

Application to the Office of Rail Regulation for a passenger track access agreement, or amendment to a passenger track access agreement under sections 17-22A of the Railways Act 1993

1. Introduction

Please use this form to apply to the Office of Rail Regulation (ORR) for:

- directions under section 17 of the Railways Act 1993 for a new track access contract. Section 17 allows companies who want the right to use a railway facility (including Network Rail's network) to apply to ORR for access if they are not able (for whatever reason) to reach agreement with the facility owner.
- approval under section 18 of the Railways Act 1993 for a new track access contract. Section 18 allows companies to apply for approval if they have agreed terms with the facility owner.
- approval of a proposed amendment (agreed by both parties) under section 22 of the Railways Act 1993 to an existing track access contract.
- directions under section 22A of the Railways Act 1993 for an amendment to an existing track access contract. Section 22A allows anyone seeking an amendment to an existing track access contract which allows the operation of more extensive services to apply for a compulsory amendment if they are not able (for whatever reason) to reach agreement with the facility owner.

If it is the facility owner, Network Rail will carry out a pre-application consultation. In this case fill in this form up to section 7.3. You should fill in the rest of the form after the consultation and before applying to ORR. If you are unhappy with the facility owner carrying out the consultation, you should ask ORR to do so. If this is the case, you should complete this form in full before submitting it to us.

The form sets out ORR's standard information requirements for considering applications. It cross-refers throughout to our [criteria and procedures](#) (C&Ps). The C&Ps explain the process, timings and the issues we will expect to consider. You should use the published [model passenger track access contract](#) as your starting point when drafting the contract or amendments you want. Please read the C&Ps and the Code of Practice before applying.

We are happy to talk to you before you apply. Please contact us [here](#).

You can download a copy of this form, and of ORR's model track access contract, from the ORR website: www.rail-reg.gov.uk.

2. The application

2.1 Title of proposed contract or supplemental agreement (please also include the section of the Railways Act 1993 under which you are applying):

New Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and West Midlands Trains Limited ("West Midlands Trains"), under Section 18 of the Railways Act 1993

2.2 Contact details (Company and named individual for queries):

<u>Facility Owner</u>	<u>Beneficiary</u>
Company: Network Rail Infrastructure Limited	Company: West Midlands Trains Limited
Contact individual: Tamzin Cloke	Contact individual: James Carter
Job title: LNW Route Contracts Manager	Job title: Network Access Manager
Address: Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND	Address: West Midlands Trains Limited 134 Edmund Street Birmingham B3 2ES
Telephone number: 07702 402651	Telephone number: 07772 886852
Fax number:	E-mail address:
E-mail address: Tamzin.Cloke@networkrail.co.uk	James.carter@wmtrains.co.uk

2.3 Licence and railway safety certificate: please state whether you intend to operate the services yourself or have them operated on your behalf.

Does the proposed operator of the services (a) hold a valid train operating licence under section 8 of the Railways Act 1993 or an exemption under section 7, **and** (b) hold a valid safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006. If the answer to (a) **or** (b) is no, please state the point reached in obtaining a licence, exemption and/or safety certificate.

C&Ps paras 3.9-3.15

(a) West Midlands Trains holds a valid train operating licence dated 10th December 2017
(b) West Midlands Trains also has a safety certificate under the Railways and Other Guided Transport Systems (Safety) Regulations 2006.

3. The proposed contract or amendment

3.1 Executive summary: please provide an executive summary of the proposed contract or amendment. This should cover the services, the commercial terms, and the reasons for making the application in the terms proposed. This information should be laid out clearly and concisely, and fully highlight the changes from the previous version of the contract (in the case of an amendment).

C&Ps para 3.22-3.28

Please also explain any important safety risks that have been identified arising from the proposal and how these will be controlled (by reference to the facility owner's safety authorisation and the train operator's safety certificate). **C&Ps paras 4.9-4.11**

Please also state the commencement and end dates for the proposal, and for new agreements or extensions to existing agreements, provide justification for the proposed length of the application, with reference to the [Railways Infrastructure \(Access and Management\) Regulations 2005](#). If you are a franchised operator, please state the expiry date of your franchise. **C&Ps paras 4.72-4.79**

This application is for a new Track Access Contract to commence on the Subsidiary Change Date in May 2019, and will expire on Principle Change Date 2026 to coincide with the duration of the new West Midlands Franchise.

This new 8-year Contract will provide West Midlands Trains with the rights to implement a number of committed service changes from the start of the May 2019 timetable, to enable West Midlands Trains to fulfil its franchise obligations to the Department for Transport.

The majority of these proposed service changes formed part of West Midlands Trains' Section 17 application which underwent industry consultation back in June 2018, ahead of a planned implementation in December 2018. Unfortunately due to the wider challenges associated with the December 2018 timetable delivery, the changes were postponed to May 2019. Since that time, WMT has continued to work with Network Rail to develop the timetable which has now been validated as part of the May 2019 offer.

