



## 1. Introduction

- 1.1. This submission is made by Unite, the UK's largest trade union with over one million members across all sectors of the economy, including manufacturing, financial services, transport, food, agriculture, construction, energy, utilities, information technology, service industries, health, local government and the not-for-profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.
- 1.2. Of particular interest to this inquiry Unite represents workers across the rail industry from public facing roles to train driving, maintenance, manufacturing and the movement of rail freight. Combined with members in other parts of the transport sector Unite represents over a quarter of a million members in all transport modes.
- 1.3. In this response we intend to highlight issues as we foresee them with respect to: -
  - ❖ The aging rollingstock and lack of a rolling train replacement programme despite years of highlighting the detrimental nature this famine to feast history, has had to UK manufacturing, passenger and driver safety and reliability.
  - ❖ The issues with the setting of fares thanks to the continued existence of Rollingstock operating companies (ROSCO's)
  - ❖ The hurdles to disability access
  - ❖ The lack of applicability to trams and light rail
  - ❖ The impacts of Climate Change and need for adaptation to address changing weather conditions
  - ❖ Rail Freight Access and barriers to widescale deployment which includes.
    - Devolution & how a local focus on passengers can disrupt intercity passengers and freight.
  - ❖ And finally, the important issue of passenger safety and security.

## 2. Committee inquiry areas

### A. Improving rail travel for passengers

- 2.1. Unite welcomes the renationalisation of the railway in England following on from the renationalisation of rail passenger transport in both Scotland and Wales.

#### Ageing Trains and lack of replacement plan

- 2.2. When it comes to the bills commitment to function to manage, operate, maintain, renew and improve railway infrastructure under **clause 3(1)a**, Unite is concerned that problems with an aging network using some very old rollingstock results in unreliability. According to the ORR<sup>1</sup> the average age of all passenger trains was 16.6 years as of March 31, 2024. While this is down from where it was<sup>2</sup>, if no new trains are coming out of the factories the age will once again start climbing. There is widespread disparity across the older TOC regions, however, with Chiltern Railways having the oldest fleet with an average age of 30.9 years while Lumo who operate trains between Kings Cross to Edinburgh had the youngest at 2.8 years<sup>3</sup>. Chiltern still operates Class 165 trains, sometimes referred to as

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<sup>1</sup> Office of Road and Rail

<sup>2</sup> The average age has decreased significantly from 19.4 years in 2014

<sup>3</sup> <https://dataportal.orr.gov.uk/media/gcdkwb0v/infrastructure-and-assets-2023-24.pdf>

"Chiltern Turbos,"<sup>4</sup> today which were initially purchased by the pre-privatised British Rail. Because of the age of these trains, obtaining parts can be a challenge.

- 2.3. Due to the decades of underinvestment into the network during the era of privatisation, money has not been available to replace older rollingstock. These trains do not provide the safety and facilities available on a modern replacement. This lack of incentive, repeatedly failed to create a rolling programme of rollingstock replacements and modernisation, and the lack of improved track infrastructure, has led to depletion of available skills and investment into apprenticeships. The network still faces challenges whose cause can be traced back to the birth of railway building and the actions of railway barons. This lack of a rolling centrally organised programme has caused the rail supply chains and train manufacturing in particular to face a series of famines and feasts that collectively have destroyed the nations' ability to manufacture trains. Today we have a number of assembly facilities where kits are sent to from around the world but no at scale manufacturing.
- 2.4. Older trains have next to no driver protection in place, with some having an effective crumple zone that stretches back a long way into the passenger carriage. Equally no train currently in service today provides the driver with access to a toilet, leading to them to either dehydrate themselves (even in extremely hot days) or improvise using plastic bottles and things like newspapers and plastic sandwich bags to contain their waste. This has to be accomplished in a driver's cab surrounded by clear glass windows. This is clearly unhygienic, can lead to smells entering the passenger carriage and can result in the possibility of passing passengers on platforms encountering an unwelcome site.
- 2.5. Out of all the historic manufacturing plants, only Derby's Litchurch Lane factory remains open, but of that sprawling facility, once the heartland of train production, just one production line remains operational, today assembling the final Aventra units for the Elizabeth Line. Once complete the order book is bare as was the case at Hitachi in Newton Aycliffe, until they recently picked up an order for the new battery-hybrid fleets for services connecting the North East, Yorkshire, and London. According to **clause 3(2)** the aim is to future proof the network "*making strategic plans as to the future provision of railway infrastructure in Great Britain and implementing those plans, and making decisions about access to, and the use of, railway infrastructure for the operation of trains*". Unite would question how this will be possible without a dedicated manufacturing base or skilled staff. If nothing is done this will be the fate of the industry, relying instead on imported completed trains, with the cost of shipping them back if something goes wrong.

