

From: Tony Crabtree
Sent: 01/02/2006 18:34:58
To: Howell, Maxine; Gusanie, Richard
CC:
BCC:
Subject: FW: Updated criteria and procedures for the approval of track access contracts

Richard / Maxine,

Thanks for the consultation.

I have the following comments:-

(a) the effectiveness of our procedures for dealing with applications, including the application process that we follow;

The processes appear to be effective from my experience although there sometimes seems to be an excessive attention to non material detail in small proposals where the management time in both TOC and ORR could more usefully have been spent on bigger or more difficult applications.

(b) the value of these documents as a reference for potential applicants; and

The documents are comprehensive and useful. For a new applicant or someone who has not applied the procedures before, I think your advice to phone first is sound.

(c) our proposal to provide future updates of the criteria and procedures electronically.

I am content that the criteria are updated electronically. However, we have had previous correspondence on the subject of electronic consultation and related issues. It must be borne in mind that not all people are permanently wired to the web. I, for one, am frequently away from web access for days at a time. You have already agreed that your advice emails will make an explicit reference to whether the web entries will be backed up by a "blue book" or not. This will help people plan their work better. Having said all that, the ability to access a truly up to date set of "Criteria" has got to be a good thing.

Further consultation issues:

(a) where the processes add value, where they don't and how they could add more; and

I mentioned above the subject of materiality. When Network Rail and I are asked for more and more clarification about non material points relating, for instance to a relatively trivial single-user branch line application, I personally start to wonder if the process is adding as much value as it should. The time could be better spent on more material matters.

There is no doubt that other applications benefit from diligent application of the processes. ECML is a case in point.

(b) ways in which we could further improve the processes, for example, through the wider use of general approvals; and

I am sure that minor changes would be better disposed of with General Approvals. If you could frame some criteria that allowed minor or manifestly non material issues to be dealt with by General Approval, then I am sure the industry would see a benefit.

I still ponder the outcome of the recent ATW supplemental where there was a difficult issue to clear regarding CTL. The issue was not big enough to be a deal breaker but deserved to be sorted out without prejudice to the critical implementation of the new timetable. It might have been beneficial if there was a method of revisiting the outstanding issue. Is this what 6.10 suggests?

(c) whether embedding the processes within the industry's own processes would help, particularly in terms of the level of detailed checking carried out by ORR and any duplication of effort.

There is certainly a case for the saving of duplication. A lot of effort goes into the validation and other examination of new trains and timetables. Then to set about separate regulatory analysis seems odd in some cases.

I recall my experiences on the Class Representative Committee and other forums where the ORR is present in the formative stages of a proposal. The subsequent approval is thus shortened. I am not suggesting that ORR should be present in every train planning office; far from it! However, there could be merit in somehow making use of the analysis already done to shorten timescales. Rather

than delve further now, I suggest that the issue is considered by a working group.

It may be possible for criteria to define particular de minimis scenarios which can be deemed fit for General Approval simply by having achieved Network Rail validation. (see above).

Perhaps I could pose a question of my own? The document goes into timescales very thoroughly with all the scenarios from minor change to a refranchising where application about 16 months is recommended. Does ORR have figures as to what percentage of applications actually proceed within the "ideal" timescales? If we were to see this data, it might help in deciding how the Criteria are suited to the real world as it has emerged over the last few years. I am personally very determined to ensure that the provisions of Part D are workable in real life, particularly when it comes to major scenarios. I am similarly interested in the approval processes.

I hope you find the above useful,

Regards,

Tony Crabtree.