

## Elizabeth Line Committee

### Chair's Action



**Issue:** 13 May 2022

**Title:** Crossrail Programme Substantial Completion

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**This paper will be published with the next agenda.**

## 1 Summary

- 1.1 The purpose of this paper is to provide the Committee with an overview of the project completion process as defined within the Crossrail Project Development Agreement (PDA) and to ask the Committee to approve an amendment to the PDA as the Department for Transport (DfT) has indicated that it will require additional time to conduct due diligence and secure endorsement.
- 1.2 TfL approval for amendment of the PDA is a matter reserved to the Committee and DfT will carry out its own governance processes to confirm its agreement with the proposed amendment.
- 1.3 The use of Chair's Action is considered appropriate as a decision to enter into the agreement is required before the date of the next meeting of the Committee on 25 May 2022. This decision is critical in advance of opening a safe and reliable railway on 24 May 2022.
- 1.4 The Members of the Committee are asked to consider the proposal and provide Heidi Alexander, as Chair, with their views on or before 4pm on Tuesday 17 May 2022. The contents of this paper and the exercise of Chair's Action will be reported to the next meeting of the Committee.

## 2 Recommendation

- 2.1 **The Chair of the Elizabeth Line Committee, in consultation with available Members, is asked to note the paper and approve the proposed amendment to the Crossrail Project Development Agreement (PDA) and authorise any of the Commissioner, Chief Finance Officer, General Counsel and any director of Crossrail Limited on behalf of TfL and any of its Subsidiary Entities (including Crossrail Limited, a party to the PDA) to do the following in relation to such amendment:**
  - (a) finalise its terms;
  - (b) authorise the execution (whether by deed or otherwise) of any documentation to be entered into in connection with its completion and implementation; and

**(c) do all such things as they consider necessary or desirable to facilitate the execution and implementation of the documentation relating to it and any matter referred to in it.**

### **3 Background**

- 3.1 The PDA sets out a completion process for Crossrail to demonstrate to the Sponsors that it has carried out the appropriate handover and assurance processes with the operators for each of the elements that make up the railway (Substantial Completion) and that all obligations of Crossrail in the PDA have been fully and finally discharged (Final Completion).
- 3.2 A list of Crossrail “Elements” with delivery, handover, operation and maintenance accountabilities is attached. The accountable parties include: Rail for London (Infrastructure) Limited (RfL(I)), London Underground (LU), MTR-Elizabeth Line (MTREL); Alstom; Greater Anglia franchisee; Great Western franchisee (GWF); and Network Rail (NR).
- 3.3 The purpose of the completion process is to provide to Sponsors a useful and auditable record that Crossrail has satisfied the defined handover and assurance processes for each Element of the railway and provides reassurance that obligations in the PDA have been met to close out the core agreements between Sponsors which will, ultimately bring an end to the Sponsor role for Crossrail. The technical and safety assurance process to satisfy operators that the railway is safe and reliable is a subset of completion that is separate and supports the phased introduction of services.
- 3.4 Substantial Completion criteria and Final Completion criteria are listed in the PDA to define what Crossrail is required to demonstrate to meet the contractual completion milestones. We have been working with Crossrail and operators to confirm what evidence is to be provided against the Substantial Completion Criteria.

### **4 Substantial Completion Process**

- 4.1 Crossrail remains committed to providing Sponsors with evidence for each Element against the Substantial Completion Criteria in advance of the start of revenue service on 24 May 2022 and achieve Final Completion in due course.
- 4.2 The table below outlines the evidence that Crossrail will provide to demonstrate that they have met the Substantial Completion criteria:

<b>Substantial Completion Criteria</b>	<b>Evidence to be provided</b>
Certificates of Handover jointly signed by Crossrail and the relevant operators	Element Completion Handover Certificate
Compliance in full with the Assurance process, including satisfactory completion of Trial Running	Element Completion Handover Report; and Crossrail Engineering Safety and Assurance Case
Confirmation from each relevant operator that:	
Crossrail has provided sufficient documentation to develop its Safety Management System;	Element Completion Handover Report
Crossrail has complied with the obligation in relation to intellectual property;	Crossrail proposes to evidence Intellectual Property compliance at programme level at Final Completion as intellectual property is not considered to be relevant at Element level
Crossrail has procured adequate specialist equipment, tools and plant;	Element Completion Handover Report
Operator has developed maintenance strategies and plans; and	Element Acceptance Case
Crossrail has met the operators' requirements for Maintenance and support services and spares.	Element Completion Handover Report

4.3 When evidence is available for each Element, Crossrail is required to issue a certificate to Sponsors for endorsement. The certificate will include a link to where the required supporting evidence is stored on a TfL-managed file system that can be accessed by Sponsors.

4.4 The Elizabeth Line Sponsor Team will work with Crossrail and the operators to carry out the process in a time and resource efficient way and will brief the Committee as completion is achieved.

## **5 Status of Substantial Completion**

5.1 All the evidence has been generated as part of the handover process between Crossrail and the operators and the remaining evidence to support the start of revenue service is in the final stages of being approved following resolution of discussions with the London Fire Brigade.

5.2 Crossrail expects to provide Sponsors their Substantial Completion Certificate with the available evidence by 16 May 2022.

- 5.3 Under the PDA, Substantial Completion of Elements occurs once the Sponsors have endorsed CRL's Substantial Completion Certificate. Passenger revenue earning services may not start before Substantial Completion of the Element concerned.
- 5.4 The DfT has indicated that it will require additional time to conduct due diligence and secure endorsement for Substantial Completion of the central operating section. It has requested that Sponsors agree to an amendment to the PDA so that revenue service can commence before Substantial Completion is endorsed by Sponsors.

