

Network Rail Infrastructure Ltd
Waterloo General Office
London
SE1 8SW

15th February 2024

Emyl Lewicki
Track Access Manager
Office of Rail and Road
Via email

Dear Emyl,

Network Rail Representations for the proposed 27th Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and Hull Trains Company Limited dated 17 March 2016

As invited in your letter dated 15th January 2024, Network Rail is making its representations in respect of a Section 22A of the Railways Act 1993 for the 27th Supplemental Agreement (SA) of the Track Access Contract (TAC) dated 17th March 2016 between Network Rail Infrastructure Limited (Network Rail) and Hull Trains Company Limited (Hull Trains).

Network Rail welcomes the opportunity to develop and enable growth on the network. This response will provide Office of Rail and Road (ORR) with Network Rail's position on why we cannot currently support this application by Hull Trains. ORR are to note that the application was issued to the industry by Network Rail on 05 January 2024 with a response deadline of 05 February 2024 but this has now been extended to 16 February 2024. This was agreed with Hull Trains to allow consultees a reasonable amount of time to review additional information provided by Hull Trains on 02 February 2024. ORR are also to note that Hull Trains have provided an updated version of the draft Supplemental Agreement on 07 February 2024 to correct some typographic errors.

ORR are to be made aware that no upfront informal discussions took place with Hull Trains prior to 05 January 2024. Network Rail notes ORR's industry code of practice for track access application consultations which states at point 7: "When developing new contracts or amendments to existing contracts, Network Rail and/or the beneficiary should (consistent with best practice) hold informal discussions with those operators who are most likely to be affected by their proposals. This should highlight any particular concerns before a draft contract/amendment is circulated for consultation and enable these concerns to be

addressed at an early stage”. However, Network Rail notes in the Form P that Hull Trains took this approach due to Stock Market disclosure rules. The lack of early engagement is one of the reasons why Network Rail is not in a position currently to support this proposal, as it has not allowed Network Rail the opportunity to undertake the necessary assurance to be comfortable to sell the access rights.

At this stage, and as noted in ORR’s email of 11 January 2023 to both parties, Network Rail can only provide initial thoughts plus a clear plan (with timescales) for carrying out its assessment. Discussions are ongoing and both parties are meeting regularly to close out concerns.

Workstream 1: Capacity modelling and Performance assessment

The access rights proposed are to be utilised from the Subsidiary Change Date (SCD) 2025. Network Rail and Hull Trains are in the process of forming an advanced timetable working group to review the capacity and performance. Further to a meeting between Network Rail and Hull Trains on 06 February 2024 the draft plan is as follows:

<u>Capacity modelling and Performance assessment milestones</u>	<u>What happens</u>
19 February 2024	Analysis commencement
01 March 2024	Initial analysis and performance assessment complete
08 March 2024	Performance assessment complete
12 April 2024	Completion of further timetabling and performance work (if required)
19 April 2024	Draft report for review
03 May 2024	Network Rail to provide its final report

Following a meeting between Network Rail and Hull Trains on 06 February 2024 the parties intend where possible for all other workstreams as outlined below to complete by 03 May 2024.

Workstream 2: Route clearance

Following a meeting between Network Rail and Hull Trains on 02 February 2024, Hull Trains have agreed to draw up a remit to prove compatibility for the possible options of rolling stock that will be utilised for this application, i.e. either class 221, class 222 or class 802. This remit will be agreed with Network Rail and undertaken by Hull Trains as per Rail Safety and Standards Board (RSSB) guidance on the RSSB website (see RIS-8270-RST).

Workstream 3: Vehicle Change

Network Rail note that the Vehicle Change procedure will be required as Hull Trains will be running on a new route as well as using new rolling stock. Vehicle Change is a 90-day process. Network Rail intend to brief the process to Hull Trains week commencing 19

February 2024 with a view to Hull Trains starting the process. Network Rail is conscious that the 90-day process will take longer than the 03 May 2024 deadline as outlined above but can be completed before the end of May 2024. When Network Rail is in a position to support it must be with the appropriate Specified Equipment included in Schedule 5 for these access rights.

