

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):

South Yorkshire Supertram Limited (trading as "Stagecoach Supertram") Open Access Track Access Agreement, Section 18

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

<u>Facility Owner</u>	<u>Beneficiary</u>
Company: Network Rail Infrastructure Limited	Company: South Yorkshire Supertram Limited
Contact individual: Karen Byatt	Contact individual: Tim Bilby
Job title: Customer Manager	Job title: Head of Finance and Commercial
Address: George Stephenson House Toft Green YORK YO1 6HT	Address: Nunnery Depot Woodbourn Road Sheffield S9 3LS
Telephone number: 01904 384242	Telephone number: 0114 279 2536
Fax number:	Fax number:
E-mail address: karen.byatt@networkrail.co.uk	E-mail address: tim.bilby@supertram.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

South Yorkshire Supertram Limited (SYSL) are undertaking modifications to their Safety Management System to incorporate the Tram Train service and operation/maintenance of the new vehicles. SYSL intend to apply for a non-mainline safety certificate in accordance with ORR guidance. As the service is a local service and can be classed as an urban or suburban service it is exempt from the requirement for a European Licence under the Railway (Licensing of Railway Undertakings) Regulations 2005. A Railways Act 1993 Passenger Train Operating licence will be sought for the service.

The new tram stops to be built including low level platforms at Rotherham Central are only suitable for light rail vehicles and should not be subject to the regulatory regime. The requirement for non mainline safety authorisations is still being determined. A local agreement with the station facility operator at Rotherham Central will be agreed for access and other provisions.

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: Subsidiary Change Date 2016

End date: Principal Change Date 2021

Passenger services to commence in January 2017, vehicle testing to commence during Autumn 2016.

A contract period of 5.5 years is being applied for to take into account SYSL's contractual commitment with SYPTE to run passenger services for a minimum of 5 years, plus an additional 6 months to cover testing of new tram train vehicles prior to the start of passenger services. Testing is covered by a separate schedule, Schedule 11 of the track access agreement.

The rights sought are for a new operator Stagecoach owned South Yorkshire Supertram Limited (SYSL) to operate a new passenger service using new tram train vehicles between Tinsley North Junction in Sheffield and Parkgate in Rotherham via Rotherham Central. For ease of reference a track layout diagram is included in Appendix 1.

- Tram Train services will enter onto Network Rail infrastructure from the tramway network via a new chord: "Tinsley Chord" from the existing tram stop at Meadowhall South to Tinsley North Junction on Network Rail Infrastructure.
- Tram Trains will then operate along the existing freight route to Rotherham Central Station, continuing from Rotherham Central to a new station with a turn back facility to be constructed at Rotherham Parkgate shopping centre.
- New platforms will be built at Rotherham Central and Parkgate, due to lower platform heights, to accommodate low floor Tram Train vehicles, they can only be utilised by Tram Trains.
- The route will be electrified with 750V DC overhead electrified line. 7 dual voltage vehicles are being procured from Vossloh Espana. In order to future proof, should part of the route be converted to 25kV, vehicles will have the capability of operating at 750V DC or 25kV AC.
- The length of the Tram Train route, on Network Rail infrastructure, is 3 miles 72 chains. There are no level crossings on the route.
- The rights sought are for 54 Weekday/Saturday services and 51 Sunday services operating between the hours of 06.00 and 00.00.
- With contingent rights to operate a Sunday service on Boxing Day

Services proposed are part of a pilot project funded by the DfT, to introduce tram train

vehicles capable of operating on the tramway and heavy rail to provide an urban transport link between Sheffield City Centre and Rotherham. There will be a two year pilot period from the commencement of passenger services, during which learning from the scheme will be gathered and formally evaluated to aid the development of any future light rail on heavy rail schemes in the UK. The DfT will cover SYSL's costs during the 2 year pilot period.

Safety: SYSL will be updating their Safety Management System. Changes are not considered material enough to warrant a change in Network Rails safety authorisation. A number of deviations to group standards relating to vehicles and infrastructure will be required, subject to RSSB approval, prior to commissioning of service.

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**

Not applicable

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**

Schedule 5 includes contingent rights to operate on Boxing Day, Tram Train Services connect central Sheffield and Rotherham with Meadowhall and Parkgate shopping centres, hence there is likely to be demand for this service.

