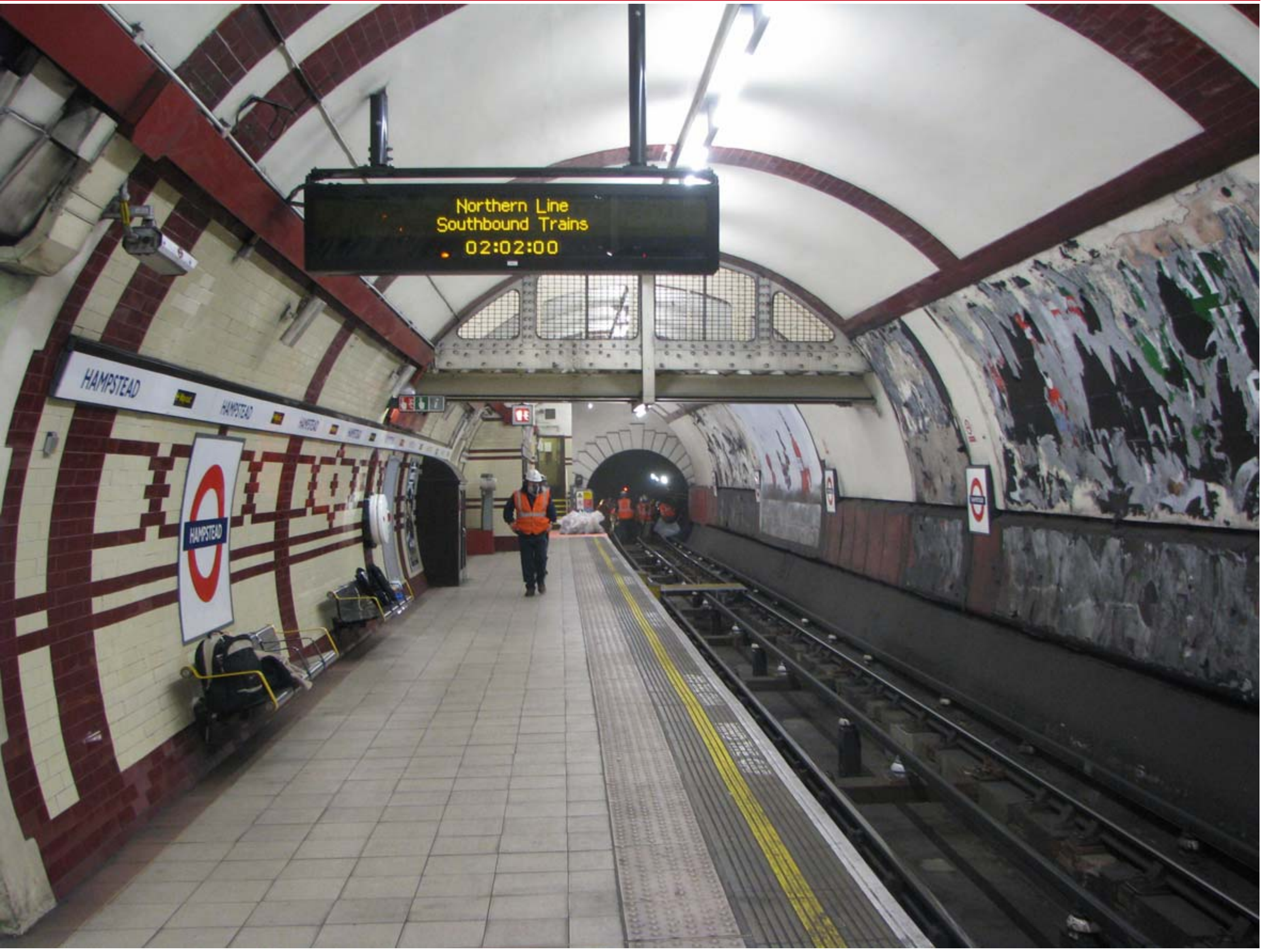
LONDONASSEMBLY

Transport Committee

Delays possible

Maintaining and upgrading the London Underground

March 2009



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Transport Committee Members

Valerie Shawcross	Labour
Caroline Pidgeon	Liberal Democrat
Andrew Boff	Conservative
Victoria Borwick	Conservative
James Cleverly	Conservative
Jenny Jones	Green
Joanne McCartney	Labour
Murad Qureshi	Labour
Richard Tracey	Conservative