Workstream 4: Power modelling

Network Rail note that Hull Trains may use Class 802 rolling stock for this Sheffield – London King’s Cross service with the intention of drawing electric traction when on the East Coast Main Line (ECML). Network Rail and Hull Trains will be meeting by the end of February 2024 to draw up a remit to consider the impact of running 2 additional electric trains each way on the ECML will have an impact on the current power modelling. There are known constraints with power on the ECML. The outputs of the power modelling will determine whether Network Rail requires a footnote added to the rights so that they can only run in diesel operation.

Workstream 5: Sale of Access Rights, interacting applications and ECML timetable delivery

The access rights proposed by Hull Trains are to be utilised from the Subsidiary Change Date (SCD) 2025 to the end of their contract at Principal Change Date (PCD) 2032. However, as the ORR is aware, there are a number of known applications from other operators (i.e. Section 17 from Alliance from PCD 2025 to PCD 2032 that are seeking rights to run between Cardiff and Edinburgh and a Section 17 from CrossCountry (XC), where XC are seeking a track access contract extension to PCD 2027, access rights for a through service between Cardiff and Edinburgh from PCD 2024 and their full ‘hydra’ plan from SCD 2025). In addition there are a number of other interacting aspirations which have come to Network Rail for consideration. The two mentioned applications and other known operator aspirations, as well as this Hull Trains application, will interact at Sheffield and on the ECML. As a consequence, Network Rail will be undertaking capacity / performance assessment for all of these applications and noting their interactions on each other. The initial outputs, including the interaction at Sheffield, is expected during May 2024.

Network Rail is expecting to deliver a new ECML ESG timetable from PCD 2024. This ECML ESG timetable will include existing rights, applications for new rights as well as known aspirations beyond PCD 2024. Linked to this delivery is the ECML access rights policy which has been in place to protect the delivery of future firm rights. All of these existing ECML rights and new applications will interact with this Hull Trains proposal between London King’s Cross and Retford. The Priority Date for PCD 2024 is 08 March 2024 and it is the intention of Network Rail to consider their position on supporting current dated ECML access rights and known aspirations after 08 March 2024 (the timetable bid date for PCD 2024). This Hull Trains application is not included in the ECML ESG timetable though as noted above the ECML ESG timetable will be used as a base to assess the application’s impact on capacity and performance.

Network Rail notes that Hull Trains are looking for directions from ORR by 30 June 2024 and understands that this is due to the need to secure rolling stock. Network Rail also notes that the Priority Date for SCD 2025 is on 09 August 2024 but as stated earlier in this letter Network Rail, in collaboration with Hull Trains, intends to be able to give a more informed view by the end of May 2024 on this application.

When the outputs of the capacity and performance workstreams are completed and if Network Rail is in a position to support, dependent on the outputs and as a minimum, Network Rail will be able to sell access rights on the basis of contingent rights (for those rights that can be accommodated), with no expectation and no continuation of rights, and dated to expire where other aspirations interact. The purpose of this position is to make sure that Network Rail:

- Does not oversell rights where there are interacting aspirations including taking into account different timetable change dates; and
- Takes into account, whilst there is a positive indication that the ECML ESG Timetable will commence in PCD 2024, there is always the possibility of the ECML ESG not being in a position to commence from PCD 2024. Therefore, as the capacity and performance assessments undertaken do not include the possibility of the ECML ESG Timetable not starting at PCD 2024 if this was to happen and Network Rail sold the access rights firm for aspirations / applications where the ECML is included in the capacity and performance assessment, we could not guarantee that the access sold can be delivered if this was to happen.

The above position will be applied to those applications which we can support which seek new or additional rights, where they interact with other aspirations and/or the ECML Timetable (where the additional applications/aspirations have not been assessed against the current timetable if it was to roll forward).

