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Nicole Ledwith
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12-34 Great Eastern Street
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Catherine Rowe
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2nd Floor, Cutlers Court
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London
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Dear Nicole and Catherine

Approval of the Thirty Sixth Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and London Eastern Railway Limited

The Office of Rail Regulation (ORR) has today approved the thirty sixth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and London Eastern Railway Limited (LER) (jointly the parties), submitted to us formally on 18 January 2012 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.

Purpose of the agreement

The purpose of this agreement is to extend the current Track Access Contract between Network Rail and LER from the Subsidiary Change Date 2013 to the Principal Change Date 2013.

The rights will come into effect at 02.00hrs on 5 February 2012 and terminate on the Principal Change Date 2013, the new termination date for the contract.





Consultation

Network Rail undertook the appropriate industry consultation. No adverse comments were received from any of the parties consulted.

ORR review

There were no ORR concerns in relation to the proposals.

ORR's conclusions

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)).

Conformed copy of the track access contract

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.

Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at DfT. Copies of the approval notice and the agreement will be placed on ORR's public register and 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

Andrew Whittington