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Ian Williams  
Track Access Manager  
Office of Rail and Road  
One Kemble Street  
London

19 June 2015

Dear Mark, Ian,

**RE: Proposed amendments to the Track Access Contract between Network Rail Infrastructure Limited and East Coast Main Line Company Limited (trading as Virgin Trains East Coast) under Section 22A of the Railways Act 1993.**

Thank you for your representations dated 27 May 2015. I understand that a further response will be aired at Network Rail's Sale of Access Rights Panel (SoAR) on 29<sup>th</sup> June. The purpose of this letter is to respond to the Network Rail (NR) representations of 27 May.

**48<sup>th</sup> Supplemental Agreement (additional Stirling services, Monday to Friday only)**

Virgin Trains East Coast (VTEC) understands that Network Rail (NR) is reviewing its position in relation to this application as operational issues have now been resolved. VTEC would welcome NR's support for this application.

VTEC notes paragraph 5.54 of ORR Criteria and Procedures and also notes paragraph 5.51 (b). Notwithstanding the fact that amending Appendix 1 is not required by the ORR Criteria and Procedures, VTEC will agree to such an amendment.

**49<sup>th</sup> Supplemental Agreement (additional Sunderland services, Monday to Friday only)**

Good progress has been made with the design of the proposed Walking route. VTEC notes that SoAR recently supported an open access application for rights on the West Coast to operate electric traction on a non-electrified route. VTEC expects SoAR to take a consistent approach to the sale of access rights where infrastructure works are required. As such, VTEC has a reasonable expectation that NR will support this application following SoAR on 29<sup>th</sup> June 2015. Should NR require further assurance, VTEC would be content to include a conditions precedent associated with the use of these rights, to ensure that the walking route is fully delivered prior to commencement of services.

VTEC agrees to the introduction of a viable transfer points (VTP) for Sunderland.

Notwithstanding the fact that amending Appendix 1 is not required by the ORR's Criteria and Procedures, VTEC will agree to such an amendment.



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**50<sup>th</sup> Supplemental Agreement (additional Leeds Saturday services)**

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VTEC welcomes NR's comments.

**51<sup>st</sup> Supplemental Agreement (additional Edinburgh services, Monday to Friday only)**

VTEC is satisfied that sufficient capacity exists for these extensions to operate. VTEC is unclear what operational aspects are being considered by Network Rail and has sought clarification from NR on this issue. VTEC already operates a more intensive service at the weekend (2 trains per hour throughout the weekend) and is not aware of any issues. To date, Network Rail has not responded to these requests for clarification.

VTEC is particularly confused by NR's position given that Network Rail agreed (Section 22) to a previous application for these services in 2014 and that the previous application included two further Newcastle <> Edinburgh services in addition to the four extensions. It is unclear why NR could agree to sell more capacity a year ago and is now unable to sell less capacity. To date, Network Rail has not responded to requests for clarification.

**52<sup>nd</sup> Supplemental Agreement (Additional Edinburgh services, Sundays only)**

NR refers to the possible impact of the closure of Glasgow Queen Street (High Level) station that may affect the delivery of the train services associated with these rights. VTEC does not accept that two unknowns is a sufficient reason to deny support for an increase in high value Anglo-Scottish trains linking the two major capitals of the United Kingdom. VTEC has sought further information from Network Rail to better understand these concerns but to date, no clarification or further information have been provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Dawson'.

Phil Dawson  
Regulation & Track Access Manager

cc Tim Wright, Network Rail  
David Reed, ORR