

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



5 December 2018

Shivani Patel
Customer Manager
Network Rail Infrastructure Limited
Floor Twelve, One Stratford Place
Montfichet Road
London
E20 1EJ

Phil Sullivan
Head of Planning & Performance
Trenitalia c2c Limited
Floor Two, Cutlers Court
115 Houndsditch
London
EC3A 7BR

Dear Shivani and Phil

Approval of the 5th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Trenitalia c2c Limited (c2c)

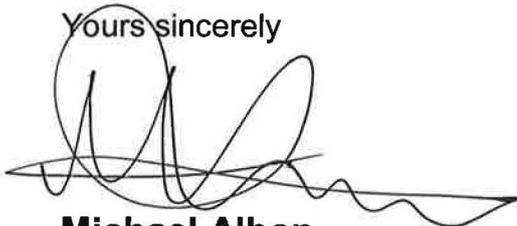
1. We have today approved the above supplemental agreement submitted to us formally on 5 December 2018 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. This agreement amends c2c's access rights to reflect minor changes which it is making to its services for the December 2018 timetable.
3. Network Rail undertook the usual industry consultation with one response received from Transport Focus who sought some data on one of the changes proposed under this agreement. Following Network Rail's response Transport Focus offered support for the application.
4. Our review identified no performance or operational issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993. We highlighted some discrepancies in the agreement where the table 2.1 did not match the changes described in the Form P. The parties accepted our points 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 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 stylized with loops and a long horizontal stroke at the end.

Michael Albon