

**Ellie Mitchell**  
Access Executive



28 April 2023

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

Emma Maynard  
Contract Manager  
MTR Corporation (Crossrail) Ltd  
63 St Mary Axe  
London  
EC3A 8NH

Dear Alex and Emma

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

We have today approved the above supplemental agreement submitted to us formally on 27 April 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 amend Appendix 1 of Schedule 8 of the track access contract to reflect changes resulting from the transfer in December 2019 of services from First Greater Western (FGW) to MTR Crossrail, and to also amend Schedule 4 to reflect the same changes.

**Industry consultation**

An industry consultation was not required as no other parties are affected.



## **ORR review**

This supplemental agreement was reviewed alongside the related FGW 50th supplemental agreement. We had several queries regarding the application, and these have all been satisfactorily answered. We discussed the date to which the changes would be backdated with the parties and both operators agreed to backdate the changes to 8 December 2019.

## **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 that reads 'Ellie Mitchell'. The signature is written in a cursive style with a long horizontal stroke at the end.

**Ellie Mitchell**