

Annex A: Consultation Questions

1. As well as welcoming comments on any aspect of the issues raised in this document, ORR would welcome the views of consultees on the following specific questions:

<p>(a) Consultees are invited to comment on our proposed objectives and to say whether we should adopt any additional objectives in developing our role (paragraph 2.12)</p>	<p>The general tone of this consultation is disappointing. ORR is the only body which has the “clout” to act as an innovator within its existing remit.</p> <p>A] Network Rail keeps reminding us that it is only funded to maintain the railway in a safe condition, and is an inherently risk-averse organisation. It has no incentive to make substantial changes for reasons of sustainability.</p> <p>B] The TOC’s are mandated only by their contract and their duty to their shareholders to provide a service, often with short-term concessions that cannot provide a suitable pay-back period for capital investment.</p> <p>C] RSSB is using its research function to investigate possibilities, but is not funded or mandated to implement change in the industry.</p> <p>D] The rolling stock providers will not upgrade their trains unless there is a visible incentive. Hitherto this has been funded by the TOC’s, with indirect financial support via their contracts with ORR.</p> <p>These difficulties have been highlighted by the Secretary of State for Transport’s speech to Transport 2000 on 14th November 06. His own Department has too wide a responsibility to fully understand all the practical problems of the railways. My conclusion is that ORR is best placed to lead innovation.</p>
--	---

<p>(b) Consultees are also asked for their views on our prioritisation of the three pillars, and to provide their thoughts on the specific issues that they consider need to be addressed (paragraph 2.13)</p>	<p>See response to (a) above – the three pillars miss an important opportunity. The Consultation Document does not make any proposal as to the source or leadership of serious innovations required to reach the Government’s targets.</p>
<p>(c) Consultees are asked to comment on the proposals outlined in chapter 3, and also on whether there are any others that we could add in order that ORR as an organisation can contribute as fully as possible to the achievement of the key sustainable development principles (paragraph 3.12)</p>	<p>Again, see response to (a) above – Chapter 3 is vaguely self-congratulatory and takes a minimalist approach.</p> <p>Yes, of course ORR is achieving its statutory duties, but that will not get the changes needed for the future. There is no indication of how ORR sees that these might be achieved.</p>
<p>(d) Consultees are invited to comment on whether the publication of KPIs would be beneficial in both encouraging environmental improvements across the industry and promoting the benefits of rail travel to the general public.</p> <p>Are there any other specific KPIs additional to those listed in chapter 3 that should be considered?</p> <p>In populating these KPIs, do consultees consider that the information that might be required is already available (to be produced either on a quarterly or annual basis) (paragraph 3.24)?</p>	<p>This would seem to be an area where ORR licensing would not be an appropriate method of encouraging or enforcing sustainable development.</p> <p>The disadvantage of KPIs is that they may not improve performance unless there is a financial incentive. The tendency is to maintain the status quo or to make minimal improvements. Government has been wary of financial incentives and has tended to apply them as short-term measures (e.g. the short-lived grants for improvement of loft insulation and for the introduction of domestic condensing boilers.)</p> <p>A huge amount of management time would be used in acquiring and analysing the KPI returns, with little prospect of a step-change in performance.</p>
<p>(e) Consultees are asked to comment on the way on the proposed ways of ensuring that appropriate KPI information is gathered, and provide suggestions of any possible alternatives. Who do consultees believe should collate and publish this information (paragraph 3.25)?</p>	<p>Monitoring and the use of KPIs is of little relevance to construction and manufacturing activities, as they are often one-off contracts.</p> <p>The adoption of a “best-practice” code of practice as part of enforceable contract conditions may be effective.</p>

<p>(f) Do consultees agree that the scope of the current ORR environmental guidance document should be widened to encompass sustainable development?</p> <p>Are there any additional issues to those set out in paragraph 3.27 that the revised guidance should cover?</p> <p>Are there any areas of the current licensing regime that are proving to be an impediment to sustainable development, and in particular environmental issues, being taken forward (paragraph 3.29)?</p>	<p>Major development is often undertaken by Network Rail and its contractors. There is no current mechanism to encourage sustainable construction methods and practices. Legislation might be necessary, as ORR has no direct control. Non-rail construction is controlled via T&CP legislation and Government Policy guidelines exercised through Conditions of Planning Approval set down by the relevant planning authority. There is no equivalent in the rail industry. The railways are generally exempt from Building Control, although there is existing enabling legislation to allow the removal of this exemption. However, much of Part L of the present Building Regulations is unsuitable to railway structures and energy usage. A new set of relevant regulations and technical requirements would be needed.</p>
<p>(g) Do consultees agree with our proposals to ensure that Network Rail's Business Plan and the RUS process takes appropriate account of sustainable development issues (paragraph 3.35)?</p>	<p>No comment.</p>
<p>(h) Consultees are asked to comment on any specific issues that they consider should be included within the revised Part E of the Network Code (paragraph 3.40);</p>	<p>This will have only a marginal effect on sustainability. It may even tend to maintain the status quo as a minimum.</p> <p>There is no guarantee that a revised Part E will force improvements of the extent needed to meet Government targets.</p>
<p>(i) Consultees' views are sought on whether there is a requirement for greater ORR involvement in sustainable development research and, if so, whether the industry would be willing to fund this through the safety levy and/or licence fee (paragraph 3.48);</p>	<p>There is plenty of research, both nationally and internationally. Sustainability is not new to the scientific world, and there may be little requirement for further research. What is now needed is to go beyond the research stage into development and execution of new systems and equipment.</p>

