

David Reed
Senior Executive, Access & Licensing



6 December 2023

Iain Shields
Customer Support Manager
Network Rail Infrastructure Ltd
151 St Vincent St
Glasgow, G2 5NJ

John Kerr
Regulated Contracts Manager
Scotrail Trains Limited
Atrium Court
Glasgow, G2 6HQ

Dear Iain and John,

Approval of the 39th 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 6 December 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

This supplemental agreement makes a number of changes to ScotRail Trains Limited's (ScotRail's) track access contract to reflect the services which will be running from the Principal Change Date in December 2023. The number of existing rights between Dundee and Arbroath and Montrose and Aberdeen will be reduced, but the remaining rights will be converted from contingent to firm rights. Additionally, one firm right from Aberdeen to Stonehaven will be surrendered and one additional firm right between Dundee and Aberdeen will be added.

Industry consultation

Network Rail carried out the standard industry consultation in September and October 2023. No issues were raised by any consultees.



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

A handwritten signature in black ink, appearing to read 'David Reed', written in a cursive style.

David Reed