

## **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 2<sup>nd</sup> 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 headways on the R&C line and the Hamilton circle line..

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 respect of the Hamilton circle line, a previous dispute was settled by revised headways begin published in version 1.0 of the 2016 TPRs (Appendix A, pages 54 and 55) which was to Freightliner's satisfaction. This was however changed in Version 2.0 (Appendix B, pages to the previous position. An extract from Freightliner's TPR response for version 4.0 of the 2016 TPRs is attached as Appendix C.
- 5.2 Network Rail's explained by email that " the reasons for this revision are specified below in accordance with D4.6. In achieving the objective specified in D4.6.1 the following considerations have been applied in making this decision: Network Rail is of the view that consideration a) is of overriding importance as using the headway values in version 4 will allow ScotRail to continue to run the number of trains they currently do. Network Rail also is of the view that consideration c) is met as the current headway values do not import delays."
- 5.3 The headway on this line was previously amended (in version 3.0 of the 2014 TPRs) by Network Rail without any details of how the revised value was calculated, nor any reason why it was in fact necessary.
- 5.4 Freightliner's objection and subsequent attempts at investigation and solving the issue are shown in Appendix D. This goes into the detail of how the 2016 version 1.0 proposal was derived and why the previous versions were incorrect. Appendix E comprises a signalling plan for the line.
- 5.5 Freightliner therefore maintains that the current entry for the headways on this line are not necessarily achievable and do not reasonably represent the capacity of the line.
- 5.6 In respect of the R&C line, a previous dispute was settled by Network Rail agreeing to a reversion to the 2012 TPR headways, and that the headways would be reviewed once the new electric services started running (Appendix F). Neither has happened.
- 5.7 Given the predominantly 2-aspect signalling on the line, the planning headways have traditionally been aligned to the performance of all-station stopping trains on the line. As these services have since been converted from diesel to electric operation with better performance, it therefore follows that the line's headways are in need of review.
- 5.8 Freightliner's objection and subsequent attempts at investigation and solving the previous issue are shown in Appendix G. This goes into the detail of why the previous versions were incorrect and a counter-proposal was made from it. Appendix H comprises a signalling plan for the line.

- 5.9 Freightliner therefore maintains that the current entry for the headways on this line do not reasonably represent the capacity of the line.
- 5.10 It was previously agreed that the headways would be reviewed once the electric trains had started running. As previously mentioned, this has not happened, but another factor has now arisen in that the line is scheduled for resignalling (3-aspect) during 2017. No revised TPRs for this have yet been tabled.

## **6 DECISION SOUGHT FROM THE PANEL**

The Claimant should be requesting that the Panel determine:

- 6.1 That in respect of the Hamilton Circle line, the previously agreed and published headway entry in TPR 2016 version 1.0 should be reinstated. Should that give rise to objections from other Access Beneficiaries then the normal procedure for challenging and/or disputing TPR change should apply;
- 6.2 That in respect of the R&C line, the 2012 TPR headways should be immediately reinstated, and Network Rail will undertake a study to determine what the headways should be under the current signalling arrangements for publication in the next available issue of the TPRs. For the avoidance of doubt this should differentiate between the performance of all-station stopping services and non-stop services; and
- 6.3 Network Rail will undertake a study to determine what the headways should be under the forthcoming resignalling arrangements for publication in the next available issue of the TPRs once the associated Network Change has been established.

## **7 APPENDICES**

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

Appendix A: Scotland TPRs 2016 version 1.0

Appendix B: Scotland TPRs 2016 version 2.0

Appendix C: Freightliner TPR response to 2016 version 4.0 extract

Appendix D: Freightliner headway calculations for the Hamilton line

Appendix E: Hamilton line signalling plan

Appendix F: email from Network Rail to Freightliner

Appendix G: Freightliner headway calculations for the R&C line

Appendix H: R&C line signalling plan

## **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