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OFFICE OF **RAIL REGULATION**

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All passenger & freight train operators
All holders of track access rights or track access options
All potential applicants for track access rights and access options

cc. Network Rail Infrastructure Ltd
Department for Transport
Transport for London
Transport Scotland
Welsh Assembly
Passenger Transport Executives
Passenger Focus and London TravelWatch

Dear Colleague

CONSIDERATION OF APPLICATIONS FOR TRACK ACCESS RIGHTS RELATING TO THE EAST MIDLANDS, WEST MIDLANDS, CROSS COUNTRY AND WEST COAST, FRANCHISES

As you probably know, the Department for Transport is now consulting on the proposed specifications for the East Midlands, West Midlands and Cross Country franchises. We expect that exercise to be completed during August 2006 so that invitations to tender can be issued to short listed bidders in October 2006 with a deadline for franchise bids during February 2007. I am writing to you now to explain how we expect to consider the applications for track access rights which will be a necessary part of that refranchising process.

The Department for Transport's intention is that the three new franchises will begin operations in November 2007. It expects that for the first year or so, until December 2008, they will continue to operate largely the same services as are currently in operation. In December 2008, it is intended that there will be a further improvement in capacity and line speeds on the West Coast Main Line which will allow an enhanced timetable to be introduced. This in turn will result in changes to the other three franchises which are the subject of this letter.

Network Rail and the Department for Transport have been working on the revised specifications for these services and the likely effect of these changes on timetables. Whilst draft track access contracts are unlikely to be available for some time, we anticipate





that timetabling information and specifications will be available in September/October 2006 and we want to ensure that we are able to consider the relevant questions of access allocation as quickly as possible thereafter.

I am therefore writing now to forewarn you of the likely consultation on the requested allocation of network capacity which we shall be conducting in the Autumn of this year. We should like to carry out that consultation in as informed a way as possible and it would help us if anyone with intentions to apply for track access rights for services over that part of the national network covered by the franchises mentioned above would inform us of that fact. If you are in that position, the more information you are able to give us about the proposed services, the better. Proposals for new services should set out the planned service flows, frequencies and the justification for such services within our policy on the approval of access rights for competing services. In addition, any further analysis either in terms of the economic implications of such services, or their likely effect on capacity and performance on the network would be extremely useful. If you want to submit confidential information, you should draw our attention to that fact. However, you should note that it will be difficult for us to make decisions or statements on access allocation which are based largely or solely on information which cannot be divulged publicly. It would also be helpful for you to set out the extent to which you have already discussed your proposals with Network Rail, or when you expect to do so.

With this letter, we are advising you of our intention to consider and possibly make decisions on future capacity allocation on a significant part of the national network. We consider that it is reasonable for us to plan to do so within timescales that are consistent with the Department for Transport's refranchising programme.

Please send any detailed responses to David Robertson, Head of Track Access, at this office by Friday, 15 September 2006. Shortly afterwards, I expect to have the details of service specifications and timetabling from Network Rail and the Department for Transport so I can proceed with the consultation described above. I expect to let you know then what the likely timescales are for a decision from this office - but our intention is to be in a position to make at least a provisional decision on the approval of capacity allocation by the end of December 2006.

Yours sincerely
Brian Kogan

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