

From: Richard Brampton, Arriva Trains Wales
To: Gerry Leighton, Office of Rail Regulation
Cc: Ian Bullock; Michael Vaughan; Leigh Thompson
Sent: 2 June 2011 12:08
Subject: Consultation on proposed changes to the National Station Access Conditions and the Independent Station Access Conditions

Dear Gerry,

Many thanks for the opportunity to respond to the proposed changes to the Station Access Conditions (and ISACs). Our comments below relate to the "National Station Access Conditions 2011 (England and Wales)".

After having gone through the proposed amendments, we are disappointed by the results of this exercise, following years of effort and input by the SFOs to get ORR to produce a "user-friendly" document that was relevant to the Station Facility Owners and Network Rail, was in plain English and which was practical to use on a regular basis.

Although issued as an ORR document (and consultation), the impression is conveyed that it has been influenced by Network Rail in reflecting a number of large-scale amendments to its specific conditions and obligations in the 1996 Conditions but with very little, if any, concessions and changes to the SFOs' conditions and obligations. A number of the previous clauses relating to Network Rail's obligations have either been removed or heavily amended. However, those obligations relating to SFOs appear to have been left in - or given minor "tweaks" where they also relate to changes in the NR obligations.

We are disappointed that whilst Stations Code was abandoned, much progress had been made in relation to agreed amendment proposals to the Station Access Conditions and Annexes. However, it would appear that the progress achieved in relation to the SFOs' responsibilities has neither been carried forward into this proposed documentation nor resulted in a revision of the Station Specific Annexes.

With regard to the contents of the proposed changes, Arriva Trains Wales fully supports the response from the ATOC in relation to both the National and the Independent Station Access Conditions.

There are a number of errors and/or misunderstandings in the document and, in the final quarter of the document, much of the text appears to have been drafted before the change from SRA to DfT, WAG (now Welsh Government) and the Scottish Parliament. It also does not recognise the role and responsibilities that the Welsh Government has in relation to the railways in Wales and its management of the Welsh Franchise (which also includes those English stations within the Wales Franchise). These are listed below.

Areas of error encountered in the "National Station Access Conditions 2011 (England and Wales)" are as follows:

General Question: If these National Station Access Conditions apply only to England and Wales, why are there references to "Scottish Ministers" and "Transport Scotland" throughout it? We make reference to **Transport Scotland** in our response just in case there is a **compelling** reason why they should be included in the England and Wales conditions.

1.2 Definitions: "Competent Authority", in the third line, "SRA" has been superseded by "DfT, **Transport Scotland** and the Welsh Government".

"Material Change Consultees", on transport matters, especially those relating to rail, the Welsh Government has the same rights and powers as those bodies described in (b) and should therefore be included within that group rather than as an equivalent to PTEs or TfL.

In Part F "Access Charging",

Clause 11.4.2: immediately preceding (c), SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government".

Clause 11.7 "Definitions" "Retail Prices Index": in both (a) and (b), SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government".

Clauses 12.1, 12.2, 12.3 and 12.4: SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government" and, in 12.4, "its" should be replaced by "their".

In Part I "Station Register",

Clause 2.2: SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government".

Clause 5.3: SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government".

In Part Q "General",

Clause 1.2.3: SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government".

In Annex 8 "Collateral Agreement"

Clause 6.5: six references to SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government".

In Annex 9 "Miscellaneous Provisions"

Clause (10): SRA should be amended to reflect "Department for Transport **or Transport Scotland** or the Welsh Government".

ANNEX 13

"ANNEXE" should read "ANNEX".

Network Rail Independent Station Access Conditions 2011 Edition: The only errors we can find are in:

1.2 Definitions - Under "Material Change Consultees", as mentioned above, the Welsh Assembly Government (now Welsh Government) should be moved from paragraph (d) to paragraph (b);

and

Part 17: General, 100.2(C), where SRA should be replaced by "DfT, Transport Scotland and the Welsh Government".

So far as the Annexes to the Station Access Conditions are concerned, we are still of the opinion that they should be revised, using many of the outcomes from the aborted Stations Code programme (in addition to Network Rail input) as a basis on which to prepare acceptable, correct, user-friendly Station Annexes which we can work with on a daily basis.

Regards

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