

**Liz McLeod**  
Head of Regulatory Analysis



Sir Edward Mountain MSP  
Convener, Net Zero, Energy and Transport  
Committee

9 April 2024

Dear Sir Edward

## **Net Zero, Energy and Transport Committee on Scotland's railways**

Thank you for the opportunity to attend and give evidence at the Net Zero, Energy and Transport Committee on Scotland's railways on 19 March 2024. At the meeting I said I would respond to the Committee on the following points:

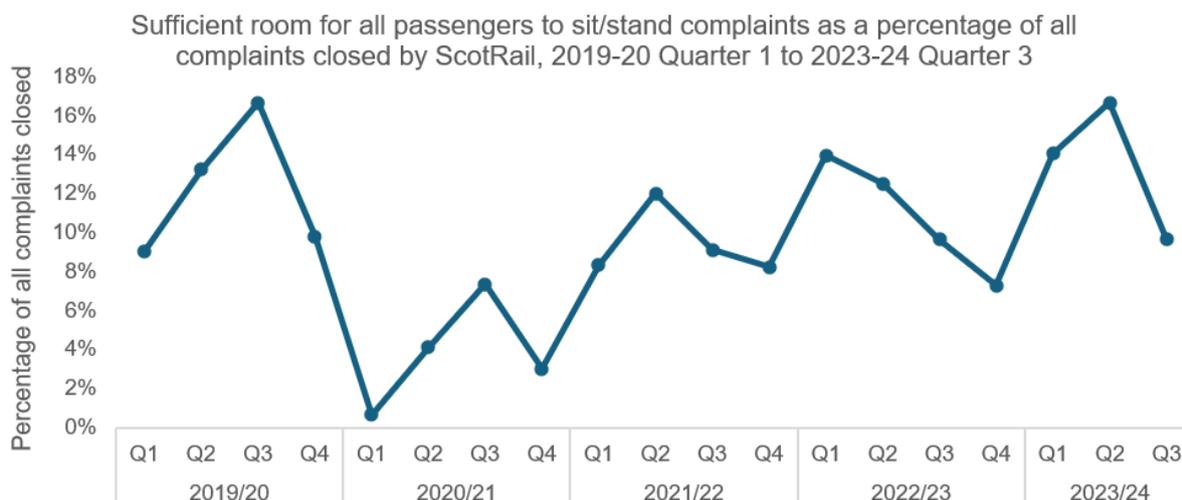
- ORR's publication on passenger numbers (in context of impact of off peak fares); and
- to ascertain if there have been any trends in terms of complaints regarding the issue of overcrowding on the Inverness-Edinburgh line.

Data on Passenger rail usage statistics was published on 21 March 2024 and I shared a link with the Assistant Clerk that day, however as a formal record, the data is available [here](#). It confirms that ScotRail had a 34% increase in passenger journeys compared with the previous year (covering period October to December). The next set of Passenger rail usage statistics will be published on our website in June 2024.

On the issue of overcrowding on trains between Inverness and Edinburgh, the ORR has a responsibility for ensuring railway companies protect passengers from any health and safety risks, so far as is reasonably practicable. We expect train and station operators to protect passengers by identifying, reducing and alleviating risks, including crowding risks. I have asked my rail safety colleagues about overcrowding on trains between Inverness and Edinburgh. They confirmed that they have not received any complaints about overcrowding on that route.

While there have not been specific health and safety concerns raised, [complaints data](#) for ScotRail does highlight an increase over the past year (from Q4 2022/23 to Q1 2023/24 and again into Q2 2023/24) in the complaints category '*sufficient room for passengers to sit/stand*', the category which best represents overcrowding. However, the latest data (published 3 April 2024) shows that level of complaints attributed to this category have reduced. Unfortunately, we do not have more

granular data on complaints about specific routes but for ScotRail in general there has been an upward trend in complaints about overcrowding, as shown in the graph below.



While not specifically covered in the two points above, I wanted to come back on the point raised at the Committee meeting on the safety of the class 43 high-speed train rolling stock. At the meeting, Committee member Mr Lumsden asked if the outcome of the Carmont accident in August 2020 would have been better if a more modern train was involved.

In responding to this question, I said that I thought the Rail Accident Investigation Branch (RAIB) had concluded that had another train had been used, the outcome would have been the same. On review of the official report of the Committee meeting, there is a point of clarification which I wish to make. When responding to Mr Lumsden's question, my focus was on performance of the driving cab. The RAIB report states that the impact conditions were significantly beyond those in which even modern cabs are designed to provide protection for occupants (i.e. the driver of the train). When considering the overall performance of the train, while the RAIB report does not say that the outcome would unequivocally have been better, it does state that it considers it more likely than not that outcome would have been better if the train had been compliant with modern crashworthiness standards. I hope this provides additional clarification on this important matter.

Yours sincerely

**Liz McLeod**  
Head of Regulatory Analysis, ORR