

ARRIVA RAIL NORTH SOLE REFERENCE TTP 1075

1 DETAILS OF PARTIES

- 1.1 The names and addresses of the parties to the reference are as follows:-
- (a) Arriva Rail North Limited whose Registered Office is at 1 Admiral Way, Doxford International Business Park, Sunderland, Tyne & Wear, SR3 3XP ("ARN") ("the Claimant"); and
 - (b) Network Rail Infrastructure Limited whose Registered Office is at 1 Eversholt Street, London NW1 2DN] ("Network Rail") ("the Defendant").
 - (c) ARN contact details: Georgia Ehrmann, Track Access Manager, Arriva Rail North, 4th Floor, Northern House, 9 Rougier Street, York YO1 6JT

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 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

This is a dispute regarding the SRTs proposed by the Network Rail's TRIP ODA Analysis and Recommendations Report – Newcastle to Berwick (LN600) (Appendix A). ARN objects to the application of the proposed changes to SRTs between Newcastle and Berwick on the East Coast Main Line. ARN believes these were included in Versions 1 and 2 of the Rules prematurely, without a full explanation of the supporting methodology and sufficient industry consultation. This element of the dispute relates to Network Rail

failing to consult with Timetable Participants between D-64 and D-60 in respect of any proposed changes to the Rules in line with Clause D2.2.2 of the Network Code.

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

5.1 ARN's services will be directly affected by the recommended LN600 outputs. These are generally hourly between Newcastle and Morpeth and two return trips per day extend between Newcastle to Chathill. Currently these operate Monday to Saturday, however ARN's December 2017 timetable change will introduce two-hourly Sunday services between Newcastle and Morpeth. This service improvement is part of a wider transformation of connectivity, capacity and journey times to be initiated by the December 2017 timetable change. It aligns with ARN's Train Service Requirement (TSR), committed to as part of the new Franchise Agreement. ARN is highly concerned by the detrimental impact on its services of the SRT changes stemming from the ODA workstream, and has serious reservations about the validity of its conclusions. The recommended changes result in tangible journey time increases between Newcastle and Morpeth in both directions.

5.2 ARN was initially briefed by Network Rail on the commencement of the ODA work at the 11th February 2016 TPR Forum. This included the attached PowerPoint presentation (Appendix B) which detailed a commitment for the findings to be taken forward by the relevant working group and work with operators would enable them to inform TPRs for the December 2017 timetable. This suggests that the intended purpose of the ODA work was to act as a starting point for further industry dialogue to inform the Rules, not be directly incorporated into the Rules. Subsequent industry engagement on ODA work led by Network Rail, such as at the 6th April, 29th June and 27th July TPR Forums focused on the LN101 and LN860 elements of the ODA work – relating to the south of the East Coast Main Line and Manchester-Huddersfield-Leeds corridor respectively. The exclusion of LN600 from this dialogue is further evident from an email from Network Rail preceding the issue of Version 1 of the Rules on 21st September (Appendix C). Thus ARN was not consulted specifically on the inclusion of LN600 SRT outputs in Version 1 of the Rules.

- 5.3 The final TRIP ODA Analysis and Recommendations Report, including the LN600 recommendations was issued by Network Rail on 13th October 2016, eight days prior to the issuing of Version 1 of the 'Draft' Rules on 21st October 2016. ARN was directed to the SRT proposals under the heading 'SRT Summary Tables', only to find no such table in the LN600 document. A table entitled 'SRT Recommendations' was included, however this specified no ARN services or timing loads. On this basis, as well there being an insufficient time window following the final publication of the LN600 ODA report prior to the issue of Version 1, the impact of the analysis on ARN was not made explicit within the content of the document as it was for other operators.
- 5.4 Cognisant of the above, ARN was not in a position to submit an informed response to Network Rail in relation to the inclusion of the LN600 SRTs within Version 1 of the Rules. This derives from Network Rail not clearly presenting the impact of the ODA work on ARN-applicable SRT values within Version 1. ARN would expect that if a change to SRTs was being proposed within Version 1 of the Rules, the specific nature of the changes would be tabulated within the Rules. Instead, just a reference to LN600 was made in the commentary. ARN was therefore not aware the changes to its SRT values between Newcastle and Morpeth being included in Version 1 and had no way of adequately interrogating this element of Version 1. At the 8th February 2016 TPR Forum, where wider concerns about the TRIP methodology were raised by other operators, ARN requested from Network Rail further clarification on the SRTs included within the LN600 report as it was not made clear in Version 1 of the Rules how the changes would affect ARN.
- 5.5 It was only on receipt of the attached email (Appendix D) on 9th February 2017 containing a clear and explicit list of the proposed LN600 SRT changes, supplemental to the original report, that ARN became aware that its recommendations encompassed Class 142 Traction. This clarity was provided too late for ARN to make representations to Network Rail in relation to Version 1 of the Rules pursuant to Clause D2.2.4(b) of the Network Code. This is the nature of engagement that ARN would have expected prior to the finalisation of the ODA Report, which it understands was intended for discussion rather than to constitute a formal proposal for inclusion in the Rules.