A summary of the key service changes, compared to the current May 2018 timetable, is provided on a route-by-route basis below:

EJ01 - West Midlands Snow Hill

Additional evening services (SX) will be provided between Birmingham Snow Hill and Dorridge, departing from Snow Hill at 18:50, 19:28 (to SOAV), 20:18, 20:49 (ex KIDD), 21:21, 21:49 (ex KIDD), 22:07 and 22:52, providing a half-hourly evening service to Dorridge (currently hourly). In the opposite direction additional services will operate from Dorridge at 19:51 (to KIDD), 20:19 (to KIDD), 20:53, 21:19 (to KIDD), 22:03, 22:25 and 22:49.

The pattern is broadly similar on Saturdays with additional services departing Snow Hill for Dorridge at 19:39 (from KIDD), 20:19, 20:49 (from KIDD), 21:19, 21:49 (from KIDD), and in the opposite direction from Dorridge at 19:49, 20:49 and 21:49.

Additional evening services (SX and SO) will also be provided to and from Kidderminster to provide a 3tph service (vice hourly). These services will be formed by the extension of the existing Stourbridge Jn services. Existing services from Stourbridge at 19:57, 20:57 and 21:57 will start back from Kidderminster at 19:45, 20:45 (from GMV, SX) and 21:45 respectively, plus two additional services from Kidderminster to Dorridge departing Kidderminster at 20:05 and 21:05. In the opposite direction existing WMT services that arrive and terminate at Stourbridge Jn will be extended through to Kidderminster at 19:39, 20:09, 20:52, 21:52 and 22:52 (to WSH, SO). Additional services will then also be provided from Dorridge to Kidderminster arriving at 21:20 (20:19 ex Dorridge) and 22:20 (21:19 ex Dorridge) to create a 3tph evening service between Birmingham and Kidderminster.

Additional evening services will be provided (SX and SO) to and from Whitlocks end, formed from an extension of the existing Worcester services that arrive at Snow Hill at xx:55. Departures from Birmingham Snow Hill will be at 19:54 (formed from the 18:46 ex WOF, which previously went to DDG), 20:57 (which previously went to DDG), 21:57 and 22:57 (which previously went to LMS). In the opposite direction additional services will be provided from Whitlocks End at 19:45 (SX only), 20:30, 21:32 and 22:34 (SX only), arriving at Snow Hill at xx:51 to form existing through services to Worcester (21:30 service will go to GMV).

There will also be some additional service enhancements as follows:

- Additional 06:19 (SX) Kidderminster – Whitlocks end service (departs BSH at 07:01)
- Additional 07:33 (SX) Whitlocks End to Birmingham Snow Hill (arrives BSH at 07:54)
- Additional 07:59 (SX) Birmingham Snow Hill to Dorridge service
- The existing 13:37 (SX) Stourbridge Jn - Whitlocks End service starts back from Kidderminster at 13:25
- The existing 12:40 (SX) Whitlocks End – Stourbridge Jn is extended to Kidderminster (arriving

13:40)

- Additional 09:57 (SUN) Birmingham Snow Hill – Dorridge service in standard Sunday pattern
- Additional 18:27 (SUN) Dorridge – Birmingham service in standard Sunday pattern
- Additional 08:41 (SUN) Birmingham Snow Hill – Whitlocks End service

EJ02 - Trent Valley

Euston – Crewe services

As a general pattern the existing xx.46 paths from Euston-Crewe from 07:46 to 20:46 (SX) and 07:46 to 18:46 (SO) are diverted away from the Stoke-on-Trent loop to run directly between Stafford and Crewe via Madeley instead. In the opposite direction the existing xx.50 arrivals at Euston are also diverted to run directly between Crewe and Stafford, rather than via the Stoke-on-Trent loop. Sunday services will also be diverted to operate directly via Madeley, in both directions.

Other specific amendments to individual services in this Service Group are as follows:

SX

- The existing 18:49 Euston-Crewe (via Northampton) service is amended to run at 18:46 direct via Weedon and then forward timed earlier from Rugby to Crewe direct via Madeley.
- The existing 05:21 (SX) Crewe-Euston (0805 arrival) runs later at 05:47 and is amended to run via Weedon non-stop to Euston, and ceasing to run via Northampton. As a consequence, the existing 07:39 Bletchley-London Euston is back-timed to Northampton departing 07:15 calling at Milton Keynes.
- The existing 19:02 (SX) Crewe-Northampton is extended to Euston, calling at Wolverton, Milton Keynes Central, Bletchley, Leighton Buzzard, Cheddington, Berkhamsted, Hemel Hempstead and Watford Junction.
- Additional 19:33 (SX) Crewe-Euston service calling at Stafford, Rugeley Trent Valley, Lichfield Trent Valley, Tamworth, Atherstone, Nuneaton, Rugby, Milton Keynes Central and then non-stop to London Euston (via Weedon) arriving London Euston circa 21:15.
- Additional 21:29 (SX) Crewe-Northampton service calling at Stafford, Rugeley Trent Valley, Lichfield Trent Valley, Tamworth, Atherstone, Nuneaton, Rugby, Long Buckby and arriving Northampton 23:03.
- Additional 06:28 (SX) Euston-Crewe service via Weedon calling at Milton Keynes, Rugby, Nuneaton, Atherstone, Tamworth, Lichfield Trent Valley, Rugeley Trent Valley, Stafford, and Crewe. The existing 06:24 London Euston-Crewe service then runs earlier at 06:12, and from Northampton forwards as the existing 07:37 Northampton-Birmingham New St to form a through train.
- Additional 21:49 (SX) London Euston-Crewe (via Weedon / Madeley) calling at Milton Keynes, Rugby, Nuneaton, Atherstone, Tamworth, Lichfield Trent Valley, Rugeley Trent Valley, Stafford, and Crewe.

