



## **APPLICATION TO THE OFFICE OF RAIL AND ROAD FOR A PASSENGER TRACK ACCESS CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT**

ORR ensures that train operating companies have fair access to the rail network and that best use is made of capacity. If a train operator wants to access the national railway network, it will need a track access agreement with Network Rail which requires ORR's approval under the Railways Act 1993. When determining access to the network, we must have regard to our [statutory duties](#), most of which are set out in section 4 of the Act. We must exercise our functions (which include the approval of access contracts) in a way that we consider best achieves those duties.

Use this form to apply to the Office of Rail and Road (ORR) for a passenger track access contract, or an amendment to an existing contract by a supplemental agreement, under sections 17-22A or the Railways Act 1993.

It sets out ORR's standard information requirements for considering applications. Our [track access guidance](#) (and our [making an application](#) guidance in particular) explains the process, timescales and the issues we will consider. Please read the guidance before completing the contract and this form.

If the facility owner and beneficiary have agreed terms, the facility owner should fill in the form. If not, the beneficiary should fill in the form.

A pre-application industry consultation is usually required before submitting an application. Please see the industry [code of practice for track access application consultations](#) for more information.

This form should be completed up to section 10 and sent to consultees along with a copy of the proposed contract or supplemental agreement. Sections 10 and 11 should be filled in after the consultation and before applying to ORR.

We are happy to talk to you informally before you apply. Please contact us [here](#). You can download a copy of this form, and of our model track access contract, from our [website](#). Please ensure that you are using the latest version of this form as published on our website. We may ask for applications which have not used the latest version to be resubmitted.

You may also use and adapt this form if necessary to apply to use railway facilities other than those of Network Rail. Do not use this form for HS1, for which a separate form is available on our [website](#).

## 1. Application Summary

### 1.1 Beneficiary company name:

West Midlands Trains Ltd
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### 1.2 Facility owner details:

Network Rail:	<input checked="" type="checkbox"/>				
Region:	Southern <input type="checkbox"/>	Eastern <input type="checkbox"/>	North West & Central <input checked="" type="checkbox"/>	Wales & Western <input type="checkbox"/>	Scotland's Railway <input type="checkbox"/>
Other Facility Owner:	<input type="checkbox"/>	Please state:			

### 1.3 Application under the Railways Act 1993 section:

17 <input type="checkbox"/>	18 <input type="checkbox"/>	22 <input type="checkbox"/>	22A <input checked="" type="checkbox"/>
Supplemental Number:			31 <sup>st</sup>
Current contract date:			15 <sup>th</sup> May 2019
Current contract expiry date:			PCD 2026

### 1.4 Applicant status:

Public Service Operator <input checked="" type="checkbox"/>	Public service contract start date:	19 September 2021
	Public service contract end date:	20 September 2026
	Name of funder (e.g. DfT, Local Authority):	DfT
	Does the funder support this application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Open Access <input type="checkbox"/>		
Charter Operator <input type="checkbox"/>		

### 1.5 Executive summary of the proposed contract or amendment:

The purpose of this proposed Supplemental Agreement is to update the Track Access Contract ('the Contract') between West Midlands Trains and Network Rail to provide West Midlands Trains firm access rights for 34 additional services as part of their May 25 timetable change bid.

The rights required in the proposal for West Midlands Trains are for the curtailment of its existing hourly Worcester – Stratford-Upon-Avon (via Dorridge) service at Dorridge and overlay the remainder of the existing timetable with an hourly Birmingham Snow Hill – Stratford-Upon-Avon service, between Monday and Saturday.

Proposed commencement date:	SCD 2025
End date:	End of Contract.
Date approval or directions wanted by:	TBC

### 1.6 Industry consultation:

Who carried out the consultation?	Akaash Bhandari		
Consultation start date:	20 <sup>th</sup> May 2024	Consultation end date:	21 <sup>st</sup> June 2024
Not carried out <input type="checkbox"/>			

### 1.7 Applicant details

<u>Facility Owner</u> Company: Network Rail Infrastructure Ltd Contact name: Akaash Bhandari Job title: Franchise & Access Support Manager Address: 2 <sup>nd</sup> Floor Baskerville House, Centenary Square, Broad Street, Birmingham, B1 2ND	<u>Beneficiary</u> Company: West Midlands Trains Ltd Contact name: Scott Turner Job title: Network Access Manager Address: West Midlands Trains Ltd, 134 Edmund Street, Birmingham, B3 2ES Phone: [REDACTED]
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Phone: [REDACTED]	E-mail: [REDACTED]
E-mail: [REDACTED]	

