

Office of the Minister State Owned Enterprises
Office of the Minister of Finance
Office of the Minister of Transport
Office of the Minister for Regional Economic Development

Chair, Cabinet Economic Development Committee

Publication of the New Zealand Rail Plan

1. We propose to publish the New Zealand Rail Plan (Rail Plan) in August 2020. The Rail Plan reflects outcomes from the consultation process undertaken on the draft New Zealand Rail Plan (draft Rail Plan) between December 2019 and May 2020.
2. The Rail Plan also includes content to reflect recent developments, including funding announcements and Covid-19. The policy intent of the Rail Plan remains consistent with the draft Rail Plan released in December 2019.

Executive Summary

3. The Rail Plan is a key output of the Future of Rail Review. It confirms the Government's commitment to restoring the heavy¹ rail network to ensure rail is able to play its part in a multi-modal transport system. Rail is a key enabler of economic, social and environmental benefits for all New Zealanders.
4. We developed the draft Rail Plan to reflect previous decisions taken by Cabinet to support a resilient and reliable rail network and restore the network from a state of managed decline [refer DEV-19-MIN-0123, CAB-19-MIN-0240, DEV-19-MIN-0225, CAB-19-MIN-0439]. Ensuring New Zealand has a reliable and resilient rail network will build a stable platform for further investment to support growth.
5. On 19 March 2020 public engagement commenced on the draft Rail Plan, alongside the Government Policy Statement on Land Transport 2021 (GPS 2021). Over 1,100² submissions were received on the draft Rail Plan. The submission period closed on 11 May 2020.
6. In general, submitters expressed support for the intent of the draft Rail Plan and the steps taken by the Government to restore the New Zealand rail system. However, many submitters sought greater ambition in the investment for rail.

¹ Heavy rail refers to the rail network and rail services (freight, tourism and metro) operating on track and supporting infrastructure owned and operated by KiwiRail. Light rail is outside the scope of this paper.

²² Over 900 submission forms were received from members of Generation Zero.

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7. While this reliability and resilience-focused investment on the national rail network may not satisfy the desire from some submitters for more expansive investment, the strategic investment priorities outlined in the Rail Plan represent a critical and significant step-up in the investment levels for rail.
8. The Rail Plan reaffirms our previously agreed investment priorities. It has also been updated to reflect investment decisions that have already been taken through the New Zealand Upgrade Programme, Budget 2020, the Provincial Growth Fund and the significance of delivering rail projects to support the economic recovery from COVID-19.
9. The updated Rail Plan is attached as **Appendix One**.

Background

The New Zealand Rail Plan

10. The Rail Plan is a non-statutory document. It is a product of the Future of Rail review (the review), which has been led by the Ministry working alongside KiwiRail, the Treasury, and Waka Kotahi NZ Transport Agency (Waka Kotahi), with input from Auckland Council, Auckland Transport and Greater Wellington Regional Council (GWRC). It is the first of its kind for New Zealand.
11. In 2019, Cabinet agreed in principle to support a resilient and reliable rail system and agreed to a new planning and funding framework to achieve this [refer DEV-19-MIN-0123, CAB-19-MIN-0240, DEV-19-MIN-0225, CAB-19-MIN-0439].
12. To implement the new planning and funding framework, changes to the Land Transport Management Act 2003 have been made. The Land Transport (Rail) Legislation Act 2020 has been passed and came into force on 1 July 2020. This is reflected in the Rail Plan.

Role of the Rail Plan

13. The investment priorities outlined in the Rail Plan will inform detailed investment decisions as part of the new planning and funding framework for rail. It sits alongside the Government Policy Statement on Land Transport 2021 (GPS 2021) to inform decision-making for rail investment from the National Land Transport Fund (NLTF), as well as informing future Crown rail investment decisions.
14. We expect Waka Kotahi to consider alignment with the Rail Plan when providing its advice on future rail funding decisions. The GPS includes specific Ministerial expectations on Waka Kotahi to fulfil its role in supporting the implementation of the Rail Plan and the new planning and funding framework for rail. The strategic investment priorities outlined in the Rail Plan will also inform the development of KiwiRail's rail network investment programme and regional transport planning processes.

