

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):*

One Hundredth and Second Supplemental Track Access Agreement between The Chiltern Railway Company Limited and Network Rail Infrastructure Limited (the 102nd (STAA) under section 22 of the Railways Act 1993.

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

Facility Owner

Company: Network Rail Infrastructure Limited

Contact individual: Julia Stanyard

Job title: Customer Manager

Address:

Network Rail

100 Wharfside Street

Birmingham

B1 1RT

Telephone number: [REDACTED]

E-mail address: [REDACTED]

Beneficiary

Company: The Chiltern Railway Company Limited

Contact individual: Craig Leaper

Job title: Timetable Development Manager

Address:

Chiltern Railways

Great Central House

Marylebone Station

Melcombe Place

London NW1 6JJ

Telephone number: [REDACTED]

E-mail address: [REDACTED]

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

The Chiltern Railway Company Ltd (Chiltern Railways) has a valid train operating licence, and has a Safety Certificate Parts A and B, and Safety Authorisation, issued by ORR on 24 June 2013.

Chiltern intends to operate the services themselves.

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: 08th December 2013

End date: Expiry of the Contract in 2021

Overview

The 102nd Supplemental Agreement seeks to:

- retain the provisions made in the 100th Supplement Agreement (May '13 timetable), as described in more detail in the Form P for the 100th SA
- include two additional weekday and one additional Saturday service
- provide for a revised "Metropolitan" line timetable between 19:00-20:00 to alleviate overcrowding and accommodate a structural change to the London Underground Metropolitan Line timetable in this hour
- reflect the recast of the Sunday timetable for December 2013, including the addition of 14 new services to accommodate increasing demand
- extend rights to call at Stratford-Upon-Avon Parkway
- make provisions for the proposed closure of the Bicester-Oxford line of route in preparation for East West Rail Phase 1 construction works
- redraft table 4.1 (calling pattern) in schedule 5 in line with the ORR's comments following the industry consultation of the 95th Supplemental Agreement

Retaining the provisions made in the 100th Supplemental Agreement

Chiltern Railways and Network Rail have worked closely with the freight operators over concerns raised with conflicts within the plan and capacity issues between South Ruislip and Calvert following the consultation of the 95th and the 100th Supplemental Agreement.

December 2013 Changes

There are no major changes to the quantum of service proposed Weekdays or Saturdays as this timetable is basically a roll over from the May '13 timetable. There are some minor changes to the calling pattern and some services have been retimed. These are shown in the highlighted timetables which will be circulated as part of the industry consultation.

However, where the change is more material, the details are noted below.

- The current Dorridge to Leamington Spa service is extended to start back from Birmingham Snow Hill. The train currently operates between Birmingham and Dorridge as an empty stock working. This is in support of changes to the London Midland timetable on the Snow Hill Lines to accommodate an increase in services calling at Stratford-Upon-Avon Parkway
- On Weekdays, the early morning Banbury to Birmingham Moor Street has been extended and now terminates at Birmingham Snow Hill so that it can form the above return working
- One morning off peak service between Birmingham Moor Street and London Marylebone is now a peak service, a consequence of its slightly later arrival time into London (07:01 instead of 06:59)

OFFICE OF RAIL REGULATION
ONE KEMBLE STREET, LONDON, WC2B 4AN

Switchboard 020 7282 2000 • Fax 020 7282 2041 • Website www.rail-reg.gov.uk

Form **P**

433399

- One off peak service from High Wycombe to London Marylebone has been extended to start from Bicester North (ran as empty stock in the May 13 timetable), therefore no additional capacity is being consumed
- A restructure of the 10:00-11:00 hour of arrivals at London Marylebone has occurred in order to provide a more consistent service pattern, typical of the off peak timetable structure whilst at the same time easing overcrowding, in response to stakeholders feedback. As a result, an additional train will run from Gerrards Cross to London Marylebone in this hour
- On a Saturday morning, an additional Bicester North to London Marylebone train is provided to relieve overcrowding
- On a Saturday evening, one Leamington Spa to Birmingham Moor Street shuttle will be extended to start back from London Marylebone to strengthen this flow and fill in a long service interval for many stations along the route

Revised Met Line departures

London Underground has restructured its Metropolitan Line timetable which has resulted in it being necessary for Chiltern to alter their train departures from London Marylebone in the 19:00 to 20:00 hour on weekdays. This has resulted in an opportunity to increase frequency between these hours with the creation of a 19:33 departure to help provide more capacity in this busy hour.

