

ROC Section 4 – Train Regulation Policies

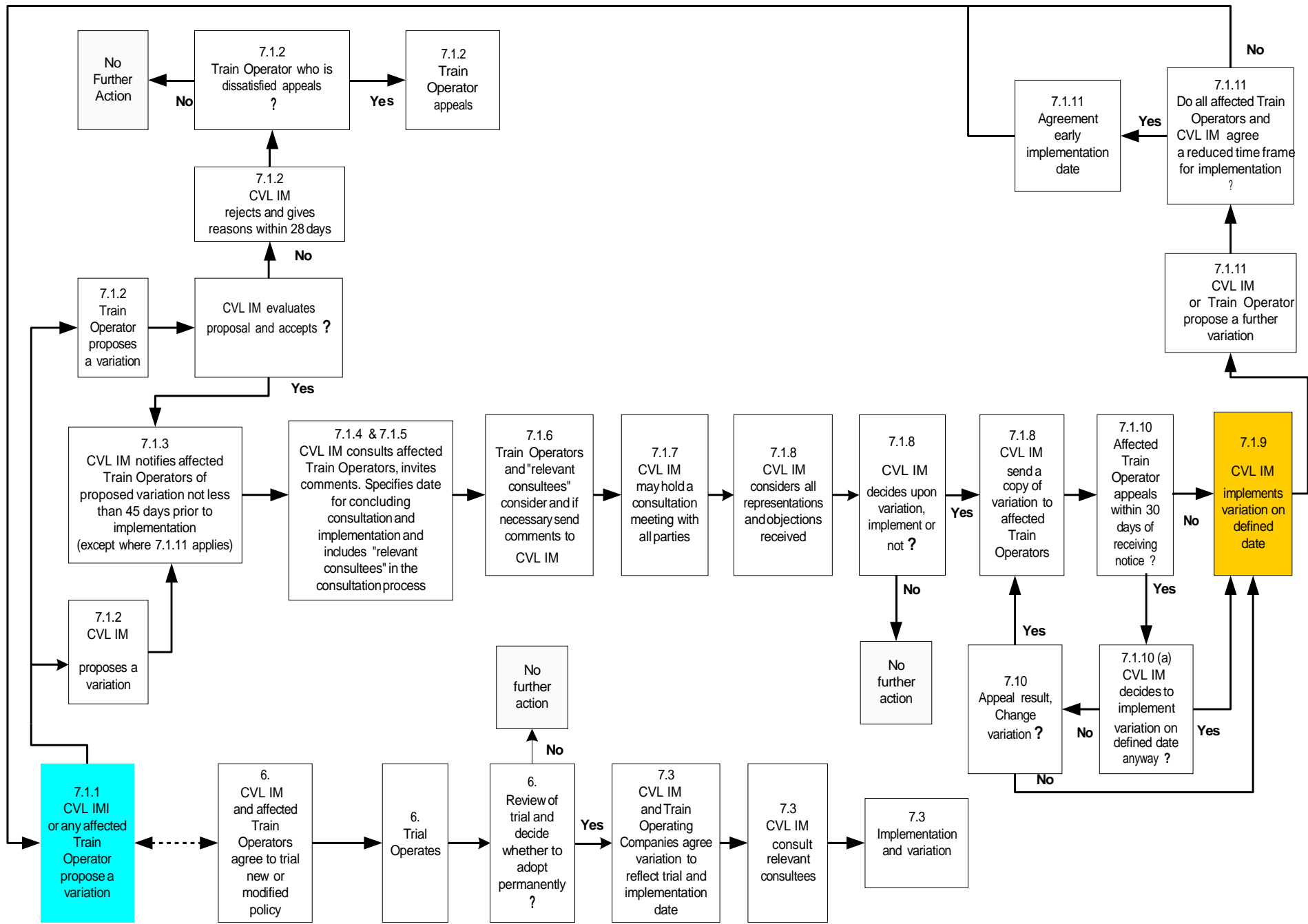
This section provides for CVL IM to establish and comply with Train Regulation Policies applicable to the CVL Network. These are the documented policies governing the regulation of trains by CVL IM, for the promotion of the Train Regulation Objective.

Train Operators or CVL IM may propose changes to the Train Regulation Policies, to be consulted upon prior to their determination. Alternatively, new policies may be developed through agreed trials.

The following term used in this section is defined elsewhere:

- *The Network Code defines the Objective (of the ROC) in Part H.*

The processes involved in changing Train Regulation Policies, including trial arrangements, are illustrated in the following flowchart. Neither the flowchart nor the remainder of this explanatory note forms part of the ROC.



1. Effective Date

- 1.1 This paragraph 1 has effect from the establishment of this section.
- 1.2 The remaining paragraphs of this section shall have effect from the date specified for their commencement in a notice given by CVL IM to every Train Operator, copied to the Office of Rail and Road, and published on its website. Before giving that notice, CVL IM shall consult with every Train Operator.

