the statutory role of LTPs, it seems appropriate that the legislation should require the licence to make explicit reference to Great British Railways having regard to adopted LTPs. This will provide a clear mechanism for ORR to hold Great British Railways to this requirement and would provide some confidence that Great British Railways will have specific interest in establishing effective local partnerships with local transport authorities.

The Combined Authority's reading of the consultation is that the list at paragraph 2.9 will be included in thematic scope of the licence, as defined in the primary legislation. The Authority offers support for all those themes. The Authority offers specific support as follows:

- maximising social and economic impact ('levelling-up') at the local level, not least to promote strong effective local partnership working;
- support for the carriage and growth of rail freight, to provide the essential mechanisms to secure freight's role in a network otherwise being specified by Great British Railways (as set out in response to Questions 6 and 11); and
- benefits of improving accessibility, as set out in response to Questions 20 and 21.

In the promotion of better co-ordination planning and transport decision-making, the Combined Authority also supports UTG's proposal that Great British Railways should be a statutory consultee in the planning process. Again, this would promote joint working and co-ordination at a local and regional level.

Q15: Do you support the proposal to amend ORR's powers to exclude the ability to impose a financial penalty on Great British Railways for licence breach? (Paragraph 3.26) Please explain

The Combined Authority supports this proposal, concurring with the reasons set out at paragraph 3.26 of the consultation.

To ensure transparency and incentivise compliance it would be valuable to place a requirement on ORR to publish a record of instances of where there is a breach of licence conditions.

Q16: Please provide any feedback on the proposed business planning arrangements for Great British Railways.

In its response to the Rail Review, the Combined Authority highlighted the problems caused by a lack of co-ordination between service and infrastructure planning and funding. The Combined Authority agrees with the Department's analysis that this is a driver of inefficiencies, leads to mis-aligned incentives, poor decision-making and increased costs (para 3.35).

The Combined Authority supports the overall approach to a five-year funding cycle, recognising that fiscal commitments in excess of five years are unlikely (although longer periods would offer a stronger basis for more effective investment planning). The important role of the Whole Industry Strategic Plan is therefore underlined for providing a long-term strategic context for the proposed five-year integrated Business Plan.

A major frustration with current arrangements is the disconnect between decisions on network enhancements (determined via the Rail Network Enhancements Pipeline - RNEP) and decisions on operations, maintenance, renewals and services. The Statement of Funds Available for PR6 largely excludes enhancements from its scope. Paragraph 3.36 implies that major enhancements funding will remain outside the scope of the business planning arrangements ('*continue to be separately governed*').

The RNEP process has tended to operate in isolation with little evidence of how it fits together as a coherent programme, frustrating attempts to co-ordinate other funding programmes (including within the industry) or providing supply-chain certainty, perpetuating high delivery costs. The Combined Authority is an important co-funder in the railway; its ability to invest alongside the industry is frustrated by lack of clarity over future investment plans.

Whilst the Combined Authority recognises that major government investment decisions will continue to need final approval through Departmental process, it is important that planning and development of major enhancements are led by Great British Railways, with as much decision making consolidated within Great British Railways as possible. Strong partnership working at the local level can then ensure this is properly co-ordinated with other transport investment, and wider plans for growth in places. This can be achieved by strong local input into business planning.

This is crucial to secure not only more integrated decision making between services and infrastructure (to address the disconnect between track and train inherent in the current structure), but to also ensure that the operational financial benefits (reduced operational expenditure and / or increased revenue) of network investment are properly quantified and weighed in decision-making (e.g., electrification projects, line-speed improvements etc), so the railway becomes more efficient and affordable. This is also required to ensure the interface between renewals and enhancements is properly managed, including the significant potential benefit of marginal increments delivered as part of renewals. There is also a strong case for better co-ordination of rolling stock decisions with enhancements (e.g. electrification). These are all examples which can and should make investment in the railway more cost effective and responsive to local needs.

The current framework was established to regulate and provide certainty for an industry structure which transferred significant risk to the private sector / institutions outside of government. As an initial step, the merit of evolving the existing periodic review process on a limited basis (para 3.37) is acknowledged. However, the framework should balance the need to be sufficiently defined to provide certainty over the five-year cycle to both the industry and funders, whilst not being so prescriptive that the benefits of consolidating accountable decision-making within Great British Railways (para 3.36) fail to be realised. It is likely that scope for a more fundamental reform will emerge (and be informed by) the benefit of experience of the operation of Great British Railways.

For the Combined Authority and its local partners, an important potential benefit of rail reform is to establish Great British Railways as the single accountable railway entity with which 'we can do business' locally (including agreeing co-investment). The same will apply for other third-party funders, maximising the opportunity for third party investment in the railway. Realising this will require the organisation to have sufficient autonomy to enter meaningful financial relationships.

Q17: Will the proposed approach to independent scrutiny and challenge provide sufficient transparency and assurance that Great British Railways can be held to account? (Paragraphs 3.45 – 3.47) Please explain.

In part yes. Making explicit reference to delivery of LTPs and the transport strategies of STBs in the license (see response to Questions 2 and 14) will help to secure scrutiny and challenge mechanisms for Great British Railways to be held to account for their role in contributing to local and regional objectives.

As a Mayoral Combined Authority with responsibility for economic development (through the West Yorkshire LEP) and transport (as Local Transport Authority for West Yorkshire), the Authority is rightly held to account by Government and the electorate for the achievement of its objectives and delivery. In this, the Authority is partly dependent on the successful delivery of a rail industry over which it has little formal scrutiny and challenge. Rail has an ongoing and increasingly significant role in delivering local economic, social and environmental objectives. It is therefore in the Combined Authority's direct interest to be able to hold Great British Railways to account. In West Yorkshire, a strong local partnership will be integral to this.

