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 entry in National Timetable Planning Rules relating to the Procedure for Amending the Values in Timetable Planning Rules.

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

4.3 Section 5 of the National Timetable Planning Rules (TPRs) outlines a procedure for amending the values of Timetable Planning Rules that was new to the 2016 National Timetable Planning Rules.

4.4 It is Freightliner's contention that these rules are inadequate and do not achieve the purpose for which they were first proposed.

4.5 An extract of Freightliner's response to Version 4.0 of the 2016 National Timetable Planning Rules is attached as Appendix A.

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

5.1 Network Rail first convened a meeting on 6 November 2013 in order "to review current methodologies used to convert technical data to planning for the calculation of SRTs, dwell times, headways and junction margins." A draft for consideration was attached to the meeting invite and this was subsequently reviewed at the meeting, with substantial revisions.

5.2 Further meetings took place on 21 January 2014, 26 March 2014, 7 May 2014 and 1 October 2014.

5.3 On 16 May 2014, Network Rail wrote to Timetable Participants (Appendix B) outlining Network Rail's intention to develop a national methodology. However, it soon became apparent that this was a separate workstream from the other meetings, although ostensibly with the same purpose. On 23 May 2014, Network Rail circulated an informal draft of its proposals following the letter of 16 May (Appendix C),.

5.4 On 5 June 2014 Freightliner commented on the draft of 23 May which received a response the same day (Appendix D). Network Rail proposed a meeting on the subject on 11 September (which Freightliner, amongst others, was unable to attend) and issued further updates to the documents on 13 August 2014.

5.5 The meeting on 1 October 2014 mentioned in 5.2 above however continued work on the drafts from the previous meeting (7 May 2014) and at this meetings, handwritten documents were handed over to Network Rail representatives in order to provide an updated draft for the next session, which was never arranged.

5.6 On 20 February 2015, Network Rail issued a proposal under Condition D2.2.2 for a methodology (Appendix E). Freightliner's response was that, given the size and timing of the proposal, we would be unable to give it detailed consideration until after 27 March 2015.

Network Rail's response was that if we could not respond until that date, it might be better to wait until the Version 3 response.

5.7 Version 3.0 of the 2016 National Timetable Planning Rules (issued 27 March 2015) contained a new section 5 (Appendix F, pages 61 to 87). This was perpetuated in Version 4.0 and 2017 Version 1.0, and further revised in 2017 Version 2.0 (Appendix G, pages 64 to 73).

5.8 Further sessions on the methodology were held on 22 April 2015 and 16 June 2016, at which the proposals were reviewed, although to no great extent.

5.9 The following comments are based on the 2017 Version 2.0 (Appendix G)

5.10 Having reviewed the proposals in detail, the stated purpose (as noted in paragraph 5.1.2) is "to set out a clear set of principles and a robust methodology for determining the TPRs". However, the procedure fails to do so. The resulting proposals are instead a collection of Network Rail's imposed view on how TPRs should be formulated without providing a clear framework for actually achieving this aim.

5.11 One of the major factors in the problems to date with TPR proposals in general is the lack of definitions for the basic building blocks. Reference is made of the "timing point", without actually defining what is meant by this. The commonly-used notion is that a location is defined by a specific mileage as noted by the Sectional Appendix (e.g. Reading station at 36 mile post), but this has not always applied – some have, in the recent past, used signals within a station, or on the approach to a station or junction, some of which are a considerable distance away from the Sectional Appendix mileage. While 300 yards at 100mph makes a few seconds' difference in the calculation of a junction margin, at 10mph the difference will be over a minute. Hence it will still be possible for different people to come up with different answers to the same question as the basic assumptions are not defined – in this instance the measuring point of the calculation.

5.12 In some cases, the Sectional Appendix does not define where a location is – so a procedure is needed to agree jointly between all parties where that location should be. Similarly, with regard to stopping trains, the location of the stopping point needs to be determined so that any calculations or modelling is undertaken on a known basis, rather than the random assumption of the person undertaking the calculation. For example, if a Sectional Running Time (SRT) is calculated for a train stopping at Gloucester, which point should be used, given that the station is over 600 yards long?

5.13 Another major point of principle that is less than satisfactory is the assumption that the "least restrictive aspect the signalling can show" should be used (section 5.2.7). While exceptions are permitted by the methodology following mutual agreement, consideration must be made as

to whether this is the basic principle is always appropriate. This is especially so in cases where trains are planned to stop (for station or traffic duties, or for pathing purposes). The main consideration here is whether a train's SRT can be maintained under restrictive aspects or not: this is not mentioned by the methodology. To date, we have had numerous examples of margins, particularly for platform reoccupation, where the base assumption was that trains should arrive on a green aspect. In almost all cases, this is not required to maintain SRTs and results in unnecessarily extended margins with the waste of capacity that this implies. In some cases, this is also impossible to achieve as stopping trains require station staff to give Train Ready to Start before the signal can be cleared from red. In some cases where stations are very close together, a train may depart on a restrictive aspect and still maintain its SRT if the next station stop is in advance of the next signal or red aspect.

5.14 Paragraphs 5.15 onwards refer to other specifics from the document.

5.15 Guiding principle 5.2.4 "TPR values can never be less than a technical value" and Rounding Values 5.4.2 conflicts with the ability to cumulatively round SRTs.

5.16 Guiding principle 5.2.8.2 "SRTs must always be Green to Green planning" does not always permit the calculation of pathing stops.

5.17 Guiding principle 5.2.10 is meaningless. In a previous version, this used to say that the technical time would be rounded up to the next half-minute above.