## **6 Proposed Amendment**

- 6.1 We have considered the most appropriate route to resolution given the key timescales for the opening of the Elizabeth line.
- 6.2 On 1 October 2020, the responsibility for the Crossrail project moved to sit directly with TfL and Sponsors agreed changes to the Sponsors' Agreement that enables TfL to amend or waive certain parts of the PDA without DfT's consent.
- 6.3 TfL can unilaterally modify the Substantial Completion arrangements and proceed to endorse CRL's certificate alone. DfT remains, however, Sponsor of the Crossrail project alongside TfL and TfL considers it preferable to avoid acting unilaterally in this instance; that is also DfT's preference. The alternative approach of adjusting the timing of the Substantial Completion process requires amendment of the PDA, with the approval of both Sponsors.
- 6.4 TfL approval of an amendment to the PDA is a matter reserved for the Committee and DfT will also have to carry out its own governance processes to confirm its agreement with the amendment.
- 6.5 As the PDA currently prohibits passenger revenue services starting before Substantial Completion has been achieved, it is proposed to amend the PDA so that, in respect of the central operating section, passenger revenue services may commence, provided that:
- (a) Crossrail has issued its Substantial Completion Certificate;
  - (b) Crossrail has obtained the relevant approvals from the Office of Rail and Road with respect to safety and regulatory obligations; and
  - (c) Sponsors will then follow the process for Substantial Completion as originally provided for in the PDA, with a requirement that it is done within a reasonable timeframe and that additional information is requested only where reasonably necessary.
- 6.6 The change to the PDA enables us to operate passenger revenue earning services in the Central Operating Section without Substantial Completion and without impacting Crossrail's assurance, handover, safety and regulatory obligations.
- 6.7 The proposed approach assumes that Crossrail will provide the Sponsors Substantial Completion Certificates with evidence by 16 May 2022 and that timing

is within Crossrail's planning. The TfL Sponsor Team plans to confirm completeness of evidence and request endorsement from the Commissioner in advance of the start of revenue service. We will then be in a position to await the endorsement from DfT to close the Substantial Completion process.

**List of appendices to this report:**

Appendix 1: Crossrail Element delivery, handover, operation and maintenance accountabilities

**List of Background Papers:**

None

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## Appendix 1: Crossrail Element delivery, handover, operation and maintenance accountabilities

Group of Elements (Acceptance of Crossrail 'end-to-end')		Element (CRL Handover applies only where CRL is procuring Handover to an Operator)		Delivery / Handover		Operator and Maintainer		Stage req'd for
				from	to	Opr.	Maint.	
Central Operating Section (routeway)	RFLI Routeway	1	Railway Systems	CRL	RFLI	RFLI	RFLI	3A
		2	Non-traction power HV	CRL	RFLI	RFLI	RFLI	3A
		3	COS Tunnels (and structures)	CRL	RFLI	RFLI	RFLI	3A
		4	Plumstead maintenance facility	CRL	RFLI	RFLI	RFLI	3A
		5	Plumstead sidings	CRL	RFLI	RFLI	RFLI	3A
		6	North Woolwich portal	CRL	RFLI	RFLI	RFLI	3A
		7	Pudding Mill Lane portal	CRL	RFLI	RFLI	RFLI	3A
		8	Victoria Dock portal	CRL	RFLI	RFLI	RFLI	3A
		9	Royal Oak portal	CRL	RFLI	RFLI	RFLI	3A
		10	Plumstead portal	CRL	RFLI	RFLI	RFLI	3A
		11	Stepney Green shaft	CRL	RFLI	RFLI	RFLI	3A
		12	Mile End shaft	CRL	RFLI	RFLI	RFLI	3A
		13	Eleanor St shaft	CRL	RFLI	RFLI	RFLI	3A
		14	Limmo Peninsula shaft	CRL	RFLI	RFLI	RFLI	3A
		15	Fisher St shaft	CRL	RFLI	RFLI	RFLI	3A
	LU Stations	16	Liverpool Street Station	CRL	LU	LU	LU	3A
		17	Bond Street Station	CRL	LU	LU	LU	3R
		18	Tottenham Court Road Station	CRL	LU	LU	LU	3A
		19	Farringdon Station	CRL	LU	LU	LU	3A
		20	Whitechapel Station	CRL	LU	LU	LU	3A
	RfL Stations	21	Custom House Station	CRL	RFLI	MTREL	RFLI	3A
		22	Canary Wharf Station	CRL (CWG)	RFLI	MTREL	RFLI	3A
		23	Woolwich Station	CRL (BH)	RFLI	MTREL	RFLI	3A
		24	Paddington Station	CRL	RFLI	MTREL	RFLI	3A
Rolling Stock and Depots	25	Rolling Stock	RFL	RFL	MTREL	Alstom	All	
	26	Old Oak Common Depot	RFL	RFL	Alstom	Alstom	All	
	27	Ilford Yard Stabling	CRL	GA Franchise	GA Franchise	GA Franchise	All	
	28	Yellow Plant	RFL	RFLI	RFLI	RFLI	3A	
South East Spur	29	Abbey Wood Station	NR	NR/RFLI	MTREL	NR/RFLI	3A	
Great Eastern	30	GE on-network works routeway (incl. sidings)	NR	NR	NR	NR	4	
	31	GE stations	NR	RFLI/MTR	MTREL	RFLI	4	
	32	Early on-network works (DOO, stepping and gauging)	NR	RFLI	MTREL	RFLI	1	
Great Western	33	GW on-network works routeway (incl. sidings)	NR	NR	NR	NR	5	
	34	GW Stations	NR	NR / SFO	GW/MTRE L	NR/RFLI	5	
	35	DOO CCTV works on GW Stations	NR	RFLI	MTREL	RFLI	5A	
Heathrow Spur	36	On-network works	NR	HAL	NR	HAL	2B	