**1.7 Date of application to ORR:** 24<sup>th</sup> June 2024

**1.8 Checklist of documents attached to the application form:**

- Proposed new contract (S17 or S18) or supplemental agreement (S22 or S22A)
- Marked up Schedule 5 (where applicable)
- Marked up comparison to model contract (where applicable)
- All consultation correspondence
- Supporting documentation required for competing services (see section 6.2)
- Other supporting documents, side letters or collateral agreements (please list):


**2. Licence and railway safety certificate**

**2.1** Please state whether:

- you intend to operate the services yourself; or
- have them operated on your behalf. 
  - if so, please name the proposed operating company:

**2.2** 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.

**3. The proposed contract or amendment**

**3.1 Application overview:** Please detail 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).

The 31st Supplemental Agreement seeks to amend West Midlands Trains Schedule 5 Tables in their Track Access Contract to include an additional quantum of 34 access rights.

West Midlands Trains are looking in their May 2025 timetable to carry out a number of changes to their timetable, some of which are part of an ongoing programme changes linked to reflecting changes in passenger demand and aim to ultimately reshape West Midlands Trains offering to its customers in line with operational feedback and experience.

West Midlands Trains intends to curtail its existing hourly Worcester – Stratford-Upon-Avon (via Dorridge) service at Dorridge and overlay the remainder of the existing timetable with an hourly Birmingham Snow Hill – Stratford-Upon-Avon service, between Monday and Saturday, that will only call at Solihull, Dorridge and Lapworth/Stratford Parkway (alternating by hour).

The aim behind the change is improving capacity for passengers, meeting passenger demand as a direct result of feedback and observations of changing passenger demand, the net capacity impact of this change will see an additional train per hour operating in the corridor between Birmingham Snow Hill and Dorridge on Monday – Saturday.

The principles underpinned West Midlands Trains Snow Hill lines re-cast in May 2023 will remain in place within the additional changes south of Snow Hill, these principles are those which led to a right-time performance improvement of approximately 10% and were a key driver in West Midlands Trains recently winning a Silver Whistle award for Most Improved Regional Operator for that period.

Additional quantum required.

From	To	Via	Description	Timing load	Day of week	Required
Birmingham Snow Hill	Dorridge	Direct	1.1	172	SX	10
Birmingham Snow Hill	Stratford upon Avon	Whitlocks End	1.4	172	SX	2
Stratford upon Avon	Birmingham Snow Hill	Dorridge	1.16	172	SX	1
Birmingham Snow Hill	Dorridge	Direct	1.1	172	SO	8
Dorridge	Birmingham Snow Hill	Direct	1.12	172	SO	10
Birmingham Snow Hill	Stratford upon Avon	Dorridge	1.5	172	SO	2
Stratford upon Avon	Birmingham Snow Hill	Dorridge	1.16	172	SO	1

**3.2 Safety risks:** Please 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).

Maintenance colleagues at Network Rail will be consulted on the application in order to satisfy that no safety risks will be identified and left unmitigated. This application will also be managed as part of the TP-RAM process and Network Rail internal colleagues will be consulted on the application.

**3.3 Contract duration:** For new agreements or extensions to existing agreements, please provide justification for the proposed duration and, if more than 5 years, with reference to the [Railways \(Access, Management and Licensing\) Regulations 2016](#).

Not applicable to this application

**3.4 Terms not agreed with the facility owner (for applications under sections 17 or 22A only):**

Please explain any areas of the application which have ***not*** been agreed, the reasons for the failure to agree and the reasons for seeking these provisions.

Due to the requirement by the ORR for operators to submit unsupported applications by the 20<sup>th</sup> of May 2024 Network Rail have not been able to fully agree the application or take the proposed application to a SOAR panel.

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

Does the proposed contract include any departures from ORR's model access contract:

Yes

No

If yes, please set out and explain any:

- areas where the drafting of the application changes ORR's published template access contracts (as appropriate, cross-referencing to the answers below). Please also explain why these departures have been made.

- 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 access contracts, including the financial implications (e.g. establishment of an access charge supplement or rebate).

