

Sole Submission to Timetabling Panel by Network Rail Infrastructure Limited

TTP Reference 1068

Version N°: 1

Status: Final

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1. DETAILS OF PARTIES

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

1.1.(a) *Transport for London whose Registered Office is at Windsor House, 42-50 Victoria Street, London, SW1H 0TL ("TfL" – "the Claimant"); and*

1.1.(b) *Network Rail Infrastructure Limited whose Registered Office is at One Eversholt Street, London, NW1 2FL ("Network Rail" – "the Defendant").*

1.1.(c) *TfL contact details are Paul Richardson, Service Delivery Manager, Crossrail, Rail for London, 25 Canada Square, Canary Wharf, London, E14 5LQ.*

1.1.(d) *Network Rail contact details are Tim Woodall, Timetable Production Manager, The Quadrant:MK, Elder Gate, Central Milton Keynes, MK9 1EN.*

1.2. *Third parties that may be affected by the Panel's finding in any of the ways sought and determined under Section 8 are as follows: DB Cargo, First Greater Western Ltd, GB Railfreight Ltd, Cross Country Trains Ltd, Freightliner Ltd, Chiltern Railway Company Ltd, MTRR Corporation (Crossrail) Ltd, Heathrow Express Operating Company Ltd, Colas Rail Ltd, West Coast Railway Company Limited (Charter Services).*

2. CONTENTS OF THIS DOCUMENT

This Response to the Claimant's Sole Reference includes:-

- (a) Confirmation, or qualification, that the subject matter of the dispute is as set out by the Claimant in its Sole Reference, in the form of a summary schedule cross-referenced to the issues raised by the Claimant in the Sole Reference, identifying which the Defendant agrees with and which it disagrees with.
- (b) A detailed explanation of the Defendant's arguments in support of its position on those issues where it disagrees with the Claimant's Sole Reference, including references to documents or contractual provisions not dealt with in the Claimant's Sole Reference.
- (c) Any further related issues not raised by the Claimant but which the Defendant considers fall to be determined as part of the dispute;
- (d) The decisions of principle sought from the Panel in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (e) Appendices and other supporting material.

3. SUBJECT MATTER OF DISPUTE

3.1. The nature of the dispute in Section 4 of TfL's Sole Reference Document (SRD) is noted. It is accepted that this is presented as a timetable dispute, but for the reasons set out below and in the Defence it is denied that TfL is entitled to the relief sought or any relief.

(a) *Item 5.1 – Changes to the TPRs proposed by Network Rail for the 2018 timetable period failing to take into account future changes arising from the introduction of the full Crossrail services in December 2019.*

(b) *Item 5.2 – The proposed TPRs not accurately reflecting the usage characteristics of the Relief Lines between Paddington and Reading.*

(c) *Item 5.3 – No justification has been provided for the increased headway values proposed.*

(d) *Item 5.4 – The changes to TPRs and the associated timetable impact study have been presented as evidence of a comprehensive review of TPRs on the lines concerned when this is not in fact the case.*

(e) *Item 5.5 – The review fails to take into account the impact that the implementation of ETCS signalling will have on movements between Paddington and Airport Junction.*

(f) *Item 5.6 – Impact of the proposed revised headway values on Crossrail services.*

(g) *Item 5.7 – Capacity Study*

(h) *Item 5.8 – Financial Impact on TfL*

4. EXPLANATION FROM THE DEFENDANT'S PERSPECTIVE OF EACH ISSUE IN DISPUTE

Issues where the Defendant Accepts the Claimant's Case

4.1. With regards to Item 5.1, Network Rail agrees that the TPRs proposed by Network Rail for the 2018 Timetable period do not take into account the future changes arising from the introduction of the full Crossrail service in December 2019.

4.2. TfL's claim in Item 5.4 is partially valid. Network Rail has undertaken a review of the TPRs through SPA modelling and an associated Impact Assessment based on the December 2016 Timetable. Network Rail accepts that the TPR values proposed for change for 2018 do not constitute a comprehensive review of the TPRs on all lines concerned. However, it should be noted that the review was not intended or presented as such.

