

**Sole Reference by XC Trains Limited to a Timetabling
Panel in accordance with the provisions of Chapter H
of the ADR Rules effective from 1 August 2010
(and as subsequently amended)**

1 DETAILS OF PARTIES

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

- (a) XC Trains Limited whose Registered Office is at 1 Admiral Way, Doxford International Business Park, Sunderland, SR3 3XP ("XCTL") ("the Claimant"); and
- (b) Network Rail Infrastructure Limited whose Registered Office is at 1 Eversholt Street, London, W1 2DN ("Network Rail" ("the Defendant")).

1.2 Having consulted widely with other Timetable Participants we believe this to be a universal and growing problem. Following advice from the Panel Secretariat XCTL does not believe it is appropriate to bring third parties into the dispute as it would make the hearing unwieldy.

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 D5.1.2 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 procedural dispute relating to two matters: a difference of interpretation of Network Code Condition D3.4.1 between Network Rail and XCTL; Network Rail's failure to adhere to Network Code timescales and processes, which coupled with the first issue is having an impact on the ability of both XCTL's and Network Rail's planning teams to comply with the Network Code and satisfy our other contractual obligations. This issue has been growing steadily worse for the past two years and has now reached a stage where XCTL would like a Panel Determination in order to provide clarity and ratify a way forward for all parties
- 4.2 This dispute arises over the interpretation of Condition D3.4.10 of the Network Code, in addition to Network Rail's failure to abide by Conditions 3.4.8, 3.4.11 and 4.41 (c) in relation to the Network Rail Variation process for Week 6, TTY 2015.
- 4.3 At the beginning of the 2015 Engineering Access Statement process there was some informal external discussion between Network Rail and XCTL about the number of requested capacity studies or timetable impact statements required. Within XCTL there was some additional discussion about the quality and detail level of the studies that were being produced. On 18th June 2014, following a request, XCTL sent Network Rail a list of what it considers sufficient information to reach an informed decision for the purposes of D3.4.8. This document was resent on 15th December 2014 and the emails can be found in Appendix A. This closely resembles the list in D2.5 that stipulates the elements that form a correct Access Proposal (or 'bid'). A comparison can be found in Appendix B. Additional items, noted within the Appendix would, in XCTL's opinion, satisfy our obligations laid out in paragraph 4.4 of this paper inasmuch that they promote collaboration and efficiency in industry costs.
- 4.4 XCTL is bound by three relevant agreements in this case: the Network Code; our Franchise Agreement with the Department for Transport; our Passenger Licence Conditions. Our relevant obligations under the former include: A1.5 (acting in good faith); A2 (preparing precise, clear and unambiguous timetable bids); D1.1.8 (collaboration in pursuit of efficiency); D3.4.8 - 3.4.10 (agreeing Network Rail variations and submitting a TW-18 bid). Under the second we are required to co-operate with Network Rail on a variety of major projects with the aim of reducing overall industry cost, as well as "with regard to

Network Rail's management of the network [sic]" and "use all reasonable endeavours" to ensure Network Rail's performance. With regard to our Licence we have an obligation to "co-operate as necessary" to enable Network Rail to "undertake appropriate planning of timetables". This requires us to support Network Rail in achieving its TW-12 objective (Appendix C).

4.5 Network Rail's inability to supply what XCTL considers sufficient information under Condition D3.4.10(b) and subsequent failure to comply with the Network Code threatens our ability to comply with these agreements. It is our consideration that the reasonable endeavours clause in our franchise agreement covers our use of a Timetable Panel hearing in order to reach a common understanding of what Condition D3.4.10 entails for both parties.

4.6 In taking Week 6, TTY 2015 as a case study, XCTL notes the following:

- a) The work for the Staffordshire Alliance and Gateway Project was first formally proposed at Engineering Access Statement 2015 Version 1. XCTL disputed the possessions pending confirmation of capacity throughout the process (see Appendix D, sections 1 and 2).
- b) Wolverhampton resignalling was first proposed for August Bank Holiday 2014. It was cancelled at short notice and XCTL strongly supported it being reintroduced to Week 6 as being of minimal additional disruption. Nevertheless, at late notice proposal stage, XCTL again noted concerns about a suitable train plan (Appendix D, section 3). A trains meeting was held on 10th December and XCTL accepted the possessions based on conversations at this meeting (Appendix D, section 5).
- c) The combination of possessions was further amended several times (Appendix D, section 4), causing some confusion for planners. The final Decision notice was issued on 12th December 2014 for a TW-18 bid on 24th December. Network Rail insisted that no further capacity work needed to be undertaken as any amendment would be an improvement on existing access (Appendix D, section 6).
- d) XCTL bid at TW-18 on 24th December 2014.
- e) The TW-14 notification was received on Friday 23rd January 2015 and XCTL's entire (diverted) Manchester to Birmingham service group, which had already been thinned to 1tph for the work, was rejected for the

duration of Saturday 2nd May 2015 and Monday 4th May 2015. This comprised 66 trains in total. XCTL was verbally informed that this was due to Network Rail running out of time to assess the bid, an excuse that XCTL challenged in writing (Appendix D, section 5).

- f) Network Rail failed to notify XCTL under clause D3.4.11 of the reasons for its rejection of these paths (Appendix D, section 5). We understood, based on informal dialogue, this was due to insufficient capacity at Birmingham New Street following another squeeze on capacity at Nuneaton.
- g) XCTL lodged a dispute at TW-13, in accordance with D3.4.14. By TW-12 all the trains had been reinstated, with retimings to other operators' services and Network Rail had formally confirmed the reasons for initially rejecting the trains.

4.7 It is our consideration that this highlights three failings: a lack of control in the access plan; not undertaking the appropriate capacity work in accordance with Condition D3.4.10(b) to resolve issues in an efficient way; Network Rail planners not understanding the requirements of the Network Code – it is obvious that no attention was paid to the role of the Decision Criteria in allocating WCML capacity at TW-14, in addition to the failure to notify XCTL either of the reduced capacity under D3.4.10(b) or the reason for rejecting services (D3.4.11).

4.8 XCTL, and XCTL acting on behalf of Grand Central Trains Limited, lodged disputes against 130 items that appeared in the Confirmed Period Possession Plans both companies received for work to be undertaken between Saturday 12th October 2013 and 14th August 2015. 102 of these items relate to lack of what XCTL considered to be sufficient information under D3.4.10(b) in order to supply a bid compliant with D2.5. We therefore consider these to be similar cases to Week 6, TTY 2015, albeit often of less severity, for example only affecting one or two trains. Appendix E refers.

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

5.1 To make matters clearer for the Panel and Network Rail and in order to enable a better discussion of the issues XCTL has chosen three case studies that we believe illustrate most of our points:

- (a) Week 6, TTY 2015. As outlined above in paragraph 4.6;
- (b) Week 15, TTY 2015. This is a developing situation, outlined fully in Appendix F. At the time of writing Network Rail has been unable to find the capacity that it had previously formally confirmed existed and XCTL notes that we therefore had no choice other than to submit our TW-18 bid incorrectly;
- (c) Week 38, TTY 2015. For a possession at Peterborough. This example demonstrates how necessary it is, when undertaking an impact assessment, to follow trains through to the point that they make up enough time that major retimings are no longer required. Outlined in Appendix G.

5.2 XCTL notes that there has been a large uplift in the amount of work to be delivered in Control Period Five and raised concerns with Network Rail via the Delivery Plan consultation process in January 2014. Appendix H contains our response to Network Rail's Delivery Plan, which noted the large uplift in work. It is our opinion that this is driving patterns of engineering work that are outside the 'norm', for example diversions via Barnsley on a Saturday (Week 15, TTY 2015) and triple disruption affecting the WCML (Week 6, TTY 2015). The scale of the majority of work in Control Period Four was such that it facilitated what we would consider a normal level of disruption, for example, diversions on Sundays and a low level of double or triple disruption. The uplift in work has forced into the spotlight Network Rail's inconsistent planning process – by not adhering to the stipulations of the Network Code, which allow plenty of time to agree engineering work and formulate an amended timetable, and placing the brunt of the work on the TW-18 to TW-12 process Network Rail has created a method of planning for increasingly complex timetables that has become completely unsustainable for Timetable Participants and their businesses.

