

14 May 2010

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 WEST COAST MAIN LINE

Purpose

The purpose of this letter is to seek to identify all operators' aspirations, both passenger and freight, for new or amended access rights on the West Coast Main Line (WCML) and to set out the process and timescales involved.

Background

Both the existing Virgin West Coast franchise and the associated track access contract held by West Coast Trains Limited expire on 1 April 2012. In the run up to that date we expect to receive a number of applications for either new or additional access rights, including one from the Department for Transport for the new franchise.

In anticipation of this, we intend to consider, and possibly make decisions on, future capacity allocation on this significant part of the national network. Under the process for considering track access applications, we would expect Network Rail to hold discussions with operators and to carry out the required consultation on individual applications before submitting them to ORR¹. However, in advance of those applications, we want to ensure

¹ See Annex A (Industry Code of Practice for track access applications) of our "*Criteria and Procedures for the approval of track access contracts*", available at <http://www.rail-reg.gov.uk/server/show/nav.2409>.

that we are able to consider the relevant questions of access allocation as quickly as possible in the full knowledge of all operators' aspirations.

I should emphasise that this exercise is to help us to identify any conflicts which may arise if insufficient capacity is available to satisfy all aspirations for 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 (the Act).

Our requirements

We would therefore like anyone with intentions to apply for access rights for services on the WCML, to inform us of that fact by **Friday 11 June 2010**. We know that potential users of WCML may already have expressed their aspirations as part of the parallel West Coast RUS development process. However, if you are in that position of wanting to run services on WCML then we will need to have more detail than perhaps has previously been required. Indeed, 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 – we recognise that not everyone will yet be in a position to provide all the information, but we have indicated those details that we consider are essential.

In addition, we will require, as a minimum, an outline business case, including the nature of the market and customer base, together with any further analysis, either in terms of the economic implications of such services or their likely effect on capacity and performance on the network. Again, the more information you can provide at this stage the more useful it will be.

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. Potential users may also wish to have regard to Network Rail's commitments for Control Period 4 as set out in its delivery plan².

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 required.

Confidentiality

Based on the lessons learned from similar exercises we have carried out in the recent past, it is our intention not to publish any of the responses received at this stage of the process. Rather we will wait until after the completion of the process and publish all

² <http://www.networkrail.co.uk/aspx/6648.aspx>.

relevant documentation at the same time as we publish our decision. **Nevertheless, if you want to submit confidential information, you should still draw our attention to that fact now.** In doing so it is important that you understand 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.

Next steps

Once we have a complete list of the access aspirations on the WCML, we will ask Network Rail to provide a capacity and performance report analysing those aspirations against the available capacity, taking account of the proposed WCML RUS. We will agree with Network Rail a detailed remit and specification, including a project plan with clear milestones, which we will share with the industry. We will expect its report to set out:

- the extent to which the stated requirements of all operators, both passenger and freight, can be met;
- if not, what are the trade offs and level of change required to meet operators' stated requirements; and
- the likely impact of such changes on performance.

In carrying out this work, Network Rail will be asked to ensure that we understand what mix of traffic, i.e. passenger and freight, can be accommodated by the current infrastructure. As part of this analysis we would expect Network Rail to produce a 'prototype' timetable.

Our proposed timescales are:

- 11 June 2010 - closing date for responses.
- End June 2010 – agree and issue remit to Network Rail.
- End of September – Network Rail's analysis received.
- End of December – ORR issue decision

We recognise that the lead in time for prospective operators looking to start services in April/May 2012 will be anything up to a calendar year ahead. In such circumstances they would presumably be looking for ORR's approval to their applications for our approval of access rights under sections 17, 18, 22 or 22A of the Act as early as the end of March 2011. To meet such a timetable it is therefore important that such operators enter into early dialogue with Network Rail (and ourselves as necessary), with a view to ensuring that their applications are as far advanced as possible. Certainly, to meet an end of March

2011 approval, formal applications need to be to with us by the end of January 2011 for agreed ones and by the end of 2010 for unagreed ones.

We have discussed this approach with Department of Transport and Network Rail who are both fully supportive of this approach.

Responses

Please send all responses to David Wearing, Track Access Executive, at this office david.wearing@orr.gsi.gov.uk by Friday 11 June 2010. We recognise that this timescale is very tight, but we feel it is important that we press ahead with this work to ensure that everyone has clarity as soon as possible on the availability of capacity.

Yours sincerely,

A handwritten signature in black ink that reads "Brian Kogan". The signature is written in a cursive, flowing style.

Brian Kogan

Annex

Aspirations for access rights on the West Coast Main Line (* required information)

*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	
*Rolling stock (including whether tilting)	
Train capacity	
Ancillary / ECS moves	
Stabling arrangements	
Maintenance depots	
Crew change locations	
Any additional specifications required of the service	
Any relevant additional information³	

³ (e.g., if known or available at this stage, platforming requirements, sectional running times, locations for crew changes and depots, diversionary routes and train crew rolling stock diagrams)