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Crossrail Bill

HC Bill 1 of 2005-06

The *Crossrail Bill* was re-introduced in the House of Commons on 18 May 2005. It was previously introduced as HC Bill 62 of 2004-05 and was carried over into the new Parliament on 7 April 2005.

The Bill seeks to secure the powers necessary to build Crossrail. Crossrail will consist of new rail tunnels running west-east through central London connecting directly with existing surface rail routes to Maidenhead and Heathrow in the west and Shenfield and Abbey Wood in the east. It will also connect the major London rail terminals of Paddington and Liverpool Street.

It is a Hybrid Bill which means that it contains provisions which have an impact on the interests of particular individuals, as well as containing provisions of a more general public nature. A Hybrid Bill is a Bill promoted by the Government which is treated like a Private Bill for part of its passage through Parliament, as well as being considered in the same way as any other Public Bill.

The Bill is not expressly limited in its territorial extent. While the land and works provisions are, by nature, local, other provisions (railway matters, for example) relate to areas which are the subject of national legislation.

Louise Butcher

BUSINESS AND TRANSPORT SECTION

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Summary of main points

The *Crossrail Bill* (HC Bill 62 of 2004/05) was presented to Parliament on 22 February 2005. Following debate, a vote was passed to carry over the Bill into the new Parliament on 7 April 2005. This research paper references the new version of the Bill, introduced in the House of Commons on 18 May 2005 as HC Bill 1 of 2005-06.

The main purpose of the Bill is to secure the powers necessary to build Crossrail. It is a Hybrid Bill, as it contains provisions which have an impact on the interests of particular individuals, as well as containing provisions of a more general public nature. This means that individuals, groups and organisations opposed to the Bill have an opportunity to oppose it or to seek its amendment before a Select Committee in either or both Houses. Those who are especially affected by the Bill may petition against it.

Crossrail will consist of new rail tunnels running east-west through central London connecting directly with existing surface rail routes to Maidenhead and Heathrow in the west and Shenfield and Abbey Wood in the east. By connecting the major London rail terminals of Paddington and Liverpool Street, Crossrail will enable interconnecting mainline train services to cross the centre of London via a number of new, purpose-built stations.

The Bill comprises 59 clauses and 14 schedules. The main provisions of the Bill provide for:

- the authorisation of works necessary to build Crossrail and associated works;
- the acquisition of land and interests in land necessary for those works;
- the establishment of a planning and heritage regime for the works;
- the application of existing railway and other miscellaneous legislation to Crossrail;
- the handover by transfer scheme of property, rights and liabilities from relevant authorities to nominated undertakers; and
- the devolution of control of the Crossrail project to the Greater London Authority, or Transport for London or a combination of the two.

The *Crossrail Bill* and the Explanatory Notes can be found at:

<http://pubs1.tso.parliament.uk/pa/cm200506/cmbills/001/2006001.htm>

The Regulatory Impact Assessment can be found at:

http://www.dft.gov.uk/stellent/groups/dft_railways/documents/page/dft_railways_035438.pdf

Other supporting documents, including the multi-volume Environmental Report, can be found at: <http://billdocuments.crossrail.co.uk/>

The House of Commons Private Bill Office guide *How to petition against a Hybrid Bill in the House of Commons* can be found at:

<http://www.parliament.uk/documents/upload/PRBhybpetkit.pdf>

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I Introduction

Crossrail is the plan to integrate the mainline railways to the east and west of London through the construction of two tunnels beneath central London from Paddington to Liverpool Street. It was initially recommended by the *Central London Rail Study* in 1989 to address the overcrowding on London trains. It was agreed by the Government in 1990, but the necessary Private Bill failed to get through the House of Commons in 1994 and attempts to use the TWA procedure, as set out in the *Transport and Works Act 1992*, were abandoned in 1996 (at the request of Government).

In 2000, the Government asked the Strategic Rail Authority (SRA) to study the requirements for extra passenger capacity to and through London. The *London East West Study* recommended that both the east-west and Hackney-south west routes be resurrected and schemes developed to construct them. A joint venture company, Cross London Rail Links Ltd (CLRLL), was formed by Transport for London and the SRA and has consulted with stakeholders on possible routes for Crossrail (termed Crossrail 1) and a feasibility study for a possible Hackney-Chelsea scheme (Crossrail 2).

In July 2003 CLRLL submitted its final business case for Crossrail to the Department for Transport. On 14 July 2003 the Secretary of State announced in a written statement that the Government supported the principle of a new east-west Crossrail link but wanted to be assured that CLRLL's proposal was deliverable and financeable. He appointed a review team, led by Adrian Montague, to assess this.

CLRLL's business case outlined a benchmark scheme, involving a central east-west tunnel across London, with services extending to two branches to the east and two to the west, and expected to cost in the region of £10 billion.

The *Review of the Crossrail Business Case* was published in July 2004. In his response to the document, the Secretary of State announced that the Government intended to "introduce a Hybrid Bill at the earliest opportunity to take the powers necessary for Crossrail to be built".¹ The *Crossrail Bill* was first introduced on 22 February 2005, but the dissolution of Parliament meant that it had to be reintroduced on 18 May 2005. CLRLL's assumed timetable aims for Royal Assent for the Bill sometime in late 2006 with construction starting in summer 2007 and passenger services starting in summer 2013.

¹ HC Deb 20 July 2004, c159

II Background

A. Origins and development 1989-1999

The "Crossrail" project was first proposed by the *Central London Rail Study* (CLRS) published in January 1989. This was a joint study by the Department of Transport (DoT), British Rail Network SouthEast, London Regional Transport and London Underground Ltd. The study was initiated as a result of the increase in central London employment in the 1980s and the consequent pressure on some rail links, particularly the Central, Metropolitan and Great Eastern lines. The study proposed two alternative options for new line construction, one being Crossrail. The Secretary of State, Paul Channon MP, welcomed the report but commented:

Some of the assumptions and estimates which underlie this Report can only be tentative at this stage. Before decisions can be taken on whether to go ahead with the very large investments that are proposed, these estimates will have to be refined. Further work is also necessary on how such investments could be financed. The Government believes that, if there is to be new investment in transport in London, the passengers, who will benefit, should meet the cost of it through the fares they pay, rather than be subsidised by taxpayers in the rest of the country.

Contributions should also be forthcoming from property developers who stand to gain from the improvements to transport. Where these two sources of finance are not enough to make a project commercially viable, Government grant may be available provided the economic benefits, for example in the relief of road congestion, are sufficient to justify it.²

In October 1990 the Government gave the go-ahead to British Rail (BR) and London Transport to develop the east-west Crossrail scheme.³ This envisaged a new rail tunnel, running from Liverpool Street to Paddington, providing a through train service from Shenfield and Romford in the east, to Aylesbury and Reading in the west. The route was to run over existing suburban tracks from the Shenfield line via Romford and Ilford to a point between Stratford and Liverpool Street. From the west, lines would feed from Aylesbury (via Amersham) and Reading towards Paddington. Between these locations new tunnels would run under Central London, with possible stations at Paddington, Bond Street, Tottenham Court Road, Holborn, Farringdon and Liverpool Street. The line would use newly designed, purpose-built trains. At certain times of the day an even wider range of destinations could be provided including possible links to Heathrow Airport in addition to the interchange links at Farringdon for Luton/Gatwick and Liverpool Street for Stansted.

² DoT, *Central London Rail Study*, January 1989, p1

³ DfT press notice 363, 9 October 1990

The Secretary of State said that he would be taking immediate steps to safeguard Crossrail through the planning system. Detailed proposals were published and a Private Bill seeking powers to build Crossrail was presented to Parliament in November 1991.⁴ The Bill provided for:

- (a) the construction of a new underground railway commencing west of Paddington Station and terminating east of Liverpool Street Station and connecting, on either side, with existing railways of the Board;
- (b) the construction of a new railway on the Thames Valley railway at Old Oak Common to connect the new underground railway with the Metropolitan and Chiltern lines; and
- (c) the construction of a further connection at Hayes on the Thames Valley railway with the proposed rail link to Heathrow Airport authorised by the Heathrow Express Railway Act 1991 for services using the new underground railway;

and includes additional works in Greater London, Berkshire, Buckinghamshire and Hertfordshire for the provision of direct railway services, across Central London, between those areas and places east of London.

The Bill received its First Reading in the House of Commons on 22 July 1992. However, little Parliamentary progress occurred for another year, probably because greater political priority was given to the Jubilee Line Extension, which had received private sector backing from the developers of Canary Wharf.

The cost of the Crossrail scheme was given as just over £2 billion at April 1993 prices.⁵ The original plan was for the construction costs of the scheme to be financed mostly by a ring-fenced grant from London Underground, with some money coming from BR. It was envisaged that Crossrail would generate road decongestion benefits worth over £500 million over a 30 year period.⁶ However, in his Budget Statement on 21 March 1993 the then Chancellor of the Exchequer, Norman Lamont MP, announced that Crossrail would only progress with joint public/private funding:

Although the Government remain committed to securing for London the benefits that Crossrail will bring, we now believe it would be preferable to take this project forward as a joint venture with the private sector. The present proposals for Crossrail will therefore be re-examined.⁷

⁴ *Crossrail Bill*, session 1991/92, subsequently carried over as *Crossrail Bill*, session 1992/93.

⁵ HC Deb 11 January 1994, c124W

⁶ HC Deb 18 October 1993, c27W. At March 1990 prices.

⁷ HC Deb 16 March 1993, c194

Subsequently, the Government commissioned reports from the merchant bank S.G. Warburg and engineering consultants Bechtel into the financial and engineering viability of the scheme. The reports were not published as they contain commercially sensitive information, but newspaper reports at the time suggested that the S.G. Warburg report predicted that the private sector would raise £1 billion of the cost, and that the Bechtel report concluded that there were no technical flaws in the scheme. The reports also suggested ways of saving up to £200 million on the cost of the scheme.

Finally on 18 May 1993, following pressure from industry leaders, the Prime Minister, John Major, announced that the project should be carried out as cost-effectively as possible, and that the Bill would go ahead the following month.⁸ The *Crossrail Bill* received its Second Reading in the Commons on 8 June 1993. In his opening remarks David Lidington MP, who moved the motion for Second Reading, outlined the purpose and objectives of the Bill:

The Crossrail project was one of the recommendations of the central London rail study published in January 1989. It involves the construction of a new underground railway in twin tunnels deep underneath central London, commencing west of Paddington station and ending east of Liverpool street station. At both the eastern and western ends of this central London stretch, the new link would connect with existing railways running out, in the west, to Aylesbury and to Reading and, in the east, to Shenfield.

