Consultation – Crossrail Central Operating Section (CCOS)

Request for views on the draft 2019 Network Statement
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1 Background

1.1 The Crossrail Project

The Crossrail project will improve journey times across London, ease congestion and offer better connections, changing the way people travel around the capital. It will offer crowding relief on the Underground and DLR networks, as well as at congested stations. Crossrail services will connect Reading and Heathrow to the west of London with Shenfield and Abbey Wood to the east, running through a new 13 mile (21km) twin-bore tunnel under central and east London. The tunnel under London (and associated infrastructure) will be the CCOS. The CCOS has been designed to facilitate high capacity metro passenger rail services, moving large numbers of people more easily, more quickly and more directly across London.

1.2 Transport for London

Transport for London (TfL) is a statutory body created by section 154 of the GLA Act 1999 ("the GLA Act"). Section 154(3) of the GLA Act requires TfL to exercise its functions to facilitate the discharge of the general transport duty set out in section 141. This duty includes:

- in respect of the Mayor, a requirement to develop and apply policies to promote and encourage safe, integrated, efficient and economic transport facilities and services to, from and within Greater London; and

- in respect of the Greater London Authority, an obligation to use its powers to secure the transport facilities and services mentioned above.

1.3 Rail for London (Infrastructure) Limited and the CCOS

TfL is currently the ultimate owner of the majority of the land comprising the CCOS and the infrastructure affixed to it. TfL has established a new wholly-owned subsidiary, Rail for London (Infrastructure) Limited (RfL(I)), which will be the infrastructure manager of the CCOS for the purposes of both The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 (Rail Regulations 2016) and The Railways and Other Guided Transport Systems (Safety) Regulations 2006.

RfL(I) will be responsible for the day-to-day safe operation, maintenance and renewal of the CCOS. RfL(I) will also allocate capacity on the CCOS and will be responsible for charging for any capacity allocated.

Before RfL(I) grants access to run any services on the CCOS, TfL intends granting to RfL(I) a proprietary interest in the Crossrail land and the infrastructure. In addition, TfL notes that Network Rail Infrastructure Limited (NR) is the owner of:

- the South East Spur comprising that part of the CCOS from Plumstead portal to Abbey Wood (excluding Plumstead sidings); and

- the land upon which the Train Reversal Facility at Westbourne Park (which is part of the CCOS) is being built.
TfL has agreed in principle with NR that RfL(I) will be the infrastructure manager for the South East Spur and the Westbourne Park Train Reversal Facility and is in discussions with NR regarding the transfer of ownership of the above to RfL(I), which will then form part of the CCOS.

Please refer to Appendix 1 for a route map of Crossrail, where the CCOS is highlighted in red.

The CCOS largely comprises that part of the Crossrail route that is not part of the existing NR network. It runs from Portobello Junction (exclusive) in the West to Abbey Wood Sidings (including Plumstead Sidings) in the South East and Pudding Mill Lane Junction (exclusive) in the East.

There are ten stations served by the CCOS infrastructure:

**CTOC Stations**: Paddington (CCOS); Canary Wharf; Custom House; Woolwich and Abbey Wood are owned by the Infrastructure Manager and operated by the Crossrail Concessionaire, CTOC (CTOC will be the facility owner with the benefit of a lease from RfL(I)).

**LUL Stations**: Bond Street, Tottenham Court Road, Farringdon, Liverpool Street and Whitechapel are owned and operated by London Underground Limited (LUL).

## 2 Network Statement Consultation

### 2.1 Introduction

Under regulation 13 of the Rail Regulations 2016, RfL(I), as the infrastructure manager of the CCOS, is required (following consultation with all interested parties) to develop and publish a network statement containing certain information relating to the CCOS. The draft CCOS Network Statement forms the basis of this consultation and is intended to meet the requirements of the Rail Regulations 2016 and to provide information to prospective and potential users of the CCOS.

The draft CCOS Network Statement is intended to apply with effect from the timetable change date in December 2018 (this being the date upon which the first passenger services – the Crossrail passenger services – are expected to commence on the CCOS). It is intended that it will apply until (but excluding) the timetable change date occurring in December 2019. The draft CCOS Network Statement will also apply to any testing or other preparatory services undertaken prior to December 2018 in anticipation of the commencement of the first passenger services on the CCOS.

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1 Abbey Wood station is currently owned by NR. TfL has agreed in principle with NR that RfL(I) will be the infrastructure maintainer for Abbey Wood station. Certain land at the Paddington CCOS station is also owned by NR. In both cases TfL is in discussions with NR regarding the transfer of ownership / granting of a long term proprietary interest to RfL(I).

