

# Y Pwyllgor Cyfle Cyfartal

EOC(3)-03-10 : Papur 3

## Cwmpasu ymchwiliad nesaf y Pwyllgor - Hygyrchedd Gorsafoedd Trenau

### Cefndir

Mae'r Pwyllgor wedi dangos y byddai'n cynnal ymchwiliad i hygyrchedd gorsafoedd trenau yng Nghymru. Mae Gwasanaeth Ymchwil yr Aelodau wedi paratoi papur i gwmpasu'r ymchwiliad, sydd wedi'i hategi i'r papur hon.

### Pwrpas

Gwahoddir i'r Pwyllgor ystyried y papur cwmpasu, gan gynnwys y cylch gorchwyl ddrafft a thystion potensial.

Gwasanaeth y Pwyllgorau  
Chwefror 2010

Accessibility of Railway Stations: Scoping paper

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**Introduction**

This paper provides a background brief and draft terms of reference for a possible inquiry into the accessibility of railway stations in Wales.

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## Key Points

- **Arriva Trains Wales** operates railway stations in Wales, although they are owned by Network Rail
- According to Arriva Trains Wales, many of these stations are **wholly or partially inaccessible** to wheelchair users and the majority of them are unstaffed
- A number of voluntary sector organisations have highlighted **problems caused by railway station inaccessibility** to Assembly Members
- Part 3 of the *Disability Discrimination Act 1995*, as amended, establishes a **right for disabled people to access rail services**. Service providers must make **'reasonable adjustments'** to the way their services are provided to make their services accessible
- Two recently introduced pieces of **European legislation**, 2008/164/EC and European Regulation (EC) No. 1371/2007 on Rail Passenger Rights and Obligations, also establish rights and standards regarding the accessibility of railway stations
- The **Department for Transport (DfT)** and **Network Rail** have a key role in overseeing rail infrastructure (including stations) in Wales. Section 71B of the *Railways Act 1993*, as amended, imposes an obligation on the Department for Transport to prepare and from time to time revise a code of practice for protecting the interests of users of railway passenger services who are disabled, and to publish and promote its implementation.
- **Welsh Ministers have powers** which could be used to improve the accessibility of railways stations, for example, under the *Railways Act 2005*, Welsh Ministers have a role as franchise managers and are able to fund providers of services and new or improved infrastructure.
- The Department for Transport **Access for All Scheme** is the main source of funding to improve the accessibility of stations in England and Wales. Funding is also provided through the **National Stations Improvement Programme (NSIP)**, which is funded by the DfT and delivered by Network Rail
- The **Welsh Government** has **committed £1 million** over three years to the NSIP programme and **works with** the Department for Transport and Network Rail to deliver the Access for All Small Schemes programme

# 1. Access to railway stations in Wales

## 1.1. Current levels of accessibility

Railway stations in Wales are owned by Network Rail but most are managed by Arriva Trains Wales (ATW) which was awarded a 15 year franchise in December 2003, subject to five-year Performance Review assessments.

The ATW operates 244 stations, 218 (90 per cent) of which are in Wales.

The Arriva Trains Wales publication, [A Guide for Customers with Disabilities](#)<sup>1</sup> provides details of the accessibility of the stations operated by the company. The guide states that the majority of stations are either unstaffed or have 'limited staffing' which means there is only a ticket office facility at the station and the staff there are not trained or permitted to undertake any physical assistance<sup>2</sup>. The following tables are based on the information provided in the guide.

**Table 1: Stations with wheelchair access to platform**

| Step free access (1) | Part access      | No access        | Total              |
|----------------------|------------------|------------------|--------------------|
| 108 (50 per cent)    | 35 (16 per cent) | 75 (34 per cent) | 218 (100 per cent) |

(1) Step free access to all platforms at all times, with any ramps having a gradient less than 1:12

**Table 2: Stations with wheelchair accessible toilets**

| Yes              | No                | Total              |
|------------------|-------------------|--------------------|
| 23 (11 per cent) | 195 (89 per cent) | 218 (100 per cent) |

**Table 3: Stations with wheelchair access to the train**

| Yes               | No               | Total              |
|-------------------|------------------|--------------------|
| 192 (88 per cent) | 26 (12 per cent) | 218 (100 per cent) |

Access improvements to 7 stations in Wales are planned to be carried out between September 2009 and September 2010<sup>3</sup>.

