

Application to the Office of Rail Regulation for a passenger track access agreement, or amendment to a passenger track access agreement under sections 17-22A of the Railways Act 1993

1. Introduction

Please use this form to apply to the Office of Rail Regulation (ORR) for:

- directions under section 17 of the Railways Act 1993 for a new track access contract. Section 17 allows companies who want the right to use a railway facility (including Network Rail's network) to apply to ORR for access if they are not able (for whatever reason) to reach agreement with the facility owner.
- approval under section 18 of the Railways Act 1993 for a new track access contract. Section 18 allows companies to apply for approval if they have agreed terms with the facility owner.
- approval of a proposed amendment (agreed by both parties) under section 22 of the Railways Act 1993 to an existing track access contract.
- directions under section 22A of the Railways Act 1993 for an amendment to an existing track access contract. Section 22A allows anyone seeking an amendment to an existing track access contract which allows the operation of more extensive services to apply for a compulsory amendment if they are not able (for whatever reason) to reach agreement with the facility owner.

If it is the facility owner, Network Rail will carry out a pre-application consultation. In this case fill in this form up to section 7.3. You should fill in the rest of the form after the consultation and before applying to ORR. If you are unhappy with the facility owner carrying out the consultation, you should ask ORR to do so. If this is the case, you should complete this form in full before submitting it to us.

The form sets out ORR's standard information requirements for considering applications. It cross-refers throughout to our [criteria and procedures](#) (C&Ps). The C&Ps explain the process, timings and the issues we will expect to consider. You should use the published [model passenger track access contract](#) as your starting point when drafting the contract or amendments you want. Please read the C&Ps and the Code of Practice before applying.

We are happy to talk to you before you apply. Please contact us [here](#).

You can download a copy of this form, and of ORR's model track access contract, from the ORR website: www.rail-reg.gov.uk.

2. The application

2.1 Title of proposed contract or supplemental agreement (please also include the section of the Railways Act 1993 under which you are applying):

53rd SUPPLEMENTAL AGREEMENT between NETWORK RAIL INFRASTRUCTURE LIMITED and GOVIA THAMESLINK RAILWAY LIMITED relating to the Track Access Contract (Passenger Services dated 09 February 2006)

2.2 Contact details (Company and named individual for queries):

Facility Owner

Company: Network Rail Infrastructure Ltd (NRIL)
Contact individual: Daniel Sibley
Job title: Customer Manager
Address: Floor 2 , Cottons Centre, London Bridge ,
London , SE1 2QG
Telephone number: 07718 004080
E-mail address: Daniel.Sibley@networkrail.co.uk

Beneficiary

Company: Govia Thameslink Railway Ltd (GTR)
Contact individual: John Beer
Job title: Head of Access Contracts
Address: 1 Cranwood Street , London, EC1V 9QS
Telephone number: 0207 427 2927
E-mail address: john.beer@gtrailway.com

2.3 Licence and railway safety certificate: please state whether you intend to operate the services yourself or have them operated on your behalf.

Does the proposed operator of the services (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and** (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006. If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

C&Ps paras 3.9-3.15

GTR holds a valid train operating licence under Section 8 of the Railways Act 1993. This was issued on 9th September 2014.

GTR as a Transport Undertaking and as an Infrastructure Manager has an accepted safety certificate and authorisation as required under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

3. The proposed contract or amendment

3.1 Executive summary: please provide an executive summary of the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment). **C&Ps para 3.22-3.28**

Please also explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate). **C&Ps paras 4.9-4.11**

Please also state the commencement and end dates for the proposal, and for new agreements or extensions to existing agreements, provide justification for the proposed length of the application, with reference to the [Railways Infrastructure \(Access and Management\) Regulations 2005](#). If you are a franchised operator, please state the expiry date of your franchise. **C&Ps paras 4.72-4.79**

Date of commencement: Principal Timetable Change Date – 13th December 2014

Govia Thameslink Railway (GTR) has agreed this Supplement Agreement with Network Rail in order to enable : -

Changes to Stopping Patterns – Great Northern – Table 4.1, Schedule 5

The designation on service group EG04 for services between King's Cross/Moorgate and Gordon Hill/Hertford North/Stevenage/Letchworth Garden City is not consistent and has been simplified to ensure the definitions are the same in both the up and down direction.

