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17 August 2007

Dear Richard

Review of ORR's Criteria and Procedures for the Approval of Track Access Contracts

Thank you for the document outlining ORR's initial conclusions and proposing the way forward. This response makes reference where appropriate, to the relevant paragraph numbers of the document.

Northern is generally supportive of ORR's initial conclusions and the proposed programme of work to take the proposals forward and makes the following comments at this stage.

1.11 - Where a response has been made on behalf of a company, the views expressed are not necessarily the views of the individual making the response. It is not therefore appropriate to publish the "names of respondents", but rather to publish the name of the company in who's name the response has been made.

2.21/2.25 - The consultation requirements should be framed such that the completion of the consultation process does not prevent the short notice use of an alternative route caused by infrastructure failure or storm damage/flooding.

2.34 - Northern is pleased to note ORR's proposal to incorporate the specials provision contained in Northern's TAC into the model contract.

2.35 - Should the planned use of additional route cleared rolling stock be contingent on the stock being able to meet the timings shown in the timetable.

2.37 - Is this provision intended to document more formally the impact of a restriction of use on access rights held subject to RoR resulting in diversion and/or re-timing.

2.38 - Any proposal to consult timetable changes made during the Informed Traveller process will need careful consideration of the risk imported to T-12 delivery.

2.41 - There appears to be a conflict here with 2.21.

2.55 - The Franchise Agreements oblige TOCs to deliver PSR or SLC, so it is quite possible that the access rights required to deliver PSR or SLC will not be consistent with RUSs.

2.59 - The clear guidelines on responsibilities and obligations are essential.

2.62 – The code of practice will also need to cover a situation where an issue raised during consultation has not been resolved prior to submission to ORR.

2.70 – Any proposal to establish deadlines should take account of how deadlines can be used to impact on the conclusion of a negotiation for a change of access rights.

If you need clarification of any of the above, please do not hesitate to contact me.

Yours sincerely

Niel Wilson
Track Access Manager