

**Michael Albon**  
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31 July 2017

Shivani Patel  
Customer Manager  
Network Rail Infrastructure Ltd  
12<sup>th</sup> Floor, One Stratford Place  
Montfichet Road  
London  
E20 1EJ

Phil Sullivan  
Track Access Manager  
Trenitalia c2c Ltd  
2<sup>nd</sup> Floor, Cutlers Court  
115 Houndsditch  
London  
EC3A 7BR

Dear Shivani and Phil

**Approval of the 2<sup>nd</sup> supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Trenitalia c2c Limited (c2c)**

1. We have today approved the above supplemental agreement submitted to us formally on 31 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.
2. The purpose of this agreement is to convert the contingent rights granted to c2c under the 1<sup>st</sup> Supplemental Agreement (Fenchurch St to Laindon extended to Leigh-on-Sea and Fenchurch St to Southend Central extended to Shoeburyness) to firm rights. The rights are to be effective from 19 August.
3. Network Rail undertook the usual industry consultation and received no objections.
4. 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. We identified some drafting issues with the agreement and put our suggestions to the parties who accepted our recommendations and amended the agreement accordingly for the formal submission.
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 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, sweeping underline.

**Michael Albon**