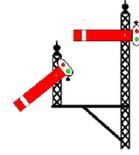


# BRANCH LINE SOCIETY

FOUNDED 1955



16<sup>th</sup> January 2013

J Shuttleworth Esq.,  
West Coast Railway Co. Ltd.,  
Jesson Way,  
Crag Bank,  
Carnforth,  
Lancashire,  
LA5 9UR.

**Office of Rail Regulation (ORR) Consultation concerning charter and freight trains.  
Reference ORR/011/2012**

Dear James,

Further to our telephone conversation we write concerning the above consultation to formally request that our views be passed on to the ORR as an "end user".

By way of background the Branch Line Society is a nationally spread organisation with a membership of over 900 persons. It was established in 1955 and is widely recognised within the rail industry as Britain's leading amateur group for the study of railway infrastructure and history of networks. It pursues the above aims by a news service, tours and visits. We have long experience of organising tours and visits using chartered special trains, especially to visit those parts of both the national system and of private and industrial railways which are not normally accessible to individual members. The Fixtures Secretary and his team have, for over forty years, arranged such activities

We are obliged to object to what is being tabled because, at the moment, we are uncertain about what (if any) direct financial obligation it might be the intention to place on the charterers themselves, and even if no direct financial obligation is placed on charterers we are concerned that any change in the burden on our providers has the potential both to increase the costs of chartering a train for us (and therefore our participants) and to increase our organisational difficulties (particularly if it makes our suppliers more risk averse).

The absolute principle must be that charter trains in general have been an integral part of the British railway scene since 1841. They now provide an enjoyable and sought after service to participants which is no longer part of the business plan of core providers and they generate economic benefit both within the railway industry itself and at those destinations regularly visited by charter trains. They should not therefore be priced out of existence by any tinkering with administrative rules.

The BLS has acted as a responsible charterer for some 58 years, during which it has adapted to the changed requirements of the modern railway era. It works diligently with its industry partners to ensure that its charter trains operate efficiently, so that participants can have an enjoyable day out pursuing their hobby. Those participants should not be penalised, or their enjoyment of their hobby impaired, by any changes implemented following this consultation.

The Society as such has almost no control over anything within the system, but may be penalised financially, or commercially, by any decisions made - specifically if any TOC refuses to take on the risk of a Charter Train because of potential liabilities arising from changes to the system.

We are unsure exactly how the system will work. Is every delay automatically 'punished' or only when actual delays to any other TOC are involved. There are far greater implications for those charters using either private haulage or private stock. If either of those suffer a failure causing delay then undoubtedly there is a case for the owner of the engines or stock to be penalised as it might well cause delays to other services. Whichever TOC we contract with are then they are liable for any failures, just as they are for either freight or passenger services operated as part of their basic operations.

Three or four basic scenarios come to mind with this question. The first is stock failure. If a train fails to whom does the apportionment of costs go? The second is exemplified by a recent occurrence wherein our tour train sat on Rugby flyover for 55 minutes. Who caused that delay - NR (signalling) for not sending us to the right place or our Train Operating Company for refusing to go where sent and insisting on going where we were supposed to go? Then there are delays originating off the National Network, impacting when we return to it - such as when our train goes onto private lines.

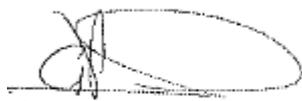
The biggest problem that we foresee though is that as every charter, certainly those of the sort run by the Branch Line Society, is a one-off and timing, access and operational issues are effectively fresh to each tour so there is absolutely no basic criterion upon which to base any plans. It will be far too easy for another TOC to allege delays have been caused by the charter when, for example, the real delay was caused by a timing issue on a freight branch. The opposite side to that is that operational staff will become paranoid about looping the charter at every and all points to avoid any possible delay, however theoretical, which means the charter only does half the route or takes twice as long as it should.

Ultimately it is this last point which causes us greatest concern.

We are unable to place our points over directly as the Consultation Questions are biased in favour of a reply from a TOC however we would request that the content of this letter be formally presented by WCRC in any reply being tabled to the ORR. We have also copied this letter to the ORR for information.

Finally we are not sure if it is intended by the ORR to have any meetings amongst interested parties in respect to the changes proposed. If however any meeting was being convened and it would be considered useful to present our position in support of yours we would happily attend to voice our concerns.

Yours sincerely,



Graeme Jolley  
Fixtures Secretary

A copy of this letter has been forwarded by E Mail to;

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Office of Rail Regulation  
One Kemble Street  
London  
WC2B 4AN  
Email: [Robert.mills@orr.gsi.gov.uk](mailto:Robert.mills@orr.gsi.gov.uk)