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31st July 2019

Dear Ian

Application for Directions: Track Access Contract between Network Rail Infrastructure Limited First Greater Western Limited

I refer to your letter of 10th July 2019 in which Network Rail Infrastructure Limited was invited to make written representations in respect of the application made by First Greater Western Limited under Section 17 of the Railways Act 1993 (the Act). Our representations to the Office of Rail and Road (ORR) follow herein.

Background

Network Rail recognises the application made by First Greater Western Limited to ORR and also acknowledges that this application has been provided at the Secretary of State's request to provide rights up to the Principal Change Date (PCD) 2021 (in December 2021) by amending the existing expiry date of the Contract from PCD 2020 to PCD 2021. Network Rail has indicated to First Greater Western Limited that it does not support the extension of all the rights sought in the application and details of the rights that it does not support are set out in this letter.

- i. 38th Supplemental Agreement (proposed under Section 22 of the Railways Act 1993), seeking amendments to Schedule 5 of the Contract in respect of new passenger services due to commence in the December 2019 Timetable (at PCD 2019) and expire at PCD 2020. These rights were authorised at the meeting of the Network Rail the Sale of Access Rights Panel on 22nd July 2019.
- ii. 39th Supplemental Agreement (proposed under Section 22A of the Railways Act 1993), which seeks to achieve the same as the 38th Supplemental Agreement but with the addition of an enhanced passenger service to Gatwick Airport from the Subsidiary Change Date 2020 (in May 2020) and inclusion of rights associated with rejected paths if Network Rail are able to accommodate them once discussions regarding the New Working Timetable are complete.

Owing to the size of the Section 17 application an extensive internal consultation has been undertaken involving several Network Rail routes, to which First Greater Western Limited has been party and offered its input and assistance to queries and issues that have arisen.

Current Position

Network Rail supports First Greater Western Limited's application to amend the expiry date of its existing Track Access Contract from PCD 2020 by one year to PCD 2021 only in respect of certain service groups in order to protect the interests of aspirant open access operators that have made known their intention to operate passenger services to ORR and which might occupy capacity required for the rights sought in this application. In addition, Network Rail does not support the rights sought for certain inner London suburban services which might be undeliverable in view of the expected reduction in platforms available for use by GWR and MTR services at London Paddington from PCD 2020 (December 2020).

The rights that Network Rail does not support in respect of each of the above categories are identified below :

i. Aspirant open access operator Go-op Cooperative Limited has submitted to ORR its proposal to operate passenger services between Taunton/Yeovil and Swindon (and beyond) from PCD 2020. This application is currently subject to the Economic Equilibrium Test. Network Rail may be unable to accommodate both the rights sought by Go-op and Great Western on certain sections of route subject to the outcome of performance and capacity work which is yet to be undertaken and any decisions which may be made by ORR regarding the rights. In view of this Network Rail does not support the sale of rights in the following service groups:

- EF01 – London - Bristol
- EF02 – London – South Wales
- EF03 – London – The Cotswolds
- EF04 – London – West of England
- EF05 – Outer London
- EF07 – Reading and Oxford Suburban
- EF10 – Bristol Suburban
- EF13 – South Wales – South Coast

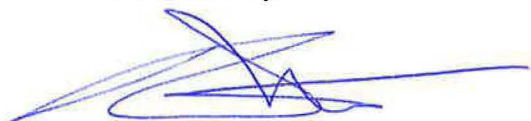
ii. Aspirant open access operator Grand Union Trains has submitted to ORR its proposal to operate passenger services between London Paddington and Cardiff Central from SCD 2021. This application is currently subject to the Economic Equilibrium Test. Network Rail may be unable to accommodate both the rights sought by Go-op and Great Western on certain sections of route subject to the outcome of performance and capacity work which is yet to be undertaken and any decisions which may be made by ORR regarding the rights. In view of this Network Rail does not support the sale of rights in the following service groups:

- EF01 – London - Bristol
- EF02 – London – South Wales
- EF03 – London – The Cotswolds
- EF04 – London – West of England
- EF05 – Outer London
- EF06 – Inner London
- EF07 – Reading and Oxford Suburban
- EF08 – Thames Valley Branches
- EF09 – North Downs
- EF10 – Bristol Suburban
- EF13 – South Wales – South Coast

iii. Heathrow Express Limited agreed with the Department of Transport and Great Western Railway to reduce its use of platforms at London Paddington from two to one for 12 months from PCD 2019, reverting back to two platforms from PCD 2020 during all operational hours as per Heathrow Express Limited's Track Access Agreement dated 1993. In view of this, Network Rail may be unable to accommodate Heathrow Express services and the rights sought by Great Western and MTR Crossrail at London Paddington and does not support the sale of rights in the following service group:

- EF06 – Inner London

Yours sincerely,



Richard Turner
Customer Relationships Executive
Network Rail - Western

CC: Rob Holder, GWR