

Louise Beilby
Senior Access Executive



29 April 2024

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Lee Tuttle
Head of Planning
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Dear Sophie and Lee

Approval of the 32nd supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and XC Trains Limited (trading as CrossCountry) dated 8 August 2017

We have today approved the above supplemental agreement submitted to us formally on 29 April 2024 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 the reasons for our decision.

Purpose

The purpose of this agreement is to put access rights into Schedule 5 of the track access contract for services that are currently running in CrossCountry's timetable without the corresponding rights. The rights were put in place on a 90-day, contingent basis via General Approval, and this agreement will make them both permanent and firm.

This supplemental agreement will also correct a minor typing error in Schedule 4 of the track access contract that was identified during the recent Periodic Review process.

The changes will apply from ORR approval and will expire on the Expiry Date or earlier termination of CrossCountry's track access contract.



Industry consultation

Network Rail undertook the usual industry consultation. No queries or concerns were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; 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 agreement

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.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website) and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

Louise Beilby