Consultation – Crossrail Central Operating Section (CCOS)

Request for views on proposed changes to the CCOS Track Access documentation

MAYOR OF LONDON

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EVERY JOURNEY MATTERS

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1 Background

1.1 Changes to Access Documentation

Transport for London (TfL) and Rail for London (Infrastructure) Limited (RfL(I)) published a suite of Track Access documentation for use of the CCOS in October 2017[1] and made some further amendments in December 2019[2].

RfL(I) now wishes to consult on certain amendments to the CCOS Network Code and the template CCOS Track Access Contract (Passenger Services) to reflect the following:

- Changes that were made for the purposes of the CTOC[3] Trials Track Access Contract (the Trials TAC) for the trial running and trial operations period that have ongoing applicability (as approved by the ORR in the context of that arrangement);
- Changes to the Track Access documentation of Network Rail Infrastructure Limited (NR); and
- Other changes.

The proposed changes are summarised further below.

2 Changes to CCOS Access Documentation Proposed

2.1 Changes made in the Trials TAC that have ongoing applicability

2.1.1 Boundary definitions

The boundary definitions in the Trials TAC were amended to be consistent with those in the CTOC's track access contract with NR (the First Crossrail Track Access Contract (FCTAC)). This is to ensure alignment between NR and RfL(I) with the terminology used to describe the points at which the two networks connect.

It is proposed to make these changes in the CCOS Network Code and template CCOS Track Access Contract (Passenger Services).

2.1.2 NR Ancillary Movements

The Trials TAC made provision for "NR Ancillary Movements". NR Ancillary Movements are empty train movements on the CCOS to facilitate a passenger service which occurs only on the NR network (and therefore does not fall within the definition of an Ancillary Movement on the CCOS). As there is potential for such movements to be required in the future it is proposed to incorporate this drafting in the template CCOS Track Access Contact (Passenger Services).

[1] https://consultations.tfl.gov.uk/rail/ccos-access/
[2] https://tfl.gov.uk/corporate/publications-and-reports/crossrail-central-operating-section
[3] Crossrail Train Operating Company – currently MTR Corporation (Crossrail) Limited

2.1.3 Shoulder Peak, Inter Peak and Start and End definitions

The above terms are defined in the Crossrail Track Access Option for the NR network[4]. These definitions were not incorporated in the FCTAC or the CTOC's Track Access Contract for the trials period. We therefore think that this distinction is unlikely to be required in future and we intend to align the provisions with the typical "AM Peak", "PM Peak" and "Off Peak" that consultees will be more familiar with.

It is therefore proposed to remove these definitions from Schedule 5 of the template CCOS Track Access Contract (Passenger Services).

2.2 Changes to the Track Access documentation of Network Rail Infrastructure Limited (NR)

2.2.1 Introduction

In the consultation on the CCOS Track Access documentation[5] the following principle was stated:

"*TfL/RfL(I) believe that, unless there is a good reason, the arrangements for accessing the CCOS track should reflect the position adopted elsewhere in the railway industry. In particular, as the CCOS will be connected to the railway operated by NR at Westbourne Park Junction and Pudding Mill Lane Junction, the arrangements should reflect those for accessing NR's network and the ORR's "model form" track access agreement. This will assist train operators in adopting a "whole industry approach" if they seek to use the CCOS.*

At the same time TfL/RfL(I) consider there are sometimes good reasons for not always replicating the approach used by NR. In general, these relate to the characteristics of the CCOS and the relative size of the CCOS compared with the size of NR's network. At all times, TfL/RfL(I) have sought to adopt an approach which is appropriate, proportionate and pragmatic to the CCOS."

Further to this principle RfL(I) have reviewed a number of changes agreed to NR's access documentation subsequent to the last update of the CCOS documentation in December 2019.

The changes to the NR Track Access documentation which RfL(I) has reviewed together with the proposed amendments to the CCOS documentation are summarised below. Further background to the NR changes can be found on NR's website https://www.networkrail.co.uk/industry-and-commercial/information-for-operators/network-code/ under the "Proposals for Change" section (completed or current as appropriate – see further below).

