

Framework Capacity Statement

Network Rail

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1. Purpose

1.1 Purpose

This statement is published alongside Network Rail's Network Statement in order to meet the requirements of [European Commission Implementing Regulation \(EU\) 2016/545](#) of 7 April 2016 on procedures and criteria concerning framework agreements for the allocation of rail infrastructure capacity. The third 'recital' prefacing the regulation includes the following:

"Potential applicants need transparency concerning the allocated framework capacity and the remaining indicative capacity on a line. With a view to avoiding administrative burden related to framework agreements, potential applicants should get a first impression of how likely it is that their applications will be approved."

Framework capacity is any capacity contracted for sale for more than one (annual) timetable period. Therefore any firm rights under a Track Access Contract fall within this definition, until towards the end of the term of the contract. This Framework Capacity Statement has been produced to improve the clarity and transparency of those rights, and their implications for parties seeking new or additional capacity on Network Rail infrastructure. It fits well with Network Rail's current transformation programme, to make the company more focussed on and accessible to its customers.

Due to the nature of framework capacity, which legally must not specify a train path, it is not possible to be precise about the quantity of capacity that is used by these rights, and consequently the capacity that remains available for use. That can only be identified once the rights are used to create train paths in a timetable. Potential applicants are urged to use the information sources described in this document as an initial guide, to read them in conjunction with the advice in the Network Statement, and to contact us directly at the earliest opportunity to discuss capacity requirements more specifically.

The limitations of a Framework Capacity Statement were discussed fully in the initial edition we published in December 2016. We remain interested to hear readers' views on the form in which data may be presented.

The contracts containing the access rights are publicly available elsewhere, and links are provided in section 2.2. However, the way in which the rights are described when combined on the geography of the railway network, and over time, to meet the requirements of the regulation, is open to some interpretation. All the sources of information to do this are listed in section 3, but they will give the reader at best only an indication of the available capacity.

Hence, applicants or potential applicants for new or amended framework agreements are encouraged to contact Network Rail as early as possible, to enable us to help identify where capacity exists that could meet the applicant's requirements and to consider all potential users where capacity is scarce.



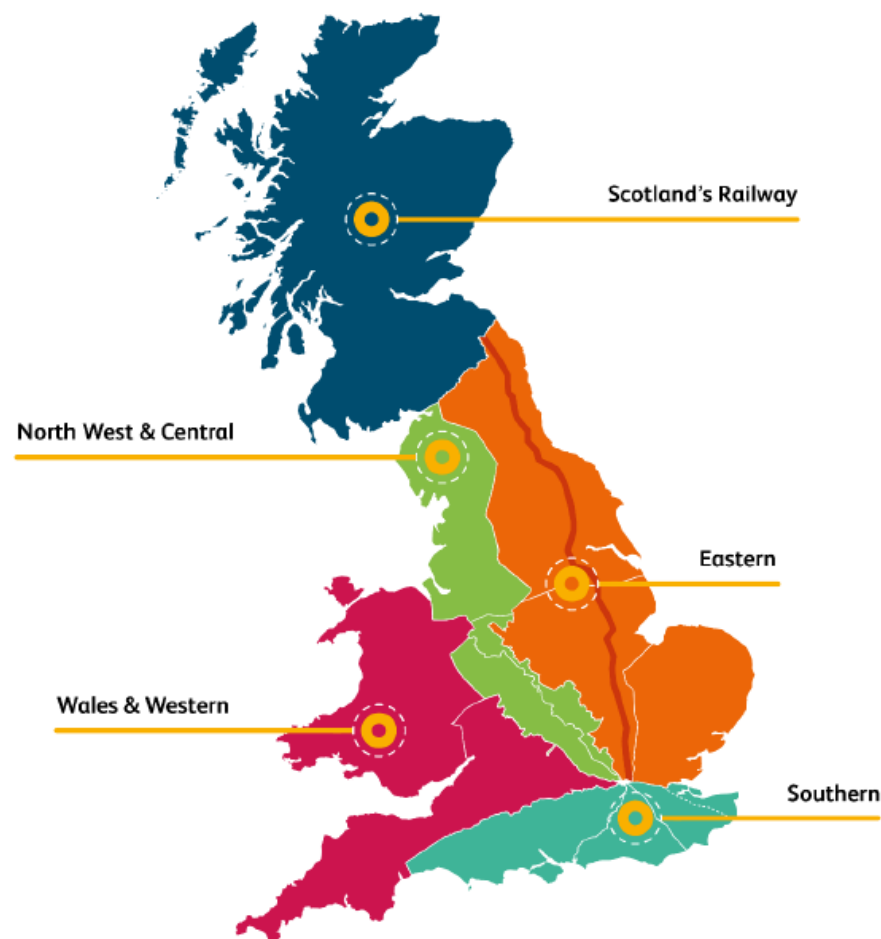
2. Framework capacity on Network Rail's network

2.1 Infrastructure covered by this statement

The national rail network in Great Britain operated by Network Rail is defined in our Network Statement which can be found at <https://www.networkrail.co.uk/industry-commercial-partners/information-operating-companies/network-statement/>.

