



OFFICE OF RAIL AND ROAD

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23 February 2017

Nicholas Prag  
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David Simpson  
Production Director  
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Floor 3, Tara House  
46 Bath Street  
Glasgow  
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Dear Nick and David

**Sixth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Serco Caledonian Sleepers Limited (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 22 February 2017.
2. This agreement seeks to extend the expiry date of the parties' track access contract for an additional twelve months to PCD 2018. There are also some minor changes to Annex B to Part 3 of Schedule 4 – Lookup Table for EBM Weights to correct omissions that historically relate to when the sleeper service was part of the First ScotRail franchise.
3. Network Rail undertook a 28 day industry consultation and received no objections.
4. On 6 February, Network Rail emailed to advise that the EBM table in appendix A of the supplemental agreement had some missing entries. Whilst the contract provides for bus replacement payments for the Inverness portion of the Highlander service between, Inverness – Aviemore – Perth – Stirling, it does not include compensation for bus replacements between Stirling and Edinburgh. The parties requested that this be included in the agreement. We reviewed this request as part of the application and confirmed to the parties that we had no objections. We noted some minor drafting issues and put this to parties. They have accepted our suggestions and amended the agreement accordingly.



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 blue ink, appearing to read 'Michael Albon', is written over a horizontal blue line.

**Michael Albon**