

Writing a monthly column means that I rarely get the buzz of filing a story against a deadline, which is why I think of myself as a writer, rather than a journalist. But having sent this month's column to the editor, I then got a call from an Informed Source which transformed an analysis piece into hot news and a last minute rewrite.

Post-franchise exit strategy in turmoil  
DfT investigates the Utility railway  
Carmont - the aftermath  
Sandwich rant  
New Train TIN-watch

In last month's column I described how the Department for Transport had made the Direct Awards, which will take over from the current Emergency Recovery Measures Agreements (ERMAs), conditional on owning groups handing over Parent Company Support (PCS) funds for franchises which would have failed had the pandemic not happened. Collectively worth several hundred million, the PCS would have supported a failing TOC until it collapsed. Such a default could also see the Performance Bond forfeited, plus any franchise assets which would normally be sold to a successor franchise.

To determine these 'transition payments', DfT had commissioned a model which would determine the financial performance of each TOC, had business continued as normal. If the model showed that the PCS would have run out before the end of the franchise, DfT would receive the currently unused PCS as a transition payment.

Owning groups were given the forecasts for each of their franchises, plus the estimated payments due. They then had 14 days to consider the proposal and respond.

After a further 14 days for DfT to consider these representations and confirm the final payment, the Owning Group had a further 14 days to accept the decision and pay up - the deadline being 14 December.

But faced with this 'heads I win tails you lose' threat, the owning groups decided to stand their ground. Taking legal advice, they highlighted several instances where the process could be deemed unreasonable.

First they had been 'bounced' into the transition payments process and then given only 14 days to respond. Next, according to Informed Sources, they had not been given the model. According to DfT only the assumptions behind it had been shared with the operators.

Faced with this challenge, DfT is now providing the owning groups with sections of the model. And the latest news is that the deadline for signing agreements covering the transition from ERMAs to Direct Awards has slipped back to 22 January with a further week to pay.

Meanwhile, back to the Direct Awards. With a few exceptions, if the financial terms for the exit from the existing franchise could not be agreed, the franchise would have reverted to its original terms from mid-January. That will clearly be affected the owning group's challenge.

DfT investigates ECML service rationalisation

On 8 October, the Department for Transport wrote to Network Rail Chief Executive Andrew Haines commissioning a review of capacity allocation on the East Coast Main Line (ECML). The letter emphasised that 'the review should be undertaken from the perspective of a neutral single guiding mind, not in your capacity as CEO of NR'.

That certainly got people's attention. While the main-stream media immediately assumed that Andrew was being lined up to be the long-heralded 'single guiding mind', the real political meat in the letter came towards the end. DfT 'recognised' that starting from a 'blank sheet' 'may lead to recommendations that are not deliverable within the current legislative and regulatory environment'.

In the original privatisation structure, a key role of the Office of the Rail Regulator (ORR), as it was then, was to regulate access to the privately owned infrastructure and ensure that all operators were treated equitably. We all had a lot of fun when ORR held its ECML access hearings in 2014-15. These were all about reconciling competing claims for the finite number of High Speed Long Distance paths on the ECML. Network Rail disputed whether there were any spare paths.

In the event, ORR allocated firm or conditional paths to the franchised operator (now LNER) and First Group plus Grand Central and Hull Trains. Yet when TransPennine Express began running its Class 802 bi-modes to Newcastle and Edinburgh, Network Rail's concerns over capacity were justified. Bi-modes are required to run on diesel traction under the wires at critical location where the electric traction power supply is inadequate.

Network Rail has already warned DfT about the approaching capacity crisis. DfT now accepts that, despite 'significant investment in infrastructure and new rolling stock, including through the Thameslink and Intercity Express Programmes, capacity on the ECML remains insufficient to deliver the full train service requirement of public-sector-contracted operators alongside freight and open access operators' requirements'.

But you can't just pull services. ORR's duties when it comes to access are bound by the Railways Act: it can't revoke access rights it has granted just like that. So DfT suggests that it would be 'helpful', if Mr Haines could work with ORR to determine which of his recommendations could be delivered now, and which would require a change of legislation.

## Carmont – services restored

First of all, my thanks to all the readers who responded to last month's analysis of the time taken to reopen the Dundee-Aberdeen main line following the derailment at Carmont. I had been concerned that my dispassionate approach to safety might be upsetting for some, but in the event all but one of the replies were supportive.

When the line reopened early in November it had been 82 days since the fatal accident. In the column I look into the roles, duties, responsibilities and activities of the various bodies involved.

A recurring question from readers concerned the removal of the vehicles, which required the construction of an access road for the 600 tonne crane. This work delayed the start of clearing the site.

Why, asked readers, could the vehicles not have been cut up on site and transferred by rail cranes to lorries? Given that the performance of the Mk 3 coach in high-energy accidents has been analysed extensively, what remained to be learned, I asked RAIB? Their argument is that with catastrophic accidents so rare, it is increasingly important that real-world data is collected when they do happen.