#### Fares influenced by ROSCO's leasing agreements

- 2.6. Under **clause 3(1)c** re the duty to determine the fares payable for travel on the railway passenger services it provides, the bill does not consider the full benefits of a true renationalisation. Removing the external long-term anchors to its ambition to get ticket prices under control should be a major part of this obligation. The nationalised passenger operations are reliant on the ROSCO's who remain free to charge for the use of trains. These companies do not even have to paint or maintain the trains but instead simply hold the title on the ownership of these trains. Unite would therefore call for not only the rights to operate these trains but their ownership to be returned to the nation. This could be achieved either through new construction and maintenance agreements or investing in new trains to provide the services and access for all.

#### Access for passengers with disabilities

- 2.7. Under **clause 3(2)b** "*making decisions about access to, and the use of, railway infrastructure*" and under the General Duties as specified under **clause 18(2)** there is a duty to "*promote the interests*

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<sup>4</sup> The **British Rail Class 165 Networker Turbo** is a fleet of suburban [diesel-hydraulic multiple unit](#) passenger trains (DMUs), originally specified by and built for the British Rail Thames and Chiltern Division of Network Southeast. They were built by British Rail at the York Works (prior to its closure) between 1990 and 1992.

*of users and*” importantly “*potential users of railway passenger services including, in particular, the needs of disabled persons*”. Unite believes that the time has long passed since discrimination against the passengers with mobility issues or assistance requirements should be allowed to happen.

- 2.8. Technology has evolved to ensure that the train carriage and platform edge are at the same level on every platform, together with extendable carriage floors that extend to fill the gap between train and platform edge on modern trains. As a result, a wheelchair user, parent with a buggy or passenger with wheeled luggage can turn up and go where they wish via a train service (providing there is capacity of course) rather than calling up days in advance to book assistance. Given the number of horror stories of passengers being injured as they attempt to board or disembark due to unmanned stations and assistance that never appears, these new trains are a very pleasant revelation on lines where they have been deployed.
- 2.9. A significant number of barriers remain to the disabled, especially if they are a wheelchair user, including limited level boarding<sup>5</sup>. 39% of stations do not have through step-free access available. Even where they do, there are no guarantees that the lifts are operational, with no warning provided until the passenger has reached the lift itself. Therefore, Unite welcomes any commitment to modernise and make the service accessible to all.

#### Applicability to trams and light rail

- 2.10. Unite believes that most of the Railways Bill should be applicable to trams and light rail as well as the traditional main line given that while most other tram systems have their own tracks or run on roads, there are exceptions. The UK has a specific "tram-train" system in Sheffield for example that runs on both light rail tracks and Network Rail lines, allowing it to provide a direct link between city areas and the mainline network. Similarly, the Croydon Tramlink; Manchester Metrolink; Nottingham Express Transit; West Midlands Metro and Blackpool Tramways all use a mixture of on-street running and dedicated off-street tracks, some of which were formerly heavy railway routes. Then there are trains that are operated more like a tram. The South Wales Metro for example uses Stadler tram-trains on a converted heavy rail line to deliver a tram line experience. Other examples are the London Overground and Merseyrail in Liverpool.
- 2.11. If the understanding of a train is a vehicle that does not run through the streets, (other than on level crossings) then there are examples of where the trains do run along tracks in the road surface. The narrow-gauge Ffestiniog and Welsh Highland Railways have a short section of around 50 meters of street running over the Britannia Bridge in Porthmadog to link their two stations. In Preston, this heritage railway line crosses a swing bridge at the entrance to Preston Marina that is also used by road traffic. Other lines like the Weymouth Harbour Tramway that previously saw heavy freight through to the harbour (which closed in 1999) and the freight only street running railway network also existed in Trafford Park, Greater Manchester alongside Barton Dock Road saw sporadic use in recent years before it too was mostly abandoned and partially removed.
- 2.12. While these are exceptions there are other legislative overlaps. For health and safety purposes, the tram networks also fall under the ORR's enforcement authority and in general terms have many overlaps with respect to duties to their passengers. Similarly, if there is an incident it is the Rail Accident Investigation Branch (RAIB) who investigate not the Health and Safety Executive (HSE). The only real difference is the speed of travel (limited to the urban speed limits on road sections) and the level of protection the vehicle offers in an accident. While there may be speed differences, trams have a far more congested area to operate in with a greater potential to be involved in an accident, than a train, yet their occupants are offered less impact protection.
- 2.13. It is highly probable that the Croydon tram crash in 2016 would have been less severe if it had been built to and operated under heavy rail safety protocols, primarily because heavy rail systems are

