

Claire Brooks

Access executive

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24 February 2025

Alex Aitken
Customer Relationship Executive
Network Rail Infrastructure Limited
Apex Plaza
Forbury Road
Reading RG1 1AX

Joanna Kinnish
Concession Contract Support Manager
MTR Corporation (Crossrail) Limited
63 St Mary Axe
London EC3A 8NH

Dear Alex and Joanna,

Approval of the 38th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation (Crossrail) Limited (trading as MTR Elizabeth Line (MTREL)) dated 21 November 2018

We have today approved the above supplemental agreement submitted to us formally on 19 February 2025 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 First Crossrail Track Access Contract, so taking the end date to 13 December 2026. The original end date was 14 December 2024. The contract will be novated to the next concession operator which is due to commence in May 2025. This extension will therefore allow a smooth transfer to the new operator. The new operator will in turn start conversations with Network Rail to start a new track access contract.

This agreement also amends the future uplift on the Anglia route with amended start dates of the Saturday rights to December 2025 and the Sunday services amended to contingent and with a start date of May 2026.



Industry consultation

Network Rail undertook the usual industry consultation. Comments were received from Great Western Railway, Transport Focus, London Travelwatch and Crosscountry who either supported the application or had no comments. Heathrow Airport Limited (HAL) enquired if there was to be either an increase or amendment to services to/from Heathrow. Network Rail confirmed there were some amendments but these related to start dates of services and that some rights had been amended to contingent from firm, and that there is no increase in rights. Heathrow Airport Limited were content, and the query was closed.

ORR review

Our review of the application raised no operational, performance or economic concerns. We identified some minor drafting issues, and these were resolved when the agreement was formally submitted.

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