

Jonathan Rodgers
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5 November 2019

Michelle Woolmore
Customer Manager
Network Rail Infrastructure Ltd
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Broad St
Birmingham
B1 2ND

Rajveer Sandhu
Track Access Assistant
XC Trains Ltd
Canon House
18 The Priory Queensway
Birmingham
B4 6BS

Dear Michelle and Rajveer

Approval of the 10th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and XC Trains Limited

1. We have today approved the above supplemental agreement submitted to us formally on 5 November 2019 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 extends the duration of the parties' track access contract from the Subsidiary Change Date 2020 to the Principal Change Date 2020.
3. Industry consultation was undertaken in the usual manner with supportive responses received from West Yorkshire Combined Authority, First Greater Western Limited, Transport Focus and Nexus.
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.
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 'Jonathan Rodgers', written in a cursive style.

Jonathan Rodgers