In the Bill, the promoters seek powers to allow for the constructions of platforms at Paddington, Bond Street, Tottenham Court Road, Farringdon and Liverpool Street, connecting with existing London Underground and British Rail stations. These works would permit interchanges with eight London underground lines and with British Rail at Paddington, Farringdon, Moorgate and Liverpool Street stations.

At Stratford, in east London, passengers would be able to change from crossrail to the docklands light railway and the proposed Jubilee line extension. The Bill also provides for other works both within the greater London area and in neighbouring counties, to enable the project to go ahead (...)

The objectives of the Crossrail project are to relieve pressure on the most crowded sections of the Central and Metropolitan lines of London Underground and the great eastern inner suburban services of British Rail. Crossrail will also ease congestion at both Paddington and Liverpool Street stations and provide better, direct access to and from London for people in Buckinghamshire, Berkshire, Hertfordshire and Essex (...)

Crossrail also fits into a long-term pattern of adapting London's railways to meet the extra demands from passengers over the years. As the House knows, most of

⁸ "Crossrail gets green light to ease strain on London", *The Times*, 19 May 1993

the present underground network was built before the second world war. Since then, London Transport has extended the Central line in 1947-49, built the Victoria line in 1969, extended the Piccadilly line to Heathrow in 1977, and, more recently, built the Jubilee line from Baker Street to Charing Cross, and the dockland light railway. British Rail has upgraded and electrified many existing routes into central London and has introduced the Thameslink service between the northern and southern halves of the capital.

So I believe that Crossrail is intrinsically worth while for the immediate benefits it brings, and also provides what one might term a flexible piece of infrastructure, a keystone for the railway network to serve London and the home counties in the future (...)

The Crossrail project is being designed throughout to comply with the best British Rail and London Underground standards for safety, operations and passenger comfort. Particular thought is being given in the design of rolling stock to seating and standing areas that will help disabled people--not only wheelchair users, but people with other infirmities or disabilities.

The initial plan envisages a service of 24 trains each hour in each direction during the rush hours, with capacity for up to 32 trains an hour in each direction. The plan is for crossrail, once it is operational, to run for up to 19 hours a day.⁹

The then Minister for Transport in London, Steve Norris MP, welcomed the opportunity to confirm the Government's support for the Bill.¹⁰ Brain Wilson MP also indicated the Opposition's support for the Bill:

...we support the Bill. In doing so, we tell the Government that this should not be the end of the process. It should not be the start of another long hiatus in which nothing much happens. The Bill will go to a Committee. I hope that it will not be bogged down for too long, although all objections and representations must be taken seriously and addressed. We want the project to go ahead on the basis that all the representations and concerns have been properly addressed.

That means that at some point the Government ... will have to say where the money is coming from and underwrite funding, if necessary. They will have to give leadership--they cannot sit back, as they have done for years on other major infrastructural projects, and make woolly noises about the private sector getting involved. Nothing happens and months and years pass.

If the Government are serious about the project, they must say where the money will come from, give the necessary leadership and ensure that Crossrail happens.¹¹

⁹ HC Deb 8 June 1993, cc199-201

¹⁰ *Ibid*, c210

¹¹ *Ibid*, c209

The Bill was then carried over to the following session of Parliament.¹² Press reports in September 1993 indicated further delays to the Crossrail project and the committee stage of the Bill was adjourned until January 1994 to allow further studies to be carried out.¹³

A further cost-effectiveness study was undertaken by a jointly-led team of Bovis and Sir Alexander Gibb & Partners, with specialist support from Schroders, the MVA Consultancy, and P&O Developments. In January 1994 news reports indicated that Crossrail had been approved by the consultants.¹⁴ Some reports claimed that the study estimated an 8% return on public sector investment for the Treasury and a 'commercial return' for private investors. Other reports, claiming to be of the same study, quoted the study as saying the project was 'ahead of its time' and 'not justifiable until at least 2010'.¹⁵ The projected cost was estimated at £2.2 billion.

Following support from the then Prime Minister, the *Crossrail Bill* finally resumed its committee stage on 23 February 1994. Debate centred on three aspects: whether or not the project was justified in light of falling demand; whether finance would be available; and whether the line should be connected to the Channel Tunnel Rail Link (CTRL) at Stratford. The Bill Committee, chaired by Tony Marlow MP (Con), announced in May 1994 that it had found the preamble to the Bill not proven, by a 3-1 majority.¹⁶ No reasons were given. The then Transport Secretary, John MacGregor MP, said that the Government was "very disappointed" and the Shadow Transport Spokesman, Frank Dobson MP, pledged Labour's continued support for the scheme, provided assurances were made about linking up with the CTRL and the Heathrow Express.¹⁷ In an opinion piece for *The Independent*, Christian Wolmar supported the Committee's decision:

As recognition of the blight caused by increased car use becomes more widespread, there is a temptation to give unqualified support to any rail project. This is especially the case given the Government's parsimonious attitude towards public transport and, in particular, to the type of mega-infrastructure projects which have become emblematic in France.

Enthusiastic rail lobbyists whisper privately to journalists things like "we know this is not the ideal project, but we've got to support it as it is good for the railways and it will help keep cars off the road".

Not so. It was precisely this type of flimsy argument which the committee exposed. Jim Steer [a transport consultant] said: "Above all, the committee's

¹² This was possible as it was a Private Bill.

¹³ "New set back hits troubled Crossrail", *The Guardian*, 2 September 1993

¹⁴ "Crossrail project is approved by consultants", *Financial Times*, 14 January 1994

¹⁵ "Fears on London rail project", *Financial Times*, 15 April 1994

¹⁶ Mr Marlow was supported by the Committee's two Labour MPs, Ken Purchase and Dr John Marek. The other Conservative member, Matthew Banks, supported the scheme.

¹⁷ "Three MPs kill Crossrail project and 60,000 jobs", *The Times*, 11 May 1994

decision showed that the lack of a strategic transport plan for London means that hardly any scheme makes sense on its own. For example, as a way of getting people out of their cars and onto the railway, Crossrail is very expensive and pretty ineffective. There are much cheaper ways of doing that”.¹⁸

The Government, with the support of the Labour Party and members of the business community, began to explore means of putting the scheme back on track. On 8 July 1994 the then Transport Secretary announced that the Crossrail project would go forward under the *Transport and Works Act 1992* procedure rather than the Private Bill procedure.¹⁹ Mr MacGregor further stated:

I had hoped the Crossrail project could have been taken forward under the Private Bill procedures. They had been started and would, therefore, have been the quickest option. I very much regret that that is not now possible.

However, that choice is not in our hands. The Parliamentary authorities have taken a firm view.

Crossrail was to have been the last initiative to be taken forward under the old Private Bill procedure which has now been replaced by the Transport and Works Act. The new process is designed to relieve Parliament of the extra legislative burden.²⁰

The transport and works procedure involves a formal application to the Secretary of State, a period for objections and - in the case of schemes of national significance - a debate in both Houses of Parliament. In the case of Crossrail, the promoters envisaged undertaking further widespread consultation before formally submitting their TWA application. There is then a public inquiry taken by an independent inspector who submits a report to the Secretary of State who decides whether to make an Order granting the necessary powers to proceed with the project.

However, before the draft Order was lodged the Government decided to commission a further study. In January 1995 the DoT commissioned Ove Arup to consider whether any smaller scale alternatives could achieve some of the benefits at lower cost. The study concluded that there were no cheap alternatives to Crossrail as their costs exceeded their benefits (see section VI, below, on alternative schemes).

At the same time a team of officials from various Government departments and rail organisations reassessed the benefit/cost ratio of the project, taking account of employment levels and the methods of financing following the privatisation of BR. The report was presented to the Secretary of State in November 1995 and was published in

¹⁸ “Back to the drawing board”, *The Independent*, 12 May 1994

¹⁹ HC Deb 8 July 1994, c348W.

²⁰ DoT press notice, “MacGregor launches new way forward for Crossrail”, 8 July 1994

March 1996 as the *Crossrail Study* (sometimes referred to as the Montagu Report).²¹ The assumption that central London employment would grow - which had been challenged during the Bill's committee stage - was accepted by the review. The report concluded that the project had a good benefit/cost ratio; was resilient to pessimistic assumptions about demand and cost; was not reliant on the level of central London employment; and would require the requisite powers to proceed before private finance was sought. However, it could not be wholly financed by the private sector.

The Government made no formal comments on the findings of either the Montagu or the Arup report. However, on 2 April 1996 the then Transport Secretary, Sir George Young, announced that the construction of Crossrail would come after the Jubilee Line Extension, Thameslink 2000 and the Channel Tunnel Rail Link. He therefore asked the chairmen of London Transport, Railtrack and BR - the joint promoters of the scheme - not to proceed for the time being with an application under the *Transport and Works Act*.²² He announced in the House that he had also:

invited the chairman of Railtrack to consider the project further with his board once Railtrack is in the private sector, in the light of the Government's continued firm policy that Crossrail should proceed only as a joint venture with a substantial private sector contribution.²³

B. Cross London Rail Link proposals 2000-2003

The Government's 10 year transport plan, *Transport 2010*, published on 25 July 2000, envisaged that an east-west rail link would go ahead and allocated £150 million of funding for preparatory work.²⁴ Crossrail was one option to be considered.

The SRA sent a report on east-west rail travel across London to the Secretary of State in November 2000. The *London East-West Study* concluded that London was near to capacity in terms of the current national rail network, the central termini and the Underground. The infrastructure, even supplemented by committed schemes, would not deliver the expected growth in passenger and freight demand over the next decade or so. With regard to proposed central cross-London schemes, the study stated that the best opportunities, in terms of feasibility and speed of implementation, were provided by the two safeguarded routes of Crossrail and the Chelsea-Hackney line. It recommended that:

In the light of the assessment it is our recommendation that the Paddington to Liverpool Street Regional Metro should progress to the project definition stage

²¹ DfT, *Crossrail study final report*, March 1996. Not to be confused with the 2004 report into Crossrail called the Montague Report.

²² HC Deb 2 April 1996, c130W

²³ *Ibid.* Railtrack had still not responded to the invitation by January 1999; there is no information indicating whether it ever did.

