

Michael Albon
Executive, Access and Licensing
Telephone: 0207 282 3660
E-mail: michael.albon@orr.gsi.gov.uk

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Carew Satchwell
Route Contracts Manager
Network Rail Infrastructure Limited
11th Floor, The Mailbox
100 Wharfside Street
Birmingham
B1 1RT

James Carter
Network Access Manager
London and Birmingham Railway Limited
102 New Street
Birmingham
B2 4HQ

Dear Carew and James

Consent to a Supplement to the Track Usage Price List: Class 230/M and Trailer 230/T

1. The Office of Rail and Road (ORR) has today issued a Notice of Consent to a Supplement to the Track Usage Price List, submitted to us jointly by Network Rail Infrastructure Limited (Network Rail) and London and Birmingham Railway Limited on 10 November 2016 under Paragraph 9 of Part 2 of Schedule 7 under their Track Access Contract (TAC).

Purpose of the change

2. The purpose of this supplement is to amend the Passenger Variable Use Charge (VUC) Rates section of the Track Usage Price List to include the new Class 230/M and Class 230/T vehicle types. This is required because of a forthcoming introduction on a trial basis of the class 230 stock between Coventry and Nuneaton early in 2017.

Consultation

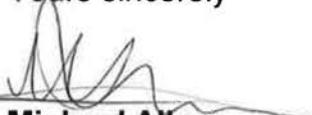
4. There is no requirement for industry consultation in this matter.

ORR review

5. We reviewed the application from a technical viewpoint and raised a query with the parties on the type of curving class that had been used in the calculation. The Class 230 is relatively light with very flexible suspension whilst the curving class used is more suited to heavy vehicles. The parties acknowledged this point but advised that the overall impact on cost would be relatively low given the low mileage, low operating speeds proposed and the short – term nature of the trial operation. Whilst we accepted this point, given there is no provision in the TAC to amend the rates in the Track Usage Price List, we have advised the parties to insert the dates covering just the trial period of operation. This will then allow the parties to add a permanent, more accurate supplement after the trial period. The parties were satisfied and agreed to this suggestion and a start and end date has been added to the consent notice.

6. Paragraph 9 of Part 2 of Schedule 7 to the TAC states that consent by ORR shall come into effect on the date on which the vehicles are first used on the Network by the Train Operator.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Albon', is written over a horizontal line.

Michael Albon