

Louise Beilby
Senior Access Executive



4 May 2023

Alex Aitken
Customer Relationships Executive
Network Rail Infrastructure Ltd
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Reading
RG1 8BW

Emma Maynard
Contract Manager
MTR Corporation (Crossrail) Ltd
63 St Mary Axe
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Dear Alex and Emma

Approval of the 26th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and MTR Corporation (Crossrail) Limited dated 21 November 2018

We have today approved the above supplemental agreement submitted to us formally on 3 May 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 provide MTREL with the rights necessary to operate its Subsidiary Change Date (SCD) 2023 timetable bid. This entails the introduction of direct services between Shenfield and Heathrow Airport, and an increase in the services to Heathrow from four to six trains per hour in each direction, along with a number of other service enhancements. It also extends the contract expiry date to 14 December 2025. The rights are to commence on 21 May 2023 and will expire on the Expiry Date or earlier termination of MTREL's track access contract.

Industry consultation

Network Rail undertook the usual industry consultation. Heathrow Express had two queries: it noted that, from Stage 5C until 1 June 2024, there were more trains going into than out of Heathrow. Network Rail confirmed that the Heathrow services are balanced by



Empty Coaching Stock moves and the count is as per the passenger timetable. It also stated that Hayes & Harlington was also missed off the regular calling pattern for the Heathrow services. An amended copy of the supplemental to include Hayes and Harlington was shared with the consultee list.

First Great Western Limited had two queries: first, it asked about the form of the services that are expected to be implemented to take up the rights to be added in June 2024, and if these services have been included in the concept timetable. Network Rail confirmed that these are already in the contract and have been re-dated to June 2024. Secondly, it asked if all Paddington High Level service rights reflect services included in the May 2023 timetable. Network Rail confirmed that this was the case.

Both sets of queries were resolved to the respondents' satisfaction prior to informal submission of the application.

ORR review

During ORR's review, we asked Network Rail if it was satisfied that there is sufficient capacity to terminate the Shenfield services at Gidea Park, to which it replied it was confident that there was. We also noted a small drafting error on the Form P which was subsequently resolved.

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 "Louise Beilby". The signature is written in a cursive style with a long horizontal stroke at the end.

Louise Beilby