²⁴ DETR, *Transport 2010: The 10 Year Plan*, July 2000

and should form the backbone of the 20 year programme. The reasons for selecting this option are as follows:

- provides significant relief to overcrowding in Central London and on the Great Western and Great Eastern Main lines;
- provides direct access from the West to the West End and the City;
- provides direct access from the East to the West End;
- assists the regeneration of West London eg Park Royal, Wembley and Paddington Basin and the Thames Gateway. It also seems likely to do more to reduce social exclusion on both sides of Central London;
- the infrastructure uses a similar alignment to a safeguarded route that should provide a lower level of risk than the other options;
- causes the least disruption to existing travellers;
- supports the creation of Hubs at Ealing Broadway and Stratford;
- allows the subsequent construction of a South West – North East scheme such as options 5 and 6;
- the likely programme to the opening of the scheme will be shorter than the other options given the preparatory work that has already been undertaken by London Underground.²⁵

Subsequently, on 3 May 2001 the Government announced that work would start immediately on project definition and design development of a central cross-London rail link. The tunnel section could follow the alignment of the Crossrail scheme, although the position of the portals and the design of the stations would be different. Alternative service patterns, access to Heathrow and links to Canary Wharf were also to be considered.²⁶ It was assumed that preparatory work would take approximately 14 months and would lead to a recommendation on the option to be taken forward.²⁷ It was hoped that construction could begin in 2005/06 so that the link would be operational by the end of 2010.²⁸ No decision was taken on the most appropriate way of obtaining powers to commence construction work.

Transport 2010 assumed that the project would be financed by the private sector. A figure of £3.5bn was included in the plan as a broad indication of costs of the infrastructure and new rolling stock. It was assumed that there would be some form of public revenue support, depending on the precise project and the terms agreed with the rail industry. It was proposed that the project would be overseen by a ‘high-level group’ of a Minister for Transport, the London Mayor, the Commissioner of Transport for London (TfL) and the Chair of the SRA. A new joint company called Cross London Rail Links Ltd (CLRLL), owned by the SRA and TfL, was set up to undertake project definition work on a

²⁵ SRA, *London East-West Study*, November 2000, p15:

http://www.sra.gov.uk/pubs2/passengerfreight/east_west/part_one

²⁶ DETR press notice, “Government gives green light to design work on new London east-west rail links”, 3 May 2001

²⁷ HL Deb 3 May 2001, c312WA

²⁸ “Government gives green light to design work on new London east-west rail links.”

Crossrail link and a feasibility study of a possible Hackney-south west London scheme.²⁹ CLRLL's initial budget was set at £154 million.

CLRLL's shortlist of route options for Crossrail line 1 (a variation of the original Crossrail plan) was announced in March 2002. All were subjected to detailed appraisal work against a broad range of criteria including impact on the environment, integration, transport and regeneration benefits, engineering feasibility and costs. In addition, each route was subject to consultation with local authorities and other key stakeholders with an interest in the proposal. On 21 November 2002, CLRLL set out its final proposals on the central core route: following the safeguarded³⁰ alignment through central London with stations at Paddington, Bond Street, Tottenham Court Road, Farringdon, Liverpool Street and Whitechapel.

In February 2003 CLRLL presented its interim business case to the Department for Transport (DfT) for Crossrail line 1. CLRLL estimated that the cost would be between £5bn and £11bn at 2002 prices and that funding would be provided by the public and private sectors.

On 11 July 2003 CLRLL submitted its final business case for Crossrail to the DfT and on 14 July the Secretary of State, Alistair Darling MP, announced in a written statement how the Government wished the scheme to go forward. He outlined the benchmark scheme proposed by CLRLL and confirmed that this scheme was expected to cost in the region of £10bn:

Following analysis of a range of route options, CLRLL have now proposed the adoption of what they have termed the benchmark scheme, involving a central East-West tunnel across London, with services extending to two branches to the East and two to the West.

In more detail, CLRLL's proposed route option would involve a central tunnel following closely the currently protected alignment across London, from west of Paddington to east of Liverpool Street. From Liverpool Street, the line would be extended through Whitechapel, beyond which it would divide into two branches both serving the Thames Gateway—one going to Stratford and joining the existing Great Eastern lines to Shenfield; the other going down through the Isle of Dogs and the Royal Docks, crossing the Thames to join the North Kent lines at Abbey Wood, with some services continuing to Ebbsfleet.

To the west of Paddington, the line would join the Great Western main line before dividing into two further branches. One would join up with the North

²⁹ DTLR press notice, "Government to move forward on Crossrail", 2 October 2001

³⁰ 'Safeguarding' is a means of protecting a specific transport route from other developments being built along it; this is done through the planning policies of the relevant local planning authority or (probably) authorities. Once a route is deemed 'safeguarded', it is unlikely that there will be significant changes to it.

London Line providing services to Richmond and Kingston. The other would be via Ealing and Hayes to Heathrow along the existing branch served by Heathrow Express. This would be subject to the Crossrail promoters securing a satisfactory agreement with BAA, which owns the Heathrow access rights to this branch.

CLRLL have advised that they believe implementation of the benchmark scheme would cost some £10 billion in 2002 prices, including an allowance for contingencies, although the actual cost will depend on final decisions on the route and construction phasing, following appraisal and public consultation. Their analysis indicates that the project should produce benefits significantly greater than this, taking account of the anticipated levels of growth in employment and population in London in the Mayor's draft London plan. CLRLL's transport and economic case for the project rests on this positive assessment of likely benefits over costs. There are also potentially significant regeneration benefits, particularly to the east of London, and to the longer term development of the Thames Gateway.³¹

He said that the Government would assemble an 'expert team' to assess the Crossrail proposals and ensure that they offered good value for London, and were deliverable to budget, on time and to scope. On 9 September 2003, the Secretary of State announced that Adrian Montague would lead the expert review team:

I am pleased to announce today that Adrian Montague will lead the expert review team for the Crossrail project. He is the Deputy Chairman of Network Rail, the Chairman of British Energy and is a former head of HM Treasury's Private Finance Taskforce. He has enormous experience in both railway projects and corporate finance and is ideally suited to this important task.³²

C. The Montague Review

Adrian Montague announced the terms of reference for the review of the Crossrail business case on 24 September 2003:

The expert review team will have the following terms of reference:

1. To establish the full cost of Cross London Rail Link's July 2003 Crossrail Business Case proposals, and to assess:
 - (a) whether they are likely to deliver to time, scope and budget;
 - (b) whether the Business Case proposals will offer value for money;
 - (c) the extent of Government funding that can be justified;
 - (d) the proportion of the funding required from non- Government sources.

³¹ HC Deb 14 July 2003, c2-3WS

³² HC Deb 9 September 2003, c17WS. Adrian Montague is now Chairman of CLRLL.

2. To identify any means of delivering a Crossrail project which offer better performance than the Business Case proposals against tests at 1 (a) – (d) above.
3. To report to the Secretary of State as soon as practicable

We expect the review team to submit their report to the Secretary of State around the turn of the year and for it to be published in due course.³³

The Montague report, formally titled *Review of the Crossrail Business Case*, was published in July 2004. The report's main finding was that while there were no pivotal problems with the business case, there remained a large number of concerns that create 'significant uncertainty'. Some of these concerns reflected the still preliminary development of the scheme at the time, and Montague expected that these could be resolved in time, but others "[we]re and will remain more enduring objections". As a result, Montague concluded that he could not "be satisfied that CLRLL's Business Case fully meets the tests in the Terms of Reference. Accordingly, as matters stand, the Review cannot confirm the deliverability of the CLRLL Business Case".³⁴

The report's main findings are as follows:

The nature of the interface with the mainline railway gives rise to concerns about whether CLRLL's proposals could be operated as intended, which should be substantially alleviated once Network Rail's plans for improved performance on its network show results. CLRLL's scheme appears to deliver acceptable value for money, and the scheme would provide an effective vehicle to support the Government's objectives for regeneration and the creation of sustainable communities, although there is scope for debate about the level of wider benefits that might be realised.

Some costs appear understated, but others are overstated and the two broadly cancel each other out. In addition, the Review considers that CLRLL has understated the level of likely revenues, perhaps by as much as £1,200 million NPV. Crucially for such a large and complex project, we believe the cost provision for project management is significantly understated, but there is still a reasonable probability that the scheme could be achieved within the overall levels of provision projected by CLRLL.

CLRLL's present corporate structure, involving a deadlocked joint venture between the Strategic Rail Authority and Transport for London, would not offer effective project governance going forward. CLRLL would also need to do some internal restructuring to take on the role of robust project client. There is doubt as to the available market capacity in the construction and financial sectors to

³³ DfT press release, "Adrian Montague announces terms of reference for Crossrail review", 24 September 2003

³⁴ DfT, *Review of the Crossrail Business Case*, 20 July 2004, p8:
http://www.dft.gov.uk/stellent/groups/dft_railways/documents/pdf/dft_railways_pdf_029749.pdf

support a project of this size, financed in the way CLRLL proposes, and in CLRLL's procurement model the national taxpayer would be positioned as lender of last resort, assuming delivery and commissioning risk on the project.

CLRLL's proposals would have a whole-life cost in excess of £11,200 million NPV. London business interests appear ready to contribute significant amounts, in the range of £2,000 million to perhaps £3,000 million NPV, to the cost of the project by way of Alternative Funding Mechanisms.

In broad terms, the £11,200 million cost of the scheme would be offset by the revenue adjustment of £1,200 million and by £2,000 - 3,000 million raised from London businesses through Alternative Funding Mechanisms. Crossrail is a major new infrastructure project, developed outside the 10-Year Transport Plan, which set transport investment for 2000/01 - 2010/11 and made no account for Crossrail.³⁵

The Prime Minister had previously stated in an interview that Crossrail was an “investment [that] we can't afford not to make”.³⁶ The Secretary of State was slightly more circumspect when introducing the report in the House. He promised that the Government would “introduce a Hybrid Bill at the earliest opportunity to take the powers necessary for Crossrail to be built”.³⁷ However, he recognised that a “major funding challenge” remained to be resolved before the project could go forward.³⁸ In the Government's response to the report, the Secretary of State indicated that the onus would be on “those who benefit from Crossrail” to “contribute substantially to its delivery”.³⁹ He went on to say:

Further work therefore needs to be done to develop a funding solution that is equitable to all parties, and which can successfully deliver a London project of such importance. My Department and HM Treasury will take this forward, working with the Mayor and the London business and finance community. This will include consulting on appropriate alternative funding mechanisms before next Summer, so that those who benefit from Crossrail are in a position to contribute as fully as possible to meeting the costs.⁴⁰

In summation, the Secretary of State announced:

I propose to reform Crossrail as a joint venture company between my Department and Transport for London, at least for the purposes of seeking and obtaining the necessary powers. The Secretary of State will appoint, with the agreement of the Mayor, an independent chairman of CLRLL, who will have a casting vote on the

³⁵ *Ibid*, pp7-8

³⁶ “Blair upbeat on future of Crossrail project”, *Financial Times*, 26 May 2004

³⁷ HC Deb 20 July 2004, c159

³⁸ See p28 for more information.

