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Mr Robin Gisby  
Managing Director, Network Operations  
Network Rail Infrastructure Limited  
Kings Place  
90 York Way  
London, N1 9AG

29 April 2013

Dear Robin

### **Investigation into Network Rail's Long Distance and London and the South East performance 2012-13 and 2013-2014**

You are aware over the past year we have been closely monitoring performance, particularly in the Long Distance and London and South East sectors which have both been the subject of performance recovery plans.

Thank you for providing ORR with the quarter four progress report for Long Distance and London and the South East recovery plans. We acknowledge the efforts of Network Rail and the operating companies in working to implement and deliver these plans.

However, performance in these sectors continues below the levels Network Rail has been funded to achieve for passengers; we require assurance of the industry's progress towards achieving regulatory targets by the end of the control period. We have also previously said that at end of the industry year we would review Network Rail's performance for 2012-13. This letter is therefore to set out the scope of our investigation and next steps.

#### **Scope**

A final order is already in place in relation to Long Distance performance for 2013-2014. This includes a reasonable sum payable at the end of the period if you fail to meet the target, depending on the level of PPM you actually achieve and the extent to which it was reasonably practicable to do so.

This investigation will focus on Network Rail's Long Distance and London and the South East sector performance in 2012-13 and an assessment of whether it did everything reasonably practicable to achieve its regulated outputs.

We may also consider the impact of the Long Distance and London and South East sector performance in 2012-13 on future delivery of Network Rail's regulated outputs.

Our investigation will take account of analysis of a range of issues affecting performance. These include, but will not be limited to, weather (its impact and how Network Rail dealt with it), asset management, train planning, maintenance resourcing, the introduction of new equipment, fleet issues and network management. We will also consider the operational planning issues including those highlighted over the Christmas and New Year period as referenced in my letter to you of 26 March 2013.

### **Form of the investigation and next steps**

Over the next few weeks my colleagues and I will be engaging with Network Rail to understand the reports and plans you have provided, to answer any questions we have and to discuss any other information you think may be relevant to our investigation. We would like to hold these meetings in the first two weeks of May 2013.

We will also seek additional information from relevant operators.

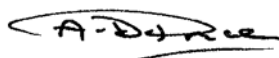
We want to conclude our investigations as quickly as possible. If there is any information you would like us to consider as part of this investigation that you have not already sent to us, please do so by 13 May 2013.

We have commissioned the independent reporter to provide us with an assessment of the delivery and impact of the actions in your recovery plans. In line with our usual reporter process, a remit has been agreed with Network Rail.

We expect to finish our investigation by the end of May. At that stage we will consider the issues raised in light of all the evidence and will then tell you what we intend to do next.

I am copying this letter to relevant train operators managing directors; Michael Roberts at ATOC, Nick Bisson at Department of Transport, David Middleton at Transport Scotland, Anthony Smith at Passenger Focus, Janet Cooke at London Travelwatch. I will also place a copy on our website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Price', with a horizontal line underneath.

**Alan Price**  
**Director, Railway Planning and Performance**