

Michael Albon
Executive, Access & Licensing
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3 December 2018

Tamzin Cloke
LNW Route Contracts Manager
Network Rail Infrastructure Ltd
Baskerville House, Centenary Square
Broad St, Birmingham
B1 2ND

James Carter
Network Access Manager
West Midlands Trains Ltd
134 Edmund Street
Birmingham
B3 2ES

Dear Tamzin and James

Approval of the 8th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and West Midlands Trains Limited (jointly “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 3 December 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 extend the parties' Track Access Contract from the Principal Change Date 2018 to the Subsidiary Change Date 2019.
3. Network Rail undertook the usual industry consultation. Comments were received from First Greater Western Limited and Transport Focus supporting the application
4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under section 22 of the Railways Act 1993. We noted one minor drafting issue and put this to the parties. They accepted our comment and have amended the agreement accordingly for the formal submission.
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 to 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', with a long horizontal flourish extending to the right.

Michael Albon