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Dear Joe and Jonathan

Eighth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation (Crossrail) Limited (Crossrail)

1. We have today approved the above supplemental agreement, submitted to us formally on 9 September 2019, following earlier informal submission for our review.

Purpose

2. The agreement provides additional access rights in Schedule 5, which are required from PCD 19 due to the delay to Crossrail Stage 5 (the commencement of through services between Reading / Heathrow and Shenfield / Abbey Wood via the Central Operating Section). The additional rights will facilitate the changes set out below.

On the Western route:

3. The agreement introduces two sets of changes on the Western route:

From the Principal Change Date in 2019 – to the commencement of Stage 5

- Four trains per hour in each direction between Paddington and Heathrow Terminal 4 (which is a continuation of the existing Paddington to Heathrow Terminal 4 / Hayes & Harlington); and

- Services between Paddington (Main Line) and Maidenhead / Reading. These are in place of the Reading / Maidenhead and Shenfield / Abbey Wood services that would have commenced in December 2019.

From the Principal Change Date in 2019 – to the Principal Change Date in 2020:

- Additional Access Rights between Westbourne Park Junction Connection Point (the Crossrail portal) and Paddington (Main Line); and
- Some Access Rights contained within the First Crossrail Track Access Contract from PCD December 2019 to the Stage 5 start date will not be required due to the delay to Crossrail Stage 5. These are removed.

On the Anglia route:

4. Due to the delay to Crossrail Stage 4 (the commencement of through services between Shenfield and Paddington (Crossrail) via the Central Operating Section), which was due to commence in May 2019, MTR Crossrail require additional access rights for Empty Coaching Stock (ECS) movements between Pudding Mill Lane Junction (the Crossrail portal) and stabling locations on the Anglia Route.

5. These ECS movements will be utilised for moving rolling stock between the Crossrail tunnels and Anglia stabling locations. The trains involved will be used for Trial Running and Trial Operations and other testing / driver training in the new Crossrail tunnels.

6. MTR Crossrail will require additional Access Rights between Pudding Mill Lane Junction (the Crossrail portal) and stabling locations on the Anglia Route from December 2019 until the Stage 4 start date (referred to as the “PML Start Date”).

7. The agreement also adds a new definition to the contract: “PML Start Date” – “means the date on which the Train Operator commences the operation of regular daily passenger services crossing the connection point at Pudding Mill Lane Junction and using all or a part of the Central Operating Section.”. PML Start Date is used in the contract as the end point for ECS rights within Table 2.3 between Shenfield Sidings/Gidea Park Sidings/Ilford Depot and Pudding Mill Lane Junction Connection Point.

Consultation

8. Network Rail undertook the industry consultation from 24 July to 21 August 2019. No objections were received.

ORR Review

9. A minor drafting point was raised with the parties in relation to the additional definition inserted into Paragraph 1.1 of the contract. This was addressed by the parties prior to formal submission.



10. 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.

11. 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 'J. Trippier'.

John Trippier