

**Jonathan Rodgers**  
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17 September 2018

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

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

Dear Julia and Chris

**Approval of the Thirteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First TransPennine Express Limited (FTPE)**

1. We have today approved the above supplemental agreement submitted to us formally on 12 September 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 update the Schedule 4 lookup tables and associated map within the contract to reflect the remapping of services between Arriva Rail North (ARN) and First TransPennine Express Limited (FTPE) in 2016.
3. As the changes do not affect any other operator, a consultation was not necessary.
4. During our review, we asked a number of questions regarding the late submission of the application, how the parties had operated Schedule 4 previously and we noted some omissions in the drafting of the contract. Network Rail provided satisfactory responses regarding these queries.
5. We are satisfied that approval is in accordance with our statutory duties under section 4 of the Railways Act 1993.

6. 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)).

7. 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.

8. 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', is written over a horizontal line.

**Jonathan Rodgers**