Saturdays

- Additional 20:02 (SO) Crewe-Euston via Stoke-on-Trent, calling at Stafford, Rugeley Trent Valley, Lichfield Trent Valley, Tamworth, Atherstone, Nuneaton, Rugby and Milton Keynes arriving Euston 00:06.
- The existing 06:24 (SO) Euston – Crewe (via Northampton) runs as booked to Northampton but then diverts to Birmingham New St.
- In light of the above, an additional 06:29 Euston – Crewe (via Weedon) service will operate, calling at Milton Keynes, Rugby, Nuneaton, Atherstone, Tamworth, Lichfield Trent Valley,

Rugeley Trent Valley, Stafford, and Crewe.

- Additional 19:33 (SO) London Euston-Crewe (via Weedon / Madeley) calling at Milton Keynes, Rugby, Nuneaton, Atherstone, Tamworth, Lichfield Trent Valley, Rugeley Trent Valley, Stafford, and Crewe.

Leamington Spa – Coventry – Nuneaton

On Mondays - Fridays two additional return workings will be provided between Coventry and Nuneaton, then two additional return workings on Saturdays, and three additional on Sundays.

Between Leamington Spa and Coventry one additional return working will be provided Mondays-Fridays and Saturdays. Services will operate with Class 172 rolling stock (subject to route clearance), enabling the Leamington-Coventry and Coventry-Nuneaton services to be linked at Coventry to provide new through-journey opportunities (SX and SO).

On Sundays a new service will be provided between Leamington Spa and Coventry, using Class 172 rolling stock. Please note that the rights for the Sunday services in the proposed Contract are Contingent only.

EJ03 West Midlands New St Locals

Northampton-Coventry-Birmingham New St

Service enhancements as follows:

- Additional 05:23 (SX) Birmingham New St - Birmingham International service calling at Stechford and Lea Hall.
- The existing 09:11 (SX) Coventry - Birmingham service to start back at Northampton (dep 08:25) and formed by extending the 07:23 Euston – Milton Keynes through to Northampton to create a through-service. This removes the current detach move at Coventry.
- The existing 16:14 (SX) Birmingham New St - Coventry service is extended to Northampton calling at Rugby and Long Buckby and then forms the existing 17:25 Northampton-Euston to create a through-train.
- The existing 16:13 (SX) Euston - Northampton departs later at 16:29, is extended to Coventry (departing Northampton 1739) and goes on to form the existing 18:11 Coventry - Birmingham as a through train.
- The existing 15:24 (SX) Euston - Milton Keynes service is extended to Coventry via Northampton, and takes the path of the existing 17:11 Coventry - Birmingham to create a through train.
- The existing 22:14 (SX) Birmingham New St – Coventry service is extended to Northampton and through to London Euston,
- Additional 23:34 (SX) Birmingham New St - Coventry service calling at Stechford, Lea Hall, Marston Green, and all further stations to Coventry.
- Additional 00:17 and 00:40 (MX) late services from Birmingham to Coventry, calling at all stations.
- The existing 05:57 (SX) Coventry - Euston service is extended back to start from Birmingham New St at 05:33 (the 'in pattern' xx.33 slot) calling at Marston Green, Birmingham International, Berkswell, Tile Hill, Canley and then forward as currently booked.
- The existing 06:18 (SX) Northampton – Euston service starts back from Coventry at 05:38 calling at Rugby and Long Buckby then as currently booked from Northampton.
- Additional 05:37 (SO) Coventry-Birmingham New St calling at Birmingham International and Marston Green only.

- Additional 05:33 (SO) Birmingham-Northampton service ('in pattern' xx.33 slot) calling at Marston Green, Birmingham International, then all stations to Northampton.

The most notable change on this route will occur on Sundays. From May 2019, WMT propose to increase the frequency of Sunday services between Euston and Birmingham New Street to three trains per hour during the period when four tracks are available between Euston and Rugby (12.00hrs onwards). All trains will be 8 car which will simplify the existing mix of 4 and 12 car trains between Euston and Northampton. This considerable increase in capacity will not only ease congestion on the existing (heavily crowded) hourly service, but also removes the need for any attaching or detaching at Northampton.