2 Currently MTR Corporation (Crossrail) Limited
2.2 Basis of Preparation

The draft CCOS Network Statement is written to reflect the anticipated position prevailing in 2019. In particular it assumes that:

- construction and testing of CCOS has been completed and it is available for train services from the Principal Change Date in 2018 (ie 9th December 2018);
- RfL(I) will have long term ownership or a proprietary interest across the whole of the CCOS and in particular that the transfer of the interests listed in section 1.3 from NR to RfL(I) take place as planned;
- that the CCOS has been designated as Specialised Infrastructure\(^3\); and
- that RfL(I) is granted an exemption from the requirement to hold a Network Licence in relation to the CCOS.

If any of the latter three assumptions above prove invalid then TfL/RfL(I) are likely to need to reconsider certain proposals set out in the draft CCOS Network Statement and associated contractual documentation.

Throughout this consultation and the draft CCOS Network Statement, there are references / links to other documents and information as set out below:

**Access Documentation**

The access documentation principally comprising the Framework Track Access Contract, Network Code and subsidiary codes is currently subject to further review and development and will be the subject of a separate consultation early next year (see section 5). A final version of this documentation will be available when the final CCOS Network Statement is issued.

**Links to the Infrastructure Manager website**

The draft CCOS Network Statement contains a number of dummy links (http://www.tfl.gov.uk/xxx/...) to indicate where further information will be made available via the Infrastructure Manager website. This website and some of this further information is under development.

Active links to a live website will be provided in the final CCOS Network Statement.

**Live links to other sites**

The draft CCOS Network Statement contains a number of live links to where either:

- the current version of the referenced information is held or;
- it is anticipated that the referenced information will be held

as at the date of this consultation.

All such links will be updated as appropriate in the final CCOS Network Statement.

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\(^3\) Subject of a separate consultation which closed on 9th September, As noted in the Conclusions on Consultation on the designation of CCOS as Specialised Infrastructure published on or about the date of this consultation, TfL/RfL(I) has declared the CCOS to be Specialised Infrastructure [consultations.tfl.gov.uk/rail/crossrail-cos](http://consultations.tfl.gov.uk/rail/crossrail-cos).
2.3 Charging

The draft CCOS Network Statement sets out a structure of charges for access to CCOS and principles as to how those charges will be derived.

The CCOS is still under construction and until the costs of its construction, maintenance and operation have emerged, it will not be possible to predict accurately the track access charges.

However, to assist consultees in consideration of the above structure and principles indicative levels of charges based thereon have been included where possible.

The draft Network Statement also sets out a set of principles as to when charges:

- will be subject to a contractual periodic review; and
- may be changed within a contractual review period⁴.

2.4 Other Factors relevant to the scope and content of the draft CCOS Network Statement

2.4.1 Anticipated services on the CCOS

Initially, it is envisaged that only one operator, CTOC will provide services on the CCOS. This is because of: (1) the limited available capacity on NR's Great Eastern Main Line and Great Western Main Line, meaning that connecting train paths onto the CCOS are unlikely to be available in the short term; and (2) the technical requirements for trains operating on the CCOS, TfL/RfL(I) not being aware of other compatible trains currently in use (please see section 2.7 of the draft CCOS Network Statement for more on this).

In future, other operators may have aspirations to operate other services on the CCOS. If connecting paths can be secured on NR's network, RfL(I) may be able to accommodate further services on the CCOS. Accordingly, the contractual and regulatory framework for use of the CCOS is being prepared in such a way to facilitate future access, in compliance with the Rail Regulations 2016 and the Railways Act 1993 (the Act).

Services may run through the CCOS or terminate within the CCOS: at Westbourne Park if coming from the East; or Abbey Wood if coming from the West.

2.4.2 Regulatory, contractual and charging frameworks and the impact of Brexit

The contractual, regulatory and charging frameworks described in the draft CCOS Network Statement are being prepared on the basis that the current legal requirements (both domestic and European in origin) will continue to apply. If this should change (whether as a result of the UK’s decision to withdraw from the European Union or otherwise) TfL/RfL(I) reserve the right to revisit the regulatory and contractual framework.

In particular, it is anticipated that the requirements of the Fourth Railway Package of European legislation will be introduced into English law at or around the time that

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⁴ Details of triggers for what constitutes a material change in circumstances will be set out in the access documentation
services are expected to commence on the CCOS. The contractual, regulatory and charging frameworks are therefore being designed accordingly. If, as a result of the United Kingdom's withdrawal from the European Union, the requirements of the Fourth Railway Package are not implemented into English law, TfL/RfL(I) also reserve the right to revisit these frameworks (and the associated contractual documentation).