- 5.3 XCTL notes that Network Rail has the following relevant obligations to Timetable Participants:
- (a) “Collaboration with each other” (Condition D1.1.18);
 - (b) To abide by Conditions D3.4 (ref. D3.4.2b) and D4.4 (ref. D.3.1.4) when making any Timetable Variation;
 - i. Condition D3.4 describes the process, complete with timescales, for Network Rail Variations with at least 12 weeks’ notice;
 - ii. Condition D4.4 describes how Network Rail is entitled to make Decisions concerning Network Rail Variations.
 - (c) To take the Decision Criteria into account when making any Decisions about Network Rail Variations (Conditions D3.3.4(b) and D4.4.1(c));
 - (d) To specify the aspects of the Access Proposal that need revision to enable a Network Rail Variation;
- 5.4 As per paragraph 4.4, XCTL and Network Rail have a joint obligation to deliver a confirmed timetable at TW-12. To facilitate this XCTL has an obligation to submit a compliant bid by TW-18 (D3.4.10(c)). A bid must contain the information listed under Condition D2.5).
- 5.5 In order to deliver smooth functioning of this process and in the interests of industry efficiency, XCTL has shared its relevant commercial and operational interests with Network Rail in the form of a document called ‘Rules of the Revenue’. This has been both acknowledged and welcomed by Network Rail. XCTL has also promoted and committed significant resource to collaborative forums to review, deconflict and remedy access plans, including early identification of problems, suggesting solutions and remedies. This has included highlighting the need for capacity studies. A copy of ‘Rules of the Revenue’ can be provided to the Panel if required. Some excerpts can be found in Appendix L.
- 5.6 XCTL’s ability to agree a single piece of engineering work rests upon an understanding, achieved by D3.4.10, of how it will impact on our business, both in terms of our resources and our customers.

5.7 It therefore follows that XCTL's ability to agree multiple concurrent pieces of engineering work, upon which Network Rail's delivery plan must rely given that we cross eight Routes, also relies on the same level of information being supplied per possession. How we formulate our train plan can provide more or less leeway in agreeing possessions, for example:

- a) LNE Route wishes to take a possession at York on a Sunday, restricting the railway to Single Line Working (SLW). Capacity and allocation are unknown, as is timeloss. LNW Route concurrently proposes a possession blocking all lines at Leamington Spa. Western proposes a possession that requires diversions via Kidderminster. Without understanding what capacity is available at York we cannot agree any of the blocks – if we reduce our service in the North East from 2tph to 1tph we would keep our Anglo Scottish services, however the block at Leamington Spa would entail (on top of the York block) planning to cancel the entire Newcastle to Reading service group. Additionally, we need to understand the timeloss through the SLW to appreciate whether the Anglo Scottish trains will have paths and platforms at Leeds and Sheffield and how the timeloss from both Kidderminster diversions and SLW will impact on our traincrew resources – when we have blocks either side of Birmingham our Birmingham traincrew depot tends to become stretched;
- b) East Midlands Route wishes to take a block at Burton-upon-Trent. This means Leicester diversions, which reduces our North East service to 1tph. Concurrently we can agree any amount of additional disruption in the Doncaster area as the Newcastle to Reading service group is not able to run north of Birmingham. By understanding the available capacity upfront – which we do in the case of Leicester diversions – we are able to immediately agree additional work and bid with confidence.

Please see Appendix J for an illustration of the scale of this issue for XCTL. It is of paramount importance that we have sufficient information about Network Rail Variations by TW-30 to deconflict the access requirements across Routes, with final confirmation of specifics by TW-22 in order to prepare a TW-18 bid.

5.8 With specific reference to Network Rail's obligation under D3.4.8 to "seek to agree all Network Rail Variations to be made" by TW-26, Network Rail is manifestly overly relying on the ADRR and Short Term Planning processes to

agree possessions and therefore is not only severely in breach of the Network Code, as well as TTC155 (Appendix K), but also creating a myriad of problems, both internally and for Timetable Participants (Network Rail's customers) that could be fixed earlier on in the process with appropriate application of resources. It is our consideration that this should be done in a measured manner with due application of the Decision Criteria (D4.6.2) as required under Condition D3.4.4(b).

5.9 This continuing failure to determine the Network Rail Variations required and to apply the Decision Criteria in advance of TW-26, has led to the TW-18 to TW-12 process being used to determine and allocate available capacity, including: requirement of trains to divert; extension to journey times; rerouting and missed station calls. This usually takes place without due application of the Decision Criteria. Recent examples, from the case studies, include:

- a) "that the spread of services reflects demand." In Week 6 when it became apparent that capacity was constrained, Network Rail's first action was to reject the XCTL Birmingham and Manchester service group in entirety, leaving no direct train service between Birmingham and Manchester for two days of a Bank Holiday Weekend. In Week 15 Network Rail's proposed solution was for XCTL to divert away from Leeds, missing calls at that station, in favour of Northern Rail keeping a local service. The only station that would not be served on the Saturday if Northern Rail cancelled their service is Darton, a town with a population of slightly over 9,000.
- b) "that journey times are as short as reasonably possible". In the case of both Week 6, TTY 2015 and Week 15, TTY 2015 passengers would have or could face considerably extended journey times and additional interchange, which acts as an inhibitor to travel. In Week 6, on Saturday, the approximately 8,000 passengers we carried on stages of the route for the equivalent day in 2014 would have had to catch a train to either Tamworth or Derby and change again at Stoke for another operator's service to Manchester and vice versa. In Week 15 if we cannot run our direct service between Birmingham, Leeds and Edinburgh and miss our calls at Wakefield and Leeds, customers will have to change at Sheffield and face a journey extension of 48 minutes (2h46m instead of 1hr58m).

XCTL does not consider it reasonable that in both instances the impact on our customers does not seem to have been given due consideration.

- c) “the commercial interests... [of] any Timetable Participant of which Network Rail is aware”. Network Rail’s proposed solution at TW-18 for Week 15 was that XCTL miss station calls at Wakefield Westgate and Leeds on Saturday, as well as putting time into the schedules on Sunday that breaks the turnarounds at Edinburgh. Appendix L lists stations that are commercially critical to XCTL. This list has been shared with Network Rail on several occasions. Leeds and Edinburgh feature prominently. The Birmingham to Leeds, Leeds to Newcastle and Edinburgh to Leeds are XCTL’s 2nd, 5th and 6th most important end to end journey flows respectively. Thus, Week 15 – and Week 6 – offer timetable solutions that XCTL would never agree under normal circumstances, however XCTL has been forced into accepting compromises due to these procedural failings in order to protect TW-12. XCTL notes, in making this statement, wording from TTC265, “For the avoidance of doubt, Network Rail is to understand that the Committee does not take kindly to situations, such as this, where, because past failures of planning and/or delivery of works have narrowed down the scope for discretion, the potential outcome of disputes is constrained.”

5.10 Whilst XCTL recognises that such endeavours can be resource hungry, XCTL notes that Network Rail’s Network Licence require it to be appropriately resourced (“The licence holder shall at all times act in a manner calculated to secure that it has available to itself sufficient resources, including (without limitation) management and financial resources, personnel...”). Therefore, were the Panel to determine in accordance with paragraph 6.1, XCTL does not consider this to be a substantive reason to prohibit or impede such work taking place.