The Transport Committee agreed the following terms of reference for this review on 13 November 2008:

- To examine the likely scope and cost of the programme of work to maintain and upgrade the Tube network between 2010 and 2017.
- To examine the Periodic Review process and potential outcomes.
- To examine evidence in relation to the value for money provided by the PPP structure.

The Committee would welcome feedback on this report. Please contact Tim Steer on 020 7983 4250 or tim.steer@london.gov.uk. For press enquiries please contact Dana Gavin on 020 7983 4603 or dana.gavin@london.gov.uk.

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Chair's Foreword

While the London Underground carries more people than ever before, the programme to reduce overcrowding and refurbish the network is in a state of flux. The costs of work have risen dramatically and there is a looming funding crisis which could jeopardise the long-promised improvements.

London Underground's remaining private sector partner, Tube Lines, generally continues to deliver fairly effectively on the Jubilee, Northern and Piccadilly lines. Its station refurbishments are on schedule and it is making progress on substantial capacity upgrades. But its costs are increasing. Negotiations to determine the bill for work between 2010 and 2017 are ongoing but it is clear that costs will be considerably higher – perhaps by around £1 billion – than TfL had budgeted for.

TfL's business plan leaves no room for manoeuvre – efficiency savings of £2.4 billion by 2017/18 have already been assumed. Additional funding must be made available if the vital improvements to the Underground are not to be scaled back. The Committee heard that tunnel cooling, station accessibility and congestion relief projects could be first to go. In this report, we call on the Government to honour its commitment to fund the renewal of the London Underground by meeting legitimate cost increases on the Tube Lines programme, as determined by the Arbiter.

Metronet, which was originally contracted to upgrade two thirds of the network, was spectacularly inefficient. Indeed, it looks as if London Underground is set to take management of Metronet's work back in-house following its collapse in July 2007. The cost to the public is still not fully understood, although Metronet's legacy is apparent in a station refurbishment programme that is now years behind schedule.

The Public Private Partnership (PPP) contracts were designed to ensure long-term funding to renew the Underground's ageing infrastructure, increasing reliability and capacity. TfL has benefited from a £39 billion ten-year funding settlement from Government but costs under the PPP have increased. The completion of this work on schedule is fundamental to meeting the long-term requirements for transport capacity in London. Delays or reductions in scope could only mean that overcrowding on trains and at stations and the condition of the infrastructure would get worse.

Valerie Shawcross AM
Chair, Transport Committee

1. Introduction

Between December 2002 and April 2003, London Underground – then under the control of central government – entered into three separate Public Private Partnership (PPP) contracts for the maintenance and renewal of the Underground network:

- with Tube Lines for the Jubilee, Piccadilly and Northern lines;
- with Metronet Rail BCV for the Bakerloo, Central, Victoria and Waterloo & City lines; and
- with Metronet Rail SSL, for the "sub-surface lines" – the Circle, District, Hammersmith & City, Metropolitan and East London lines.

The then Mayor and Transport for London (TfL), which took over responsibility for London Underground in July 2003, as well as the majority of London Assembly Members, opposed the PPP contracts as a structure for financing spending on the Underground.

The Government estimated at the time that the PPP would realise over £16 billion of investment in the Underground over the first 15 years and that £4 billion would be saved over the same period. Most importantly, line upgrades are due to deliver a 25 per cent increase in capacity on the Underground network by 2018.[1] Table 1 shows the capacity increases the line upgrades are designed to deliver, the scheduled completion dates and the progress by the end of 2007/08.[2]

To date, the PPP arrangements have at least delivered sustained investment and a long-term plan. This investment has been crucial to halt the deterioration of the Underground and must be continued, especially because most of the significant capacity increases are due between 2010 and 2017.