We are customer focused. We run the company through devolved route businesses that understand how to meet customer needs. They operate, maintain and renew infrastructure to deliver a safe and reliable railway for passengers and freight customers. Our five regions encompass multiple routes and transport hubs to better align operations with passengers' and communities' needs.

Each route is a large, complex business in its own right, run by a managing director and a senior leadership team who are accountable for effectively and efficiently delivering for customers and key stakeholders. These outcomes are made visible through route and customer scorecards.



Infrastructure belonging to other Infrastructure Managers is excluded from this statement: adjacent networks include High Speed One, Eurotunnel and Heathrow Airport's rail system. Some railway infrastructure is outside the scope of the Regulation, for example light rail systems and the London Underground. A full list of adjacent infrastructure is given in section 3.2.2 of the Network Statement.

Network Rail has declared some of its network as **specialised infrastructure** under Regulation 25 of the 2016 Access & Management Regulations. Currently the two railway test tracks at High Marnham (Nottinghamshire) and Old Dalby (Leicestershire/Nottinghamshire) fall into this category. These are subject to bespoke access arrangements as set out in section 3.4.1 of the Network Statement, which do not constitute framework capacity and the test tracks are therefore excluded from this statement. Further information is available at <https://www.networkrail.co.uk/industry-and-commercial/research-development-and-technology/rail-innovation-development-centres/>.

Parts of the network included in this statement are currently declared as **congested infrastructure** under Regulation 26 of the 2016 Access & Management Regulations. These are detailed in section 4.4.3 of the Network Statement.

2.2 Framework Agreements in Great Britain

Regulation 3 of the [2016 Railways Regulations](#) defines a framework agreement as “*either (a) an access contract described in section 18(2)(a) of the [1993 Railways] Act [as amended] which satisfies one of the conditions in subsection (1) of that section; or (b) a legally binding agreement made other than in pursuance of section 17 or 18 of the [1993 Railways] Act [as amended] setting out the rights and obligations of an applicant and the infrastructure manager or, as the case may be, allocation body in relation to the infrastructure capacity to be allocated and the charges to be levied over a period in excess of one working timetable period*”.

In respect of Network Rail's network, this means all track access contracts. However, some contracts include only contingent rights, i.e. for certain freight operators and for all passenger charter train operators. These do not constitute framework capacity, because the capacity is not allocated prior to the timetable planning processes; effectively these contracts provide only a right to request capacity rather than a right to receive capacity. These contracts are identified separately in the list below.

Consolidated, redacted copies of the contracts in the list may be found on the Office of Rail & Road website at <http://orr.gov.uk/what-and-how-we-regulate/track-access/applications-decisions-appeals-and-agreements/consolidated-agreements>, except where noted otherwise by footnote.



Passenger services (firm rights)

Abellio East Anglia, t/a Greater Anglia
Abellio East Midlands, t/a East Midlands Railway (formerly East Midlands Trains)
Abellio Scotrail, t/a ScotRail
Arriva Rail London, t/a Overground
Chiltern Railway Company, t/a Chiltern Railways
Chinnor & Princes Risborough Railway Company (no quantified firm rights)
East Coast Trains (rights expected to commence in 2021)
Eurostar International, t/a Eurostar
Festiniog Railway Company (no quantified firm rights)
First Greater Western, t/a Great Western Railway
First MTR South Western Trains, t/a South Western Railway
First Transpennine Express, t/a TransPennine Express
First Trenitalia West Coast Rail
Govia Thameslink Railway, t/a Gatwick Express, Great Northern, Southern or Thameslink
Grand Central Railway Company, t/a Grand Central (Yorkshire & North East services)
Grand Central Railway Company, t/a Grand Central (North West services)
Heathrow Express Operating Company, t/a Heathrow Express ¹
Hull Trains Company, t/a Hull Trains
London & South Eastern Railway, t/a Southeastern
London North Eastern Railway
Merseyrail Electrics 2002, t/a Merseyrail
MTR Crossrail, t/a TfL Rail
Nexus (Tyne & Wear Passenger Transport Executive), t/a Metro
North Yorkshire Moors Railway Enterprises, t/a North Yorkshire Moors Railway
Northern Trains, t/a Northern (formerly Arriva Rail North)
Peak Rail (no quantified firm rights)
Serco Caledonian Sleepers, t/a Caledonian Sleeper
South Yorkshire Supertram
Transport for Wales (formerly Arriva Trains Wales)
Trenitalia c2c Rail, t/a c2c
West Coast Railway Company, t/a West Coast Railways (for "The Jacobite")
West Midlands Trains, t/a London Northwestern Railway or West Midlands Railway
XC Trains, t/a CrossCountry