5.11 Finally, XCTL notes the following previous cases related to this subject:

- (a) TTP03 noted that Panels have not historically supported the approach of timetable studies being done during the equivalent of the Engineering Access Statement consultation and that “if the Panel accepts Network Rail’s confidence, and agrees that it will not direct Network Rail to “carry out prematurely detailed evaluations or planning exercises” it is on the

understanding that Network Rail has committed itself to providing the necessary train slots or facilities.” XCTL contends that Week 15 has made clear Network Rail is not currently capable of doing this, having promised both Northern Rail and XCTL that their trains could be accommodated. This situation is likely to worsen given the volume of work in this Control Period (paragraph 5.2);

- (b) Network Rail has already been “encouraged” to undertake capacity studies “at the earliest realistic date, and so enable timetable and resource planning to commence earlier” (TTP271). XCTL notes that the Panel raised concerns about use of Network Rail resources in this manner, but we are not requesting a capacity study for every possession, merely the ones where – in our professional judgement – the impact on our trainplan, resources and business is uncertain;
- (c) TTP324 made clear that Network Rail is allowed to use contractual flex where “a Train Operator has failed to bid” appropriately for a Restriction of Use. Whilst XCTL does not believe this would damage XCTL unduly we believe this is unsuitable when Network Rail is giving Timetable Participants no option but to bid inappropriately (Week 15).

6 DECISION SOUGHT FROM THE PANEL

- 6.1 The Panel is asked to determine under D5.3.1(a) that as a matter of principle, Network Rail should supply the following information by TW-26 to meet the requirement of Conditions D3.4.8 (“the Network Rail Variations to be made”) and D3.4.10(b) (“the aspects of the Access Proposal which need to be revised and its reasons for this”). We request that it attach this guidance on the ADRR website so that all parties can be clear as to what is required.

7 APPENDICES

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

Extracts of Access Conditions/Network Code are included where the dispute relates to previous (i.e. no longer current) versions of these documents.

Most appendices are bound into the submission, and consecutively page numbered. To assist the Panel, quotations or references that are cited in the formal submission are highlighted (or side-lined) so that the context of the quotation or reference is apparent.

Any information only made available after the main submission has been submitted to the Panel will be consecutively numbered, so as to follow on at the conclusion of the previous submission.

8 SIGNATURE

For and on behalf of XC Trains Limited

A handwritten signature in black ink, appearing to read 'Tamzin Cloke', written in a cursive style.

Tamzin Cloke

Track Access and Possession Strategy Manager

THE APPENDICES

Please note, where appropriate these have been highlighted **yellow** for emphasis.

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Appendix A: Emails from XCTL to Network Rail outlining what is considered appropriate in a capacity study

From: Tamzin Cloke

Sent: 15 December 2014 12:43

To: [Lead Access Planners for LNE North, South, Central and East Mids, Network Rail]

Cc: Rob Creasy, XCTL

Subject: FW: Capacity studies

Importance: High

Hi [X],

As per discussions/previously promised.

Please find below what Paul Boden (and by extension us!) would consider a thorough/adequate job for a major capacity study, to take an example – Peterborough work upcoming this Christmas 2014 where the issued capacity study was insufficient and we had a last minute scramble and rewrite by NR STP to prove that the paths worked (completely redoing plan produced by EAP as it didn't work as XC couldn't get a path through Nuneaton or into New Street from PBO). Essentially it is XC/GC's belief that if the complex capacity/timetable studies aren't done in good time as per below they just end up being redone to the spec below within STP timescales, which increases the uncertainty, stress and work for everyone involved.

An excellent example of prework for capacity studies is the Stafford Alliance project – [redacted] is the contact for that project and she is very approachable.

Also, as per the Network Code, NR must advise operators of the effect on our services from the possession. We believe that in order to do this there is a requirement for this level of detail given the complexity of XC services.

Any questions, please shout.

Kind regards,

Tamzin

From: Tamzin Cloke
Sent: 18 June 2014 13:46
To: [Lead Access Planner, LNW South, Network Rail]
Subject: FW: Capacity studies

Hi [X],

Having spoken to Paul, below is a list of things that we would expect from any capacity study. The penultimate point is us asking for this to be taken into account as to whether it's necessary – it will depend on the study, so for example one that was done for East Mids route recently involved our ECSs so covered the whole possession time as they don't run in a standard pattern in that area.

Please let me know if you require any further information. I believe Bryony may also speak to Matt Rice about this.

Kind regards,

Tamzin

From: Paul Boden
Sent: 18 June 2014 13:42
To: Tamzin Cloke
Subject: Capacity studies

Communication with XC to consider what can/or can't be done

Right person for the job!

Must be in booked paths from specific locations as stated by XC

Must be validated with correct allowances from TPR's (Adjustment time etc.)

Must be validated through to destination considering other LTP trains, proposed amended services & other engineering work

Must take into account connections (New St especially important)

Must take into account platforms (e.g. New St)

Must take into account unit turnrounds (inc. ECS's)

Must take into account traincrew turnrounds (e.g. PNB's)

Consideration for the study to be done for the whole of the possession bearing in mind our timetable is not at a standard hour all of the time

Submitted within reasonable timescales for feedback

Paul Boden

Senior Short Term Planning Manager, CrossCountry

Appendix B: A comparison of XCTL capacity study list and Condition D2.5

Please see identically labelled PDF. This appendix has been converted to PDF to preserve the formatting of the sole submission.

Appendix C: Relevant excerpts from Arriva CrossCountry franchise agreement with the Department for Transport and franchise terms (Public Register Versions) and Network Licence granted to Network Rail Infrastructure Limited and Passenger Train Licence (ORR website)

Arriva CrossCountry franchise agreement with the Department for Transport

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/325845/acc-franchise-agreement.pdf

Obligation to co-operate with Network Rail and reduce industry cost (Part of Appendix 11)

1. Major Projects

1.1 Without prejudice to the Franchisee's obligations under Schedule 1.7 (Extended Restrictions of Use) of the Terms the Franchisee shall, to the extent so requested by the Secretary of State following consultation with the Franchisee and other train operators likely to be affected by major projects, co-operate and liaise to the extent reasonably required with Network Rail, the Secretary of State and all the relevant parties in connection with any major project developed during the Franchise Term including without limitation:

- (a) London 2012 Olympic and Paralympic Games;
- (b) Gloucestershire Parkway Station;

- (c) Birmingham New Street Station “gateway” project;
- (d) Reading Station development;
- (e) Worcester Parkway;
- (f) the Intercity Express Programme;
- (g) Worle Strategic Interchange;
- (h) Kenilworth Station;
- (i) Channel Tunnel rail link and new St Pancras Station;
- (j) West Coast Route modernisation;
- (k) Network Rail re-signalling schemes; and
- (l) ATOC fares simplification scheme

1.2 In fulfilling its obligation to co-operate and liaise pursuant to paragraph 1.1 the Franchisee shall amongst other things seek to:

- (a) participate in a positive and constructive manner and in a way which offers full transparency of information available to the Franchisee to the Secretary of State; and
- (b) identify solutions that minimise overall rail industry costs.

Arriva CrossCountry franchise terms

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389282/RED_AXC_National_Rail_Franchise_Terms__x_.pdf

Obligation to co-operate with Network Rail and also enforce Network Rail's performance via any relevant agreement (Part of Schedule 1.2 – Operating Obligations)

9.5 The Franchisee undertakes to reasonably co-operate with Network Rail with regard to Network Rail's management of the network, including in relation to the establishment of up to date Rules of the Plan.

9.6 To the extent not already provided for in the Franchise Agreement, the Franchisee shall use all reasonable endeavours to ensure the performance by Network Rail of its obligations under any relevant agreement including, where appropriate or where requested by the Secretary of State, enforcing its rights against Network Rail under any such agreement.

