

The options for our railway network after Brexit

With all the many complexities of securing a trade agreement and agreeing the terms of our divorce from the EU, the future for the UK rail network is not likely to be in the forefront of the minds of our politicians during the next two years – apart from perhaps the ruinously costly HS2 project.

Once we are out of the EU, however, a number of new options are possible for our railway network which would have been out of the question had we voted to remain.

Before considering these options, a couple of misconceptions need laying to rest. Firstly, the EU was **NOT** responsible for rail privatisation. The late Bob Crow of the RMT union made this claim some years back, but Directive 91/440, the apparent culprit, talks of “separating the management of railway operation and infrastructure from the provision of railway transport services” (in other words. separating track from trains), but adds that while “separation of accounts” is compulsory, “organizational or institutional separation” was optional.

What in fact happened is that the UK began the privatisation process under John Major and the EU adopted some features of the UK model at a later date. The complex and unwieldy franchise system from which our railways currently suffer, however, is also a creation of the UK government and nothing to do with the EU at all.

So once we are out of the EU what changes? Firstly, it becomes possible for Jeremy Corbyn to fulfil his pledge to re-nationalise the railways. It was one of the first promises he made on becoming leader of the Labour Party and one which would have been impossible as a member of the EU. Already, the

track and infrastructure is in public hands with Network Rail having replaced the privately-owned Railtrack in the aftermath of the Hatfield accident of 2000, which was caused by a broken rail and which brought to public attention Railtrack's poor stewardship of the railway infrastructure. Furthermore, some franchises, including the East Coast Main Line from 2009 to 2015, were taken over by the State when the operator felt unable to continue running them profitably. Stringent terms are attached to franchises, so in one sense, passenger train operating companies do not have that free a hand under the franchise system.

Mr Corbyn's planned renationalisation would be accomplished by not renewing franchises at the end of their term and trains then being run by the state. As more and more of the network reverted to state control, outside the EU, he could then, if so desired, return our railway network to the monolithic structure of the British Rail era.

At the other end of the spectrum, outside the EU, it would be possible to return to the "vertically integrated " railways which pre-dated the rail nationalisation of 1948, where privately companies owned their own rolling stock, track, signalling and stations. Given the requirement to separate track from trains would no longer apply, it would make possible, at least in theory, a complete privatisation of the rail network and a much simpler structure, with the government playing a very minor role.

Of course, it would be possible to carry on much as things are at the moment – indeed, this will almost certainly be the case in the immediate post-Brexit period as there will be far too much else requiring the attention of the government and Whitehall.

In summary, therefore, Brexit makes possible a number of options which would not be on the table if we had voted to remain an EU member state. Public opinion on re-

nationalisation is sharply divided and there would be complexities facing any reorganisation. For instance, what of specialist freight operators and charter train providers, most of which are completely privately-owned? While there is a considerable degree of support for taking scheduled passenger services on the UK's main lines back under public ownership, only real hard-line left wing ideologues would go as far as wanting to take the freight companies back into public ownership.

One welcome and uncontroversial benefit of leaving the EU would be the chance to replace the EU's Interoperability Directives with something far simpler. These pieces of legislation stipulate a very complex registration process for new rolling stock which allows locomotives, carriages and wagons to operate across international borders. Given the UK's geographical location, a very low percentage of trains in this country are ever going to operate across international boundaries – only Eurostar services, car and lorry shuttles through the Channel Tunnel, international freight services and the very limited service across the Irish border between Belfast and Dublin.

It is utterly pointless therefore for an operator like Trans Pennine or Chiltern Trains, for example, to have to comply with this directive. Currently, under EU legislation, they are required to do so even though their services do not go anywhere near international boundaries.

What needs to be remembered in studying any policy area where the EU has either full or partial competence is that there is always a political element. Regular visitors to this website will be aware of John Ashworth's stinging criticism of the Common Fisheries Policy. It was designed as a tool of integration and its potential to help build a united Europe was far more important than the effect it might have on actual fishermen – especially UK fishermen.

EU transport policy likewise has been designed to facilitate integration – in particular, the burgeoning network of high-speed railway lines being built to link major European cities. Our course, an independent UK may decide that we still think it is a good idea to have a high-speed network linking London with the North of England and Scotland, but as with other areas of post-Brexit policy, our prime consideration will be what is best for the people of this country. What this might entail will depend on who is in power, but at least future governments of whatever hue will have far more options as they no longer have their hands tied by the EU's all-consuming desire to create a federal superstate.