A Members' Research Service analysis of the information contained in the 2009 Arriva Trains publication [A Guide for Customers with Disabilities](#) and the 2008 publication, [A Guide for People with Reduced Mobility](#)<sup>4</sup> indicates that there have been improvements in the accessibility of some stations and station facilities from 2009 to 2010 but other stations have become less accessible. The reasons for this are not clear and it is possible that the changes are a result of improved surveying methods rather than physical changes to the station and its facilities. Tables 4 and 5 provide examples:

<sup>1</sup> Arriva Trains Wales [A Guide for Customers with Disabilities](#) (Valid until 1 September 2010)

<sup>2</sup> Ibid, 6.1

<sup>3</sup> Ibid, Annex C.

<sup>4</sup> The publication is no longer available online but an electronic version is available from the Members' Research Service

**Table 4: Stations which have gained or lost some or all of their wheelchair access to platform, 2009 to 2010**

| Step free access to part access   | Step free access to no access  | Part access to step free access                             | Part access to no access | No access to part access | No access to step free access   |
|---|--|---|--------------------------|--------------------------|---|
| Hawarden<br>Llanfairfechan<br>Llanfairpwll<br>Port Talbot Parkway<br>Porthmadog<br>Shotton High Level | Gwersyllt<br>Llwyngwril<br>Mountain Ash<br>Penmaenmawr<br>Penyffordd | Bangor<br>Carmarthen<br>Haverfordwest<br>Rhyl<br>Colwyn Bay | Harlech<br>Trehafod      | -                        | Abercynon<br>Cardiff Central<br>Coryton<br>Dinas Powys<br>Llanbedr<br>Llandudno Junction<br>Maesteg<br>Merthyr Vale<br>Roman Bridge |

**Table 5: Stations which have gained or lost their wheelchair access to the train**

| Gained                          | Lost   |
|---------------------------------|--|
| Dovey Junction<br>Severn Tunnel | Bordorgan<br>Bynea<br>Chirk<br>Llanaber<br>Llanfairpwll<br>Rhosneigr |

The ATW guide focuses on the issue of station access for disabled people who use wheelchairs. The issue of station accessibility was raised from another perspective in the written evidence submitted by the [Guide Dogs for the Blind Association](#) to the Enterprise and Learning Committee's recent inquiry into the [Future railway infrastructure in Wales](#). Their evidence provided examples of problems encountered by blind and partially sighted people including:

- Difficulties in locating the taxi rank outside the station
- Difficulties crossing the road to get into the station
- The lack of consistency in the tactile surfaces used to mark the edge of platforms
- Difficulties locating the ticket office
- A lack of staff available to offer the Assisted Passenger Reservation Service (APRS)
- A lack of audio announcements

The MS Society Cymru, which has lobbied Assembly Members in the past on the issue of the accessibility of public transport, has highlighted the problems associated with inaccessible stations:

Steve Neal, a member of the MS Society from Wrexham, has been living with MS since 1990 and using a wheelchair since 2002. He commented, "I am always worried about using the train in Wales in case I am stranded at the other end. Travelling from Wrexham to Cardiff is not so bad, but even then, if the train arrives back too late and the station staff have gone home, the lift is locked and you could be stranded on a platform. I recently had to get a taxi from

Shrewsbury to Wrexham, because my train would have got to Wrexham General after the lift had been locked. I would never risk taking to Prestatyn or one of the other smaller stations in North East Wales. The train could pull away and you would be left there."<sup>5</sup>

### **1.2. Arrangements put in place to address station access problems**

The Arriva *Guide for Customers with Disabilities* highlights a number of arrangements put in place by the company aimed at assisting disabled people<sup>6</sup>. Examples include:

- Customer service staff offering advice to disabled passengers who pre-book on the most suitable station for them
- The availability of ramps in larger stations
- Customers who are unable to get off at their chosen station can travel to the nearest suitable station and return to their original destination at no extra cost. If no train is suitable or available a taxi is provided at no extra cost
- Stations lifts, where they exist, have all been adapted so that customers can use them at any time

The issue of disabled people's access to railway stations has been raised by Members through Assembly Questions, Written Statements of Opinion and through a Welsh Liberal Democrat debate entitled [\*The Accessibility of Public Transport in Wales\*](#) which took place on 3 June 2009. A key theme of the debate was the extent of the Welsh Government's role in addressing the issue of inaccessibility.