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<sup>5</sup> According to Network Rail this impacts 2% of all stations.

designed with more robust crashworthiness standards and mandatory active safety systems that were absent in the Croydon tram system at the time. Heavy rail lines in the use signalling systems and often use forms of Automatic Train Protection (ATP), or an automatic braking system (ABS), that enforce speed limits. The investigation into the Croydon crash found that the tram was travelling at nearly four times the speed limit (around 43.5 mph in a 12 mph zone). The RAIB made 15 recommendations to the UK tram industry in the wake of the incident, including a call for operators to *"review, develop and install suitable measures to automatically reduce tram speeds if they approach higher risk locations at speeds which could result in derailment or overturning"* and yet these ATP and ABS systems are still not mandatory on all trams or light rail services.

## Climate Adaptation

- 2.14. UN Secretary-General António Guterres has stated that under current national policies, the world is heading towards approximately 2.8°C of warming above pre-industrial levels, a trajectory he has called *"deadly negligence"* and a *"moral failure"*. If left unchecked we are heading towards a global extinction event caused by dinosaurs of the modern era, individuals and corporations fixated on the profits from the continued use of fossil fuels<sup>6</sup>. Therefore, Unite applauds the Bills commitment to redouble our efforts to turn the network into a net zero<sup>7</sup> method of transport. Electric vehicles have far fewer moving parts and hence fewer things that can go wrong. While it may not initially be possible to electrify the tracks, it is possible to electrify the trains using both hydrogen fuel cells<sup>8</sup> and batteries.

## Worker transition and skills

- 2.15. With new trains comes newer technology and improvements for passengers and the requirement to ensure there is a smooth transition for the workers who maintain this equipment. In the past this has not happened causing mass redundancies and increased costs during targeted recruitment. Reliance on others to provide the trained staff needed is a recipe for disaster. Unite believes that staff should be given the opportunities to learn new skills so they can become a more valued team member.

## B. Network access

- 2.16. Network access is a subject that can be viewed from various standpoints: - the Passenger, Rail Freight and private access. As highlighted earlier, according to **clause 3(2)** the aim is to future proof the network. While **clause 17** states that the Secretary of State must set and publish a target to increase the use of rail freight but there are often regional and physical barriers to this goal. Freight is frequently slow moving on our network due to the loading gauge<sup>9</sup> of our tracks yet even the Road Haulage Association has highlighted the need for intermodal transport due to the lack of UK lorry drivers<sup>10</sup>.

Lack of a consistent standard across the network hinders both freight and passengers.

- 2.17. In Europe to facilitate international rail journeys, by 1912 there was an agreement that defined the minimum size of this clearance. Although the UK may have given birth to the rail network 200 years ago, for the last 113 years, there has been a lack of standardisation resulting in a series of costly

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<sup>6</sup> Unite does not believe that there should be an end to the use of fossil fuels until after a plan is in place to support the Just Transition of the workforce – [the “No Ban Without a Plan” campaign](#)

<sup>7</sup> At point of use.