[1] TfL, *Business Plan 2009/10 – 2017/18*, November 2008, p. 20
[2] London Underground, *PPP Report 2007/2008*, December 2008, p. 19

Table 1: PPP line upgrade programme and progress

Line	Eventual peak capacity increase	Contractual completion date	Proportion complete (end 2007/08)
Sub-surface lines	48%	2012-18	13%
Victoria	19%	2013	39%
Bakerloo	38%	2020	0%
Waterloo & City	25%	2007	100%
Jubilee	33%	2009	61%
Northern	20%	2012	34%
Piccadilly	25%	2014	19%

2. Tube Lines

The Tube Lines work programme and performance

As we have reported previously, Tube Lines has been relatively successful in both the delivery of its work programme and network performance.[3] With the exception of the Northern line, Tube Lines has generally surpassed the benchmarks for performance that were set in the PPP contracts (by a wide margin on the Piccadilly line). Tube Lines continues to deliver its station refurbishment and track renewal programmes on schedule.[4]

"Availability" – a measure of day-to-day reliability – on the Tube Lines sections of the network deteriorated by 2 per cent in 2007/08 from the previous year but remained 18 per cent better than the contractual benchmark. A sharp decline in performance on the Jubilee line contributed to that deterioration.[5] The Northern line remains a significant area of concern with Availability 22 per cent below the benchmark, although there is an upward trend.

The cost of Tube Lines' work between 2010 and 2017

Work to maintain and upgrade the Underground network is costing more than was anticipated in 2002 when bids for the work were tendered.[6] In the case of Metronet, a significant part of the cost overrun was due to inefficiency resulting from the company's structure.[7] Tube Lines, on the other hand, has performed relatively well yet costs have still escalated considerably.

The process to negotiate the cost of Tube Lines' work during the second contractual period – between 2010 and 2017 – is already well underway. In April 2008, prior to the formal negotiation process, London Underground asked the PPP Arbiter to make an initial estimate of future costs. Following consideration of submissions from both parties, the Arbiter concluded that the price Tube Lines would legitimately be able to charge for work between 2010 and 2017 would probably be in the range £5.1-5.5 billion. London Underground had estimated £4.1 billion and Tube Lines £7.2 billion.[8]

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[3] London Assembly Transport Committee, *A Tale of Two Infracos*, January 2007
[4] London Underground, *PPP Report 2007/2008*, December 2008, p. 10
[5] London Underground, *PPP Report 2007/2008*, December 2008, p. 9
[6] PPP Arbiter, Transport Committee, 16 October 2008
[7] Metronet operated with a "tied supply chain" that guaranteed Metronet's five parent companies all of its sub-contracts.
[8] PPP Arbiter, *Initial range of costs for the second Review Period*, 9 September 2008

The broad programme for the Underground upgrade was agreed before the PPP contracts commenced in 2003. However, following the Arbiter's cost estimate, London Underground submitted a detailed specification for 2010-2017 to Tube Lines in December 2008. Tube Lines now has until the end of June this year to provide a price for the revised work programme. If London Underground and Tube Lines are unable to negotiate an agreed price, the Arbiter will be called in to determine it. The process must be concluded by summer 2010.

TfL's business plan for 2009-2017 is already very tight. To balance the books, a number of projects have been cancelled and £2.4 billion worth of efficiency savings are required over the business plan period. Although the business plan recognises the possibility of higher than anticipated Tube Lines' costs as a risk,[9] there are no explicit contingency plans. The plan assumes that London Underground's calculation of the cost of Tube Lines' work (£4.1 billion) will be accurate even though the Arbiter has already indicated that it is likely to cost significantly more. If the Arbiter's final determination of the price falls within the range of his initial estimate, London Underground will face increased costs of at least £1 billion, leaving a significant funding gap in TfL's finances.