Relevant excerpts from Network Licence granted to Network Rail Infrastructure Limited and Passenger Train Licence (ORR website)

http://orr.gov.uk/__data/assets/pdf_file/0012/3063/netwrk_licence.pdf

http://orr.gov.uk/__data/assets/pdf_file/0011/2234/lic-passlic.pdf

NRIL's obligation to provide information for passengers in relation to changes to the national timetable

2.7 The licence holder shall:

(a) establish and maintain efficient and effective processes reflecting best practice; and

(b) apply those processes to the greatest extent reasonably practicable having regard to all relevant circumstances,

so as to provide appropriate, accurate and timely information on relevant changes to train operators.

For the purposes of this condition 2, "relevant changes" are changes to the national timetable occasioned by:

(a) any renewal, maintenance and enhancement of the network; or

(b) any restriction of use of which the licence holder is, or reasonably ought to be, aware.

2.8 The licence holder shall be in compliance with its obligation under condition 2.7 to provide timely information where it has provided train operators with access to appropriate, accurate information about relevant changes not less than 12 weeks before the date such changes are to have effect.

Passenger Train Operator's obligation to provide information for passengers

Planning services

4. The licence holder shall cooperate, as necessary, with Network Rail and other train operators to enable Network Rail to undertake appropriate planning of train services and to establish or change appropriate timetables, including when there is disruption.

Appendix D: paperwork trail for Week 6 possessions

Please see identically labelled PDF. This appendix has been converted to PDF to preserve the formatting of the sole submission.

Appendix E: Copy of XC and GC items disputed for TTY 2014 and TTY 2015 to 28.01.15

Please see Excel spreadsheet. It was not possible to bind this into the sole submission.

Appendix F: Week 15, TTY 2015, diverted services via Barnsley

Summary

This is a 54hr possession to replace switches and crossovers at Moorthorpe Jn (250 points and 251A and B points). Only services running in the Leeds direction are affected, those via/towards Doncaster can run as booked. For XCTL services this necessitates diversions via Barnsley. This is a route that XCTL diverts over several times a year on a Sunday, as well as running an infrequent booked service for route retention purposes. As far as XCTL can tell, we have not diverted that way on a Saturday during the lifetime of the current franchise. To enable Sunday diversions has required, since the introduction of the fifth Transpennine Express (TPE) path, Northern to agree at TW-30 to flex their services, which they have kindly agreed to in each instance, including Sunday of Week 15.

It is XCTL's consideration – based on available descriptions of the work – that it is not possible to break the possession into two Sundays and therefore we made no attempt to request that Network Rail reconstruct the possession, although we briefly considered requesting it be postponed to protect TW-12 and Informed Traveller.

Engineering Access Statement stage (TW-64 to TW-30)

The possession was consulted at EAS Version One. XCTL responded requesting confirmation of capacity. In verbal dialogue we stressed that we were not certain about capacity on Saturday, as well as Sunday, and this was acknowledged. However, Network Rail Engineering Access Planning had several personnel changes over the course of EAS TTY 2015 and each time XCTL had to explain again that Saturday was not a usual diversion.

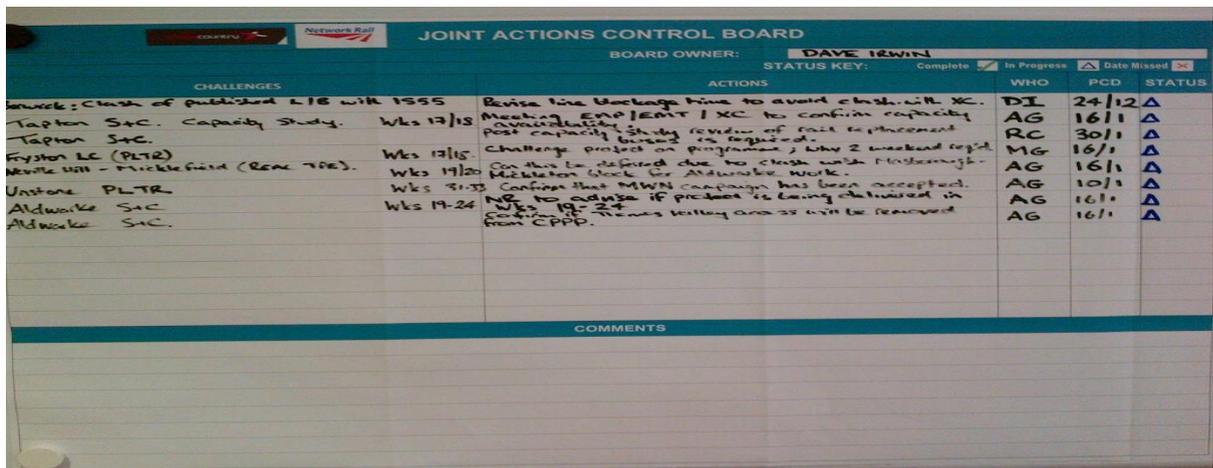
Pos ses sion refe ren ce	L o c a t i o n	X C r e s p o n s e V 1	N R r e s p o n s e V 1	X C r e s p o n s e V 2	N R r e s p o n s e V 2	X C r e s p o n s e V 3	N R r e s p o n s e V 3	X C r e s p o n s e V 4
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<p>P20 15/ 179 462 8</p>	<p>Thurnscoe to Ferrybridge South Jn</p>	<p>Declined pending further discussion and until impact on train service</p>	<p>We note the request for confirmation of capacity.</p>	<p>Disputed. Can XC divert 1tph via Barnsley if Northern trains are agreeable to the usual 3min flex?</p>	<p>Noted XC requested Northern route for 2/3 minutes to run via Barnsley.</p>	<p>Following the experiences we have had validating Barnsley diversions after the 5th path was introduced we would like to make clear that XC will NOT be cancelling any services and we expect NR to use appropriate flex. XC to divert Leeds services via Barnsley.</p>	<p>Network Rail confirm that communication between Network Rail and the operators has taken place and resolved</p>	<p>TRs need changing to reflect XC via Barnsley.</p>
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		i s b e t t e r k n o w n						
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Between EAS and DPPP

Item was included on XCTL's Control Board at Network Rail York. Only urgent/critical issues are included.



03.11.15 (TW-30)

XCTL sent the following response to the Draft Period Possession Plan. XCTL attended the DPPP meeting in York.

10 9	XC	14	1794628	THURNSCO E	MOORTHORPE	2355 Fri to 0505 Mon	Please confirm capacity exists to divert via Barnsley, 1 train per hour. We expect NR to flex to facilitate the running of 1 train to Leeds and we will not be cancelling any services
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14.01.15 (TW-26)

CPPP issued.

20.01.15 (TW-25)

XCTL lodged a dispute notice, to which Network Rail responded on 29.01.15 (TW-21) again insisting capacity was available. **Ref.: Dispute Notice below.**

06.02.15 (TW-20)

Issue escalated internally at XCTL as Short Term Planners (STP) had been working for a week on the diversion and were unable to find any paths. XCTL emailed Network Rail stating which aspects of the Network Code XCTL believed Network Rail was in breach of and requesting that they urgently confirm capacity ahead of the TW-18 bid. **Ref.: Email Chain #1 below.**

TW-21

It was noted during this week that any solution required amending other operators' services but XCTL heard no further until the STP Manager prompted Network Rail on 23.01.15. It was also noted at this point that the Sunday diversion no longer worked smoothly as XCTL trains were clashing with TPE services, which had also been diverted due to a block further west. The solution for Sunday required either XCTL to terminate Anglo-Scottish services at Berwick (as following the retimed TPE service to York caused XCTL's Edinburgh turnarounds to 'break') or further retime TPE. **Ref.: Email Chain #1 below.**

23.02.15 to 27.02.15 (TW-18)

Several telephone conversations between XCTL and Network Rail; XCTL and Northern Rail; Network Rail and both TPE and Northern Rail. Network Rail STP's preferred options were for the work to be cancelled or amended, or for XCTL to divert via Doncaster, missing calls at Leeds and Sheffield. XCTL made it clear to Network Rail verbally that XCTL would expect to see what Network Rail ranked as more important than XCTL serving Leeds.

