



Network Rail
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Hugh Clancy
First/Keolis Transpennine Limited
Bridgewater House
58 Whitworth Street
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M1 6LT

17th November 2005

Dear Hugh,

**Network Rail acceptance of proposed Vehicle Change
TPE Class 185
New Rolling Stock**

With reference to the Vehicle Change notice issued by Network Rail on behalf of First/Keolis Transpennine Limited on 7th February 2005 in relation to the proposed change to the new Class 185, this letter constitutes Network Rail's formal response under Condition F3 of the Network Code.

Network Rail considers that in relation to the proposed Vehicle Change:

- Network Rail should be entitled to compensation from First/Keolis Transpennine Limited for the consequences of the implementation of the change.

To the extent that the information provided in the Sponsoring TOC's proposal for Network Change (issued under Condition F2) has enabled Network Rail and other operators of railway assets consulted to assess the likely effect of the proposed change a statement of the amount of compensation required (calculated in accordance with the requirements of Condition F3) and the means by which compensation should be paid is shown in Appendix A to this letter.

Yours sincerely

Diane Harryman
Network Change Coordinator LNE

Appendix A

Network Rail will accept the Vehicle Change proposal made under Part F of the Network Code subject to the following:

- That First/Keolis Transpennine Limited agree to fund 75% of the assessment costs as provided in section 2.5 of Part F of the Network Code, and if required First/Keolis Transpennine Limited will pay 100% of costs for any associated works (including necessary route clearance works and on-going assessment of the effect of the vehicles being introduced on the network) on an emerging cost, pay-as-you-go basis. Should any Network Change (or other Changes such as Station or Depot Change) become necessary in order to introduce the vehicles then First/Keolis Transpennine Limited will be responsible for these reasonable costs as well. Network Rail will expect First/Keolis Transpennine Limited to enter into a contractual commitment relating to the associated works prior to work commencing. All payments must be made in full, and associated contracts completed prior to the vehicles operating over the route.
- The vehicles meet the original design specification (performance and engineering) in all areas and that Network Rail is advised (as per RGS GE/RT 8270) of any modifications that may affect the vehicles to infrastructure interface (including software modifications).
- That the vehicles are fully compliant with Railway Group Standards and are capable of being operated at the full design specification and to be fully compliant under accepted operating conditions, with the master operating Rule Book without the need for any special operating instructions to be issued by you or Network Rail.
- That, as part of the vehicle specification, the vehicles are as, or more reliable than the existing vehicles on the proposed routes ensuring that there will be no deterioration in operator performance. For our records we will need to be provided with information on the predicted miles per casualty for the first 12 months in service. The prediction will then be compared to the actual failure rate during the first 12 months of operation on the specified routes as advised by First/Keolis Transpennine Limited as soon as the figures are available.
- First/Keolis Transpennine Limited will meet all costs associated with any increase in track wear and resulting increased

maintenance requirements, compared to existing vehicles being operated over approved routes. Network Rail is concerned at the risk of the additional track wear and will be monitoring the track condition following the introduction of the vehicles, as per Line Standard RT/CE/S/103 (Track Inspection Requirements). All costs associated with work required to the network resulting from this monitoring and attributed to this Vehicle Change application will be paid by First/Keolis Transpennine Limited.

- That the vehicles are capable of achieving existing Rules of the Plan without modifications to any railway systems or infrastructure including power supplies and associated systems, and that in due course First/Keolis Transpennine Limited will promote – at its expense– using the appropriate process, remodelling of actual Sectional Running Times prior to the development of a revised timetable through the national timetable process.
- Any modifications to the infrastructure will be carried out under Network Change, proposed by First/Keolis Transpennine limited.