The Plan for Rail makes clear that the effectiveness of the industry relies on absolute clarity of accountability to the Secretary of State. Whilst this is understood, the role of ORR can and should bring independent scrutiny and challenge, and the Combined Authority supports the proposals for this role. This should include an assessment of Great British Railways' performance in building effective partnerships with local transport authorities and contributing to the delivery of local transport plans and programmes. The Combined Authority would expect to be party to such assessments to incentivise a strong and effective local partnership arrangement. The LTP duty proposed in the response to Question 2 would provide the basis for this.

The Combined Authority would also expect strong local accountability for Great British Railways' decision-making by local political leaders on behalf of places (passengers, but also non-rail users and local economies) in addition to the regulatory framework. The growing role and prominence of directly elected Metro Mayors means this mechanism can add value to regulatory accountability and is a further incentive for Great British Railways to build strong and effective partnerships locally. For this to work, there must be clarity of 'who is in charge.' Therefore, the Combined Authority supports the proposal for strong internal devolution of decision making within Great British Railways that manifests visible and accountable local leadership.

Q18: Do you support the proposal to give ORR a statutory power to levy a fee on Great British Railways to cover the costs of ORR's functions which are currently funded through the network licence? (Paragraph 3.48) Please explain.

The Combined Authority supports this proposal. It is important that regulators such as ORR are independent of government so that they are free to regulate effectively over the long term.

Q19: Will the proposed changes enable Transport Focus to effectively undertake the role of independent passenger champion in the new rail industry structure? (Paragraph 4.8) Please explain

The Combined Authority supports a strong role for Transport Focus as independent passenger champion. It is right this role should be reviewed and strengthened as part of the review process.

Whilst Transport Focus remains in a primarily advisory role it would seem unnecessary to formally constrain its representations and recommendations from having regard for value for money (para 4.7); that is a factor to be more appropriately weighed by statutory and budget-holding decision makers.

The Authority otherwise defers to Transport Focus' analysis of the changes.

Q20: How can we ensure that accessibility is integral to Great British Railways' decision making and leads to cultural change in the rail industry? Please explain.

As a requirement of its licence, it is proposed that Great British Railways will be required to provide accessible stations. Great British Railways need to have control over the funding mechanisms and not be restricted by short term bidding processes with restrictive requirements to ensure sensible prioritisation of accessibility improvements, and development of a pipeline of opportunities to improve cost effectiveness and efficiency of delivery. This would also offer a better basis for joint development of programmes of work at the local level, recognising that local transport authorities and their local partners are regular co-investors in access improvements. There is increasing expertise and information available, including station accessibility audits, providing a strong starting point.

Station accessibility, in particular, is an area where West Yorkshire Combined Authority has a strong track-record of investment and sees the formation of Great British Railways as an opportunity to form a strong local working relationship to both maximise the accessibility of the

network and fully realise the wider local potential of stations. Consistent funding will increase the opportunity to deliver access improvements efficiently alongside other enhancement or renewal activity.

Q21: Do you support the proposal to expand DPTAC’s remit to become a statutory advisor to Great British Railways, as well as to the Secretary of State, on matters relating to disability and transport? (Paragraph 4.15) Please explain.

The Combined Authority supports this proposal, noting that DPTAC itself welcomes this proposal, which is commensurate with the delegation of decision-making and budgets from the Secretary of State to Great British Railways. DPTAC as a representative group is well-placed to know what is required and are likely to have effective ideas (not all of them expensive) which will make journeys possible and easier.

Q22: In addition to providing Great British Railways with powers to make “permitted information disclosures”, are there any other revisions to the Railways Act 1993 or barriers to promotion of open data that you consider need to be addressed? Please explain.

The Combined Authority supports any progress in this area. The Railways Act 1993 is based on a model where revenue risk was transferred to private sector operators, and where commercial competition between contracted operators was a core part of the model. The Plan for Rail envisages neither of these things, which justifies a substantially more open approach to detailed patronage data. Any proposal for data to remain confidential must be strongly justified given the wider acknowledged public benefit of open data – the Combined Authority would welcome a transparent process to ensure this is the case.

The Combined Authority places a high value on open by default data, not least because it assists with Local Transport Plan duties. Rail industry data, including detailed patronage and revenue data will help the Authority develop more effective policies, and can secure more effective co-ordination across local transport modes. This is also relevant to the development of proposals for a Mass Transit network in West Yorkshire.

Open data promotes improved transparency (and therefore more effective) decision-making.

Q23: Do you support the proposal to include a power in primary legislation to enable the ratification of the Luxembourg Rail Protocol? Please explain.

The overwhelming objective in this context is to enable the railway to be a cost-efficient and coherent entity. While there may be scope for the Protocol to open new avenues of finance and procurement for rail rolling stock, it is important that rail legislation does not limit the options open to the railway. There are convincing arguments that the current system, deriving from the 1990s framework put in place under privatisation, is cost-inefficient, and tends towards perverse incentives as regards fleet strategy. It also militates against a ‘guiding mind’ strategy for rolling stock, such as cascades and the links between infrastructure planning and rolling stock policy – areas where the privatised industry has frequently struggled.

Future legislation needs therefore to be designed with all these priorities in mind, and a variety of solutions to rolling-stock procurement may emerge, including potentially a return to “traditional” outright purchase of equipment where this is most cost-effective – given that a move away from short-term franchises and towards a joining of track and train makes this a realistic option.

This points to a framework which offers the greatest possible flexibility to Great British Railways and local partners on the approach taken to rolling stock management and procurement.



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All information correct at time of writing