

Jonathan Rodgers
Senior Executive



2 August 2024

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

Joanna Kinnish
Concession Contract Support Manager
MTR Corporation (Crossrail) Ltd
63 St Mary Axe
London
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Dear Alex and Joanna

Approval of the 35th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation (Crossrail) Limited (trading as MTR Elizabeth Line (MTREL)) dated 21 November 2018

We have today approved the above supplemental agreement submitted to us formally on 2 August 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 Schedule 8 of MTREL's track access contract. A public differential was included in MTREL's timetable from December 2023, with an amended Schedule 8 Appendix 1 introduced to amend performance points in order to ensure parties were held cost neutral under the performance regime. The revised Control Period 7 (CP7) Appendix 1 for MTREL was produced and agreed prior to the introduction of the public differential in December 2023, and as a result these revised figures will require amendment to use the CP7 appendix with revised performance points.

It also seeks to re-implement a footnote to the same Appendix 1, amending the capri code to which each TSC is mapped.



These changes are to be retrospectively applied from 1 April 2024 and will expire on the Expiry Date or earlier termination of MTREL's track access contract.

Industry consultation

As these changes do not affect any other party, industry consultation was not required for this supplemental.

ORR review

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

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

Jonathan Rodgers