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15. The Rail Plan does not provide a definitive list of investments for rail over the next decade, nor does it provide a funding commitment for all of the projects outlined. However, it does send a strong signal of the Government's commitment to rail over the next decade, and the investments needed to achieve a resilient and reliable rail network.

Public engagement on the draft Rail Plan

16. The draft Rail Plan was released on 13 December 2019 and informed the investment signals for rail in the draft GPS 2021 and Budget 2020 decisions. It also provided the strategic context for the proposed legislative changes to the Land Transport Management Act 2003 (LTMA) to establish the new long-term planning and funding framework for the rail network.
17. On 19 March 2020, the draft GPS 2021 was released for public feedback alongside the draft Rail Plan. Due to the disruption of COVID-19, the submissions period for the draft GPS and draft Rail Plan was extended for an additional two weeks. The submissions period closed on 11 May 2020.
18. A total of 1114 submissions were received on the draft Rail Plan, including:
 - 946 form submissions from members of Generation Zero
 - 132 submissions from individuals
 - 18 submissions from local government
 - 12 submissions from Non-government organisations (NGOs) and/or advocacy groups
 - 4 submissions from rail industry partners
 - 2 submissions from other parties.

Key consultation themes

19. Several key themes were identified through the consultation process. **Appendix Two** provides a summary of the submission themes, and the approach taken to respond to these issues in the revised Rail Plan.
20. Overall, there was strong support for the intent of the draft Rail Plan and more broadly, the steps Government has taken to invest in rail. This support was consistent with feedback received on the draft GPS 2021, with 85% of respondents agreeing the NLTF should fund the national rail network.
21. However, many submitters considered that the draft Rail Plan lacked ambition and that more was needed to restore the rail network sooner to allow more rail services for both freight and passengers in more parts of New Zealand.
22. While we recognise the level of ambition for rail in New Zealand, at this stage we do not recommend further investment beyond the reliable and resilient investment scenario that Cabinet has previously agreed to in principle.
23. Investment in the core maintenance and renewal of the rail network is required, and will provide a platform for further investment in future.

24.



25. We also need to complete the other existing rail investments we have underway through the NLTF, New Zealand Upgrade Programme and the Provincial Growth Fund. Further investment is also being made post-COVID in 'shovel ready' infrastructure projects.

Some additional content changes to reflect recent developments relevant to the Rail Plan

26. Some additional content changes have been made to the revised Rail Plan to reflect key decisions and events that have occurred since the release of the draft Rail Plan in December 2019. The following outlines these key changes to the revised Rail Plan:

- **COVID-19:** recognising the global pandemic has impacted all aspects of life including the transport system; emphasis on the important role the rail freight network and metro passenger rail plays in supporting NZ's economy
- Updating the plan to **confirm changes** have been made to the **Land Transport Management Act 2003**, to implement the new planning and funding framework for rail
- **Update of Crown investment** into rail through NZUP, Budget 2020, and shovel ready infrastructure investments
- **Updating the PGF section** to include recent investment decisions and status of rail projects
- Further detail on the **monitoring framework** for measuring the benefits of rail investments
- Updating **Freight Forecasts** to reflect latest data and findings
- **Editorial improvements** of a minor/technical nature to improve readability.

27. Prior to publication, we will consider any final updates to the Rail Plan that reflect any key decisions taken after Cabinet approval, but before publication of the Rail Plan.

28. This may include announcement of any 'shovel-ready' rail projects, an updated total amount of Government funding towards rail and the latest findings of the 'Value of Rail' EY report, if finalised. The Minister of Transport will be responsible for agreeing to any final updates.

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Departmental consultation

29. The following departments and agencies were involved in the development of the Rail Plan and were consulted on this Cabinet paper: KiwiRail, Waka Kotahi New Zealand Transport Agency, Ministry of Business, Innovation and Employment - Provincial Development Unit, and the Treasury. Feedback has been incorporated, where appropriate.
30. Auckland Transport, Auckland Council and the Greater Wellington Regional Council have also been involved in the development of the Rail Plan.
31. The Department of the Prime Minister and Cabinet has been informed.

Financial implications

32. The paper has no financial implications for the Crown. The Rail Plan does not provide a definitive list of investments for rail over the next decade, nor does it provide a funding commitment to projects not already funded. The Rail Plan will inform future Budget decisions for rail investment, [REDACTED]

Withheld as still under consideration

33.