2.2.2 Proposals for Change 78-81, 84-87 relating to Part D of the NR Network Code (March 2020)[6]

These Changes amended Part D of the NR Network Code to reflect changes arising from the Rail Industry review of Part D. This review was undertaken following the

[4] https://www.orr.gov.uk/media/17100
[5] https://consultations.tfl.gov.uk/rail/ccos-access-phase-1/user_uploads/crossrail-central-operating-section-cover-document.pdf
[6] http://orr.gov.uk/rail/access-to-the-network/the-network-code/modifications

recommendations of the independent inquiry into the timetable disruption in May 2018 ('The Glaister Report').

The changes represent process improvements to the current industry approach to timetabling.

As noted in the CCOS Network Statement "*access to the CCOS requires entry from the NR Network, and services operating solely on the CCOS must access the NR Network for facilities such as rolling stock maintenance, Applicants for access must not only seek rights from RfL(I) but also from NR….Further, NR will manage the coordination of capacity requests into a working timetable. Applicants should therefore also include details of any CCOS only paths in their application to NR*.

In practice, NR undertakes timetabling work on behalf of RfL(I), ensuring seamless connections and transition of services between the networks. It is proposed therefore to reflect the changes to the NR documentation in the CCOS Network Code as appropriate wherever there are equivalent provisions.

2.2.3 Proposal for Change 90 relating to Part D of the NR Network Code (March 2020)[7]

This Change amends the turn-around time for Train Operator Variation Requests (TOVRs) not required within a week to permit NR to provide a response when reasonably practicable.

It is proposed to make this change in the equivalent provision of the CCOS Network Code.

2.2.4 Proposals for Change 91-94 and 97 relating to Part D of the NR Network Code and the NR Access and Dispute Resolution Rules (NR ADRR) (December 2020)[8]

These Changes are summarised below:

Proposal for Change 91- creates a definition of Advanced Notice of Timetable Change (ANTC) and includes a process for implementing the use of the ANTC within the development of a future timetable, making explicit the requirement for all timetable participants to submit a return, including where appropriate a nil return, by D-55 at the latest.

Proposal for Change 92 - Amends D3.3.11 such that NR should inform any operator of the reasons for rejection of a TOVR, but if the TOVR is amended then reasons would only need to be given where the operator reasonably requests them. Previously NR was required to inform any operator of the reasons for amending a TOVR, regardless of how minor the amendment may be.

Proposal for Change 93 – amends Condition D8.5, the removal of unused train slots, to be applicable to all operators (not just freight) but excludes any slots that are subject to the separate 'use it or lose it' provisions in Condition J4.

[7] ibid
[8] ibid

Proposal for Change 94 –adds a new paragraph to Condition D7 requiring NR to produce and keep up to date a framework for the operation of Event Steering Groups, containing requirements and guidance that would not be appropriate for inclusion in the CCOS Network Code.

Proposal for Change 97. Amends the allowance under Chapter H, Section 3 of the NR ADRR to increase NR permitted members of the Timetabling Pool from four to six. This is to reflect that NR is a large organisation which is subject to continuous employee change and turnover.

It is proposed that changes outlined in NR Proposals for Change 91 and 92 are made to the equivalent provisions of the CCOS Network Code.

For Proposal for Change 93 there is no equivalent provision in the CCOS Network Code and so no change is proposed. In relation to unused train slots the operative provisions are in Part J of the CCOS Network Code.

For Proposal for Change 94, to ensure cross-industry and cross-network alignment, RfL(I) intends to ensure one Event Steering Group process occurs for Events impacting both the NR network and the CCOS and use the existing NR process. Accordingly, it is not proposed to include an equivalent provision in the CCOS Network Code.

RfL(I) considers that the constituency of the Timetabling Pool under the CCOS Access and Dispute Resolution Rules to be appropriate in the context of RfL(I) and the CCOS and so no change equivalent to Proposal for Change 97 is proposed.

