

Louise Beilby
Senior Access Executive



22 October 2024

Akaash Bhandari
Franchise and Access Support Manager
Network Rail Infrastructure Ltd
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Scott Turner
Network Access Manager
West Midlands Trains Ltd
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Dear Akaash and Scott

Approval of the 36th supplemental agreement to the track access contract (TAC) between Network Rail Infrastructure Limited (Network Rail) and West Midlands Trains Limited (WMT) dated 15 May 2019

We have today approved the above supplemental agreement submitted to us formally on 21 October 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 add a right to Table 2.1 of Schedule 5 for a Sunday service between Coventry and Nuneaton that was running in the timetable without the corresponding right in WMT's TAC. The service is currently covered by a contingent right that was effected by a general approval (the 33rd SA), and the 36th SA will also remove that right from Table 2.2. The change will become effective upon the date of ORR's approval and will expire on the Expiry Date or earlier termination of WMT's track access contract.



Industry consultation

Network Rail undertook the usual industry consultation. Comments in support were received from Great Western Railway, CrossCountry and Transport Focus.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues and these were resolved prior to our invitation of formal submission.

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