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8 August 2020

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Network Rail Infrastructure Ltd
James Forbes House
Southwark
London
SE1 0NS

Mark Walker
Strategic Planning Manager
Arriva Rail London Ltd
Overground House
125 Finchley Road
London
NW3 6HY

Dear Catherine and Mark

Approval of the seventy first supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Arriva Rail London Limited (ARL)

1. On 6 August 2020, we approved the above supplemental agreement submitted to us formally on 6 August 2020 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.

2. This agreement corrects and supersedes the ARL 66th SA, which was approved on 15 May 2020. That application was intended to provide ARL with a mix of firm and contingent rights for the introduction of West London Line shuttle services from the Subsidiary Change Date (SCD) 2020 until the parties' current track access agreement expired on the Principal Change Date (PCD) 2025. The initial application that went out to consultation was for Firm Rights only but in response to concerns raised in the consultation, the parties reduced those Firm Rights within the application to align with the paths that were currently in the timetable.

3. The agreement formally submitted to us was incorrect and contained only firm rights. We unfortunately approved that incorrect agreement. This 71st SA, now corrects and supersedes that error. The decision letter for the 66th SA can be found on the track access decisions page of our website [here](#).

4. When we consider access applications, we must do so in a way which we consider best fulfils our statutory duties which are set out in section 4 of the Railways Act 1993. The duties we consider most relevant in this context are to:

- protect the interests of users of railway services;
- promote the use of the railway network in Great Britain for the carriage of passenger and goods, and the development of that railway network, to the greatest extent that it considers economically practicable;
- promote measures designed to facilitate the making by passengers of journeys which involve use of the services of more than one passenger service operator; and
- enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.

5. 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.

6. 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 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