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Dear Dipesh,

Review of ORR's Criteria & procedures for the review of Track Access Contracts

I am writing to provide the Department's comments on the ORR's recent summary on "the way forward" in reviewing the Criteria & Procedures.

Further to its response of 10th May 2007, the Department continues to be generally supportive of ORR's proposals to reduce regulatory burden on the industry, and welcomes the implementation of "quick wins" where these can be realised.

We note that ORR intends to publish draft proportionality criteria for the level of scrutiny to be applied to different types of applications by 1 October 2007 and look forward to the opportunity to comment on your proposals.

We reaffirm our previous views that it may be sensible for general approvals to be used for supplemental applications linked to routine changes and that the duration for such approvals might be increased from 90 days to a maximum of one timetable period. We support your intention to require general approvals with duration of more than 90 days to be subject to consultation and resolution of any issues arising from that consultation.

It is important that the granting of general approvals has regard to the overall utilisation of scarce network capacity. To preserve network capacity, the Department believes that an appropriate mechanism should be put in place to ensure that such general approvals for short-term "one timetable period" changes are not permitted to be subsequently rolled forward into or incrementally increased in successive timetable periods.

We note ORR's intention to publish its single Criteria & Procedures document for passenger and freight applications in September 2007 and look forward to the opportunity to comment on the detail therein.

Yours sincerely,

Ray Harris