

**Michael Albon**  
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12 March 2018

Nicola Mansell  
Route Performance Measurement Manger,  
LNW Route  
Network Rail Infrastructure Ltd  
Baskerville House, Centenary Square  
Broad St, Birmingham  
B1 2ND

Chris Hassall  
Head of Commercial Contracts  
First TransPennine Express Limited  
8th Floor, Bridgewater House  
60 Whitworth Street  
Manchester  
M1 6LT

Dear Nicola and Chris

**Approval of the 11th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First TransPennine Express Limited**

1. We have today approved the above supplemental agreement submitted to us formally on 23 February 2018 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 amend paragraph 5.1(a) of Schedule 5 of the parties' Track Access Contract to add Class 68 Locomotives and Mark 3 Coaches to the Specified Equipment table.
3. Consultation was taken on this application under the vehicle change process under Part F of the Network Code with no concerns raised.
4. Our review did not identify any issues and we are satisfied that approval is in accordance with our section 4 duties under the Railways Act 1993.
5. 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)).

6. 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.

7. 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 be 'Michael Albon', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Michael Albon**