The designation for fast, semi-fast and stopping services between King's Cross and Cambridge/Ely/Downham Market/King's Lynn on service group EG05 has long been non-standard and was not also consistent in the description between up and down services. This has now been realigned to make this more consistent with the following definitions (which also brings the service group in line with the definitions used for the Peterborough route:

- *Fast:* non-stop on the ECML with only calls at Letchworth Garden City and or Royston permitted south of Cambridge
- *Semi-Fast:* operates non-stop between Finsbury Park and Stevenage
- *Stopping:* calls intermediately between Finsbury Park and Stevenage
- *Hertford:* operates via Hertford North

The core intention (apart from improving customer service), is to enable more robust planning and performance through a more standardised pattern. The major changes impact on the following services which move from "semi-fast" to "fast" category as described above.

Kings Lynn to Kings Cross 04:55 05:52 06:10 06:52 07:25 07:55 08:27

Kings Cross to Kings Lynn 16:44 17:44 18:14 19:44 20:14 20:44 21:14 22:14 23:14

Kings Cross to Ely 17:14 19:14 21:44 22:44

Contractual compliance checking: Tables 2.1, 2.3, 2.4, 3.1a, 3.1b schedule 5

As part of contractual compliance checking, it has been identified that a number of services that are running in the current May 14 Timetable do not have firm contractual rights.

December 14 Timetable proposals

Additional weekday EG05 service Royston to King's Cross calls at Letchworth Garden City and Finsbury Park which converts an existing ECS into a passenger train.

The matching of quantum rights to trains run on service group EG05 London to Cambridge fast services on Saturdays.

The introduction of additional Saturday evening services on service group EG05 to Cambridge and Kings Lynn from December 2014.

The introduction of a new late evening fast services each way in service group EG05, Mondays to Fridays between London and Cambridge.

One additional Monday to Friday service in EG05 between Peterborough and King's Cross. Also an additional EG04 service Monday to Friday between Welwyn Garden City to King's Cross which is a conversion of and ECS move.

The confirmation of firm rights for 3 additional London to Peterborough fast services on Saturday evenings (EG05) from December 2014.

Two additional Sunday services in EG05 from King's Cross to Peterborough with one an existing service which is diverted from Royston to Peterborough.

The extension of 1 morning and 1 evening service from Kent House to Beckenham Junction within EG06. The return working of the morning working from Beckenham Junction to Kent House and a new evening working from Beckenham Junction to Elephant and Castle via Herne Hill to form a Bedford bound evening peak service (for which rights exist) from December 2014

The extension of off peak Sevenoaks to Kentish Town services within service group EG06, in both directions to West Hampstead from December 2014 up to a maximum of 18 slots in each direction.

3.2 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): please set out here any areas of the application which have ***not*** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions. ***C&Ps para 3.102***

None

3.3 Departures from ORR's model passenger track access contract: please set out and explain here any:

- areas where the drafting of the application changes ORR's published template passenger track access contract (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made. ***C&Ps paras 2.34-2.37***
- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model passenger track access contract, including the financial implications (e.g. establishment of an access charge supplement or rebate). ***C&Ps paras 5.1-5.44***
- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete. ***C&Ps paras 6.2-6.3***

This Track Access Contract (TAC) has not yet been updated to reflect the Model Clause Contract published by ORR in May 2012 as the contract has not yet been renewed or extended.

4. The expression of access rights and the use of capacity

4.1 Benefits: please set out what specific benefits the proposal will achieve, including a justification for requiring the rights and their characteristics. Please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please also describe any significant changes in the pattern of services, their benefits to passengers and any impact on other operators, including freight operators. Where appropriate, please provide a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application. **C&Ps paras 4.26-4.35**

These are comprehensive changes to provide new journey opportunities for customers on key GTR routes, and also to relieve some overcrowding on off peak services.

