

Rail Directorate

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 «Ext», Fax: 0141 272 «Fax»
«email»@transportscotland.gsi.gov.uk



Paul Carey
Office of Rail Regulation
One, Kemble Street
London
WC2B 4AN

Our ref:
NRS10-156

Date:
14 February 2011

Dear Paul

Review of Part J of the Network Code

Transport Scotland welcomes the objectives of the proposed changes to Part J of the Network Code, to improve the fair and efficient allocation and use of network capacity, but requests further information in order to be satisfied that these changes are fair and efficient to both potential and existing operators.

Whilst we fully support the efforts to free up valuable capacity, by removing access rights from those operators with no demonstrable need etc., we wish to better understand how reasonable and transparent protection will be provided to the retention of access rights for those operators with a demonstrable and / or strategic requirement.

As Transport Scotland's interests relate to the high level effects of the proposed changes, we do not feel it is appropriate to comment on each of the 34 consultation questions.

The main issues for Transport Scotland relate to paragraph 1.44 (f) of the consultation document, i.e. to the proposed tiered approach to capacity scarcity. This general principle is welcomed, although we request further explanation of how this would work in practice;

- How will these congested routes be; identified and defined, using what criteria, by whom and how will disputes be settled? This issue appears to have a significant linkage to the proposed changes to Part D, in respect to the implications for industry stakeholders and funders seeking to promote and fund enhancements to increase network capacity etc.
- How will the proposed changes affect essential / strategic, traffic that only operates on a limited number of trains. For example, nuclear flasks.
- And likewise "campaign" flows, such as the pipes traffic to Georgemas Junction, that operate only infrequently as required by customers.
- How will the proposed changes affect core traffic, such as power station coal where there is a base demand but highly variable combinations of origins and destinations and volume fluctuations, and also seasonal traffic.
- Is there any link between these proposals, especially to the reduced "use periods" and the previously develop "congested network" requirements?

Transport Scotland strongly supports the points made in 1.44 (b), as it is our view that unused dated train paths are a significant consumer of network capacity, especially when they are at different times for the same traffic.

I look forward to receiving your reply.

Yours sincerely

Dean Cowper
Rail Directorate