RAIB believes it would be failing in its duty were it not to seek to understand how the InterCity train performed against current crashworthiness requirements. Lessons learned could be relevant to both refurbished Mk 3 stock and even future designs.

I don't buy this to the extent that it precludes dismantling vehicles for easier handling. But I should add, that it was Network Rail's decision to remove the vehicles entire, not at RAIB's request.

That said, areas of interest to RAIB included the mitigation of derailment risk following encounters with wash-outs and landslips and ways of keeping trains upright and reasonably in-line following derailment. RAIB argues that what happened at Carmont is very different from previous Mk3 accidents. And RAIB's crashworthiness specialist has concluded that had the vehicles been cut up on site, it would have compromised the investigation.

There are lessons to be learned from Carmont, outwith the RAIB's eventual report. In particular, there is the widening gap between the corporate and societal response to fatal accidents on road and rail.

Because of the Covid-19 Pandemic, the closure of a main line on the ScotRail Seven Cities network went largely unremarked. And there appeared to have been no hurry to introduce a temporary shuttle service over the separated legs of the route.

This is likely to have been noted by those concerned with the costs of the railway. This prompts the question, 'is your train service really necessary if you can do without it for 82 days'.

## Roger's Rant

Defending criticism from Hugh Merriman MP that the 'single guiding mind' might end up as Network Rail, 'which sounds a little like the days of the old British Rail', Transport Secretary Grant Shapps replied, 'it's very important as we move forward that we don't tend to act as the old British Rail - bad sandwiches and the rest of it'.

This hoary old cliché really got up my nose, because, along with Marks & Spencer and Boots, InterCity were pioneers of the factory-made packaged sandwich which, following a trial on the West Coast Main Line, went national in 1986. By 1994 BR's sandwich sales had grown from 2 million to 6 million a year.

Why am I allocating valuable space in the column to such a minor issue? Because of the insight it provides into political thinking – if that is not an oxymoron.

For a government terrified of the 'N' word, British Rail has to be anathematised, even though today's railway is more state controlled than BR ever was. And a return to sandwich technology of the 1970s is the awful warning.

Oddly, Mr Shapps didn't tell his questioner that the new scheme of things would provide 'world-beating sandwiches'. But perhaps that rallying cry is being saved for when the Prime Minister unveils the Williams Review.

## New Train TIN-watch

This month I thought it was time to revive an early feature of the TIN-Watch table – the 'shaming train'. This takes the statistics for some lowly ex-British Rail fleet and shows where it would rank among all the shiny new kit flooding onto the Network.

What caught my eye when the Period 6 data arrived was the Great Western Railway's Class 143 Pacer fleet. Yes, it's small – only eight units and the mileage is relatively low. But equally the sets are old and running low-mileage short journeys, which doesn't help reliability. It ranks 9th in the Table, after the Hitachi and Siemens top performers.

+++++

## Video previews

Each month we produce two video previews explaining more about what's in the new issue of the magazine. Go to our Facebook page ([www.facebook.com/modernrailwaysmag](http://www.facebook.com/modernrailwaysmag)) to see the Editor talk to Roger Ford and Ian Walmsley in a 'Zoom' call, or head to our YouTube page (<https://rb.gy/jog4f7>) where Ian Walmsley hosts a longer video with individual contributions from the magazine's writers. Both videos are usually published on the day the magazine goes on sale, normally the fourth Thursday of the month.

+++++

## Roger's blog

A few weeks ago, just before lock down, a chum in procurement management came into our Pilates class and declared 'I hate Zoom'. While I am a relatively infrequent participant in Zoom and Teams meetings and webinars, I can see what he means.

When done well, like the Railway Industry Association's virtual Annual Conference, they can be rewarding. But the Teams press briefing on the East Coast ETCS resignalling programme, run by DfT, was an information-free zone. While you can type in questions, these go through an interlocutor and you may not get an answer.

On the other hand a webinar on decarbonisation, run by the Rail Safety & Standards Board on behalf of the Rail Technical Strategy showed how it should be done. To be frank I was expecting some vague aspirations, probably focusing on hydrogen. But, mea culpa, the presentations were full of technology rich, here-and-now reports including developments in electrification.

Friday this week (27 November) we will be streaming the 'Virtual Golden Spanners' awards in an on-line ceremony. A record number of spanners will be awarded, with three categories, each with three classes - EMU, DMU and Intercity - and gold, silver and bronze spanners in each class. Plus my usual wild card.

Adrian Shooter is the guest speaker and I will be announcing the winners, recorded on, yes, Zoom, from home.

The ceremony will be available at [www.keymodernrailways.com](http://www.keymodernrailways.com) to Fourth Friday Club members and Key Modern Railways subscribers.

With the Spanners results calculated, the next item on the 'to-do' list is my annual rolling stock reliability review for the January Traction & Rolling Stock issue of Modern Railways. This is a lot of work - but also a lot of fun.

Roger