Issues where the Defendant qualifies or refutes the Claimant's Case

4.3. Network Rail agrees with the claim raised in Item 5.1, in that TPRs proposed by Network Rail for the 2018 timetable period does not take into account the future changes arising from the

introduction of the full Crossrail service in December 2019. However, TfL is wrong to appeal a TPR proposal on the basis that the proposal does not take cognisance of services that are not running during the affected Timetable Period. Network Rail is actively attempting to engage with TfL in parallel with the dispute process, to progress what we believe to be a suitable resolution as described above. To date the TfL response has been limited. TfL have wrongly issued a Dispute Notice at the stage of the timetable revision process which relates to reviewing the TPRs for the 2018 Timetable. TfL should wait until the TPR review process for the 2019 Timetable and, if it considers the issues still remain, it will have another opportunity to raise those at that stage.

- 4.4. In 'Item 5.2', TfL claim that the proposed TPRs do not accurately reflect the usage characteristics of the Relief Lines between Paddington and Reading. This is not actually the case. The current usage of the Relief Lines between Paddington and Reading in the December 2017 timetable has a typical quantum of services per off-peak hour as follows; eight Class 2 passenger services and between three and six freight services. There is typically only one Class 7 freight service per hour in each direction. However on occasion there can be up to five Class 6 freight services in one direction in an off-peak hour.
- 4.5. This gives a maximum quantum of 14tph in a given direction; however more often 11tph is typical as the timetable is not currently always planned to minimum TPR values. This is below the 2019 viewpoint of 16tph on the Relief Lines which contains 4tph freight services and the remainder as Class 2/9 passenger services.
- 4.6. As part of the suite of recommendations, Stopping Headways (Headways behind a stopping passenger service) were modelled and the current values were found to be adequate. This shows that Network Rail has carefully considered the usage characteristics of the Relief Lines.

Dec 16	Class 2	Class 4	Class 5	Class 6	Class 7	Total
Up 1100-1200	8	2	0	0	1	11
Dn 1100-1200	8	1	0	1	0	10
Up 1300-1400	7	0	1	5	0	13
Dn 1300-1400	8	0	0	2	1	11
Dec 17						
Up 1100-1200	7	2	0	0	1	10
Dn 1100-1200	9	1	0	0	0	10

Up 1300-1400	8	1	0	5	0	14
Dn 1300-1400	8	0	0	2	1	11
Dec 19						
Up	12	0	0	2	2	16
Dn	12	0	0	2	2	16

- 4.7. With regards to 'Item 5.3', it is untrue that that no justification has been provided. The Timetable Planning Rules Improvement Programme (TRIP) was developed to provide large scale systematic analysis of Timetable Planning Rules (TPRs), taking into account the capacity of the network and with reference to historical patterns of delay as a means of identifying performance improvement opportunities. It was recognised that over time TPR maintenance had not remained aligned with the shifting capability of the network. The cross-network systematic ambition of TRIP is unprecedented in recent railway history. From the outset, the programme recognised that the change volumes anticipated would represent a unique challenge for Network Rail and Timetable Participants alike and that a significant consultation effort would be an ongoing necessity.
- 4.8. Prior to the start of any modelling Timetable Participants were consulted on key areas of focus – reviewing priority and geographical importance. Data was collected from on-train (OTMR) data runs and observed data train runs. Signalling scheme plans were also sourced from routes and Infrastructure Projects to feed into the model build.
- 4.9. Prior to TPR reviews commencing, Timetable Participants were briefed on the TRIP methodology at industry forums and Route start up meetings. Start-up meetings also determined modelling remits. Timetable Participants were invited to route based TPR forums to review the modelled outputs. Wherever possible forums included all affected Timetable Participants, Capacity Planning, Network Rail Routes and members of the Systems Analysis Team (SAT). Outputs of forums were shared with all interested parties. Forums were convened as soon as modelled outputs were available, looking to complete consultation well before the requirement to publish TPR values at D-64. The effect of these efforts has been to provide a communications and consultation opportunity that both supplements and complements the extant Network Rail consultation obligations associated with TPR change, outlined in Network Code Part D, Condition D2.2 in particular.
- 4.10. Following consultation with Timetable Participants, revised TPRs have been proposed through the standard industry process timeline outlined in Network Code Part D, Condition D2.2.
- 4.11. Network Rail refers to 'Paddington to Reading and Reading to Didcot Parkway Non-Stop Headways' recommendations document dated September 2016 for specific justification of the increased Headway values proposed which were reviewed at a TPR Forum dated 3rd October 2016. This document is located at Appendix B.

