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22 July 2024

Dear Ryan,

**Response to Network Rail Representations for DB Cargo (UK) Ltd's proposed 73<sup>rd</sup> Supplemental Agreement**

Thank you for the opportunity to comment on Network Rail's representations.

DB Cargo (UK) Limited ("DB Cargo") is concerned with the length of time being taken to progress Rights contained in this 73<sup>rd</sup> application. Network Rail notes that an earlier application for similar access rights was considered internally by Network Rail in October 2023. This application was frustrated by a regional objection (Eastern) related to considerations with regard to the ongoing ECML ESG. It does not instil confidence of an early resolution to read "*Network Rail has not yet had an opportunity to fully consider its position on this application and whether it can eventually support the proposed access rights.*"

It is appreciated that Network Rail has had to respond with its representations to 83 applications in a short period of time. However, some of the representations lack relevance to the content of the applications and appear to be a "stock response" subject to copy and paste.

DB Cargo would point out that in a paragraph under business continuity, where Network Rail states that "*there is a risk that rights might not be available in time for an operator to commence services as early as it would like.....*" the relevant services are operating and indeed have been doing so for months!

Freight operators have witnessed nearly a decade of contingent, time-limited rights for freight traffic over critical ECML infrastructure. The suggestion, proposed by Network Rail, that this approach continue would be very bad news for freight operators and the industry. The uncertainty and risks around timetabling and allocation of capacity will continue to influence investment decisions adversely.

The appendix includes some commentary at regional level. A paragraph in Appendix B (Eastern Region) relates to rolling stock and power modelling. This has no relevance to the proposed 73<sup>rd</sup> SA as the access rights DB Cargo is seeking relate to diesel-hauled freight flows. Similarly in Appendix C (North West & Central) there is a lengthy paragraph



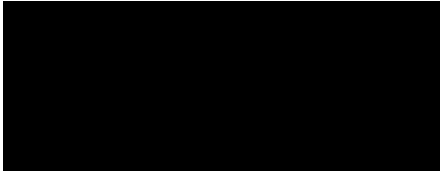
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concerning power supply, which has no relevance to this application. A further 2 paragraphs relate to empty (passenger) rolling stock and power supply and are without relevance.

Appendix C contains a paragraph identifying a further 3 geographic areas (described as key interacting locations) not listed in the ORR letter of 24th April 2024. None of the access rights DB Cargo is seeking in the proposed 73<sup>rd</sup> SA interact with two of the three key interacting locations.

Please don't hesitate to contact me should you have queries concerning the proposed 73<sup>rd</sup> SA.

Yours sincerely,



***Quentin Hedderly***  
***Regulatory Specialist***

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