Workstream 6: Operational readiness and European train control system (ETCS) fitment

Network Rail notes that Hull Trains is intending to obtain access rights prior to procuring rolling stock. Once the rolling stock is known there will be further workstreams to enable the introduction of the new services and continuation of the Hull Trains services which are expected to include ETCS fitment as the East Coast Digital Programme gets to a position of “signals away” between Peterborough and King’s Cross on the ECML. Hull Trains have confirmed that the intention is to use class 221 or 222 in the short term with the expectation of procuring new rolling stock for the long term which will have ETCS in-built. Network Rail may need to add a footnote to the rights proposed to make sure the necessary readiness is undertaken.

For specific comments on the documents included in the Section 22A application please see below.

Comments on the Form P application form (submitted on 05 January 2024)

Section 1.5:

Network Rail notes that this London Kings Cross to Sheffield proposal will require additional rolling stock and a new service group in the TAC and this will require amendments to Schedule 5 as well as other Schedules in the TAC. Network Rail will work with Hull Trains to agree amendments to Schedule 4 and Schedule 8 to add in the additional service group. Amendments will also be needed to Schedule 7 to amend the default train consist.

Network Rail notes that the proposal requires approval or directions by 30 June 2024. Network Rail's plan (with timescales) for carrying out its assessment is listed earlier in this letter.

Section 1.6:

The industry consultation did originally close on 05 February 2024 but following a number of responses to the consultation, and Hull Trains issuing additional information to complement the proposal, it was jointly agreed between Network Rail and Hull Trains to extend the consultation end date to 16 February 2024.

Section 1.8:

The document checklist includes a tick against the "Marked up Schedule 5 (where applicable)" box is ticked and Network Rail assumes this refers to what it is drafted in the Supplemental Agreement.

Section 3.1:

Network Rail notes that the Specified Equipment is undecided and that it could be either Class 221 or Class 222 units. Hull Trains will need to undertake the Vehicle Change procedure outlined in Part F of the Network Code as well as a gauging assessment and a bridge resonance assessment to make sure their chosen Specified Equipment for the service can achieve the statement of compatibility required. Statement of Compatibility (technical compatibility) is the responsibility of the operator as the proposer of the change as per RSSB guidance on the RSSB website (see RIS-8270-RST). At Network Rail's initial risk assessment Thrumpton Curve on the approach to Retford was highlighted as a concern but this should be picked up with the gauging assessment.

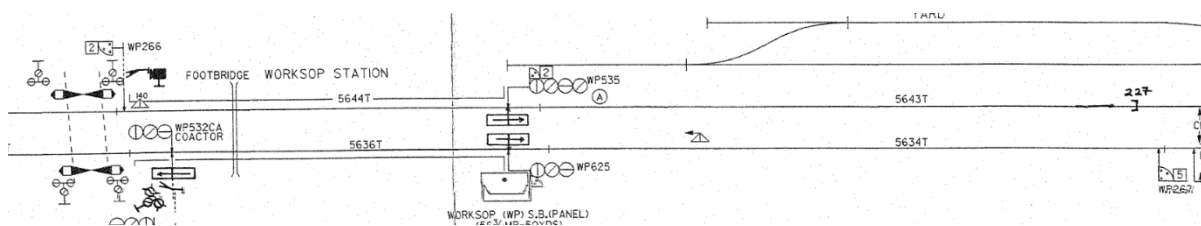
Network Rail agrees to the addition of the template Schedule 11 to enable the parties to agree Schedule 4 and Schedule 8 modifications.

Network Rail believes an amendment to Schedule 9 (limitation on liability) may also be required. Network Rail notes that the Liability Cap may require amendment to include the additional service group. As per ORR guidance for passenger contracts, the annual liability cap should be set for both parties at three times the level of the train operator's annual variable charge.

3.2 Safety risks:

Network Rail's initial risk assessment has flagged a concern in relation to train length. If the class 221/222 ever increased from 5 car units this would not fit into platform 1 at Worksop as it is only 120m long and would block the Worksop MCB CCTV level crossing. If Hull Trains decided to run a five car class 802 it would be very tight on platform 1 and the train may be only 5m approximately from the level crossing.

