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9 December 2011

Chinua Labor  
Regulatory Contracts Manager  
HS1 Limited  
73 Collier Street  
London  
N1 9BE

Clare Kingswood  
Access Contracts Team Manager  
London & South Eastern Railway Limited  
Friars Bridge Court  
41-45 Blackfriars Road  
London  
SE1 8NZ

Dear Chinua and Clare

## **Approval of the 2nd Supplemental Agreement to the track access agreement between HS1 Limited and London & South Eastern Railway Limited**

### **Introduction**

1. On 9 December 2011, the Office of Rail Regulation (“ORR”) approved the 2nd Supplemental Agreement to the track access contract (“TAC”) between HS1 Limited (“HS1”) and London & South Eastern Railway Limited (“LSER”) under the Railways Infrastructure (Access & Management) Regulations 2005 (“the Regulations”). The agreement was submitted formally to us on 6 December 2011. This letter sets out the reasons for our decision.

### **Purpose of the agreement**

2. The purpose of the 2<sup>nd</sup> Supplemental Agreement is to make certain changes to Schedules 4 and 5 of the existing TAC, including:

- an amendment to Schedule 4 to reflect the service group to and from St Pancras International and Stratford International stations and amendments to Table 2.1 of Schedule 5 to reflect services for the London 2012 Olympic Games. Changes will take effect in the working timetable from 27 July 2012 to 13 August 2012 and from 29 August 2012 to 10 September 2012;
- a further amendment to Table 2.1 of Schedule 5 to reflect an additional Sunday service to take effect in the working timetable from the Principle Change Date 2011; and



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- an additional provision to enable Contingent Rights to be included in Schedule 5 to take effect from the date of ORR's approval.

### **Consultation**

3. A pre-application consultation was carried out by HS1 and LSER in line with the Code of Practice however no responses were received.

### **ORR's consideration**

4. In reviewing the application we noted that much of the drafting was otiose and therefore we recommended that it be deleted to make the reading clearer. HS1 and LSER understood our reasoning and have made the necessary amendments.

5. We amended the end date of the "Olympic Period" to 12 August 2012, in line with our understanding. However, we were advised that due to the closing ceremony taking place on the evening of 12 August 2012, Javelin services will be required in the early hours of 13 August 2012. We are therefore content for the "Olympic Period" to end at 01:59 on 13 August 2012.

### **ORR's review**

6. Our review of the 2<sup>nd</sup> Supplemental Agreement did not raise any further operational, performance, economic or drafting issues.

### **ORR's conclusions**

7. Pursuant to Regulation 28(1) of the Regulations, in considering the application and in reaching our decision, we are required to weigh and strike the appropriate balance in discharging our statutory duties under section 4 of the Railways Act 1993. We believe that approval of this supplemental agreement is consistent with these duties, in particular our duties to:

- protect the interests of users of rail services;
- promote the use of the railway network in Great Britain for the carriage of passengers and goods, and the development of the railway network, to the greatest extent that ORR considers economically practicable;
- contribute to the development of an integrated system of transport of passengers and goods;
- promote competition in the provision of railway services; and
- enable persons providing railway services to plan the future of their businesses with a reasonable degree of assurance.



**Conformed copy of the track access contract and public register**

13. Pursuant to paragraph 3.75 of our Criteria and Procedures document, HS1 is required to produce a conformed copy of the TAC, within 28 days of any amendment being made, and send copies to ORR. I look forward to receiving the conformed copy.

14. We will place a copy of the 2<sup>nd</sup> Supplemental Agreement on our public register. The parties have not asked us to make any redactions prior to placing on the public register.

Yours sincerely

**Kara Johnson**

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