## **2. The legislative framework**

### **2.1 Legislation relating directly to service access**

A range of UK and European legislation aims to ensure that disabled passengers are able to access rail services in the UK.

The [\*Disability Discrimination Act 1995\*](#), as amended, and the Regulations made under it place a number of obligations on train and station operators and those responsible for providing railway infrastructure. All service providers have a duty to comply with Part 3 of the DDA 1995, which covers access to goods, facilities and services. Service providers have an obligation not to discriminate against disabled people by refusing them service, providing them with service on worse terms, or providing a lower standard of service than that provided to non-disabled people. Service providers must also make 'reasonable adjustments' to the way in which goods, facilities and services are delivered, for example by offering extra help, or making changes to the way they provide their services. The Department for Transport website points out that:

Part 3 of the DDA is essentially a civil rights provision and so, until case law has been established, it is not possible to say what will or will not be deemed as "reasonable" in the eyes of the Courts<sup>7</sup>.

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<sup>5</sup> MS Society website (accessed 2 February 2010) Press release issued June 2009, [\*MS Society Cymru calls on the Welsh Assembly Government to make public transport accessible for all\*](#)

<sup>6</sup> 6.1. Arriva Trains Wales A Guide for Customers with Disabilities ( Valid until 1 September 2010)

<sup>7</sup> Department for Transport [website](#), accessed 2 February 2010.

Section 71B of the *Railways Act 1993*, as amended, imposes an obligation on the Department for Transport to prepare and from time to time revise a code of practice for protecting the interests of users of railway passenger services who are disabled, and to publish and promote its implementation. The latest edition of the [Code](#) was published in July 2008<sup>8</sup>. The Code applies to services provided by operators in the UK in relation to trains and stations. In particular the DfT requires all licensed passenger train operators and station operators, including Network Rail as operator of its managed stations, to follow this Code of Practice. It also applies in all public circulation areas within railway stations.

Each passenger train and station operator requires an operating licence, issued by the [Office of Rail Regulation](#), the independent safety and economic regulator for Britain's railways. These licences include a condition that requires operators to establish and comply with a Disabled People's Protection Policy (DPPP). The DPPP outlines how they will protect the interests of disabled users of their trains and stations. [How to Write Your Disabled People's Protection Policy: A Guide for Train and Station Operators](#), published by the DfT in November 2009, explains what the Department for Transport would normally expect an approved DPPP to contain in order to comply with the licence condition. Arriva Trains Wales' Disabled Persons Protection Policy (DPPP) will be submitted to the Department for Transport and Welsh Assembly Government annually

The Code of Practice mentioned above takes account of changes introduced by European standards for accessible railway infrastructure which were adopted by the UK on 1 July 2008. Directive, 2008/164/EC created a technical specification for 'persons of reduced mobility' to apply to the trans-European conventional (TENS) and high speed rail network<sup>9</sup>.

A map of the UK TEN rail network is available from the Department for Transport [website](#). Welsh rail routes in relation to the TEN are outlined in Table 6. The map also shows that there is a stretch of high speed network between Severn Tunnel and Cardiff.

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<sup>8</sup> Department for Transport and Transport Scotland (July 2008) [Accessible train and station design for disabled people: A code of practice](#)

<sup>9</sup> The TENS and high speed rail lines are set out in [EC Decision 2004 No. 884](#)

**Table 6: TEN routes in Wales**

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| <b>TENS Routes</b>  | <b>Operator</b>                          |
|---|--|
| South Wales main to Milford Haven/Fishguard/Pembroke Dock | First Great Western (to Swansea)/ Arriva |
| North Wales coast to Holyhead                             | Arriva/ Virgin                           |
| Mid - Wales to Aberystwyth                                | Arriva                                   |
| Marches lines (Newport to Herefordshire border)           | Arriva                                   |
| <br>  |  |
| <b>Non TENS Routes</b>                                    | <b>Operator</b>                          |
| Valley Lines  | Arriva                                   |
| North Wales Rural (Conwy Valley)                          | Arriva                                   |
| Heart of Wales  | Arriva                                   |
| Cambrian Coast (from Dovey Junction to Pwllleli)          | Arriva                                   |
| <br>  |  |
| Shotton/ Wrexham/ Ruabon                                  | Arriva/ Virgin                           |
| Vale of Glamorgan   | Arriva                                   |
| Non - passenger branch lines                              | -  |

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The [European Regulation \(EC\) No. 1371/2007 on Rail Passenger Rights and Obligations](#) came into force in December 2009 and this will also have implications for railway station operators as it establishes basic rights including 'for equal treatment of disabled persons and persons with reduced mobility'.

