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By Email Only

All passenger & freight train operators
All holders of track access rights or track access options
All known potential applicants for track access rights and access options

cc. Network Rail Infrastructure Ltd
Department for Transport
Transport for London
Transport Scotland
Welsh Assembly
Passenger Transport Executives
Passenger Focus and London TravelWatch

Dear Colleagues

TRACK ACCESS RIGHTS ON THE EAST COAST MAIN LINE

The purpose of this letter is to identify all operators' aspirations for additional access rights on the East Coast Main Line (ECML). With this letter, we are advising you of our intention to consider and possibly make decisions on future capacity allocation on this significant part of the national network.

On 23 March 2006 we announced our decision on competing applications from Grand Central, GNER and Hull Trains for access rights on the ECML. In our reasons document of 6 April 2006 we said that due to the uncertainty about the capacity available, the approval of further additional services (over and above those contemplated by our decision) should await the completion of the RUS, unless there was compelling evidence to the contrary.

The RUS process has taken longer than was envisaged when we made our decision and in order for train operators to run additional services in the interim using capacity that had been identified through the timetabling process, we have approved some additional Contingent Rights e.g. for Hull Trains and GNER.

Network Rail now expects to publish the ECML RUS on 29 February 2008. ORR then has 60 days in which to object, otherwise, the RUS will be established on 29 April 2008.

Following the establishment of the RUS, we expect to receive a number of applications for additional access rights, either for new services or for Firm Rights in place of those running under Contingent Rights or short-term rights.

Under the new process for considering track access applications, we would expect Network Rail to carry out the consultation on individual applications before submitting them to ORR¹. However, in advance of those applications, we want to ensure that we are able to consider the relevant questions of access allocation as quickly as possible in the full knowledge of all operators' aspirations.

We would therefore like anyone with intentions to apply for new access rights or the extension of existing access rights for services on the ECML, to inform us of that fact. If you are in that position, the more information you are able to give us about the proposed services, the better. The Annex attached to this letter lists the headings under which you should give details of your proposed services as far as you are able.

In addition, any further analysis, either in terms of the economic implications of such services or their likely effect on capacity and performance on the network, would be extremely useful.

If you want to submit confidential information, you should draw our attention to that fact. However, you should note that it will be difficult for us to make decisions or statements on access allocation which are based largely or solely on information which cannot be divulged publicly. It would also be helpful for you to set out the extent to which you have already discussed your proposals with Network Rail, or when you expect to do so.

We may wish to discuss your proposals with you to gain a fuller understanding of them, but we will contact you separately to arrange any such meetings if necessary.

Once we have a complete list of the access aspirations on the ECML, we will ask Network Rail to provide an analysis of those aspirations against the available capacity, taking account of the proposed RUS, access rights already sold and the duration of those access rights. We have discussed this approach with Network Rail which is fully supportive.

I should emphasise that this exercise is to determine the additional access rights which operators are seeking and to identify any conflicts which may arise if insufficient capacity is available to satisfy all aspirations for additional access rights. It will still be necessary to discuss your individual requirements with Network Rail and apply for ORR's approval of access rights under sections 17, 18, 22 or 22A of the Railways Act 1993.

Please send any detailed responses to David Robertson, Head of Track Access, at this office david.robertson@orr.gsi.gov.uk by Friday 28 March 2008.

Yours sincerely,



¹ Industry Code of Practice for track access applications available at <http://www.rail-reg.gov.uk/upload/pdf/candp-CofP-211207.pdf>

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Annex

Aspirations for access rights on the East Coast Main Line

Train Operator
Start date and duration of rights requested
Service origin and destination
Routeing
Calling Pattern (standard and additional calls)
Number of services and days of operation
Approximate departure times or intervals from station of origin
Station dwell times
Minimum turnaround time at destination
Required journey time

Earliest and latest trains
Ancillary / ECS moves
Stabling arrangements
Rolling stock type
Maintenance depots
Crew change locations
Any additional specifications required of the service
Any relevant additional information