Birmingham – Worcester - Hereford

Additional evening services on both weekdays and weekends as follows:

- Additional 18:50 (SX) Worcester Shrub Hill – Birmingham New St service, arriving BNS at 19:37
- Additional 18:50 (SX) Birmingham New St – Worcester Shrub Hill service
- Additional 20:21 (SX) Hereford – Worcester Shrub Hill service
- Additional 18:42 (SO) Hereford – Birmingham New St service
- The existing 07:17 (SO) Great Malvern – Birmingham New St service starts back from Hereford at 06:39
- Additional 10:05, 15:39 (SUN) Worcester Shrub Hill – Birmingham New St services
- Additional 11:49, 13:49 (SUN) Worcester Foregate Street – Birmingham New St services
- Existing 17:59 (SUN) Worcester Shrub Hill – Birmingham New St service starts back from Hereford at 16:56
- Additional 21:00 (SUN) Hereford – Birmingham New St service
- Additional SUN services from Birmingham New St at 11:00 (to GMV), 13:00 (to WOF), 15:00 (to HFD), 17:00 (to WOS) and 22:30 (to WOS)
- The existing 19:00 (SUN) Birmingham New St – Worcester FS service is extended to Hereford, arriving 20:30

Cross-City Line and Bromsgrove

The basic 6tph service frequency on the Cross-City 'core' will remain as present. Mondays-Saturdays the existing 2tph evening service on the Cross-City North is increased to 4tph, with Bromsgrove - Birmingham New St services extended to / from Lichfield Trent Valley between 19:25 and 22:25.

Additional service enhancements will be provided as follows:

- The 22:57 (SX) Redditch - Birmingham New Street service is extended to Four Oaks (departing Birmingham New Street 23:34) calling all stations.
- The 22:17 (SX) Bromsgrove - Blake Street is extended to Lichfield City.

Birmingham New St – Walsall / Rugeley Trent Valley

Services will be timed using Class 350 SRTs following the electrification of this route in late 2018.

Additional evening services will be provided to Rugeley (SX and SO), formed from an extension of existing Birmingham New St – Walsall services, to continue the half-hourly service pattern between Birmingham and Rugeley up to 22:21 (ex New St).

In the opposite direction additional evening services will be provided between Rugeley and Walsall (formed by extending existing Walsall – Birmingham trains back from Rugeley Trent Valley), with half-hourly departures from Rugeley Trent Valley between 20:03 and 23:03.

EJ04 - West Midlands Inter-Urban

Birmingham New Street – Stoke – Crewe

To cater for the loss of an hourly service around the Stoke-on-Trent loop (in light of diversion of the Euston-Crewe services), an additional hourly service will operate (SX and SO) between Birmingham New St and Crewe from 06:07 to 23:10 (22:39 SO), calling at Wolverhampton, Stafford, Stone, Stoke, Kidsgrove and Alsager.

In the opposite direction, the additional hourly service from Crewe to Birmingham New St (via Stoke-on-Trent) will depart at xx.01.

On Sundays the additional hourly service will also operate in both directions and with the same calling patterns, albeit with a slightly later start time and earlier finish time (first service ex Birmingham New St at 09:17, and first service ex Crewe at 09:12. Last service ex Birmingham New St at 21:20, and last service ex Crewe at 22:10)

Birmingham New Street – Liverpool Lime St

Existing services from Birmingham New St to Liverpool (which currently depart at xx.01) are retimed to depart slightly later and with 110mph SRTs between Wolverhampton and Weaver Jn. This will provide a reduced journey time between Liverpool and Birmingham.

Existing xx.36 SX and SO services from Birmingham New St will use the existing xx:33 arrivals at Birmingham New St from Birmingham International, also using 110mph rolling stock. In addition to reducing journey times between Birmingham and Liverpool this will therefore also provide through-journey opportunities from Birmingham International to Liverpool.

Additionally the 06:49 (SX and SO) Crewe – Euston (via Birmingham New St) service will start back from Liverpool Lime St at 06:10, providing an earlier journey opportunity between Liverpool and Birmingham.

Shrewsbury – Birmingham New St

An additional hourly service will be provided between Birmingham New St and Shrewsbury (SX and SO), from 07:00 to 19:49 (general SX pattern for WMT services from New St to Shrewsbury will be departures at xx.52 and xx.00).

In the opposite direction two WMT services per hour will depart from Shrewsbury to Birmingham New St at xx:13 and xx:41.

On Sundays an hourly service will operate between Birmingham and Shrewsbury, from 08:37 to 22:04, calling at Smethwick Galton Bridge, Sandwell and Dudley, Wolverhampton then all stations (except Oakengates) to Shrewsbury.

