

# Office of Rail Regulation's decision on applications for the Track Access Rights necessary to operate additional passenger services on the East Coast Main Line

## Introduction

1. We set out here the decision we have taken on three applications made under the Railways Act 1993 (the Act) for rights to operate additional passenger services on the East Coast Main Line (ECML). We have consulted stakeholders, asked for representations on a proposed decision, conducted a hearing and considered fully all the points raised, before reaching a final decision on this matter. We will publish a report fully setting out the reasons for our decision by 6 April 2006.

## The applications

2. We have been considering track access applications from Great North Eastern Railway Limited (GNER), Grand Central Railway Company Limited (Grand Central) and Hull Trains Company Limited (Hull Trains) who asked ORR to approve the following:

### *Grand Central - under section 17 of the Act*

- Firm rights for four services each way Monday to Saturday between Sunderland and King's Cross and a further four firm rights each way between Bradford and King's Cross, with three firm rights each way on Sundays on both routes. Whilst the original application was for a five-year contract, and was based on the use of existing off-lease rolling stock, Grand Central now plans to acquire new rolling stock, and has indicated that it would be seeking a contract for these rights for a period of ten years.

### *Hull Trains - under section 22 of the Act<sup>1</sup>*

- Firm rights for a sixth weekday path and fifth Saturday path and contingent rights for a fourth Sunday path each way between Hull and King's Cross.

### *GNER - under section 22A of the Act*

- Additional contingent rights for five weekday Leeds – King's Cross services each way which would be used together with existing rights to operate a half-hourly off-peak service between London and Leeds.

## The decision

3. We have made the decisions set out below on the three applications.

---

<sup>1</sup> Hull Trains applied to ORR on 1 February 2005 to introduce these additional services from 12 June 2005 until the end of its current contract in 2010. We explained that until we could establish the extent of the available capacity and consider all three applications together, we could not consider long-term rights. We initially approved the additional rights until December 2005 (later extended to December 2006).

### *Grand Central*

- We will approve three firm rights each way (Monday to Sunday) for Grand Central to operate services between King's Cross and Sunderland calling at York, Thirsk, Northallerton, Eaglescliffe and Hartlepool. These rights will take effect no earlier than December 2006.
- Grand Central's access rights should enable a spread of services through the day, but otherwise contain a degree of flexibility at the discretion of Network Rail, subject to the exercise of the decision criteria in part D of the Network Code. In particular, we do not expect to approve weekday rights which entitle Grand Central to arrivals at King's Cross before 10:10 or to departures from King's Cross between 16:55 and 18:40. In addition, we expect the access rights to allow for approximately 20 minutes of pathing time between King's Cross and Northallerton, and vice versa.
- Grand Central's track access contract will have a minimum term of five years; however, given our current policy in respect of longer term access agreements, we will be prepared to consider whether this term should be longer if, for example, this is linked to investment in new rolling stock.
- We expect Grand Central to use 125 mph rolling stock with performance characteristics as good as that of HSTs;
- Grand Central's access contract will contain an access charges review re-opener which will take effect from 1 April 2009.
- We expect Grand Central's contract to contain provisions requiring its co-operation with the introduction of a standard hourly timetable on the ECML.
- Grand Central's track access contract will be subject to it meeting the usual statutory and safety requirements.

### *Hull Trains*

- We will approve (until the end of its current contract in June 2010) one additional contingent right each way (Monday to Sunday) for Hull Trains to operate services between King's Cross and Hull.
- This additional right will be subject to an access charges review re-opener, which will take effect from 1 April 2009.
- We shall review whether this additional right should remain contingent or become a firm right, in the light of experience; any such change would take effect no earlier than December 2007.

### *GNER*

- Our 'minded to' decision indicated that there was insufficient capacity to accommodate the additional rights sought by GNER, in addition to those we proposed to grant to Grand Central and Hull Trains, without a major recast of the timetable. We have subsequently received further

representations which suggest that this may not, after all, be the case and that a more limited timetabling exercise may be sufficient to identify additional capacity for some or all of the additional GNER services.

- Nevertheless, we have not been able to form a conclusive view.
- Accordingly, we require Network Rail to work with relevant operators (including Grand Central, Hull Trains, GNER and existing freight operators) to complete a timetabling exercise, as soon as possible and no later than 30 June 2006. The exercise will:
  - address, in particular, the section between Peterborough and Doncaster (in both directions); and
  - establish whether it is possible to path four GNER services per hour (that is, including a half-hourly Leeds service) in a way which is consistent with the planned three Grand Central services and the one additional Hull Trains service, without conflicting with other existing passenger and freight rights and services on the route and any other firm plans for services before December 2009; and
  - aim to produce an interim set of adjustments to the timetable, pending the outcome of the Route Utilisation Strategy exercise which should address longer term passenger and freight demands.
- If, and to the extent that, this demonstrates the potential availability of capacity over this key route section, having regard to the existing requirements of freight and passenger operators on the route, we would be minded to approve contingent rights for GNER to operate up to five additional weekday Leeds to King's Cross services each way. The ability of GNER to exercise these rights, and the date from which it would be able to do this, would then be determined by the normal timetabling criteria. These include the ability of Network Rail, working with operators, to resolve pathing and performance issues over the route as a whole.

## **Next Steps**

4. Network Rail will:
  - carry out the necessary timetabling work to accommodate Grand Central's and Hull Trains' new access rights from December 2006;
  - discuss any necessary modifications to existing access rights with those operators whose contracts contain modification provisions, and then notify ORR by 30 June 2006 of the changes which need to be made;
  - complete the timetabling exercise described above, and submit it to ORR as soon as possible and no later than 30 June 2006.

**Office of Rail Regulation  
23 March 2006**