Freight services (firm rights)

Colas Rail
DB Cargo
Direct Rail Services
Freightliner
Freightliner Heavy Haul
GB Railfreight

Passenger charter services (contingent rights only)

Direct Rail Services
First Greater Western
GB Railfreight
Grand Central Railway Company
Locomotive Services
Rail Express Systems, t/a DB Cargo
Rail Operations Group
Vintage Trains
West Coast Railway Company, t/a West Coast Railways

Freight or freight customer services (contingent rights only)

Associated British Ports
Devon and Cornwall Railways
Harsco Rail
Legge Infrastructure Services
Locomotive Services
London Gateway Port
Loram UK
Rail Operations Group
Tarmac Trading
Victa Railfreight
Victoria Harbour
Vintage Trains
West Coast Railway Company

¹ Unregulated contract, not on ORR website.

Applicants or potential applicants for new or amended framework agreements are encouraged to contact Network Rail as early as possible, to enable us to help identify where capacity exists that could meet the applicant's requirements and to consider all potential users where capacity is scarce. We will undertake consideration of access requests in accordance with our Access Rights Policy which can be found at

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

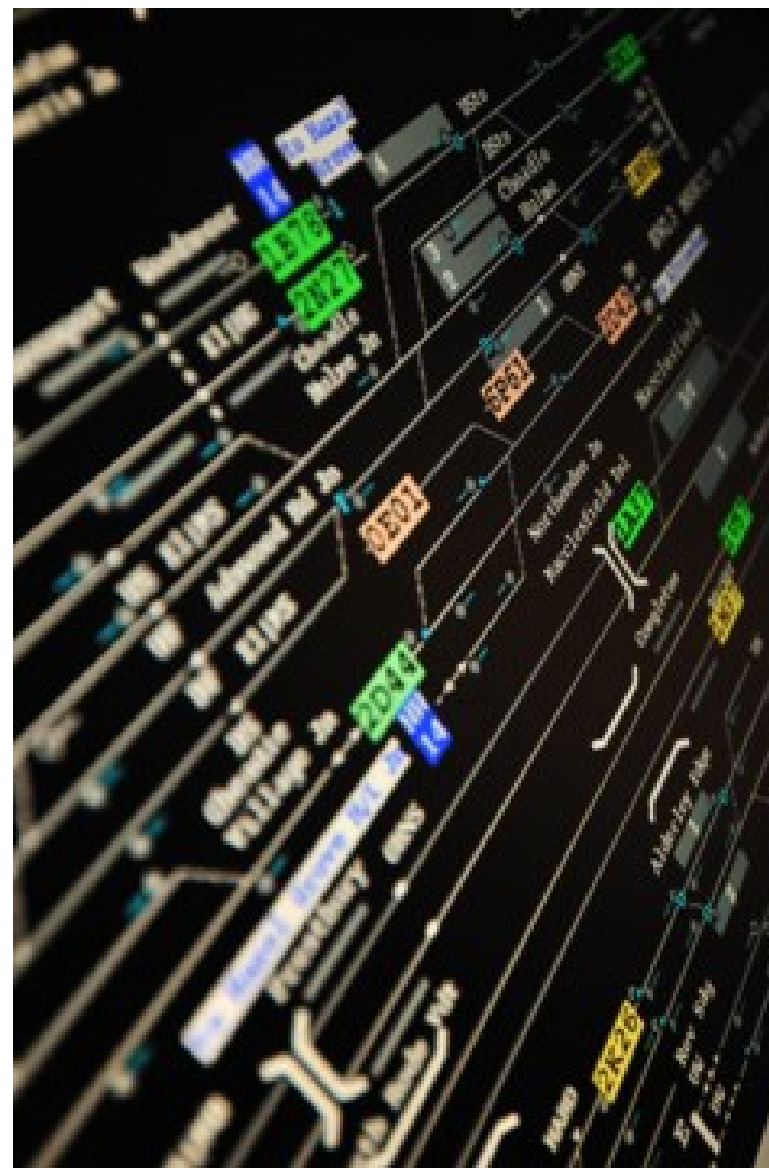
Access rights are increasingly expressed with more flexibility than has historically been the case in Great Britain. It is common for passenger rights to be expressed as a quantum for each 24-hour period, and for freight rights to be expressed in a two-hour 'window' for departure and arrival times. This approach is consistent with Network Rail's Access Rights Policy and ORR's Criteria & Procedures for the approval of track access contracts, which can be found at

