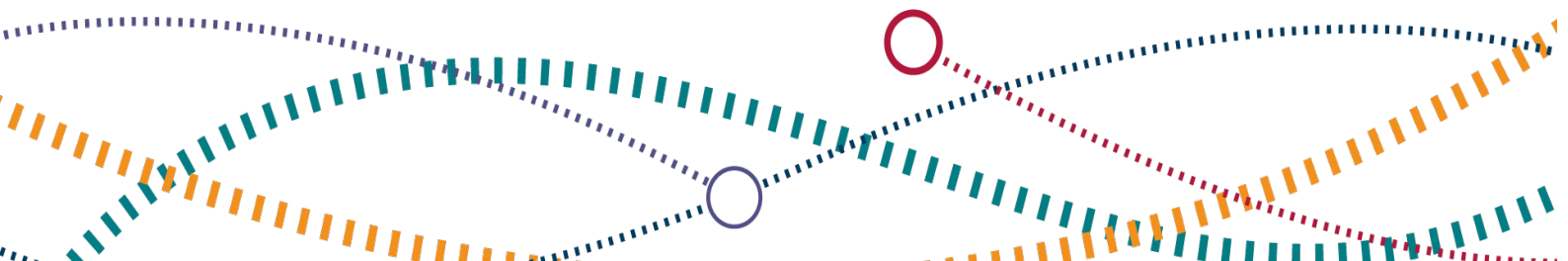# Access rights planning and use

2 June 2024 timetable change

12 August 2024

1. Key Messages

- Passenger train operators made 27 applications for additional or different capacity use (track access) for the timetable change date on 2 June 2024 which required ORR's specific approval.
- 10 of the applications were submitted after the industry deadline for publishing the timetable, which introduces risk of timetabled services for passengers not having the right to use the network. This represented an improvement over the December 2023 timetable change, where 13 out of 24 applications requiring ORR's specific approval were approved after the industry timetable should have been published.
- As of 2 June 2024, passenger operators planned to use 89 per cent of the total contracted rights (capacity) allocated.
- Passenger operators actually ran train services which used 84 per cent of the total capacity allocated in terms of rights.
- Use of rights for most operators is impacted by planned engineering access. However, industrial action and short notice engineering work as well as decisions by operators and funders on when services run impact the use of rights.
- A number of operators updated their access rights in this timetable change following the increased transparency of contracts following the 10 December 2023 timetable ORR publication.
- We have excluded access rights usage figures for Elizabeth Line while we work with Network Rail and the operator to understand the methodology for train counts which traverse different NR regions either side of the Central Operating Section.

2. Context

The regulatory access dashboard provides management information on access rights planning and use. It provides information on:

- track access applications made by freight and passenger operators of rail services in Great Britain;
- the submission and approval timescales for passenger track applications against the timetable production milestones of the Network Code; and
- information on the use of access rights by passenger operators.

ORR approves (or directs) the granting of access rights and monitors the timing of Network Rail and train operators' applications. Comparing when an application is made against the Network Code timescales is important because:

- passengers can have greater confidence that timetabled services will run because they are supported by a contract;
- an operator has a contractual priority giving greater certainty its related services will run as planned in the timetable;
- the greater certainty supports better operational planning for trains and crew.

Network Rail is responsible for producing the timetables for passenger and freight services to run. The main timetable changes are made twice a year, in May (however in 2024 this took place in June) and December. New timetables must be published 12 weeks in advance, this milestone is referred to as D12.

Train operators must have contractual access rights to use the network to run their trains. They apply for these access rights to secure capacity and priority for inclusion in the timetable. The [Network Code](#) sets out the process and contractual timescales for producing the main timetable changes. These timescales underpin the [Network Rail licence](#) requirement to produce a timetable "not less than 12 weeks" before services run, and also enable train operators to meet [their commitment](#) to make tickets available for sale 12 weeks in advance of travel.

ORR is required to publish the information contained in access contracts on the [public register.](#) This factsheet presentation of that data provides a holistic overview of the contracted capacity across the network and how it is used in the timetable by passenger operators.

Data tables and an interactive dashboard associated with this factsheet are published on the access page of the [ORR website.](#) Key definitions are contained within a glossary on that same webpage.

All the access rights in this dashboard were approved by ORR for the 2 June 2024 timetable change. It is valid to compare access rights from the 2 June 2024 timetable change to timetable

data up to the 14 December 2024 timetable change (inclusive). However, the rights data is most accurate at the beginning of the timetable period because rights applications will be submitted and approved after 2 June, thereby updating rights held before the December timetable change.