The desktop assessment of a five car class 802 expects that Hull Trains will be getting the train beyond WP266 post (see diagram below). That will give about 142m of space including the signal standback, though only the rear 127m is platformed. Network Rail would expect a stop car marker would be needed given a tight tolerance and not top-of-ramp positioning.



Since this initial risk assessment above Hull Trains has confirmed on 06 February 2024 that there is no intention to run anything longer than a 5-car set for this Sheffield to London service. However Network Rail may require a stop car marker to be installed. Network Rail may also require Hull Trains to run a test train with each of its fleet types once the rolling stock is known as part of operational readiness (which will also include signal sighting).

Further readiness will be required once the rolling stock is known and on 06 February 2024 Hull Trains confirmed a willingness to run a test train to test its existing Hull Trains procedures (such as selective door opening, self-dispatch) for these new services including platform-train interface.

Network Rail will assess internally the processes required to mitigate against the possibility of anything longer than a 5-car calling at Worksop.

3.3 Contract duration:

At this stage Network Rail cannot support the duration of the proposed access rights until Principal Change Date (PCD) 2032, in line with the points raised in workstream 5 (entitled "Sale of Access Rights, interacting applications and ECML timetable delivery") above.

3.4 Terms not agreed with the facility owner:

At this moment in time there are several risks for Network Rail and Hull Trains to mitigate but Network Rail anticipates that this application will in due course be converted into a supported application in an amended form. Network Rail's initial risk assessment discussion on 19 January 2024 flagged the following:

- Capacity and performance assessment will be required;
- Understanding of section running times (SRTs) - do the new paths use class 22x SRTs on the ECML currently being used by Grand Central?
- Performance at Sheffield;
- Station workings: Kings Cross platforming workings/ECS moves, Sheffield platforming/ECS moves – and potential combining of train slots at Sheffield (and so coupling);
- Depot and stabling arrangements – path between Nunnery and Sheffield, particularly with Meadowhall involved, this entails a path in and out of Sheffield, what happens to the unit when it goes to Meadowhall; where will the trains be stabled and serviced overnight?
- Gauge clearance in particular between Sheffield and Retford:
 - o LN736 is divided into 10 sections in the sectional appendix – only 2 are authorised for class 222 (from Nunnery Junction to Woodhouse Junction).

From Woodhouse Junction to Worksop and beyond has not been considered for class 222, so Hull Trains would need to include this. None of Sheffield – Worksop – Retford has been assessed for class 80x units so Hull Trains would need to include this also.

- What are the proposed train lengths (as impacts platform capacity at London Kings Cross and Sheffield) and level crossing risk at stations (such as Worksop);
- Does this go over the 18 trains per hour (tph) limit on Welwyn viaduct – will the new services exceed the 18 tph maximum quantum between Digswell Junction and Woolmer Green Junction that East Coast Route do not wish to exceed?
- Has a driver training and unit allocation plan been drawn up and shared as part of this process so can begin running from SCD 2025;
- The proposal would mean increased use of Thrumpton curve on the approach from the east into Retford (at the moment this is used three times a day in each direction Mon-Sat so this Hull Trains proposal would increase that to 7 times a day).
- The form P mentions use of Class 802 units as a daily contingency; there are power concerns if Hull Trains intend to use class 802 (or similar electric unit) for these Sheffield services during the contract term; should Class 802 traction be used in a planned or unplanned scenario, then East Coast Route and Hull Trains will need to work together to demonstrate this will not overload ECML power supply;
- ETCS fitment – retrospective fitment may be required for the class 22x;
- Method of work for calling at short platforms in particular Woodhouse and Worksop.

