

5. Historical Railways Estate

High level description

- 5.1 To manage the Historical Railways Estate (HRE), as defined by the Public Bodies (Abolition of BRB (Residuary) Limited) Order 2013, on behalf of the Secretary of State, including the inspection and safe maintenance of disused former railways structures, managing parcels of former railway land and property, managing the letting of properties and seeking transfer of the HRE to local authorities or other bodies.
- 5.2 The HRE includes structures, property and land within Scotland and Wales, as well as England.
- 5.3 Highways England shall discharge the functions with the same due care and diligence as if they were the owner of the HRE and were subject to the same statutory responsibilities and common law liabilities.
- 5.4 Subject to 5.8 below, Highways England's management of the HRE on behalf of the Secretary of State will include **meeting from existing funding all costs associated with the property**, including all claims, charges and damages arising directly or indirectly from damage to property and/ or persons (including death) subject to paragraph 8.5 of this Framework Document.

Financial summary

- 5.5 Funding for this service is included in the current Highways England RDEL budget and will be part of the SR15 RDEL bid for the rest of the RIS period.
- 5.6 The relevant assets are held by the Secretary of State and do not appear on the Highways England Statement of Financial Position.
- 5.7 Any income obtained from exploiting any part of the HRE estate must be used to maintain other parts of the HRE.
- 5.8 Where, in connection with structures sold or transferred to non-statutory bodies, a claim is proven in accordance with the contingent liabilities agreement as laid before Parliament on 25 January 2001, the Department will provide the funding to meet these liabilities.

Details of service to be provided

- 5.9 In carrying out these services, Highways England must engage and cooperate with, and provide information to, any agent the Department may appoint to advise on the performance of the management of the HRE. To this end Highways England will work with the Department's agent to develop a reporting methodology, meeting with the agent each

quarter to report on the progress made on delivery of the agreed services. The agent might be a person or Company as decided by the Secretary of State from time to time.

5.10 The service that Highways England shall provide is:

- To seek to reduce the liabilities for the Secretary of State in terms of individual structure safety.
- To seek to maximise the level of rental income, manage tenancies appropriately, recover possession of properties and seek to minimise holding costs, consistent with the objective of keeping the properties safe, legally compliant and secure.
- To actively cooperate with the Department in their endeavours to transfer the Heritage Estate (in whole or in part) to local authorities and other third parties. In doing this Highways England will produce and maintain a plan of engagement, targeting those with high numbers of structures or large liabilities. Highways England will support the Department in its administration of any transfers of the HRE to third parties.
- To seek to identify opportunities for the disposal of land and property assets, obtaining market value.
- To undertake an annual programme of inspections of the railway structures.
- Depending on the inspections outcomes, to establish appropriate maintenance programme based on safety, priority ranking and affordability.
- Where Highways England seeks any professional advice in relation to the HRE it shall ensure that any such adviser is made aware that it owes a duty of care to the client in relation to professional advice provided by it to Highways England.
- To undertake Engineer's site audit and site safety audits for all major works schemes.
- To manage and inspect land and property to ensure they remain secure, not illegally occupied and not a danger to the public.
- To continually review the land and property portfolio to ensure regulation of occupation, and that the portfolio is safe and free of any potential hazards;
- To manage existing and future residual liabilities for structures sold or transferred to non-statutory bodies, including the maintenance of these structures in the event the purchaser defaults.

Records

5.11 Highways England must ensure the available existing records are stored according to records management best practice including recording on e-PIMS (including electronic boundaries). All future records shall be also kept to these standards.

- 5.12** Highways England shall keep and provide full and comprehensive records of all available past, current and proposed actions, contracts, rental income and costs relating to the HRE and provide any reasonable additional information as the Department or any statutory authority shall require.
- 5.13** Highways England shall record income collected, income due, rental arrears and provide this information to the agent each quarter.
- 5.14** Highways England must allow the Department and its agent access to its records and must work with the Department's agent to develop appropriate access arrangements.

Sub-contracting

- 5.15** Highways England may contract out all or part of this service to a third party.

Service Levels

- 5.16** Highways England shall use personnel who possess the skills and experience which are appropriate to managing this class of property on behalf of the Secretary of State who is the freehold / leasehold owner of these properties.
- 5.17** All structures are subject to one visual inspection per year and at least one detailed inspection every six years or when reasonably required for the condition of the structure
- 5.18** Engineer's site audit on 5% of all railway structures annually.
- 5.19** At least one Engineer's site safety audit for all major works schemes annually.
- 5.20** All inspections to be reviewed by accredited Engineers within 30 calendar days of receipt.
- 5.21** All unlet property to be inspected every 14 days, or every 28 days, where agreed this is appropriate.
- 5.22** All unlet land to be inspected every six months.
- 5.23** All let property or land to be inspected annually.
- 5.24** The reporting methodology and a set of service level agreements will be agreed with the agent.
- 5.25** The existing records shall be stored according to records management best practice by October 2015. Once this has been achieved Highways England shall notify the Department.
- 5.26** Commission valuations for 20% of the rentable property so they are completed by 1 February each year (all rentable property to be valued in the first Road Period).

Annual Audit

A.1 The Annual Audit will include:

- The standards adopted by Highways England when undertaking examinations, structural assessments and scour, and the standards used to repair or demolish structures;
- A review of the projects completed, comparing the plan with the actuality;
- A look ahead to the projects proposed for the rest of the Road Period and the budget provision required to deliver the programme;
- Maintenance work completed and a review of whether this provides value for money compared to other options;
- Methods of procurement;
- Qualifications and experience of the staff.

Quarterly Activity Reports

A.2 The Quarterly Activity Reports will provide information on the following service levels:

Safety

- Accidents, reportable and non-reportable including actions taken;
- Examinations – progress against programme of planned work;
- Assessments, particularly public road structures, and actions proposed;
- Scour – phase 1 and 2 assessments and actions taken;
- Structural collapse, in date for examinations otherwise; and
- Structure Ranking Changes.

Project

- Major works projects undertaken against the programme;
- Minor works – number of repairs undertaken and expenditure;
- Review of emerging trends (if any);
- Consultant instructions issued and delivered; and
- Overall expenditure against budget.

Incident

- The number of reported incidents of:
- Vandalism;
- Legal challenges; and
- Bridge strikes.