



OFFICE OF RAIL REGULATION

Brian Kogan
Deputy Director, Access, Performance and Planning
Telephone 020 7282 2097
Fax 020 7282 2118
E-mail brian.kogan@orr.gsi.gov.uk

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All passenger & freight train operators
All holders of and/or potential applicants for track access rights or track access options
Network Rail Infrastructure Ltd
Transport Scotland
Department for Transport
South Yorkshire, West Yorkshire and Tyne & Wear Passenger Transport Executives
Passenger Focus
London TravelWatch

Dear Colleagues

East Coast Main Line (ECML)

The purpose of this letter is to bring you up to date on progress with our consideration of the various applications and aspirations for track access rights on the ECML and to explain how we will be taking this work forward over the next three months.

Background

We are currently considering eight applications¹ for track access rights on the ECML from:

- (a) Hull Trains, for one additional Sunday service each way between Hull and King's Cross;
- (b) Hull Trains, to extend its rights to the seventh weekday path between Hull and King's Cross, which currently expire PCD 2008, and convert all existing contingent rights to firm;
- (c) Hull Trains, for four daily services between Harrogate and King's Cross via York;

¹ Available on our website at <http://www.rail-reg.gov.uk/server/show/nav.1257> and <http://www.rail-reg.gov.uk/server/show/nav.1258>

- (d) National Express East Coast (Nxec), to convert to firm six existing contingent rights to weekday services between Leeds and King's Cross;
- (e) Nxec, for the rights necessary to operate its proposed Service Level Commitment (SLC)2, from PCD 2009 until the expiry of its current contract (PCD 2011);
- (f) Nxec, to extend existing rights under SLC 1 as amended by the proposed rights under SLC2, from PCD 2011 till PCD 2015;
- (g) Grand Central, for an additional (fourth) weekday and Saturday path to Sunderland; and
- (h) Grand Northern, for six return paths between Bradford and King's Cross on weekdays and four at weekends.

We are also expecting three further applications from:

- (i) Hull Trains, to extend its existing track access rights until 2018;
- (j) Nxec, for an additional Friday evening King's Cross to Newcastle service, which is currently running under a General Approval; and
- (k) Nxec, for some additional weekend services, which are also currently running under a General Approval.

In anticipation of these applications, we invited you, on 29 February 2008, to advise us of your future aspirations for additional paths on the ECML. We received 16 substantive responses². Within the current non-standard pattern ECML timetable, it is clear that there is insufficient capacity to accommodate all the rights operators would like, even just for the December 2008 timetable.

We have been working closely with Network Rail to establish a process to analyse this information. In the meantime, Network Rail has continued to work on the various bids for the December 2008 timetable in the usual way through the timetabling development process. This resulted in Network Rail making formal offers to train operators for the December 2008 timetable on 11 July 2008. This offer did not propose anything over and above the existing level of service; although it did include those services that currently operate under contingent rights.

Next steps

Although the December 2008 timetable work will be helpful in informing our decisions on the allocation of capacity, we need to consider all of the aspirations for long-term capacity together. Further detailed analysis of these competing aspirations is required before we are in a position to consider the best long-term allocation of capacity. We recognise the need to carry out this work as quickly as possible, particularly given that the competing operators, many of whom will be investing large sums of money, on new routes and rolling stock, need time to plan ahead and assurances that the services will be able to operate for considerably more than one year.

² Available on our website at <http://www.rail-reg.gov.uk/server/show/nav.205#otherapps>.

Accordingly, we have asked Network Rail to produce a capacity and performance report, as a matter of priority, analysing the various aspirations against the available capacity. Network Rail has been asked to take account of all aspirations identified and to carry out this work against the background of both the CP4 settlement and the established Freight and ECML Route Utilisation Strategies. Its report will set out:

- the extent to which the stated requirements of all operators, including freight, can be met;
- the level of 'flexing' to existing rights and changes to the timetable that would be required to meet operators' stated requirements; and
- the likely impact of such changes on performance.

In carrying out this work, Network Rail recognises the importance of ensuring that in deciding these applications we understand what mix of traffic, including freight, can be accommodated by the current infrastructure. A copy of the specification for this work, which we sent to Network Rail on 9 July, is attached as an Annex.

We will continue to work closely with Network Rail and all other stakeholders over the coming weeks, as our consideration develops, to ensure that we have a shared understanding of capacity. To help with the preparation of its report, it is likely that Network Rail will want to meet with the various operators, both individually and together, to discuss their aspirations in more detail and to inform its view of how proposals might be accommodated.