Post that initial risk assessment meeting further thoughts have been provided as follows (following receipt of the additional information provided by Hull Trains on 02 February 2024):

- Hull Trains have supplied sample paths based on the ECML ESG development timetable, however we note that no Sunday only paths were enclosed;
- The East Coast route Industry Programme Director (IPD) team, who have been working on the ECML ESG timetable, will await the initial view from Capacity Planning and respond;
- Additional point from the IPD team:
 - o The ECML ESG timetable could not retain a direct service between Newark Northgate and Retford, which was not well-received by stakeholders. We believe Hull Trains could consider alternative calling patterns that would better optimise ECML connectivity within the capacity available.

As part of its standard timetable readiness process, Network Rail will be including this proposal in the Train Plan Hazard Identification workshop (TP-HAZID) for SCD 2025 which is expected to take place on 09 May 2024.

3.5 Bespoke provisions (departures from ORR's model access contracts)

Network Rail agrees with the approach taken to introduce a new service group and that the addition of Schedule 11 is appropriate to enable the parties agreeing amendments to Schedule 4 and Schedule 8 to include this new service group. In particular Network Rail notes that ORR's latest periodic review is currently taking place ahead of Control Period 7 whereby the rates in Schedule 4 and Schedule 8 are expected to be changed and will not include this additional service group for Hull Trains. As part of this periodic review process Hull Trains chose to opt-in to the Access Charge Supplement (ACS) for Control Period 7. The ACS may require adjustment in Part 5 of Schedule 4 to reflect the additional service group in line with the Office of Rail and Road's Criteria listed in Schedule 11.

3.6 Consolidated contract

Network Rail wish to point out that the “extension of existing services to PCD 2024” is referring to contingent rights that Hull Trains hold under the ECML access rights policy which are linked to the ECML ESG timetable implementation as mentioned above.

4.2 Capacity

The application notes that a timetable study has been carried out using the June 2024 database. In addition it should be noted that on 01 February 2024 Hull Trains provided a timetable study to Network Rail that used the December 2024 database and this was sent out to industry consultees on 02 February 2024. Both of the timetable studies have been undertaken solely by Hull Trains without engagement with Network Rail. On 06 February 2024 Hull Trains and Network Rail met to agree a remit for Network Rail undertaking capacity / performance assessment as stated earlier in this letter. As part of this exercise Network Rail will need to understand the depot intentions and these will be provided in due course as discussed with Hull Trains on 12 February 2024.

4.3 Performance

Performance at Sheffield is currently of concern. See below for figures from Period 11 of 2023-24:

Weekly RTR Report: Sheffield - Weekdays Only

2023/24_P11_W1

	2023/24_P11_W1			Rolling 12 Weeks			Variance
	Total Run	Right Time	% Right Time	Total Run	Right Time	% Right Time	
Terminate	815	337	41%	8,613	2,798	32%	▲ 9%
Originate	827	608	74%	8,774	5,254	60%	▲ 14%
Arrive	819	328	40%	8,772	2,474	28%	▲ 12%
Depart	821	370	45%	8,757	2,708	31%	▲ 14%
Dwell	821	695	85%	8,565	6,636	77%	▲ 7%

Furthermore, Network Rail will need to give consideration to the expected implementation of the ECML ESG timetable in December 2024 as this impacts this Hull Trains proposal between Retford and King’s Cross. Network Rail would like to be sure that this additional service proposal does not negatively impact performance. Also there are future known competing aspirations at Sheffield such as XC from PCD 2024 and Alliance Rail from PCD 2025. On 06 February 2024 Hull Trains confirmed that they are willing to work with Network Rail on any initiative to improve performance at Sheffield and the ECML.

4.4 Maintenance and renewals:

It is the responsibility of Hull Trains to undertake the necessary route clearance process and Vehicle Change process as stated above. This will mitigate any impact on Network Rail’s maintenance and renewals regime.

5.1 Changes to rights:

Network Rail notes the intended calls at Retford, Worksop and Woodhouse. Network Rail notes that Hull Trains refer to an “ECS service” which it assumes to be referring to empty coaching stock moves (ECS) or ancillary movements. The application does not include detail on ECS moves and Network Rail would wish to see this to understand the wider network impact.