³⁹ HC Deb 20 July 2004, c25WS

⁴⁰ *Ibid*.

board of the company. This will ensure that CLRLL's Board has the clear decision-taking capability that the current deadlocked structure lacks. TfL will be involved in all aspects of the progress of the Bill and Crossrail could subsequently be transferred for TfL implementation.⁴¹

Responding to the report and the Government statement, Cynthia Hay, of passenger pressure group Capital Transport, said, "It does not look as though Crossrail will ever come about. I'd like a workable plan rather than wishful thinking." Michael Snyder, of the City Corporation, expressed concerns about the funding for the project, stating, "City firms will help with funding through a business rate supplement. I hope the Government and others will show equal support".⁴²

Tim Yeo MP, then Shadow Transport Secretary, said, "We are no nearer a completion date, which means the scheme will not be ready until 2013 and no use in London's Olympic bid".⁴³

III Route and services

Maps of the Crossrail route are included in section VII of this paper.

The route for Crossrail has four sections running through central London, the west, northeast and southeast. The Environmental Statement, published with the *Crossrail Bill* in February 2005, describes the proposals for each section of the route:

Central London

The central section, and part of the southeastern section, will comprise new twin-bore tunnels.

These tunnels represent the main engineering element of the project. They will run from Royal Oak, west of Paddington, passing beneath Hyde Park, the West End, Holborn, Clerkenwell, Shoreditch and Stepney. At a point beneath Stepney Green, the route will fork. One set of tunnels will continue to the northeast before emerging to the surface at Pudding Mill Lane near Stratford. The other set of tunnels will head southeastwards, emerging adjacent to Victoria Dock Road in the Royal Docks. Twin-bore tunnels will also be constructed between North Woolwich and Plumstead to take the southeastern section of the route under the River Thames. In total, 46 km of tunnel will be built (equivalent to 23 km of twin-bore).

The tunnels will be constructed at about the same depth as London Underground's Central line. Rail level will generally be 20 m to 25 m below

⁴¹ *Ibid.*

⁴² "Fears that Crossrail will never be built," *London Evening Standard*, 21 July 2004

⁴³ *Ibid.*

street level through the West End and the City, with low points of 30 m or 35 m at some points. This level will increase to 40 m between Liverpool Street, Pudding Mill Lane and the Royal Docks, with a low point of 50 m just east of the Isle of Dogs.

New stations will be located along the central section at Paddington, Bond Street, Tottenham Court Road, Farringdon, Liverpool Street, Whitechapel and the Isle of Dogs. Station platforms will be designed to accommodate the proposed 10-car Crossrail trains. However, the tunnels will be constructed to allow for a future upgrade of platforms to 245 m, for the operation of 12-car trains, should this be required in future.

The tunnels will be connected to the surface by shafts, in order to provide access, emergency escape routes or ventilation. Current safety standards indicate that these shafts should be no more than 1 km apart. Some shafts will be incorporated into the new station buildings, whilst others will be free-standing.⁴⁴

Outside central London, Crossrail will generally use existing railway corridors. New track will be laid at a number of locations in order to provide additional capacity or segregation between services, for example, between Plumstead and Abbey Wood on the southeastern section.

Western section

The western section of the route will run from Maidenhead along the Great Western main line, through Slough towards Westbourne Park and the tunnel entrance (portal) to the central section tunnels at Royal Oak. A new connection will be constructed west of Hayes to allow Crossrail services to access Heathrow using the existing rail tunnel into the airport.⁴⁵

Northeastern section

From Stratford, the northeastern section of the route will join the existing Great Eastern mainline and continue through Ilford and Romford as far as Shenfield. A new depot will be built at Romford for maintenance of Crossrail trains.⁴⁶

Southeastern section

The southeastern section of the route will join the North London Line corridor near Custom House station and continue to North Woolwich. It will run under the Royal Docks using the existing Connaught Tunnel. A new tunnel will then take

⁴⁴ *Crossrail Environmental Statement Non-technical Summary*, February 2005, pp6-7

⁴⁵ *Ibid*, p7

⁴⁶ *Ibid*.

the route under the Thames to Plumstead, where it will join the North Kent Line and continue to Abbey Wood.⁴⁷

It is hoped that Crossrail will be running by 2013. The busiest part of the route will be between Paddington and Whitechapel. The service is expected to operate over a comparable period to the London Underground, with similar first and last train times on weekdays and during weekends. Crossrail is forecast to carry over 160,000 passengers during morning rush hour by 2016 over the central London portion of the route.

IV The Bill

The *Crossrail Bill* (HC Bill 62 of 2004/05) was presented to Parliament on 22 February 2005. It was reintroduced as HC Bill 1 of 2005/06 on 18 May 2005.⁴⁸ The main purpose of the Bill is to secure the powers necessary to build Crossrail. It is a Hybrid Bill, as it contains provisions which have an impact on the interests of particular individuals, as well as containing provisions of a more general public nature. This means that individuals, groups and organisations opposed to the Bill have an opportunity to oppose it or to seek its amendment before a Select Committee in either or both Houses. Those who are especially affected by the Bill may petition against it.⁴⁹

The provisions of the Bill and the legislative framework that it seeks to establish are similar to those in the *Channel Tunnel Rail Link Act 1996*, the last Hybrid Bill for a railway project.⁵⁰

On 7 April 2005 the then Transport Minister, Tony McNulty MP, moved a motion to carry over the Bill into the new Parliament. The Minister's opening speech in moving this motion is reproduced below:

I believe that people realise that Crossrail is a project of national, not only regional, significance. The strategic transport improvements that it brings will be experienced across the country and the scheme will be a catalyst for safeguarding a national economy that is strongly related to the performance of our capital city.

Today, I simply wish to dwell on the parliamentary procedures of the carry-over motion rather than the detail and substance of the Bill. However, I shall say a few more introductory words. In transport benefits, Crossrail will enable better access to the capital for the hundreds of thousands of workers who commute into London every day. It will provide strategic interchanges for local, national and international business and leisure travellers. In economic benefits, London plays a major role in supporting regional economies and jobs, through commuting, product and service purchases, fiscal transfer and economic activity.

⁴⁷ *Ibid.*

⁴⁸ Although amendments have been made to the Explanatory Notes, the Bill itself is unchanged.

⁴⁹ See section VI, below, for more information on Hybrid Bill procedure.

The Bill was introduced on 22 February, and has subsequently been through several essentially procedural steps. When the Bill was deposited, it was supported by a regulatory impact assessment, a race equality impact assessment, a book of reference, an estimate of costs, an environmental statement and a non-technical summary of that statement, parliamentary plans and sections, a European Court of Human Rights statement, a housing statement and explanatory notes. Some 4,600 landowners' notices were served and approximately 400 street and footpath notices were put up. The environmental statement comprises some 3,700 pages and nine volumes and is supported by a further 14,000 pages of specialist technical reports. The book of reference contains more than 5,000 entries, which would need to be re-checked if the Bill had to be deposited again because the book of reference must be no more than 28 days old at the time of deposit.

The scheme as defined by the Bill, including the parliamentary plans and sections, a schedule of works and so on, represents the culmination of the best part of four years of work by Cross London Rail Links, which employs around 100 staff and 90 consultants. For those who are interested in such data, around 14 tonnes of material were distributed to 140 different locations to meet the requirements of Standing Orders, which include ensuring that documents are available for public inspection locally. Notices were also published to advertise the introduction of the Bill twice in the weeks of 21 February and 28 February in *The Times*, *Evening Standard* and 18 local newspapers along the route.

The Bill was deposited and secured its First Reading, during which the whole route was safeguarded. Subsequently, because it had already been consulted on but was not part of the final declared route, the Abbeywood to Ebbsfleet route was also safeguarded. On 10 March, examiners—Clerks of the House who check compliance with Standing Orders—looked at the Bill, took evidence that notices had been served, documents deposited and advertisements made. They received no objections but they reported that the Bill had failed to meet Standing Orders relating to the time of deposit and notices.

On 17 March, the Commons Standing Orders Committee met to consider the examiners' report and hear from the Government's agent why it was desirable, especially to minimise the period of uncertainty for those affected by the works, for the Bill to proceed as soon as possible despite the fact that it had not fulfilled the Standing Orders. The Committee decided to dispense with Standing Orders on timing, thus allowing the Bill to proceed. A similar procedure was undertaken in the other place by its Standing Orders Committee on 22 March.

The purpose of the motion is simply to ensure that the Bill can be carried over for consideration in the next Parliament and that all the work that I have described and that has been done thus far is not wasted. Carrying a Bill over an election is feasible and, indeed, precedented for a hybrid Bill. There will be no curtailment of appropriate scrutiny. There will be the usual opportunities for hon. Members to debate the principle of the Bill on Second Reading, and for their constituents to

⁵⁰ For more information on the 1996 Act, see HC Library research paper 95/02 (January 1995).

be heard in front of a Select Committee composed of hon. Members of this House, and subsequently in a Select Committee of the other place. The Select Committee will sit in a quasi-judicial capacity and have the opportunity to hear a range of submissions in considering petitions against the Bill.

If the Bill is not carried over, despite the cross-party support and that of the overwhelming majority of the business community in London, which has been vocal and forthcoming in its backing for the project, we would have to redo all that I described—for example, serving approximately 5,000 landowners with notices, advertising in the press and updating all the documents required at the time of deposit, thus doing again all the referencing to check everything that is entailed.

Whatever people feel about the merits of the project, I do not believe that anyone is especially wedded to the notion that, purely because of the interruption—for want of a better word—of an election, the Bill should not be carried over and presented for Second Reading at the earliest opportunity. Several people are directly affected by the Bill and it would not be good public policy to make them undergo all those processes again and suffer the subsequent uncertainty...

