

1 DETAILS OF PARTIES

1.1 The names and addresses of the parties to the reference are as follows:-

- (a) Freightliner Group Ltd whose Registered Office is at The Podium, 1 Eversholt Street, London, NW1 2FL, representing Freightliner Limited and Freightliner Heavy Haul Limited ("Freightliner") ("the Claimant"); and
- (b) Network Rail Infrastructure Limited whose Registered Office is at 2nd Floor, 1 Eversholt Street, London NW1 2DN ("Network Rail") ("the Defendant").

1.2 Third parties: all other Access Beneficiaries.

2 THE CLAIMANT'S' RIGHT TO BRING THIS REFERENCE

2.1 This matter is referred to a Timetabling Panel ("the Panel") for determination in accordance with Condition D2.2.8(a) of the Network Code.

3 CONTENTS OF REFERENCE

This Sole Reference includes:-

- (a) The subject matter of the dispute in Section 4;
- (b) A detailed explanation of the issues in dispute in Section 5;
- (c) In Section 6, the decisions sought from the Panel in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (d) Appendices and other supporting material.

4 SUBJECT MATTER OF DISPUTE

4.1 This is a dispute regarding the Timetable Planning Rules proposal for platform reoccupation times at Upminster.

4.2 This dispute arises over Network Rail's implementation of Timetable Planning Rules under Condition D2 of the Network Code.

5 EXPLANATION OF EACH ISSUE IN DISPUTE AND THE CLAIMANT'S ARGUMENTS TO SUPPORT ITS CASE

- 5.1 In order to facilitate the timetable recast proposed by c2c, a revision was proposed to change the platform reoccupation time at Upminster to 2½ minutes.
- 5.2 Freightliner objected to this change, as we believed it to represent an increase in the platform reoccupation time from 2 minutes.
- 5.3 The basis for this is that the planning headway is 3 minutes, and given the need for a 1-minute peak time dwell, a platform reoccupation of 2 minutes is therefore necessary to achieve a 3-minute headway.
- 5.4 The planning headway is a singular figure and therefore is based on the first train in a sequence being a stopping train. This does however mean that capacity is not being used in an optimal manner as obviously if the first train were a non-stop train, the signalling would clear much quicker.
- 5.5 c2c had commissioned report (Appendix A) to study the headways and platform reoccupations to support the proposed service changes. This however has a number of flaws, some of which can be attributed to the lack of a common methodology for the definition and calculation of TPR values.
- 5.6 The report suggested that the non-stop headway at Upminster is in the region of 1m20s (figure 2 in the report) and the stopping headway is in the region of 1m55s (figure 3 in the report). Freightliner believes these figures to be slightly inflated as only 95% rolling stock performance has been assumed and the signal sighting time assumed is fractionally higher than that normally used by signal sighting committees.
- 5.7 A platform reoccupation will be, by necessity, lower than the prevailing headway, as the second train in the sequence is coming to a stand, and does not necessarily need to see green signals on the approach to a stop as long as the first restrictive aspect is within the braking curve of the train. Therefore one would expect the platform reoccupation to be less than 1m55s, as by that time the platform starting would have reverted to green as the train approached.
- 5.8 Network Rail undertook to use the simulator at Upminster IECC to model what the platform reoccupation was – this resulted in a figure of 1m04s (Appendix B, page 4). Reference is made to the disparity between that figure and the report, but this can easily be explained by the disparity in methodology. The report does however indicate that a 2½-minute planned stopping headway is achievable, so this does indicate that less than 2½ minutes is achievable for a platform reoccupation. The report is however focused on ensure that the assumptions

are able to support the proposed timetable structure rather than completely accurate TPR values. Because of this, and the lack of a common methodology for determining TPR values, confusion has arisen as to whether the change to 2½ minutes is actually a reduction or increase. Either way, Freightliner believes this to be inappropriate.

- 5.9 In converting the technical TPR values to the planning values, it has generally been agreed by Network Rail and others that the technical value should be rounded up to the next half-minute above as a starting point; the perceived performance risk of using that value for planning should then be considered and additional time allowed in the planning value if deemed necessary. In this case, no performance risk has been identified. The Upminster IECC simulator indicated that 1m04s was achievable. That would ordinarily round up to 1½ minutes as the starting point for the planning value. It could be argued that this would cause a performance risk and that an additional half-minute is required in the planning value: Freightliner would agree with this.
- 5.10 Freightliner believes that the proposal of 2½ minutes is therefore excessive and that 2 minutes is more than adequate based on the available evidence. Casual observation at the location also confirmed this, with platform end signals reverting to green in the time indicated by the model, and platform reoccupation also well under 2 minutes.

6 DECISION SOUGHT FROM THE PANEL

The Claimant should be requesting that the Panel determine:

- 6.1 That Network Rail's proposal for the change to the platform reoccupation time at Upminster is excessive and that a planning value of 2 minutes should apply.

7 APPENDICES

The Claimant confirms that it has complied with Access Dispute Resolution Rule H21.

Appendix A: modelling report

Appendix B: findings of visit to Upminster IECC and use of the simulator

8 SIGNATURE

For and on behalf of Freightliner Limited and Freightliner Heavy
Haul Limited

Signed

J. K. Bird-----
Print Name

Track Access Manager
Position