

Jonathan Rodgers
Senior Executive, Access & Licensing

17 December 2019



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James Parkinson
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Dear Karen and James

Approval of the eleventh supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Tyne and Wear Passenger Transport Executive (Nexus) (jointly “the parties”)

1. We have today approved the above supplemental agreement submitted to us formally on 17 December 2019 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains our decision.
2. The agreement amends the parties’ track access contract to enable Nexus to run a Saturday service on Boxing Day between South Hylton Station and Pelaw Junction.
3. Network Rail conducted the usual industry consultation. Arriva Rail North responded with a couple of concerns regarding the impact on planned engineering works in the Sunderland area and also staffing at Sunderland Station. These matters were resolved by correspondence.

ORR’s review

4. We had no concerns with this proposal. The Nexus contract is an old style contract and not in our current model clause format. We suggested some revised drafting to better express the parties’ intention and to remove some out-of-date expressions such as the right to ‘bid’ which is no longer used in Part D of the Network Code. The agreement was amended to take account of this before formal submission.



5. 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;
- promoting the use of the railway network for the carriage of passengers;
- promoting improvements in railways service performance; and
- 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 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

Jonathan Rodgers