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11 February 2025

Russell Parish
Network Performance & Strategy Manager
Rail for London (Infrastructure) Limited
5 Endeavour Square
London
E20 1JN

Joanna Kinnish
Concession Contract Support Manager
MTR Corporation (Crossrail) Limited
63 St Mary Axe
London
EC3A 8NH

Dear Russell and Joanna

Approval of the 4th supplemental agreement to the track access contract (Passenger Services) between Rail for London (Infrastructure) Limited (RfL) and MTR Corporation (Crossrail) Limited (MTR)

We have today approved the above supplemental agreement submitted to us formally on 10 February 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 extend MTR's track access contract from its current expiry date of the Principal Change Date (PCD) in December 2025 to PCD 2026. It also removes several firm and contingent rights from the contract and replaces them with new firm rights that facilitate the through pathing of some additional services onto and from infrastructure that is managed by Network Rail.

The corresponding amendments to the services running to and from Network Rail infrastructure was approved by ORR on PCD 2024 via the 33rd supplemental agreement between Network Rail and MTR.

It should be noted that these amendments were due to take effect on PCD 2024, but the application was not submitted in time and therefore the amendments have been covered in the meantime by the 5th SA, which was a 90-day General Approval. This was due to expire on 15 March.



Industry consultation

RfL undertook the usual industry consultation for four weeks from 19 November. London TravelWatch had a query relating to the change to the overall service levels, which was answered to its satisfaction. No other queries or comments were received.

ORR review

Our review of the application raised no operational, performance or economic concerns. We also identified some minor drafting amendments that were required prior to formal submission of this supplemental agreement.

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, Rail for London (Infrastructure) Limited 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

Copies of the approval notice and the redacted agreement will be placed on ORR's public register (website) and copies of this letter and the redacted agreement will be placed on the ORR website.

Yours sincerely

A solid black rectangular box used to redact the signature of Louise Beilby.

Louise Beilby