

**Ellie Mitchell**  
Access Executive  
Telephone: 0207 282 3981  
E-mail: [ellie.mitchell@orr.gov.uk](mailto:ellie.mitchell@orr.gov.uk)



1 December 2022

Joanna Kinnish  
Customer Manager  
Network Rail Infrastructure Ltd  
12th Floor, 1 Stratford Place  
Montfichet Road  
London  
E20 1EJ

Ben Squire  
Head of Planning and Performance  
Trenitalia c2c Ltd  
2nd Floor, Cutlers Court  
115 Houndsditch  
London  
EC3A 7BR

Dear Joanna and Ben

**Approval of the 17th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Trenitalia c2c Limited dated 3 March 2017**

We have today approved the above supplemental agreement submitted to us formally on 28 November 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 amend Appendix 7D of Schedule 7 to introduce on-train metering (OTM) to Trenitalia c2c Limited's Class 720/6 fleet, allowing real-time monitoring of energy consumption and charging based on actual usage instead of modelled and/or default rates. The rights are to commence on 1 December 2022 and will expire on the Expiry Date or earlier termination of c2c's track access contract.

**Industry consultation**

Network Rail undertook the usual industry consultation. No comments, queries or objections were received.



## **ORR review**

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these 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 that reads 'Ellie Mitchell'.

**Ellie Mitchell**