



Stakeholder relations code of practice: track access for new and potential train operators

Version 2 April 2021

1. Introduction

Here at Seilwaith Amey Cymru / Amey Infrastructure Wales Limited (“AIW”) we recognise the importance of having good stakeholder relationships. We aim to develop long-term working relationships with all our stakeholders that are built upon openness, fairness and trust. We want to make it as easy as possible for you to do business with us, and this code of practice is an important part of that, letting you know what you can expect from us every time you deal with us.

This document has been designed to give a potential new operator a good insight into how we will work together to develop a track access contract and what to expect.

2. Initial steps

Access to the Core Valley Lines Network (“CVL”) is open to any operator or potential operator. In the first instance you should contact the Regulatory & Customer Manager.

The Regulatory & Customer Manager will arrange a meeting to discuss your proposal and decide what the next course of action will be. The Regulatory & Customer Manager will ask you for information relating to your proposal as outlined in Appendix 1 and assurances in Appendix 5. We require this information to help assess your proposal before we can start timetable development work.

The Regulatory & Customer Manager may well be able to give you guidance about how likely it is that paths will be available on the Network for your proposed service. This guidance will be based upon the timetable at the time and on any technical constraints which may exist in the areas in which you intend to operate.

At this first meeting, the Regulatory & Customer Manager will help you to find the information that you need, such as Office of Rail and Road (“ORR”) documentation

and track access contracts. If you wish to continue, the Regulatory & Customer Manager will guide you through the industry processes. In most cases, that means:

- a) We will seek the assurances and information in Appendix 1 to evaluate your background, and your ability to deliver the proposed services.
- b) We will negotiate with you on the terms of the track access contract and approval by the ORR.
- c) We will give you robust train slots through the timetable development process, including taking part in the annual timetable conference. Charges may apply to any special timetabling work that we carry out beyond the normal timetabling process.
- d) After that, we will work with you on various aspects, including performance, operations, and safety and compliance. All the way through the process, we'll keep you informed of the timescales that apply.

You should allow at least 18 months to complete this process. However, note that this can vary, depending on the quantity and flexibility of services you need, the level of certainty of rights you require, and how complex the timetabling is.

Please refer to the process chart showing the stages of the procedure and the anticipated timeframes in Appendix 4.

3. Principles of our code of practice

We are committed to the following eight principles, which are the minimum requirements that will be followed to demonstrate adherence to the code of practice:

1. We will respond to the needs and opinions of our stakeholders in an appropriate and timely manner.
2. We will act fairly and without bias.
3. We will engage effectively on decisions that impact stakeholders.
4. Our engagement will be proportionate to the issue and the stakeholder.
5. We will be transparent in our dealings with stakeholders. We will be clear about engagement and how stakeholder input is being taken forward.
6. Information will be provided in a timely way to assist stakeholders.
7. The information we provide to our stakeholders will be clear, concise and objective.
8. We will cooperate fully with Network Rail when stakeholder needs require this.

4. Timescales

Throughout the process, we'll keep you informed about the timescales involved in developing a track access contract and agreeing an approved train service. You can find out more about developing timetables in Appendix 3.

5. Services using the Network Rail network

AIW will cooperate fully and coordinate with Network Rail on requests for access rights that use both the CVL Network and the Network Rail Network.

6. Development of a track access contract

Once we have the assurances we need, we'll start negotiating with you to draw up a track access contract. You can start negotiating before, after or at the same time as developing a timetable although it's normal to agree the contract before so that you can exercise your required access rights during the timetabling.

We will need to carry out timetable development work and performance analysis before we can determine what capacity we can offer in the contract. If we carry out this work as part of the normal timetabling process, we won't charge you for it. If we carry it out before, we might have to charge you. We'll discuss and agree any charge with you before we take any action.

If you don't know your requirements at the time, we can agree a track access contract either during or after developing a timetable. In these circumstances, you might want to look for current timetable paths that are under development or paths which are operating. Either way, you'll need to accept that we'll give your requests a lower priority and will conclude a track access contract on the basis that the paths are made available in the timetable.

In either case, you won't be able to exercise access rights by physically running trains until the track access contract has been approved by the ORR and is in place. A track access contract sets out your contractual relationship to us. A new track access contract will usually be carried out under a submission under section 18 of the Railways Act 1993, where the contract's terms are approved by the ORR. You can read about this process in Appendix 4.

Where it is not possible to agree the terms of a track access contract, you can make an application to the ORR for a new agreement under section 17 of the Railways Act 1993. This part of the Act lets you submit where you haven't been able to reach an agreement with us.