27.02.15

Network Rail shared the results of the Network Rail STP work that had been undertaken. XCTL would like to note that it stated specifically they could "not come up with a viable solution" without significant rewriting of the train plan and the work had taken XCTL's service to the Scottish border, with the planner concerned that "the plan could not be accommodated" into Scotland, asking whether anyone had considered what would happen to the services. As far as XCTL is aware, the planners for Scotland sit in the same team as the planners for London North Eastern. **Ref.: Email Chain #2 below.**

Network Rail Engineering Access Planning's preferred options were for XCTL to divert via Doncaster or – when it was pointed out that there is not sufficient capacity via Doncaster for this to be a realistic option (regardless of commercial and passenger implications) – the question was asked via telephone on 27.01.15 whether XCTL could divert via Barnsley and then via Castleford, missing Leeds (and some of the conflicts) entirely.

The last question shows a shocking lack of understanding as to the impact of possessions on XCTL: only Leeds traincrew sign both these diversions and we have successfully disputed possessions before on the basis that it puts our train plan in jeopardy, being unreasonable to ask us to divert via both routes on one day (this

information is freely available in Rules of the Revenue); it would extend journey times by an hour; why would XCTL divert to Leeds and not call there?

With no agreeable or confirmed solution identified, XCTL was forced to submit a bid that afternoon for paths known not to exist, diverting all services via Barnsley on both days of the weekend.

28.02.15 – 03.03.15

XCTL awaits a further update from Network Rail. Northern Rail is examining whether they can cancel services to accommodate services via Barnsley and what impact it will have on their customers versus XCTL's.

Dispute Notice for possession, with Network Rail's response

From: [Lead Access Planner]

Sent: 29 January 2015 07:19

To: Rob Creasy XCTL; [XCTL Planning; NR STP; NR EAP; NR LNE & EM Route Planners]

Subject: RE: Notice of Dispute: LNE & EM Confirmed Period Possession Plan Weeks 17 to 20

Rob

Please note updates below – my comments are in [blue] for ease of recognition. As always, Capacity Planning and Route teams will work with you to resolve the below and thus avoid dispute.

[Truncated]

From: Rob Creasy, XCTL

Sent: 20 January 2015 13:52

To: Tony Skilton

Cc: [NR Lead Access Planner; NR EAP; NR LNE & EM Route Planners]

Subject: Notice of Dispute: LNE & EM Confirmed Period Possession Plan Weeks 17 to 20

[Truncated]

Weeks 19 & 20

LNE (NCS) Route

Items 109 & 107 (Masborough Jn & Swinton Jn North). These blocks have been the subject of extensive discussion and the only remaining issue is that these possessions require diversions via Barnsley. This requires another Operator to flex their services which Network Rail has identified as the solution, however, we have not received confirmation that this has been accepted by all parties

Tom Wootton of NR Train Planning has discussed with Paul Boden. Tom has confirmed, based on previous possessions requiring diversions via Barnsley, the following established plan - Cross Country WTT XX11(1V) departures leave earlier at XX05. This means a 2 minute dwell at Leeds and knocking out the <1> approaching Leeds to arrive at XX03. Northern Service WTT that arrives at XX01(1BXX) would need its <1> removing approaching Leeds. The Northern XX05(1YXX) departure would be XX08 but has ample time in to be as booked at Nottingham probably by Nunnery Main line Junction. I will summarise this in the Traffic Remarks of the respective possessions. The detail will be confirmed through Bid/Offer.

Regards

Rob Creasy

Rob Creasy Possession Strategy Manager, CrossCountry

Email Chain #1 – Most recent email first

From: [Network Rail Lead Access Planner]

Sent: 23 February 2015 11:20

To: [Tamzin Cloke; XCTL Paul Boden; Network Rail STP and EAP]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

Paul,

Further to below, I re-confirm TPE will agree to minor retimings of 2 to 3 minutes, based on findings below from [NR STP planner].

Northern have advised they are OK to retime, slightly, to accommodate diverted XC services. Northern asked for detailed timings at destination for affected trains, to confirm fits in with traincrew diagrams. This information, attached, has now been provided to Paul Webber. Paul has advised he will review and advise on Wednesday.

Regards

[Network Rail Lead Access Planner]

From: [Network Rail Lead Access Planner]

Sent: 23 February 2015 10:29

To: [Tamzin Cloke; XCTL Paul Boden; Network Rail STP and EAP]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

Paul

Paul Webber of Northern asked for end of destination timings for their affected services. Laura and Tom will provide today and we will then conclude accordingly. I am working on the basis that Northern will flex their services for XC, but this will only be confirmed when aforementioned provided.

Regards

[Network Rail Lead Access Planner]

From: EXTL: Boden Paul

Sent: 23 February 2015 10:25

To: [Tamzin Cloke; Network Rail STP and EAP]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

[Network Rail STP and EAP],

Any updates?

Paul Boden

Senior Short Term Planning Manager ,CrossCountry

[Chain truncated]

From: [Operational Planning Specialist - London North Eastern and East Midlands]

Sent: Wednesday, February 18, 2015 04:13 PM

To: Tamzin Cloke; NR STP; NR EAP

Subject: RE: REQ: Further information Week 15, Barnsley diversions

Hi Tamzin

I can confirm this was a Saturday capacity we have worked on, as per the date on the Train Print provided by Cross Country (Saturday 4th July)

[Network Rail EAP] will confirm about the paths for TPE and Northern

Many thanks

[Operational Planning Specialist - London North Eastern and East Midlands]

From: Tamzin Cloke

Sent: 18 February 2015 16:10

To: [Amended Schedule Planning Manager, London North Eastern and East Midlands; Lead Access Planner]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

Hi [X],

Thank you for supplying this additional information. For absolute avoidance of doubt please can you confirm, as Paul B's email below, that we are talking about capacity on a Saturday?

If the answer to that is yes, **have Network Rail approached Northern and TPE about this?**

Adrian needs to bid next Friday. We have nearly reached the limit of patience with Network Rail on these multiple issues around capacity availability and diversions – we raised this issue several weeks ago with EAP and again with your team on 6th February and are now at T-19, seemingly not much further forward.

Kind regards,

Tamzin

[Chain truncated]

From: [Operational Planning Specialist - London North Eastern and East Midlands]

Sent: 18 February 2015 15:50

To: [Amended Schedule Planning Manager, London North Eastern and East Midlands]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

Hi [X],

There is currently a path every hour to accommodate XC trains diverting via Barnsley, however for this to work we would need agreement from Northern that they would be able to retimed 2 of their WTT services as the XC paths fall directly on top of theirs and 1 TPE service.

The headcodes in question for this specific hour are 1Y28 (northern) which would need retiming approximately 6mins later from Sheffield to accommodate the path of 1S43. This would mean 1Y28 would then have a knock on effect to 2O73 at Wakefield Kirkgate which would then need retiming slightly to destination (Wakefield Westgate). The Final train which would need adjusting is TPE service 1P36 from Neville Hill approximately 2-3minutes later to allow 1S43 through Leeds to Micklefield to avoid a clash.

The other option would be for XC to retime slightly later than the path they require where there is a full clear path, however they would be unable to match a WTT time back from York.

