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27 November 2017

Shivani Patel
Customer Manager
Network Rail Infrastructure Ltd
12th Floor, One Stratford Place
Montifichet Road
London, E20 1EJ

Phil Sullivan
Track Access Manager
Trenitalia c2c Ltd
2nd Floor, Cutlers Court
115 Houndsditch
London, EC3A 7BR

Dear Shivani and Phil

Approval of the 4th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Trenitalia c2c Limited

1. We have today approved the above supplemental agreement submitted to us formally on 23 November 2017 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to convert four ECS trains to Passenger Train Slots: x1 Fenchurch St – Laindon, x1 Fenchurch St – Leigh, x2 Leigh – Fenchurch St SX off-peak services from the December 2017 Timetable Change.
3. Network Rail undertook the usual industry consultation ending on 2 October 2017 with no concerns raised.
9. Our review identified no issues and we are satisfied that approval is in accordance with our section 4 duties under the Railways Act 1993.
10. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, in particular those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage



of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

11. 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. Please send the conformed copy to me at ORR.

12. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and Peter Craig at Network Rail. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive.

Michael Albon