- new processes (e.g. a self-modification provision) which have been added. Please also demonstrate fully how this new process is robust and complete.

**3.6 Consolidated contract**

For amendments to existing contracts, is the version of the consolidated contract on our [website](#) fully up to date? If not, please explain why not.

The West Midlands Trains' TAC was last consolidated to incorporate the changes made by the 25<sup>th</sup> Supplemental Agreement and fully uploaded onto the ORR website.

## 4. The impacts of the proposal

**4.1 Benefits:** please set out what specific benefits the proposal will achieve. Please describe the benefits to passengers and any impact on other operators, including freight operators.

The changes required in the proposed May 2025 timetable will allow West Midlands Trains to run its timetable as indicated within its Train Service Specification.

The changes detailed will also allow West Midlands Trains to improve performance south of Snow Hill, this is made possible by the introduction of firebreaks at Birmingham Snow Hill and Moor Street, increased turnround times and increased dwell times, this is along with the undertaking a widespread review of Sectional Running Times (SRTs) and Timetable Planning Rules on the route in conjunction with stakeholder.

The benefits of such changes are evident by the results of May 2023 Snow Hill Lines re-cast.

Another major benefit of the proposed changes is an overall increase in passenger capacity in the West Midlands region, this is along with increases extending to Stratford.

As we move away further from the Covid – 19 pandemic and see passenger demand returning along with the increased need for modal shift of passengers to rail, West Midlands Trains needs to ensure its service provision is correctly aligned to passengers for the rest of the current contract.

**4.2 Capacity:** How have you satisfied yourself that there is enough network capacity for the services in the proposal? Please include details on all relevant capacity considerations, including but not limited to track, platform availability, and power supply traction.

On the Snow Hill lines the busiest hours will see a maximum of 6 trains per hour operating on any section of the corridor in each hour / direction, at any one time, meaning an average of a train every 10 minutes.

By comparison, back in 2019, there were routinely 9 trains per hour operating between Birmingham Snow Hill/Moor Street and Tyseley South Jn (6 per hour WMT, 3 per hour Chiltern) and 8 trains per hour operating between Tyseley South Jn and Dorridge (3 per hour WMT, 3 per hour Chiltern, 1 per hour XC and 1 per hour Freight).

Network Rail's Timetable Planning Rules (TPRs) determine that there is a capacity to accommodate 20 trains per hour between Dorridge and Small Heath South Jn in each direction (planning headway of 3 minutes) and 15 trains per hour between Small Heath South Jn and Birmingham Snow Hill in each direction (planning headway of 4 minutes).

These determinations are industry agreed and the values inherently contain an element of performance buffer, therefore the technical capability of the infrastructure on this corridor is even greater. West Midlands Trains proposes, therefore, that our intended uplift in service is well within defined capacity parameters and that the performance impact of these changes will be minimal.

The standard hourly timings of our proposed paths are as follows:

Depart Birmingham Snow Hill	xx:44
Depart Birmingham Moor Street	xx:49
Arrive Stratford-Upon-Avon	xx:25
Depart Stratford-Upon-Avon	xx:54
Arrive Birmingham Moor Street	xx:31
Arrive Birmingham Snow Hill	xx:33

**4.3 Performance:** What is the impact on network performance? Please outline your assurance process that shows that any performance risk is tolerable in comparison to the benefits of the application. Please explain any risk mitigations. Please attach any associated evidence to support your case.

In May 25, West Midlands Trains intends to curtail the existing hourly Worcester – Stratford-Upon-Avon (via Dorridge) service at Dorridge and overlay the remainder of the existing timetable with an hourly Birmingham Snow Hill – Stratford-Upon-Avon service, between Monday and Saturday, that will only call at Solihull, Dorridge and Lapworth/Stratford Parkway (alternating by hour). The net capacity impact of this change will see an additional train per hour operating in the corridor between Birmingham Snow Hill and Dorridge on Monday – Saturday, where the hourly service level can then be summarised as follows:

#### Standard services

- 1 Train per hour Chiltern Birmingham Moor Street – London Marylebone
- 0.5 Train per hour Chiltern Birmingham Snow Hill – London Marylebone
- 0.5 Train per hour Chiltern Birmingham Moor Street – Leamington Spa
- 2 Trains per hour WMT Worcester Foregate Street - Dorridge
- 1 Train per hour WMT Kidderminster – Whitlocks End (operates only between Birmingham Snow Hill and Tyseley South Jn)
- 1 Train per hour WMT Kidderminster – Stratford-Upon-Avon (operates only between Birmingham Snow Hill and Tyseley South Jn)

#### Other services

XC Newcastle – Reading (operating only between Small Heath South Jn and Dorridge) – this train currently operates in one hour of the day in each direction, increasing to sporadic hours from Jun '24, Freight operates only between Small Heath South Jn and Dorridge on an ad-hoc basis.