It will be reintroduced at the earliest opportunity after the interruption of an election. I hope that I can say that with confidence, given the support throughout the House for the measure. I shall be candid and say that, of course, there is the little matter of the £10 billion price tag that comes with it, and a good deal of continuing work needs to be done to ascertain how the costs will be apportioned, but ... we fully intend to present the Bill for its Second Reading and subsequent stages at the earliest opportunity. Given all the momentum and the widespread support that the project commands in London and beyond, in both Houses and the business community, and, not least, the impact on those who could be affected by the process, the sooner we move, post election, to Second Reading, the better... for the reasons that I have outlined, I commend the order to the House.⁵¹

After a short debate, the House approved the motion without a formal vote.

A. Main aspects

The Bill comprises 59 clauses and 14 schedules. The main provisions of the Bill provide for authorisation of works; acquisition of land; establishment of a planning and heritage regime; the application of existing railway and other miscellaneous legislation to Crossrail; transfer of property, rights and responsibilities from CLRLL, the Secretary of State and others; and the devolution of control of the project to London. A summary is given below:⁵²

⁵¹ HC Deb 7 April 2005, cc1604-1606

⁵² The Explanatory Notes provide a full description of the Bill, clause by clause, available here: <http://pubs1.tso.parliament.uk/pa/cm200506/cmbills/001/en/06001x--.htm>

Clauses 1 to 4 and **schedules 1 to 4** provide for the works required to build Crossrail, including the principal works necessary – called the ‘scheduled works’. The scheduled works are required to be carried out in accordance with those specifications set out in the deposited plans, with some leeway known as the ‘limit of deviation’. The intent is to build some flexibility into the Bill. The Explanatory Notes observe that this is customary in Bills for railway projects where there can be unanticipated obstacles. In addition to railway works, this section of the Bill contains the provisions dealing with necessary highway works and overhead lines.

Clauses 5 to 9 and **schedules 5 and 6** deal with the acquisition, possession and use of land. This section of the Bill provides for the temporary possession and use of specified land and the acquisition of the land described in the deposited plans (within defined limits). It also gives the Secretary of State compulsory purchase powers in relation to land required for Crossrail and the extinguishment of private rights of way over land within the Bill limits held by the Secretary of State.

Clauses 10 to 14 and **schedule 7** provide for those aspects requiring planning permission, development or applications. The Bill gives deemed planning permission for scheduled works as specified in schedule 1 and brings into effect a planning regime for the project to give local planning authorities an “appropriate degree of control” over the detailed planning aspects of Crossrail. A time limit is set on deemed planning permission of ten years following the date of Royal Assent of the Bill.

Clauses 15 and 16 and **schedules 8 and 9** contain provisions dealing with the heritage aspects of Crossrail and the rights of entry granted to English Heritage.

Clauses 17 and 18 give a nominated undertaker powers to deal with trees on land neighbouring Crossrail works. This section also allows for the disapplication of tree preservation orders.

Clauses 19 and 20 remove the power of magistrates’ courts to decide appeals on the control of construction sites and give it to the Secretary of State.

Clauses 21 to 44 and **schedule 10** deal with railway matters. This section temporarily disapplies the licence requirement in the Railways Act 1993 until such a time when Crossrail is ready for commercial use. During this period, between Royal Assent and the commencement of passenger services, the Office of Rail Regulation (ORR) will assume responsibility for regulating access contracts that will take into account the prospective principal Crossrail passenger services. It also sets out the Secretary of State’s powers to specify the minimum operating levels for the passenger service that will ultimately run on Crossrail once completed. Public sector operators will be eligible to be franchisees for Crossrail services.

Clauses 45 to 59 and **schedules 11 to 14** contain other, miscellaneous provisions to do with, amongst other things, transfer schemes, burial grounds, and the power to devolve the functions of the Secretary of State. The financial provisions in **clause 58** state that:

There shall be paid out of money by Parliament –

- a) Any expenditure incurred by the Secretary of State in consequence of this Act, and
- b) Any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

B. Consultation

Public consultation on the Crossrail proposals has been taking place since 2003. Indeed, the right of those affected by the Bill to petition against it is one of the key components of the Hybrid Bill process. As the *Regulatory Impact Assessment* to the Bill summarises:

As the developers of the proposed scheme, CLRLL have undertaken a public awareness campaign and widespread public consultation. Two separate twelve-week rounds of public consultation were completed from September 2003 to January 2004 and from August 2004 to October 2004. The consultation rounds involved public information centres at key locations along the proposed route, mail drops to those potentially affected, newsletters, a dedicated web-site and a 24-hour telephone helpline.

Round One of the consultation process presented a scheme overview, leaving more detailed information for round two. The route proposed in Round One was of a different configuration to that in the Bill, and included a branch to Richmond and Kingston, rather than to Maidenhead. Following the results of the round one consultation and the publication of the Review of the Crossrail Business Cases in July 2004, CLRLL revised the route, removing the Richmond and Kingston branch, and replacing it with the current branch to Maidenhead. This revised route was then consulted on in Round Two.

Neither consultation round sought views on the specific question of whether a bill was favoured as the approach to obtain consent for the project. However, CLRLL made it clear in their published material that this was their intended route, and that the implementation of the scheme would involve the compulsory purchase of some property. A large majority of the responses to both consultations supported the idea and route of the Crossrail proposals. Of those who commented in response to the Round 1 consultation, nearly 75% were supportive; in Round 2, nearly 70% were supportive.

Before deposit of the Bill in Parliament, CLRLL undertook a final information round between 10 and 19 February. This provided members of the public with an explanation of the scheme contained in the Bill, what some of the major impacts were likely to be, the compensation that would be available to people adversely affected, the process by which consent would be sought including an explanation of the documents, particularly the ES [Environmental Statement], that would be

submitted, and the routes open to people if they wished to make representations against the scheme.⁵³

CLRLL has appointed an independent referee to adjudicate on issues arising from the consultation process. The referee is Professor Tony Kennerley, who is also the complaints commissioner for the Channel Tunnel Rail Link. Anyone who feels that they have not received the information they require from Crossrail, and has been unable to resolve the issue with CLRLL, may ask the referee to adjudicate.⁵⁴

Those particularly affected by the Bill may petition against it. Petitioners (or their representatives) may have the opportunity to present their arguments to Committee hearings in one or both Houses. The House of Commons Private Bill Office provides more information:

A petition is a summary of objections to particular aspects of a Hybrid Bill. Formally, it is a request to the House of Commons for the petitioner to be allowed to argue his case, in due course, before the select committee on the bill. Unless all petitions against a bill are withdrawn it will be referred, after Second Reading in the House of Commons, to a select committee. This committee will hear the petitioners' cases (...)

It is open to any individual, group of individuals or organisation “*directly and specially affected*” by the provisions of a Hybrid Bill to petition against that bill. If the promoters of a bill feel that someone who petitions against a bill is not “*directly and specially affected*” they may object to the petitioners' right to petition... Hybrid Bills usually start in the House of Commons and proceed in due course to the House of Lords. Petitioners may petition in either House or both. Each House has a separate format for petitioning and petitions must be addressed to the appropriate House. The timetable for receiving petitions in the House of Commons is laid down in an Order of the House, customarily made immediately after Second Reading of the bill (...)

If petitioners are not intending to act themselves, they may wish to instruct an agent who will act on their behalf in all matters relating to the petition. There are two types of agents: professional Parliamentary Agents (who also act for promoters) are known as “Roll A” agents, all others as “Roll B” agents.⁵⁵

Petitions must be drawn up in the proper form and deposited in the Private Bill Office. The date by which petitions must be submitted will be set at the Bill's Second Reading. A £20 fee is incurred on presentation of a petition.

⁵³ *The Crossrail Bill: Regulatory Impact Assessment*, 22 February 2005, pp13-14

⁵⁴ More information and contact details are available on the *Crossrail Q&A Factsheet* (7 April 2005): http://www.dft.gov.uk/stellent/groups/dft_railways/documents/pdf/dft_railways_pdf_035442.pdf

⁵⁵ HoC Private Bill Office, *How to Petition Against a Private Bill in the House of Commons*, session 2004-05, pp3-5. A list of Roll A Parliamentary Agents can be found in Appendix D of the above guide.

Petitions may be withdrawn by deposit of a letter to that effect, signed by the petitioner or agent, in the Private Bill Office.

C. Costs

In his 2004 report, Adrian Montague asked how much Government funding could be justified for the Crossrail project and what proportion of funding would be required from non-Government sources. Montague reported that a decision on the level of Government funding that could be justified would need to be taken in the light of other revenue sources that might be available. He identified five main potential sources for funding the construction of Crossrail: net travel-generated revenues (i.e. fares); any appropriate European Union subventions; contributions from London businesses and/or individuals, which might be voluntary or mandatory; property revenues; and direct Exchequer support.⁵⁶ Montague concluded by stating that, in the absence of a contribution from central Government, there would be a funding gap for Crossrail of some £8 billion:

As shown below, the funding gap in the absence of a central Government contribution would be of the order £7,000 million NPV to £8,000 million NPV. This gap presents a clear challenge to the fundability of the scheme.

	NPV (£ million)
Estimated Net Cost of Benchmark Scheme	11,273
Revenue Adjustment	1,200
Alternative Funding Mechanisms	2,000 - 3,000
Funding Gap	7,000 - 8,000

The forecast costs of the Benchmark Scheme present a significant funding challenge. Given the transport, wider economic and regeneration benefits that Crossrail would produce, a case can be made for a direct contribution from the general taxpayer, subject to affordability in the context of the significant cost pressures elsewhere on the transport budget, especially from the railways. The scale of these pressures and the size of the scheme make significant direct Exchequer funding of the cost unrealistic.

