

## ***ACCESS DISPUTES COMMITTEE***

By e-mail

DB Schenker Rail (UK) Ltd

GB Railfreight Ltd

Freightliner Ltd

Freightliner Heavy Haul Ltd

Network Rail Infrastructure Ltd ("Network Rail")

**From:** Hearing Chair  
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**Ref:** ADC/ADA17

**Date:** 21 October 2013

Dear Sirs

### **Directions relating to Access Dispute Adjudication ADA17**

To confirm my requirements as outlined during the Hearing on 17 October in relation to the proposal by Network Rail to remove the Clay Cross Down Loop, this Directions letter sets out the further information and evidence which I have required to be provided in relation to the reasonable expectations of the Access Beneficiaries DB Schenker Rail (UK) Ltd, GB Railfreight Ltd, Freightliner Ltd and Freightliner Heavy Haul Ltd (the "Operators") as to the future use of the relevant part of the Network, for the purposes of Network Code Condition G2.1.1(a)(iv).

The object of this requirement is to enable the Operators individually to present to the Adjudication evidence as to their respective specific expectations, including demonstrating the relevance to and connection with their individual businesses of any global or sectoral rail freight industry market and traffic forecasts, whilst having regard to any commercial confidentiality which their businesses may reasonably expect.

1. The Operators should each please provide to the Secretary (for the panel) evidence showing (by reference to the "Map 12" traffic forecast as produced to the hearing and any other available forecast studies) the parameters of any specific market shares which they individually expect to obtain and traffic which they individually expect to operate on the relevant part of the Network in future years. This should include any evidence from each Operator's plans that the specific market shares and traffic being indicated are reasonably attainable and genuine aspirations of its business.

If any Operator wishes to respond to this evidential requirement by reference only to the anticipated retention of its current market or traffic shares of any global or sectoral rail freight industry forecast growth, then that position should be confirmed.

Responses from the Operators individually should be marked as confidential and provided to the Secretary and copied to Network Rail only (Kevin Newman) by 12 00 on Monday 28 October 2013.

If wishing to comment on the information provided by any individual Operator, Network Rail is to provide such comment to the Secretary and to the particular Operator's representative only, marking it confidential. Any such comment is to be provided by 12 00 on Monday 4 November 2013.

Any material provided to the Secretary will be passed to the two Industry Advisors and myself and kept confidential.

2. Network Rail should please produce to the Secretary (for the panel) and the Operators any relevant modelling that has already been undertaken but not yet seen by the Adjudication; this should include any scoping activity undertaken for potential future passenger train operations. This data is to be provided by 12 00 on Monday 28 October 2013. If wishing to comment on any material provided by Network Rail, the Operators are to do so individually by 12 00 on Monday 4 November 2013.

I recognise that Freightliner Ltd and Freightliner Heavy Haul Ltd may wish to respond jointly; that will be acceptable.


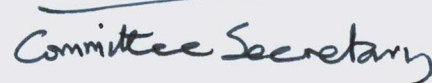
I confirm that I regard the provision of the information and evidence requested, and the affording of a sufficient opportunity to do so in confidence, as necessary for a fair and competent determination of the issues in dispute as raised by the Parties' submissions and at the Hearing.

It is my hope that the above exchanges of information will not give rise to the need to reconvene the Hearing; if any aspect requires further questioning or discussion, a telephone conference may suffice. Otherwise, I shall accept all such material as provided in good faith and proceed to delivery of my determination of the dispute.

I trust that the requirements as set out above are clear.

Yours faithfully

Peter Barber  
Hearing Chair

PP   
  
Committee Secretary