

**Louise Beilby**  
Senior Access Executive

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2 January 2025

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Customer Manager  
Network Rail Infrastructure Ltd  
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James Parkinson  
Head of Corporate Contracting  
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Nexus House  
St James' Boulevard  
Newcastle-upon-Tyne  
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Dear Alexis and James

**Approval of the 13th supplemental agreement to the track access contract (TAC) between Network Rail Infrastructure Limited (Network Rail) and Tyne and Wear Passenger Transport Executive Limited (trading as Nexus) dated 22 December 1999**

We have today approved the above supplemental agreement submitted to us formally on 2 January 2025 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 add Class 555 Vehicles into Schedule 5 of Nexus' TAC, and to amend associated clauses to update rights concerning train lengths to reflect the slightly longer units. The entry of the Class 555 vehicles into Schedule 5 is caveated to the effect that until regenerative braking is enabled on all vehicles, no more than 5tph (the current service level) may be run using the new sets.



The addition of new vehicles to Schedule 5 is usually done via the General Approval, but because of the bespoke wording in Nexus' TAC, amendments to references to train lengths (which do not appear in the model clause) are required. The changes will become effective upon our approval.

### **Industry consultation**

As no third party is affected by these changes, no industry consultation was carried out, although industry was consulted via the Vehicle Change process as per Network Rail's standard procedures.

### **ORR review**

We had no operational concerns, but we did review the submission from a safety perspective in order to confirm the adequacy of the risk mitigations that have been put in place to restrict the usage of these vehicles until regenerative braking has been applied throughout the fleet. Following conversations with Nexus, we are content that this is the case.

We also noted some minor drafting errors, which we asked to be corrected at the formal submission stage.

### **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**