[REDACTED]

34.

[REDACTED]

Withheld as still under consideration

Climate Implications of Policy Assessment

35. The Ministry for the Environment has been consulted and confirms that the Climate Implications of Policy Assessment (CIPA) requirements do not apply to this proposal as any potential emissions impact will be indirect.
36. The Ministry notes that continuation and development of New Zealand's rail network is important in reducing reliance on road transport for both freight and passenger transport, which will help to support overall emissions reductions from transport.

Human rights, gender implications and disability perspective

37. There are no human rights, gender or disability issues or implications associated with this paper.

Legislative implications

38. There are no legislative implications associated with this paper.

Regulatory Impact Analysis

39. The regulatory impact statement requirements do not apply to this proposal.

Communications and Proactive Release

40. We plan to publicly release the Rail Plan in August 2020, following Cabinet approval.
41. The Rail Plan is a Government policy document and can be released in a way that is free from partisan promotion. In having regard to the *Cabinet Office Circular CO (20) 1: Government Decisions and Actions in the Pre-election Period*, the proposed communications approach is to:
- publish the final Rail Plan on the Ministry of Transport's website, alongside communications material summarising the Rail Plan, a summary of submissions, and questions and answers
 - work with Waka Kotahi and KiwiRail to update stakeholders involved in the engagement process
 - run a limited print run to provide sufficient copies for central and local government use.
42. The Ministry of Transport's Chief Executive has been consulted on the timing of the release of the Rail Plan during the pre-election period, having regard to the Cabinet Office Circular CO (20) 1: Government Decisions and Actions in the Pre-election Period, and is satisfied the Rail Plan can be released for the following reasons:
- a draft Rail Plan was publicly released in December 2019
 - while technical detail has been updated, the overall policy intent of the updated Rail Plan has not changed from the draft Rail Plan
 - it is important to release the Rail Plan now to provide certainty to key stakeholders, including KiwiRail, Waka Kotahi, Auckland Council, Auckland Transport and Greater Wellington Regional Council, as well as other regional councils, of Government's strategic priorities for rail, including implementing the new planning and funding framework for the rail network
 - the Rail Plan is complementary to GPS 2021, which is also proposed for release in August 2020, to provide certainty to regional councils as they develop their Regional Land Transport Plans (RLTPs).
43. Officials will advise Rail Ministers on how best to ensure the communications supporting the release of the Rail Plan meets the Guidelines for Government Advertising.
44. If Cabinet agrees, we intend to release this Cabinet paper on the Ministry's website alongside the final Rail Plan and supporting documents. We will determine whether any information should be withheld under the Official Information Act 1982.

Recommendations

45. We recommend that the Committee:

1. **note** that in 2019, Cabinet agreed in principle to support investment in a resilient and reliable rail system and agreed to the new planning and funding framework for rail to achieve this [refer DEV-19-MIN-0123, CAB-19-MIN-0240, DEV-19-MIN-0225, CAB-19-MIN-0439]
2. **note** that the Rail Plan is a key component of the new planning and funding framework for rail
3. **note** that the Rail Plan sits alongside the Government Policy Statement on Land Transport 2021 to direct rail investment through the National Land Transport Fund and inform future Budget investment decisions in rail
4. **note** that Waka Kotahi will be expected to advise the Minister of Transport on how proposed rail network investment activities align with the strategic priorities in the Rail Plan, alongside the GPS, when advising on future rail investment
5. **note** that alongside the Rail Plan, amendments to the Land Transport Management Act 2003 have been made to implement the new planning and funding framework for rail
6. **note** public consultation on the draft Rail Plan took place between December 2019 and May 2020
7. **note** the Rail Plan has been revised to reflect recent events and key decisions that have occurred since the release of the draft Rail Plan in December 2019
8. **note** the changes made to the revised Rail Plan do not change the policy intent of the Rail Plan and the strategic priorities that Rail Ministers agreed to in December 2019
9. **agree** that Rail Ministers can publicly release the Rail Plan in August 2020, in line with the Guidelines for Government Advertising Cabinet Office Circular CO (20) 1: Government Decisions and Actions in the Pre-election Period
10. **authorise** the Minister of Transport to make editorial and other changes to the plan in line with the policy intent, prior to its publication