5.6 In the context of concerns with ODA report recommendations, including LN860 and LN101, being raised by the wider industry, ARN was disappointed to see the LN600 recommended values included in Version 2 of the 'revised' Rules issued on 3rd February 2017. Confusingly, the reference to the LN600 SRT changes was crossed out, indicating that they had been removed. ARN emailed Network Rail on 21st February 2017 seeking clarity on this issue (Appendix E), however received no response. This issue was also raised by ARN within its official response to Version 2 of the Rules, submitted on 24th February 2017 (Appendix F). ARN also formally objected to the implementation of the LN600 proposals within this response.

5.7 The lack of clarity and consultation on the adoption of the recommended values into Version 1 of the Rules is particularly problematic for ARN considering its significant concerns with the validity of the analysis and methodology applied. These include the following:

- No visibility or clarity has been provided by Network Rail on the volume and nature of raw data informing the analysis, notably the timing runs used.
- The two return trips between Newcastle and Chathill are both timed as having a Class 142 timing load, however one of the trips is diagrammed to be a Class 156 unit. There is nothing to indicate whether the actual traction on the day has been taken into account when collating the data.
- It is ARN's view that the analysis has not taken into account adjustment allowances currently mandated within the Timetable Planning Rules for example trains departing Newcastle Platforms 5,6,7 or 8 require half a minute adjustment time which could be the cause of the alleged SRT deficiencies. Without the methodology or raw data however this cannot be confirmed.
- The SRT value for Alnmouth to Chathill has been rounded down from 11:11 to a proposed SRT of 11:00. As the final timing section for Northern services, this goes against the cumulative rounding principles as outlined in National TPR section 6.4.10.
- The report contained a contradictory statement in relation to SRT values between Morpeth and Chathill, stating on Page 126 that 'no analysis was

possible on SRT values for class 2 stopping services as there are no published berth offset values for stations other than Alnmouth'. Despite this, SRT proposals were contained on Page 100 for Morpeth to Alnmouth and Alnmouth to Chathill for Class 142 ARN traction, all the services operated by ARN being Class 2 stopping services.

Thus further consultation was required before the LN600 report was finalised, before even considering the incorporation of its recommended changes into Version 1 of the Rules.

- 5.8 The above points demonstrate that the validity of the analysis and methodology applied by Network Rail to undertake the LN600 work were not consulted with ARN between D-64 and D-60, and thus ARN objects to its inclusion in Version 1 of the Rules. ARN is therefore in dispute with Network Rail over its failure to comply with Clause D2.2.2 of the Network Code. ARN believes this has severely compromised ongoing dialogue with Network Rail in relation to the recommended changes to SRTs.
- 5.9 ARN believes that further industry consultation and dialogue is required before Network Rail can consider implementing any SRT changes proposed by the LN600 ODA workstream. This is due to Network Rail failing to consult with Timetable Participants before their inclusion in Version 1 of the Rules. ARN and other industry partners have a wealth of knowledge and resource to work with Network Rail to assist in reviewing the SRTs applicable to the route covered by the LN600 work. This includes ARN's own GPS programme, whereby on-board GPS equipment enables the review of SRTs over all the routes it operates over. ARN has worked closely with Network Rail to agree SRT alterations on a number of lines of route across the network through review of GPS data. ARN therefore believes that accurate and robust changes to SRTs to deliver maximum performance and capacity benefits over the route between Newcastle and Berwick can be most constructively achieved through closer collaboration between the planning and performance teams at Network Rail and ARN, and other Timetable Participants.

6 DECISION SOUGHT FROM THE PANEL

- 6.1 To remedy this dispute ARN seeks a decision from the Panel to direct Network Rail to formally withdraw the recommended changes to LN600 SRTs stemming from the Rules applicable to the December 2017 and May 2018 timetable changes. It requests that the Panel directs Network Rail to re-engage in consultation with Timetable Participants in relation to the methodology applied and validity of the data used within the report. ARN is confident that this more collaborative approach will deliver an agreed outcome in relation to the SRTs applicable to its services operating between Newcastle and Chathill.

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.

All 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 Arriva Rail North Limited

Signed



Print Name

GEORGIA EHRMANN

Position

TRACK ACCESS MANAGER