2. Train Regulation Objective

- 2.1 The Train Regulation Objective is the striking of a fair and reasonable balance between:
 - 2.1.1 the most efficient use of the infrastructure available to the signaller at the point at which trains are to be regulated;
 - 2.1.2 minimisation of overall delay to the trains concerned;
 - 2.1.3 minimisation of overall delay to passengers or freight conveyed on the trains concerned;
 - 2.1.4 maintaining connections between railway passenger services where these have been agreed between Network Rail and the relevant Train Operators;
 - 2.1.5 maintaining a freight train on time as far as possible when it is operating punctually in an International Freight Train Slot allocated to it by an International Freight Corridor One Stop Shop;
 - 2.1.6 priorities or other requirements determined from time to time by Operations Control and communicated to the signaller; and
 - 2.1.7 avoiding undue discrimination between Train Operators;

in order to facilitate the achievement of performance measures of the Train Operators and Network Rail, such as the overall public performance measure (PPM) or Passenger Time Lost (PTL) for franchised passenger Train Operators, the cancelled and significantly late (CaSL) performance measure for franchised passenger Train Operators, and the reduction of the total number of minutes delay and cancellations to trains operated on the network by other Train Operators.

The interests of safety and security, as set out in Condition A1.1 of the Network Code, are at all times paramount.

3. CVL IM 's Obligation

- 3.1 CVL IM shall establish and thereafter comply with the Train Regulation Policies on the CVL Network

4. Train Operators' Obligation

- 4.1 Train Operators shall cooperate with CVL IM in relation to such compliance, including as follows.
- 4.2 Train Operators shall, for the purposes of achievement of the Train Regulation Objective, whenever the situation so demands (and in any event upon reasonable request by CVL IM, provide to CVL IM such information or knowledge relating to current "real time" train operations as may reasonably

be expected to have a material impact on the ability to regulate trains effectively.

- 4.3 CVL IM and the Train Operators shall agree the means by which this information will be transmitted and jointly incorporate these in the local working arrangements for Operations Control.
- 4.4 Where and to the extent that an equivalent obligation arises under Part K of the Network Code, this obligation shall be treated as subsumed within it.

5. Train Regulation Policies

- 5.1 The Train Regulation Policies are the policies governing train regulation by CVL IM for promotion, so far as is reasonably practicable, of the Train Regulation Objective and they constitute subsidiary documentation for the purposes of this ROC Section.
- 5.2 Upon this ROC Section coming into full effect, those Train Regulation Policies shall consist of:
 - 5.2.1 the train regulation statements that apply as at that date by virtue of the former provisions of the Network Code; and/or
 - 5.2.2 the policies applicable under any subsisting trial, as referred to in paragraph 6.2.
- 5.3 The Train Regulation Policies may be changed from time to time in whole or in part by means of the variation procedure set out in paragraph 7. They may also, for the duration of any trial, be governed by the trial procedure set out in paragraph 6, without the need to use the variation procedure in paragraph 7.

6. Trials for developing the Train Regulation Policies

- 6.1 CVL IM and all affected Train Operators may agree arrangements for the trial use of new or modified Train Regulation Policies on the CVL Network, which shall include as to:
 - 6.1.1 the terms of the new or modified Train Regulation Policies;
 - 6.1.2 the scope of the trial, which may be as regards the geographic extent and/or the services covered;
 - 6.1.3 the duration of the trial and/or the circumstances in which the trial may be terminated;
 - 6.1.4 the suspension of the existing Train Regulation Policies for the duration and extent of the trial;
 - 6.1.5 the review of the trial and the appropriateness of any further changes to those new or modified Train Regulation Policies, any extension to the trial or the permanent adoption (under the procedures in paragraph 7) of the new or modified Train Regulation Policies.
- 6.2 Upon this ROC Section coming into full effect, any existing trials shall be treated as taking place under this paragraph 6.
- 6.3 Nothing in this paragraph 6 prevents or constrains the proposal of trial policies under the procedures set out in paragraph 7. The trial policies may

be varied by agreement between Network Rail and the relevant Train Operators, or under the procedures set out in paragraph 7.

7. Changing the Train Regulation Policies

7.1 The Train Regulation Policies may be varied from time to time and new or modified Train Regulation Policies added or substituted, whether in whole or in part, under the procedures set out below. These procedures apply to the exclusion of any variation procedure under the Introductory and General ROC Section.

7.1.1 CVL IM or any affected Train Operator may propose a variation to the Train Regulation Policies if it reasonably considers it will better promote the Train Regulation Objective (or the general Objective of the ROC). A proposal must include a statement of:

- (a) the details of the proposed variation;
- (b) the reasons why it is considered the variation will better promote the Train Regulation Objective; and
- (c) the intended timing of implementing such variation which must provide for the further operation of these procedures as set out below.

7.1.2 A proposal for variation made by a Train Operator must be evaluated by CVL IM to consider whether it accepts the variation will better promote the Train Regulation Objective (or the general Objective of the ROC), ahead of submission to Network Rail for TT inclusion. If, on this basis, Network Rail decides it does not propose to implement the variation it must, within 28 days from when the proposal was made, give its reasons to the Train Operator. A Train Operator who is dissatisfied with Network Rail's evaluation of its proposal may, at its discretion, appeal as though Condition H4 applied.