EJ05 - WCML: London - Northampton

As a general pattern, all Fast Line services will be timed at 110mph using accelerated Class 350/2 rolling stock. Existing services arriving at Euston xx27 will be accelerated south of Ledburn Jn to arrive London Euston xx:24. Services departing xx13 from London Euston (mostly to Birmingham New St) will be retimed to depart Euston later at xx15/xx16 but as booked from Ledburn Jn, then continuing from Birmingham New St to Crewe.

Existing xx.24 services from Euston to Milton Keynes (SX) will be extended through to Birmingham

New St and onwards to Rugeley Trent Valley following completion of the Cannock Line electrification project. In the opposite direction the existing xx.24 arrivals from Birmingham New St will be back-timed to Rugeley Trent Valley. On Saturdays the existing hourly Euston – Milton Keynes services between 08:24 and 18:24, and then the two later services departing at 19:14 and 19:30, will be extended to Northampton and then through to Birmingham New St.

Other specific amendments to individual services in this Service Group are as follows:

- Additional 09:26 (SX) Watford Jn (P10) to London Euston service calling at Bushey and Harrow arriving London Euston 09:48.
- Additional 16:10 and 17:04 (SX) Euston to Watford Jn (P10) services calling at Bushey and Harrow.
- Additional 22:12 (SO) Euston-Northampton (timed via slow lines) calling Wembley Central, Harrow, Bushey, Watford Junction, Hemel Hempstead, Berkhamsted, Leighton Buzzard, Bletchley, Milton Keynes, and Wolverton. Arrives Northampton 23:36.
- Additional 23:20 (SO) Euston-Northampton (timed via slow lines) calling Harrow, Watford Junction, Kings Langley, Apsley, Hemel Hempstead, Tring, Cheddington, Leighton Buzzard, Bletchley, Milton Keynes Central, Wolverton. Arrives Northampton 00:47.
- As previously mentioned, there will be an increased quantum of services on Sundays with 3tph between Euston and Birmingham New St. Departures from Euston towards Birmingham New St will be at xx.08, xx.31 and xx.34 (from 12:00 onwards). These services will all be timed at 110mph.

EJ06 - WCML Branch Lines

One additional service between Bedford and Bletchley in each direction (SX and SO).

No safety risks have been identified as part of this proposal.

West Midlands Trains' franchise is due to expire on 1st April 2026.

3.2 Terms not agreed with the facility owner (for applications under sections 17 or 22A only): please set out here any areas of the application which have *not* been agreed, the reasons for the failure to agree and the reasons for seeking these provisions. **C&Ps para 3.102**

Not applicable

3.3 Departures from ORR's model passenger track access contract: please set out and explain here any:

- areas where the drafting of the application changes ORR's published template passenger track access contract (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made. **C&Ps paras 2.34-2.37**
- instances where the proposal departs from the charging and/or performance regimes established by ORR's latest periodic review (or subsequent interim reviews) as reflected in ORR's model passenger track access contract, including the financial implications (e.g. establishment of an access charge supplement or rebate). **C&Ps paras 5.1-5.44**
- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete. **C&Ps paras 6.2-6.3**

Not applicable

4. The expression of access rights and the use of capacity

4.1 Benefits: please set out what specific benefits the proposal will achieve, including a justification for requiring the rights and their characteristics. Please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please also describe any significant changes in the pattern of services, their benefits to passengers and any impact on other operators, including freight operators. Where appropriate, please provide a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application. **C&Ps paras 4.26-4.35**

These rights are being sought to enable West Midlands Trains to implement the committed service changes included in its May 2019 Train Service Requirement (TSR), which forms part of its contractual obligations to the DfT.

The proposed changes will provide a significant step-change improvement in the provision of services in the West Midlands and on the WCML, providing a combination of frequency improvements, reduced journey times, earlier and later services, additional capacity and new journey opportunities. It should be noted that most of these committed service changes reflect the outputs from the extensive stakeholder consultation exercise undertaken by the DfT in August 2016, which fed into the ITT for the new franchise.

On the WCML the existing Euston-Crewe service, which has seen considerable patronage growth since the WCML timetable remodelling in 2008, is currently capacity constrained by the inability to operate services of greater than 4-car length around the Stoke-on-Trent loop (due to platform lengths). This causes considerable crowding issues at the southern end of the WCML. The routing of this service directly between Stafford and Crewe (via Madeley) will allow the use of longer trains all day on the London to Crewe route to cater for the increasing usage, and also provide more fast services between Rugby, Stafford and Crewe. Additional morning and evening services will also be provided on this route.

To replace the loss of services to Stoke-on-Trent and other stations on the Potteries loop, a new direct service will be provided between Birmingham and Crewe on the Stoke-on-Trent route giving Stone, Kidsgrove and Alsager regular hourly services throughout the day, including during the morning and evening peaks where there are long gaps at present.

Fast line services on the WCML South will be retimed from 100mph to 110mph to reflect the acceleration of Class 350/2 units to 110mph by December 2018. This will improve timetabling and performance on the route through the provision of a uniform 110mph Class 350 fleet.

