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30 September 2022

Alex Aitken  
Customer Relationships Executive  
Network Rail Infrastructure Ltd  
Hawker House  
5-6 Napier Road  
Reading  
RG1 8BW

Jonathan James  
Head of Contract Management  
MTR Corporation (Crossrail) Ltd  
63 St Mary Axe  
London  
EC3A 8NH

Dear Alex and Jonathan

**Approval of the 23rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and MTR Corporation (Crossrail) Limited dated 21 November 2018**

We have today approved the above supplemental agreement submitted to us formally on 30 September 2022 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 facilitate MTR Corporation (MTR) in the introduction of a simplified timetable (Stage 5b) connecting Anglia Route and Western Route with the Crossrail Central Operating Section, ahead of the full Elizabeth Line service in 2023. This involves the extension of services between Shenfield and Liverpool Street to and from Paddington, and of most services between Reading/Heathrow and Paddington to and from Abbey Wood. The rights are to commence not later than 1 December 2022 and will expire on the Expiry Date or earlier termination of MTR's track access contract.



## **Industry consultation**

Network Rail undertook the usual industry consultation. Comments in support were received from First Greater Western, Cross Country and Transport Focus.

An objection was received from Heathrow Express, in which it noted that it had not seen the timetable validation for the proposed changes and believed they would represent an additional risk to train performance. It should be noted that this objection did not come in until several weeks after the close of consultation and it would not be usual practice for an operator to ask to see the timetable validation in this way. However, MTR provided the information that was requested, and Heathrow Express has confirmed that this resolves its query.

## **ORR review**

Our review of the application did not raise any concerns regarding the proposals themselves. We were reluctant to issue approval of an agreement where no start date had been specified, but we resolved this by asking for a longstop date to be included so that it would commence “no later than” an appropriate date.

## **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 "Louise Beilby". The signature is written in a cursive style with a long horizontal stroke at the end.

**Louise Beilby**