



Brian Hopkinson
Track Access Executive
Office of Rail Regulation
One Kemble Street
LONDON
WC2B 4AN

21 April 2008

Dear Brian,

Grand Central Railway Co. Ltd. Proposed 7th Supplemental Agreement

In response to Network Rail's representations on the above proposed agreement Grand Central had already pointed out Network Rail's reason for not agreeing to sell these rights.

Grand Central has been extremely co-operative and patient with Network Rail in awaiting the outcome of the ECML RUS and in working with Network Rail on the delivery of the 4th path for the Sunderland service group, an application first made in February 2005.

In line with ORR guidance no formal submissions had been made by Grand Central (or sister companies) pending the outcome of the ECML RUS, and Grand Central had agreed with Network Rail it would await commencement of services prior to making a formal submission for the 4th path.

In discussions in early 2008 Network Rail advised Grand Central it would be willing to sell the 4th path from May 2008, and now, following the PDNS declarations Network Rail is indicating it has changed its mind. To take that to its logical conclusion Network Rail should therefore be rejecting every submitted bid for extra services on the ECML where competing bids are in place. This however is not the case, as both Hull Trains and National Express have Section 22 applications in place for additional services on the ECML that compete directly with Grand Central's application for services between Bradford Interchange and London Kings Cross.

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The ECML timetable has been changed every Timetable for many years, and the ECML RUS output may well see a major revision to a standard pattern, a position noted by ORR and included in Grand Central's Track Access Contract. To use Decision Criteria D6 (I) as a reason in this case for not agreeing paths is inconsistent with Network Rail's previous and current position on applications from other operators.

ORR has consistently dealt with these types of situations in the past - for example paragraph 70 of the Decision Document of 21 December 2006 on the Hull Trains 15th Supplemental makes it clear how ORR may take a particular view on future potential conflicting rights.

Were Network Rail consistent in dealing with all applications then the current position would not have arisen.

Yours sincerely

Ian Yeowart
Managing Director (Grand Union) on behalf of Grand Central