The provision of additional services on the Birmingham – Shrewsbury route will provide much needed extra capacity on a route that currently suffers from significant crowding problems due to the widespread shortage of diesel vehicles. There will also be a brand new WMT service provided on Sundays.

There will be a step-change in services on the Walsall-Rugeley line, with services operated by Class 350 EMUs (again, providing a much-needed increase in capacity on a route that currently suffers from crowding problems and a relatively limited service frequency). One service from Rugeley per hour will be timed to link with Birmingham New St – Euston services, providing direct services from Walsall and Chase Line stations to London. Additionally the current hourly evening service from Birmingham to Rugeley will be increased to half hourly, providing a consistent half-hourly service all day on this rapidly growing route.

The linking of Leamington Spa-Coventry and Coventry-Nuneaton services will fulfil a long-standing stakeholder aspiration for through-services on this route. Additionally, the operation of a Sunday service between Leamington Spa and Coventry will provide Kenilworth with a full 7-day timetable for the first time following the opening of the new Kenilworth Station in April 2017.

On the Cross-City line the increased frequency of evening services to Lichfield Trent Valley will provide additional journeys to cater for the growth in leisure journeys in and out of Birmingham city centre.

The Snow Hill lines have also seen a substantial increase in patronage over recent years, both peak and off-peak. Services will be improved through the provision of additional evening trains to Kidderminster (increasing the frequency to 3tph), Dorridge and Whitlocks End, plus additional AM peak services from Kidderminster and Whitlocks End to Birmingham Snow Hill to ease crowding in both mornings and evenings on another extremely busy route into central Birmingham.

4.2 Adequacy: please set out how you have satisfied yourself that there is enough network capacity for the services in the proposal. Please also set out whether there are any implications for overall network performance and the facility owner's maintenance and renewal activities. **C&Ps paras 4.12-4.45**

All of the services (SX, SO and SUN) will operate in paths validated by Network Rail as part of the May 2019 offer.

The capacity and performance on the WCML South has been modelled in detail by Network Rail to assess the impact of the proposed disruptive HS2 works at Euston. Network Rail's 'Euston Mitigation Measures' report, produced in 2017, first evaluated whether the December 2018 passenger timetable could be accommodated with reduced platform capacity during Stage 2 of the Euston works (ie. with no use of Platforms 17&18). This timetable analysis used a May 2016 LTP base, but with a number of assumptions (known at the time) about additional or amended future services, which for WMT included the acceleration of Class 350s to operate at 110mph on the Fast Lines. An updated version of this performance modelling report is due to be completed in December 2018.

Notwithstanding the service changes listed above, it should be noted that the core basis of the proposed December 2018 timetable (particularly the services away from the WCML) largely reflects the service quantum currently operating in the May 2018 timetable, although a small number of corrections have been made to Table 2.1 of Schedule 5 due to observed non-conformities with the base WTT.

Schedule 5 of the proposed Contract will be specified on a 'quantum-only' basis to provide Network Rail with maximum flexibility to modify the timetable in future.

Any necessary easements that WMT required for the 2019 Engineering Access Statement were progressed and approved through the normal processes.

4.3 Flexing rights: please provide a general description of the extent of any limitations on the facility owner's flexing rights in the proposal. Please provide the rationale for the extent of any limitation on the flex provided, including any changes to pre-existing services, and the extent to which the provisions have been agreed with the facility owner. **C&Ps paras 2.27-2.33**

The rights sought in this Contract are quantum-only and do not contain any flexing rights.

4.4 Journey time protection: please describe whether the proposed contract gives journey time protection to any services (by establishing maximum journey times, fastest key journey times or maximum key journey times), and explain the reasons for this, with reference to ORR's criteria. **C&Ps paras 8.90-8.103**

The Contract contains no provisions for Journey Time Protection.

4.5 Specified equipment: please give full details of any changes to specified equipment (rolling stock), including timescales, and how much of the vehicle and route acceptance procedure in the Network Code (Part F) has been completed. Please explain whether you have, or will have, the rolling stock necessary to exercise the rights being sought. **C&Ps paras 8.87-8.90**

The operation of services between Bedford and Bletchley will be resourced using Class 230 ('D-train') equipment, and a small fleet of three, 2-car units is currently being developed by VivaRail Ltd to replace the 'Sprinter' type units currently operating services on this route. Route clearance and Vehicle Change to support this introduction are being progressed.

A Vehicle Change application for the acceleration of Class 350/2 rolling stock from 100mph to 110mph will also be progressed in early 2019 ahead of the May 2019 timetable change.

4.6 Franchise obligations: please explain whether the proposed services are necessary to fulfil obligations under a franchise or concession agreement. **C&Ps paras 4.3-4.4**

With the exception of the 3tph EUS-BHM timetable on Sundays, all of the proposed services form part of West Midlands Trains' Train Service Requirement for May 2019, as specified by the Department for Transport.

