

Consultation on template CCOS Testing Track

Access Contract

Closed 13 Oct 2017

Opened 22 Sep 2017

Contact

consultations@tfl.gov.uk

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[Please click here to read our Consultation Report.](#)

[Please click here to view our Final Testing Track Access Contract.](#)

Overview

We are seeking your views on a template track access contract for testing services (Testing TAC) operating on the Crossrail Central Operating Section (CCOS).

Background

Crossrail will connect Reading and Heathrow to the west of London with Shenfield and Abbey Wood to the east, running through a new 13 mile (21km) twin-bore tunnel under central and east London. The tunnel under London (and associated infrastructure) will be the Crossrail Central Operating Section (or the CCOS). The CCOS has been designed to facilitate high capacity metro passenger rail services, moving high numbers of people more easily, more quickly and more directly across London. It will add ten per cent. to the overall capacity of London's rail network and will offer crowding relief on the Underground and DLR networks, as well as at congested stations.

Transport for London (TfL) is currently the ultimate owner of the majority of the land comprising the CCOS and the infrastructure affixed to it. TfL has

established a new wholly-owned subsidiary, Rail for London (Infrastructure) Limited (RfL(I)), which it intends to be responsible for the day-to-day operation and management of the CCOS. Services through the CCOS are expected to commence from 2018, with a full service across London expected to be from 2019.

Why are we consulting?

Train operators who wish to use the CCOS will be required to enter into a track access contract with RfL(I). This sets out the terms on which that train operator will be allowed to access the track. TfL/RfL(I) has previously consulted on [draft track access documentation](#) for use of the CCOS. The Testing TAC forming part of this consultation is a development of the track access contract consulted upon in the previous consultation and takes into account feedback received from consultees.

The CCOS Network Statement anticipates that arrangements for Testing Services on the CCOS will be similar to those for other passenger services using the CCOS. The CCOS Network Statement anticipates that there will be a small number of differences, recognising that Testing Services will not generally carry passengers, will not be revenue-earning and may have increased risks associated with the testing of rolling stock. These risks may have significant impact on the CCOS given it is a small, largely subterranean railway network that is projected to be highly utilised.

The proposed changes which in the Testing TAC are as follows:

- ***Directly incurred costs and traction electricity charges only:*** The testing phase is intended to allow the Train Operator to get to the revenue-earning phase. Provided that revenue is not being generated by the Train Operator, TfL/RfL(I) considers it reasonable that the Train Operator will pay only the "directly incurred" charges and the traction electricity charges for Testing Services. As Testing Services should take place in a relatively short timeframe, there should also be no need to include the contractual periodic review process within the Testing TAC.
- ***Performance regime:*** TfL/RfL(I) intends that the Schedule 8 performance regime will be operated for Testing Services. However, the purpose of a performance regime is to compensate for the revenue impact of poor performance so no payments will flow whilst no revenue-earning services could be impacted by the Testing Services.

- ***Requirement for a Performance Bond:*** TfL/RfL(I) may require a Performance Bond to be provided covering an amount equal to the Liability Cap under the Testing TAC. Whether this will be required by TfL/RfL(I) will depend upon the financial resources of a particular Train Operator and whether it could meet payments equal to the Liability Cap through those resources. Testing new trains on the CCOS poses the risk of damage being caused to the infrastructure: as Train Operators are often special purpose companies set up solely for the purpose of operating particular services, this is a particular risk which TfL/RfL(I) is seeking to mitigate.
- ***Interface with CCOS Network Change and CCOS Vehicle Change:*** No compensation is proposed to be payable under the CCOS Network Change or CCOS Vehicle Change processes as a consequence of the operation of the Testing Services. It is intended that this provision applies only in the period up to the commencement of revenue-earning services in December 2018, as this allows flexibility in the run-up to the commencement of operations on the CCOS, but protects Train Operator revenues once they start to be generated. Once revenue-earning services have commenced on the CCOS, the CCOS Network Change and CCOS Vehicle Change processes will apply in full (including rights to compensation).
- ***Disapplication of Schedule 4:*** As Testing Services will not be revenue-earning and because the Train Operator will be paying the directly incurred costs only (as well as traction electricity costs) no compensation for possessions is proposed. Otherwise, RfL(I)'s exposure to Schedule 4 payments would be disproportionate to the track access charges being paid.

This consultation seeks views on the differences from the non-testing CCOS track access contract described above only, as there has already been opportunity to comment on the other parts of the CCOS track access contract. As noted above, TfL/RfL(I) has considered the feedback received from the previous consultation in developing the Testing TAC.

Other consultations

TfL/RfL(I) has previously consulted on [draft track access documentation](#) for use of the CCOS. Other relevant consultations include designating the CCOS as [specialised infrastructure](#) (which has now been designated as such), the [draft Network Statement](#) for the CCOS, and the [draft CCOS Performance Data Accuracy Code and CCOS Railway Operations Code](#) for the CCOS. The feedback from these consultations has been taken into account in preparing the draft Testing TAC for this consultation.

Shortly following this consultation, TfL/RfL(I) is also consulting upon the Network Statement and Framework Capacity Statement for the Crossrail Central Operating Section, valid in relation to the 2019 timetable (which commences on 9 December 2018).

Have your say

We would like to know what you think about our proposals. Please give us your views before Friday 13 October 2017 by completing the online consultation survey below.

Alternatively, you can:

- Email us at consultations@tfl.gov.uk
- or write to us at FREEPOST TFL CONSULTATIONS

You can also request paper copies of all the consultation materials and a response form by emailing consultations@tfl.gov.uk, or writing to FREEPOST TFL CONSULTATIONS.