

From: Dawson, Michael
Sent: 01/11/2004 12:26:34
To: Howell, Maxine
CC: Robertson, David
BCC:
Subject: FW: Use period consultation

[SRA response below for inclusion on website.](#)

Michael

Thanks for your letter consulting on the use quota and use period for UIOLI, for which I believe the closing date is today. We support the concept of UIOLI but would be keen to ensure that it operates efficiently and at minimum cost, including admin costs, for all involved. As we have discussed in the context of both long and short term access agreements, we tend to believe that this would be best achieved within a system which protects the general quantum of freight capacity, but allows allocation of that capacity to be carried out more efficiently than the current Level 1/Level 2 mechanism expression of rights allows.

In the meantime it is clearly important to ensure that capacity is freed up where it is no longer required and there are alternative demands. However it must be acknowledged that freight demand can vary, and a continuous process of challenge and defence is in nobody's interests when there are no real public benefits at stake.

Its also significant that the process of securing access rights often starts several years before they are exercised. Some freight flows are long term and predictable but others are the reverse. In such circumstances, an operator seeking rights will obviously attempt to secure a mix of rights which allows him over the duration of an access contract to have the best opportunity possible of having firm rights available to allow him to meet the expected and unexpected demands of his customers.

For this reason some degree of non use is probably inevitable, and it is therefore not necessarily appropriate to apply pro-rata decreases to the standard 90 day period for non use. For train slots included in the timetable for single days each week, 13 instances of non use would be quite a short time in the context of the ebb and flow of many freight movements. The views of the freight operators on this should be given strong weighting.

More importantly, we would have particular concerns about measuring non-use for each day separately where train slots relate to more than one day a week. It is not necessarily the case that because a train has not run (say) on a Tuesday for three months, but has been running on (say) a Thursday, that there is no longer a need for the Tuesday slot. The FOC may not have any control over when the train runs, but may need to have both Tuesdays and Thursdays available for the business to be viable. A customer who has not needed a train on a Tuesday for three months may well require one after a further interval of two or three months.

Hence it would be a pity, were there no other obvious demands, for the infrastructure and train operators be forced to go through the process of losing and then re-establishing rights (which might not result in acquisition of firm rights until the next but one timetable). At the very least therefore, the use of all slots across all days of the week should be taken into account when calculating non-use within any three month period.

Happy to discuss.

Regards

Steve

-----Original Message-----

From: Dawson, Michael
Sent: 29 October 2004 18:00
To: Howell, Maxine
Cc: Robertson, David
Subject: Use period consultation

<http://www.rail-reg.gov.uk/server/show/nav.00100b002001005001>

Maxine

Cd you please arrange for the attached documents to be added in a 'responses' section on the above page, to the right of the box entitled 'consultation letter on use quota and use period'. Let me know if this is unclear or there is a problem.

MICHAEL

<<File: Use Quota and Use Period Response 291004.doc>><<File:
UIOLIresponse281004.doc>><<File: use_.pdf>>