The *Equality Bill* includes provisions which would enable the Secretary of State to make Regulations regarding the accessibility of rail vehicles<sup>10</sup>. The provisions also apply to the trans-European conventional (TENS) and high speed rail system. Whilst extensive, the provisions apply to trains rather than stations.

## ***2.2 The provision of rail services and the powers of Welsh Ministers***

Although significant aspects of railway policy are non-devolved, Welsh Ministers do have powers to that could, in principle, be used to improve the accessibility of railway stations in Wales.

The [Railways Act 2005](#) gave new powers to Welsh Ministers. Under the Act, Welsh Ministers are joint signatories with the Secretary of State for the Wales and the Borders Franchise<sup>11</sup>. In effect, Welsh Ministers are responsible for the Arriva Franchise as it operates in Wales with the Secretary of State responsible for the services which operate in England.

The Act also enables Welsh Ministers to:

- Give financial assistance to any organisation for the purpose of developing Welsh railways (including Network Rail and Train Operating Companies (such as Arriva Trains Wales) – this includes the power to fund new services as well as new rail infrastructure or improvements to existing infrastructure (including stations);

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<sup>10</sup> Clauses 180 and 181, *Equality Bill*

<sup>11</sup> Section 10 (1) and (2), *Railways Act 2005*



- Publish guidance jointly with the Secretary of State in relation to, and make any proposals for, closures of services or facilities that it funds;
- Designate, where applicable, new services it funds as experimental for a trial period of up to five years.

The Deputy First Minister provided a note to the Enterprise and Learning Committee on the Welsh Government's powers in relation to the Rail Infrastructure on 18 November 2009<sup>12</sup>. This letter, which also provides an explanation of the Welsh Government's decision not to seek additional powers under the *Railways Act 2005*, is attached as Annex A.

The *Transport (Wales) Act 2006* gave Welsh Ministers new responsibilities for preparing a Wales Transport Strategy and a general duty to "develop policies for the promotion and encouragement of safe, integrated, sustainable, efficient and economic transport facilities and services to, from and within Wales."<sup>13</sup>

### **2.3. Potential to seek powers through a Legislative Competence Order**

Field 10 of Schedule 5 to the *Government of Wales Act 2006* (GOWA) is 'highways and transport'. However, Subject 10, Schedule 7 to GOWA lists the following exception to 'highways and transport'

'The provision and regulation 'of railways services apart from financial assistance which –

- (a) does not relate to the carriage of goods,
- (b) is not made in connection with a railway administration order, and
- (c) is not made in connection with Council Regulation (EEC) No. 1893/91 on public service obligations in transport'

Therefore, it would be arguable as to whether the general issue of railway accessibility could be interpreted to fall in or outside the 'provision and regulation of railways services' of this exception if an Assembly Committee or Member wished to seek powers through an LCO.

## **3. UK and Welsh Government funding of station access improvements**

Access for All is a £370 million Department for Transport funding scheme aimed at improving the accessibility of stations. Access for All is part of the [Railways for All Strategy](#), launched in 2006 to address the issues faced by disabled passengers using railway stations in Great Britain. The Railways for All Strategy provides the following explanation of how the funds will be prioritised.

### Prioritisation of Investment

The consultation proposed to invest the Access for All funding at **the stations which most people use**. We measure this by calculating the number of people who use a station (the footfall) from ticket sales data. This provides us with a figure for each station in Great Britain.

The incidence of disability varies across the country and it was suggested in the consultation responses that account should also be taken of that factor. Consequently, using the 2001 Census data which identified the

<sup>12</sup> Enterprise and Learning Committee EL(3) 21-09 [Supplementary evidence - Minister for Economy and Transport](#) 21 October 2009

<sup>13</sup> Section 1(1) *Transport (Wales) Act 2006*

proportion of people who considered themselves disabled, we have weighted the footfall figures on a station by station basis.

