

Richard Price
Chief Executive



29 December 2014

Clare Moriarty,
Director General, Rail Executive
Department for Transport
Great Minster House,
London SW1P 4DR

Dear Clare,

UNPLANNED DISRUPTION TO RAIL USERS, DECEMBER 2014

The major investment programme Network Rail is undertaking to improve the network in this control period means that substantial engineering projects affecting the operational railway will be a common feature of the next five years, so it is vital that the industry as a whole gets the management of this work right.

Following the disruption to passengers over the weekend on the routes from King's Cross and Paddington, we will be investigating (a) whether to take any further regulatory action, and (b) to establish any lessons that need to be learned for the industry. ORR will investigate specifically in relation to potential licence breaches by the railway businesses involved.

Our role in investigating the disruption and its effects is defined in law and in relation to the companies' licences and is guided by the public interest, in particular the interests of both present and future rail users. Our investigation will look at three broad areas:

- Network Rail's planning of engineering works;
- the provision of passenger information both by Network Rail and the relevant train operators; and
- impacts on train service punctuality and reliability.

In addition we will be considering the management of safety using our powers under health and safety law. ORR's safety inspectors will also provide support and evidence to our wider investigation and, where there are lessons from this work which we can sensibly include in our broader findings we will do so.

We want to make sure the review has the right focus to get results so that the industry can make sure there is no repetition of avoidable problems, and that passengers are properly informed and protected when things do not go to plan. With this in mind we will produce draft terms of reference for the review in the next few days and will seek comments from passenger groups, the industry and funders before they are finalised by the ORR Board. We will publish both draft and final terms of reference. The investigation will cover the incidents affecting King's Cross and Paddington, but we will include any other instances of significant disruption affecting passengers elsewhere on the network that come to our attention.

We are aware that Network Rail is undertaking its own reviews on the causes of these incidents and more broadly on the planning and timing of engineering work, and we will make sure we co-ordinate with them to ensure we have a consistent information base. We will look at findings of previous reviews of the management of projects and their consequences for passengers, including work by the industry and recent relevant inquiries on passenger information during disruption.

The investigation will be led by Joanna Whittington, one of my Directors. Joanna will be supported by the appropriate ORR experts and two of our non executive directors will provide support, challenge and relevant expertise to the investigation. We will also work closely with Passenger Focus and other relevant passenger groups to make sure that passengers' views are represented and understood, and with others who were involved including the train operators, London Underground and the British Transport Police.

We aim to complete the investigation by the end of January so that we can report to the Board both on what caused the problems and on what further action is required in the light of our regulatory role. We will, of course, publish our report.

I am copying this letter to Mark Carne at Network Rail, Louise Ellman MP, Chair of the Transport Select Committee; Michael Roberts at the RDG; Michael Holden at Directly Operated Railways; David Brown at Go-Ahead; Chris Burchell at Arriva; Tim O'Toole at First Group; Keith Greenfield at Heathrow Express; Anthony Smith at Passenger Focus; Mike Brown at London Underground and Paul Crowther at the British Transport Police. I am also putting a copy on ORR's website.

With best wishes,

A handwritten signature in blue ink, appearing to read 'R. Price'.

RICHARD PRICE
Chief Executive