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08 April 2015

Ian Williams
Track Access Manager
Office of Rail Regulation
One Kemble Street
London
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Dear Ian

Written representations: Amendment to the track access contract between Network Rail Infrastructure Limited and West Coast Trains Limited

Thank you for your letter dated 19 March with reference to your receipt of an application for directions under section 22A of the Railways Act 1993 (the Act) from West Coast Trains Limited.

Having considered the matter, Network Rail now wishes to enter into the proposed amendment to the contract on an agreed basis. Network Rail recognizes that it has been the practice to date to sell access rights until the end of a Track Access Contract, where a franchise agreement is in place, including cases where the duration of such rights has exceeded five years.

Network Rail acknowledges the position that ORR would be likely to adopt with regard to this particular application taking due regard to the ORR current policy documentation, but notes that this may lead to a suboptimal position where rights are being agreed for a longer duration than five years.

However, while acknowledging this position, Network Rail retains the right to judge all applications against other criteria including, but not limited to, the effect of the addition rights on capacity, safety and performance.

With the current policy documentation being updated we are keen to work with the industry and yourselves to come to a clear understanding as to what is meant by the existence of commercial contracts to provide clarity in the case of future applications.

In response to the request regarding 'interested persons', I trust that you are in receipt of our correspondence.

Yours sincerely


Carew Satchwell FIRO
Route Contract Manager, LNW Route