The Review believes the level of Government support that might be justified could only be determined when considered: (i) against the benefits produced by the scheme and the extent to which these would fall to different parties; (ii) the amount of funding that might be raised from other sources and the extent to which direct Exchequer funding might serve to maximise such contributions; and (iii) the competing demands on the public purse. Given the likely amounts that could be raised from the identified revenue sources, and the Review's

⁵⁶ For detailed information, see: *Review of the Crossrail Business Case*, pp55-67

understanding of their willingness to contribute, any possible Government contribution could be offset but would still be over-large. This raises fundamental affordability concerns.⁵⁷

However, Irving Yass, the Director of Policy at London First, a business lobby group, has pointed out that these figures are at 2002 prices and that costs – and therefore the funding gap – could be even higher:

The figures quoted in at the Bill are at 2002 prices. But the cash costs will be very different, as they will take into account rising construction costs and financing costs. The actual amount of money will be substantially in excess of £10bn. It would possibly be over £15bn.⁵⁸

Michael Schabas, writing for the Institute of Economic Affairs, observed that the Government's response to Montague was "skilful" as it "gave no hint as to how the large funding gap would be bridged. In this key respect, nothing had changed since the ill-fated 1991 Bill".⁵⁹ Along with the Government, the Opposition resisted committing funds to the project before the May 2005 General Election. In the debate to carry over the Bill, Christopher Chope MP, speaking for the Conservatives, responded to this question from Jeremy Corbyn MP:

Jeremy Corbyn: (...) Will he give us some idea of his proposals for Crossrail? If we do not carry over the Bill, we shall have no project. The Bill is the basis of the project. I was hoping that he was going to say that he supported the carry-over and the expenditure on the development of Crossrail. Perhaps he could get to the point.

Mr. Chope: (...) The hon. Gentleman also asked me to make a commitment to the Crossrail project, but no serious prospective Government—such as we are—would be prepared to write a blank cheque for any project, however desirable people might think it is. If the hon. Gentleman is seeking a blank cheque from me today for the Crossrail project, I am afraid that he is going to be disappointed, just as he will have been disappointed by the failure of his own Government to provide one. The Minister talked about this being a £10 billion project, but we know that it is already projected to be much more expensive.⁶⁰

The Treasury is expected to publish a consultation document on options for funding Crossrail sometime in summer 2005.

⁵⁷ *Ibid*, p67

⁵⁸ "BAA fights £10bn Crossrail Bill over Heathrow Express Threat", *Independent on Sunday*, 20 March 2005

⁵⁹ IEA Economics Affairs Journal, *Paying for Crossrail: The Business Case*, 2005.

⁶⁰ HC Deb 7 April 2005, c1607

The *Financial Times* has reported that the Corporation of London and business groups have told ministers that they are willing to pay a supplementary business rate of “about 1.5 per cent of their bills” to help pay for Crossrail. However London Mayor Ken Livingstone is pressing to increase that figure to 3%, taking the business contribution to £2.7 billion. The *Financial Times* also states that:

Transport for London estimates that fares revenue will contribute £3bn, but the Treasury has stalled on putting more than £2bn into the scheme.⁶¹

A report in *The Times* in September 2004 indicated that London developers have rejected another of the ideas to help pay for Crossrail – property tax. The article states that:

Leading developers, including Canary Wharf Group, British Land and Tesco, complain that it would be impossible to levy a tax paid on the uplift in property values after new railway lines are built... They argue that such a tax would be arbitrary and unfair (...)⁶²

Canary Wharf Group was later reported as being prepared to contribute “so long as it was on an equitable basis”.⁶³

The team behind Superlink (an alternative proposal to Crossrail, see section V, below) have argued that passengers will, under the current proposal, pay less than a ‘fair share’ of the projected costs of Crossrail:

On the Underground, the passenger pays about two thirds of the cost and the taxpayer puts in a third. On the buses, the split is about the same. On London national rail overall - we are not talking about Scotland and cross-country - passengers are paying 70% to 90% of the total costs, including the renewal on capital. On Crossrail, on an incremental basis, passengers will be paying 20% to 30% of total costs over the life of the project. That is not a very good number.

As for the absolute amount of subsidy ... that London taxpayers, or some taxpayers, will have to pick up, [it] is as much as the whole London bus system; it is almost as much as the whole Underground. That is what £7.5 billion costs the taxpayer. It is a lot of money.⁶⁴

However, *Local Transport Today* reports the view of Adrian Lyons, Director General of the Railway Forum, that the Mayor has managed to put together a ‘rainbow alliance’ of

⁶¹ “Crossrail to affect 850 landowners and displace 7,000 jobs”, *Financial Times*, 23 February 2005

⁶² “Developers reject property tax to pay for Crossrail”, *The Times*, 9 September 2004

⁶³ “BAA fights £10bn Crossrail Bill over Heathrow Express Threat.”

⁶⁴ *Superlink’s view of the Crossrail proposal*, April 2005:
<http://www.superlinklondon.pwp.blueyonder.co.uk/Michael%20Schabas.pdf>

London-based bodies with an interest in getting the Crossrail project built and a commitment to help fund it.⁶⁵

Written questions have also been put down asking the Secretary of State about the costs of the *development programme* for Crossrail, rather than the projected costs of the project itself. The Minister's answers revealed that CLRLL was allocated £154 million in 2001 to develop the project, while total expenditure on the development programme to September 2004 was in the region of £3.5m:

Mr. Yeo: To ask the Secretary of State for Transport how much has been spent on consultation by the Crossrail development programme to date.

Mr. McNulty: Cross London Rail Links Ltd (CLRLL), a joint venture company currently owned by Transport for London and the Strategic Rail Authority, was set up to develop and promote the Crossrail project.

Total expenditure to date on consultation by CLRLL is £3,466,500. £2,170,500 was spent on the first round of consultation (September 2003 to January 2004) that I asked CLRLL to undertake to explain to the public in more detail their proposed scheme, and to canvass views on their route proposals. The remaining £1,296,000 is the cost to date of the second round of consultation, on CLRLL's preferred route, which began in August 2004, following my right hon. Friend, the Secretary of State's Statement to the House on 20 July announcing the decision to introduce a hybrid Bill for Crossrail at the earliest opportunity. The costs include salary costs of CLRLL staff.

Mr. Keith Bradley: To ask the Secretary of State for Transport how much money has been allocated in his departmental budget for the Crossrail project for (a) 2004–05, (b) 2005–06 and (c) 2006–07.

Mr. McNulty: In May 2001, Cross London Rail Links (CLRLL) was provided with ring-fenced funding of £154 million for the purposes of developing Crossrail. CLRLL has spent £62.5 million to the end of financial year 2003–04, with a further £42.5 million budgeted for the current year. This would leave £49 million of the original £154 million available for developing the scheme after March 2005.⁶⁶

D. Environmental Statement

The Crossrail Environmental Statement (ES) was published along with the original *Crossrail Bill* in February 2005; it runs to 16 volumes. A supplementary ES was published in May 2005. Non-technical summaries of both the original ES and the

⁶⁵ "Is it too late to even think about alternative ideas to Crossrail?", *Local Transport Today*, 20 January 2005

⁶⁶ HC Deb 13 September 2004, c1383W

supplementary ES have also been published.⁶⁷ The DfT invited comments on the ES when it was published in February. That consultation period closed on 17 May. However, given the proposed timing of Second Reading the DfT decided to extend the period for consultation by three weeks, to 10 June 2005, to give people a further opportunity to offer views on the ES.⁶⁸ All comments received will be published.

The purpose of the ES is to help Parliament to make decisions about the project based on a full understanding of any impacts, positive or negative, that it may have on the environment. The ES is also intended to assist in the general understanding of how the Bill will affect individuals and relevant stakeholders. The ES assesses 12 selected environmental topics, including air quality and climate change; contaminated land and waste; landscape and built heritage; and noise and vibration. The ES also looked at the potential interaction between Crossrail and other major projects in the London area, such as Thameslink 2000; the East London Line Extension; any developments dependent on London being selected to host the 2012 Olympic Games; regeneration in the Thames Gateway area; and the Docklands Light Railway Extension to Woolwich Arsenal.⁶⁹

The environmental impacts of Crossrail have been assessed against the planning policies of central Government, the Mayor of London, the regional assemblies for the South East and East of England and affected local authorities. It is intended that Crossrail should support planning policies that aim to:

- Sustain employment and population growth in London;
- Overcome constraints on the ability of Central London to continue to complete as a world-class financial centre;
- Improve accessibility by public transport and promote sustainable development; and
- Support regeneration, particularly in East London and the Thames Gateway.⁷⁰

That said, the ES does warn that some of the environmental aspects associated with Crossrail “will conflict with local planning policies”, for example, where residential amenity may be affected by construction noise, where listed buildings may need to be demolished or where open space may be occupied by worksites.

⁶⁷ All of these documents are available at:
<http://billdocuments.crossrail.co.uk/80256FA10055060F/pages/environmentalstatement>

⁶⁸ For details on where to send comments, see:
http://www.dft.gov.uk/stellent/groups/dft_railways/documents/divisionhomepage/035435.hcsp

⁶⁹ *Crossrail Environmental Statement Non-technical Summary*, p53

⁷⁰ *Ibid*, p54

E. Race Equality Impact Assessment

In February 2005, the DfT published the Race Equality Impact Assessment (REIA) to accompany the Bill. The aim of the REIA is to provide “an initial assessment of the impact of the Crossrail project, as described in the Crossrail Bill, on the communities and ethnic groups affected by it”. The main concentrations of populations from minority ethnic communities are in the west and east London sections of the route. In the east these include Spitalfields, Limehouse and Tower Hamlets and in the west, Southall. The REIA recommends that:

...further Race Equality Impact Assessments will be needed throughout the lifecycle of the project, as the project is delivered through the various stages to line opening and passenger operation.

In the assessment of race impacts normal mitigation measures will be applied where noise, vibration, hardship or settlement is apparent. In addition to these, and due to the sensitive nature of race impacts, CLRLL will adopt a consultative approach with those affected or their representatives to ensure that any differential impacts are fully understood and that there is an active and helpful management of race relations within the community, as far as circumstances allow.

