# **Consultation - Crossrail Central Operating Section (CCOS)**

Consultation Report on the CCOS Testing Track Access Contract, including response to issues raised



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#### 1 Background

- 1.1 On 22<sup>nd</sup> September 2017, Transport for London (TfL) and Rail for London (Infrastructure) Limited (RfL(I)) (as infrastructure manager of the Crossrail Central Operating Section (CCOS)) launched a consultation in relation to the template terms of track access for testing services on the CCOS (Testing TAA)<sup>1</sup>. The Testing TAA is largely based on the template terms of track access for revenue-earning passenger services on the CCOS upon which TfL/RfL(I) has previously consulted (on 31 March 2017<sup>2</sup>) and published its conclusions (on 20 October 2017<sup>3</sup>).
- 1.2 The consultation in relation to the Testing TAA concluded on 13 October 2017 and TfL/RfL(I) received 3 responses from industry parties and interested individuals. This document sets out a summary of the responses received and TfL's/RfL(I)'s conclusions thereon. This document is, necessarily, a summary of the responses received, although TfL/RfL(I) would like to assure respondents that all comments have been carefully considered in reaching the conclusions and the final form of the Testing TAA.

#### 2 Responses to the Consultation

- 2.1 TfL/RfL(I) received 2 consultation responses from industry parties as follows:
  - MTR Corporation (Crossrail) Limited
  - Network Rail Infrastructure Limited
- 2.2 A further response was also received from an interested individual.

### 3 Response to issues raised

- 3.1 TfL/RfL(I) would like to take this opportunity to thank all those who have considered and responded to the consultation.
- 3.2 Consultation responses raised no issues with the proposed Testing TAA, with consultees noting the consistency with the template terms for revenue-earning services.
- 3.3 Network Rail queried whether movements involving the transit of rolling stock into and out of the test site (where interaction with other services might occur) would take place under track access arrangements agreed with Network Rail. TfL/RfL(I) can confirm that this is the intention: the Testing TAA will only apply to testing train movements on the CCOS. It is likely that a train operator will also need to access Network Rail's network to gain access to the CCOS for testing

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https://consultations.tfl.gov.uk/rail/ccos-access-sept-2017/

https://consultations.tfl.gov.uk/rail/ccos-access-phase-1/

<sup>&</sup>lt;sup>3</sup> https://consultations.tfl.gov.uk/rail/ccos-access/

purposes – and will therefore also need to agree access arrangements with Network Rail.

3.4 Having reviewed comments received from consultees and the draft Testing TAA itself, TfL/RfL(I) have made a small number of amendments to the Testing TAA. In particular: (1) the Testing TAA has been updated for consistency with the revenue-earning track access agreement in light of consultation comments received on that template; and (2) the liability cap provisions have been updated to be consistent with the Network Rail position, so that there is no prorating (as testing is unlikely to take place over an extended period), in line with commercial intent.

## 4 Consultee feedback on Consultation documents and process

Where feedback was provided on the consultation material, it was positive.

#### 5 Next steps

TfL/RfL(I) have now published the final template form of <u>Testing TAA</u>, which should be the starting point for any testing access agreement for the CCOS. Of course, individual testing track access agreements will be negotiated on a case-by-case basis with train operators and other access beneficiaries who seek access to the CCOS and will be subject to the approval of the Office of Rail and Road under section 18 of the Railways Act 1993.