

**Jonathan Rodgers**  
Senior Executive



1 December 2023

Sam Wheelan  
Franchise & Access Manager  
Network Rail Infrastructure Limited  
Square One  
4 Travis Street  
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M1 2NY

Chris Hassall  
Head of Commercial Contracts  
TransPennine Trains Limited  
8<sup>th</sup> Floor  
Bridgewater House  
60 Whitworth Street  
Manchester  
M1 6LT

Dear Sam and Chris

**Approval of the 54th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and TransPennine Trains Limited (trading as TransPennine Express) dated 3 March 2016**

We have today approved the above supplemental agreement submitted to us formally on 9 November 2023 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

**Purpose**

The purpose of this agreement is to update the parties' track access contract to reflect the government's operator of last resort (TransPennine Trains Limited) taking over as operator from First TransPennine Express Limited.

The front end of the contract, some definitions in Clause 1.1, Schedule 1 and Schedule 3 have all been updated.

**Industry consultation**

A consultation was not necessary as the changes do not affect any other party.



## **ORR review**

The initial application was of extremely poor quality and it took some time for Network Rail to correct the errors and omissions within it. We have discussed these matters separately with Network Rail. The issues were resolved when the agreement was formally submitted.

## **Our duties under section 4 of the Act and our decision**

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; 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 agreement**

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.

## **Public register and administration**

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. 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 'Jonathan Rodgers', with a long horizontal flourish extending to the right.

**Jonathan Rodgers**