

# Passenger track access for existing train operators

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# 1. Introduction

This section of the code of practice will be useful if you are an existing train operator if you are seeking a new track access contract, or if you wish to amend an existing contract.

## 2. New track access contract

If you are seeking to develop a new track access contract, the first thing you will need to do is discuss this with the customer team you usually work with at Network Rail.

They will provide initial guidance on how likely you are to obtain new network paths. They will also inform you of any technical constraints that may exist. For further information, please consult: <http://www.networkrail.co.uk/asp/10536.aspx>

Then, if you wish to continue developing a new access contract, the team will guide you through the process:

1. We'll need certain assurances (or evidence of a realistic expectation that they will be met) and information to evaluate your ability to deliver what you propose. You'll need to work with your Customer Relationship Executive to understand the assurances we'll need. As an existing train operator, you should already be meeting these assurances. You'll find further details on the [ORR's website](#)
2. You will need to negotiate with us in order to finalise the new track access contract, which is normally based on the Office of Rail and Road's (ORR) [model track access contract](#).
3. Your application for access rights will be considered in relation to the [Network Rail Sale of Access Rights process](#).

If, for any reason an agreement cannot be reached, you can apply to the ORR for a new agreement under Section 17 of the Railways Act 1993.

The ORR will review our agreement and choose to either approve it, or consult with both parties about any required changes. Once it is satisfied, the ORR will issue both parties directions to enter into the agreement in a specified timescale.

Throughout the process, we'll keep you informed of the relevant timescales, and we'll understand your business needs in terms of these timescales.

As a minimum, you should allow 18 months for this process. The timescale may differ depending on the quantity and flexibility of services you require, the level of certainty of rights you require and the complexity of timetabling.

You'll find a process chart of the procedural stages and anticipated timeframes on the [ORR website](#).

### 3. Amending a track access contract

If you wish to amend your access contract, please contact your customer team. Where your proposed amendment involves additional or amended access rights, they will be able to

give you an idea of whether the network capacity you require is likely to be available. They will also advise you if the amendment is covered by the ORR's general approval, which allows specified amendments for regular scheduled passenger services.

If you choose to continue, the team will guide you through the process:

We'll seek certain assurances (or evidence of a realistic expectation that they will be met) and information to evaluate your ability to deliver the services you've proposed. As an existing train operator, you should already be meeting these assurances. Your customer team will tell you which assurances we need.

1. You'll need to negotiate the amendment to the contract with us..
2. Your application for access rights will be considered in relation to the [Network Rail Sale of Access Rights process](#).

If the amendment is not covered by an ORR General Approval, the ORR will require specific regulatory approval under Section 22 of the Railways Act 1993. When the parties have agreed to a supplemental agreement, Network Rail will consult other train operators and industry stakeholders who may be affected, before informally submitting to the ORR. You can find out details about this in Section 3 of ORR's '[Criteria and procedures for the approval of passenger track access contracts](#)'.

After reviewing the application, ORR will inform both parties as to whether or not it will approve the proposed amendment, and whether it will stipulate any modifications.

Both parties will be required to sign the supplemental agreement (taking into account the ORR's comments) and formally submit it to the ORR under Section 22 of the Railways Act.

If for any reason an agreement for the proposed amendments could not be reached,, you can apply to the ORR for 'more extensive use of the network' under Section 22A of the Railways Act 1993. You will need to justify to the ORR how and why your application meets its 'more extensive use of the network' test.

Throughout the process, we will keep you informed of the timescales, and we'll understand your business needs in terms of these timescales. The process will be quicker in cases where you do not require specific regulatory approval, or where the amendment does not relate to access rights. In any case, you should allow at least 12 months for this to be completed.

If you'd like to discuss your proposal for a new or amended track access contract please contact the customer team you usually work with at Network Rail.

If you have a general enquiry however, or need to contact us for any other reason, please call our 24 hour National Helpline on 0345 711 4141.

## Appendix A: Assurance checklist

ASSURANCE REQUIRED	DETAILS	CONTACT
ROGS (Railways and Other Guided Transport Systems Regulations (2006))	ROGS were introduced to put the requirements of the 2004 European Railway Safety Directive into place with the aim of creating a common European railway safety framework. ROGS require the majority of railway operators to maintain a safety management system and hold a certificate stating that the safety management system has been accepted by the ORR.	The <a href="#">ORR</a> is responsible for granting certificates which indicate that an operator's safety management system has been accepted by the regulator.
Operating licence	Section 6 of the Railways Act 1993 (as amended) makes it an offence to be the operator of a railway asset without a licence or a licence exemption. Licences are granted by the ORR.	You can get detailed information about the types of licence a new operator needs, and the processes and timescales that apply, from the <a href="#">ORR</a> .
Rolling stock and staff	We need to be confident that new operators will have adequate rolling stock and staff for train services to run. You should supply us with firm confirmation of the availability of appropriate rolling stock (e.g. route cleared, and capable of keeping to the proposed timetable) and recruitment plans.	This information should be supplied to the Network Rail customer team.

ASSURANCE REQUIRED	DETAILS	CONTACT
<p>Claims Allocation and Handling Agreement (CAHA)</p>	<p>All licensed rail operators should have appropriate claims handling protocols agreed by the ORR. CAHA is the only relevant protocol. The aims of the agreement are :</p> <ul style="list-style-type: none"> <li>• to minimise the cost of claims handling to the rail industry.</li> <li>• to reduce the costs of inter-industry disputes by use of a pre- determined allocation regime for</li> <li>• small claims.</li> </ul> <p>to verify claimants are not prejudiced by disaggregation of the industry.</p>	<p>The ORR requires all operators to sign up to CAHA protocols as part of their operating licence conditions. You should ask the <a href="#">ORR</a> for details</p>
<p>Railway industry Emergency Access Code</p>	<p>It may be necessary for licence holders to grant other parties access to their network to alleviate the effects of an emergency on the Network Rail network.</p> <p>The Emergency Access Code defines everyone’s responsibilities, rights and obligations. The code lets everyone who has signed up to it gain access to railway facilities that are operated by other licence holders when it becomes necessary, so that railway vehicles that cause or are the subject of emergencies can be removed from and/or accepted onto another network as soon as it is possible.</p>	<p>We are responsible for managing the procedures and processes relating to the Emergency Access Code. This includes executing and delivering admission documents and informing the ORR and all other parties of any entries to, or withdrawals from, the code.</p> <p>Initial contact should be made with the relevant Network Rail Route Commercial Advisor (Passenger) or Route Freight Manager (Freight).</p>