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Dear Joe and Jonathan

Eleventh 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 5 December 2019, following earlier informal submission for our review.

Purpose

2. Due to the delay to Crossrail Stage 5 (the commencement of through services between the Crossrail Central Operating Section and Heathrow / Reading), which was due to commence in December 2019, some minor revisions are required to Schedule 4 and Schedule 5 of the Track Access Contract.

3. In addition, some changes are made to Appendix B of Part 3 of Schedule to clarify the EBM arrangements and simplify the tables. EBM compensation is also introduced between Hayes & Harlington and Ealing Broadway, in light of experience gained from running this section of railway and in response to the future engineering access strategy.

4. Some minor changes are proposed to Schedule 5 Table 2.1 to correct some Service Code descriptions.



Consultation and review

5. As a matter that affects only the parties to the agreement, there was no requirement to conduct a consultation.

6. ORR reviewed the agreement and noted a small number of drafting points, which the parties have amended.

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

John Trippier