5.3 Specified equipment

Network Rail notes that initially the service is to be “operated by a class 221 or 222 unit but eventually by a new (unspecified class of) unit once they become available to lease” and that the Retford to Sheffield section will need to be completely cleared for class 802 units as well. It is the responsibility of Hull Trains to undertake the necessary route clearance process and Vehicle Change process for any additional unit added to their Specified Equipment. Network Rail will support Hull Trains in developing their required scope of works and an initial meeting took place on 02 February 2024 between the parties. Network Rail welcomes Hull Trains wish to further enhance its ECML diversionary capabilities.

5.6 Long Term Planning Process

Network Rail strategic advice on the Sheffield Area is published on Network Rail’s website and can be found here: [Sheffield Area Strategic Advice Refresh 2022 \(windows.net\)](#). We are currently working to develop a Sheffield single rail strategy to inform decision makers and funders on potential options in the Sheffield area, this will take into account the government’s Network North announcement. This Hull Trains proposal to operate additional services is currently not included within our strategic planning studies. Network Rail has not identified an increase in services between Sheffield and London as a priority through the Long Term Planning Process. The Long Term Planning Process has highlighted significant capacity challenges into Sheffield with multiple priority outputs for any available capacity. This includes Northern Powerhouse Rail, Restoring Your Railways, and stabling and depots challenges impacting ECS moves. There are proposals to increase more services at Sheffield station from other routes, including the restoring of a passenger service between Sheffield and Barrow Hill. The proposed additional services for Hull Trains would make each of these opportunities more challenging to deliver.

In the short to medium term, the Department for Transport (DfT) has an aspiration for an extra 2-hourly service between London Kings Cross and Leeds to reach fruition. LNER hold firm access rights for this service and have placed an order for new trains in anticipation of this. The decision by the UK Government in October 2023 to fully cancel HS2 Phase 2 will have long term consequences for the ECML. The IPD team expects the DfT will propose revised outcomes for the ECML that balances passenger capacity, journey times, maintaining connectivity, and growing rail freight. High-level capacity analysis on the ECML between London Kings Cross and Doncaster is demonstrating that a Train Operator-agnostic 2045 Indicative Train Service Specification (ITSS) cannot be accommodated. Investment towards enhancing ECML capacity and capability will be costly and high disruptive, therefore train service choices – across both contracted and open access operators – are inevitable.

6. Competing passenger services:

In addition to what is stated by Hull Trains in section 6.1, and at the date of the letter, Network Rail believes that there are competing passenger services due to their interaction at Sheffield and on the ECML as stated earlier in this letter under workstream 5 (entitled “Sale of Access Rights, interacting applications and ECML timetable delivery”).

7.1 and 7.2 Train operator and Facility owner performance:

Network Rail would wish for Hull Trains to engage in any future initiatives to improve performance in the Sheffield area and on the ECML.

Comments on the proposed Supplemental Agreement (submitted on 07 February 2024)

Section 2:

In 2.2 a) Hull Trains have stated “Section 22” when this is currently a Section 22A application and so should be changed to “Section 22A”. However in a meeting on 06 February 2024 Hull Trains stated that it was left as a “Section 22” as the intention is to flip the application into a Section 22 in due course.

Section 3:

In 3.3 Network Rail notes that Hull Trains have proposed amended wording for paragraph 2.3 in Schedule 5: “In order to provide through services the Train Operator has Firm Rights to combine Passenger Train Slots at Hull (PF01) and Sheffield (PF02).” At first Network Rail was of the opinion that it would need to understand the method of work to be undertaken at Sheffield and how coupling (if any) would take place in particular to understand the method of work to couple a class 221 or 222 to a class 802 and lengthy trains. However on 06 February 2024 Hull Trains confirmed that there is no intention to double up sets. All Hull Trains wish to do is join the Meadowhall – Sheffield and Sheffield – London rights at Sheffield. On that basis Network Rail has no concern with this drafting.

