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30 April 2008

Dear Tim,

**CONSULTATION ON THE PROPOSED 19TH SUPPLEMENTAL AGREEMENT
TO THE TRACK ACCESS CONTRACT BETWEEN NETWORK RAIL
INFRASTRUCTURE LIMITED AND NATIONAL EXPRESS EAST COAST**

Thank you for your e-mail dated 17 April 2008 inviting the comments of English Welsh & Scottish Railway Limited ('EWS') on the above matter.

EWS has no objections in principle to the proposals to grant contingent rights for an additional Friday only evening service from London Kings Cross to Newcastle. However, EWS has a number of comments it wishes to raise on the detail of the application as follows:

1. EWS understands that the contingent right is required for the specific purpose of alleviating severe overcrowding problems that exist on the 19.00 FO London Kings Cross to Edinburgh service. However, it appears from the proposed agreement that that the right is not expressed as being contingent on meeting that purpose and, therefore, could conceivably be exercised in a future timetable at any time during the day on a Friday to meet some other need. EWS, considers that if the proposed right is being justified on the basis of meeting a purpose it should be made contingent upon that purpose.

2. EWS notes from paragraph 4.1 of the application form that there are three stated benefits of introducing the additional service. EWS understands the first two, namely that there will be increased capability to carry more passengers and that the comfort for existing passengers will be improved. However, EWS wishes to understand more about the third benefit i.e. that the operation of the additional service will enable more efficient use of the network. EWS would acknowledge that running one longer train rather than two shorter trains would likely result in more efficient use of the network but running two trains rather than one, we would have thought, would utilise more capacity rather than less. The parties' help on this issue would be welcomed.

3. EWS further notes from paragraph 4.13 of the application form the parties' remark that at the current time no RUS has been established covering the lines of route over which this additional contingent right is sought. EWS begs to differ.

<http://www.ews-railway.co.uk>

The Freight Route Utilisation Statement published in March 2007 has been established and certainly covers the East Coast Main Line.

Yours sincerely,

Nigel Oatway
Access Manager