Schedule 7 takes into account that the initial electrified overhead line will be 750V DC powered through either a single substation or two separate substations, paragraph 4 covers the eventuality of either Network Rail or the Operator purchasing this electricity, the eventuality of sharing costs should another operator wish to use the DC overheads in future and the eventuality of all or part of the route being electrified to 25kV AC in future. In paragraph 8 the template electrification asset usage charge applies however this will be reviewed to take into account the use of DC current as part of work to calculate CP6 charges. Schedule 7 includes additional permitted charges for Boxing Day operations. It also includes additional permitted charges to open Woodburn Junction signal box on Sunday mornings.

Schedule 8 is based on a freight style regime similar to that of NYMR. This gives SYSL the ability to cancel a service before it comes onto Network Rail infrastructure without incurring penalty payments. It will be operated as a shadow regime for the first 18 months, to evaluate

and justify revenue streams and develop relevant data for Tram Train services. Benchmarks will be reviewed and there will be a wash up after 18 months of operation.

Schedule 11 is a New Vehicle Testing schedule that enables new tram train vehicles to be tested on the route prior to the start of passenger services.

Schedule 13 covers ERTMS in the eventuality that vehicles need to be fitted with ERTMS equipment in the future.

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**

This proposal allows the operation of the planned Tram Train services, connecting the existing light rail network in Sheffield to Rotherham, over Network Rail infrastructure. The project is fully funded and supported by the DfT, with the intention of proving the integrated operation of light and heavy rail systems in the UK, which will benefit the wider industry. Capacity is available on the proposed route to accommodate the desired frequency of 3 trams per hour each direction over the 4 mile route, and all relevant stakeholders are involved in the project (Stagecoach Supertram, Network Rail, Northern Rail, South Yorkshire Passenger Executive and the DfT).

The Tram Train project is estimated to directly create 35 new jobs and bring benefits to the local community through linking Rotherham with Sheffield Tram Services. Environmental benefits are also anticipated through modal shift from cars, tram train vehicles have zero emissions at point of use. The area in question is an air quality management area.

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**

RailSys modelling has shown no material performance impact.

A 7 day timetable exercise with existing services, including the existing quantum of freight services has been carried out to ensure sufficient capacity timing.

The Network Rail LNE&EM Route performance team have been consulted and confirm that taking into account current capacity and performance, combined with the latest tram punctuality along with the ability to terminate and turn trams around at Meadowhall South, the new services pose no material risk to the existing time table.

The Engineering Access Statement will be amended and consulted as part of the December 2016 time table consultation, to amend access times between Rotherham Junction and South Junction.

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**

Not applicable

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**

Not applicable

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**

SYPTE are purchasing 7 Citylink Dual Voltage 750V DC/25kV AC Tram Train vehicles, Class 399/0, from Vossloh Rail that will be operated by Stagecoach Supertram. The entire fleet will be capable of operating as Tram Trains on both the South Yorkshire Supertram System and on Network Rail infrastructure however only 4 will be configured at any one time for the service. The vehicles are designed as Tram Trains and as such will not comply with all relevant group standards. Deviations are currently being sought where appropriate. More information is available in Appendix 2. The project, including the vehicle, is undertaking approval using the Common Safety Method, which incorporates Safety Verification for operation on the tramway.

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**

No Franchise obligations. Stagecoach Supertram operate the Sheffield tram network under a concession agreement with SYPTE which runs until March 2024. The new Tram Train agreements signed in May 2013 involving the DfT, Stagecoach Supertram and SYPTE oblige Tram Train to be operated from service commencement to the end of this concession term.

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 DfT are funding the project, including capital purchases and enabling works. There is a two year "pilot period" during which the operating costs for SYSL and SYPTE are also

funded by the DfT. During the pilot period customer experience and operational performance will form part of the “lessons learnt” reporting to be made available to the industry – a key objective of the project. Thereafter, all revenue and costs lie with Stagecoach Supertram.

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**

Passenger Focus are aware of the project. Passenger Focus have been involved with Stagecoach Supertram through the first Tram Passenger Survey recently published.

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**

Tram Train between Sheffield and Rotherham is covered in the Northern RUS (2011) in relation to managing passenger growth in the area and improving connectivity between Rotherham and Sheffield city centre.