Network Rail believes that additional clauses are required as follows:

- “3.7 Schedule 7: replace Appendix 7C with a revised table to include the additional rolling stock” once known. Though Network Rail and Hull Trains agreed on 06 February 2024 that this will be updated once the rolling stock is known.
- “3.8 Schedule 9: replace clause 1 Definitions with updated figures to reflect an updated “Liability Cap”.

In 3.2, 3.3, 3.4, 3.5: Network Rail believes “5.2”, “5.4” and “5.5” are incorrectly quoted. The “.2”, “.4” and “.5” should be removed.

Appendix 1

Contents for Schedule 11: Network Rail has no comment.

Appendix 2

Schedule 5

Section 2 Passenger Train Slots

Table 2.1: Passenger Train Slots

As stated earlier in this letter under workstream 5 (entitled “Sale of Access Rights, interacting applications and ECML timetable delivery”), Network Rail cannot support firm rights at this time and so the rights proposed would need to be moved into Table 2.2 for contingent rights. It will only be on the basis of contingent rights, no expectation and no continuation of rights, and dated to expire where other aspirations interact. Network Rail is expecting to deliver a new ECML ESG timetable from PCD 2024. However if this ECML ESG timetable is not delivered from PCD 2024 then Network Rail reserves its right to consider this proposal in relation to the ECML access rights policy.

Depending on the outcome of the power modelling (workstream 4), Network Rail may require a

footnote to the passenger train slots so that they are only allowed to be operated with diesel traction.

Depending on the outcome of the Capacity and Performance assessment (workstream 1), Network Rail may not be able to support the additional rights if they the 18 tph maximum quantum between Digswell Junction and Woolmer Green Junction:

- In 2020 Network Rail undertook a detailed assessment of the capabilities of Welwyn Viaduct in collaboration with the ECML ESG members.
- The conclusion of this assessment which was accepted by the ECML ESG members at the time was that if we go above 19tph between Digswell-Woolmer, this creates a significant impact to performance that reverberates into the following hour. Hence there was agreement during the early development of the ECML ESG timetable was to implement this restriction.
- When Network Rail plans additional paths over the Welwyn viaduct, we need to prove that the paths are operationally achievable and have some level of resilience. This was demonstrated with the ECML ESG participants in 2020 and expect a similar detailed performance review with Hull Trains, as all operators were supportive of this restriction in developing the ECML ESG timetable.

Network Rail notes that the Timing Load stated is “221” yet Hull Trains have yet to procure the necessary rolling stock and so the Timing Load is subject to change and due to this Network Rail would expect the timing load to be the slowest in line with the TAC.

Network Rail notes that the train service code (TSC) stated is “21750002” but Network Rail cannot confirm as this stage if this is a valid TSC. Network Rail will work with Hull Trains to agree the appropriate TSC for this new service group as part of business as usual processes.

Appendix 3

Schedule 5

Section 4 Calling Patterns

Table 4.1: Calling Patterns

Network Rail would like a footnote added to the table so that the proposed calls at Worksop and Woodhouse are only allowed once the necessary operational readiness has taken place including the running of a test train.

Appendix 4

5.1 (a) Specified Equipment

Network Rail notes the inclusion of “Class 221 and 222 DMU (Service Group PF02 only)” and “Class 802 Bi-Mode 5-car Units (Service Group PF01 only)”. Network Rail wish to understand the length of the Class 221 and 222 units, for example will they be 5-car or 7-car units. Also Network Rail understands that Hull Trains may wish to use the Class 221 and 222 units for the current service within service group PF01. Following a meeting on 06 February 2024 this is no longer a concern as Hull Trains confirmed that only 5-car units will be used.

Schedule 11

Network Rail notes the inclusion of Schedule 11 (relevant Schedule 4 and 8 modifications) and that the parties will need to negotiate an updated Schedule 4 and Schedule 8 to include the additional service group PF02 into all of the relevant sections of the TAC.