11. [REDACTED]

Rt Hon Winston Peters
Minister for State
Owned Enterprises

Hon Grant Robertson
Minister of Finance

Hon Phil Twyford
Minister of Transport

Hon Shane Jones
Minister for Regional
Economic
Development

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I N C O N F I D E N C E

Appendix Two: Summary of key themes raised through the consultation process and how the updated Rail Plan responds to the issues raised

Key theme raised in submissions	Officials' consideration of the issues and how the Rail Plan responds to the issues raised
<p>Strong support for rail, but a greater level of ambition and investment is sought</p> <p>The majority of submitters showed strong support for rail and the overall intent of the draft Rail Plan. However, many submitters expressed a belief that the draft Rail Plan lacked sufficient ambition, with a greater level of investment needed to restore the rail network more quickly and grow the rail network for both freight and passenger services.</p>	<p>Cabinet has agreed in principle to a resilient and reliable investment scenario, which has a large focus on maintenance and renewals of the national rail network. The pipeline of rail investments to be delivered over the next 10 years is already significant. Further funding for this scenario will need to be considered through future Budgets.</p> <p>The Rail Plan acknowledges the Government's vision to grow rail in the longer term, but emphasises the significance of restoring the rail network so it is resilient, reliable and safe. This investment needs to be made first, prior to considering further investment for growth in the future.</p>
<p>Structure of the rail system</p> <p>Many submitters of all types expressed concern around the current structure of the rail system, describing KiwiRail, as a commercially driven SOE, as having a "monopoly" over the network. These submitters advocated for a change in the ownership, operation, and oversight of the rail network. Alternative structures suggested were generally either full integration of rail into the land transport system set by the LTMA as a department of Waka Kotahi, or vertical separation of the rail network so that rail infrastructure is rather owned and maintained separately to KiwiRail's commercial operations.</p>	<p>This will not be addressed in the Rail Plan.</p> <p>The structure of KiwiRail was considered as part of the Future of Rail review. Cabinet noted that Rail Ministers do not recommend any changes to KiwiRail's structure at this time and that Rail Ministers consider that vertical integration remains appropriate.</p> <p>Cabinet has agreed to retain KiwiRail's SOE status, subject to a further review in late 2020.</p>
<p>Track access</p> <p>Those who submitted on the structure of the rail system generally raised concerns around track access, advocating for a shift to an open-access regime for track use. Concerns raised that other rail users/operators such as heritage tourism are impacted by lack of access opportunities, as well as investment decisions that tourism and regions would benefit from. A number of submitters considered that other rail operators and users of the network have not been recognised in the draft Rail Plan and requested this be addressed.</p>	<p>KiwiRail currently provides access to the network to other operators.</p> <p>Track access will not be addressed directly through the Rail Plan. It is a wider policy issue that sits alongside the structure of the rail system, and associated governing legislation (for example the Railways Act 2005).</p> <p>The Rail Plan has been amended to recognise other rail users, including heritage operators. The updated Rail Plan also acknowledges that track access may require further consideration in the future.</p>

I N C O N F I D E N C E

Key theme raised in submissions	Officials' consideration of the issues and how the Rail Plan responds to the issues raised
<p>New planning and funding framework Most submitters were supportive of the intent of the proposed changes to the Land Transport Management Act 2003 (LTMA), to establish a new planning and funding to integrate rail into the land transport system, alongside other modes. However, a number of submitters, largely those representing local government, requested variations to the new planning and funding framework and consequently, the Land Transport (Rail) Legislation Bill to establish the new framework. Submitters highlighted they had provided their feedback on the Rail Bill through the Select Committee process.</p>	<p>Planning and funding issues were considered during the Select Committee process for the Bill. The Bill has now been passed by Parliament, and the Land Transport (Rail) Legislation Act 2020 brought into force. The Rail Plan has been updated to reflect these legislative changes.</p>
<p>Investment priorities Most submitters shared their views on the investment priorities outlined in the draft Rail Plan. These have been summarised into the following sub themes below.</p>	<p>The purpose of the investment priorities section in the Rail Plan is to help guide investment decisions over the next 10 years by setting out rail projects identified as part of the resilient and reliable scenario.</p> <p>By identifying these projects, stakeholders, including local government have a better understanding of Government's priorities and the funding available for rail projects as indicated in GPS 2021.</p> <p>It is also important to manage stakeholders' expectations, given the level of ambition for rail in New Zealand. Without a clear statement of the Government's priorities, there is a risk that funding will be sought for ambitious growth projects and the core network will continue to decline without sufficient investment in maintenance and renewal of assets.</p> <p>The Rail Plan does not seek to provide a funding commitment to the rail projects identified, unless funding has already been committed – such as the NZ Upgrade Programme and Budget 2020. The narrative of the Rail Plan has been strengthened so readers understand the intent of the investment priorities section.</p>
<p>Rail freight network Submitters showed strong support for investing in the rail freight network, however did not support the notion of "maintaining" the</p>	<p>It is important the Rail Plan sets out a realistic investment pipeline that reflects the 'resilient & reliable' scenario that Government has agreed to in principle. For the rail freight network, this means KiwiRail will largely be</p>