There will be 2 circuits in operations, both 2-car Class 172 trains. The circuits are self-contained, meaning in times of significant perturbation, we would be able to cancel services in this service group, without transmitting any significant delay into other service groups. The traincrew that would work on these services would be based at Birmingham Snow Hill, on the route, supporting efficient operation.

For May 2023, we initiated a full timetable re-cast on the Snow Hill lines, which led to a right-time performance improvement of approximately 10% and was a key driver in us recently winning a Silver Whistle award for Most Improved Regional Operator for that period.

The abiding principles which underpinned that change and the overall structure, will remain in place, such as ensuring there was sufficient recovery time in schedules by adding firebreaks at Birmingham Snow Hill and Birmingham Moor Street, increasing turnround times, increasing selected dwell times and the undertaking of a widespread review of Sectional Running Times (SRTs) and Timetable Planning Rules on the route, this was in conjunction with colleagues at Chiltern Railways and Network Rail.

West Midlands Trains will be extending those principles to this change, each service will have a 29-minute turnround at Stratford-Upon-Avon and an 11-minute turnround at Birmingham Snow Hill, there will be an extended dwell at Birmingham Moor Street when operating southbound and we recently increased the running time for Class 172 trains between Lapworth and Dorridge.

We are fully confident this will support a healthy level of right-time performance, as with all recent timetable changes that we have administered will continue to review and refine those changes if necessary once they have gone live ensuring performance output remains robust.

We also remain an active participant in the Steer Group-led Stratford-Upon-Avon Train Services Options Workshop, which is intended to inform timetable output on the route for Dec 24 and beyond, which should give some assurance that our proposals are being captured as part of strategic timetable

development work on the route, which will ultimately be subject of performance scrutiny in its own right.

**4.4 Maintenance and renewals:** Are there any implications for the facility owner's maintenance and renewal activities?

The application will be circulated internally amongst Network Rail's NW&C maintenance colleagues to ensure risks are identified and managed appropriately.

## 5. The expression of access rights

**5.1 Changes to rights:** please provide full descriptions of any new rights required, as compared to the previous contract (in the case of an amendment). Please attach a fully marked-up version or document comparison of any tables in Schedule 5 which are being modified as a result of this application.

The application to grant these firm rights to West Midlands Trains will see the quantum of services in Schedule 5 Table 2.1 for Passenger Train Slots within the Track Access Contract increase by 34.

Annex A shows a marked up copy of the Schedule 5 tables with the changes enacted and Annex B shows a clean version of the tables from a previous consolidated agreement.

**5.2 Flexing rights:** Please explain any limitations on the facility owner's flexing rights in the proposal and the rationale for such limitations.

Not applicable to this application

**5.3 Specified equipment:** Please explain any changes to specified equipment (rolling stock). Has 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.

Class 172 Diesel Multiple Units.

**5.4 Contractual obligations:** Are the proposed services necessary to fulfil obligations under a public service contract? For publicly contracted operators seeking additional access rights, we will expect to see evidence of funder support for the specific rights and of operators' intent and ability to operate the new services.

The requirement to undertake this series of changes has been discussed with the funder and approval has been given to continue to develop the plan.

However, the current requirement by the ORR for operators to make their aspirations known by the 20<sup>th</sup> of May deadline has accelerated our need to apply for these rights.



**5.5 Public funding:** Other than the DfT, Welsh Government or Transport Scotland, are the proposed services subject to financial support from central or local government including PTEs. If so, please give details.

Not applicable to this application

**5.6 Long Term Planning Process:** Is the Long Term Planning Process (or similar devolved authority or regional service delivery project) relevant to this application? If so, please explain how the proposed rights are consistent or inconsistent with this.

All changes contained within this proposal will be bid for as part of the Long-Term Planning Process.