The Network RUS: Alternative Solutions (2013) describes the tram train pilot as seeking to address questions about the engineering and cost of technology in a UK situation, suggesting the technology may then become part of a tool-kit for planning for major urban areas. The objectives of the pilot between Rotherham and Sheffield in relation to industry learning are described in detail in the RUS and the project is also described as improving accessibility by sustainable means to new economic developments in the Lower Don Valley, with no heavy rail capacity required at Sheffield Station. The RUS suggests through provision of a new station at Rotherham Parkgate, tram train affects the attractiveness of using public transport in and around Rotherham and that a proportion of current car users will switch to the proposed new tram train service in these areas.

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**

As the proposed track access agreement introduces Tram Trains to the Network, there is no benchmarking for tram train performance. However Stagecoach Supertram operate a very punctual and reliable service (achieving punctuality in excess of 93% against a 1 minute late, 5 minutes early measurement as measured independently by SYPTE). Supertram aim to at least replicate this punctuality, given most delays on the current system are due to on street traffic issues, which will have minimal impact on the specific tram train route into and out of Sheffield being predominantly segregated track.

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 is 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**

A new Chord between Meadow Hall/Tinsley South Tram stop and Tinsley North Junction on Network Rail infrastructure will be built to enable Tram Train services to cross from the tramway onto Network Rail infrastructure and vice versa.

The route on Network Rail infrastructure will be electrified with 750V DC overhead line, powered either by a single substation or 2 separate substations.

Lower platforms will be built at Rotherham Central station, extending from the existing heavy rail platforms. A new station with low platforms on a turn back line will be built at Parkgate shopping centre. New platforms can only be utilised by light rail vehicles due to the lower platform heights.

Associated work to junctions and signalling will also be carried out to accommodate the changes detailed above.

Network Change was formally consulted in 2014 and reissued in March 2015 following design changes, including the addition of Tinsley Chord. The only outstanding issue from the original consultation was to provide clarity on the freight gauge against new low level platforms at Rotherham Central. Drawings showing the clearance are included in the revised notice.

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**

DfT funded pilot project, Network Rail's CP4 costs are funded through a RAB addition and the CP5 costs through a cash payment from DfT. No proposals to recover through access charges under this TAA.

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**

None

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**

Collateral agreements are as follows:

- An agreement in which the Train Operator agrees to become a party to the Claims Allocation and Handling Agreement – to be entered into
- Tram Train Agreement between South Yorkshire Passenger Transport Executive and South Yorkshire Supertram Limited under which the Operator undertakes to provide the Services, dated 21st May 2013.
- Concession Agreement between South Yorkshire Passenger Transport Executive and South Yorkshire Supertram Limited, dated 21st March 2000.
- An accession agreement to the Emergency Access Code – to be entered into
- An agreement between South Yorkshire Passenger Transport Executive and Network Rail to allow connection, suitable for passenger trains between

Network Rail managed Infrastructure and the South Yorkshire Supertram Network. – to be entered into

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**

Schedule 8 Appendix 1; Schedule 11 Appendix 1 (TOC on TOC rates during testing)

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

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**

Industry Consultation was carried out by Network Rail for a period of 28 days, with a further 7 days consultation on some minor amendments to the proposed track access agreement.

The following parties were consulted:

EXTL: Dellard Chris;

chris.dellard@arrivatw.co.uk

jon.ratcliffe@arrivatw.co.uk

trackaccess@crosscountrytrains.co.uk

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Form **P**

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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.

The following parties commented:

1. **West Yorkshire Combined Authority** 01 April 2015 – Letter of support attached.
2. **Transport Focus** 02 April 2015 – E-mail noting rights sought and supporting application attached.

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3. **Northern Rail**, 17 April 2015 - Two e-mails raising queries relating to the introduction of axel counters and performance impact attached. Also response including RailSyS modeling report attached.
4. **First Transpennine Express**, 20 April 2015 – E-mail relating to TPE involvement in project and specific issues attached along with Network Rail e-mail response.
5. **Cross Country**, 28 April 2015 – E-mail raising queries relating to contingency arrangements should the route be required as a diversionary route attached along with Network Rail e-mail response.
6. **DB Schenker**, 29 April 2015 – Letter requesting information relating to timetabling, timetable planning rules and referencing separate discussions relating to check rails attached along with Network Rail initial response. DB Schenker have further concerns relating to timetabling at Aldwark Jcn, and are still in dialogue with Network Rail.

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.

Network Rail and DB Schenker are still in dialogue regarding timetabling as detailed in section 8.2 of this application.

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
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