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5 February 2018

Nick Prag
Customer Relationship Manager
Network Rail Infrastructure Limited
151 St Vincent Street
Glasgow
G2 5NW

Sam Price
Head of Contracts
Abellio ScotRail Limited
Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ

Dear Nick and Sam

Approval of the 10th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Abellio ScotRail Limited (ScotRail) (jointly, “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 2 February 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 amend Annex B to Part 3 of Schedule 4 of the parties' Track Access Contract (TAC) to ensure the VTP tables and maps accurately reflect the actual and required bus replacement provisions for passengers having become out of date following numerous timetable changes; and
- To amend Appendix 1 Schedule 8 of the parties' TAC as the monitoring points in the service group HA03 have had to be redistributed to reflect the removal of the monitoring point at Glasgow Central and the movement of the monitoring point at Ayr to Girvan.

3. Network Rail did not undertake any consultation as these changes are of a confidential and financial nature between the parties and therefore do no impact on any other train/freight operating company.

4. Our review identified no issues and we are satisfied that approval is in accordance with our section 4 duties under the Railways Act 1993. We highlighted some minor drafting issues and included our suggestions to improve the drafting quality. The parties have accepted our comments and amended the agreement accordingly for the formal submission.

9. 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)).

10. 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.

11. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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

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

Michael Albon