

North Yorkshire Moors Railway  
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Operations and Network Regulation  
Office of Rail Regulation  
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6<sup>th</sup> February 2015

Dear Samantha

### **Consultation on Economic Enforcement Policy and Penalties Statement**

I am responding on behalf of the North Yorkshire Moors Railway (NYMR) to your consultation.

NYMR is a small niche operator with track access rights over only 25 route miles of Network Rail's Esk Valley line between Battersby and Whitby. Most trains operate over just 6 miles between Grosmont and Whitby as an extension of heritage railway operations over our own infrastructure. Given the small scale of our operations we have few observations to make in relation to the consultation.

NYMR is a relatively small enterprise owned by a charitable Trust with limited financial reserves. This affects us in two ways. Firstly it is vitally important that we have reasonable certainty about network access and the costs associated with this access. This would include any significant alteration to enforcement or other financial penalties. The second point is that the nature of our business is such that any significant unexpected financial penalty could jeopardise the future continuity of our business. This is not an argument seeking more favourable treatment, nor that we should be immune from the rightful consequences of any infringement. However, it is a factor which may be a bigger issue for us than for many Train Operating Companies that are subsidiaries of much larger holding companies.

From our review of the proposals in your consultation document, there is nothing that would cause us to indicate a substantial change in the way that your enforcement policy is likely to operate. Consequently I have no more specific observations to make.

Yours sincerely

Philip Benham  
Managing Director