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7th April 2015

Dear Phil,

**CONSULTATION ON EAST COAST MAIN LINE CO. LTD. NEW TRACK ACCESS CONTRACT
(TAC) FROM DECEMBER 2016 TO DECEMBER 2025 – INDUSTRY CONSULTATION:**

Thank you for the opportunity to comment on the Section 17 application between East Coast Main Line Co. Ltd. (trading as Virgin Trains East Coast) and Network Rail Infrastructure Ltd.

GB Railfreight Ltd. (GBRf) has a number of issues and concerns with this application, some of which will require clear information before a considered assessment can be made. GBRf would expect East Coast Main Line Co. Ltd. and Network Rail to share clear answers to these points before Network Rail and the Office of Rail Regulation give directions on this application.

- In the Executive Summary, GBRf notes the quantum of services being proposed in Parts A, B and C of the table shown, for the period between Principal Change Date 2016 and Subsidiary Change Date 2020. However, it isn't clear from this application, even in the broadest sense, how each of the step-changes of proposed firm rights fits in with other current applications and future ECML capacity requirements, particularly for freight growth along the various sections of the East Coast Main Line. This concern is borne out in Section 3.2 by the fact that Network Rail is not able to support this application for anything above the existing quantum (as listed in Part A) nor the proposed journey time protection.
- This new contract proposes journey time protections of +/- 5 mins. maximum variation on tightly specified maximum journey times. Once again, GBRf needs to be convinced that these levels of tight specification are, indeed, compatible with future ECML capacity requirements, particularly for freight growth along the various sections of the East Coast Main Line. Please advise.
- In Section 4.2 *Adequacy*, the application assumes that the current level of open access operation is maintained. Since this Section 17 application has been consulted, there is a new open access operation also applying for rights on the East Coast Main Line. In a common theme here, GBRf cannot comment any further without knowing how these competing applications might work together and how they both interact with future freight growth paths. Please advise in more detail how the new open access application affects this application.

- Section 4.2 also states that East Coast is satisfied that sufficient capacity exists for the proposal of this application but doesn't state how and why this is the case. Some evidence to this effect would be useful in assessing the application. Please provide evidence.
- Section 4.32 and 4.33 of ORR's Criteria & Procedures (December 2011) document discusses the requirement of supporting information to help all parties more easily understand the application. The following information would be extremely useful and really needs to be supplied to all consultees:
 - a) A specimen timetable (with passenger and freight services) to demonstrate that the required capacity is available. This must be available as, without it, many of the statements made in this application could not be made with any authority. (Also see next point).
 - b) A report of performance modelling of the proposed timetable, so a better picture can be obtained on any changes on the East Coast Main Line. (Also see next point).
- Section 5.2 of this application really states the main issues that consultees are having in assessing this application. There really is not enough information for a proper assessment to be made. GBRf agrees with the statement that "before any of this can happen, Network Rail would need to develop a detailed timetable for all of the ECML and off-route services" but would add including freight services.

For the very specific reasons listed above, GB Railfreight cannot support this Virgin Trains East Coast new track access contract, neither for its length or specificity of services.

Please contact me if you have any further enquiries.

Yours sincerely,

Ian Kapur.
National Access Manager.