

3. It is apparent that GBRf requires a Statement of Compatibility (“SoC”) to be issued in order to operate the test trains over Sheepcote Curves. NR’s submission (NR Appendix N) implies this has not yet been completed. Is this correct? If so, when is the SoC due to be completed? If not, when was the SoC completed and provided to NR? Please provide an email chain, or similar evidence, in support of the confirmed completion date, either past or in the future.

A SoC has not yet been issued however a Certificate of Gauging Compatibility, from which the technical detail in SoC is fed, has been supplied to GBRf. There are no restrictions that apply to bids being made.

GB Railfreight has made bids, with the knowledge from this document, and believes it is acceptable to bid with this information to hand, not least as there are no applicable restrictions. Attached are the compatibility documents we bid against titled [IEP Diversionary Route for London Euston and London Waterloo - Temporary certificate Version 2]. Condition 2.5.2 of the Network Code permits Network Rail to request any further information in respect of an Access Proposal that it reasonably considers to be necessary or beneficial to the preparation of the New Working Timetable.

GBRf must have authorised compatibility paperwork in place before it turns a wheel and operates a service. This has not stopped bids being submitted, validated and offered “subject to all compatibility paperwork being in place”, for running services, and is a process that has occurred many times.

4. Which of its Track Access Contracts is GBRf intending to operate the test trains under? Both contracts make it clear that GBRf only has the right to operate Specified Equipment that has obtained “vehicle and route acceptance”, but the wording in each contract is slightly different.

An extract of the contract on which we operate is the GB Railfreight Limited Track Access Contract (Freight Services) dated 11th December 2016 (attached). Please refer to Sections 4 and 5 (permission to use the network).

The contract allows GBRf to operate any vehicle that is registered in the Rolling Stock Library. Under the Railways and Other Guided Transport Systems (Safety) (ROGS), it is the responsibility of GB Railfreight to ensure all paperwork is in place before any movement takes place although this doesn’t stop the bid/offer process taking place.

5. How often does GBRf bid, via the ‘Day A for Day C’ process, without a SoC? If this has happened on other occasions than the one in dispute, does GBRf usually receive the SoC prior to the day of operation? If so, how close to the day of operation is this usually received? How often has GBRf had to cancel services planned via ‘Day A for Day C’ due to a SoC being unavailable?

In the time allowed to answer this question, it is difficult to accurately answer this as we can only go on the experience of our planners who bid these services. Having sought advice off various GB Railfreight Short Term Planners, who bid our services at A for C timescales, we are able to advise the following:

GBRf can often bid for services without a supporting SoC, and we receive offers back from Network Rail, with GB Railfreight yet to receive the SoC from Network Rail’s compatibility team.

Regularly, we receive the SoC in good time prior to operation, and usually a minimum of a few days before however much is dependent on when the SoC was applied for by the operator and how quickly Network Rail is able to authorise and publish.

Rarely are we not able to operate because we have not received the SoC. This has happened, on a very small number of occasions, in the past and we have had to cancel services on the day through our Control. These are usually instances where GB Railfreight has had to make last minute changes to our services and the application has not been processed by Network Rail in time.

9. GB Railfreight's understanding is not entirely the same as the Panel's as outlined in this question. With the current Track Access Contract (Freight Services), "Specified Equipment" is outlined in the following extracts of the track access contract:

Definition: "**Specified Equipment**" means the railway vehicles which the Train Operator is entitled to use in the provision of Services on the Network, as specified in paragraph 4 of Schedule 5;

The relevant parts of paragraph 4 of Schedule 5 are:

- 4.2.1 Subject to paragraph 4.2.3, the Train Operator has, in relation to a Service, a Firm Right to use any equipment registered with Network Rail's rolling stock library which has performance characteristics identical to or better than the Timing Load specified in the Rights Table for such Service.
- 4.2.2 Subject to paragraph 4.2.3, the Train Operator has, in relation to a Service, a Contingent Right to use any equipment registered with Network Rail's rolling stock library.
- 4.2.3 No rolling stock may be used unless and until it has achieved vehicle and route acceptance necessary for its use on the Network.

Therefore, an asset classed of "Specified Equipment" is purely one that is registered in the Rolling Stock Library, not necessarily an item for which a SoC is in place.

GB Railfreight cannot see, and has had no sight of, any contractual item that states that a SoC must be in place before a TOVR can be actioned.