7.1.3 CVL IM shall, in the case of any variation it proposes should be made (including those proposals initiated by a Train Operator which have been accepted by a Train Operator or which, on the final outcome of any appeal, CVL IM is required to accept), notify each Train Operator who may reasonably expect to be affected by the variation. The notification must be provided not less than 45 days before the date at which it is intended the variation shall take effect.

7.1.4 As soon as reasonably practicable on or after the date on which CVL IM sends the proposed variation to each relevant Train Operator, Network Rail shall consult each affected Train Operator in relation to the parts of the proposed variation relevant to such Train Operator and invite the submission to it of representations or objections in respect of the proposal. Network Rail shall specify a date for concluding such consultation that is consistent with the date at which it is intended to effect the proposed variation.

7.1.5 CVL IM shall also send the proposed variation to, and consult, such of the following organisations as give notice to Network Rail that they wish to be consulted on any matter concerning this ROC Section

("relevant consultees"): the HSE, any Passenger Transport Executive the Scottish Executive and Network Rail..

- 7.1.6 Each Train Operator so consulted shall:
- (a) consider the matters on which NeCVL IM has consulted it; and
 - (b) give notice to CVL IM of any representations or objections it wishes to make no later than the specified date for concluding the consultation.
- 7.1.7 CVL IM may, in initiating such consultation, propose to carry it out by means of a meeting of all the affected Train Operators and relevant consultees at which the proposed variation will be considered. Such a meeting must be set for a date that gives reasonable notice of the need to attend and is consistent with the date by which consultation is to be concluded. Such a meeting will be deemed to be the means by which consultation is completed except that, where a Train Operator or relevant consultee is unable to attend, this shall not preclude that Operator or relevant consultee from making representations or objections by notice to Network Rail.
- 7.1.8 Following consideration of all representations and objections received, CVL IM shall as soon as reasonably practicable:
- (a) decide whether to establish the proposed variation so as to change the Train Regulation Policies from the proposed date and if so, in what form (and so that in cases where the consultation has been effected by a meeting, the proposal for implementation may be altered to take account of the outcome of such consultation); and
 - (b) if the proposed variation is to be made, then notify this by sending a copy to each affected Train Operator and relevant consultee and so give effect to the variation.
- 7.1.9 The variation shall then become effective from the date of sending such copy unless the notification of such sending refers to a later date (which may be the date notified in the proposal in accordance with paragraph 7.1.1 or any other date for implementation that has been determined in the course of the consultation), in which case the variation shall become effective from that later date.
- 7.1.10 An affected Train Operator may bring an appeal in relation to the variation as though Condition H4 applied, within 30 days of receiving notification under paragraph 7.1.8 and:
- (a) pending the final conclusion of the appeal and subject to its outcome, CVL IM may implement the variation if reasonably satisfied that any benefits to users and providers of railway services generally resulting from such implementation will outweigh any detriment to the person appealing; and
 - (b) if the outcome of the appeal as finally concluded is the adjustment of the variation, Network Rail shall send a copy of the variation as adjusted to each affected Train Operator and relevant consultee.

- 7.1.11 CVL IM or any affected Train Operator may, within 30 days of effect being given to a variation as provided in paragraph 7.1.9, propose a further variation that it reasonably considers will better promote the Train Regulation Objective (or the general Objective of the ROC). In such a case, this further proposal will be dealt with in accordance with paragraphs 7.1.1 to 7.1.10, except that where CVL IM and all affected Train Operators so agree, the period between the date of Network Rail notifying the proposal and the date for implementing the proposed further variation may be reduced. This paragraph 7.1.11 is without prejudice to the Train Operator's general rights to propose variations under paragraph 7.1.1.
- 7.2 The procedures referred to in paragraph 7.1 shall be regarded as having been validly carried out even though all or any of them prior to the relevant change becoming effective may have been carried out before this ROC Section comes into effect.
- 7.3 Where the Train Regulation Policies have previously been governed by trials in accordance with paragraph 6, Network Rail and all affected Train Operators may agree that the Train Regulation Policies shall be varied so as to reflect the trial policies, without the need to follow the procedures referred to in paragraph 7.1, from a date that shall have been agreed by the parties. Such variation, however, shall not be made before Network Rail shall have consulted relevant consultees.

8. Publication and review of Train Regulation Policies

- 8.1 CVL IM may, but is not required to, publish the Train Regulation Policies referred to in paragraph 5.2. Where Train Regulation Policies are varied or new or modified Train Regulation Policies are added or substituted, Network Rail shall, upon this taking place, send a copy to each affected Train Operator and to each person who is required to be consulted under paragraph 7. CVL IM is not required to publish beyond the issue of such copies.
- 8.2 When the effectiveness of this Section is reviewed under paragraph 6 of the Introductory and General Section, this shall include consideration as to whether a review as regards the effectiveness of some or all of the Train Regulation Policies shall also take place. If so, those Train Regulation Policies shall be reviewed accordingly.