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Key theme raised in submissions	Officials' consideration of the issues and how the Rail Plan responds to the issues raised
<p>network and expressed a strong desire for faster restoration and growth across the national rail network. Some submitters highlighted an imbalance between the concentration of investment in the North Island and further recognition of rail freight and investment was needed in the South Island, including Canterbury, Otago and Southland. Other submitters considered greater investment was needed in the “golden triangle” and around ports and inland freight hubs.</p> <p>A number of submitters made specific reference to the reinstatement of the Gisborne to Wairoa line and expressed concern at the absence of the project from the draft Rail Plan.</p>	<p>delivering on an extensive maintenance and renewals programme to restore the rail network to ensure parts of the network can remain open and useable.</p> <p>KiwiRail have been clear in their feedback that the level of funding indicated in the draft GPS 2021 for the rail network and from Crown funding will not be enough to achieve a resilient and reliable network. Additional Crown funding will be needed over the next decade. This will be alongside significant commercial Crown investments in a locomotive and wagon replacement programme and ferry replacement programme.</p> <p>A business case for the Gisborne to Wairoa line previously explored the viability of reopening the line through the PGF. Decisions have not been taken about whether to approve the reinstatement of the line, and we note that KiwiRail has recommended further work before any decisions are made. In addition, re-opening the line is well beyond the resilient and reliable investment scenario. Therefore, this project has not been included in the Rail Plan.</p>
<p>Metropolitan passenger rail</p> <p>Those who submitted on investment priorities for the Auckland and Wellington metro rail network were supportive of the investment priority, but also sought further investments.</p> <p>Many submitters were concerned with the focus of investment priority on the Auckland and Wellington metropolitan rail networks only, and requested recognition and investment is needed in other growing cities. Christchurch, Tauranga, Hamilton and Dunedin were specifically mentioned.</p>	<p>As previously noted, the Rail Plan seeks to provide a realistic representation of the investment into rail over the next decade. The investment priority for metropolitan passenger rail is focussed on the two existing metro networks in Auckland and Wellington. It also acknowledges the two existing inter-regional passenger services between Palmerston North to Wellington and the planned service between Hamilton to Auckland (known as ‘Te Huia’). The Rail Plan does not seek to go beyond what Government has agreed to fund over the next decade at this stage, noting further funding will be needed to achieve resilient and reliable.</p> <p>The narrative in the Rail Plan has been strengthened to better explain the intent of the investment priorities. The Rail Plan also now recognises the spatial planning exercises that the Government has underway with Hamilton/Waikato and Tauranga/Western Bay as part of its Urban Growth Partnership work. These will inform longer term investment</p>

