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OFFICE OF RAIL AND ROAD

5 July 2017

Mark Garner  
Customer Manager  
Network Rail Infrastructure Limited  
George Stephenson House  
Toft Green  
York  
YO1 6JT

Phil Dawson  
Regulation & Track Access Manager  
East Coast Main Line Company Limited  
25 Skeldergate  
York  
YO1 6DH

Dear Mark and Phil,

## **Approval of the second supplemental agreement to the track access contract between Network Rail Infrastructure Limited and East Coast Main Line Company Limited**

1. The Office of Rail and Road (ORR) has today approved the second supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and East Coast Main Line Company Limited (Virgin Trains East Coast "VTEC"), submitted to us formally on 4 July 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.

### **Purpose of the agreement**

2. The agreement gives VTEC the rights necessary to continue the operation of one additional Edinburgh to Newcastle return service on Saturday evenings / Sunday mornings, between the Principal Change Date in December 2017 and the Subsidiary Change Date in May 2018.

### **Consultation**

3. VTEC consulted the industry in April 2017. Caledonian Sleeper, Nexus and Transport Focus responded to the consultation; all responses supported the application.

### **ORR's review**

4. We reviewed the application and it did not raise any operational, performance or economic concerns.



## **ORR's conclusions**

5. Following our review of the application we are content that there are no operational, performance or economic concerns which should preclude our approval.

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 agreement is consistent with our section 4 duties, in particular those relating to:

- protecting the interests of users of rail services;
- promoting 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;
- contributing to the development of an integrated system of transport of passengers and goods;
- promoting competition in the provision of railway services for the benefit of users of railway services; and
- enabling persons providing railway service to plan the future of their businesses with a reasonable degree of assurance.

## **Conformed copy of the track access contract**

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 VTEC. ORR's copy should be sent for my attention.

## **Public register and administration**

8. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. The parties have not asked us to redact anything (as provided for by section 71(2) of the Act) prior to placing it on the register.

9. Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport. Copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'David Reed', is written over a horizontal line.

**David Reed**