## 6. Competing passenger services:

We would expect to apply the 'not primarily abstractive' test to:

- (i) a new open access service which would compete with franchised services and so impact on the public sector funder's budget;
- (ii) a new franchised service which would compete with an existing franchised service, where we would expect to focus the test on areas where the competing franchised services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder's budget; and
- (iii) a new service, which might be open access or franchised, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

**6.1** Please state if your application is for a competing passenger service, and if so please describe the nature of the competition:

No competing aspirations for capacity have been identified or are known about at this stage.

**6.2** For competing services, please also confirm that you have attached as part of your submission to ORR the following:

- Business plan, including details of:
  - forecasts of passenger traffic and revenues, including forecast methodology;
  - pricing strategies;
  - ticketing arrangements;
  - rolling stock specifications (e.g. load factor, number of seats, wagon configuration);
  - marketing strategy;
  - estimated elasticities of the services (e.g. price elasticity, elasticity with respect to quality characteristics of the services).
- Demand forecasting (including associated spreadsheet models) demonstrating modelled generation : abstraction ratio.

- Indicative timetables, including associated .spg files



## 7. Incentives

**7.1 Train operator performance:** please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving operator performance.

Not applicable to this application

**7.2 Facility owner performance:** please describe any planned performance improvement initiatives and/or enhancement projects associated with the operation of the proposed services aimed at improving the facility owner's performance.

Not applicable to this application

**7.3 Monitoring of services:** Will all proposed services be monitored for performance throughout their journey? If not, please explain.

The performance of these services will be kept under regular review. Network Rail and West Midlands Trains will monitor performance along these lines of route every four to six weeks and feedback findings to their respective performance teams for visibility.

**7.4 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.

Due to the requirement by the ORR to submit unsupported applications by the 20<sup>th</sup> of May 2024 Network Rail have not been able to fully agree the application or take the proposed application to a SOAR panel.

## 8. Enhancement

**8.1 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).

Not applicable to this application

**8.2 Enhancement charges:** please confirm that the arrangements for the funding of any network enhancements are consistent with the [investment framework](#), and summarise the level and duration of payments, and the assumed rate of return.

Not applicable to this application

## 9. Other

**9.1 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). Where the application is being made in parallel with any other application from the same operator, please ensure the applications are consistent with one another. Where the application relies on another operator relinquishing access rights, please provide evidence that this process has been completed.

- 29<sup>th</sup> supplemental agreement application for full rights for 19 services.
- 28<sup>th</sup> supplemental agreement application for Liverpool and Shrewsbury Enhancements.
- 22<sup>nd</sup> supplemental agreement application for Camp Hill – Dec '24 rights.
- 30<sup>th</sup> supplemental agreement application for Cross City May 24 Rights.

**9.2 Side letters and collateral agreements:** please 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.

Not applicable to this application

**9.3 Confidential redactions:** please list any information that you have redacted from any documentation sent to consultees. If there has been no pre-application consultation, please list any information you want us to exclude from publication. Please provide full reasons for any redactions.

Not applicable to this application

## 10. Pre-application consultation

### 10.1 The consultation:

If consultation has not been carried out, explain why not. If it has, please list the consultees.

Who conducted the consultation?

List all consultees who responded and include their responses and any associated documentation or correspondence between the parties.

**10.2 Resolved issues:** please explain any issues raised by consultees which have been resolved.

**10.3 Unresolved issues:** Please explain any issues raised by consultees which have ***not*** been satisfactorily resolved and why you think these issues should not stop ORR approving the application.

**10.4 Subsequent Changes:** Have any changes been made to the proposal following consultation?

## 11. 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.*

**For agreed applications under section 18 or 22, Network Rail should complete the information below. For disputed applications under section 17 or 22A, the beneficiary should complete it.**

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

Signed \_\_\_\_\_ Date **17<sup>th</sup> May 2024**

Name (in caps) **SCOTT TURNER** Job title **Network Access Manager**

For (company) **West Midlands Trains Ltd**

## 12. Submission

**12.1 What to send:** please supply the application form, the proposed contract or amendment and, where possible, any other supporting information, in electronic form by e-mail, **in plain Microsoft Word or Open Document Text format** (i.e. excluding any macros, auto-para or page numbering, or other auto-formatting).

### 12.2 Where to send it:

Email: [track.access@orr.gov.uk](mailto:track.access@orr.gov.uk)