The access rights data dashboard will be updated in January for the timetable beginning in December 2024. Currently, the data focuses primarily on passenger train service data. The access rights and timetable data contained in the dashboard is provided by train operators and Network Rail. The time of submission to ORR and approval is ORR management information data.

For further information on the content of this factsheet or the regulatory access dashboard, please contact Head of Passenger Track Access: track.access@orr.gov.uk.

3. Passenger applications for track access (capacity) from June 2024 (SCD 2024)

When Network Rail and operators finalise contracts, it indicates the level of industry preparedness and provides transparency of capacity use. This supports industry and passenger certainty over the length of the contracts.

Passenger train operators made 27 applications for new or amended capacity use (track access) ahead of the timetable change date that took place on 2 June 2024. ORR ensured all the submitted applications requiring its specific approval were complete before the timetable started. However, 10 (37%) of the applications requiring ORR specific approval were submitted after the timetable publication deadline for passengers on 9 March 2024 (12 weeks in advance of 2 June).

Submitting applications for ORR to approve less than 12 weeks before the timetable starts, and services run, means that those services are at risk of not having contractual rights in place. This could negatively impact on operator train or crew planning and negatively impact on passenger's who have bought tickets in advance, reducing confidence in the timetable.

For the June 2024 timetable, only one part of Network Rail submitted all its applications before the 12 week milestone.

- Eastern region submitted 7 applications for this timetable change. 6 were submitted ahead of D12, with 5 of these contracts receiving approval by D12. Eastern region submitted 1 application by C2C after the 12 week milestone (D12).
- Scotland's Railway submitted both of its 2 applications (for ScotRail) before D12, showing an improvement on the December 2023 applications.
- Southern submitted all 3 of its applications after D12. Southeastern trains, Govia Thameslink and South Western Railways all accounting for one application each. All were approved ahead of the timetable change date, the last of which was 4 weeks prior to services starting.
- Wales & Western submitted 4 applications (out of 7) after D12. 2 applications were for the Elizabeth Line, while GWR and TfW accounted for 1 each, after D12. The TfW application was submitted within 10 working days of the change date; this application was formally signed by the parties at such a late stage that it was not approved until after the change date. TfW had 1 application for rights on Amey Infrastructure Wales submitted before D12.

- North West & Central submitted 6 applications out of 7 before D12. The one application after D12 was from Avanti West Coast to make a correction. This was submitted within 4 working days of the timetable change.

The regulatory access dashboard provides detail on submitted applications by Network Rail region and operators for users to analyse themselves https://www.orr.gov.uk/rail-access-dashboard.

Total Access applications 2023/2024

Table 1.1 ORR specific approval applications for May 2023 through to June 2024 timetables by Network Code milestone

Timetable period	After D12	Before D12	Before D26	Before D40	Total
May 2023	21	3	2	2	28
December 2023	13	8	2	1	24
June 2024	10	17	0	0	27
Total	44	28	4	3	79

The 2 June 2024 timetable change had a similar number of applications to the May 2023 timetable change. In May 2023 there were 28 applications, of which 75% were submitted within 12 weeks of the timetable change. June 2024 showed an improvement as industry submitted 37% of applications within 12 weeks of the timetable change.

Over the course of the last three timetable changes the number of applications submitted after the 12 week milestone has reduced. It is important that this trend is maintained to provide industry and passengers greater certainty of services.

Our monitoring has identified an increase in applications updating contracts to ensure rights are in place for services already running or for the removal of unused rights. Also, some applications corrected errors in contracts. Accurate management of contracts is important for the infrastructure manager and operators because it ensures transparency and accurate information on network use. This information can provide an insight into the amount of capacity used, or equally, potential capacity available for new services.

4. Use of passenger access rights

Comparing the approved (and published) access rights by ORR with the planned timetable and the services which actually operated allows ORR, Network Rail, funders, industry, and passengers to understand the use of the railway network.

We have compared the contracted access rights for each passenger operator by service group (how an operator groups different train services to related destinations) to the published timetable. This data, for planned timetables and services which actually operated, provide metrics on contractual compliance as well as the use of allocated capacity on the network. These metrics and usage data can be analysed through the online regulatory access dashboard (https://www.orr.gov.uk/rail-access-dashboard).

4.1   Between 2 June and 7 August of the new timetable, operators **planned to use** 89% of the access rights held in their contracts for the timetable which operates until December 2024. This is in comparison to 84% planned use at the December 2023 timetable change.

