

Andrew Eyles  
Office of Rail Regulation  
1 Kemble Street  
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8 April 2008

Dear Andrew,

### **Consultation on Part J of the Network Code**

Thank you for the opportunity to comment on Part J of the Network Code. In your consultation document you ask whether the current Use Quota and Use Period should be amended and whether the UIOLI provision is working.

TfL supports the case for a reservation charge but recognises that this will not be implemented in CP4. A tightening of the UIOLI provision could provide an alternative solution until a reservation charge was introduced.

Unused paths can freeze development of the network, particularly where they conflict with an opportunity to introduce a regular interval passenger service. In London and the South East where capacity is constrained, this can prevent the provision of much-needed passenger capacity. We would welcome the opportunity to meet with ORR to discuss some of the issues faced by TfL.

Freight operators often hold a number of timetabled paths, some of which are alternatives, and only use each path from time to time. This is a particular problem on congested parts of the network. Tighter use criteria could help to reduce the number of paths held by individual freight operators, thereby facilitating both entry of new freight operators and freeing up capacity for passenger services.

In TfL's response to the earlier consultation on Part J, we suggested a Use Quota of 25% and a continuing Use Period of 90 days. The current Use Period is 78 days assuming Monday-Saturday services. The suggested change would represent an improvement on the current provision. At the

time of the last consultation, Network Rail argued that it could not collect data on freight movements to monitor the Use Quota but we would expect these difficulties to have been overcome. An alternative would be to maintain a Use Quota of One but reduce the length of the Use Period.

We are content that the criteria apply to wagons rather than loaded wagons to avoid having to create a definition of loading.

Yours sincerely

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