<sup>8</sup> A part-built Hydrogen fuel cell train converted from an old ScotRail Class 314 train, was in operation between Glasgow and Edinburgh during the COP26 talks. This is now due to enter testing and demonstration runs, planned for the Bo'ness and Kinneil Railway in 2026-27.

<sup>9</sup> The size of hole vertically in space over the track bed through which trains and wagons pass this determines the size of bridge arches and the bore of tunnels for example.

<sup>10</sup> [See the link below to a new intermodal wagon load out to start soon.](#)

local solutions rather than having a single solution that provides access everywhere to all traffic. In the UK because rival companies constructed the lines they did not wish to see rival companies using sections of their track so they used everything from bridges and rails too weak to carry rivals steam engines to different gaps between tracks and tunnels and bridges either too narrow or too short to permit onward travel using their rivals trains.

- 2.18. This practice continued even up until recently with the construction of the HS2 line between London and Birmingham. The HS1 line, which was built to the continental European UIC GC loading gauge so that European high speed trains could use the line but the HS2 line did not alter the height of two bridges (one outside Euston and the other between the NEC and Birmingham Curzon Street) and hence the vertical clearance of all HS2 trains was lowered from the standard design causing the price of the trains to increase by as much as 40% according to some estimates. The argument made by HS2 was that by lowering the train height these trains could continue on the classic rail network in the UK even if there were no plans for this to happen. Therefore, if the HS2 line was ever connected to HS1, European trains could not travel north of London but HS2 trains could travel into Europe, until the track under these bridges was lowered.
- 2.19. Similarly at the moment European freight is limited to the HS1 line as the trains are too wide and high to use the classic lines<sup>11</sup>. As a result, the Channel Tunnel current uses at about 10% of its potential capacity of 10 million tonnes per year. Equally, due to European standards UK freight trains do not meet European standards, and hence all cargo leaving France needs to be moved to European wagons before it leaves the country. Rail wagons can be built that meets both EU and UK standards, but these are far more expensive to obtain and operate

#### Tracks set for colder climate and require more maintenance

- 2.20. Additionally, because the UK pre-stresses the tracks for a colder climate and uses sleepers resting on a bed of rocks, the tracks can warp out of a straight line in hot weather<sup>12</sup>. In Europe the high-speed lines are built onto a solid concrete bed, and the tracks are larger providing less capacity to move horizontally. Providing a solid track bed is far more expensive per kilometre so this is why this is not employed in the UK except on HS1 and HS2. Therefore, the freight wagons on UK tracks sway far more than would be allowed on European tracks. This sway can cause the shipping containers carried to strike tunnel walls, bridges and trackside furniture such as signals and passing trains if the train travels too fast. This is why the W12 loading gauge standard<sup>13</sup> is needed everywhere and the interim upgrades being made to upgrade parts of the route from the Channel Tunnel to Wembley to the W9a standard<sup>14</sup> are far from enough to make any real difference.
- 2.21. This track warping issue is especially acute during heatwaves, resulting in speed restrictions on even passenger services, to prevent them from derailing. Even on colder days there are lines where it is too risky to permit a passenger service. These freight only lines are generally the last to be

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<sup>11</sup> While it is now physically possible to move trains from the end of HS1 in Barking to Wembley and from there to the rest of the country, this can only be accomplished if the train travels west to Gospel Oak, then heads Southeast back to Stratford to turn the train around and then send It West again to Wembley. This is because the track between Gospel Oak only have a W6a loading gauge (gap around the tracks) while European freight needs at a W12 loading gauge. Technically W10 will do but it means driving at low speeds in order to avoid the train wobbling on the tracks and striking infrastructure or trains heading the other way.

<sup>12</sup> The tracks are set so they should not warp if atmospheric temperatures remain below 27°C which may historically be the norm for the UK. But the presence of warmer summers may require this situation to be revised.

<sup>13</sup> See the call by Eurotunnel and Getlink to spend £50 million on traditional route upgrades

<sup>14</sup> W9a is the required height and width for a W12 cleared line at the widest and tallest points (2.9m by 2.6m) but instead of being square in shape the W9a clearance is more of an arch. Following the contours of a typical railway carriage instead of the profile of a shipping container. Therefore, to achieve a W12 clearance from a W9a simply means squaring off the corners or digging channels into the walls of bridges and tunnels.

maintained causing freight train drivers to use these lines at a crawl, in places at less than 8kmph (5 mph).

