

Louise Beilby
Senior Access Executive



31 March 2023

Suzanne Murray
Customer Manager
Network Rail Infrastructure Ltd
151 St Vincent Street
Glasgow
G2 5NJ

John Kerr
Regulated Contracts Manager
Scotrail Trains Ltd
Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ

Dear Suzanne and John

Approval of the 32nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Scotrail Trains Limited dated 3 March 2016

We have today approved the above supplemental agreement submitted to us formally on 31 March 2023 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 the TAC Expiry Date; to make some amendments for the upcoming timetable change; to amend the definitions of “Peak Services”; to amend Scotrail’s Boxing Day Rights; to remove expired contingent rights; to include stops at the new station at East Linton as an additional calling pattern; to add a heading to Schedule 8; and to change all references to Dunfermline Town station to Dunfermline City. These rights are to commence on the Subsidiary Change Date 2023 and will expire on the Expiry Date or earlier termination of Scotrail’s track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. No objections or queries were raised.



ORR review

Our review identified no operational issues. We noted that some of the timing loads in Schedule 5 were out of date, as they were still showing Class 150 vehicles, which are no longer in use on Scotland's network. We raised this with Network Rail, who advised that the timing load was still used in the access agreement because it established the required performance baseline for the routes, although the actual Class 150 is not itself used. We suggest that this is something that the contract parties should consider updating in the future, but it does not preclude our approval of this supplemental agreement.

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 blue ink, appearing to read 'Louise Beilby', with a stylized flourish at the end.

Louise Beilby