

Ian Williams
Track Access Manager
Office of Rail and Road
One Kemble Street
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WC2B 4AN

17th November 2017

Dear Ian,

London & Birmingham Railway Ltd ('London Midland') – proposed 5th Supplemental Agreement

I am writing with regards to the proposed 5th Supplemental Agreement between London Midland and Network Rail, relating to the proposed operation of an hourly shuttle service between Coventry and Leamington Spa. In the light of recent project developments this letter aims to provide an update to the ORR on behalf of both London Midland and West Midlands Trains Limited.

You will of course be aware of the performance concerns raised by other operators in responses to the industry consultation, and in particular the perceived risks associated with the operation of the Sunday timetable. As we clearly stated in our application, a number of operational workshops have been held between London Midland, Network Rail and other affected operators to discuss potential contingency arrangements to minimise the overall performance risks. The most recent of these cross-industry meetings was held on the 25th September 2017, and whilst there was a degree of comfort amongst attendees regarding the operation of the SX and SO timetables, the deliverability of the Sunday service was still considered to be a challenge.

At the aforementioned meeting, West Midlands Trains Limited (the next West Midlands franchisee) announced their proposal to operate the Kenilworth service using Class 172 rolling stock, which would offer a degree of performance mitigation for Sundays due to its relatively faster sectional running times compared to a Class 153 (upon which the timings for the December 2017 timetable were based). Whilst it is still the preferred option of West Midlands Trains Limited to resource the shuttle service using Class 172 equipment, unfortunately it has not proved possible to secure this type of rolling stock in time for the proposed start of service in December. It is therefore likely that, subject to the appropriate access rights being granted, the service will need to be initially resourced using a Class 153 (all week) from the existing fleet, to be replaced by a Class 172 once a unit can be released next year.

The implications of this relatively late decision to operate the service using Class 153 equipment need to be understood in detail, particularly in terms of the impact on the overall maintenance regime. This is because it will involve a requirement to increase the fleet utilisation for Class 153s, which could potentially impact on the overall deliverability of a seven-day timetable due to the reduced maintenance downtime, leading to a greater risk of unit failures during the week if appropriate mitigations are not put in place. This could significantly compromise passenger confidence in the new service.

Taking into account these recent changes to the rolling stock assumptions, and consequential potential delivery risks, discussions between the DfT, West Midlands Trains Limited and London Midland concluded that if there is a necessary trade-off in terms of delivery, that we should prioritise the delivery of the SX and SO services in the short-term, and therefore not progress with the application for a Sunday service at this current time. This is until we can reach a more stable

position with regards to rolling stock and maintenance that we are confident will support the robust delivery of a full seven-day timetable.

The proposed 5th Supplemental Agreement will therefore be amended to request access rights for the SX and SO services only, and the previously requested quantum of rights for Sunday services withdrawn. An application for access rights for Sunday services will be submitted separately at an appropriate point in the future once the longer-term rolling stock arrangements have been confirmed.

I trust that this clarifies the current situation but please do not hesitate to contact me if you have any queries.

Yours sincerely



James Carter
Network Access Manager
London Midland

Copies to:

Carew Satchwell, Network Rail
Russ Cunningham, West Midlands Trains Ltd
Jonathan Rodgers, Office of Rail and Road