Additional Schedule

Schedule 9: limitation on liability

Network Rail notes that the Liability Cap may require amendment to include the additional service group. As per ORR guidance for passenger contracts, the annual liability cap should be set for both parties at three times the level of the train operator's annual variable charge.

Comments on the London to Sheffield timetabled paths ("F3 prints") for each proposed train path

These F3 prints have been developed using the June 2024 timetable as the current timetable base. Subsequently Hull Trains has produced F3 prints using the ECML ESG December 2024 database. Network Rail observes that no empty coaching stock moves (ECS, i.e. ancillary movements) are included in the F3 prints and Network Rail wish to understand the intended ECS. The options for ECS moves will be picked up in the capacity / performance assessment workstream. At a meeting with Hull Trains on 12 February 2024 it was confirmed that ECS moves will be fully known once the rolling stock is procured.

Comments on the list of minor alterations to other services

This list has been developed using the June 2024 timetable as the current timetable base. Network Rail notes that Hull Trains has not provided one for the F3 prints that were produced using the ECML ESG December 2024 timetable base.

In summary, Network Rail considers this response to have addressed the points put forward by Hull Trains in their application made under Section 22A of the Railways Act 1993. Network Rail will continue to collaborate with Hull Trains and will provide a more informed view by the end of May 2024. For ease a timeline bringing together all of the necessary workstreams is listed in the Annex to this letter.

Yours sincerely,

Mark Garner
Customer Manager, Eastern Region
Network Rail

ANNEX**Timeline for the industry consultation and Network Rail's response**

<u>Milestone</u>	<u>Workstream</u>	<u>What happens</u>
15 February 2024	Industry consultation	Deadline for Network Rail to respond to this Hull Trains application
16 February 2024	Industry consultation	Deadline for all other operators to respond to this Hull Trains application
19 February 2024	Capacity and Performance assessment	Hull Trains to provide a re-validated look at the proposed paths using the latest Prior Working Timetable database for December 2024.
19 February 2024	Capacity and Performance assessment	Analysis commencement
23 February 2024	Route clearance	Draft remit expected
23 February 2024	Vehicle Change	Consultation is expected to begin
29 February 2024	Power modelling	Draft remit expected
01 March 2024	Capacity and Performance assessment	Initial analysis and performance assessment complete
08 March 2024	Capacity and Performance assessment	Performance assessment complete
08 March 2024	Timetable bidding	Priority Date for PCD 2024 (linked to ECML ESG delivery)
25 March 2024	Sale of Access Rights, interacting applications and ECML timetable delivery	Sale of Access Rights Panel (SoAR) update
12 April 2024	Capacity and Performance assessment	Completion of further timetabling and performance work (if required)
19 April 2024	Capacity and Performance assessment	Draft report for review
22 April 2024	Sale of Access Rights, interacting applications and ECML timetable delivery	Sale of Access Rights Panel (SoAR) update
03 May 2024	Capacity and Performance assessment	Network Rail to provide its final report
03 May 2024	Route Clearance	Hull Trains to provide its report to Network Rail's compatibility team
03 May 2024	Power modelling	Network Rail to provide its report
09 May 2024	Timetable Change risk assessment	Train Plan Hazard Identification workshop (TP-HAZID) for SCD 2025
20 May 2024	Sale of Access Rights, interacting applications and ECML timetable delivery	Sale of Access Rights Panel (SoAR) update
22 May 2024	Vehicle Change	End of expected 90-day process
31 May 2024	Industry consultation	Deadline for submitting Network Rail's detailed response to ORR
30 June 2024	Industry consultation	The deadline stated by Hull Trains in the Form P for directions from ORR due to the need to secure rolling stock

July 2024	Operational readiness and ETCS fitment	Hull Trains and Network Rail to meet to confirm status
09 August 2024	Timetable bidding	Priority Date for SCD 2025
September 2024 – May 2025	Operational readiness and ETCS fitment	Continuation of mitigation work needed prior to service start