- 2.22. This is why Unite is campaigning for the W12 loading gauge to be the minimum across the entire network, thus permitting freight to travel faster and hence increase capacity around it, rather than requiring passenger services to travel at reduced speeds behind freight trains. Doing so opens the potential to deliver freight to destinations as far afield as India and China, far faster than a ship and with less pollution than a flight. The only limit to such deliveries are the willingness to use rail freight, train and track capacity and the issues of physical barriers as stated, earlier.

Private passenger services possible conflict with the needs of freight

- 2.23. Private sector open access passenger services will continue to operate on the network, to provide infill passenger services during gaps in the networks timetable. The utilisation of these slots means that there are fewer slots available for freight, limiting the capacity of freight to reach or depart from ports at times determined by the tides. Unite believes in a joined up public transport network where there are busses before the first train and after the last train of the day to major residential areas. If there are private rail operators providing services ahead of and after the normal timetable, this would then require either taxi's or increased private car travel on the roads.
- 2.24. While Unite supports the use of taxis as part of the public transport network, it realises that the reliance on private hire cabs over a potentially longer working day also increases the pressure to work longer and the potential for the driver to be fatigued at the wheel.
- 2.25. Unite also supports the ability of rail tours on the network often using historical locomotives that have been adapted to comply with network signalling and digital communication between trains so that they know the minimum safe breaking distances between services. As these are not operated during rush hour, they are a way to maintain links back to the past without major disruption to the present.

### C. Devolution

- 2.26. Unite believes that the Welsh Assembly's and Scottish Parliament's actions to unite the ownership of track and train in Wales and Scotland, respectively, provided a platform to demonstrate the ultimate benefits of bringing the two under a single guiding mind for the benefit of the people and industry in Wales/Scotland.
- 2.27. Scotland's decision to take over the Scot Rail franchise in April 2022, focussing on major infrastructure investments, fare reform aimed at increasing accessibility and decarbonisation has demonstrated the path that the network in England should follow.

Scotland failed maintenance workers

- 2.28. The only fly in this record was that they didn't act sooner, especially when it came to the closure of the Gemini Train maintenance sheds in 2019 without any transition, just or otherwise, for the 180 staff directly and indirectly impacted. All that would have been required was an extension of the overhead cabling from the mainline into the engine maintenance facility or the construction of a new Scottish maintenance facility for the workers to migrate over to as work on diesels diminished. The closure ended over 160 years of railway engineering at the site. The Scottish parliament could have stepped in but any efforts made failed to alter the outcome.

Devolution timetables could conflict with intercity and freight services

- 2.29. Devolution to provide the regions with greater levels of autonomy over timetabling of passenger services as envisaged in relation to **clause 16(3)** of the Bill should be limited to times where there

are no intercity services passing through that location be that for passengers or freight. Failure to do so will result in more freight forced onto our road network. As highlighted previously the timings of freight journeys can be dependent on the tide and a ships arrival or departure to ensure against congestion in the port. This is because modern Class Triple E<sup>15</sup> and larger vessels carry so many containers that they can cause issues with storage space in the port, if not dispatched promptly on arrival. Therefore, the lack of a pathway through regions can result in congestion in neighbouring areas.

#### ORR duty to promote competition

- 2.30. While the media has been claiming that this is a renationalisation of trains and track, the Bill requires that the ORR continues to promote competition (**clause 20**) which given the ability to make direct awards (**clause 31**) can only be made to a Great British Railway (GBR) company, indicates that GBR services will be competing for passengers etc. against itself?!? While Unite welcomes the involvement of a Passengers Council to review service provisions (**clause 37**) but is keen to ensure that it is properly funded and resourced, so it is able to effectively carry out its duties to investigate matters arising (**clause 39**) or it is in danger of being a paper tiger, overwhelmed by complaints and no ability to do anything itself. Given private companies are free to operate open access rail services, this could be used to bring in the reprivatisation of the network by an incoming government, which increases Unite's concerns.

