



7th May 2007

Sam Gibbins
Executive, Track Access
Office of Rail Regulation
One Kemble Street
London
WC2B 4AN

Copy to:
Garry Raven
Paul Watson

Dear Sam,

Review of ORR's Criteria and Procedures for the approval of track access contracts – A consultation document – February 2007

I refer to your letter dated 20/2/07 and the recent workshop held at ORR on the above subject.

MML welcome the opportunity to respond to the above consultation document and have provided a response in line with the questions raised in the documentation issued.

2.15 Level of regulatory scrutiny.

MML believe the time is right for ORR to focus on the areas of disagreement between parties rather than to scrutinise and check on proposed agreements where the parties are in agreement. The onus is on the parties to submit proposed agreements where they are happy with the commercial issues and to submit these in a format and manner that is consistent with the C and P. ORR should only focus their attention on areas within the agreement where the parties cannot agree or where there is an impact on third parties, trivial changes to TAC should not require the same level of scrutiny.

2.23 Flexibility on minor service changes

In respect of applications under section 22 and possibly section 18, MML believe it appropriate to extend current timescales for amendments to passenger contracts from 90 days to one timetable period, but bearing in mind this might not always be 6 months as suggested as the timetable changes are now in May and December.

MML are also supportive of extending the timescales for short term amendments to Schedule 7 and for additional routes in Schedule 2.

With regard to widening the scope of the general approval process, there are benefits for all parties in allowing franchised passenger operators to run for the first year under a general approval but we favour the general approval to allow changes to the tables in Schedule 5 for one year only. Of course to enable this to happen there would have to be some measures to safeguard interest of other stakeholders.

2.29 Alignment of processes

MML welcomes encouraging operators to submit applications early for proposed Schedule 5 changes, this should be achievable providing the NR offer process is running to time and there are less late changes once the offer has been made.

2.36 Consultation arrangements

MML is keen on placing more emphasis on NR's pre consultation process and having a structure and set of timescales laid out to support it. We believe this is essential as failure to consult properly places undue pressure on ORR to look more favourably on proposed agreements due to time constraints.

2.39 Deadlines for applications

The lack of firm deadlines for submitting applications has in the past caused confusion within TOCs and NR. MML believe the time is now right for the setting of timescales for the various levels of agreements.

2.49 An overarching regulatory framework document

This would be a valuable and informative document and MML supports the development of this approach.

Regards

Simon Taylor

Head of Planning and Access

Tele 01332 264325

Email simon.taylor@midlandmainline.com