<http://orr.gov.uk/what-and-how-we-regulate/track-access/guidance>.

2.3 Capacity allocation

Each Track Access Contract incorporates the Network Code, which is a common set of provisions relating to the functioning of the railway system. Part D of the Network Code relates to timetable change. It sets out the processes for the twice-yearly timetable revision and for variations subsequent to that revision. These are the means by which access rights are given effect as train paths in the timetable. The Network Code can be found at

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



3. How to identify framework capacity

3.1 Capacity of the network

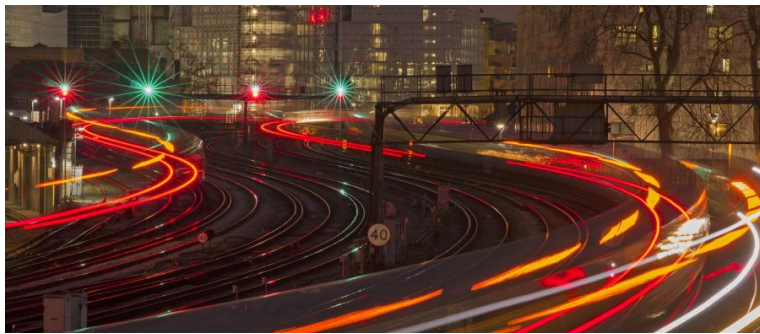
The capacity of the network available for use by train services is constrained by the features of the infrastructure, e.g. headways permitted by the signalling system, and other rules about when the railway is closed or access is limited by maintenance or renewal work.

In order to produce the twice-yearly timetable, these rules are brought together in the Timetable Planning Rules and the Engineering Access Statement, respectively. These may be found under ‘Operational Rules’ at <https://www.networkrail.co.uk/industry-commercial-partners/information-operating-companies/>.

3.2 Capacity allocated in framework agreements

Where the framework agreements listed in section 2.2 contain firm access rights, these are listed in Schedule 5 of each contract. Passenger access rights are usually defined as a number of trains per day in each direction under each service code (the route served by a group of trains). Freight rights are shown in a separate rights table referenced in Schedule 5 of the freight contract; in the rights table each train is listed separately with an associated two-hour time ‘window’.

Care must be taken in interpreting this information as multiple service codes, and often multiple operators, co-exist on most sections of the railway network.



3.3 Capacity available for framework agreements

Whatever capacity is available after the existing firm rights have been satisfied is available for concluding further framework agreements. This can be estimated by comparing the characteristics of the network set out in the operational rules with the framework capacity already allocated, i.e. the firm access rights under Schedule 5 of the various track access contracts.

This will necessarily be imprecise because there are multiple ways of satisfying all the firm access rights on the infrastructure. The current timetable represents one of these ways, so it could be used as a proxy as discussed in section 3.4.

Furthermore, whether there is capacity available for a new framework agreement (or additions to an existing agreement) may depend on the proposed use of that capacity. For example, if there is one remaining path available on a line where, and at a time when, the other trains all travel at a particular speed, then this additional capacity may not exist if the train proposed to use it is faster or slower than the others.

3.4 Using the timetable as a proxy

An indication of the effect of current access rights on capacity may be found in the current working timetable, available at <https://www.networkrail.co.uk/running-the-railway/timetabling/working-timetable/>.

It should be noted that:

- freight paths are in different documents from passenger paths
- almost all passenger paths represent framework capacity (i.e. a firm right for multiple timetable years)
- many freight paths represent contingent or 'Train Operator Variation' rights and so do not constitute framework capacity

3.5 Conclusion

The working timetable (properly interpreted with reference to the track access contracts and the operational rules) can give an indication of the capacity available for concluding framework agreements.

However, because of the complexity of understanding and interpreting the various data sources, we recommend that applicants or potential applicants for new or amended framework agreements should contact Network Rail as early as possible, to enable us to help identify where capacity exists that could meet the applicant's requirements and to consider all potential users where capacity is scarce.

