

Paul Howden
Planning Manager
CrossCountry
5th Floor, Multistory
18 The Priory Queensway
Birmingham, B4 6BS

Friday 17th October 2025

Alice Kaiser and Louise Beilby, Office of Rail and Road

Via email

XC REPRESENTATIONS TO NETWORK RAIL FINAL REPRESENTATION LETTER FOR PROPOSED 38th SUPPLEMENTAL AGREEMENT BETWEEN XC TRAINS LIMITED AND NETWORK RAIL INFRASTRUCTURE LIMITED.

Dear Alice and Louise,

This letter provides brief representations of XC Trains Limited (XCTL/CrossCountry) regarding the Section 22A application for a proposed supplemental agreement between Network Rail Infrastructure Limited (NRIL) and XC Trains Limited (XCTL), for additional access rights to apply from PCD 2025 until contract expiry at PCD 2027.

We have been working collaboratively with Network Rail since the signing of our NRC in September 2023 to secure access rights for the future uplift in services.

Our 38th SA on its journey to this stage has had many complexities including the East Coast Mainline general representation on complex and/or competing applications, two West Coast Mainline south general representation letters, the industry PMO decision to initially postpone the ECML ESG and subsequent task force to deliver this TT change alongside our own internal resourcing challenges that have seen us deliver our timetable uplift over successive timetable change dates coupled with a slight change in scope, and services NR were unable to accommodate in the Dec 25 TT that have seen us deviate away slightly from our original 38th SA application.

Whilst we understand that NRIL has identified some minor discrepancies in numbers of rights included in this Section 22A application, we remain engaged in discussions around providing certainty for our customers for services up until PCD 2027.

In Appendix 1 below I have detailed our response to NRIL's annex B document line by line, right by right document which I can confirm following discussions with NRIL's customer team we are now broadly in agreement with.

It is naturally disappointing to XCTL that all but one of the rights NRIL can offer us on our 38th SA is a contingent right for one year only with no presumption of continuity. Whilst we understand the reasons behind such decisions, this still creates a situation where we cannot provide the continuity and consistency for our passengers whilst equally this raises challenges for our own internal resource planning and business decision making.

**Our
Values**



We also note the lengthy time period to reach this stage and therefore feel it is imperative that NRIL are on the front foot when it comes to our future rights applications as there have been delays in securing these rights for DEC25 and indeed NRIL's representation on our 38th SA is one of the very last tranches to be completed across the industry. We will indeed work closely with NRIL on rights for our May 26 /Dec 26 and future TT's to facilitate such collaboration to ensure lessons learned and best practice are carried forward in future applications.

We note the current issues around rights within the industry are not conducive long term to delivering for our customers, developing timetables before access rights are finalised doesn't naturally lend itself to the most optimal timetable outcomes and we welcome working with the industry to return to a better footing in this area going forward.

XCTL intends to ensure that the upcoming 44th Supplemental Agreement application reviews the minor discrepancies to rights raised through these representations. This would apply to the PCD 2025 timetable period.

With regards to XCTL's table 4.1, We intend to work through the table 4.1 calling patterns information. This workstream is currently underway and we don't foresee significant changes to our calling patterns as a result of the changes in rights within our 38th SA. As a business we have standard calling patterns and this has not been deviated from during this process. An initial investigation has suggested some tidying up needed for example where we have split lines on our tables 2.1 and 2.2 rights since the last update of table 4.1 (such as 1.7 that is now split with a 1.7a direct route and 1.7b Bristol to Birmingham via Kidderminster route (1.48a is the reverse). Similarly with 1.15 which now has an a and b between Birmingham and Manchester depending on route via Crewe and Styal or Crewe and Stockport). We note 1.57 does not have a corresponding mention in table 4.1 (this is York to Birmingham via Doncaster) however the reverse direction right 1.18 is included and 1.57 will be added to this as shares the same calling pattern. Noting none of these aforementioned details to tidy up the calling pattern tables change any calling patterns. We will share these with NR at the earliest opportunity and formalise in our 45th SA.

Addressing some of the other points in NRIL's representation letter and on page 3 of their representation letter NRIL discusses XCTL's 2 x contingent rights for Cardiff Central to Bristol Temple Meads services that currently expire at PCD2025 (contained on the 36th SA). We can confirm these rights will be requested as part of our upcoming 44th Supplemental Agreement application.