- Between 2 June and 7 August of the new timetable, 84% of the access rights held by operators **resulted in services** in operation for passengers.

The dashboard reflects the rights that were in place as of 2 June 2024. If contracts have been updated since then, these edits will not be reflected within the dashboard.

The use of access rights in the timetable can be reduced by various factors including: whether Network Rail could accommodate the rights in the timetable; engineering works by Network Rail, industrial action; funder decisions on service provision; and train operator service decisions. These factors mean it is most useful to compare operators in similar geographical areas and/or time periods which are not affected by industrial action/engineering work to understand these factors.

It is important to remember that access rights grant the right to **a** slot in the timetable, **not** a specific time slot. Also, some operators may hold contingent rights which receive lower priority when Network Rail produces the timetable and are therefore more likely to not be accommodated where there are conflicts.

The contracted access rights in place from the June 2024 timetable change onwards are appropriate for comparison against the planned 2024 working timetable (the period from 2 June 2024 until 14 December 2024). Timetable data for this factsheet is available up to 7 August 2024.

Operators with a smaller number of rights continue to have higher planned rights usage alongside operators with higher number of rights (see Figure 3.1). They are also represented in the higher proportions of rights which were used by train services. Examples of this are c2C, Grand Central and Lumo. We might expect factors which influence the use of access to have a disproportionate impact on operators with a smaller number of rights.

West Midlands Trains had the lowest planned and actual usage of rights in the June 2024 timetable data. This operator continued to be influenced by unused rights. There was a small increase in its planned use of rights in June 2024 compared to the December 2023 timetable data. It plans to reintroduce more services on the Liverpool route in December 2024, so we expect to see an increase in the percentage of rights use planned to run from the December 2024 timetable change.

Cross Country has a run less services than those that have been planned to run in the timetable. Following recent announcements on expected service provision from 10 August until 9 November we would expect a lower figure for the use of rights during this period when the data is next updated.

The data suggests some operators planned to run more services than corresponded with the rights in their contracts. We expect Network Rail and these operators to ensure the differences can be explained and are supported through contracts in advance of each timetable change.

- On weekdays, the following operators planned more services than rights they held: Transport for Wales Rail

4.2   On Saturdays, the following operators planned more services than rights they held: Caledonian Sleeper, Transport for Wales Rail, Chiltern Railways and South Western Railway.

4.3   On Sundays, the operators with more planned services than rights were: Transport for Wales Rail, c2c, South Western Railway and Southeastern.

Cardiff hosted Taylor Swift and Pink concerts in June which may have impacted Transport for Wales Rail planned/operated services early in the timetable period. However, this does not explain the continued differential in rights use after the timetable has bedded in. We have asked Transport for Wales to carefully review its contracted capacity use.

Scotrail's use of rights has changed through the first periods of the June timetable as they have been significantly impacted by the availability of drivers and are currently running a temporary amended timetable which began on 10 July. We welcome and invite operators providing their own analysis of access use to ORR. The following operators have confirmed the following explanations:

Chiltern Railways serve Wembley Stadium and run additional services to support major events. In June 2024, this included the Rugby League Challenge Cup Final as well as Taylor Swift and Green Day concerts. This is catered for within their track access contract. However, when these run, it can impact the data with certain days displaying more services planned into the timetable for that day than rights held.

Similarly, Lumo can activate a clause in their track access contract for contingent rights to run relief passenger train slots to accommodate anticipated customer demand for special or seasonal events. This clause exists in several contracts, allowing for slight fluctuations. Operators can usually identify differences in rights use related to its use because of the "special" circumstances.

