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Dear Joe and Jonathan

Thirteenth supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation (Crossrail) Limited (Crossrail)

1. We have today approved the above supplemental agreement, submitted to us formally on 31 March 2020, following earlier informal submission for our review.

Purpose

2. The delay to the Crossrail Programme requires a small number of amendments to firm rights on the EX02 Western Route for the May 2020 timetable. This supplemental agreement introduces two additional services on Sundays between Paddington and Heathrow Terminal 4 and two additional services on Sundays between Heathrow Terminal 4 and Paddington.

3. MTR previously secured Firm Rights for these services between Westbourne Park Junction and Heathrow Airport Junction Connection Point, it is now seeking to amend those rights for one timetable period to reflect the continued pathing between Westbourne Park Junction and Paddington.



Consultation

4. The industry consultation was carried out by Network Rail between 10 February and 11 March 2020. Two responses were received, with Transport Focus and First Greater Western both supporting the application.

ORR review

5. We note that the approved agreement has been amended from that of the industry consultation. This was necessary as, between the industry consultation and submission of the agreement for approval, ORR separately approved the 10th supplemental agreement. Changes to the 13th have therefore been the minimum required in order to avoid over-writing the changes approved in the 10th supplemental agreement.

6. In addition, the parties removed a redundant table from schedule 5, which described access rights for service group EX02, which will expire at SCD 2020 when this agreement takes effect.

7. 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. ORR's copy should be sent for my attention.

8. In accordance with section 72 of the Act, we will place a copy of the approval notice and the agreement on our public register. Copies of this letter, the approval notice and the agreement will be sent to Keith Merritt at the Department for Transport and Peter Craig at Network Rail. Copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

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