

Louise Beilby
Senior Access Executive



12 April 2024

Devon Wall
Franchise and Access Support Manager
Network Rail Infrastructure Ltd
Square One
4 Travis Street
Manchester
M1 2NF

George Williams
Concession and Business Framework
Manager
Merseyrail Electrics 2002 Ltd
Rail House
Lord Nelson Street
Liverpool
L1 1JF

Dear Devon and George

Approval of the 16th supplemental agreement to the track access contract (TAC) between Network Rail Infrastructure Limited (Network Rail) and Merseyrail Electrics 2002 Limited (trading as Merseyrail) dated 1 April 2019

We have today approved the above supplemental agreement submitted to us formally on 10 April 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 amend Appendix 7c of Schedule 7 of Merseyrail's TAC to include Class 777 Electric Multiple Units and 777/1 Independently Powered Electric Multiple Units for all train movements. It also amends the train movements of a service code to include Headbolt Lane. The amendment is to commence upon ORR approval and will expire on the Expiry Date or earlier termination of Merseyrail's track access contract.

Industry consultation

As no third party is affected by this change, industry consultation was not required.

Head Office: 25 Cabot Square, London E14 4QZT: 020 7282 2000 orr.gov.uk



ORR review

Our review of the application raised no economic concerns nor any drafting issues.

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

Louise Beilby