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28 November 2019

Nick Prag
Customer Relationship Manager
Network Rail Infrastructure Limited
151 St Vincent Street
Glasgow
G2 5NW

Sam Price
Head of Contracts
Abellio ScotRail Limited
Atrium Court
50 Waterloo Street
Glasgow
G2 6HQ

Dear Nick and Sam

Approval of the 19th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Abellio ScotRail Limited

1. We have today approved the above supplemental agreement submitted to us formally on 26 November 2019 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.

2. The purpose of this agreement is to provide Abellio ScotRail Limited with the necessary rights necessary for it to operate its December 2019 timetable. This includes amendments to reflect the completion of infrastructure projects such as the Aberdeen to Inverness enhancement and the new Robroyston station. The agreement also amends Annex B to Part 3 of Schedule 4 to take advantage of the recent CP6 recalibration and re-map of service groups.

3. Industry consultation was undertaken in the usual manner with a response received from Transport Focus who sought some details on the new services. Network Rail Infrastructure Limited provided the necessary information and Transport Focus confirmed it was happy.

4. Our review identified no issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993. We identified some minor drafting issues with the agreement and highlighted these to the parties with our



recommended suggestions to improve its quality. The parties accepted our comments and amended the agreement accordingly for the formal submission.

5. In considering the agreement and in reaching our decision, we have had to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Act. We have concluded that approval of this supplemental agreement is consistent with our section 4 duties, 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)).

6. 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.

7. Electronic copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at Department for Transport and to Peter Craig at Network Rail. 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

S Jones

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