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Telephone:
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28 March 2014

Dear Rachel,

**PROPOSED TRACK ACCESS CONTRACT BETWEEN NETWORK RAIL
INFRASTRUCTURE LIMITED AND GREAT NORTH EASTERN RAILWAY COMPANY
LIMITED**

Thank you for your e-mail dated 28 February 2014 inviting the comments of DB Schenker Rail (UK) Limited ('DB Schenker') on the above matter.

DB Schenker understands that the access rights included in the proposed agreement are intended to support the provision of high-speed passenger trains comprising a two-hourly service between London Kings Cross and Bradford/Ilkley and a service four times a day between London Kings Cross and Cleethorpes which are all planned to commence in December 2017.

DB Schenker notes that the proposed contract is to be submitted by GNER to ORR pursuant to Section 17 of the Railways Act 1993 because the application is not supported by Network Rail. However, it is not entirely clear in section 3.2 of Form P as to the full extent of the differences between the parties and the key reasons for those differences although some of them can be presumed from the other information contained in the application (e.g. capacity availability and delivery of infrastructure enhancements). DB Schenker also notes that the application is dependent upon GNER being granted a passenger licence and safety certificate by ORR as well as completing the procurement and delivery of new rolling stock to meet the required service specification.

Notwithstanding that all of these key issues are yet to be resolved, in order for DB Schenker to signify its consent to the proposals, it will need to be assured that the proposed additional trains and the manner of their operation do not adversely impact on either its own services or on route capacity such that it becomes ossified so that the future growth in freight services could become unduly constrained.

Unfortunately, the information provided in the application is not detailed enough to enable DB Schenker to assess fully the proposals with these concerns in mind. For such an assessment to be undertaken, DB Schenker would need to be supplied with relevant detailed timetable modelling showing the new services as well as all other services on the ECML expected to be in operation from December 2017.

Given that this information does not appear to be available as yet, DB Schenker is unable to begin to assess with any degree of certainty or assurance the effects of the proposals on its services or its future business in terms of freight growth on the ECML. Although DB Schenker understands why this uncertainty remains, because GNER is seeking the approval of rights for its proposed services now, DB Schenker has to set out its position based on the information that it has been presented with. As indicated above, given that that information is inadequate, DB Schenker is unfortunately not in a position to signify its consent to the proposals at this time. It is of course, however, willing to work closely with GNER and Network Rail once the relevant indicative timetabling information does become available.

Yours sincerely,

Nigel Oatway
Access Manager

cc. Chris Brandon Alliance Rail