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Key theme raised in submissions	Officials' consideration of the issues and how the Rail Plan responds to the issues raised
	considerations.
<p>Intra-regional passenger rail Further to the theme above, many local government submitters noted the place of rail in their regional plans and expressed a strong desire to grow passenger rail as a sustainable transport mode. This theme was linked to some of the concerns raised around the new planning and funding framework and integration with land transport planning. Bay of Plenty, Waikato, Canterbury and Otago regions requested a need to ensure their regional transport plans aligned with rail network planning and more generally, recognition within the Rail Plan to invest more in regional rail.</p>	<p>See response above. In addition, the Transport and Infrastructure Select Committee recommended changes to the legislation to address some of these concerns. The Act now requires Waka Kotahi to consider the alignment of the RNIP and RLTPs in its advice to Ministers.</p>
<p>Inter-regional/intercity passenger rail There was a general concern with the lack of investment in inter-regional passenger rail, and a lack of recognition of the rail tourism sector, in the draft Rail Plan. Submitters advocated for investment in inter-regional and intercity passenger rail to support domestic tourism and travel and the economic recovery from COVID-19. They also considered that such services should be affordable, as they found the premium costs of KiwiRail's rail tourism too high.</p> <p>Some of the passenger rail services mentioned included rail between Northland, Auckland, Hamilton, Tauranga, Rotorua, Taupō and Napier, as well as Christchurch, Dunedin and Queenstown. Extension of the Te Huia service and reintroduction of overnight services between Auckland and Wellington were also commonly raised.</p>	<p>The investment in the Te Huia start-up service and the Indicative Business Case for rapid rail will help inform future consideration of inter-regional services in New Zealand. Regional rail is a policy issue which requires further consideration.</p> <p>The Rail Plan has been amended to also recognise the significant impact of COVID-19 on the rail tourism sector in New Zealand.</p>
<p>Provincial Growth Fund projects & regional development As noted above, many submitters identified opportunities to invest in the rail tourism sector to support regional development. Some suggested that PGF-funded rail projects could be referenced in the strategic priority for investing in the national rail freight network, due to the regional (economic) benefits they offered; for example, the Central</p>	<p>The PGF-funded rail projects are separate from the investment pipeline for the national rail network as they are not part of the 'reliable and resilient' investment agreed by Cabinet. The PGF section has been updated to reflect the current decisions regarding PGF investment, and the changing priorities as a result of COVID-19.</p>

I N C O N F I D E N C E

Key theme raised in submissions	Officials' consideration of the issues and how the Rail Plan responds to the issues raised
North Island Freight Hub.	
<p>Specific rail projects Many submitters identified specific rail projects/investment opportunities that they believed should be recognised by the Rail Plan and invested in by Government. Electrification of the North Island Main Trunk and East Coast Main Trunk lines, double tracking between Auckland and Hamilton, reinstatement of Gisborne to Wairoa, South Island opportunities in Canterbury and Otago, and the investment in the North Auckland Line were some of the specific rail projects that had the most attention. Some submitters also highlighted the need to preserve future rail corridors through land acquisition/designations.</p>	<p>As previously noted, the Rail Plan seeks to provide a realistic representation of the investment into rail over the next decade. The first priority is for remedial investment to restore the network to a resilient and reliable level.</p> <p>Some of the projects highlighted have been included in the Rail Plan as 'future opportunities' which would require further investment and policy consideration beyond our resilient and reliable investment scenario.</p>
<p>Emissions reduction and response to climate change This theme came through strongly across all submitter groups. Submitters highlighted their support for rail investment in its ability to reduce carbon emissions in response to climate change. In doing so, submitters considered greater recognition was needed in the Rail Plan of Government's goal of becoming carbon neutral by 2050. Many of these submitters also expressed a desire for Government to take a more aggressive approach to electrification of the rail network for freight and passenger rail. Hydrogen was also raised as a future opportunity to reduce carbon emissions.</p>	<p>Ensuring the rail network can support the Government's response to climate change and emissions reduction is a key driver for the investment in the rail network. This is reflected in the objectives of the Rail Plan. The revised Rail Plan also includes recent investments such as the Papakura to Pukekohe electrification project.</p> <p>The Rail Plan also includes a case study on electrification, which although not part of the resilient and reliable scenario, further electrification of the network could be funded in future if the Government wished to pursue transformational projects to reduce carbon emissions in the transport sector.</p>
<p>Outcomes and monitoring of investments Some of the feedback received on the structure of the rail system related to ensuring KiwiRail's commercial SOE status does not impede investment decisions, and that monitoring of outcomes of investment would be important to ensure public good benefits as well as Government's wider objectives are being achieved.</p>	<p>See response above regarding the structure of the network and KiwiRail's SOE status. In addition, the draft Rail Plan provided a holding place for further development on how the benefits of rail investments will be measured. The revised Rail Plan provides an outline of the proposed indicators that will help further develop the monitoring framework. This work will be undertaken as part of the implementation of the Future of Rail review.</p>