

Claire Brooks
Access Executive

17 July 2024



Alexis Xoufarides
Customer Manager
Network Rail Infrastructure Ltd
Floor 4B
George Stephenson House Toft
Green
York
YO1 6JT

Lanita Masi
Network Access Manager
Transport UK East Midlands Ltd
Locomotive House
Locomotive Way
Pride Park
Derby
DE24 8PU

Dear Alexis and Lanita,

Approval of the 18th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and Transport UK East Midlands Limited (trading as East Midlands Railway (EMR)) dated 1 September 2020

We have today approved the above supplemental agreement submitted to us formally on 11 July 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 grant Transport UK East Midlands Limited (TEMR) various amendments to its track access contract. These are as below:

Re-mapping of some of the service codes in service groups EM05 to EM04. This was agreed through the PR23 process and incorporated through the PR23 review notice via a new Appendix 1 in Schedule 8.

Amendments to the Default Train Consist Data in Appendix 7C of Schedule 7.

A change of company name from Abellio East Midlands Limited to Transport UK East Midlands Limited. We had been notified of this change via clause 18.4.2 in Schedule 4.



The company number and address remain the same. A change of control was completed by ORR in March 2024.

A correction to the Schedule 5 Tables 2.1 and 4.1 for Derby to Sheffield additional services which had been added incorrectly to the Sheffield to Derby line during a previous contract consolidation.

Industry consultation

There was no industry consultation on this submission, as the changes were all administrative in nature.

ORR review

Our review of the application raised no operational, performance or economic concerns. The first formal submission received on 5 July 2024 had administrative errors. This was withdrawn on 11 July 2024, and a further formal submission was submitted on 11 July 2024.

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

Claire Brooks