Recommendation 1

There is a looming funding crisis on the Underground. Irrespective of efforts to attract additional funding and reduce costs, TfL should publish a revised business plan before its draft 2010/11 budget is submitted in December 2009. It should reflect the fact that the cost of the Underground upgrade is increasing, and that there will be a long-term impact to TfL's finances.

Potential consequences of increased costs

If cuts in other areas are to be avoided, additional funding will have to be found or the scope of work on the Underground will have to be reduced. There is a consensus that it would be difficult and damaging to reduce the core programme of maintenance and work to increase the network's capacity. It is the peripheral projects that are initially at risk – tunnel cooling, congestion relief at stations and schemes to

[9] TfL, *Business Plan 2009/10 – 2017/18*, November 2008, p. 103

provide step-free access to the network. Of even greater concern, the Chief Executive of Tube Lines has warned that an upgrade to signalling on the Piccadilly line, which is due to provide 25 per cent more capacity, is at risk if additional funding is not made available.[10]

Overcrowding on the Underground network is already severe and this Committee has recently expressed concern that planned increases in public transport capacity will not keep pace with increases in demand.[11] Curtailments or delays to long-overdue capacity increases on the Underground network would result in overcrowding worsening, and increasing numbers of people unable to make their journeys. The Piccadilly line signalling upgrade must not be delayed. Nor can it be acceptable to cancel the schemes necessary to reduce high temperatures, station congestion and inaccessibility.

TfL's wider business plan already represents a considerably stripped back programme and increases in the huge costs of the Underground upgrade should not be met by cuts in other areas.

Because London Underground has not published the detailed work specification for 2010-2017 ('Restated Terms') that it submitted to Tube Lines in December, it is unclear what decisions have already been made.

Recommendation 2

Now that they have been submitted to Tube Lines, a summary of the Restated Terms should be published, including a breakdown of projects that were due between 2010-2017 but have been deferred.

[10] "TfL shortfall threatens Piccadilly line upgrade", *New Civil Engineer*, 25 November 2008
[11] London Assembly Transport Committee, *Response to 'Way to Go: Planning for better transport'*, January 2009

Additional funding?

The Mayor has called on the Government to provide additional funding. The Government has refused, indicating that TfL should fund the work from within the £39 billion ten-year settlement agreed between Government and TfL in 2008. Like the East London Line phase 2b, where a joint funding package was eventually agreed at the last possible moment, an exercise in brinkmanship is underway – neither the Mayor nor the Government wanting to suggest that they might eventually be forced to contribute to funding increasing costs. And all the while, the huge hole in TfL's finances – at least £1 billion if the Arbiter's early calculations were accurate – looms ever closer.

The Government should honour its commitment to fund the Underground upgrade. The Tube Lines contract is an example of the Government's PPP structure working well. There is no evidence that Tube Lines' cost increases have resulted from mismanagement – the work simply costs more than was envisaged before it began, and would have done whatever way funding was provided. It is paradoxical for Government to make additional funding available to pay for Metronet's failure – where the overspend was due to mismanagement – and not where there is a legitimate increase in costs.

Reducing costs

Whether or not additional funding is made available, there might be ways in which the cost of Tube Lines' programme could be reduced without cutting the scope of the work. For example, the cost to Tube Lines of its borrowing between 2010 and 2017 would be around £2 billion for the interest alone. It may be that costs could be reduced if Transport for London, with its public sector credit rating, were to raise the necessary finance rather than Tube Lines.

Some of the largest parts of the difference between London Underground's and the Arbiter's cost calculations were in allowances for 'differential inflation' - inflation in construction costs, such as materials and wage rates beyond general inflation – and other risks. When giving evidence to the Committee, Tim O'Toole (Managing Director of London Underground) and Terry Morgan (Chief Executive of Tube Lines) described ongoing efforts to establish new mechanisms for pricing these unknown quantities. It may be cheaper for London Underground to pay the actual costs of differential inflation and other risks rather than attempting to transfer them to the private sector.

