

Michael Albon
Executive, Access & Licensing
Telephone: 0207 282 3660
E-mail: michael.albon@orr.gsi.gov.uk



17 May 2018

Joanna Kinnish
Customer Manager
Network Rail Infrastructure Limited
Floor 12, One Stratford Place
One Montfichet Road
London
E20 1EJ

Jonathan James
Access Manager
MTR Corporation (Crossrail) Limited
63 St Mary Axe
EC3A 8NH

Dear Joanna and Jonathan

Approval of the Sixth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and MTR Corporations (Crossrail) Limited (MTR Crossrail)

1. We have today approved the above supplemental agreement submitted to us formally on 15 May 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. This agreement amends Appendix 7D of Schedule 7 (table of On-Train Metered Stock) of MTR Crossrail and Network Rail's track access contract to add 1 Class 345 unit to the table. Others will be added in due course. This is to reflect the introduction of on-train metering to MTR Crossrail's Class 345 rolling stock.
3. Network Rail confirmed that as the new 345 fleet will be fitted with on-train metering software, there was no requirement for a technical overview document to be provided or demonstration of GMRT2132 compliance, as the designated body will have checked compliance against national standards as part of the train introduction.
4. Following the informal submission, the Form P was updated to advise that the first unit from the Class 345 to be added to the table shall be the 345029 unit rather than the 345013 unit.
5. Network Rail undertook the normal industry consultation ending on 18 April 2018 and received supportive responses from First Greater Western Limited and

Transport Focus. Abellio East Anglia Limited (Greater Anglia) posed a number of queries and requests around the information provided in the Form P, including the evidence (certificate of conformity) to support the compliance of the new metering system against national standards. Network Rail explained it had not seen the conformity assessment report and had no reason to do so given it was the responsibility of the proposer to demonstrate compliance against the relevant requirements of the EU directive and the national standards which it had done so. Some other minor queries were made by Greater Anglia which Network Rail responded to. Greater Anglia subsequently confirmed its support for the application.


6. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.

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 be 'Michael Albon', written over a horizontal line. The signature is fluid and cursive.

Michael Albon