Hope this helps and provides enough information

Any questions please let me know

Many thanks

Operational Planning Specialist - London North Eastern and East Midlands

From: Paul Boden

Sent: 06 February 2015 11:25

To: [Amended Schedule Planning Manager, London North Eastern and East Midlands]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

[X],

Attached is a Saturday northbound path

When we get to Leeds we are following the xx.12 Leeds to Scarborough service which means the xx.17 York service will have to be retimed later

Later from York may mean East Coast has to be flexed but they have done this before on a Sunday

Paul Boden

Senior Short Term Planning Manager, CrossCountry

From: [Amended Schedule Planning Manager, London North Eastern and East Midlands]

Sent: 06 February 2015 10:26

To: [Access Planning Specialist, Network Rail]

Cc: [XCTL; Network Rail STP; Network Rail EAP]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

Hi [X]

Paul B and I have just had a conversation; the question we need to answer is will XCs amended services work with Northern.

Paul has kindly offered to send me XC aspirations for W14, we will speak to Northern next week with any queries we have so they can align there T18 bids accordingly.

In future we need to capture this in traffic remarks so all operators know the capacity allocation and what to bid at Informed traveller timescales.

Many Thanks

Amended Schedule Planning Manager- London North Eastern and East Midlands

From: [Access Planning Specialist, Network Rail]

Sent: 06 February 2015 10:10

To: [Operational Planning Specialists - London North Eastern and East Midlands]

Cc: [Tamzin Cloke; Paul Boden; NR EAP; NR STP; LNE & EM Route Planner]

Subject: FW: REQ: Further information Week 15, Barnsley diversions

[Specialists],

Can you please advise on the below issue that was raised in the 13-16 DPPP in respect of the below.

109	XC	14	1794628	T H U R S D A Y	M O O R T H O R P E	2355 Fri to 0505 Mon	Please confirm capacity exists to divert via Barnsley, 1 train per hour. We expect NR to flex to facilitate the running of 1 train to Leeds and we will not be cancelling any services	Have been informed that this is a standard diversionary route and we have the capacity
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Whilst a note was added on the minutes to distribute out, this would only be applicable normally on a Sunday when these diversions happen, however we need to be aware of capacity issues on the Saturday which appear to currently be constrained.

Can you please advise early next week due to the timescales for the operator to bid or dispute.

Cheers,

Access Planning Specialist, Network Rail

From: Tamzin Cloke

Sent: 06 February 2015 10:02

To: [Access Planning Specialist, Network Rail]

Cc: [Paul Boden; XC Engineering Access Team; LNE-MC Engineering Access Planning; 'Ian Strudwick (Northern Rail)]

Subject: RE: REQ: Further information Week 15, Barnsley diversions

Also, for the avoidance of doubt, as per our comments at the DPPP – our acceptance of this block solely rests on the ability to divert our full Leeds service via Barnsley. We will **not** be accepting any cancelled services.

From: Tamzin Cloke

Sent: 06 February 2015 10:00

To: Access Planning Specialist, Network Rail

Cc: [Paul Boden; XC Engineering Access Team; LNE-MC Engineering Access Planning; 'Ian Strudwick (Northern Rail)]

Subject: REQ: Further information Week 15, Barnsley diversions

Importance: High

Hi [X],

Further to our phone conversation please can NR supply/confirm the following:

Under 3.4.10(b) of the Network Code XCTL requests, as per the remarks at DPPP, that Network Rail confirm there is sufficient capacity to divert 1tph via Barnsley. More specifically, we are concerned about the Saturday service as early conversations with NR Train Planning indicate this may not be available.

In that as this information has not been supplied to us before TW-22 Network Rail are already in breach of the Network Code.

I note, from our conversation, that Network Rail have confirmed no minutes were issued for this meeting but that NR Train Planning informally advised NR EAP that the diversion would not be a problem.

I understand you may not be able to supply this information before Monday.

Kind regards,

Tamzin

Tamzin Cloke Track Access and Possession Strategy Manager, CrossCountry

Email Chain #2 – most recent email first. Items in red were highlighted as such in the original.

From: [Lead Access Planner, Network Rail]

Sent: 27 February 2015 07:00

To: Tamzin Cloke; Northern Rail; XC STP; NR Capacity Planning (various); NR LNE & EM Route Planning Manager]

Subject: FW: Week 15 Diversions Via Barnsley On Saturday 4th July

Importance: High

Morning All,

Further to recent emails, and discussions between [NR STP] and train operators, below is a summary of the effects on the train plan of Saturday diversions via Barnsley ICW Moortthorpe S&C renewals which starts on the Friday night of Week 14.

From reading below, Northbound [XCTL] services need to run via Doncaster, southbound services via Barnsley.

Do we need to discuss on a phone conference today? I have meetings until 1330. I can around for 1330 if required. Please let me know.

Regards

Andrew

From: [Capacity Planning Specialist, Network Rail]

Date: 26 February 2015 18:24:02 GMT

To: [Amended Schedule Planning Manager- London North Eastern and East Midlands]; Matt Rice, Network Rail

Subject: Week 15 Diversions Via Barnsley On Saturday 4th July

Hi [X]

I have tried at length to try and resolve the issues with the diversions via Barnsley but have not come up with an viable solution. The options explored as follows

Northbound(please be aware this has only been worked on for a standard hour so if there are any off pattern services there may be issues

Northern Rail 1YXX(Nottingham Leeds) that depart at XX18 would depart at XX24 with the XX24(Sheffield to Scunthorpe) departing at XX18. The Sheffield to Scunthorpe service now departing at XX18 would then be held at Meadowhall and pick up booked path from Holmes Junction across the single line. The 1YXX would then be following 1SXX from Sheffield but be pathed out between Ecclesfield and and Horbury Jn where the standard headway is 8 minutes. This would mean a retiming of circa 12 minutes into Leeds. The further added complication is that the 2LXX(Sheffield to Leeds) that depart at XX06 from Sheffield would then have to be held North of Wakefield waiting the 1Y service to go past as it would then be in the wrong formation at Leeds and also knock onto their return service not giving enough turnaround. I spoke at length with Ian Strudwick who has gone through with a fine toothcomb the options available(the F3 prints provided by Laura early in the process) with **the only viable option being Cross Country to divert their services via Doncaster and down to Leeds via Hare Park.**

I then contacted Adrian Knight at Cross Country who has agreed to try and route the train via Doncaster which works up to Berwick. Please note to make this work the following things will need to happen

Northern services Blackpool to York will need retiming into Leeds to arrive at XX23 arrival to give enough time in terms of platform reoccupation then as booked.

Cross Country and East Coast retimed at Darlington which is normal course when this kind of diversion happens. Paul Boden is aware of this and is fine with the retiming. I have attached an F3 which is valid until the border of Scotland but will have a boundary mismatch from then on.

Via Barnsley

Northern have 4 services an hour from Sheffield towards Barnsley (3 onto Leeds) compared to a Sunday where they have 2 trains an hour (hence why the Sunday capacity has existed) It is not feasible to divert this way on Northbound services due to the information above in reference to Northern services.

Southbound Services

I have looked at diverting Cross Country services via Doncaster which is not feasible as we cannot get Cross Country back to booked time from Sheffield.

The only option that can be used is to run the Cross Country via Barnsley which would mean that the Northern 2LXX services(Leeds-Sheffield) would need cancelling with the 1YXX Leeds-Nottingham services retimed to depart at XX10 following the XC services. Due to the later running of this service it would also have a knock on effect to Northern trains 2RXX services Adwick-Sheffield which would need retiming after the TPE Cleethorpes -Manchester airport services. Whilst this is not ideal this is the best solution without causing even more severe disruption to the train plan.

This is only based on a standard hour so there may be additional complications with trains in subsequent hours not fitting a standard hour path that will need planners retiming when necessary and also this will also mean that the planners will have to deal with further complications of freight paths. Planners would have to be aware that that potentially the bid from Cross Country due in tomorrow for week 15 would have the wrong information on in terms of Northbound paths as they have currently planned via Barnsley.