As much of the limited funding as possible should be used to meet actual maintenance and construction costs, rather than the costs of raising finance and paying a premium for the private sector to take on risk. London Underground should continue to explore the possibility of public sector borrowing if costs can be reduced, and look at paying the cost of differential inflation if and when it arises, even though that would mean transferring some risk back from Tube Lines.

3. Metronet

The future structure of Metronet

Amidst spiralling costs, Metronet – which had two of the three PPP contracts with London Underground – entered administration in July 2007. At the moment, London Underground has direct responsibility for delivering Metronet's work programme following a temporary transfer of the companies into TfL control in May 2008. The Transport Committee has previously examined Metronet's inefficiencies,[12] but we anticipate the forthcoming National Audit Office report on the subject with interest – it may be that there are further important lessons to be learned, not least in relation to the Tube Lines contract.

The PPP contracts were designed to result in strong performance incentives and the transfer of risk away from the public sector, although the extent to which these objectives were realised has been called into question.[13] They were also meant to take advantage of the private sector's particular strengths and the promise of innovation and efficiency. However, to achieve value for money under the PPP structure, these potential advantages need to outweigh the relatively high cost of raising debt in the private sector and the disadvantages of diminished control and accountability. As the cost of private sector debt increases, and if risk transfer is shown ultimately to be illusory, the advantages of the PPP structure reduce, although the benefit of a long-term funding commitment should not be forgotten.

The long-term structure for contracts to replace those with Metronet is the subject of ongoing discussions between TfL and the Department for Transport. Rather than attempting to re-let the existing PPP contracts, London Underground would like a more conventional contractual structure – smaller packages of work competitively tendered by London Underground to the private sector.[14]

Tim O'Toole described how, under the current temporary arrangements, the TfL Board is providing scrutiny and spending approvals for the Metronet work programme. If under the long-term structure management of the contracts remains in-house, these arrangements would persist - there would not necessarily be a role for the PPP Arbiter. The Arbiter told us that he would like the opportunity

[12] London Assembly Transport Committee, *A Tale of Two Infracos*, January 2007
[13] House of Commons Transport Committee, *The London Underground and the Public–Private Partnership Agreements*, January 2008
[14] London Underground written submission, p. 3

to continue joint benchmarking of the Metronet and Tube Lines work programmes so performance and costs can be compared.[15]

A structure with overall management retained within the public sector – rather than handed over wholesale to the private sector through output-based contracts – should have the advantage of increasing transparency, accountability and control. It might also be possible for debt to be raised more cheaply by the public sector where credit is more readily available. But there is a risk that TfL's corporate governance arrangements will not, in fact, effectively ensure transparency, accountability, or even value for money.

We are concerned that TfL's Board, which tends to focus on surface transport, does not possess the detailed, technical understanding or the necessary authority in relation to London Underground's managers to exert proper long-term control over the management of the Metronet work programme.

Recommendation 3

If the contracts for the Metronet work programme are eventually taken in-house, the PPP Arbiter should be given a statutory role. At least, the Arbiter should be able to make independent assessments of London Underground's progress in delivering the work programme and continue to undertake benchmarking of the different delivery arrangements through comparisons with Tube Lines. When the Arbiter's role is redrawn, annual reporting to the London Assembly should be built in. London Underground should also be required to publish performance reports at specified points each year.

The Metronet work programme and performance

London Underground maintains that bringing Metronet in-house has already resulted in savings of over £2 billion through the availability of cheaper finance and renegotiating contracts with suppliers – e.g. Bombardier, which supplies rolling stock.[16] However, parts of the

[15] Transport Committee, 16 October 2008
[16] Transport Committee, 13 November 2008

Metronet work programme are significantly behind schedule and, in some cases, becoming further delayed.