This has meant that those busier stations which are in areas where more people consider themselves disabled, now have a higher priority. We have not planned to invest in stations which either meet or would be expected to meet our objective of achieving an accessible route over the next 3 years or where staff currently provide an equivalent level of service. This is because we believe that this funding should be used to expand the accessibility of the rail network, rather than investing to improve access at stations which already have reasonable access provision or where access improvements are already planned.

A recent report<sup>14</sup> presented to the Secretary of State for Transport called for an extension of the Access for All funding to be extended by a further 5 years beyond 2014, when the scheme is due to end.

The Deputy First Minister provided an overview of Welsh Government support of station improvement projects as part of his evidence to the Enterprise and Learning Committee's Inquiry into Future railway infrastructure<sup>15</sup>:

23. The National Stations Improvement Programme (NSIP) is funded by the DfT and delivered by Network Rail. In Wales, it is managed by a Local Delivery Group comprising Network Rail, ATW and the Welsh Assembly Government. The aim is to deliver enhanced facilities which will benefit existing passengers and attract new patronage to the railway. **I am investing £1m a year in the programme over the next three years.**

24. We are also developing the "NSIP+" programme. This aims to attract European Convergence funding to significantly enhance the scope and coverage of the scheme, in particular to provide for **improved station accessibility** and synergy with regeneration programmes.

25. The NSIP programme includes the Easier Access Scheme, which was first piloted at Harrington, Cumbria. The scheme is being trialled in Wales at Aberdyfi with Welsh Assembly Government funding under a partnership with Network Rail & Arriva Trains Wales and will be installed imminently. As set out in the National Transport Plan consultation, Valley Station will also be improved in this way in early 2010, and I hope to then be able to announce a further programme across the rural rail network. I am delighted with this programme, which represents a first for Wales.

26. We are also working closely with DfT, Network Rail and Arrive Trains Wales **to deliver station accessibility improvements in Wales** as part of DfT's **Small Schemes Access for All** programme. One example is the new lift being installed at Platform Zero at Cardiff Central station this year. Many stations have already benefited from smaller station improvements, including station shelters and modern electronic Customer Information Services, with match funding provided by Welsh Assembly Government to ensure that we deliver best value for money improvements.

27. There is also Larger Station Access for All funding. Since DfT commenced this scheme in 2006, funding has been allocated to several projects in Wales. These are Prestatyn and Abergavenny (approved in

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<sup>14</sup> Green, C and Hall, P. (November 2009) [Better Rail Stations: An Independent Review Presented to Lord Adonis, Secretary of State for Transport](#)

<sup>15</sup> Enterprise and Learning Committee EL(3) 21-09(p3). [Evidence from the Minister for Economy and Transport](#) to the Inquiry into Future railway infrastructure in Wales, 21 October 2009

2006), Bridgend and Wrexham General (approved in 2007), and Neath and Severn Tunnel Junction (approved in 2008).

28. These important schemes are in development and I shall be discussing the rate of progress with Lord Adonis at our next regular meeting.

## 4. Suggested Terms of Reference and consultees

### 4.1. Aim

To explore actions the Welsh Government and other key organisations could take to improve the accessibility of railway stations in Wales.

The inquiry will consider the following:

- a) The range of difficulties experienced by both disabled and non-disabled people as a result of:
  - Inaccessible platforms and other station areas
  - Inaccessible facilities, such as toilets or information services
  - Problems in getting from the platform onto the train and vice versa
  - Stations that are unstaffed or have a limited staffing;
- b) The arrangements put in place by ATW to help people overcome these difficulties;
- c) The pace at which improvements to the accessibility of stations is taking place at;
- d) Actions taken by the Welsh and UK Government in order to improve station accessibility in Wales
- e) Suggested areas of intervention for the Welsh Government and others.