Figure 3.1 Planned percentage of rights usage, per operator, 2 June 2024 to 14 December 2024 (inclusive).
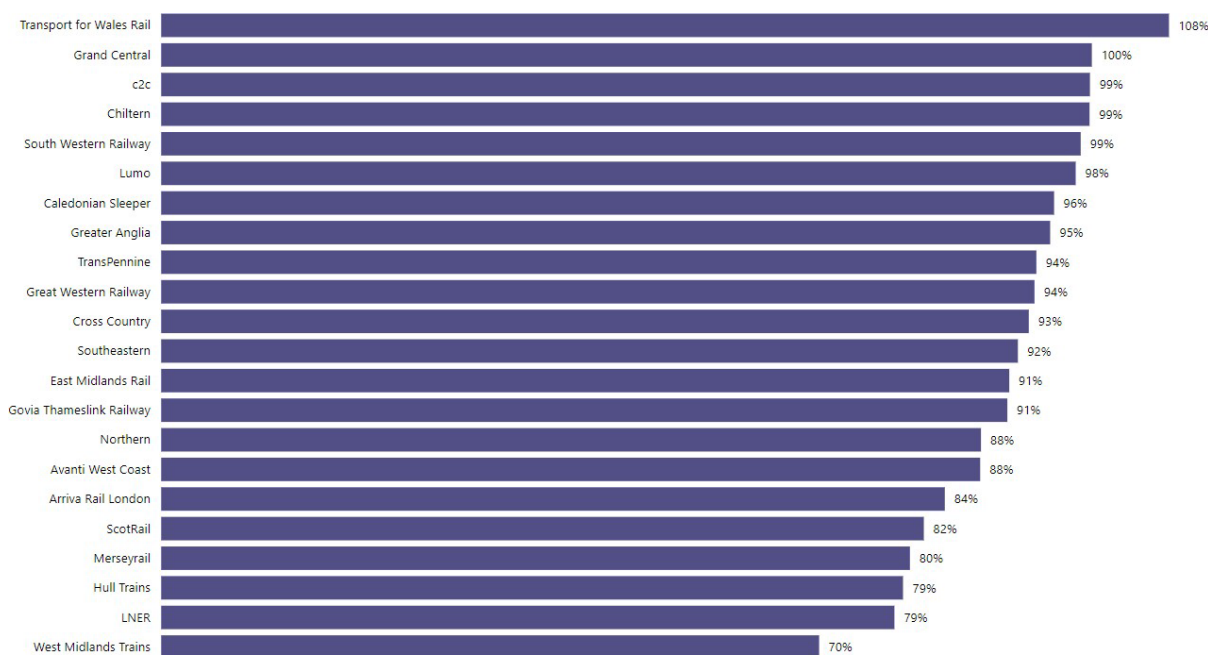
Graph above shows the percentage of access rights used against planned services, held by operator.

Figure 3.2 Rights used as a percentage of services ran.
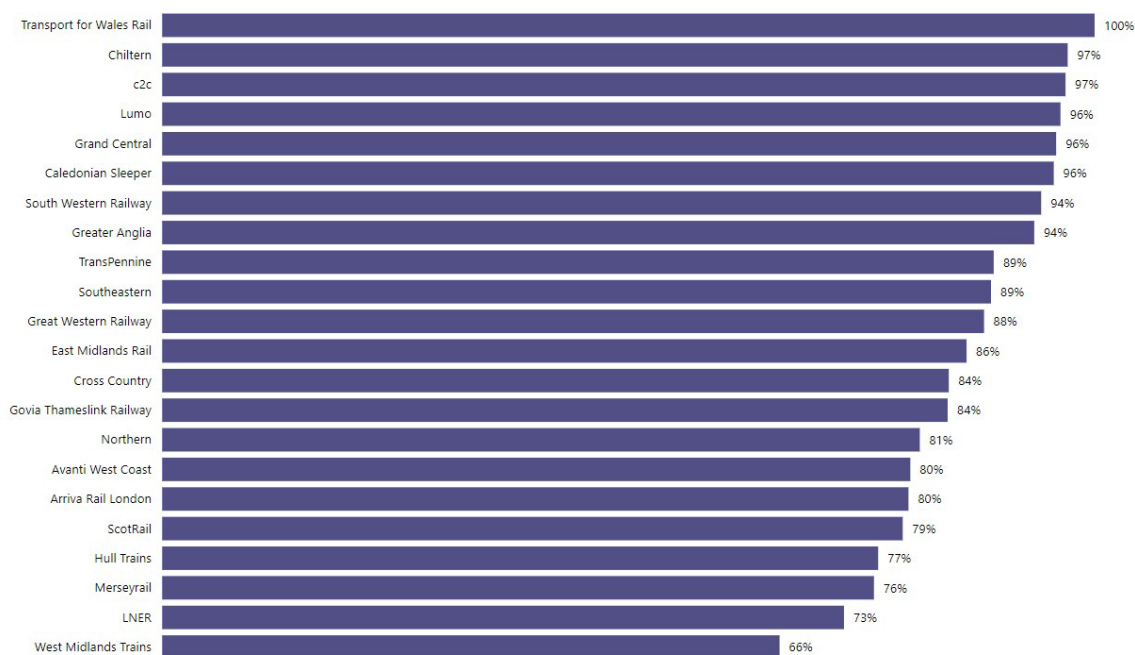
Graph above shows the percentage of access rights used against services ran, by operator.