7. Further guidance material

AIW has published the following documents to assist in your developments:

- Network Statement
- Framework Capacity Statement
- CVL Network Code
- Template Track Access Contracts for use on the CVL Network

These appear on the web at:

<https://tfwrail.wales/about-us/core-valley-lines-infrastructure-manager>

The ORR has also published several useful documents that you can read alongside this document:

Starting mainline rail operations: a guide to the regulatory framework.

https://orr.gov.uk/_data/assets/pdf_file/0015/4434/starting-mainline-operations.pdf

Track Access Guidance can be found at the link below:

<https://orr.gov.uk/rail/access-to-the-network/track-access/guidance>

8. Who do I contact?

To discuss your proposal and the process for obtaining a track access contract, please direct all communications to the Regulatory & Customer Manager using the contact details below:

Regulatory & Customer Manager

Seilwaith Amey Cymru / Amey Infrastructure Wales Limited

Transport for Wales CVL Infrastructure Depot Ty Trafnidiaeth

Treforest Industrial Estate

Gwent Road

Pontypridd

United Kingdom

CF37 5UT

Email: cvltrackaccess@amey.co.uk

Appendix 1 - Assurances required

We need the following assurances to be met - or be given evidence of a realistic expectation that they will be met – before incorporating any bid to run train services into a timetable, and before entering into negotiations to draw up a track access contract.

As a prospective operator you'll need to assure us that you're financially and practically able to operate a successful train service. You must also agree to be bound by the timetabling process. As operator of the CVL Network, we will decide if your evidence is satisfactory. So you need to demonstrate:

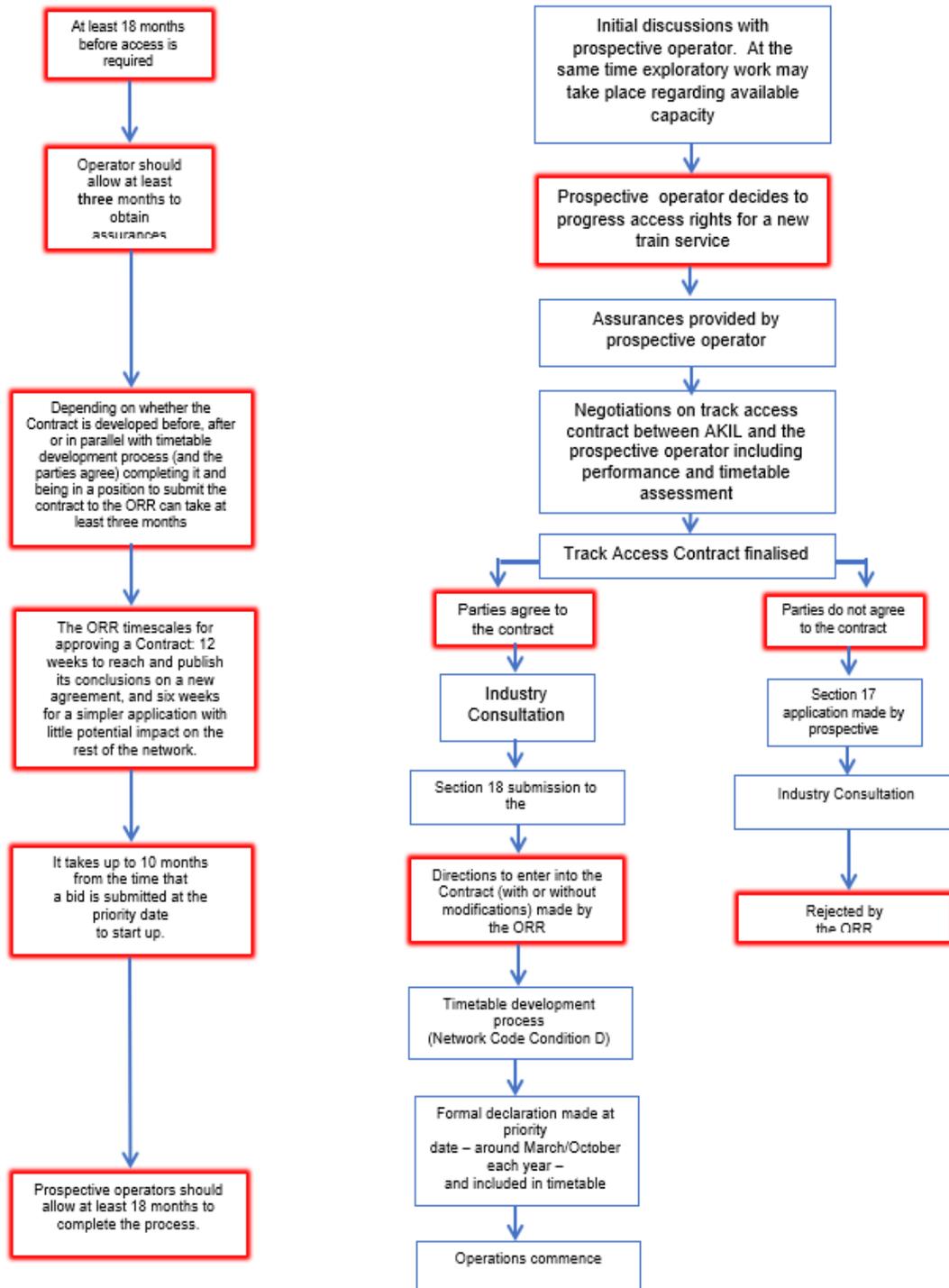
- a) that you have a sound business case;
- b) that you as the operator will have sufficient funds to pay your liabilities to us;
- c) that you can source rolling stock and staff;
- d) that you meet the requirements of the Railways and Other Guided Transport Systems Regulations 2006 (“ROGS”);
- e) that you will have an operating licence or exemption, or that the ORR or Secretary of State has given public notice that they are minded to grant such a licence;
- f) that you have the necessary railway expertise, including train planning experience and train service operation;
- g) that you will have the relevant permissions to use the terminals, freight facilities or stations that you need.