The F3 prints provided do not take into account anything North of the border and my concern would be that the plan could not be accommodated in the Scotland area for the North Bound services which would be running quite a lot later than booked. Has anybody taken this into consideration to make sure this is a joined up approach to make a fully complaint plan?

I really hope this helps as it is really a major issue trying to find compliant paths that fit with customer aspirations.

Many thanks

Regards

Capacity Planning Specialist, Network Rail

Appendix G: Week 38, TTY 2015, diverted services at Peterborough

Summary

This possession took place between Saturday 13th and Monday 15th December 2014. The most disruptive element of the work took place during Sunday 14th, when East Coast Mainline (ECML) traffic was diverted onto the Stamford Lines south of Peterborough, before rejoining the main line.

Whilst XCTL understood fairly quickly, compared to the other two case studies, that the full service could be accommodated, there remained uncertainty about the extent of the retimings required in order to facilitate the diversion of ECML traffic.

This case study illustrates the impact of consequential retimings and how a possession on one Route can have severe consequences on another – underlining XCTL's judgement that for major possessions trains should be timed to a point of

'minimal impact' rather than timed to a point of non-obstruction. Additionally it demonstrates the rework that can be caused by choosing the wrong person for a hefty piece of work.

Engineering Access Statement stage (TW-64 to TW-30)

The work appeared at Version 1 of the Engineering Access Statement for TTY 2015. XCTL's response is below.

Possession reference	Date / Time	Location	XCTL response V1	NR response V1	XCTL response V2	NR response V2	XCTL response V3	NR response V3
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<p>P2014/ 179528 1</p>	<p>13/1 2/20 14 21:4 0 to 15/1 2/20 14 05:3 0</p>	<p>Peterborough Station (south) to Werrington Jn</p>	<p>Declined pending results of capacity of study at Peterborough</p>	<p>We note the request for a capacity study</p>	<p>Disputed. Please provide confirmation of the impact on XC's services</p>	<p>Possession has been amended. Capacity is 12tph over the Slow Lines.</p> <p>XC - 2tph EC - 6tph (7 in a couple of hours) HT - 1tph GC - 2tph (3 in a couple of hours) EMT - 2tph</p> <p>Agreement in principle for EMT to start/terminate at Grantham & Peterborough to create 12tph on each direction (though in certain hours, both EC & GC run an additional service that would break this by an extra train per hour which will need to be looked at)</p> <p>No capacity for freights vice early/late Sunday</p> <p>Up Slow still required to be off at 1130 Sun which will require Ups (and for balancing - Downs as well) to terminate at Grantham (downs at Peterborough or Stevenage).</p>	<p>Superseded by DPP P</p>	<p>Network Rail acknowledge dispute TTP 702, capacity study to be done prior CPP P/V4, ongoing discussions between both parties in an attempt to jointly agree settlement</p>
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Between EAS and DPP

The relevant Access Planning Manager deemed a capacity study inappropriate at approximately TW-34. **Ref.: Email #1 below.**

TW-30

XCTL sent the following response to the Draft Period Possession Plan. XCTL attended the DPPP meeting in York.

4	XC	38	1795281	PETERBOROUGH SOUTH	WERRINGTON JN	2140 Sat to 0530 Mon	XC will withdraw the dispute for this possession if NR can confirm no impact on XC services, as per EAS comments since
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Network Rail made the following response in the minutes, which did not address XCTL's query:

“20mph Safety Speed required on the Up Slow from 0850 Sun. Down fast limits are now P1214pts. Down Stamford line times amended to be from 2250 Sat to 0930 Sun following agreement with track. Up Stamford line times to be published as in DPPP”

20.05.14 and 21.05.14 (TW-28)

Following verbal conversations and formal correspondence a capacity study was issued on 20.05.14. It was rejected by XCTL on 21.05.14 and was one of the pieces of work that gave rise to XCTL drafting our own capacity study elements list. The full criticism can be found in **Email Chain #2** below, however it must be noted that this study was undertaken by a new member of staff in the Engineering Access Planning team at Network Rail who, as far as we were able to ascertain, had little timing experience. XCTL's trains had been timed outside their contractual flex to make the possession work but had also not been checked thoroughly into Birmingham New Street. The frequency of services over Proof House Junction (in the Birmingham area), coupled with the headways, meant that any XCTL service was considerably later into the station than nine minutes, costing additional traincrew every hour. It was not a situation that we were able to accept at face value.

04.06.15 (TW-26)

CPPP issued without queries raised at TW-28 having been responded to.

10.06.14 (TW-25)

XCTL lodged a dispute notice, to which Network Rail did not respond.

02.07.14 (TW-22)

There were multiple issues outstanding relating to capacity constraints for the CPPP Weeks 37-40 and XCTL therefore accelerated the dispute to a Panel hearing, to be convened on 04.08.14 as Network Rail had made no discernible progress with any of

the issues and the STP team were about to begin work on the combination of possessions.

This galvanised Network Rail into action and by TW-19 a more experienced Network Rail planner had issued a revised capacity study. **Ref.: Email Chain #3**

TW-19 to TW-18

Solution finalised between TW-19 and TW-18 by means of email and verbal conversations between XCTL and Network Rail STP. **Ref.: Email Chain #3**

Email #1

From: [Access Planning Manager, Network Rail]

Sent: 06 May 2014 17:32

To: [Industry mailing list]

Subject: LNE EAS 2015 Capacity Studies

Dear colleagues.

For the LNE EAS 2015 Network Rail will be undertaking the following capacity studies:

Weeks 42, 43, 44, 45 Cambridge Diversions. Target completion date is 09/05/14

- Week 42 Church Fenton - Colton Jn. Target completion date is 09/05/14.
- Weeks 6, 7, 8 Shaftholme Jn S&C. Target completion date is 09/07/14
- Week 14 Castleford East – Colton South / Ferrybridge north – Gascoigne Wood / Sherburn Jn – Gascoigne Wood. Target completion date is 09/07/14
- Week 25 Mickleford Jn – hambleton West Jn. Target completion date is 09/07/14
- Week 27 Marshgate – Kirk Sandall Jn \ Hexthorpe Jn – Bentley Jn and Low Ellers Curve Jn – Kirk Sandall Jn \ Kirk Sandall – Stainforth. Target completion date is 09/07/14.

Further capacity study requests from EAS 2015 V3 responses will be reviewed and further capacity studies where appropriate to be added to the above list.

Thanks,

Access Planning Manager

Email Chain #2 – most recent email first

From: Paul Boden
Sent: 20 May 2014 11:16
To: Tamzin Cloke; [NR EAP}
Subject: RE: Week 38 Capacity Study LN101 Peterborough

[X],

I'm concerned that you think we should be flexed considerably when we are on our normal running line. Adding 9mins to 1N51 & giving us a 5min turnaround at New St breaks the TPR's & the Cambridge drivers PNB. The path hasn't been validated at Wigston North or Proof House Jn so would be later into New St anyway.

We are willing to accept some flexing but not when it's a performance risk for next workings.

I assume Eastbound paths are OK?

Paul Boden

Senior Short Term Planning Manager, CrossCountry

From: Tamzin Cloke
Sent: 20 May 2014 11:16
To: Paul Boden
Subject: FW: Week 38 Capacity Study LN101 Peterborough

Hi Paul,

This possession has been through the DPPP and will be in the CPPP in a couple of weeks – could you please give me some feedback on whether this retiming is acceptable? 9 minutes sounds like a lot and is certainly more than the 5 mins flex NR have a right to do.

