

Claire Brooks
Access Executive



21 November 2023

Devon Wall
Franchise and Access Support Manager
Network Rail Infrastructure Ltd
Square One
Manchester M12NF

George Williams
Concession and Business Framework
Manager
Merseyrail Electrics 2002 Ltd
Rail House
Lord Nelson Street
Liverpool
Merseyside L1 1JF

Dear Devon and George,

Approval of the 11th supplemental agreement to the track access contract (TAC) between Network Rail Infrastructure Limited and Merseyrail Electrics 2002 Limited dated 1 April 2019.

We have today approved the above supplemental agreement submitted to us formally on 20 November 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 20 July 2028. The current TAC ends on 31 March 2024. The new date aligns with Merseyrail's current concession. This amendment will take effect from the date of ORR approval.

Industry consultation

Network Rail undertook the usual industry consultation. No concerns were raised.



ORR review

Our review of the application raised no operational, performance or economic concerns.

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

C Brooks

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