- 4.12. With regards to Item 5.4, Network Rail accepts that the claim is partially true. Whilst the changes to the TPRs and the associated timetable impact study are not evidence of a comprehensive review of TPRs on the lines concerned, they were never presented as being such. Further iterative TPR reviews will be required to establish the TPRs for the December 2019 Principal Timetable. Indeed, given planned changes to infrastructure, rolling stock and stated aspirations for enhanced services, Network Rail deems it crucial to revisit the TPRs for the benefit of all Timetable Participants to meet the Objective outlined in Network Code Part D, Condition D4.6.1.
- 4.13. An outline project plan to understand the above is included at Appendix A. This is presented as part of an iterative process.
- 4.14. Item 5.5 raises an argument that Network Rail has failed to take account of a future change to the signalling system in the area in this review of the TPRs. This is not true. Network Rail does not expect the introduction of ETCS for Crossrail to have any impact on TPRs. The system will be delivered as an overlay to the existing signalling system until ETCS Phase 3 is introduced. In reality, Headways and other planning values will remain unchanged within this work package.
- 4.15. There may be minor differences in the braking curves for train approaching red signals, but we do not expect this to be significant. As TPRs are generally for least restrictive aspect signalling, this would be unmeasurable.
- 4.16. The above notwithstanding, ETCS introduction will drive change for NR and Timetable Participants, and to that end there exists a cross-industry working group with the remit of developing planning Rules and principles suitable for application with ETCS, upon which Network Rail is represented. Our proposal to further review the Rules for December 2019 will be able to reflect the outputs of this working group in a manner that the historic Concept Train Plan could not be expected to achieve.
- 4.17. With regards to Item 5.6, Network Rail does not agree with this claim. The information brought forward within this Item is one view of perceived impact on the timetable. The timings quoted in this item all assume that Network Rail has not applied its entitlement to flex ostensibly conflicting services (for example, departing later to reduce the journey time or allowing freight services to depart earlier to avoid passenger service journey time impacts). Irrespective of any Concept Train Plan or capacity study output, during the December 2019 timetable development period Network Rail will be entitled to flex services in line with the Network Code, and in any event such study outputs should not be confused with or equated to, a "timetable". These are simply suggestions of ways to resolve the concerns highlighted here.
- 4.18. We note TfL's suggestion that to change the TPRs represents an unacceptable dilution of the value of the previously undertaken Crossrail Concept Train Plan. This was defined as a conceptual capacity study which assesses whether Crossrail services can be accommodated between Reading and Shenfield against the Track Access Option (TAO). We refute TfL's position on the basis it is unreasonable to suggest that the current or proposed TPRs should be assumed appropriate to be carried forward into future timetables, solely on the basis that they form one of the assumptions upon which past timetable exercises are predicated. This implies that a Concept Train Plan or similar should be considered somehow equivalent to a Timetable, an implication not accepted by Network Rail. If carried to its logical conclusion, this argument would act as a constraint on the proposal of any change that updated previous TPRs

upon which a previous conceptual capacity study was predicated, irrespective of any capacity-related justification in respect of same.

