

Jonathan Rodgers
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27 March 2020

Robert Neep
Customer Manager
Network Rail
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Broad Street
Birmingham
B1 2ND

Chris Hassall
Head of Commercial Contracts
First TransPennine Express Limited
8th Floor
Bridgewater House
60 Whitworth Street
Manchester
M1 6LT

Dear Robert and Chris

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

1. We have today approved the above supplemental agreement submitted to us formally on 25 March 2020 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.
2. This agreement seeks to add additional calls (either Dunbar, Alnmouth or Berwick) to the Edinburgh services that ORR approved for the December 2019 timetable change.
3. Network Rail undertook the usual industry consultation. There were three supportive responses, from Nexus, Transport Focus and Cross Country. No concerns were raised.
4. Our review identified an error in the agreement and also some drafting issues. We discussed these with the parties and they were resolved in the subsequent formal submission of the agreement.
5. 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport 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 'Jonathan Rodgers'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jonathan Rodgers