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15 March 2022

Alex Aitken
Customer Relationships Executive
Network Rail Infrastructure Limited
Western House
1 Holbrook Way
Swindon
SN1 1BD

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

Dear Alex and Jonathan

Twenty-second supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation (Crossrail) Limited (Crossrail)

We have today approved the above supplemental agreement submitted to us formally on 11 March 2022 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.

Purpose

The purpose of this agreement is to extend Crossrail's Firm Rights between London Paddington and Westbourne Park Junction Connection Point from the Subsidiary Change Date in May 2022 until the commencement of through services between Reading / Maidenhead / Heathrow Airport and Abbey Wood via the new Crossrail tunnels, or the Principal Change Date in December 2022.

The agreement also provides Crossrail with a number of additional firm rights between London Paddington and Westbourne Park Junction Connection Point which are required in order to align train paths from the May 2022 timetable with the future Elizabeth line timetable.



Industry consultation

Network Rail undertook the usual industry consultation between December 2021 and January 2022. Great Western Railway, Transport Focus and CrossCountry provided e-mails in support of the application. Heathrow Express queried the impacts on services running on the Heathrow Airport Limited Network; Crossrail confirmed that there were no changes to access rights between Heathrow Airport Limited and Crossrail. Heathrow Express was satisfied with this response. No other responses were received from the consultees.

ORR review

Our review of the application raised no operational, performance or economic concerns. As part of our review, Network Rail confirmed that the supplemental is compatible with Heathrow Express platforming at London Paddington.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; 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)).

Conformed copy of the track access agreement

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.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. 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 'David Reed', is written over a light blue horizontal line.

David Reed