



OFFICE OF RAIL AND ROAD

Jonathan Rodgers
Senior Executive, Access and Licensing
Telephone: 0207 282 3775
E-mail: jonathan.rodgers@orr.gsi.gov.uk

3 March 2017

Aiden Martin
Customer Manager
Network Rail Infrastructure Limited
1 Eversholt Street
London
NW1 2DN

Benjamin Rule
Production Director
XC Trains Limited
5th Floor
Cannon House
18 The Priory Queensway
Birmingham
B4 6BS

Dear Aiden and Benjamin

Forty fourth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and XC Trains Limited

1. We have today approved the above supplemental agreement submitted to us formally on 2 March 2017 under section 22 of the Railways Act 1993 (the Act). The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to extend the expiry date of the current track access contract from Principal Change Date 2017 to Subsidiary Change Date (SCD) 2018. This will allow time for further review of the proposed new track access contract between the parties, whilst giving XC Trains firm rights by the Priority Date for the December 2017 timetable.
3. No consultation was carried out on the application as the extension of access rights until SCD 2020 was included in the consultation for the proposed new track access contract.
4. We reviewed the application and had no concerns.
5. Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. ORR's copy should be sent for my attention.

6. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport and Peter Craig at Network Rail. Copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jonathan Rodgers', is positioned below the closing text.

Jonathan Rodgers