

**Jonathan Rodgers**  
**Senior Executive, Access & Licensing**

21 October 2019



Paul Harris  
Customer Manager  
Network Rail Infrastructure Ltd  
Baskerville House, Centenary Square  
Broad St, Birmingham  
B1 2ND

James Carter  
Network Access Manager  
West Midlands Trains Limited  
5<sup>th</sup> Floor, 102 New Street  
Birmingham  
B2 4JB

Dear Paul and James

**Approval of the second supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and West Midlands Trains Limited (WMT) (jointly “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 21 October 2019 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. The purpose of this letter is to set out the reasons for our decision.
2. The application is to provide WMT with a small number of additional access rights, effective from Principal Change Date (PCD) 2019 and expiring at PCD 2026 (the end of the current contract). There will be additional early morning and evening services on the Stourbridge Branch line and three additional services each way on Sunday mornings between Rugeley Trent Valley and Birmingham New Street.
3. These agreed access rights were originally included in a larger application for PCD 2019 services (the 1<sup>st</sup> SA) but were separated out into this application, while the disputed rights were left in the 1<sup>st</sup> SA.
4. Network Rail conducted an industry consultation for the original 1<sup>st</sup> SA from 18 July to 15 August 2019. There were a number of responses but no concerns or queries were raised regarding these rights.
5. We did not have any concerns about this application. There was a minor error in the drafting of the agreement but this was corrected before the formal submission.

6. 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)).

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. Please send the conformed copy to me at ORR.

8. 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

A handwritten signature in black ink, appearing to be 'Jonathan Rodgers', written in a cursive style.

**Jonathan Rodgers**