Following the assessment and analysis of the impact, options for mitigation will be proposed by CLRLL’s EqIA recommendations panel. These options will be consulted upon with the affected parties and the relevant local authority.⁷¹

The REIA states that it will be fundamental to the Crossrail project to ensure that “local people are engaged with fully in ways that are appropriate to their cultural, faith and linguistic needs and that treat all those affected with respect and dignity”. This will include ensuring that:

- There is close and regular contact with all affected communities throughout the development process;
- There is a mechanism for receiving and responding to immediate concerns (for example over the construction work or lorry traffic) that is available to and useable by all sections of the affected communities in various languages and formats;
- Briefing and consultation papers address the issues on which people have expressed concern;
- Such papers are available in relevant languages;
- Such papers are publicised and disseminated through media that reach all sections of the communities affected;

⁷¹ *Crossrail: Race Equality Impact Assessment*, February 2005, p18:
http://www.dft.gov.uk/stellent/groups/dft_railways/documents/page/dft_railways_035440.pdf

- Consultation meetings are held in premises that are accessible and acceptable to all sections of the community and that they are held at times that are acceptable;
- Interpreters are available;
- Smaller groups, perhaps led by women, are made available for those whose cultural background would preclude participation in wider forums;
- Consultation involving all affected people whether property owners or long or short term tenants;
- Specific issues (for example road safety and health) affecting children and young people from some minority ethnic and faith communities are recognised and taken fully into account and that appropriate briefing and information is made available in the necessary formats;
- All decisions are communicated to all sections of affected communities in ways in formats and through media that meet the full range of needs.⁷²

F. Criticisms and concerns

Some individuals and organisations have expressed concerns about the viability of the Crossrail project – not least because of funding difficulties and questions over organisation and control of the project – while some have questioned whether the scheme will ever go ahead at all. In their chapter on Crossrail for Francis Terry’s 2004 book *Turning the Corner*, transport experts Stephen Glaister and Tony Travers argued:

Central government should get a grip on itself and make a single individual responsible for Whitehall input to the project. This representative could sit on the board of the company, but would also have responsibility to ensure the Treasury, DfT, GoL [Government of London], SRA, and other central government entities act in concert. To use a cliché much loved by recent administrations, central government’s efforts need to be ‘joined up’. In a country as centralised as the United Kingdom, only a member of the Cabinet (and then one who was felt to be capable of delivering) would be of much use.⁷³

Concerns about the organisation of the project and its associated costs were highlighted by an investigation carried out by the *London Evening Standard*. The *Standard* reported in August 2004 that their investigation revealed:

- A total of 265 staff are working on “planning” the project which has been on the drawing board for 15 years;
- A further 100 staff are to be recruited... taking the wage bill above £2.7 million a year;
- Rent on prestige offices in St James’s Park for Cross London.

⁷² *Ibid*, p20

⁷³ Stephen Glaister and Tony Travers “Crossing London”, from *Turning the Corner* (Francis Terry ed., 2004), p96

Rail Links (CLRLL), the parent company of Crossrail, costs £745,000 a year;

- The annual wage bill for directors and staff comes to £2,762,000 a year;
- Information technology costs total more than £472,000; [sic]
- Route surveys, maps and licences, purchased from Transport for London, cost £149,076.⁷⁴

Opposition parties, while supporting the Crossrail project, have expressed doubts about its viability while a funding gap remains. For example, then Conservative spokesman on transport issues, Tim Yeo MP, stated in his response to the 2004 Queen's Speech:

The Crossrail Bill will have our support, but as everyone knows, and the Secretary of State acknowledged, it does not advance the starting date for that important project by a single day, because the Government are still dithering over the funding.⁷⁵

The Conservative spokesman for London, Mark Field MP, expanded on this theme:

... given the great success, apparently, of the economy and congestion, particularly the success in London, why is it that the Crossrail Bill that he is now proposing is not the green light that has been presented but a flickering amber light? It goes into no detail about the financing or funding of the project ... We are looking to the Government to provide some answers. Given seven and a half years of a Labour Government, and given that the congestion problems in London are getting ever worse, Crossrail is an extremely important project. There should be a consensus among politicians, as there is among the business community. The business community has said that it would be willing to put up some money, but where will the Government's financing and funding stream come from?⁷⁶

In his response to the Minister during the debate to carry over the Bill in April 2005, Christopher Chope MP pointed to the reported concerns of London's Transport Commissioner Bob Kiley:

The reality of the Bill and the carry-over motion before us is best encapsulated in a short piece in today's Evening Standard under the by-line of Ross Lydall, its local government correspondent. It says:

"One of the scheme's main backers has revealed growing frustration with the lack of progress and Government cash. Bob Kiley, London's transport commissioner, said: 'We are where we have always been from the beginning, which is nowhere.' Crossrail dates from 1989 and would involve digging a twin-bore tunnel between Paddington and Whitechapel, with new stations along Oxford Street. It remains a

⁷⁴ "The cost of Crossrail", *London Evening Standard*, 2 August 2004

⁷⁵ HC Deb 25 November 2004, c260

⁷⁶ *Ibid*, c249

project that everybody wants but no government will pay for. Mr. Kiley said Crossrail was costed at £10.2 billion in 2002"—

which the Minister mentioned again today—

"but since then construction costs had risen two-and-a-half times faster than inflation".⁷⁷

Similarly, the Liberal Democrat Group in the London Assembly has stated that, while welcoming the *Crossrail Bill*, questions remain about the funding:

We would welcome much more clarity about the funding package and the degree to which Londoners will be expected to shoulder the burden of funding the Crossrail project.⁷⁸

Those backing the Superlink scheme (see section V, below), have maintained that Crossrail does not give value for money and does not provide improvements in key areas. Michael Schabas gave a presentation at the Waterfront conference on 13 April 2005 where he made the following observations:

What is the Crossrail scheme? Let us see whether it is good enough. It has the tunnel across the middle, which will now cost about £4 billion - it is more like £5 billion when you add in the operating losses over 60 years discounted and so on; but we can get picky about the numbers. It will have 24 trains an hour.

In the east, it goes to Shenfield, mostly because it has always gone to Shenfield - because it is there and Shenfield is a busy suburban line. They thought that, by linking it into Crossrail, they would make it better. It does not make it better any more now, because they have to have a branch to Canary Wharf as well; so they can only run 12 trains on the Shenfield branch, which has 15 at the moment. So Shenfield will see a reduction in service (...)

Across the river, they were trying to go to Ebbsfleet, but they found out - surprise, surprise - that there was not really the capacity. You could not add any more on. It took them two years and a good part of their £150 million to discover that. Amazing. People who know something about railway operations would have known that there was not great potential to go there - frankly, this is not where the big growth sites are in the Thames Gateway. They are on the north side of the river, in Barking Reach, Rainham and so on.

Okay, so there is the Ebbsfleet branch that is not going to happen. As for Abbey Wood, it adds £400 million more to your funding gap to do that. By the way, these stations each cost about £400 million (...)

⁷⁷ HC Deb 7 April 2005, c1606

⁷⁸ Liberal Democrat Group at the London Assembly, *Position statement on Crossrail*, 25 February 2005

Another problem is that there is no capacity increase from Stansted... Crossrail does not do anything to improve access to Stansted, which is right now struggling.⁷⁹

V Alternative schemes

A. Small scale options

In January 1995 the DfT commissioned Ove Arup to consider whether any smaller scale alternatives to Crossrail could achieve some of the benefits at lower cost. The study, published in March 1996, considered two options in depth, having dismissed many other schemes at an interim stage on the grounds that neither journey times nor capacity would be improved. The two options were:

1. A 'north circle' scheme involving increased use of the northern section of the Circle Line between Paddington and Farringdon or Aldgate stations by providing more capacity for through services between Reading and Shenfield. Twelve car trains on this route, at 1995 prices, would mean a total cost for the scheme of £958m.
2. A 'south circle' scheme involving increased use of the southern section of the Circle Line between Gloucester Road and Tower Hill stations by providing more capacity for through services between Richmond or Ealing and Shoeburyness. Twelve car trains on this route, at 1995 prices, would mean a total cost for the scheme of £621m.⁸⁰

The benefits that the report could see from these schemes would be:

- Improving journey times by rail in the Crossrail corridor, in particular by cutting out interchanges;
- Reducing overcrowding on the east-west axis within central London by 5% to 13% between Stratford and Holborn on the Central Line and by up to 5% on the Victoria Line;
- Reducing car usage and highway congestion on the east-west axis;
- Providing a fast and safe through service linking east and west London;
- Promoting further development, and regeneration benefits, along the Crossrail corridor by enhancing accessibility and reducing journey times;
- Facilitating particular cross-London journeys (e.g. Heathrow to the City); and
- Enhancing London as a world city.⁸¹

⁷⁹ *Superlink's view of the Crossrail proposal*, April 2005.

⁸⁰ Arup/DoT, *Small Scale Alternatives to Crossrail*, March 1996, p1 and p11

⁸¹ *Ibid*, pp11-12

However, the report concluded that overall, although the schemes would produce substantial benefits, the gross costs would bring the benefit/cost ratio below unity (i.e. they would not be financially viable).⁸²

B. Superlink

Crossrail has come under renewed scrutiny following the publication of a proposal for an alternative scheme labelled 'Superlink'.⁸³ Superlink was launched on 15 December 2004 by a group led by three senior rail industry figures – John Prideaux (former managing director of InterCity and former chairman of Angel Trains and Union Railways); Michael Schabas (a founder of GB Railways); and Chris Stokes (a former deputy director of Network South East who sits on the board of the Office of Rail Regulation). Superlink claims that it:

...takes the concept of a new mainline railway across Central London, on which the 1980s Crossrail scheme was based, and transforms it into a larger scheme which addresses the transport needs of London and the South East Region in the 21st century. It would

- serve Stansted and new housing development in the SE and Thames Gateway
- relieve overcrowding on the tube and national rail services
- directly service many key centres in the South East
- provide better rail access to Heathrow including links from the South West.
- take traffic off the motorway network, particularly the M25
- release capacity on existing lines to allow improved local services provide direct access to the West End, City and Canary Wharf, avoiding the need for interchange

While Crossrail trains would run mostly over existing crowded tracks, and not beyond the M25, Superlink proposes to build new strategic sections of route to connect with existing lines and create capacity for more and faster journeys deep into the Home Counties. As a result, the network would

- attract four times as many passengers as Crossrail
- cut the overall subsidy requirement by half
- be a fundable scheme⁸⁴

In an article for *The Utilities Journal* in March 2005, John Prideaux further explained:

⁸² *Ibid*, p10

⁸³ The project maintains an internet site at: <http://www.superlinklondon.pwp.blueyonder.co.uk/>

⁸⁴ Superlink press notice, "New 'Superlink' rail plan for the South East", 15 December 2004

Like Crossrail, the proposed Superlink network has common central tunnels between Paddington and Canary Wharf, with branches on either side of Central London. Where Crossrail only has two routes on each side of London, barely extending beyond the M25, Superlink has three main branches on each side of London, all extending out beyond the M25.

All Superlink routes run through the common central section, from Canary Wharf to Paddington. Each branch in the east is, for operational reasons, paired with a specific branch in the west, matching train lengths and service frequencies. Travel between all Superlink stations will be easy and convenient, requiring at most a single same-platform or cross-platform interchange.

