

RAILWAYS ACT 1993

2013 PERIODIC REVIEW

REVIEW NOTICE:

FREIGHT CUSTOMER TRACK ACCESS AGREEMENTS

TO:

- (1) Crossrail Limited (Company Number 04212657) ("**Crossrail**");
- (2) Network Rail Infrastructure Limited ("**Network Rail**"); and
- (3) the Secretary of State for Transport, the Scottish Ministers and the Treasury,

together "the **Addressees**".

1 GENERAL

1.1 This review notice (the "**Review Notice**") is given in accordance with paragraph 4 of Schedule 4A to the Railways Act 1993 (the "**Act**").

1.2 The Office of Rail Regulation ("**ORR**") has undertaken a review of:

(a) the amounts payable by Network Rail and Crossrail to each other under the track access agreement between Network Rail and Crossrail dated 16 March 2012 (the "**Track Access Agreement**"); and

(b) the times at which, and the manner in which, those amounts are payable,

(the "**Review**").

1.3 ORR's conclusions on the Review, and its reasons for those conclusions, are:

(a) set out in a document entitled “Periodic Review 2013: Final determination of Network Rail’s outputs and funding for 2014-19” and published by ORR on 31 October 2013 (the “**Review Document**”); and

(b) hereby incorporated into this Review Notice.

1.4 By publishing this Review Notice and serving it on each of the Addressees, ORR is initiating the implementation of the Review.

2 Proposed Relevant Changes

2.1 For or in connection with giving effect to ORR’s conclusions on the Review, ORR proposes to direct the parties to the Track Access Agreement to amend their Track Access Agreement on the terms specified in Annex 1 to this Review Notice (the “**proposed relevant changes**”).

2.2 ORR proposes that, subject to paragraph 3, the proposed relevant changes will come into operation on and from 1 April 2014.

3 Regulated Amendments

If, before the proposed relevant changes come into operation in relation to the Track Access Agreement, the Track Access Agreement is amended in a manner which is:

(a) approved by ORR under section 22 of the Act; or

(b) directed by ORR under section 22A or section 22C of the Act,

(each a “**regulated amendment**”), then:

- (i) the proposed relevant changes shall come into operation in relation to the Track Access Agreement subject to the regulated amendments; and
- (ii) if there is any conflict between the proposed relevant changes and the regulated amendments, the regulated amendments shall take precedence.

4 Objections

4.1 Subject to paragraph 4.2, any person specified in paragraph 4(4)(a) or (b) of Schedule 4A to the Act may make objections with respect to:

- (a) any of the proposed relevant changes; or
- (b) the date on which it is proposed that any such proposed relevant changes shall come into operation.

4.2 Any objection made under paragraph 4.1 must be:

- (a) made in writing;
- (b) received by ORR on or before 7 February 2014; and
- (c) addressed to ORR as follows:

John Larkinson
Office of Rail Regulation
One Kemble Street
London WC2B 4AN

5 Definitions and Interpretation

5.1 In this Review Notice, unless the context otherwise requires:

- (a) references to “this Review Notice” include the Annexes to this Review Notice;
- (b) references to the singular include the plural and *vice versa*;

(c) words and phrases defined in:

- (i) the Act;
- (ii) the Network Code (formerly known as the Railtrack Track Access Conditions 1995 (as amended)); or
- (iii) the Track Access Agreement,

shall have the same meanings in this Review Notice; and

(d) any general rules of interpretation contained in:

- (i) Condition A1 of the Network Code; or
- (ii) the Track Access Agreement,

shall also apply to this Review Notice.



Richard Price

Chief Executive

**FOR AND ON BEHALF OF
THE OFFICE OF RAIL REGULATION**

Dated 20 December 2013



ANNEX 1

AMENDMENTS TO BE MADE TO THE TRACK ACCESS AGREEMENT

Explanatory Note:

In order to give effect to the ORR's conclusions on the Review, we are updating the date for the baseline capability of the network as referenced in the incremental costs provision in the Track Access Agreement.

The following amendments shall be made to the Track Access Agreement:

1. In paragraph 2.8.1 (b) and in paragraph 2.8.1(c) of Schedule 7, delete the date "1 April 2001" and replace it with "1 April 2014".