4.7 Public funding: please state whether (and if so to what extent) the proposed services are subject to financial support from central or local government (other than the Department for Transport or Transport Scotland), including Passenger Transport Executives. Please also provide a point of contact at that body. **C&Ps paras 3.52, 4.25, 4.35-4.39**

Not applicable.

4.8 Passenger Focus and, where applicable, London TravelWatch: please state whether (and if so to what extent) the proposed services have been discussed with these bodies. Please also provide copies of any relevant correspondence. **C&Ps para 4.39**

The proposal has not been specifically discussed with Transport Focus or London TravelWatch although they will have been consulted as part of the extensive industry consultation in 2016.

4.9 Route utilisation strategies (RUSs): if applicable, please state which RUSs (including the Freight RUS) are considered relevant to this application and whether the proposed rights are consistent with that RUS. If the proposed rights are not consistent, please explain the reasons for this. **C&Ps paras 4.5-4.8**

The strategy set out in the Draft WM&C Route Study was used to directly inform the West Midlands refranchising process. The Invitation to Tender (ITT) for the West Midlands franchise therefore picks up some of the gaps recognised in the WM&C Route Study, and helps to deliver the WM&C strategy through the following areas:

- to provide sufficient capacity for passengers travelling into Birmingham stations during peak hours in 2023
- two trains per hour between Birmingham and Shrewsbury off peak (in addition to the Arriva

Trains Wales service) from December 2018

- more frequent and additional evening services from 2018
- diversion of the Euston to Crewe service from the Stoke Loop, to run on the West Coast between Stafford and Crewe
- an extended service from Wolverhampton to Crewe via Stoke-on-Trent to pick up intermediate stops

5. Incentives

5.1 Train operator performance: please describe any planned projects associated with the operation of the proposed services aimed at improving your performance. **C&Ps paras 4.26-4.36**

A number of initiatives on the WCML South are being developed and tracked through the WCML ESG to support the delivery of the proposed timetable whilst Platforms 17 and 18 at Euston Station are removed for HS2 works. These initiatives currently include:

1. Upgrade of the Class 350/2 fleet to 110 mph.
2. Extension of Watford south facing bay platform 10 to accommodate a 12-car class 350.
3. Installation of CET at Northampton River Sidings.
4. Extension of Euston Up sidings to accommodate 2 x 12 car class 350.
6. Installation of co-acting signal on platform 11 to permit 12 car class 350 /319 operation including splitting and joining.
7. Upgrading of CIS, and dispatch equipment e.g right away indicators to enable multiple train departures from the same platform in an efficient way and to ease pedflow (detail to be formulated).
8. Additional staffing train crew, station staff to support 7 (detail to be formulated) to support EMM.
9. Provision of stop boards on line E to all traction agnostic units to permit moves into and out of the middle roads (as a consequence of losing the backing out roads).
10. Extension of Camden 2 x 8 car sidings to accommodate 12 cars

5.2 Facility owner performance: please describe any planned projects associated with the operation of the proposed services aimed at improving the facility owner's own performance. **C&Ps paras 4.26-4.36, 5.1**

See above.

5.3 Monitoring of services: would all proposed services be monitored for performance throughout their journeys, consistent with our policy in paragraph 5.50 of the criteria and procedures? If not, please state the reasons for this is in line with the permissible circumstances described in paragraph 5.51 of the criteria and procedures. **C&Ps paras 5.50-5.56**

There will be no change to the current level of performance monitoring.

5.4 Performance regime changes (for applications under sections 17 or 22A only): where applicable, please provide justification for any changes to Schedule 8 of the track access contract in

the proposal. If necessary, please provide any relevant information in support of the changes proposed. **C&Ps para 5.38-5.40**

Not applicable

6. Enhancement

6.1 Enhancement details: where the proposal provides for the delivery of any network enhancements, or the services in the proposal are subject to any planned network enhancements, please give full details of the relevant enhancement schemes, including a summary of outputs from the scheme, timescales and the extent to which the network change procedure in the Network Code (Part G) has been completed (where appropriate, by reference to submissions made under ORR's enhancement reporting framework). **C&Ps paras 4.80**

Not applicable

6.2 Enhancement charges: please confirm that the arrangements for the funding of any network enhancements are consistent with ORR's [Policy Framework for Investments](#), and summarise the level and duration of payments, and the assumed rate of return (see chapter 3 of the Conclusions document). **C&Ps paras 5.6, 5.12-5.14**

Not applicable

7. Other

7.1 Associated applications to ORR: please state whether this application is being made in parallel with, or relates to, any other current or forthcoming application to ORR (e.g. in respect of track, station or light maintenance depot access contracts). **C&Ps paras 3.18-3.19**

Not applicable

7.2 Supporting information, side letters and collateral agreements: please:

- state here any relevant information in support of the proposal, including a list and explanation of any other material being submitted (and supply copies with the application). **C&Ps para 4.33**
- confirm here that the whole of the proposal between the parties has been submitted with this application and that there are no side letters or other documents which affect it. **C&Ps paras 6.12-6.16, 6.21**

The application contains a draft version of the proposed Track Access Contract (redacted for consultation), along with an extract from Schedule 5 (Table 2.1) highlighting the differences in service quantum compared to May 2018, to assist consultees to understand the changes.

