

**Jonathan Rodgers**  
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2 May 2018

Alex Aitken  
Customer Manager (Wessex)  
Network Rail Infrastructure Ltd  
Basingstoke Rail Operating Centre  
Gresley Road  
Basingstoke  
RG21 4FS

Lee Shuttlewood  
Track Access Manager  
First MTR South Western Trains Ltd  
Friars Bridge Court  
41-45 Blackfriars Road  
London  
SE1 8NZ

Dear Alex and Lee

**Approval of the 75th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and First MTR South Western Trains Limited (jointly, “the parties”)**

1. We have today approved the above supplemental agreement submitted to us formally on 27 April 2018 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 purpose of this agreement is to:
  - amend Schedule 5 of the current contract in order to extend the contingent rights for one evening peak Waterloo to Reading service and one morning peak Reading to Waterloo service. The rights will now expire at the end of the current contract (PCD 2019); and
  - amend the Train Operator’s registered name and address in the parties clause on page one of the contract. The current address in the contract is incorrect.
3. Network Rail undertook the normal industry consultation with no concerns raised.
4. Our review did not identify any issues and we are satisfied that approval is in accordance with our statutory duties under Section 4 of the Railways Act 1993.

5. 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)).

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

A handwritten signature in black ink, appearing to read 'Jonathan Rodgers', with a stylized, flowing script.

**Jonathan Rodgers**