The station refurbishment programme in particular is suffering: of some 150 stations due to be delivered by 2010, Tim O'Toole told us that around half will not now be completed until "deep into" the 2010-2017 period.[17] Nine or ten stations are now expected to be completed each year. Potentially even more seriously, Mr O'Toole described work to install a new signalling system on the sub-surface lines as a "high-wire act", which the Committee was right to be worried about. On a positive note, the Victoria line upgrade is due for completion in 2012, ahead of the original contractual deadline.[18]

Regarding network performance, London Underground's recent performance report describes a mixed picture for 2007/08. There was an aggregate improvement of 23 per cent in Availability between the twelve month periods pre- and post- Metronet's administration. However, excluding the effect of two days of industrial action in September 2007, Availability on the Bakerloo, Circle and Victoria lines was still 7 per cent less than the contractual benchmark and 46 per cent below the level anticipated in Metronet's original bid.[19]

We recognise London Underground's success in maintaining day-to-day operation and maintenance of the Metronet lines. We welcome improvements in performance, where they have been achieved, and the cost savings that are being made. However, progress in revamping Metronet's dilapidated station refurbishment programme is painfully slow.

Recommendation 4

We recommend that TfL should respond to the recommendations in this report by the end of June 2009. In its response, London Underground should explain the reasons behind its expectation that only ten stations will be completed each year.

[17] Transport Committee, 13 November 2008
[18] London Underground, *PPP Report 2007/2008*, December 2008, p. 21
[19] London Underground, *PPP Report 2007/2008*, December 2008, p. 11

Moreover, we are concerned that completion of the capacity enhancements at the core of the PPP programme could be at risk of delay, although it is difficult to establish the magnitude of the risk from the published material. The Committee will monitor the progress of the core PPP work programme in the coming year.

TfL's responsibilities

Since its creation in 2000, TfL has taken on more and more responsibility, and it is looking to take on even more in the future. TfL only took control of London Underground from central government in 2003 and, whatever the long-term structure of the Metronet contracts, it is likely that London Underground will retain more responsibility and risk than was the case under the original arrangements.

TfL has expanded its operations in other areas as well. In November 2007, TfL took over part of the rail franchise from the Silverlink train operating company and established the London Overground network. In December 2008, TfL took on co-responsibility for Crossrail with the Department for Transport. Additionally, TfL was awarded a £39 billion ten-year funding settlement in 2008 and the Government has indicated it expects TfL to manage its expenditure up to 2017/18 entirely within that.[20]

Recommendation 5

Liabilities in the event of further cost increases associated with the Underground upgrade or an overspend on Crossrail should be made more explicit in a revised TfL business plan, which should be published before its draft 2010/11 budget is submitted in December 2009.

As responsibility is transferred from central government to TfL, it allows for long-term, coordinated planning of London's transport. However, the risk associated with potential cost increases transfers from national tax payers to London tax and

[20] "Minister refuses to bail out London Underground", *The Guardian*, 4 November 2008

fare payers. Increased responsibilities for TfL increase concerns about arrangements for transparency and accountability.

Much of the TfL Board's business is conducted in private – including, for example, consideration of TfL's draft business plan. Additionally, although meetings of the Board's Finance Committee are said to be open, the public are not invited to attend and agendas and minutes are often published well after meetings have taken place. **The fact that so much of TfL Board's business is carried out in private amplifies the transparency and accountability deficit.**

4. Conclusions

The programme of maintenance, renewals and capacity increases on the Underground network is in flux. London Underground's next contract with Tube Lines will certainly cost more than was anticipated unless the scope is trimmed. Long-awaited projects to improve the quality of journeys are at risk of delay or have already slipped. London Underground is attempting to beat what was Metronet's work programme back into shape but many of the projects, particularly station refurbishments, will be delayed by years.

The Mayor and Transport for London are convinced that the Government should cover the increasing costs of the work. So far there is no agreement from Government and contingency plans are not being brought forward. In the event of a funding deficit, TfL will most effectively minimise its consequences by detailed planning as far in advance as possible. These plans should be made public.