2.2.5 Potential future changes - Proposals for Change 98 to 105 relating to Part D of the NR Network Code

Proposals for Change 98 and 102 to 105 correct typographical errors in the adoption by NR of the proposals in 2.2.2 to 2.2.4 above. RfL(I) has accounted for these errors in its proposed changes where appropriate.

Proposal for Change 99: amends the timeline in Annex 1 of Part D to reflect the introduction of the ANTC process referred to in 2.2.4 above.

Proposal for Change 100: amends the timeline in Annex 1 to Part D to reflect the submission dates of the revised Calendar of Events process (process amended as part of the improvements referred to in 2.2.2 above). As RfL(I) does not have its own separate Calendar of Events process and instead, in the interests of a cross-industry approach, uses the Network Rail Calendar of Events process where an Event is reasonably likely to have an impact on the CCOS (i.e. there is no separate CCOS process). Accordingly, most of these changes have not been included in the CCOS Network Code.

Proposal for Change 101: seeks to decouple the Timetable Planning Rules (TPR) and Engineering Access Statement (EAS) processes to enable a more effective and less complex TPR and EAS development mechanism. The Part D review referred to in 2.2.2 noted that the current TPR and EAS development mechanism was creating planning issues and resulted in an unwieldy process.

It is proposed that the changes outlined in NR Proposals for Change 99 to 101 are made as appropriate to the equivalent provisions of the CCOS Network Code and the equivalent documents for the CCOS (i.e. the CCOS Timetable Planning Rules and the CCOS Engineering Access Statement).

RfL(I) is aware that these changes are currently being consulted on by NR. RfL(I) will consider the outcome of the NR consultation process in addition to CCOS consultee responses before finalising its proposals, it being intended that there will be alignment with the NR Network Code wherever appropriate, in accordance with the principles set out in this document.

2.3 Other Changes

2.3.1 Indexation provisions rebasing

As a consequence of the delay to the Crossrail project[9] it is proposed that the charges in Appendix 1 to Schedule 7 of Track Access Contracts let in the initial review period[10] be stated in 19/20 prices (previously 16/17 prices).

It is proposed therefore to rebase the indexation provisions in Schedule 7 of the template CCOS Track Access Contract (Passenger Services), together with associated definitions where appropriate, to reflect this and that the first financial year for which track access charges could be levied for passenger services will be 2021/22.

Similar adjustments are proposed in relation to the payment rates in Appendix 1 to Schedule 8 of the template CCOS Track Access Contract (Passenger Services) and the related indexation provisions in Schedule 8.

2.3.2 Consequential delay off CCOS network

Following discussions with the Office of Rail and Road, it is proposed to include provisions in Schedule 8 of the template CCOS Track Access Contract whereby a train operator can make a claim to RfL(I) for demonstrable payments it has made to NR under its track access contract with NR arising from late presentation of its services to the NR network from the CCOS which is attributable to RfL(I) failures on the CCOS. This would not include, for example, where a train is presented late onto the CCOS from the NR network and is then presented back onto the NR network late.

2.3.3 Exit from the European Union (EU)

Some changes have been made to definitions and associated drafting in relation to licences to reflect the United Kingdom's exit from the EU.

3 How to Respond to the Consultation

Marked-up versions of the CCOS Network Code and the template CCOS Track Access Contract (Passenger Services) are available on the CCOS Regulation page of the TfL website[11].

[9] https://www.crossrail.co.uk/news/articles/crossrail-project-update
[10] See section 5 of the 2022 CCOS Network Statement
[11] https://tfl.gov.uk/corporate/publications-and-reports/crossrail-central-operating-section

Changes made to the template CCOS Track Access Contract (Passenger Services) will also be made where appropriate to the template CCOS Track Access Contact for Testing Services.

We would like to know what you think about our proposals. Please give us your views before Friday 9th July 2021 by email to the following email address: RFLI-NetworkAccess@tfl.gov.uk .

4 Next Steps

Following the consultation RfL(I) will publish updated versions of the documentation on the CCOS Regulation page of the TfL website.