Recast of the Sunday timetable

The Sunday passenger timetable has only contained minor changes over the last few years, whereas the market has expanded rapidly. Therefore Chiltern proposes to recast the timetable with the following benefits:

- Improved journey times between Birmingham and London Marylebone, by the removal of station calls at Beaconsfield and Gerrards Cross
- Four additional services between Birmingham / Banbury and London Marylebone, mainly in order to offer earlier morning options from Banbury and Birmingham to London
- Introduction of additional joint line services, serving Gerrards Cross, Beaconsfield and High Wycombe, six from High Wycombe to London Marylebone and four in the reverse
- Improving the service for Aylesbury Vale Parkway and introducing one additional service between Aylesbury Vale Parkway and London Marylebone via Amersham to provide more Sunday morning capacity

Stratford upon Avon Parkway

Following the opening of Stratford-Upon-Avon Parkway station, Chiltern proposes to extend the number of calls at the station, such that almost all of its trains will call at the new station.

Proposed closure of the Bicester Town-Oxford service

It is expected that the Bicester Town – Oxford line will close at some point during the December '13 timetable period. However until the date is confirmed, the current timetable remains unaltered.

Calling Patterns (Table 4.1)

In response to the ORR comments in their decision letter in approving the 95th Supplemental Agreement for one timetable period, regarding the format of the calling pattern table (Table 4.1), Network Rail and Chiltern Railways have worked closely together in order to redraft this table into a clearer and more conventional format. However, to achieve the amendments required, the descriptions required a number of changes in order for the table to be displayed in a more logical and coherent manner. As the structures of the two tables are very different, the decision has been taken to consult a clean version of the table. Previous versions are available on the ORR website for comparison, if required. As a consequence of the change in format to table 4.1, changes to the remainder of the tables in schedule 5 were required to ensure full cohesion. There are no other changes proposed to these tables, therefore these tables have only been provided to show the change to the description column.

The same changes, as noted above, have also been applied to table 2.1 (Passenger Train Slots), along with the proposed changes to quantum. A marked up version to this table will be provided as part of the industry consultation.

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**

None.

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**

The benefits of the new timetable are:

- retention of the proposals contained in the 100th Supplemental Agreement
- faster journey times between Birmingham and London Marylebone on a Sunday
- additional services on Sunday between Aylesbury Vale Parkway and London Marylebone via Amersham and between High Wycombe and London Marylebone
- two additional services on weekdays and one on Saturday, to alleviate overcrowding
- extended rights to call at Stratford-Upon-Avon Parkway
- earlier Sunday morning trains into London from Birmingham and Banbury

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**

Not Applicable.

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**

There are no changes proposed to the flexing rights.

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**

None.

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**

There are no changes proposed to existing 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**

None.

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**

These changes do not change any existing government financial support arrangements.

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

Chiltern Railways discusses any planned changes to timetable structure with a range of stakeholders including Passenger Focus at quarterly Passenger Board meetings.

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**

Not applicable.

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**

None 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 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**

No changes proposed as part of this application.

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**

There are no enhancement proposals linked to this application.

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 relevant.

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**

The following supporting documents are attached to this Form:

- The proposed draft STAA
- Weekday, Saturday and Sunday 24-hour timetables
- Schedule 5 tables (2.1 marked up). The remainder of the tables have only changed as a consequence of redrafting table 4.1

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**

None.

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**

OFFICE OF RAIL REGULATION
ONE KEMBLE STREET, LONDON, WC2B 4AN

Switchboard 020 7282 2000 • Fax 020 7282 2041 • Website www.rail-reg.gov.uk

Form **P**

433399

CrossCountry Trains
London Midland
East Midlands Trains
First Great Western
Heathrow Express
Virgin Trains
Colas Rail
DB Schenker Rail (UK)
Freightliner Group
GB Railfreight
Harsco Rail
DP World
Hutchison Ports (UK)
Roadways Container Logistics
Rail Express Systems
Europorte Channel SAS
Devon and Cornwall Railways
West Coast Railway Company
MDS Transmodal
Rail Freight Group
CTRL (UK)
Direct Rail Services
Pre Metro Operations
Alliance Rail
Renaissance Trains
Go! Co-operative
London Travel Watch
LUL
Mayor of London
Transport for London
Department for Transport
West Midlands Passenger Transport Executive (Centro)
Passenger Focus

The period of consultation was 28 days from 17 September to 14 October 2013.

Passenger Focus and First Great Western responded to the consultation.

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.

A supportive response was received from Passenger Focus and a no objection response was received from First Great Western.

Please see attached [pdf-word](#) document for further details.

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.

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)Network Rail.....

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
WC2B 4AN