<p>(j) Consultees are asked to comment on the effectiveness on the aspects of the current incentives framework and structure of access charges that encourage positive environmental decision-making and wider sustainable development goals. Consultees are also asked to identify any areas where the current incentives framework or structure of access charges prevent decisions being made that would encourage sustainable development (paragraph 4.13);</p>	<p>No comment</p>
<p>(k) Consultees are asked:</p> <p>(i) to suggest which KPIs e.g. those areas set out in paragraph 3.17 or otherwise, might usefully form the basis for a financial incentive; and</p>	<p>Energy consumption (and the associated energy efficiency) is the most important and the one easiest to measure and incentivise.</p> <p>The others are of marginal impact and probably not worth monitoring.</p>
<p>(ii) to comment on the design of such an incentive, and whether any additional considerations should be included (paragraph 4.19);</p>	<p>Force the train and station operators to measure their energy consumption! No fiscal measures need be taken.</p>
<p>(l) Consultees are asked whether a further financial incentive is needed to encourage the use of lower mass vehicles (paragraph 4.20);</p>	<p>This could be partly incentivised through the energy consumption metering, with the track-wear factored in. A level playing field with diesel-hauled trains needs to be established, with sufficient incentive that traction costs remain advantageous compared with equivalent road haulage, so that the economical use of fuel is self-regulating.</p>

<p>(m) Consultees are asked to comment on the idea of an environmental charge and in particular to identify variables that might be used as the basis for the charge, and to say whether they agree that environmental charges should not be implemented in CP4 (paragraph 4.24)</p>	<p>There is little point in this – the charge would be passed straight on to the customers. If the service is already in need of subsidy, that charge would be passed straight back to ORR.</p>
<p>(n) Consultees are asked whether they consider on-train metering as a practical option, and, if not, to explain what obstacles exist and how these might be overcome (paragraph 4.31);</p>	<p>Electric traction is not a problem – several suitable systems are available on the market. The level playing field with diesel-powered traction needs to be created, as for (l).</p>
<p>(o) Consultees are also asked to identify any impediments to the further development of regenerative braking across the network (paragraph 4.32)</p>	<p>Who is going to pay for the capital cost of the additional infrastructure required? This is where ORR and DfT should pay NR to install the additional equipment. This question implies a greater use of electric traction. Generally, the extension of the electrified network should be funded by DfT.</p>

<p>(p) Consultees are asked to identify other areas where our incentives framework and structure of access charges could promote positive environmental decision-making (paragraph 4.34</p>	<p>1] The energy use at most surface stations is relatively small and can be metered easily.</p> <p>ORR should build into all but the shortest concessions a requirement to carry out installation of daylight controls on platform lighting and thermostatic controls on heating where these do not already exist.</p> <p>2] Network Rail's GRIP project system does not include sustainability – it should.</p> <p>3] Incentivise phasing out uneconomic and sub-standard rolling stock. [If the HMRI had not insisted on the removal of slam-door stock on safety grounds, some operators would still be attempting to run it.]</p> <p>4] Penalise rolling stock with non CET toilets – this is a small measure for sustainability but a substantial improvement for pollution.</p> <p>5] Incentivise upgrade of traction controls to reduce peak power consumption. Added to this should be better slip control, improved acceleration curve control, the intelligent use of signalling and speed control.</p> <p>6] ORR should lead the specification of the HST replacements to ensure that sustainable matters are fully considered and included in the design and construction of the new rolling stock. This should also consider the re-powering of the trains when the oil runs out. (This was also covered in the Minister's speech)</p> <p>7] ORR should lead practical investigation into the development of prototype low-mass commuter rolling stock, including articulated train sets and Talgo suspension systems. This might enable a step-change forward the standard "Electrostar".</p>
---	--