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Dear Ian

Application for directions: proposed amendments to the track access contract between Network Rail Infrastructure Limited and West Midlands Trains Limited

This letter provides the representations of Network Rail as requested in ORR's letter of 20 November with regard to the above application.

Introduction

ORR wrote to the industry on 11 October 2019 setting out how it intended to take forward several aspirations it was aware of to run additional services on the West Coast Main Line (WCML). It also required any aspirants, including those of which it was already aware, to submit an access application to it by 15 November 2019.

As ORR noted in its letter, it was unclear to what extent there might be capacity to accommodate all of these aspirations; what the performance implications might be; and, where there were trade-offs, what those choices would entail.

To inform its decision making ORR subsequently asked Network Rail to provide an appraisal of WCML capacity and the potential impact on performance that would result from additional services and to report on this work by the end of February 2020. Network Rail has also been made aware of aspirations to operate materials trains for the construction of HS2, although no corresponding track access application has yet been made for these services. Network Rail recognises that until it reports on this work, while it is able to comment on specific aspects of applications, it is not in a position to comment on available WCML capacity or the potential impact on performance that would result from additional services. It has been possible, however, to identify some aspects of applications which it would in any case not be able to support or with regard to which it would require further information to inform its decision. Our representations are provided in this context.

The Application

West Midlands Trains Ltd has submitted a Section 22A track access application for services between London Euston and Northampton. The services would commence on the Principal Change Date 2020 and expire on Principal Change Date 2026.

The Application Form P

Section 3.2 of the application Form P regarding "Terms not agreed with the facility owner" states that:

"West Midlands Trains had initially bid to Network Rail for these WCML services to be included in the May 2020 timetable. Even though WMT considered that capacity was available to operate these services within a TPR-compliant timetable, Network Rail's view was that the absence of performance modelling at time of WMT submitting the PDNS meant that they could not properly consider and, if appropriate, accept the 4th FL path, and therefore were not willing consider the 4th FL paths within WMT's bid. Whilst WMT had commissioned an independent performance assessment using 'Treno' modelling software, unfortunately due to the size and complexity of the model the outputs were not able to be produced in time to be assessed and fully understood for the May 2020 validation process.

WMT therefore agreed with Network Rail that work on the additional WCML paths should be deferred for inclusion in the December 2020 timetable instead, subject to WMT 'demonstrating the performance impact and how that would be managed,' and that Network Rail would work with WMT in good faith on the rights that WMT require.

The outputs from the Treno performance modelling will be available in late November / early December 2019"

NR would always endeavour to negotiate an agreed Section 22 application as our preferred approach to working with customers. It is recognised that in this instance the ORR has requested operators to submit their applications prior to the outcome of the applicant's performance modelling being available. Subsequent to the applicant's original aspiration for these services to be included in May '20 Timetable, Network Rail has been made aware of a number of conflicting aspirations by other operators which it must also consider.

Proposed Contract

The Services

NR's view of the deliverability of the quantum of passenger train slots sought by The Applicant in Table 2.1 of Schedule 5 is included in the Timetable Capacity & Performance section below.

Calling Patterns

NR cannot currently support the sale of the calling patterns specified by The Applicant in Table 4.1 of Schedule 5 until the capacity study has been concluded (see Timetable Capacity & Performance section below).

The Specified Equipment

The Specified Equipment, is Class 350 and Class 319 EMU rolling stock, which are currently in use on services groups across the Region. Network Rail notes that the rolling stock has already obtained Route Clearance across the proposed routes contained in the application. It will be necessary to undertake further assessments of the infrastructure capability, to understand whether it is possible to operate a higher quantum of electric vehicles beyond those train slots which have already been accommodated within the timetable.

Timetable Capacity & Performance

The applicant has proposed to run up to 11 additional trains in each direction between London Euston and Northampton. As outlined earlier, NR is currently undertaking an appraisal of available capacity and the potential impact on performance that would result from additional services. This will inform its position regarding this.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Woolmore", with a long horizontal flourish underneath.

Michelle Woolmore

Route Contract Manager, Network Rail