

Consultation – Crossrail Central Operating Section (CCOS)

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

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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 the CCOS in October 2017¹. Subsequent to this some minor changes have been made to this documentation as set out in the Version Control section at the rear of the respective document.

RfL(I) now wish to consult on some amendments to the CCOS Network Code and the template CCOS Track Access Contract to reflect the following:

- Announced delays in the delivery of the Crossrail project; and
- Changes to the Track Access documentation of Network Rail Infrastructure Limited (NR).

The proposed changes are summarised further below.

The opportunity has also been taken to clarify the Western boundary of the CCOS with the NR network as Westbourne Park Junction (as opposed to Portobello Junction) consistent with the Connection Agreement with NR.

2 Changes to CCOS Access Documentation Proposed

2.1 Announced Delays in the delivery of the Crossrail project

2.1.1 Introduction

A delay in the delivery of the Crossrail project was first announced in August 2018² with a subsequent update in April 2019³.

2.1.2 Changes proposed

A number of provisions in the access documentation incorporated “hardcoded” dates linked to the original project delivery programme. These provisions have been reviewed and the hardcoded dates replaced by dates defined by reference to the occurrence of specific events. In each case the revised drafting seeks to maintain the intent behind the original proposals (e.g. in relation to the length of the initial contractual review period).

¹ <https://consultations.tfl.gov.uk/rail/ccos-access/>

² <http://www.crossrail.co.uk/news/articles/elizabeth-line-services-through-central-london-to-start-in-2019>

³ <http://www.crossrail.co.uk/news/articles/crossrail-ltd-outlines-plan-to-complete-the-elizabeth-line>

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 documentation⁴ 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 publication of the CCOS documentation.

2.2.2 Changes proposed

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.

(i) Proposal for Change 75 relating to Part B of the NR Network Code (May 2018)⁵

This Change amended Part B of the NR Network Code to ensure that it reflects current terms and practices and to improve the clarity of its drafting. The changes proposed to the NR documentation have largely been reflected in the CCOS Network Code wherever there are equivalent provisions.

(ii) Proposal for Change 76 relating to Part B of the NR Network Code (Aug 2019)⁶

This Change proposed amendments to Condition B2.4 of the NR Network Code to improve the escalation process set out therein following a review by the Delay Attribution Board. The changes proposed have largely been reflected in the CCOS Network Code.

(iii) Proposed Changes to franchised passenger track access contracts for CP6⁷

⁴ https://consultations.tfl.gov.uk/rail/ccos-access-phase-1/user_uploads/crossrail-central-operating-section-cover-document.pdf

⁵ <http://orr.gov.uk/rail/access-to-the-network/the-network-code/modifications>

⁶ *ibid*

This proposal was primarily NR specific to reflect changes made to the structure of NR's access charging regime arising from Periodic Review 18. It did, however, propose some more general definitional changes (e.g. "Restriction of Use") which have been reviewed and incorporated in the CCOS documentation as appropriate.

2.2.3 Potential future changes

(i) Proposal for Change 77 to Chapter B of the NR Access Dispute Resolution Rules

Following approval by the Office of Rail and Road (ORR) of the above Proposal for Change RfL(I) is considering whether to make changes to the CCOS Access Dispute Resolution Rules.

(ii) Proposals for Change 78 to 90 to Part D of the NR Network Code

RfL(I) is aware that the above Proposals for Change have been issued for consultation. RfL(I) will consider the need for any amendments to the CCOS Network Code once the consultation is complete and any resulting changes have been approved by the ORR.

Any proposed changes to the CCOS Track Access documentation in relation to the above will be subject to a future consultation.

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 website⁸.

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

We would like to know what you think about our proposals. Please give us your views before Friday 20th December 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.

⁷ <http://orr.gov.uk/rail/consultations/pr18-consultations/implementing-pr18-consultation-on-changes-to-access-contracts>

⁸ <https://tfl.gov.uk/corporate/publications-and-reports/crossrail-central-operating-section>