



Atrium Court,  
50 Waterloo Street,  
GLASGOW  
G2 6HQ.

21<sup>st</sup> July 2011

Ian Williams  
Track Access Manager  
Office of Rail Regulation  
1 Kembe Street  
London  
WC2 4AN

Dear Ian,

**Review of the Decision Criteria in part D of the Network Code**  
**Response from First ScotRail Limited**

Thank you for the letter dated 10<sup>th</sup> June 2011, requesting our comments on the proposed changes to the Decision Criteria in part D of the Network Code.

First ScotRail supports the simplification of the current criteria into a format which is easier to understand.

First ScotRail agree that it is sensible to separate and clarify the current criterion (a) to become an overarching objective however this should also include the newly proposed criteria (a) and (i) these being "safety" and "the effect on the environment" respectively.

First ScotRail believes that the third party contracts should also still be considered, current criteria (c) as well criteria (b) relating to RUS documents, which may be an initial access rights issue, but once agreed it is a consideration that will continue to have some persuasion.

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First ScotRail note the ORR's reasons for the removable of reference to third party contracts, but in our case there is significant difference between our SLC with Transport Scotland and our TAA with Network Rail especially as far as journey times are concerned.

With regard to the prioritising the decision criteria, I feel that this would be very difficult to achieve in most circumstances as each application of it would be different.

Network Rail needs to be conscious of the range of decision criteria available to it so that individual items of contention / dispute can be weighted correctly. First ScotRail do feel that on some occasions Network Rail are not entirely comfortable with this concept, even though an Operator will always query its interpretation if apparent misapplication is identified.

Should you have any queries on the above please do not hesitate to contact myself or my team.

Regards,

Neil Sutton  
Long Term Timetable Manager

cc Transport Scotland

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