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Dear Dan and Andy

Hull Trains Company Limited: 6th SG Supplemental Agreement

The Office of Rail Regulation (ORR) has approved the 6th SG supplemental agreement to the track access contract dated 12 February 2010 between Network Rail Infrastructure Limited (Network Rail) and Hull Trains Company Limited (Hull Trains) (jointly the parties) submitted earlier today under section 22 of the Railways Act 1993 (the Act). This follows an informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

Purpose of this agreement

The purpose of the agreement is to grant Hull Trains the rights in Schedule 2 to access the Brush facility at Loughborough in order for reliability modifications on its Class 180s to be undertaken, and to amend the rights it has to call at Stevenage, which are not correctly expressed in its track access contract at present.

Consultation

Network Rail undertook the usual industry consultation, and the only stakeholder to comment (other than two operators which said they had no concerns) was Passenger Focus, which advised it was pleased that the Class 180s would be undergoing these modifications, thereby improving their reliability for the overall benefit of the railway, but especially for passengers.

Our review

We have no concerns with the rights sought, and welcome this attempt to improve the reliability of these units.

We made two observations on the wording of the draft agreement, and the agreement submitted for our approval was amended accordingly.

Our decision

In considering the application 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 consider that approval of this agreement is consistent with these duties, in particular those relating to promoting improvements in railway service performance (section 4(1)(zb)) and protecting the interests of users of railway services (section 4(1)(a)).

Administration

Please find enclosed a copy of the approval notice together with a copy of the agreement. Copies of the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport and placed on our public register. Copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter without enclosures to Steven Saunders at Network Rail.

Yours sincerely

Brian Hopkinson