Bringing the Metronet contracts in-house offers TfL the opportunity to improve transparency, accountability and control. However, its corporate governance arrangements do not guarantee that such improvements will be realised. The PPP Arbiter must remain involved even if the PPP structure is dissolved in relation to the Metronet work programme. Independent comparisons of performance and value for money under two different contractual structures would provide invaluable evidence to inform future decision-making.

London's Underground network forms the skeleton of the city and its successful operation is vital in supporting the economy, social inclusion and environmental objectives. The programme of reliability and capacity enhancements are fundamental to meeting London's long-term transport requirements. They must go ahead as scheduled.

Finally, no report on the challenges facing London Underground in the coming years would be complete without noting the forthcoming departure of its Managing Director, Tim O'Toole. Mr O'Toole has been widely recognised as an outstanding public servant; his technical understanding of the network combined with his experience of what it takes to deliver improvements will surely be missed. Replacing him will be difficult. And, as we set out in this report, the challenges facing London Underground in the coming months and years are many and varied. The new Managing Director will need to meet these challenges if Londoners are to get the underground service they were promised when the PPP was set up.

Appendix 1 Recommendations

Recommendation 1

There is a looming funding crisis on the Underground. Irrespective of efforts to attract additional funding and reduce costs, TfL should publish a revised business plan before its draft 2010/11 budget is submitted in December 2009. It should reflect the fact that the cost of the Underground upgrade is increasing, and that there will be a long-term impact to TfL's finances.

Recommendation 2

Now that they have been submitted to Tube Lines, a summary of the Restated Terms should be published, including a breakdown of projects that were due between 2010-2017 but have been deferred.

Recommendation 3

If the contracts are eventually taken in-house, the PPP Arbiter should retain a statutory role in relation to the Metronet work programme. At least, the Arbiter should be able to make independent assessments of London Underground's progress in delivering the work programme and continue to undertake benchmarking of the different delivery arrangements through comparisons with Tube Lines. When the Arbiter's role is redrawn, annual reporting to the London Assembly should be built in. London Underground should also be required to publish performance reports at specified points each year.

Recommendation 4

We recommend that TfL should respond to the recommendations in this report by the end of June 2009. In its response, London Underground should explain the reasons behind its expectation that only ten stations will be completed each year.

Recommendation 5

Liabilities in the event of further cost increases associated with the Underground upgrade or an overspend on Crossrail should be made more explicit in a revised TfL business plan, which should be published before its draft 2010/11 budget is submitted in December 2009.

Appendix 2 Orders and translations

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Hindi

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Vietnamese

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Greek

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Urdu

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درکار ہو تو، براہ کرم نمبر پر فون کریں
یا مذکورہ بالا ڈاک کے پتے یا ای میل
پتے پر ہم سے رابطہ کریں۔

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Arabic

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الإلكتروني أعلاه.

Punjabi

ਜੇ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਸੰਖੇਪ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਲੈਣਾ ਚਾਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਜਾਂ ਉਪਰ ਦਿੱਤੇ ਡਾਕ ਜਾਂ ਈਮੇਲ ਪਤੇ 'ਤੇ ਸਾਨੂੰ ਸੰਪਰਕ ਕਰੋ।

Gujarati

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Appendix 3 Principles of scrutiny page

An aim for action
An Assembly scrutiny is not an end in itself. It aims for action to achieve improvement.

Independence
An Assembly scrutiny is conducted with objectivity; nothing should be done that could impair the independence of the process.

Holding the Mayor to account
The Assembly rigorously examines all aspects of the Mayor's strategies.

Inclusiveness
An Assembly scrutiny consults widely, having regard to issues of timeliness and cost.

Constructiveness
The Assembly conducts its scrutinies and investigations in a positive manner, recognising the need to work with stakeholders and the Mayor to achieve improvement.

Value for money
When conducting a scrutiny the Assembly is conscious of the need to spend public money effectively.

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