The same reasons as listed above, will impact the percentage of services ran. However, this data set is also useful to compare against the planned use of rights to assess factors which materialised after the planned timetable was established.

Together, the two data comparisons should support operators in identifying the impact of different factors on capacity use. It should also provide a starting point for discussion between infrastructure manager and operator on unused access or better use of capacity. Where an operator does not intend to use access rights in the future it could be a potential opportunity for other operators to use capacity differently. It is important that operators ensure that all their current operations have the correct contractual framework in place to provide transparency to realise these opportunities.

Most access rights are represented in the timetable by one train service. The following operators have train services which correspond to more than one access right: Cross Country; LNER; Merseyrail; Scotrail; Transport for Wales Rail; and Caledonian Sleeper. For these services we have adjusted the number of rights held to accurately reflect their use in the planned timetable and the services which operated. For example, one CrossCountry service has 7 access rights, so for an accurate reflection of rights usage we mapped this service to one access right. The other adjustments are contained in annex 2 below.

4.4   The accuracy adjustments mean it is only the level of contingent rights, engineering access, industrial action, or non-use of rights which impact on the

rights usage reported. The ORR approved access rights held by each operator are available to download via - https://www.orr.gov.uk/access-rights-planning-and-use-2-june-2024-timetable-change

4.5   Operator and Network Rail engagement with the production of this factsheet has identified where greater transparency will be achieved by industry regular monitoring and updating rights tables. The factsheet and data will be updated in February 2025 following the December 2024 timetable change. We will identify where Network Rail and operator need to provide further clarity then.

Annex 1: Quality and Methodology

Data source

Data sources include applications submitted by train operators and Network Rail, performance data supplied solely by Network Rail and data collated by ORR.

Methodology

As part of track access applications Network Rail and operators submit documentation that ORR Access Executives process through the lifecycle of a case. This forms our casework data.

ORR has collated data from schedule 5 of the Track Access Contract between an operator and Network Rail. This schedule sets out the firm and contingent access rights agreed between the parties. We have collated this onto a workbook and displayed the day and service group to determine how many trains have access rights on the network.

We receive data from Network Rail on how many services were planned to run in the timetable and how many services did run. We have compared the service group data to our schedule 5 access rights data. We work with stakeholders across industry to quality assure this data.

Revisions

Not applicable for the June 2024 publication.

Recent changes to train operators

On 28 May 2023, the government brought TransPennine Express under public control with the Operator of Last Resort.

Further information on individual operators, including route maps, can be found via the Rail Delivery Group website.

Annex 2: Methodology

Most track access rights held in contracts across industry correspond to one train service, known as a head code in the timetable. This underpins the methodology we have used to create our planned use and actual use reporting within our regulatory information tool.

There are a small number of operators where this is not the case and there are multiple access rights all tied to a single head code. In some cases, these head codes have an access right for different portions of the journey. Currently we are unable to compare multiple rights on head codes to actual train running data.

In order to present a more accurate reflection of how these operators are exercising their contracted access rights we have accounted for this in the data that feeds our model. We have done this by subtracting the excess rights and matching the rights figure to the head code figure.

The data refers to the working timetable period of 2 June 2024 through to 14 December 2024 timetable period (inclusive).

Operator	Service Group	Base Weekday	Adj Weekday	Base Saturday	Adj Saturday	Base Sunday	Adj Sunday	Revised Total
Cross Country	EH01	355	142	355	137	270	112	391
Caledonian Sleeper	ES01	10	7	2	2	9	6	15
Scotrail	HA01	325	316	321	311	127	126	753
	HA02	293	291	299	298	161	160	749
	HA03	71	70	68	67	20	20	157
	HA04	127	120	123	116	47	47	283
	HA06	440	438	419	417	216	216	1071
	HA07	191	190	191	190	78	76	456
LNER	HB02	92	81	82	68	66	53	202

Annex 3: List of data tables associated with this factsheet

Data tables

https://www.orr.gov.uk/access-rights-planning-and-use-2-june-2024-timetable-change

Other related documents

Network Code - Network Rail

https://www.orr.gov.uk/rail-guidance-compliance/network-access/guidance-policies/track-access-guidance

https://www.orr.gov.uk/rail-guidance-compliance/network-access/regulated-networks/network-rail