- 4.19. Acknowledging that further work is required, Network Rail's aspiration is to utilise the recently consulted changes in Version 3.0 in the National TPRs. Network Rail refers to Section 6 of the document titled 'Procedure for amending the Values in the Timetable Planning Rules'.
- 4.19.(a) 6.2.10 Where the actual operation of the Railway allows, equivalent TPR values for Headways and Junction Margins may be developed giving consideration to restrictive signalling aspects. Such values may not exist as the exclusive rule, and must always include allowances that reflect the impact on the SRT of trains operating on restrictive aspects. These restrictive aspect rules and allowances cannot be applied independently as they comprise a single rule.
- 4.19.(b) 6.2.11 Any rule that is not predicated on the basis of the signalling system showing the least restrictive aspect must be clearly identified as a restrictive aspect rule in order that Network Rail and Timetable Participants fully appreciate the operational implications of adoption of that rule.
- 4.20. This amendment has the potential to enable more flexible TPRs and take into account the characteristics of the infrastructure along particular stretches of the rail network.
- 4.21. With regards to Item 5.7, TfL states that receipt of the Impact Assessment three days before the issue of Version 2 of the TPRs "is in serious breach of the timescales under which Network Rail undertook to provide this". This is untrue. There is no requirement for an Impact Assessment to be conducted to consult and propose TPRs. There is no contractual obligation to have done so, and no timescales to adhere to. On commissioning the Impact Assessment, Network Rail committed to have it completed prior to Version 2 of the TPRs, which it achieved. As such, its completion only further demonstrates Network Rail's willingness to conduct sufficient and effective consultation with Timetable Participants.
- 4.22. The Impact Assessment was based on the December 2016 Timetable as a 'freeze' with the newly proposed TPRs applied. The intention of the Impact Assessment was simply a reference to show that the concept of these changes is viable and does not materially impact the timetable.
- 4.23. With regards to 'Item 8', Network Rail disagrees that we are liable for any of the financial relief sought. Network Rail recognises that a sum of money has been spent on the Crossrail Concept Train Plan (CCTP) by TfL, but it is simply that, a concept. The CCTP is defined as a conceptual capacity study which assesses whether Crossrail services can be accommodated between Reading and Shenfield against the Track Access Option (TAO). The CCTP is based on a set of assumptions at a given point in time. These assumptions are not intended to be relied upon as certainties. This is the same as we approach D-55 for the December 2019 Timetable. None of the exercises referenced by TfL are equivalent to a "timetable", and nor should they be considered or presented as such. To withdraw a TPR proposal on the basis that a study was conducted utilising assumptions now being superseded would undermine the future iterative operation of Network Code D Condition 2.2.
5. **Issues not addressed by the Claimant that the Defendant considers should be taken into account as material to the determination**

5.1. Nil.

6. Why the arguments raised in 4.1 to 4.3 taken together favour the position of the Defendant

6.1. Network Rail feels that this proposed change to the methodology set out in Section 6 of Version 3 2018 National TPRs will provide the opportunity between now and D-64 for the December 2019 Timetable to develop a set of TPRs between Paddington and Reading that endeavour to meet the service aspirations of Crossrail and other Timetable Participants, and more accurately reflect the operational practices on that stretch of the rail network, providing further resilience into the timetable.

6.2. As such, we believe that, notwithstanding the concerns of TfL in respect of our current proposals, the values that TfL have queried will be comprehensively superseded before any timetable that includes TfL as a Timetable Participant commences development.

6.3. We remain of the view that the outputs of further TPR development for the December 2019 Timetable will allow for more accurate reflection of operational conditions, and thereby increase planning flexibility and timetable resilience for all Timetable Participants. Network Rail does not agree that it is in TfL's interests to retain a set of TPRs, the accuracy of which remains unproven, based on their use in a previous study.

7. DECISION SOUGHT FROM THE PANEL

7.1. *Network Rail is seeking the following outcomes.*

(a) *Network Rail's position is that all of its challenged decisions should stand and the TTP should so direct: and in doing so dismiss TfL's claims.*

If, contrary to Network Rail's position, the TTP finds in favour of some element of TfL's dispute, the starting point is that the TTP gives general directions to Network Rail specifying the result to be achieved but not the means by which it shall be achieved. Even if, contrary to NR's case, the TTP is persuaded or assisted by any of the vague and unsubstantiated allegations made by TfL, it is not open to the TTP to make such declarations. By way of example, the TTP could give a general direction that in relation to some particular revision which affects TfL, Network Rail is to give further consideration to specific matters so as to fulfil any perceived failure to consider a particular representation or objection made by TfL.

(b) *With regards to the 'Specific Remedy Sought' in section 6.2 of TfL's SRD, TfL are not entitled to this relief, and the TTP has no power to grant such declarations. Such a declaration would potentially set an unhelpful precedent across the industry with regards to the undertaking of modelling work in the future.*

8. APPENDICES

- (a) Appendix A - Outline TPR Review Project Plan (to be completed)
- (b) Appendix B - 'Paddington to Reading and Reading to Didcot Parkway Non-Stop Headways' recommendation document

9. SIGNATURE

For and on behalf of
[usually Network Rail Infrastructure Limited]

Signed



Print Name

FIONA DOLMAN

Position

CAPACITY PLANNING DIRECTOR

For and on behalf of TIM WOODALL.