XCTL acknowledge NRIL's request to provide clean updated schedule 5 tables of rights that show the total number of rights to support the Dec 25 TT once ORR direct on this application. I can confirm work is underway to provide such documentation and we continue to work closely with NRIL to facilitate this as the 38th progresses.

XCTL acknowledge NRIL's request to provide an updated table 2.3 showing all rights to combine access and the latest numbers of all such rights. This is a piece of work that is at an advanced stage. We will also submit as part of our upcoming 44th Supplemental Agreement application a request for new rights to join services that are not currently covered within our existing arrangements.

NRIL on page 12 of their representation letter discusses XCTL's TOVRs and any future TOVRs relating to Dec 25 that may change our overall rights position. Any such changes will be reflected in our upcoming 44th Supplemental Agreement application. We are now at a stage of TT readiness where we feel there should be no further TOVRs, the majority of the small number of such so far have been related to minor aesthetic changes to schedules rather than additional or relinquished rights. The only substantial change proposed in our recent TOVRs has been our Sunday reductions to tackle a short term Sunday specific resource challenge. The DfT have authorised us to reduce some of our Timetable for a maximum of one

Timetable however with an instruction to review regularly if that position changes during the life of the Dec 25 TT. In line with part J of the Network Code (in particular around 4.3.1 b) we believe this to be temporary and are keen to protect the firm rights we currently hold for these services, and our ability to restore quickly those services when the current arrangement with the DfT ends at the end of PCD2025 or sooner if our short term resource position improves during the DEC25 TT.

NRIL on page 3 of their representation letter discusses XCTL's performance, acceptance of new rolling stock and current Traincrew Resilience. I will address these topics below.

The introduction of the ex-Avanti West Coast fleet of Voyager (Cl. 221) rolling stock has been relatively seamless given the interoperability with our current fleet of the same traction.

Performance delivery remains a key challenge and although naturally, increasing services on the network will make recovery in times of perturbation more arduous, a great deal of our challenges arise from external factors. During the time period between April 2025 and September 2025, 69.0% of our services arrived within 3 minutes at all station calls, with 92.9% of services arriving within 15 minutes. From a train service reliability perspective, the level of all cancellations, regardless of cause was 7.6%.

Across all three performance measures, a marginal decline in punctuality and cancellations has been seen when compared with the equivalent time period last year, both punctuality measures have seen a reduction of 1.8% and 1.5% respectively, whereas the percentage of all cancellations has increased by 1.3%.

Although we have experienced a decline in punctuality, the moving annual average for those services arriving within 3 minutes has achieved a 1% improvement across the 13 periods. Those factors impacting punctuality have been a mixture of trespassers on the railway, track faults and incidents relating to infrastructure reliability. Furthermore, our train services have been impacted by a number of disruptive incidents. In July, our services were severely disrupted by overhead line problems in the vicinity of Birmingham New Street. The scale of this incident led to a large number of our services being delayed or cancelled for most of the day. At an industry level we have reviewed many operational aspects relating to this incident and identified joint initiatives which benefit the customer, those being, the information we provide during disruption and our joint response when incidents of this nature occur at busy locations such as Birmingham New Street.

In April, the vandalism and associated theft of the signalling equipment in the Whittlesea area contributed to a prolonged period of disruption on the Birmingham to Stansted line of route. More recently, a trespasser in the tunnels at Birmingham New Street led to disruption to train services whilst the individual was apprehended.

These three events have been the most disruptive since April and have caused a combined impact of 6,280 minutes, 98 cancellations and affected 536 services. Sadly, the industry continues to face challenges with external events, and this is an area of a key focus for the rail industry and British Transport Police partners. In collaboration with Network Rail, we continue to monitor and explore interventions which help prevent the incidents from occurring. Some of improvement activities across our service operation include: -

- The Installation of route crime cameras at Birmingham New Street will be full installed by November 2025. This is the first installation of this type on the rail network and will provide much needed surveillance of the platform ends and tunnel entrance and exists.
- Trembler/Tracker installations to detect cable crime are progressing with the top 5 locations to be complete by October 2025. The actions at these locations will benefit train services on our long distance routes.