Kind regards,

Tamzin

From: [Engineering Access Planner, London North Eastern Route]
Sent: 20 May 2014 10:36
To: [Industry mailing list]
Subject: Week 38 Capacity Study LN101 Peterborough

Dear All

Please see attached and below for a brief timetable study pertaining to operators requests for information regarding the Peterborough possession P2014/1795281

[Truncated]

Retimings Required

For a resilient timetable I believe the following retimings are required to ensure headways are compliant during the hours used for this study:

CrossCountry 1N51EV

To give a compliant headway with 1D11 retime 1N51 to depart Peterborough after 1D11. Adding 9 minutes to 1N51's dwell at Peterborough gives a compliant path. This does impact on this units turnaround time at Birmingham but it still arrives in Birmingham in time to form its next working to Leicester. In this instance I have decided not to retime 1D11 as I believe flexing this train will then impact on 1S14 from Newark onwards, where possible I believe we should refrain from retiming Anglo Scottish traffic.

[Truncated]

Additional Retimings

There is at least one conflict per hour between a CrossCountry service and East Coast or an East Midlands Trains service and an East Coast train. For each of these conflicts some retiming will be required. As a general rule if the conflict is between a CrossCountry/East Midlands trains service and an Anglo Scottish East Coast service I believe that the CrossCountry or EMT service should be flexed as there is little time in the Anglo Scottish schedules to enable them to get back to there booked path and retiming these is likely to impact on other TOC's services more severely further north. East Coast London- Leeds traffic has more scope for retiming and there is more capacity available on the route between Doncaster and Leeds to accommodate retimings.

All TOC's will need to accept some retimings to their services to fix the hourly conflict between East Coast and CrossCountry or East Midlands. If the WTT times in these schedules are amended by retimings then the public book times should be adjusted accordingly so operators are able to keep schedules as close to there published timetables as possible. There is sufficient capacity for all operators can run all of their WTT services during this possession.

If you have any queries regarding this capacity study please feel free to contact me.

Best regards,

Engineering Access Planner, London North Eastern Route

Email Chain #3 – most recent email first

From: Paul Boden
Sent: 21 July 2014 18:01
To: Tamzin Cloke
Subject: Re: Week 38 Peterborough Study (P2014/1795281)

The problem is that the Dec 14 EC timetable isn't finished yet so Luke can only guess on what's required but he knows what our limits are & I won't accept anything later than previously said

Paul

Sent from Blackberry

From: Tamzin Cloke
Sent: Monday, July 21, 2014 05:35 PM GMT Standard Time
To: Paul Boden
Subject: RE: Week 38 Peterborough Study (P2014/1795281)

Thanks Paul – do you think it will work/you and Luke can make it work now?

Kind regards,

Tamzin

From: Paul Boden
Sent: 21 July 2014 17:34
To: [Operational Planning Specialist, London North Eastern]; Tamzin Cloke
Subject: Re: Week 38 Peterborough Study (P2014/1795281)

[X],

We can't reduce the dwell at Leicester but the adj time before can be removed & added to the Nuneaton dwell.

As per our conversation we will not bid for this & any consequential retimings, within our agreed rules will be offered at T-14.

Paul

From: [Operational Planning Specialist, London North Eastern]
Sent: Monday, July 21, 2014 04:19 PM GMT Standard Time
To: Paul Boden
Subject: RE: Week 38 Peterborough Study (P2014/1795281)

Paul,

I can take some time from the dwell at Leicester and put it in at Nuneaton if that helps?

We will identify the trains to you at the IT stage that need retiming and contact you as appropriate

Thanks

From: EXTL: Boden Paul

Sent: 18 July 2014 10:58

To: [Operational Planning Specialist, London North Eastern]

Subject: RE: Week 38 Peterborough Study (P2014/1795281)

[X],

Performance aren't happy about the 1min dwell at Nuneaton on a Sunday as it's a busy day

Also how do we know what trains we need to retime as the EC trains aren't in TRUST yet

Will someone tell us?

Paul Boden

Senior Short Term Planning Manager, CrossCountry

From: [Operational Planning Specialist, London North Eastern]

Sent: 17 July 2014 16:34

To: [Industry mailing list]

Subject: Week 38 Peterborough Study (P2014/1795281)

All,

Please see below for my findings into Week 38 study-:

I have looked at example hours between 1200 and 1600 to gauge an understanding of the retimings required

The Up Slow will have a 20mph TSR requiring Passenger operators to have [3] and freight operators to have [4]

Down services do not require a TSR; however this is where the main conflicts occur with all services to be timed over the SL between Peterborough and Tallington Jn

Please see below for summary by operator-:

[Truncated]

XC

Up Services

These services can run currently as booked with TSR applied

Down Services

When the EC 1Dxx xx54, the departure time at PBO is not affected and the train can run WTT.

When the EC XX50 arrival the 1Nxx are timed behind the EC, they are held at PBO for a maximum of 4mins regaining time en-route (via Station dwells) they arrive at Proof House Jn a maximum of 1min later. Flexing to EMT services at Leicester is required.

[Truncated]

Appendix H: XC CP5 response to NR draft delivery plan

Please see identically labelled PDF. This appendix is only available in PDF format.

Appendix J: Illustration of impact on XCTL from engineering work

Please see identically labelled PDF. This appendix is only available in PDF format. For those with a 'comment' function in Adobe Reader we have added an explanation of the work, reproduced below.

Means:

Edinburgh-Plymouth (Sheffield to Exeter journey time extended by two hours);
Manchester-Banbury (vice Bournemouth);
Oxford-South Coast hourly;
No Reading-Newcastle service

Weeks:

Sunday 1st Feb; Sunday 8th Feb (only to SOU this weekend)

Appendix K: extract from TC155

<http://accessdisputesrail.org/Directory/Frame%20Page.htm>

In all of these considerations, the parties should ensure that questions are posed, and answers given, to **timescales that do not constrain the timetable production process**. In particular it is not appropriate that discussions are prolonged beyond the making of a reference to Timetabling Committee, where the result is to delay any hearing **to a date where possible adjudications may be constrained by the need to respect the timetable production schedule**. Both parties have equal responsibility in ensuring that references are made in reasonable time.

Appendix L: extracts from Rules of the Revenue

1.2 Revenue Overview

Top 25 Flows by Journeys and Revenue

MarketFlow	Rank Earnings	Rank Journeys
BIRMINGHAM GROUP - MANCHESTER GROUP	1	7
BIRMINGHAM GROUP - Leeds	2	51
Leeds - Newcastle	5	38
Edinburgh - Leeds	6	86
Bristol Temple Meads - MANCHESTER GROUP	10	94

1.4 Aiding Our 'Informed Travellers': general STP and commercial principles

The following general principles apply:

- Wherever possible we should make full use of LTP period blocks, such as standard bank holiday services. This avoids customer confusion.
- Consistency is helpful if we can repeat a similar service plan over a series of weeks
- Late change to engineering plans is extremely undesirable. Our objective, outlined in our Franchise Obligations with DfT and Licence Conditions with Network Rail, is to confirm STP timetables at T-12 and avoid further amendments, helping passengers to plan their journeys with confidence.
- It is always better to provide a service by train even if it involves a train – train connection
- Wherever possible we need to keep a rail service that connects the main nodes (see Table 1 in Section 1.2)
- Where appropriate we will consider buses to serve local stops as separate from an 'express' bus or diverted train that makes the connection between two major nodes
- CrossCountry's unique geographical position cannot be overstated: high levels of care and co-ordination are necessary to avoid disproportionate disruption in comparison with other rail markets.

There is a risk of revenue claims from other operators if we do not run a rail service. Any concerns about this should be discussed directly with the revenue team.

1.7 Essential stations

The following are lists of the most important **alighting stations** CrossCountry serves in terms of both revenue and footfall.

Voyager/HST: Northbound	Voyager/HST: Southbound
Newcastle	Birmingham New Street
Birmingham New Street	Reading
Manchester Piccadilly	Bristol Temple Meads
Leeds	Southampton Central
Edinburgh	Exeter St Davids
Sheffield	Leeds
York	York