



OFFICE OF RAIL REGULATION

Michael Lee
Director of Access, Planning & Performance
Telephone 020 7282 2139
Fax 020 7282 2042
E-mail michael.lee@orr.gsi.gov.uk

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Paul Plummer Esq
Director, Planning & Regulation
Network Rail Infrastructure Limited
40 Melton Street
London
NW1 2EE

cc Peter Henderson

Dear Paul

Infrastructure Capability

You submitted the Route Availability Phase 2 report to us on 27 September. This was the final requirement of the notice that we issued to you on 2 March 2006 under section 55(6) of the Railways Act 2003 regarding the published capability of the network ("the notice"). We now consider that you have met the requirements of the notice in full.

There are still a number of outstanding discrepancies between the published and actual capability across the network. Whilst we did not set a deadline for resolving these in the notice you are obliged, in accordance with Condition 7 of your network licence, to work with your stakeholders to resolve them quickly and efficiently. Where this causes you to restore the network to the published capability, including following a short-term network change, you should fund this work on the basis that such expenditure has been provided for through the 2003 Access Charges Review. We will monitor closely your progress on resolving these outstanding discrepancies.

You have carried out a route-level assessment of capability for mileage and track layout, but you acknowledge that this might not have picked up every discrepancy on individual signal boxes, points or loops, for example. There was not a specific requirement in the notice for a detailed verification programme, and this approach is consistent with the recovery plan that you submitted to us on 17 March 2006. However, we expect, in line with Condition 7 of your network licence, that any additional discrepancies of this nature discovered in future will be resolved as quickly as possible, either through Part G of the Network Code or by restoring the capability without additional funding.

We are pleased to note your forward programme for developing processes and systems for the accurate, timely and accessible publication of capability in the future, and look





forward to seeing the outcome of this work. We wish to remain a consultee on this work through the established bi-monthly stakeholder meetings.

I am copying this letter to Peter Henderson, and to Graham Smith at EWS, Lindsay Durham at Freightliner, and Kai Hills at ATOC. I am also placing a copy on our website.

Yours sincerely

Michael Lee

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A horizontal line drawn in black ink, serving as a signature line for Michael Lee.