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14 November 2017

Nicholas 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 9th 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 14 November 2017 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 provide ScotRail with the amended rights necessary to operate its December 2017 timetable. Part of the changes are to provide for a more consistent Monday – Saturday timetable on the Glasgow and South West route between Carlisle and Kilmarnock. The proposal also includes a reduction in the number of trains on the North Electrics and a change to calling patterns, routing and origin destinations. These changes are driven by the completion of the E&G electrification works and so the alternative service provision offered on the North Electrics is no longer required.
3. The parties are also amending Appendix 7C and 7D in Schedule 7 to reflect the inclusion of the Class 318, 320 and 385 onto the list of vehicles for metered billing. An application to amend the Traction Electricity Rules has also been submitted in parallel to this agreement to support the addition of these vehicles.
4. Network Rail undertook the normal industry consultation ending on 9 October 2017 with no concerns raised.

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5. We reviewed the changes to Schedule 5 from an operations perspective and identified no issues. On the proposal to amend the list of vehicles for metered billing in Schedule 7, we requested for evidence of technical compliance for the metering installations on the Class 318 and Class 320. Following a number of exchanges, the necessary information was provided and we were content that our queries had been addressed.

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 Department for Transport and 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', with a long horizontal flourish extending to the right.

Michael Albon