

Claire Brooks
Access Executive



8 February 2024

Iain Sheilds
Customer Manager
Network Rail Infrastructure Ltd
151 St Vincent Street
Glasgow
G2 5NW

John Kerr
Regulated Contracts Manager
Atrium Court
50 Waterloo Street
Glasgow G2 6HQ

Dear Iain and John

Approval of the 42nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and ScotRail Trains Limited dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 7 February 2024 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 extend ScotRail's single contingent rights from SCD 2024 to PCD 2024 Edinburgh Waverley to Dunbar route only, in line with the Network Rail ECML access rights policy. This is effected by replacing Table 2.2 in Schedule 5 with a new table in which the footnote indicating when the rights expire is amended from SCD 2024 to PCD 2024

Industry consultation

Network Rail undertook the usual industry consultation, no concerns were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns.

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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

Claire Brooks