

David Reed
Senior Executive, Access & Licensing



17 April 2025

Suzanne Murray
Customer Manager
Network Rail Infrastructure Ltd
151 St Vincent Street
Glasgow G2 5NW

John Kerr
Regulated Contracts Manager
ScotRail Trains Limited
Atrium Court, 50 Waterloo Street
Glasgow G2 6HQ

Dear Suzanne and John

Approval of the 54th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and ScotRail Trains Limited (ScotRail) dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 16 April 2025 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 grant ScotRail the rights necessary to operate its timetable from the Subsidiary Change Date in May 2025. The changes include new firm rights from Edinburgh Waverley and Leven which will increase the service on this line to two trains per hour Monday to Saturday, some changes to calling patterns, and the extension of existing time-limited contingent rights between Edinburgh and Inverkeithing and Lanark and Glasgow Central.

The rights are to commence on the Subsidiary Change Date in May 2025 and will expire on the termination of SWR's track access contract.

Network Rail noted that it could only agree to the continuation of additional access rights between Edinburgh and Inverkeithing and Lanark and Glasgow Central (service groups HA02 and HA08) until the Principal Change Date (PCD) in 2025 due to potentially competing applications from other train operators, and that there could be no presumption of the continuation of these additional rights beyond PCD 2025.



Industry consultation

Network Rail undertook the usual industry consultation. Great Western Railway and Transport Focus each responded noting they had no objection to the proposals. CrossCountry responded with some comments regarding the performance of Leven services but noted it did not object to the proposals.

ORR review

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

We noted Network Rail's position on the continuation of additional rights between Edinburgh and Inverkeithing and Lanark and Glasgow Central (service groups HA02 and HA08) beyond PCD 2025 due to competing aspirations from other train operators. In light of this, our usual policy of a strong presumption of the continuation of existing rights will not apply for the continuation of these additional rights beyond PCD 2025.

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

David Reed