#### Other Issues

Political influence has been used to provoke workers and unions in the past

- 2.31. Unite remains concerned about **clause 9 (1)** of the act which confers power to the Secretary of State to provide guidance to Great British Railways as to the exercise of its statutory functions. Unite feels that as long as the influence of elected officials remains outside of the absolute control of the day-to-day operation of the network this is acceptable. As soon as party politics can be used to antagonise trade unions, provoking them into action, as has happened in the past<sup>16</sup>, on the pretext of justify anti trade union legislation, then this is a step too far. Legislation was brought in under the last government that now prevents the workers from withdrawing their labour through fear of financial penalties levied against the unions. Article 11 of the European Convention on Human Rights is meant to protect this fundamental right to protest, yet legislation now requires the unions to ensure its members provide a minimum service level.

#### Passenger Safety

- 2.32. Unite is not claiming that had there still been guards on trains, the recent stabbings and crime levels on train services would have been prevented, only that CCTV is not a deterrent while a physical presence is. Total recorded crime on the UK rail network was up to about 80,000 offences in 2023/24, this marks a 55% increase since 2014. Violent crimes against women and girls rose by 20% between 2022/23 and 2023/24. Sexual offences recorded also increased by 10% in the same period while the number of reported sexual harassment incidents doubled<sup>17</sup>. While CCTV can be useful after the

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<sup>15</sup> A class triple E can load or offload up to 18,000 20ft shipping containers or 9,000 more standard 40ft containers. A train on the other hand can move only around 100 at a time due to the maximum train length (about 1.5 km or 0.9 miles), pulling capacity of the locomotive. And the capacity of sidings on the route to make it possible to allow other trains to pass.

<sup>16</sup> The last Conservative government protected Southern Rail and other train operating companies were protected from losses caused by strike action. Then according to the companies the government gave instructions to remove guards from trains and removed staff from stations. In 2019 740,000 people were employed by the rail industry, by 2023 this number had reached 640,000!

<sup>17</sup> The number of crimes against women and girls rose from 7,561 in 2021 to 11,357 in 2023, according to figures from the British Transport Police (BTP) Authority's 2024 annual report. The number of sexual offences rose by 10 per

fact in catching criminals, this increase is testament to CCTV's effectiveness over a member of train or station staff. **Clause 19** of the bill highlights who is ultimately responsible for safety but there is nothing in the Bill that requires there to be a specific duty to reduce the current increases in crime levels. Unite therefore calls for staff members to be available at each station and on each train to improve passenger safety.

### 3. Conclusion

- 3.1. Unite welcomes the Railways Bill's ambition but clearly the network is not as safe or attractive as it once was.
- 3.2. Unite believes that the safety of the traveling public should be paramount and welcomes aspects of the bill that deal with safety. Equally, Unite welcomes the mandates to ensure accessibility, but is concerned that the Bill does not apply to trams and light rail services both on accessibility and safety.
- 3.3. For the Bills ambition to be realised there needs to be a planned progression of orders for new trains causing the older trains to be removed from service lessening the grip of the ROSSCO's and preserving the history of train production. Newer trains also make it possible for all passengers to turn up and go, without assistance but more needs to happen to make all station platforms accessible and receive greater levels of protection than can be obtained by a remote CCTV network.
- 3.4. To be net zero all diesels need to be committed to history and staff retrained to maintain these new pieces of equipment.
- 3.5. To promote more rail freight the tracks need to be upgraded to a single standard level of clearance. If this happens, it may even be possible to bring in European style double decker commuter trains. The potential for devolution has to be confined to the track access pathways not being used by longer distance intercity and rail freight, but this opens the potential for an integrated local public transport network.
- 3.6. Crime levels on trains has rocketed since guards and station staff have been removed as predicted. Either British Transport Police are given the resources to react or guards and station staff need to be returned to their posts.
- 3.7. The implications of this Bill are clearly widespread so it is critical that its implementation requirements are clearly understood as it will require significant levels of investment to achieve its aims.

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cent and sexual harassment reports also doubled, to 1,908 in the same period. British Transport Police recorded 19% more crime in 2023/24 than 2022/23. The risk of being a victim of crime increased compared to last year, but remained low, with 26.7 crimes recorded per million passenger journeys (2022/23 24.6)