2.4.3 Proportionality
The CCOS is connected to NR's network at each end and in many respects the proposals set out in the draft CCOS Network Statement reflect those used by NR in relation to the wider national railway network. However, the CCOS differs from the NR network in a number of respects:

- it is new infrastructure;
- it is a small simple network
  - CCOS route length is 28km (NR > 30,000km)
  - Other than the 10 stations only one service facility is connected to the CCOS, being the stabling sidings at Plumstead;
- it will initially have one operator and is anticipated to only ever have at most a handful of passenger operators. NR's network is a multi use and multi operator;
- it is highly utilised infrastructure – at peak times it will be operating at maximum capacity of 24 205m trains per hour. The equivalent million gross tonne miles per annum (EGMPTA) for the section of CCOS between Paddington and Whitechapel is just under 90; and
- it is largely tunnelled, 22\(^5\) of the 28 route km being underground.

As CCOS is a substantially smaller railway than the Network Rail network it would therefore not be proportionate, pragmatic or cost effective to adopt the same approach as Network Rail in all areas.

Further, the composition and proposed operation of CCOS is different from NR and many other pieces of railway infrastructure. These considerations have been taken into account where appropriate in developing proposals specific to the circumstances of the CCOS for inclusion in the draft CCOS Network Statement (and associated contractual documentation).

2.5 Status of the draft CCOS Network Statement and Information set out therein

The draft CCOS Network Statement provided as part of this consultation (and the final CCOS Network Statement, when published in due course) is intended to be an informative document only and should not be considered to have any contractual force or be interpreted as an offer to enter into a contract. Operators wishing to use the CCOS will be required to enter into appropriate access agreements which set out

\(^5\) As noted in the Specialised Infrastructure consultation document the CCOS is not suitable for conventional freight traffic. Whilst not anticipated it is possible that specialised (eg palletised / parcel) freight could be accommodated

\(^6\) Includes the re-used Connaught tunnel between Royal Victoria Dock and Royal Albert Dock, 0.55km in length, reconciling item to 21km in section 1.1
the terms of access. Template access agreements will be the subject of a subsequent consultation (see section 5).

Reasonable efforts have been made to ensure that the information provided in the CCOS Network Statement is accurate. TfL and RfL(I) do not accept any liability for errors, omissions or inaccuracies. Errors which are notified to RfL(I) will be reviewed and corrected where appropriate in the next issue of the CCOS Network Statement.

3 How to Respond to the Consultation

The draft CCOS Network Statement accompanies this document. In addition there is an online consultation survey with a set of consultation questions referenced as appropriate to sections of the draft CCOS Network Statement.

We would like to know what you think about our proposals. Please give us your views before Friday 16th December 2016 by completing the online consultation survey.

4 Next Steps

TfL / RfL(I) plan to issue a final CCOS Network Statement for consultation in Aug/Sept 2017. This Network Statement will:

- incorporate any changes arising from this consultation;
- reflect the Office of Rail and Road’s (ORR’s) establishment of the charging framework; and
- incorporate final charges reflecting the above and based on the then extant forecasts of the final construction cost of the CCOS and the costs of operating, maintaining and renewing the CCOS infrastructure.

Dependent on the scope and nature of the comments received to this consultation TfL / RfL(I) may consider issuing an interim consultation conclusions document.

Once finalised, the CCOS Network Statement will be published in English and another EU language (to be determined) in accordance with regulation 13(8) of the 2016 Regulations.

7 Alternatively, you can:

- Email us at consultations@tfl.gov.uk
- Write to us at FREEPOST TFL CONSULTATIONS
5 Other Consultations

In parallel with this consultation TfL is consulting on behalf of RfL(I) in respect of charges for access to the CTOC stations detailed in section 1.3. As the principles outlined in that document for recovery of construction (capital) costs of the CCOS stations are the same as those proposed in the CCOS Network Statement for non station infrastructure, consultees are advised to consider both sets of charging proposals together.

In early 2017 TfL/RfL(I) currently plan to consult on the Framework Track Access Contract and the Network Code for the CCOS.
Appendix 1 - Crossrail Route

Network Rail

CCOS

Heathrow Airport Ltd

Reading Twyford Madeirahead Taplow Burnham Slough Langley Iver WestDrayton Hayes & Harlington Southall Harrow Ealing Broadway Acton Old Oak Common Depot Paddington Paddington High Level Bond Street Tottenham Court Road Farringdon Liverpool Street Whitechapel Liverpool Street High Level Stratford Maryland Forest Gate Manor Park Ilford Ilford Siding Seven Kings Goodmayes Chadwell Heath Romford Ilford Gidea Park Harrold Wood Brentwood Shenfield Pudding Mill Lane Portal Eleanor Street Shaft Mile End Shaft Canvey Island Canvey Island Southend On Sea London Liverpool Street London Liverpool Street Plubstead Stablings

Heathrow Airport Terminals 1,2,3

Heathrow Airport Terminal 4