There are no side letters or other documents which affect the application.

7.3 Confidentiality exclusions: please list any parts of your application which you have excluded on the grounds of confidentiality, from the version of the proposed contract sent to consultees for any pre-application consultation process, and provide reasons. If there has been no pre-application consultation, you should state any parts of the application and proposed contract you want us to exclude from publication. **C&Ps paras 3.29-3.34**

The Draft Agreement attached as part of this application has certain sections redacted in accordance with other Track Access Contract exclusions. This includes:

- Schedule 4 – Annex C & D
- Schedule 8 – Appendix 1 & 3

Values have been redacted from the tables due to commercial confidentiality.

Note: Where a pre-application consultation is to be undertaken in line with the Code of Practice, the remainder of this application should not be completed until after that consultation has been completed

8. Pre-application consultation

8.1 The consultation: has a pre-application consultation been carried out in line with the Code of Practice? If yes, please:

- state who conducted the consultation;
- list all train operators, franchising authorities and any other parties that were consulted, stating which parties responded and attach their responses and any associated documentation to this form; and
- state the period allowed for the consultation. If this was less than 28 days, please explain the reasons for this.

If a pre-application consultation has not been carried out, please explain the reasons and whether any informal discussions have been held with any third parties who might be affected by this application and the nature of any concerns which they raised. **C&Ps paras 3.62**

A preapplication consultation was carried out by West Midlands Trains between 22nd December 2018 and 25th January 2019.

The following parties were consulted:

Keolis Amey; Chiltern; Cross Country; East Midlands; GTR; Heathrow Airport Limited; Arriva Rail London; Merseyrail; Northern Rail; Scotrail; Caledonian Sleeper; South Western Railway; First TransPennine Express; West Coast Trains; ORR; DfT; TfL & Mayor; Merseytravel; West Midlands PTE "CENTRO"; London Travel Watch; Transport Focus; Go-Op; DB Cargo, Freightliner Group, Colas Rail, DRS, Harsco, Devon & Cornwall, GBR, Hutchinson Ports, MDS Transmodal, West Coast Railways, Maritime Transport Limited, Rail Freight Group, Thames Gateway, Victa Railfreight, ROG, Vintage Trains, Alliance Rail, HS2, High Speed 1, RES, Locomotive Services (TOC) Limited, First Greater Western, Pre Metro Operations, Renaissance Trains

8.2 Resolved issues: please set out any issues raised by consultees which have been satisfactorily resolved. You may wish to refer to responses attached to this form. Please explain any changes as a result of the consultation.

East Midlands Trains raise some queries, which were resolved. Please see correspondence. Alliance Rail / GNWR raised some queries which will be resolved within the next week, via return correspondence.

XC Trains and Chiltern Railways raised concerns about the timetable offer that had been made for the proposed new services. These concerns have been satisfactorily resolved.

8.3 Unresolved issues: please set out any issues raised by consultees which have ***not*** been satisfactorily resolved, including any correspondence with that consultee. You may wish to refer to responses attached to this form. Please explain why you think these issues should not stop ORR approving the application.

XC Trains Ltd and Chiltern Railways raised concerns about performance in the West Midlands area. This issue will be addressed by West Midlands' Trains imminent response and is also being considered by the industry timetable readiness workstreams for May 2019.

GTR have raised the issue of a timetable conflict that Network Rail was hitherto unaware of. Network Rail is looking into the issue and expect to be able to advise asap. Given the proximity of the May timetable we would prefer to submit the whole application and to advise about the one affected service during the consideration process.

9. Certification

*Warning: Under section 146 of the Railways Act 1993, any person who, in giving any information or making any application under or for the purposes of any provision of the Railways Act 1993, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence and so liable to criminal prosecution **C&Ps para 3.40***

In the case of agreed applications under section 18 or 22, Network Rail should fill in the required information in the box below. For disputed applications under section 17 or 22A, the applicant should fill in the required information.

I certify that the information provided in this form is true and complete to the best of my knowledge

Signed



Date 1st March 2019

Name (in caps) TAMZIN CLOKE

Job title LNW Route Contracts Manager

For (company) Network Rail Infrastructure Ltd.

10. Submission

10.1 What to send: please supply, in hard copy, the signed application form, one copy of the proposed contract or amendment, with copies of any documents incorporated by reference (other than established standard industry codes or other documents) and any other attachments, supporting documents or information. **C&Ps para 3.39**

Please also supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form, by e-mail or on disc, **in plain Microsoft Word format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting). **C&Ps para 3.37-3.38**

10.2 Where to send it:

Manager, Track Access Team
Directorate of Railway Markets and Economics
Office of Rail Regulation
One Kemble Street
London
WC2B 4AN