- Welfare Officers have been deployed on Western Route to key locations such as Oxford, Reading, Reading West. Across the whole initiative, 150 positive interventions have been made so far including 20 lifesaving ones.
- Following positive trial in the North West, the expansion of Mental Health triage cars in Central. A Mental Health nurse and a British Transport officer will conduct blue-light responses to mental health incidents.
- Beyond Visual Line of Sight (BVLOS) Drone trial is being conducted at Gloucester, If successful this will negate the need for operators to be in the vicinity while extending the speed and reach of our response to trespass incidents

Although trespass related incidents remain the key cause of passenger lateness, the overall impact have reduced compared the equivalent time period last year. Other areas of improvement that have contributed to a reduction in passenger lateness include train detection, signal failures and mitigating the effects of extreme weather. Flooding mitigation work has been taking place across various Network Rail routes. Key CrossCountry impacting sites being tackled include Chipping Sodbury (Western), Draycott and Breadsall (East Midlands). These positive interventions meant that in 2024 no flooding incidents occurred in Chipping Sodbury and Breadsall, with Draycott seeing one incident compared to three in 2023.

Internally, we also continue to improve train service reliability and in particular reducing those cancellations relating to Traincrew resource. A comparison of the time period between April and September 2025 and the equivalent time period last year has seen us achieve a 30% reduction in Driver caused cancellations. During the same period, a 40% reduction in Driver cancellations has been achieved Monday to Saturday with nine of our eleven Driver depots delivering improvement year-on-year. Sadly, Sunday cancellations remain an issue, however we continue to work on solutions which will provide a more consistent level of train service reliability.

Whilst there have been challenges with Driver and Train Manager resource availability, significant recruitment has been taking place and is planned to continue for all grades. Each traincrew depot is receiving the appropriate number of trainees to build the establishments required by the timetable. Several depots already have the appropriate productive headcount.

We have identified the required number of traincrew to deliver the Dec 2025 timetable, and we have plans in place to deliver this ready for the timetable change. We work closely with Industry PMO to manage the risk.

As always, XCTL is looking forward to working with NRIL and the ORR to make positive progress on access right applications for future timetables, to give confidence and stability to CrossCountry.

Kind regards,

Paul Howden,

Planning Manager, CrossCountry

**Our
Values**



We care
passionately



We make the
difference



We do the
right thing

crosscountry



Appendix 1- XCTL response to NRILs appendix B rights table

- Line 1.4a - we agree with NR that we require 2 rights on Saturdays for Dec 25
- Line 1.7a - we acknowledge NRs view that 1 SX right will be on a contingent basis for one year (27 firm/1 contingent)
- Line 1.13a - we acknowledge NRs view that 5 SU rights will be on a contingent basis for one year (14 firm/5 contingent)
- Line 1.13b -we agree with NR that we require 8 rights on weekdays for Dec 25 and acknowledge NRs view that +3 SX rights will be on a contingent basis for one year (5 firm/3 contingent) -1E44/1E68 do not run in DEC25 (non-accommodated), 1M88 will be on the 44th
- Line 1.13b - we agree with NR that we require 9 rights on Saturdays for Dec 25 and acknowledge NRs view that +4 SO rights will be on a contingent basis for one year (5 firm/4 contingent)1E68 does not run in DEC25 (non-accommodated)
- Line 1.13b -we acknowledge NRs view that 1 SU right will be on a contingent basis for one year (0 firm/1 contingent)
- Line 1.15b -we acknowledge NRs view that 1 weekday right will be on a contingent basis for one year (0 firm/1 contingent)
- Line 1.15b we agree with NR that we require 0 rights on Saturdays for Dec 25
- Line 1.18 we agree with NR that we require 3 rights on weekdays for Dec 25 (1E64 is YRK vice NCL therefore needs moving from 1.19 to 1.18 as part of 44th SA application) we acknowledge NRs view that 1 weekday right will be on a contingent basis for one year (2 firm/1 contingent)
- Line 1.18 - we agree with NR on Saturdays we are planning to operate 2 services against this right 1E40/1E56 in line with ECML TT output and as bid and offered from NR (1E32 in non-accommodated)
- Line 1.18 we acknowledge NRs view that 3 SU rights will be on a contingent basis for one year (0 firm/3 contingent)
- Line 1.19 we agree with NR that we require 5 rights on weekdays for Dec 25 and we acknowledge NRs view that 3 weekday rights will be on a contingent basis for one year (2 firm/3 contingent)1E68 does not run in DEC25 (non-accommodated)
- Line 1.19 we agree with NR that we require 6 rights on Saturdays for Dec 25 and we acknowledge NRs view that 4 SO rights will be on a contingent basis for one year (2 firm/4 contingent)1E68 does not run in DEC25 (non-accommodated)
- Line 1.19 we acknowledge NRs view that 4 SU rights will be on a contingent basis for one year (1 firm/4 contingent) (1E64 is YRK vice NCL therefore needs moving from 1.19 to 1.18 as part of 44th SA)
- Line 1.35 - we agree with NRs view that we require 8 weekday rights - we acknowledge NRs view that 1 weekday right will be on a contingent basis for one year (2 firm/1 contingent) we will apply for a further 5 rights on our 44th SA
- Line 1.35 we agree with NRs view that we require 7 Saturday rights - we acknowledge NRs view that 2 SO rights will be on a contingent basis for one year (2 firm/2contingent) we will apply for a further 3 rights on our 44th SA
- Line 1.35 we disagree with NR, we need two rights for Dec 25 Su (1M72/1M91) which are covered by our current firm rights followed up with NR believe we now agree it is two
- Line 1.57 we agree with NR on weekdays we are planning to operate 1 service against this right (1V96) in line with ECML TT output and as bid and offered from NR - 1V90 is non accommodated
- Line 1.57 - we agree with NRs view that we require 2 Saturday rights - we acknowledge NRs view that 2 SO rights will be on a contingent basis for one year (0 firm/2contingent)1V90 does not run in DEC25 (non-accommodated)