### 4.2. Suggested consultees

#### Councils

Blaenau Gwent County Borough Council  
Bridgend County Borough Council  
Caerphilly County Borough Council  
Cardiff County Council  
Carmarthenshire County Borough Council  
Ceredigion County Council  
City and County of Swansea  
Conwy County Borough Council  
Denbighshire County Borough Council  
Flintshire County Borough Council  
Gwynedd Council  
Isle of Anglesey County Council  
Merthyr Tydfil County Borough Council  
Monmouthshire County Borough Council  
Neath Port Talbot County Council  
Newport City Council  
Pembrokeshire County Council  
Powys County Council  
Rhondda Cynon Taff County Borough Council  
Torfaen County Borough Council  
Vale of Glamorgan Council  
Wrexham County Borough Council

**Police Authorities**

Dyfed Powys Police Authority  
Gwent Police Authority  
North Wales Police Authority  
South Wales Police Authority  
British Transport Police

**Official Agencies**

Care Council for Wales  
Children's Commissioner for Wales  
Older People's Commissioner for Wales  
Equality and Human Rights Commission  
Health and Safety Executive  
Wales Audit Office  
Welsh Language Board  
Welsh Local Government Association

**Consumer Groups**

Consumer Focus Wales  
Passenger Focus  
Confederation of Passenger Transport Wales

**Councils for Voluntary Action**

Bridgend Association of Voluntary Organisations  
Carmarthenshire Association of Voluntary Services  
Ceredigion Association of Voluntary Services  
Conwy Voluntary Services Council  
Denbighshire Voluntary Services Council  
Flintshire Local Voluntary Council  
Gwent Association of Voluntary Organisations  
Interlink  
Mantell Gwynedd  
Medrwn Mon  
Neath Port Talbot Council for Voluntary Service  
Pembrokeshire Association of Voluntary Services  
Powys Association of Voluntary Organisations  
Swansea Council for Voluntary Service  
Torfaen Voluntary Alliance  
Voluntary Action Cardiff  
Voluntary Action Merthyr Tydfil  
Vale Centre for Voluntary Services  
Association of Voluntary Organisations in Wrexham  
Wales Council for Voluntary Action

### **Local Access Groups**

Arfon Access Group  
Brecknock Access Group  
Cardiff Access Group  
Cardiff and Vale Coalition of Disabled People Access Group  
Conwy County Voluntary Access Group  
Denbighshire Disability Forum  
Disability Advice Project  
Flintshire Access  
Highlite Access  
Llanelli Disabled Access Group  
Montgomery Disability Forum  
Neath Port Talbot Access Group  
Newport Access Group  
Pembrokeshire Access Group  
Radnorshire Disability Forum  
Swansea Access for Everyone (SAFE)  
Taff Ely Access Group  
Wrexham Access Group

### **Trades Unions**

Associated Train Crew Union  
GMB  
RMT  
TUC Wales

### **Voluntary Sector**

ABCD  
Age Alliance Wales  
Age Concern Cymru and Help the Aged in Wales  
Arthritis Care In Wales  
Association for Spina Bifida Hydrocephalus (ASBAH)  
Autism Cymru  
Barnardo's Cymru  
Bevan Foundation  
Board of Community Health Councils  
Bobath Children's Therapy Centre Wales  
British Heart Foundation Cymru  
British Institute of Learning Disabilities  
British Orthopaedic Association  
Carers Wales  
Cartrefi Cymru  
Centre for Help & Advice for the Disabled  
Changing Faces  
Children in Wales  
Chwarae Teg  
Citizens Advice Cymru  
Community Transport Association  
CONNECT Disability Rights Advice  
Contact a Family  
Crossroads Caring for Carers  
Deaf Association Wales  
Disabled Children Matter

Disabled Living Foundation  
Disabled Travel Advice  
Disability Wales  
Guide Dogs for the Blind  
Joseph Rowntree Foundation  
Learning Disability Wales  
Macmillan Cancer Support  
Mencap Cymru  
Merched y Wawr  
Mind Cymru  
Mothers' Union in Wales  
Motor Neurone Disease Association  
MS Society Wales  
Mudiad Ysgolion Meithrin  
National Autistic Society  
National Federation of Women's Institutes  
Older People's Advocacy Alliance  
Parents' Federation  
Parkinson's Disease Society  
Renal Association  
RNIB Cymru  
RNID Cymru  
Royal British Legion  
Scope Cymru  
SNAP Cymru  
Stonewall Cymru  
Stroke Association Wales  
UK Disabled People's Council  
Wales Carers Alliance  
Wales Council for the Blind  
Wales Council for Deaf People  
Wales Council for Voluntary Action  
Wales Pensioners  
Wales Pre-school Playgroup Association  
Wales Women's National Coalition  
Young Disabled Persons Network

