

17/09/2024

Akaash Bhandari
Network Rail
By email only

Dear Akaash,

Re: Network Code Condition J4: Failure to Use Notice

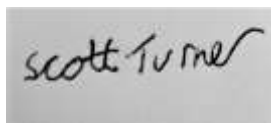
In relation to the Network Code Condition J4: Failure to Use Notice, as per 4.8 of Part J of the Network Code, West Midlands Trains is exercising its right to provide a Counter Notice.

Network Rail has failed to provide an accurate list of unused Access Rights, despite being requested to do so verbally by West Midlands Trains and in writing from West Midlands Trains on 22nd August 2024.

The list provided by Network Rail in the Failure to Use Notice contains Access Rights that are in current use by West Midlands Trains. Therefore, under 4.8.1(a) of Part J of the Network Code, West Midlands Trains considers the Failure to Use Notice to be invalid.

West Midlands Trains believe that the Failure to Use Notice has been issued prematurely, and that constructive discussions have been terminated by this action. A number of actions from the Access Rights Review Meeting held on 21st August 2024 are outstanding – including for Network Rail to ensure an accurate list of unused Access Rights that would not lead to non-compliance. To progress with work on Access Rights, West Midlands Trains repeats its invitation for a meeting in the week beginning 23rd September 2024, where evidence under 4.3 of Part J of the Network Code can be presented by West Midlands Trains. In the absence of acceptance to continue constructive work together, West Midlands Trains awaits an accurate list of unused Access Rights.

Yours faithfully

A handwritten signature in black ink that reads 'scott Turner'.

Scott Turner
Network Access Manager