- Line 1.57 - we agree with NRs view that we require 3 SU rights - we acknowledge NRs view that 3 SU rights will be on a contingent basis for one year (0 firm/3 contingent)
- Line 1.41 we disagree with NRs view; we require 0 rights for SU (1V83 was removed as part of Sunday reductions plan) (NR suggests now in agreement)
- Line 1.42 - we agree with NRs view that we require 29 weekday rights - we acknowledge NRs view that 1 SX rights will be on a contingent basis for one year (27 firm/1contingent) we will apply for a further right on our 44th SA
- Line 1.42 we agree with NRs view that we require 28 Saturday rights which we currently hold rights for
- Line 1.44a we agree with NR's view, we have 7 SX services in this group offered for DEC254 1V82/3/5/7/9 and 1V91/96 therefore require +3 of the +6 additional we asked for (and 4 firm) we requested -1V90/1V84/1V81 does not run in DEC25 (non-accommodated)
- Line 1.44a - we agree with NRs view that we require 8 SO rights and acknowledge NRs view that +3 SO rights will be on a contingent basis for one year (5 firm/3contingent) - 1V81/1V90 does not run in DEC25 (non-accommodated)
- Line 1.44a - we agree with NRs view that we require 2 SU rights and acknowledge NRs view that +1 SU rights will be on a contingent basis for one year (1 firm/1contingent)
- Line 1.44b we agree with NRs view that we require 17 SU rights and acknowledge NRs view that +4 SU rights will be on a contingent basis for one year (13 firm/4 contingent)
- Line 1.48a -we disagree with NRs view that we require 28 weekday rights, we believe this to be 27- we hold 26 firm rights and acknowledge NRs view that + 1SX right will be on a contingent basis for one year (26 firm/1 contingent)
- Line 1.48a - note NR typo regarding SO wording in excel box U17, we disagree with NRs view, we require 27 rights on SO for this group (26 firm/1 contingent we already hold) not 28 as on appendix B-noting NR now agree on this one 1V70 belongs in 1,48b (runs via Gloucester)
- Line 2.7- we agree with NR that we require 2 rights for this service on weekdays (2 firm, others (3) relinquished)
- Line 2.7- we agree with NR that we require 1 right for this service on Saturdays (1 firm, others (4) relinquished)
- Line 2.8- we agree with NR that we require 15 rights for this service on weekdays (14 firm, 1 contingent already held)
- Line 2.8- we agree with NR that we require 15 rights for this service on Saturdays (14 firm, 1 contingent already held)
- Line 2.10 - we agree with NR that we require 3 rights for this service on weekdays (3 firm, already held)
- Line 2.10 - we agree with NR that we require 4 rights for this service on Saturdays (4 firm, already held)
- Line 2.11 - we only require 1 right SX (which we already hold) on this therefore are in agreement you on not needing an extra right
- Line 2.11 - we only require 1 right SO (which we already hold) on this therefore are in agreement you on not needing an extra right
- Line 2.12 - we agree with NR that we require 16 rights for this service on weekdays (15 firm, 1 contingent already held)
- Line 2.12 - we agree with NR that we require 15 rights for this service on Saturdays (14 firm, 1 contingent already held)

