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Dear Katherine,

## **New General Approval for freight track access contracts**

This letter sets out TfL's responses to the questions raised in the ORR's consultation on their update of the General Approval (GA) for freight track access contracts. TfL is content for its responses to be published and shared with Third Parties.

### **Q1. Is the proposed range of the arrival and departure windows that can be generally approved useful? Should this range be broader or narrower, and if so, why?**

The proposed range is acceptable to TfL. Broader arrival and departure windows are preferable because they maximize the flexibility of the pathing process, providing greater opportunities for freight trains to be scheduled to operate at times when the network is less busy outside peak periods. It is TfL's view that freight services should not be scheduled during peak periods where they use capacity that is required to relieve overcrowding on passenger services. The General Approval should not therefore permit the scheduling of any new freight service during peak periods nor the rescheduling of any freight service which moves it within peak periods. These types of changes should remain subject to regulatory oversight to ensure that the correct balance is struck between the relative merits of freight and passenger services.

### **Q2. Should the provision for amending access rights to match the Working Timetable (WTT) be expanded, subject to successful industry consultation?**

TfL is content with this proposal, as all such changes will be subject to an industry consultation where all parties must agree to the amendment proposed. The Working Timetable will already reflect the compromises

agreed between each party regarding the allocation of capacity, so any changes of this type made under the GA should prove not to be controversial.

It is important that any path that is not used as planned is withdrawn as rapidly as practicable to prevent the ossification of network capacity and the creation of opportunities for alternative services to run.

**Q3. Do you have any comments on the above proposed changes to the GA, or any amendments we have not included which you think we should consider?**

TfL notes that there appears to be some confusion between the lists of items in Annex D that do and do not require consultation. Reductions or deletions of the content of the columns concerned could be regarded as amendments, yet the GA only requires consultation in the event of amendments which are defined in a separate section. The position therefore needs to be clarified.

As stated above it is TfL's view that freight services should not be scheduled during peak periods where they use capacity that is required to relieve overcrowding on passenger services. The General Approval should therefore explicitly exclude changes that affect peak periods, except where the change is to remove a freight path that runs during peak periods.

**Q4. We are required to review the impact of any regulatory changes. How will a revised GA impact on your business?**

TfL may experience adverse impacts on its key business objectives as a consequence of the revised GA if it permits the operation of additional freight services during peak periods, as these will conflict with the urgent priority of providing additional capacity to relieve overcrowding on peak services in the London area. It will be important to keep the usage of the revised GA under review to ensure that it is leading to an appropriate allocation of network capacity; further intervention may be required if this proves not to be the case.

Yours sincerely,

**Alan Smart,  
Principal Planner – Rail Development,  
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