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Dear Brian

Grand Central: 7th Supplemental to the Track Access Agreement Proposed 4th path between Sunderland and Kings Cross

I outline the comments of the Department in response to the consultation on the 7th Supplemental Agreement to the Grand Central Track Access Agreement.

The Department welcomes the initiative taken by the Office of Rail Regulation to consider future capacity allocation on this significant part of the national network, and has noted the responses to ORR's letter of 29 February that have been posted on the ORR website. It is our view that no further firm rights should be granted until ORR has completed this consideration, and that no individual operator's application should be considered in isolation.

The Department also welcomes the recommendation in the RUS that a standard pattern timetable will make the best use of capacity on the ECML. It is to be hoped that ORR will be able to support this recommendation, and that the access rights of open access operators will be framed accordingly.

The Department notes that the application by Grand Central to introduce a fourth service between London Kings Cross and Sunderland in both directions is designed to provide a spread of services throughout the day, and that this is consistent with the conditions specified by ORR in its letter to Grand Central and Network Rail of 22nd January 2007, outlining its directions for these parties to enter into a track access contract.

The Department observes that the introduction of a fourth return path between these destinations, if not part of a standard pattern timetable, would have the potential to worsen existing performance levels on the East Coast Main Line. This is of considerable concern to the Department, given the generally low levels of punctuality currently achieved, as measured through Public Performance Measure (PPM) data compiled by Network Rail. Addition of extra services is likely to exacerbate current operating constraints on the East Coast Main Line for all operators, including those providing DfT-franchised passenger services.

The Department would be grateful for confirmation whether Grand Central has submitted supporting data as part of its application to show the effects of a fourth London Kings Cross-Sunderland return path on overall ECML performance levels,

and whether Network Rail has been able to validate such data, based on the current and projected structures of the overall ECML timetable.

The Department believes this operation would probably result in revenue abstraction from existing operators providing DfT-franchised passenger services, specifically:

- National Express East Coast
- First Transpennine Express
- Arriva Trains Crosscountry
- Northern Trains

The Department notes that the approval of three return London Kings Cross-Sunderland paths was given by ORR on condition that these were revenue-generative services. Based on apparent observed passenger loadings, the Department is concerned that current Grand Central services may not be revenue generative in practice, and the fourth path is unlikely to change this position. **We ask the ORR to consider requesting appropriate evidence from Grand Central to support their application in this respect and confirm that the fourth path fulfils this condition.**



Ray Harris