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Dear

Network Code Reform Phase 2: Update and Emerging Conclusions

Thank you for giving Merseytravel the opportunity to express our views on the above document.

I agree that there would be benefits in making Parts F and G arrangements work properly if they were underpinned by an overarching objective. I also agree that any changes under Parts F and G process should be to facilitate improved performance, capability and value for money of the railway system for customers and funders.

Network Rail should make a statement setting out how it proposes to fulfil its obligations in respect of general facilitation of new rolling stock and network commitments.

I agree that the ORR should not pursue model clauses for Bi-lateral Vehicle Route Acceptance Contracts that that they should be dealt with through the Network Code.

There would be benefits from having a single system that could streamline and simplify the change process particularly where a whole industry solution might involve changes both to the network and to vehicles.

I agree with the process and key principles of network change and the rights of train operators, and the right to seek to block a change subject to the specific criteria. I do not think there is any need to change the existing compensation arrangements for changes of law.

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There should be a mechanism for adjusting Network Rail's outputs by giving them that right to make changes to access rights, subject to compensation, and appeal to ORR.

I agree that large and/or complex pan-industry projects should be covered by specific bespoke arrangements.

I would like to see ORR publish a policy statement setting out its views on the way forward, and the detailed drafting led by the industry.

Regarding third party involvement in vehicle changes and network enhancements, as a PTE we are always interested in the facilitation and delivery of schemes by Network Rail. The appropriate mechanism for involving third parties in the general facilitation arrangements and giving them the right to ask and obtain a scheme specific contact would be through the Network Code itself.

I welcome the proposal that Network Rail and train operators should develop a code of practise setting out how they will consult interested third parties. I recognise that for it to work efficiently the avoidance of any unnecessary complexity into processes or micromangement of processes are best left to the industry to operate.

I would be in favour of Part K being switched on now, as I believe that the importance of information flow between parties cannot be under estimated there is a need for a two-way flow of information between Network Rail and train operators to ensure that all parties provide the optimum service.

Yours sincerely

Neil Scales
Chief Executive and Director General