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Chris Dellard
Network Access Strategy Manager
Keolis Amey Operations (TfW Rail Services)
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Dear Ian and Chris

Approval of the Ninety Eighth supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Keolis Amey Operations (TfW Rail Services) (TfW)

1. We have today approved the above supplemental agreement submitted to us formally on 10 December 2019 under section 22 of the Railways Act 1993 (the Act). This letter explains our decision.
2. The purpose of this agreement is to make a large number of changes to the track access contract to add and amend services, mostly on Sundays, for the December 2019 timetable change. The changes include improved frequencies and earlier/later trains. Additional trains will operate on Sundays to more closely align the Winter timetable with the existing Summer timetable. The proposed access rights are effective from the Principal Change Date (PCD 2019) until the PCD 2020, which is the current expiry date of the contract.
3. Network Rail undertook the usual industry consultation. Transport Focus supported the application. GB Railfreight (GBRf) said that the extensions between Cardiff and Bridgend should be contingent rights only due to potential conflicts with its services. GBRf also queried some funding issues. When the application was submitted to us, Network Rail had not responded to GBRf's concerns. We asked Network Rail to respond to GBRf and it confirmed that funding was in place. It also said that the rights were in effect contingent.


4. Our own review did not identify any concerns with the application. As the Priority Dates for both the December 2019 and May 2020 timetables have passed, the rights GBRf were concerned about would have been treated as an “expectation of rights” under Condition 4.2 of Part D of the Network Code and awarded the same priority as contingent rights in the timetable development process.

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 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 'Jonathan Rodgers', with a long horizontal flourish extending to the right.

Jonathan Rodgers