

Kara Johnson
Executive, Track Access
Telephone: 020 7282 3688
Fax: 020 7282 2044
Email: kara.johnson@orr.gsi.gov.uk



18 August 2011

Chinua Labor
Regulatory Contracts Manager
HS1 Limited
73 Collier Street
London
N1 9BE

Clare Kingswood
Access Contracts Team Manager
London & South Eastern Railway Limited
Friars Bridge Court
41-45 Blackfriars Road
London
SE1 8NZ

Dear Chinua and Clare

Approval of the 1st Supplemental Agreement to the track access agreement between HS1 Limited and London & South Eastern Railway Limited

Introduction

1. On 17 August 2011, the Office of Rail Regulation (“ORR”) approved the 1st Supplemental Agreement to the track access contract (“TAC”) between HS1 Limited (“HS1”) and London & South Eastern Railway Limited (“LSER”) under the Railways Infrastructure (Access & Management) Regulations 2005 (“the Regulations”). The agreement was submitted formally to us on 17 August 2011. This letter sets out the reasons for our decision.

Purpose of the agreement

2. The purpose of the 1st Supplemental Agreement is to make certain changes to Schedule 5 of the existing TAC.
3. The proposed changes to Schedule 5 amend existing rights and grant new rights in respect of services which are to take effect from 5 September 2011.

Consultation

4. A pre-application consultation was carried out by HS1 in line with the Code of Practice however no responses were received.

ORR’s consideration



Doc # 423922.01

5. In reviewing the application we noted that the proposed new services were shown in the December 2010 timetable which suggested that they had been running 'void'.

6. The parties advised that while the services were shown in the December 2010 timetable, they had not actually been running and would not run until September 2011. We pointed out the potential confusion for rail passengers and would reiterate the need for a different practice to be adopted in the future.

ORR's review

5. Our review of the 1st Supplemental Agreement did not raise any operational, performance, economic or drafting issues.

ORR's conclusions

6. Pursuant to Regulation 28(1) of the Regulations, in considering the application and in reaching our decision, we are required to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Railways Act 1993. We believe that approval of this supplemental agreement is consistent with these duties, in particular our duties to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;
- contribute to the development of an integrated system of transport of passengers and goods;
- promote competition in the provision of railway services; and
- enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.

Conformed copy of the track access contract and public register

13. Pursuant to paragraph 3.75 of our Criteria and Procedures document, HS1 is required to produce a conformed copy of the TAC, within 28 days of any amendment being made, and send copies to ORR. I look forward to receiving the conformed copy.

14. We will place a copy of the 1st Supplemental Agreement on our public register. The parties have not asked us to make any redactions prior to placing on the public register.



Yours sincerely

Kara Johnson

Executive, Track Access