

**Jonathan Rodgers**  
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22 July 2019

Ian Messner  
Customer Manager  
Network Rail Infrastructure Ltd  
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Chris Dellard  
Network Access Strategy Manager  
Keolis Amey Operations (TfW Rail Services)  
St Mary's House  
47 Penarth Road  
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Dear Ian and Chris

**Approval of the 94th supplemental agreement to the track access contract between Network Rail Infrastructure Limited and Keolis Amey Operations (TfW Rail Services) (TfW)**

1. We have today approved the above supplemental agreement submitted to us formally on 18 July 2019 under section 22 of the Railways Act 1993 (the Act). This letter explains our decision.
2. The purpose of this agreement is to amend the track access contract to extend the expiry date from the Principal Change Date 2019 to the Principal Change Date 2020. In addition, the agreement changes all current TfW rights that transverse the Castlefield Corridor in Manchester from Firm to Contingent rights, in line with Network Rail's current policy regarding that infrastructure.
3. As well as these amendments the parties have updated Annex B to Part 3 of Schedule 4. This corrects omissions in the Annex B that was part of the 92nd Supplemental Agreement.
4. Network Rail undertook the usual industry consultation from 17 April to 15 May 2019. The only response was support from Transport Focus.
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 to 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', is positioned below the closing text. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Jonathan Rodgers**