

Claire Brooks
Access Executive

27 November 2024



Sophie Grieves
Customer Manager
Network Rail Infrastructure Ltd
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Broad Street
Birmingham
B1 2ND

Lee Tuttle
Head of Planning
XC Trains Ltd
Cannon House
18 The Priory
Queensway
Birmingham
B4 6BS

Dear Sophie and Lee,

Approval of the 66th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and XC Trains Limited (trading as CrossCountry) dated 8 August 2017.

We have today approved the above supplemental agreement submitted to us formally on 27 November 2024 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 current ECML contingent rights policy from the Subsidiary Change Date 2025 to the Principal Change Date 2025.

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. There was one administrative error which was corrected.

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

Claire Brooks