5.18 Procedure for Amending TPRs 5.3.2 refers to the "proposer" – section 5.3 appears to be intended for Network Rail only, but TPR change can be proposed by any Timetable Participant, and not all (indeed, few) Timetable Participant have the means to run simulation models. There is a sensible need for collaboration over TPR change and the onus for undertaking modelling work needs to be balanced between the nature of the request and the capabilities of either party.

5.19 Procedure for Amending TPRs 5.3.2.6 refers to "rounding in terms of seconds and %". We are not sure of the necessity for expressing the percentage level. Again, SRT calculation would ordinarily be different to the calculation for a junction margin.

5.20 Rounding Values 5.4 appears to apply to all TPR calculations, but the methodology for calculating SRTs is subtly different and this method should not be used here.

5.21 Rounding Values 5.4.1 refers to a "value that is compatible with Train Planning Systems current configuration", but this is not necessary as all known models are capable of running to the second. We believe it was intended to say that in normal circumstances, all TPR values will be to half and whole minutes, although this does not provide for exceptions should this be desirable to all affected parties.

5.22 Rounding Values 5.4.3 and 5.4.4 make reference to section 5.6.10 but there is no section 5.6.10.

5.23 Sectional Running Times 5.6.1 again has an inadequate definition – rather than the time allowed between two points, it should refer to the minimum time achievable between two points, as the "Network Link" (the link between two timing points) may have multiple uses if there are converging or diverging routes.

5.24 Sectional Running Times 5.6.4.3 is unclear – the SRT should be defined as the minimum required under normal circumstances. Additional allowances should then be calculated for adjustment time to be listed in section 5.3 of TPRs.

5.25 Sectional Running Times 5.6.5 is unacceptable. SRTs need to be calculated for all reasonable combinations of stopping and non-stopping movements to achieve the production of the timetable and likely variations under short term planning. Reference is made to timing loads without any definition of what is meant by this. The system indicated for freight services is incorrect, as it omits the "Timing Reference" system, which is in place to minimise the number of SRT data sets in use, and the use of specific loco and tonnage combinations for electric-hauled freight trains (these are typically set at a maximum trailing load for the locomotive(s) concerned and do not necessarily fall into 200-tonne windows). Bplan is shown as a repository for SRT data, but in practice this proves inadequate without robust data management (which does not exist), and overlooks the considerable potential for incorrect data entry. Separate manuals for SRT data should really be considered.

5.26 Sectional Running Times 5.6.6 makes reference to cumulative rounding of SRTs. While this is usually the correct procedure for passenger SRTs, it is not always appropriate in all circumstances. No reference is made to the normal practice of rounding down SRTs at intermediate locations (as inferred by the table in 5.6.6).

5.27 Headways 5.7 again suffers from an inadequate definition, in that it does not specify that it applies to trains traveling in the same direction on the same track. No reference is made to converging and diverging headways at junctions, and whether these should be defined as headways or junction margins.

5.28 Headways 5.7.9 conflicts with 5.7.6 – the former proposes a separate "performance uplift" while 5.7.6 proposes that technical values should round to the next half-minute above. The extent of the uplift should be agreed between affected parties based on the local circumstances, with the next half-minute above being the starting point. We do not believe it possible or appropriate to decide on a "distance value between trains" as this should always be defined by the physical location of the signalling.

5.29 Headways 5.7 and junction margins 5.8 lack examples of all the constituent parts of calculation of the junction margins. This has been represented in some Network Rail reports by a diagrammatic from the Vision model manual (although those diagrams are not in themselves technically correct), but these do show in greater detail what is necessary. For example a junction margin is the time elapse between the first and second trains passing the nominated timing point, taking into account the rear of the first clearing an overlap or clearance point, and the second sighting signals to permit its SRT to be maintained.

5.30 Platform reoccupations 5.9 again lacks suitable definition (see above).

5.31 Platform reoccupations 5.9.3 is not correct in that there is no need for multiple approach routes to a platform in order to have same-direction reoccupation, and in any case, platform reoccupation will either be the same as or, more likely, lower than the headway.

5.32 Platform reoccupation 5.9.8 conflicts with 5.9.5 in the same way that headways 5.7.9 and 5.7.6 conflict as noted above

5.33 Engineering Recovery Allowances 5.13.1 refers to "percentage uplift" without specifying that this applies to the uplift to SRTs.

5.34 Engineering Recovery Allowances 5.13.2 is misleading in that most standard engineering allowance is to cater for the effects of Temporary Speed Restrictions (TSRs), and in some cases, additional engineering recovery time is applied to cater for diversions or Single Line Working.

5.35 Engineering Recovery Allowances 5.13.8 is unclear in its intentions. The current practice is to have a set amount of engineering recovery allowance for a line of route which can be used to "P-code" delay caused by TSRs. The extent of the time loss caused by an individual TSR will vary according to it nature and location and it is not possible to fully cater for all circumstances; in that way Engineering Recovery Allowances are something of a blunt instrument to assist the performance regime as well as allow a timetable to operate with a reasonable degree of performance.

6 DECISION SOUGHT FROM THE PANEL

6.1 The Claimant should is requesting that the Panel determine:

(a) That section 5 of the National Timetable Planning Rules is not fit for purpose and should be removed from all versions of the Rules.

(b) That Network Rail shall reconvene a working group to produce a national methodology for calculating and amending Timetable Planning Rules.

7 APPENDICES

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

Appendix A: Freightliner 2016 Timetable Planning Rules version 4.0 response extract

Appendix B: letter from Network Rail to Timetable Participants

Appendix C: Network Rail draft proposals

Appendix D: correspondence

Appendix E: Network Rail proposal of 20 February 2015

Appendix F: 2016 National Timetable Planning Rules version 3.0

Appendix G: 2017 National Timetable Planning Rules version 2.0

8 SIGNATURE

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

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Signed

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

Track Access Manager
Position