

**Network Rail**



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Bill Hammill Esq.  
Manager Track Access  
Office of Rail Regulation  
One Kemble Street  
London  
WC2B 4AN

*pc 7/11*

19 December 2007

Dear Bill,

**Network Code J4: Failure to Use**

In accordance with Part J4.8(c) of the Network Code this letter constitutes a Notice of relevant modifications to Train Operator's Track Access Agreements as specified below. This follows a Failure to Use Notice which was served on Freightliner Ltd in accordance with Network Code Part J4.5 and Freightliner Ltd rescinding the Counter Notice which it had initially served on Network Rail (Freightliner Ltd letter dated 17 December 2007, which was copied directly to ORR, refers).

**Freightliner Limited Track Access Contract (Freight Services) dated 16 March 2001 and which expires on 31 March 2009**

The Quantum Firm Right specified below has been surrendered by Freightliner Ltd and shall be removed from the Track Access Contract with effect from the date of this Notice.

| 4M60 | SX | 03:58 | GRAIN THAMESPORT FLT | CREWE BASFORD HALL SSN

The associated Train Slot shall also be surrendered by Freightliner Ltd from the date of this Notice.

Network Rail will notify the Secretary Access Disputes Committee that the dispute reference which has been registered as ADP29 should be withdrawn.

Yours sincerely

Martin Hunt  
Customer Manager Freight

Copy – Tom Jones Freightliner Group  
Tony Skilton Secretary Access Disputes Committee