We will also need to consider:

- a) whether there's enough capacity on the whole of your proposed route, for the entire duration of the proposed service(s);
- b) the impact of any new service proposals on the Rail Strategy of the Welsh Government.

You should also consider the assurance checklist in Appendix 5.

Appendix 2- Gaining a track access contract



Appendix 3 Timetable development

AIW is responsible for timetable planning of services on the CVL network, however it has contracted the timetable planning process to Network Rail. The Regulatory & Customer Manager will give you details of the appropriate train planning contact to help you develop your service plans to the process set out in Part D of the CVL Network Code.

The Core Valley Lines Network Code is an industry document which describes the rules which are incorporated into each access agreement. The Regulatory & Customer Manager will, in most cases, act as the key contact for train planning and will help you assess if and where space exists in a future timetable for potential new services.

The Timetable Planning Rules contains a description of the timetable planning process, together with details of the planning schedule and requirements you'll need to meet as you bid for train paths. The Regulatory & Customer Manager will be able to guide you through the exact process you'll need to follow. Network Rail publishes the Timetable Planning Rules for the Core Valley Lines network under their Operational Rules section – the link is below:

<https://www.networkrail.co.uk/industry-and-commercial/information-for-operators>

In planning the CVL Network, Network Rail will after they have received declarations from every train operator that wants to run services in the new timetable, will consult with them all and develop a draft timetable. As a potential train operator, you can amend, delete or add to your bid up to four weeks before Network Rail issue the draft timetable. Once it's been issued, all the train operators have time to assess the draft and tell Network Rail about any amendments they need.

We won't keep the information you provide as part of the timetable process confidential, unless there are exceptional circumstances.

The exact timescales for the timetable development process vary from year to year. These details are provided in the Operational Rules published by Network Rail.

Bidding train paths into an established timetable

Operators whose commercial needs dictate that they need access to the network more quickly than the full timetable process allows can use the 'Train Operator Variation' process. This gives access to train paths, as long as there's an approved track access contract in place when the paths are used. You'll find full details in the CVL Network Code and in the Timetable Planning Rules (see above).

Appendix 4 Process for obtaining the ORR's approval

The Regulatory & Customer Manager will work with you to fill in the template model track access contract. This can be found at <https://tfwrail.wales/about-us/core-valley-lines-infrastructure-manager>.

It is likely that successive drafts will be developed until both parties are happy that the document reflects the contractual relationship they want to work under.

Once we've agreed your proposed access rights in principle and set out in the track access contract, we will consult with other operators about your proposal's impact on their access rights. If necessary, and with your agreement, we might amend or flex your rights to avoid conflicts with other operators' rights.

After a period of industry consultation, we'll jointly submit the final track access contract to the ORR with feedback from the consultation with other operators. You can find out more about this at:

https://orr.gov.uk/data/assets/pdf_file/0005/17591/making-a-track-access-application.pdf.

The ORR must approve the contract before you can operate train services. If the ORR is satisfied, it will give directions to you and to us to enter into the track access contract, which may have modifications. When it's been signed and exchanged, the agreement is "live", and you can start the operations it permits.

Appendix 5 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 ORR is responsible for granting certificates which indicate that an operator's safety management system has been accepted by the ORR. |
| 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. New passenger operators will need to obtain a passenger licence and, depending on their proposed operation, a station licence and/or a light maintenance depot licence. | You can get detailed information about the types of licence a new operator needs, and the processes and timescales that apply, from the ORR |
| Business case | The new operator's business case proposal must be realistic and achievable, and must be consistent with the reasonable requirements of other customers and funders. We will need to see a copy of your business case before we progress your proposals. | The CVL Regulatory & Customer Manager |
| Rolling stock and staff | We need to be confident that new operators will have adequate rolling stock and staff for train services to run. They 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. | You should ask for a detailed explanation of our requirements from the CVL Regulatory & Customer Manager. |
| Claims allocation and handling agreement (CAHA) | 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: <ul style="list-style-type: none"> • to minimise the cost of claims handling to the rail industry • to reduce the costs of inter-industry disputes by use of a predetermined allocation regime for small claims • to verify claimants are not prejudiced by disaggregation of the industry. | The ORR requires all operators to sign up to CAHA protocols as part of their operating licence conditions. You should ask the ORR for details |
| Railway expertise e.g. train planning | Planning and running a train service on the rail network in Britain is extremely complex. We need to know that new operators have the experience, skills and knowledge they need to be an effective and efficient operator of passenger trains. | When a potential new operator first contacts us, our commercial team will work closely with them to verify that they have the necessary expertise and understanding of the complexities of the rail industry. |