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3 March 2017

Mark Garner  
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Network Rail Infrastructure Limited  
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York  
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Head of Contracts  
Alliance Rail Holdings  
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Dear Mark and Jonathan

## **Approval of the Second Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited and Grand Central Railway Company Limited**

1. The Office of Rail and Road (ORR) has today approved the Second Supplemental Agreement to the Track Access Contract between Network Rail Infrastructure Limited (Network Rail) and Grand Central Railway Company Limited (Grand Central) submitted to us formally on 3 March 2017 under section 22 of the Railways Act 1993 (the Act). It was originally submitted to us under section 22A, as Network Rail did not support Grand Central's request for contingent rights. However, Network Rail subsequently decided to support the application. The purpose of this letter is to set out the reasons for our decision.

### **Purpose**

2. The purpose of this agreement is to provide Grand Central with firm rights to call at Low Moor station. It has also updated some Schedule 1 details and made an amendment to Schedule 7, regarding price list supplement provisions, which we had required all train operating companies to amend, at a suitable opportunity, in our e-mail of 8 February 2016.

### **Consultation**

3. Network Rail undertook the usual industry consultation between 4 February and 4 March 2016. West Yorkshire Combined Authority and Transport Focus responded and both supported the application.

## **ORR review**

4. The application was reviewed from an operational and safety perspective. Low Moor Station's platforms could only accommodate four car trains whilst Grand Central's trains would be five car units. Network Rail said in their application that their agreement to sell firm rights was contingent on the safe operation of a test train to assess operational and stepping distance clearances. A clause setting this out was inserted into the agreement.

5. We asked for assurance that the necessary procedures were in place to ensure safe despatch of trains. On 7 June 2016, we asked Grand Central and Network Rail to write to us after the running of a test train and set out any safety risks that have been identified and what mitigations, if any, were necessary to ensure the safe operation of trains at the station. We had no other concerns.

6. On 16 February 2017, Grand Central wrote to us providing details of a gauging exercise and dispatch assessment they had carried out. They set out the issues that had arisen and how they would be resolved. Following a review of this information, we were satisfied with Grand Central's approach to this matter.

7. 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)).

## **Conformed copy of the track access contract**

8. 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.

## **Public register and administration**

9. 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. Copies of this letter and the agreement will be placed on the ORR website. I am also copying this letter without enclosures to Peter Craig at Network Rail.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

**Jonathan Rodgers**