Superlink proposes a new two-track railway into Essex, to provide additional capacity sufficiently far out to bypass the sections of the mainline network that are fully utilised.⁸⁵

Superlink gives the following outline of the scheme's economic benefits, *vis à vis* Crossrail:

The economic benefits of Superlink (£m, 2002 figures)				
	Project 60-year net present value		Design year 2020	
	Crossrail	Superlink	Crossrail	Superlink
<i>Public sector evaluation (incremental to existing network)</i>				
Capital cost	7,475	9,595	598	768
Operating cost	2,223	3,582	106	171
Total cost	9,698	13,177	704	938
Revenues	3,239	9,965	150	460
Subsidy	6,459	3,212	555	478
Other transport benefits	16,196	49,825	748	2,300
Net benefits	9,737	46,612	1,302	2,778
Net benefits – subsidy ration	(1.51)	(14.51)		
Benefit-cost ratio	2.0	4.5		
<i>Private sector evaluation (freestanding business)</i>				
Train operating cost (franchise)	1,449	3,501	104	251
Incremental fixed operating cost	878	1,073	63	77
Capital charge	7,475	9,595	598	768
Revenues	3,450	14,471	253	1,062
Franchise subsidy (premium)	6,352	(302)	512	34

Source: Superlink

Superlink has received some favourable coverage in industry press. For example, an article in *Modern Railways* calls Superlink “breathtaking stuff”:

You can see the proposal being greeted with groans at the thought of starting again after £300 million has been spent developing the current Crossrail scheme.

⁸⁵ “Superlink: A Viable Alternative?”, *The Utilities Journal*, March 2005

Is it 'helpful' to rock the boat, just as permission has been given for the hybrid bill?

But I have a lot of respect for those concerned. In particular, they have hands-on experience of what it takes to get Bills for mega-projects through Parliament, combined with deep understanding of railway operation and economics. And they are not exactly impressed by what Cross London Rail Links Ltd has achieved for £300 million to date.⁸⁶

Others, however, have expressed doubts about the scheme, particularly as it has been put forward so late in the development process for Crossrail. Adrian Lyons, general director of the Railway Forum, commented: "To reconsider would add ten years to the project – or at least five – and for what?"⁸⁷

VI Hybrid Bills

There is a type of Public Bill which has characteristics of a Private Bill within it. This is generally where it affects some members of a defined class or persons (including corporate 'persons') differently in comparison with other members of the same class. These are relatively rare. The most recent significant example of such a Hybrid Bill was the Government-sponsored Bill for the construction of the Channel Tunnel Rail Link, which self-evidently affected some property owners along the proposed route adversely in comparison with others. This is also the case with the *Crossrail Bill*. The *Handbook of House of Commons Procedure* offers a short summary of the Hybrid Bill process:

Where it appears, on publication after its first reading, that a Bill is *prima facie* hybrid in some of its provisions, it is referred, under S. O. 61, to the **Examiners of Petitions**. If they report that the private legislation standing orders ought to apply to any provisions of the bill, it is referred after its second reading to a *select committee* appointed for the purpose to examine any petitions from persons or bodies having a *locus standi* (that is, generally speaking, persons adversely affected by those provisions in comparison with other persons of the same kind). The bill then essentially passes through a version of the private legislation procedure, with the full panoply of petitions, hearings with counsel and petitioners, etc... The committee may amend the bill, and may make a report upon it as well. When the bill has undergone this process, it is usually, after being reported to the House, re-committed to a standing committee, and thereafter progresses as a public bill.⁸⁸

The House of Commons Information Office (HCIO) factsheet L5 provides a fuller explanation of how a Hybrid Bill proceeds through Parliament:

⁸⁶ "A fresh look at Crossrail", *Modern Railways*, January 2005, p24

⁸⁷ "Is it too late to even think about alternative ideas to Crossrail?"

⁸⁸ *Handbook of House of Commons Procedure* (4th edition), 2003, pp117-118

Preliminary proceedings

A Minister or other Member in charge of a Public bill should be aware at an early stage that it could contain elements of a Hybrid bill. In the case of a Government bill, the Parliamentary draftsmen or Department concerned will almost certainly have pointed this out: steps will have been taken to ensure compliance with Standing Orders (with regard, for example, to advertisements, the drawing up of any necessary plans, etc). Where the Examiners find that the bill has not complied with Standing Orders, it is referred to the Standing Orders Committee... If this Committee decides that the bill should not proceed, the promoters of the bill usually abide by this decision.

Second reading

The procedure for second reading of a hybrid bill is the same as for a public bill. After second reading, in order to enable anyone specially and directly affected by the bill to make their case against it, the bill is committed to a select committee, normally made up partly of members chosen by the House and of others chosen by the Committee of Selection; the Channel Tunnel Bill in 1985-86 however, was sent to a Committee of nine Members, wholly chosen by the Committee of Selection. The motion to refer the bill to a select committee normally also sets down the requirements for the receipt of petitions against the bill.

Petitions

Any individuals or organisations that oppose the bill can submit petitions against it. The petitions have to be deposited within a stipulated time in the Private Bill Office and must conform to the rules for petitions against private bills. If the promoter of a bill challenges the status (*locus standi*) of a petitioner, the select committee itself determines who may and who may not be heard and on which sections of the bill. Decisions of the Court of Referees, who decide similar cases relating to private bills, are binding on the Committee.

Proceedings if no Petitions are Deposited

If no petitions are deposited against the bill within the stipulated time, the bill will be recommitted to a standing committee or committee of the whole House, who will then consider it in the same way as a public bill.

Select Committee

If petitions are received, the select committee will meet and consider the bill in very much the same way as a private bill committee would (see Factsheet L4). However, there are certain differences; in particular, that the promoters do not need to establish the need for the bill since the House has already put on record its approval of the principle of the bill at second reading. First the petitioners make their case, calling witnesses if necessary. Witnesses are normally examined on oath. When the opponents of the bill have completed their case, and the promoters have been heard in reply, the committee considers the clauses of the bill, reporting it to the House with or without amendment. If the committee wishes to communicate its view on the subject matter of the bill, or if the promoters no longer wish the bill to proceed, the committee may make a special report to the House.

Later Stages

The bill, once reported, is normally re-committed to a committee of the whole House or to a standing committee. Report stage and third reading take the same form as all other public bills. The bill is then sent to the House of Lords where there is a further opportunity for objectors to petition and to appear before a select committee.

Carry-Over between Sessions

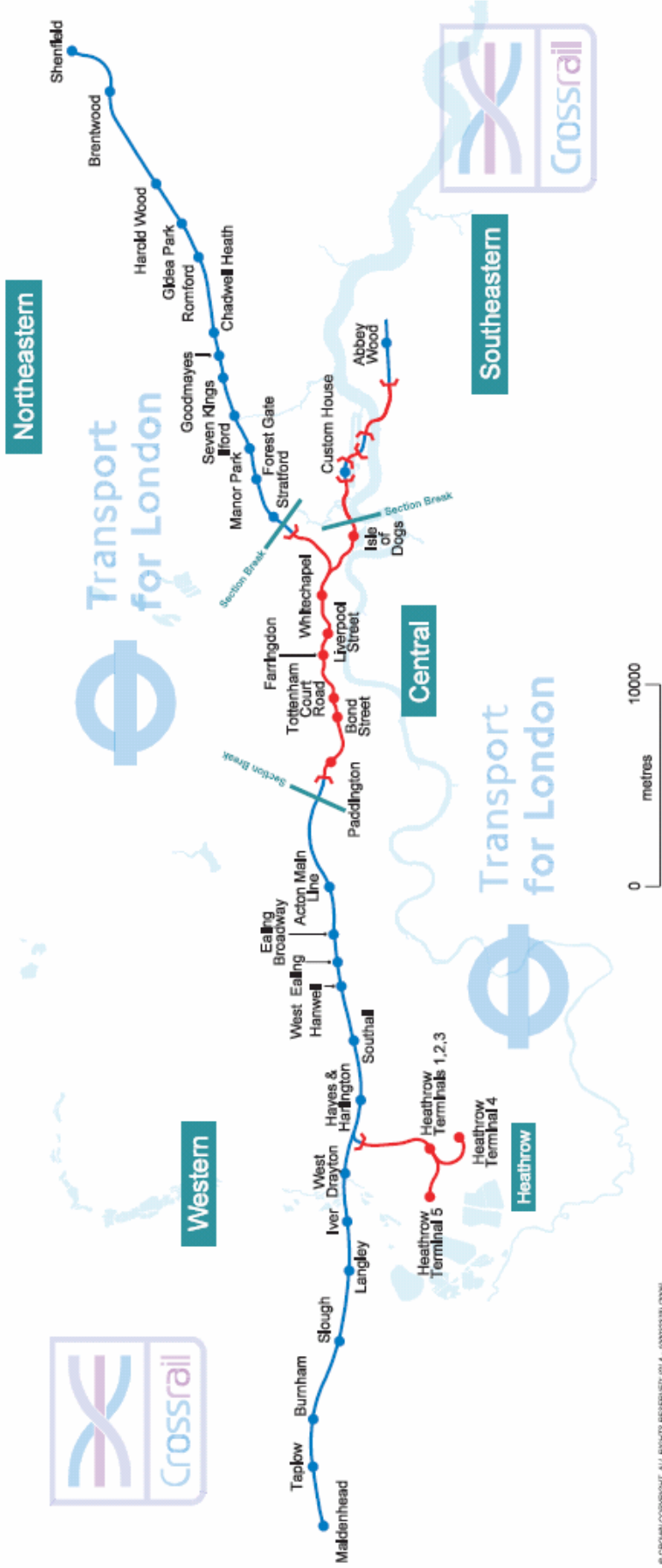
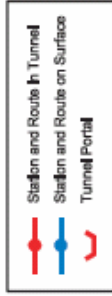
As with private bills, the House has, when necessary, considered motions to suspend hybrid bills from one session to another: the Channel Tunnel Rail Link Bill was suspended twice. When a General Election has been called, motions have also been considered to allow hybrid bills to recommence at the point they had reached before the election. Motions of these kinds may, of course, be opposed and negatived; in which case the bill would fall, or have to start all over again.⁸⁹

VII Maps

Below are maps of the proposed Crossrail route.

⁸⁹ HCIO, *Factsheet L5: Hybrid Bills*, September 2003:
<http://www.parliament.uk/documents/upload/105.pdf>

The Crossrail route



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Twin-bore tunnels will be excavated in tandem from different start and end points

