

**Claire Brooks**

**Access Executive**

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26 February 2025

Alex Aitken  
Customer Relationship Executive  
Network Rail Infrastructure Limited  
Apex Plaza  
Forbury Road  
Reading RG1 1AX

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

Dear Alex and Joanna,

**Approval of the 39th supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and MTR Corporation (Crossrail) Limited (trading as MTR Elizabeth Line) dated 21 November 2018**

We have today approved the above supplemental agreement submitted to us formally on 21 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 grant MTR Corporation (Crossrail) Limited t.a MTR Elizabeth Line the below administrative amendments to the current track access contract.

- Within Schedule 5 of the track access contract, paragraph 5 “specified equipment”: remove class 316 and 360 details which are no longer operated by Elizabeth Line.
- Remove reference to Crossrail and replace with Elizabeth Line. This is within Schedule 4 Annex A, C and D Part 3, Schedule 5 table 2.3, Schedule 7 Default Train Consist and Schedule 8 Appendix 1.
- To add back in to the track access contract the public differential within Schedule 8. MTR Elizabeth Line still have a public differential in their timetable, but figures were received too late to include for December 2024.

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The approval date for this submission will be 15th December 2024 (retrospectively) and will cease at the end of the current contract.

### **Industry consultation**

No Industry consultation was required for these amendments as these are purely administrative in nature.

### **ORR review**

Our review of the application raised no operational, performance or economic concerns.

### **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

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**Claire Brooks**