Timescales

Network Rail is now putting in place the necessary resources and arrangements to carry out this assessment and we have asked for the work to be completed and a report submitted to us by 19 September 2008. In parallel with this work, we will continue to complete our own consideration of the applications, including the economic analysis and comparison of the benefits of the competing bids, in line with our usual process, with a view to having it complete in time for decisions to be taken in advance of the start of the December 2008 timetable. Our aim is to be in a position to reach conclusions at the end of October.

Any enquiries on this letter should – in the first instance – be addressed to:

David Robertson
Head of Track Access
Office of Rail Regulation
One Kemble Street
LONDON WC2B 4AN

david.robertson@orr.gsi.gov.uk

Yours sincerely

Brian Kogan

ANNEX

EAST COAST MAIN LINE CAPACITY – SPECIFICATION

Aim

Network Rail to produce a capacity and performance assessment report, taking account of safety considerations, as a matter of priority, analysing the various aspirations against the available capacity.

Output

A report that takes a view on:

- the extent to which the stated requirements of all operators, including freight can be met;
- the level of 'flexing' to existing rights and changes to the timetable that would be required to meet operators' stated requirements; and
- the likely impact on performance of such changes.

Background

We are currently considering eight applications for track access rights on the ECML with a further three expected shortly.

ORR needs to consider all of the aspirations for long-term capacity together in coming to decisions, including those received in response to our letter of 29 February, the vast majority of which are seeking rights for considerably longer than one year.

Within the current non-standard pattern ECML timetable, it is clear that there is insufficient capacity to accommodate all the rights to which operators aspire, even just for the December 2008 timetable, and most stakeholders agree that the creation of further capacity will require the introduction of a standard pattern timetable.

Process

Network Rail should take account of all aspirations identified, including those coming out of our consultation (our letter of 29 February refers) and consider the ECML strategy in three main time-blocks:

- December 2008 to December 2009, assuming current capacity of the route without any infrastructure enhancements, but making best use of any unused paths in the current timetable;
- December 2009 to approximately 2012, based on the introduction of a completely recast standard pattern timetable, which should not be constrained by the exact timings of any current services; and
- approximately 2012 onwards, taking advantage of PR08 enhancements.

We accept that the timing of the enhancements is uncertain, and is likely to remain so during the production of Network Rail's report. We therefore suggest that Network Rail

assumes the timings of the outputs foreseen from its April 2008 Route Plans, as updated by our PR08 draft determination and other emerging changes. In particular, Network Rail will need to have regard to the effect of the King's Cross redevelopment and set out in its report the implications this might have on the enhancement of capacity, both in terms of the additional capacity that will be available upon completion of the works and any reduction in capacity whilst the work is underway.

We also accept that, should Network Rail conclude that there is little benefit in short-term changes to the morning and evening peaks, the standard pattern could be implemented in two stages such that the peaks remain bespoke in the medium term.

Network Rail should, so far as is practicable, adhere to the following principles:

- maintain a balance between the various uses of the route that reflects the importance of the different types of traffic, both passenger and freight;
- maintain a balance between service levels and performance;
- accommodate forecast growth in passenger and freight traffic;
- maintain and, if possible, improve journey times, particularly for major long distance passenger flows between London and Leeds, York, Newcastle and Edinburgh;
- maintain and, where appropriate, improve service frequency at intermediate stations;
- have regard to the possible impact changes to service patterns on the ECML may have elsewhere on the network; and
- maintain good connections with services feeding into the ECML.

Network Rail should carry out this work in a consistent and cohesive way in line with its role as a responsible infrastructure manager and, in doing so, have regard to:

- the recent announcement on the CP4 settlement;
- the established ECML RUS, taking account of the work that we have asked Network Rail to do on revisiting the statement in paragraph 6.7.4 of the RUS;
- the established Freight RUS and any emerging changes;
- operators' requirements as regards rolling stock and its suitability;
- the feasibility of splitting or splitting and joining at stations en-route, in particular Doncaster;
- safety considerations, including (but not limited to):
 - how to assure itself that it can get adequate safe access for maintenance, particularly:
 - review of patrolling diagrams and other routine inspection and maintenance tasks;

- the possessions regime; and
- necessary staffing levels;
- o operational risk arising from increased train traffic encountering more signals showing restrictive aspects; and
- o the increased risk at level crossings and potentially excessive barrier down-time presented to road users; and
- the submitted applications, and DfT's views, as set out in its letter of 27 June, where compatible with those applications.

Network Rail should maintain dialogue with ORR on the emerging timetable, and discuss adjustments to the remit which may be required during development of the report and where benefit can be identified.

Timescales

Network Rail should aim to provide us with the capacity and performance assessment report by no later than Friday, 19 September 2008.