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Tamzin Cloke
Route Contracts Manager
Network Rail Infrastructure Ltd
Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

David Print
Head of Concession and Development
Merseyrail Electrics 2002 Limited
7th Floor
Rail House
Lord Nelson Street
Liverpool
L1 1JF

Dear Tamzin and David

Directions in respect of a track access contract between Network Rail Infrastructure Limited and Merseyrail Electrics 2002 Limited

1. We have today issued directions under section 18 of the Railways Act 1993 (the Act) to Network Rail Infrastructure Limited (Network Rail) to enter into a track access contract (TAC) with Merseyrail Electrics 2002 Limited (Merseyrail) (jointly the parties). The application was submitted to ORR by Network Rail on 20 February 2019.
2. The purpose of this contract is to provide Merseyrail with a new TAC to commence on 1 April 2019 until 31 March 2024. The new TAC is on the same terms as Merseyrail's current TAC, due to expire on 31 March 2019, subject to revised Schedule 4, 7 and 8 as explained below.
3. Network Rail undertook the usual industry consultation between 16 January 2019 and 13 February 2019 with one response received from Transport Focus supporting the application.
4. We noted the draft TAC submitted on 27 February 2019 did not include the new provisions for Schedules 4, 7 and 8 set for the new CP6 model contract. We advised the parties that the TAC would need to be re-drafted to reflect this and to achieve this, we shared the new CP6 model contract for the parties to use. A new TAC based on the new model contract was re-submitted on 20 March 2019.

5. Our review identified no safety, economic, operational or performance issues. We did highlight some areas where the draft of the TAC could be improved and shared these with the parties. Our directions refer to that version of the draft contract.

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 promoting improvements in railway service performance (section 4(1)(b)), 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. A copy of the Directions and the signed contract will be placed on our public register, copies of this letter and the contract will also be placed on the ORR website. I am also copying this letter to Peter Craig at Network Rail and Keith Merritt at Department for Transport.

8. Once the agreement is signed, in accordance with Section 72(5) of the Act, you must send a copy to ORR within 14 days.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Albon', written in a cursive style.

Michael Albon