### **Transport Organisations**

Arriva Trains  
First Great Western  
Heart of Wales Line Forum  
Heart of Wales Line Travellers' Association  
Network Rail  
Rail Freight Group  
Railfuture Wales  
Severn Tunnel Junction Action Group  
South East Wales Transport Alliance  
South West Wales Integrated Transport Consortium (SWITCH)  
Sustrans  
Taith  
TraCC  
Virgin Trains  
Wales Transport Strategy Group

**Enterprise and Learning Committee EL(3) 21-09  
Supplementary evidence - Minister for Economy and  
Transport 21 October 2009**



**Ieuan Wyn Jones AC/AM**  
Dirprwy Brif Weinidog /Deputy First Minister



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref  
Ein cyf/Our ref SF-DFM-0201-09

Gareth Jones AM  
Committee Chair  
Enterprise and Learning Committee  
National Assembly for Wales  
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18 November 2009

Annwyl Gareth,

### **RAIL POWERS**

During the Committee's scrutiny session on 21 October, I agreed to provide details of the Assembly Government's statutory powers in relation to rail infrastructure.

These powers stem largely from the Railways Act 2005, which put in place new arrangements for the oversight and regulation of the railways. The Act brought together all aspects of the regulation of the industry under the Office of Rail Regulation and abolished the Strategic Rail Authority, with the Secretary of State for Transport assuming its role of providing strategic direction and leadership for the railways. The Secretary of State also took on responsibility for specifying the high level outputs which Network Rail, the owner and manager of the railway infrastructure, has to deliver in return for the funding provided by the UK Government.

The Railways Act 2005 also gave the Welsh Assembly Government a range of rail powers for the first time. We became a co-signatory, with the Department for Transport, to the Wales and the Borders franchise, with the ability to specify services, set fares and provide financial assistance to the franchisee (currently Arriva Trains Wales). This means that we manage and fund the franchise, with responsibility for providing revenue support in relation to Wales-only and cross-border services. We did not assume responsibility for a very small number of services in the franchise which operate entirely within England.

In addition to the franchise, the Assembly Government is also able to provide financial assistance for the purpose of developing the railway in Wales. This covers support for Network Rail, for example, in relation to the planned capacity enhancements between Wrexham and Chester. It also allows us to support other passenger and freight train operators.

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There are two main areas which are not devolved. The Assembly Government is not responsible for specifying and funding the high level outputs for the railway network, which is undertaken by the Secretary of State for Transport on an England and Wales basis. My understanding is that the Assembly Government's decision not to seek these powers in the 2005 Act was a recognition of the integrated nature of the railway network in England and Wales, as well as a reflection of concerns that we might become financially responsible for shortfalls in funding infrastructure maintenance.

This means that the Assembly Government is able to fund infrastructure enhancements, but has not had to take on the liabilities associated with wider responsibility for the network. Under these new arrangements, we have made full use of our own powers to invest in the network. We have also been successful in securing UK Government investment in Wales, for example, the re-signalling of the South Wales Main Line and the capacity improvements at Queen Street in Cardiff. The UK Government has also committed to the electrification of the Great Western Main Line through to Swansea.

The other non-devolved area concerns the 'inter-city' operators, such as First Great Western and Virgin, who provide services in Wales. Here the statutory position is that the Secretary of State must consult the Assembly Government on proposals for all franchises serving Wales. We are also consulted on the general guidance given to the Office of Rail Regulation, which has to take account of the Assembly Government's policies and strategies in discharging its responsibilities.

Finally, I should mention that the Assembly Government has various powers for the construction or operation of a railway under the Transport and Works Act 1992. These powers would be relevant in relation to major projects, for example, the construction of a new high speed line.

In summary, the Assembly Government has acquired an extensive range of statutory powers in relation to the railways in the last few years, which have allowed us to develop the integrated and sustainable transport policies set out in the Wales Transport Strategy and the National Transport Plan. We are now able to determine the pattern of local and regional rail services and fund infrastructure enhancements, but have avoided the need to take on the liabilities associated with wider responsibility for the rail network. Generally I am content that we have struck the right balance with these arrangements, but I will continue to keep them under review.

I hope that this is helpful to the Committee. If you need any further information, then do please let me know.



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