

Jonathan Rodgers
Senior Executive, Access & Licensing
Telephone: 0207 282 3775
E-mail: jonathan.rodgers@orr.gsi.gov.uk



7 December 2018

Julia Stanyard
Customer Manager
Network Rail
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Chris Hassall
Head of Commercial Contracts
8th Floor
Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Dear Julia and Chris

Approval of the Nineteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First TransPennine Express Limited (FTPE) (jointly, “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 7 December 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The purpose of this agreement is to make some minor changes to the parties' track access contract to reflect service changes being made for the December 2018 timetable as follows:
 - Split the Manchester Piccadilly to Leeds local services at Huddersfield in order to mitigate performance delay in this area; and
 - Some minor service changes in the North TransPennine Service Group which are intended to create a reliable, standard hourly pattern.
3. Network Rail undertook the usual industry consultation from 3 October to 30 October 2018. During the consultation, some errors in the proposed changes were identified and corrected. Arriva Rail North, Transport Focus and Nexus responded and were supportive.
4. Our review identified no overall performance, operational or economics issues and we are satisfied that approval is in accordance with our Statutory Duties under Section 4 of

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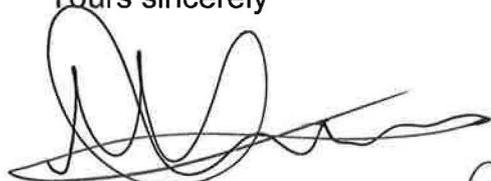
the Railways Act 1993. We raised one query around the data used for the timing loads. TPE advised that this was a historic issue relating to when it ran a mix of rolling stock on routes and has suggested correcting it in early 2019. We were content with this response.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at DfT and to Peter Craig at Network Rail. Copies of the approval notice and the agreement will be placed on ORR's public register and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jonathan Rodgers', written over a horizontal line.

Jonathan Rodgers

Handwritten initials 'P.P.' in black ink.