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Jonathan James
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63 St Mary Axe
London
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Dear Alex and Jonathan

Eighteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation (Crossrail) Limited (Crossrail)

1. ORR has today issued a notice approving the above supplemental agreement, with effect from 18 July 2021. The agreement was submitted to us formally on 12 July 2021, following earlier informal submission for our review.

Purpose

2. The delay to the Crossrail Programme requires a small number of amendments to the Access Rights contained in the First Crossrail Track Access Contract on Anglia Route.

3. Network Rail previously agreed to sell Contingent Rights from May 2021 until December 2021 between Pudding Mill Lane Junction and Liverpool Street (see 17th Supplemental Agreement) for the additional off-peak services introduced from December 2020 (these have Firm Rights between December 2020 and May 2021). This was due to concerns regarding the implementation date of the Stage 4A timetable (which reduces the peak train service) along with concerns related to train performance once that Platform 18 at Liverpool Street was taken out of regular use (with effect from December 2020).

4. With the Stage 4A timetable having been introduced from the May 2021 timetable change and no performance impact having been observed following the removal of platform 18, Network Rail have agreed for all relevant rights to be sold as Firm Rights from May 2021.

5. The delay to the Crossrail Programme also requires an extension of the current quantum of additional Access Rights held by MTREL between Westbourne Park Junction and Paddington from December 2021 until either May 2022 or the commencement of through services between Reading/Maidenhead/Heathrow Airport and Abbey Wood via the new Crossrail tunnels. This is only in relation to the additional Access Rights that MTREL require between Westbourne Park Junction and Paddington (main line) as a result of the delay to the Crossrail programme. MTREL already hold Firm Rights between Westbourne Park Junction and Maidenhead, Reading and the Heathrow Tunnel Junction Connection Point for the duration of the current Concession.

Consultation

6. Network Rail undertook the consultation between 1 April and 4 May 2021. Great Western Railway, CrossCountry and Transport Focus provided e-mails in support of the application. No other responses were received from the consultees.

ORR review

7. The agreement is in line with the current requirements of the delayed Crossrail programme. A small number of drafting points were raised with the parties and addressed prior to formal submission of the agreement.

8. 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. ORR's copy should be sent for my attention.

9. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Copies of this letter, the approval notice and the agreement will be sent to PassengerServices_Access&Operations@dft.gov.uk at the Department for Transport and RegulatoryReformNewTAC/SAInfo@networkrail.co.uk at Network Rail. Copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely



John Trippier