London – Cambridge services (Saturday evening) improved by reducing the late evening 90 min gap (as defined in the service level commitment) in services to Kings Lynn in the late evening by introducing an additional train from London and a corresponding Kings Lynn to Cambridge service.

A fast late evening weekday service to Cambridge 30 mins later from London than at present

London to Peterborough services improved by 3 additional fast services on Saturday evening at a popular time for off peak traffics.

Improved connectivity in the peak periods for commuter journeys to and from Beckenham Junction – allowing good interchange links to other Southeastern and Tramlink services .

An Improved off peak access to and from West Hampstead and the City / south of London in the off peak – giving up to 8 trains an hour at this station. This will also reduce some peak shoulder crowding on other GTR services as well as improving connections to and from London Underground and London Overground services in North London. .

4.2 Adequacy: please set out how you have satisfied yourself that there is enough network capacity for the services in the proposal. Please also set out whether there are any implications for overall network performance and the facility owner's maintenance and renewal activities. **C&Ps paras 4.12-4.45**

These proposals have been discussed with other industry partners as far as pathing and planning is concerned and will be specified accordingly.

Planning rules have been consulted and implemented in timetable proposals.

4.3 Flexing rights: please provide a general description of the extent of any limitations on the facility owner's flexing rights in the proposal. Please provide the rationale for the extent of any limitation on the flex provided, including any changes to pre-existing services, and the extent to which the provisions have been agreed with the facility owner. **C&Ps paras 2.27-2.33**

N/A

4.4 Journey time protection: please describe whether the proposed contract gives journey time protection to any services (by establishing maximum journey times, fastest key journey times or maximum key journey times), and explain the reasons for this, with reference to ORR's criteria. **C&Ps paras 8.90-8.103**

The present TT agreement has maximum journey times in place – and we would seek to see these retained in the new rights for the periodicity of the Supplementary agreement and the main Track Access Agreement.

4.5 Specified equipment: please give full details of any changes to specified equipment (rolling stock), including timescales, and how much of the vehicle and route acceptance procedure in the Network Code (Part F) has been completed. Please explain whether you have, or will have, the rolling stock necessary to exercise the rights being sought. **C&Ps paras 8.87-8.90**

No changes to specified equipment.

4.6 Franchise obligations: please explain whether the proposed services are necessary to fulfil obligations under a franchise or concession agreement. **C&Ps paras 4.3-4.4**

Not applicable – these are additional services for customer benefit.

4.7 Public funding: please state whether (and if so to what extent) the proposed services are subject to financial support from central or local government (other than the Department for Transport or Transport Scotland), including Passenger Transport Executives. Please also provide a point of contact at that body. **C&Ps paras 3.52, 4.25, 4.35-4.39**

The planned services will not require additional funding from Government.

4.8 Passenger Focus and, where applicable, London TravelWatch: please state whether (and if so to what extent) the proposed services have been discussed with these bodies. Please also provide copies of any relevant correspondence. **C&Ps para 4.39**

Industry consultation will include Transport for London.

4.9 Route utilisation strategies (RUSs): if applicable, please state which RUSs (including the Freight RUS) are considered relevant to this application and whether the proposed rights are consistent with that RUS. If the proposed rights are not consistent, please explain the reasons for this. **C&Ps paras 4.5-4.8**

The London and South East RUS has a generic gap which encompasses enhanced off peak services which are included within this proposal, along with improvements to general connectivity.

