

## HAL response to Directions, redacted

On Tue, 10 Nov 2020 at 13:41, Kush Desai wrote:

Classification: Confidential

Hi Tamzin

Please find our response below in reference to the Directions Note issued on 09 November 2020.

We request our responses are **not** published on the website as they are commercially confidential to HAL and are to be only used for the benefit of the Hearing Chair.

1. HAL to supply copies of Schedule 3 to both the MTR and HEOC Track Access Contracts (“Collateral Agreements”);

*HAL has attached copies of Schedule 3 to both the MTR and HEOC Track Access Contracts (“Collateral Agreements”);*

*Pursuant to a direction issued by the Hearing Chair the two Schedules 3 referred to are not posted on the website on the ground that HAL submits they are confidential.*

2. HAL to confirm what access rights HEOC has for ECS moves, i.e. is there wording similar to Schedule 2 of the ORR templated Track Access Agreement used on Network Rail infrastructure. Excerpt copies would be helpful;

*HAL has answered the question but, pursuant to a direction issued by the Hearing Chair, its answer has been deleted on the ground that HAL submits it is confidential.*

3. HAL to confirm whether the ORR approved either the MTR or HEOC Track Access Contracts and / or Supplemental Agreements that gave effect to all existing access rights into T5 at Heathrow Airport;

*“Under the Railways (Heathrow Express) (Exemptions) Order 1994 Heathrow is exempt from the application of section 18 Railways Act 1993. As a result neither the MTR or HEOC Track Access Contracts require approval by the ORR.”*

4. HAL to clarify in light of its submission, HAL Appendix 4 and MTR’s Appendix 6, whether it is still considering if MTR can run to T5 from May 2021.

*In relation to the May 2021 timetable HAL has yet to make its final decision. However, as Terminal 4 is scheduled to open in June 2021 HAL's working expectation at present is that it will be necessary for MTR to resume a service of four trains per hour to Terminal 4 at that time, and HAL has requested that MTR bid for this arrangement in the May 2021 WTT. The Covid-19 pandemic is an ongoing and constantly changing situation, and we remain flexible to finding the best solution for the May 2021 timetable. We would expect to make a final working decision in relation to the WTT in January 2021 by the timetable offer date. However, this decision would be under constant consideration based on the latest information available. HAL continues to try to work with other industry partners to find a mutually acceptable solution but to date none has been found.*

Regards

**Kush Desai**