

Louise Beilby
Senior access Executive



27 August 2024

Ian Stone
Special Trains Manager
Network Rail Infrastructure Ltd
The Quadrant: MK
Elder Gate
Milton Keynes
MK9 1EN

James Shuttleworth
Commercial Manager
West Coast Railway Company Ltd
Jesson Way
Crag Bank
Carnforth
LA5 9UR

Dear Ian and James

Approval of the 6th supplemental agreement to the track access contract (TAC) between Network Rail Infrastructure Limited (Network Rail) and West Coast Railway Company Limited (trading as The Jacobite) dated 28 May 2020

We have today approved the above supplemental agreement submitted to us formally on 27 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 extend the TAC between The Jacobite and Network Rail from its current expiry date of 31 October 2024 to 31 October 2029. There are no amendments to the access rights held by The Jacobite. This supplemental agreement also removes the LNER C1 B1 locomotive from the Specified Equipment list in paragraph 5.1(a) of Schedule 5.

Industry consultation

Network Rail undertook the normal industry consultation for one calendar month from 26 June 2024. Responses were received from Greater Western Railway (GWR), Transport



Focus and Locomotive Services Limited (LSL). GWR and Transport Focus supported the application.

LSL queried whether The Jacobite was compliant with Railway Safety Regulation 99 (RSR99), which relates to the locking of carriage doors. LSL wanted to confirm that The Jacobite's passenger-carrying vehicle doors can be locked in a closed position from a single location (central door locking), and that the vehicles that do not have this central door locking cannot be accessed by passengers.

As these were immediate safety concerns, Network Rail asked The Jacobite to alter the formation of its passenger vehicles to ensure compliance with RSR99, thereby resolving the issue. ORR Rail Safety colleagues have inspected the vehicles and confirmed that they are compliant.

ORR review

Our review of the application raised no operational, performance or economic concerns. ORR's guidance states that, in the event that a track access contract is requested for longer than five years, we must apply statutory tests. The five-year period applies from the date that ORR approves the change; in this case, five years and two months before the proposed contract expiry date. However, our guidance also states that applications for contract extensions or renewals should be made in good time before the current contract expiry date, and that we do not include the application period in the five-year extension. Therefore, this application meets these requirements.

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