5. Incentives

5.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance. **C&Ps paras 4.26-4.36**

Not applicable

5.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's own performance. **C&Ps paras 4.26-4.36, 5.1**

Not applicable

5.3 Monitoring of services: would all proposed services be monitored for performance throughout their journeys, consistent with our policy in paragraph 5.50 of the criteria and procedures? If not, please state the reasons for this in line with the permissible circumstances described in paragraph 5.51 of the criteria and procedures. **C&Ps paras 5.50-5.56**

Yes

5.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in the proposal. If necessary, please provide any relevant information in support of the changes proposed. **C&Ps para 5.38-5.40**

Not applicable

6. Enhancement

6.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework). **C&Ps paras 4.80**

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There are no specific enhancements requirements – but the proposals will make use of recently completed infrastructure enhancements at Peterborough and Cambridge stations, the flyover at Hitchin and new route infrastructure between Alexandra Palace to Finsbury Park.

6.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with ORR's [Policy Framework for Investments](#), and summarise the level and duration of payments, and the assumed rate of return (see chapter 3 of the Conclusions document). **C&Ps paras 5.6, 5.12-5.14**

Not applicable

7. Other

7.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). **C&Ps paras 3.18-3.19**

Not applicable

7.2 Supporting information, side letters and collateral agreements: please:

- state here any relevant information in support of the proposal, including a list and explanation of any other material being submitted (and supply copies with the application). **C&Ps para 4.33**
- confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it. **C&Ps paras 6.12-6.16, 6.21**

Not applicable

7.3 Confidentiality exclusions: please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the proposed contract sent to consultees for any pre-application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application and proposed contract you want us to exclude from publication. **C&Ps paras 3.29-3.34**

Not applicable

Note: Where a pre-application consultation is to be undertaken in line with the Code of Practice, the remainder of this application should not be completed until after that consultation has been completed

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8. Pre-application consultation

8.1 The consultation: has a pre-application consultation been carried out in line with the Code of Practice? If yes, please:

- state who conducted the consultation;
- list all train operators, franchising authorities and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.

If a pre-application consultation has not been carried out, please explain the reasons and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised. **C&Ps paras 3.62**

This proposed 53rd Supplemental will be going out for Industry Consultation for 28 days. The following Stakeholders will be consulted:

- | | |
|----------------------------|------------------------------|
| ○ Department for Transport | ○ CrossCountry |
| ○ East Midlands Trains | ○ DB Schenker |
| ○ First Great Western | ○ Devon & Cornwall Railways |
| ○ Grand Central | ○ Freightliner Group |
| ○ First Hull Trains | ○ GB Railfreight |
| ○ Southeastern | ○ West Coast Railway Company |
| ○ Greater Anglia | ○ TfL & Mayor |
| ○ London Overground | ○ London Travel Watch |
| ○ East Coast | ○ Passenger Focus |
| ○ Southern | |

8.2 Resolved issues: please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes as a result of the consultation.

This Form P has been updated to reflect the franchise transfer from First Capital Connect (FCC) to Govia Thameslink Railway at 02.00 on the 14th September 2014. The consultation was undertaken under the FCC designation.

No other changes have been made a result of the industry consultation process.

- DBS asked for further information surrounding arrangements for terminating/turn back of services at West Hampstead including ancillary movements (correspondence attached)
- GBRf raised concerns around the impact of the impact of the West Hampstead extensions on to freight services along with their application for congested infrastructure to be declared between Leicester and Cricklewood on the MML (correspondence attached)
- Freightliner raised concerns around the sale of the West Hampstead over those offered to freight services along with their application for congested infrastructure to be declared on the MML (correspondence attached)

8.3 Unresolved issues: please set out any issues raised by consultees which have ***not*** been satisfactorily resolved, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you think these issues should not stop ORR approving the application.

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None

9. Certification

*Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution **C&Ps para 3.40***

In the case of agreed applications under section 18 or 22, Network Rail should fill in the required information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed Date

Name (in caps) Job title

For (company)

10. Submission

10.1 What to send: please supply, in hard copy, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information. **C&Ps para 3.39**

Please also supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form, by e-mail or on disc, **in plain Microsoft Word format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting). **C&Ps para 3.37-3.38**

10.2 Where to send it:

Manager, Track Access Team
Directorate of Railway Markets and Economics
Office of Rail Regulation
One Kemble Street
London
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