

1 DETAILS OF PARTIES

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

- a) West Midlands Trains Limited, a company registered in England under number 09860466 having its registered office at 2nd Floor St Andrew's House, 18-20 St Andrew Street, London, United Kingdom, EC4A 3AG ("WMT") ("the Claimant");
and
- b) Network Rail Infrastructure Limited, a company registered in England under number 2904587 having its registered office at Network Rail, 1 Eversholt Street, London NW1 2DN ("Network Rail") ("the Defendant").
- c) WMT contact details: James Carter, Network Access Manager, West Midlands Trains Limited, 134 Edmund Street, Birmingham B3 2ES

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 D.5.1 of the Network Code.

3 CONTENTS OF REFERENCE

This Sole Reference includes:-

- (a) The subject matter of the dispute in Section 4;
- (b) A detailed explanation of the issues in dispute in Section 5;
- (c) In Section 6, the decisions sought from the Panel in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (d) Appendices and other supporting material.

4 SUBJECT MATTER OF DISPUTE

4.1 This is a dispute regarding Version 2 of the Timetable Planning Rules ('TPRs') for the North West and Central Region, 2021 Timetable.

4.2 This dispute arises over Network Rail's proposed revision to the TPRs, progressed under the process defined in D.2.2 of the Network Code, and specifically relates to a proposed amendment under Section 5.3 (Junction Margins and Station Planning Rules), which includes newly proposed minimum dwell times of 1 minute for Class 350 EMUs [Appendix 1] at the following stations;

- Canley
- Tile Hill
- Berkswell
- Marston Green
- Lea Hall
- Stechford
- Adderley Park

4.3 Historically, no minimum dwell time for Class 350s has been specified at these locations, so by default the 'Standard Value' of 45 seconds has applied.

4.1 These proposed changes to the TPRs on the Coventry corridor were consulted in Version 0 of the 2021 TPRs, then taken forwards into Version 1 as part of a wider package of proposed TPR changes between Long Buckby and Birmingham New St. In response to the proposed extension to dwell times, operators raised concerns regarding the consequential impact on stopping patterns, journey times and potential loss of capacity. Network Rail therefore agreed to undertake a timetable impact assessment ahead of Version 2 to establish the impact on the current train plan and determine whether the quantum of services could still be maintained on the corridor with the extended dwell times in place.

4.2 The outputs from the timetable impact assessment were circulated by Network Rail on 17th January 2020, along with a confirmation from Network Rail of its decision to go ahead and implement the proposed TPR changes for the Coventry corridor in Version 2 [Appendix 2].

4.3 On 20th January WMT provided Network Rail with details of manual timing observations undertaken by WMT at the affected stations [Appendix 3], which suggested that the current 45 second dwell times were consistently being met. Corresponding manual timings provided by Network Rail [Appendix 4], rather than

justifying an increase to 1 minute, also appeared to show that 45 second dwell times for Class 350s were in fact consistently achievable. WMT therefore considered that uplifting all dwell times to 1 minute at each station (vice 45 seconds) was unnecessary.

4.4 At the Central and WCML South TPR forum held on 22nd January 2020, WMT further stated that it did not support the extended dwell time proposals [Appendix 5].

4.5 In accordance with Condition D2.2.3, Network Rail published Version 2 of the proposed TPRs for the North West and Central Region, 2021 Timetable, on 7th February 2020, with the proposed dwell time amendments included.

4.1 WMT therefore issued a Notice of Dispute on 13th February 2020, in accordance with Condition D2.2.8(a), to formally dispute the proposed amendments [Appendix 6].

4.2 Network Rail has claimed that the proposed TPR amendments are due to performance concerns, citing an inability of planning systems to be able to time to ¼ minute, but WMT considers that Network Rail has not yet provided satisfactory justification for extending the minimum dwell times - including quantifying the likely benefits realised by the changes, nor has it considered any alternative options that could deliver equivalent performance benefits instead. Also by progressing the TPR changes - when judged against the likely overall impact on the timetable (taking into account the likely implications for capacity and journey times), WMT considers that neither has Network Rail made a balanced decision and exercised the Decision Criteria fairly.

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

5.1 WMT's challenge to the proposed amendments to the TPRs is centred on two issues;

- Issue 1 – Network Rail's justification for increasing the dwell times, including the benefits and consideration of alternative options.
- Issue 2 – the application of the Decision Criteria

Issue 1

5.2 Network Rail has stated that its reason for introducing the 1 minute minimum dwell times for Class 350 EMUs relates to performance concerns. The Standard Values in the North West and Central TPRs specify a 45 second minimum dwell time for Class

350 EMUs, *'to be shown as alternative ½ minute and 1 minute dwells'* [Appendix 7]. Historically, the stopping services on the Coventry corridor, when planned with a Class 350 timing load, have been timed on this basis.

- 5.3 Network Rail has stated that it is constrained by an inability of planning systems to be able to time to ¼ minute fractions, and therefore the historic practice of applying alternative ½ minute and 1 minute dwells on the Coventry corridor presents a performance risk due to the mix of service types on the route, leading to WMT services running 'out of path' [Appendix 8]. WMT considers that this suggests there are actually two issues that Network Rail is seeking to address with this proposal; one is a shortfall in the industry planning systems and the acceptability of continuing with the current 'workaround' to cope with 45 second dwell times, and the second is the desire to improve right-time performance on the Coventry corridor.
- 5.4 If the crux of the issue is the former – ie. a desire by Network Rail to remove 45 second dwell times (due to the constraints of the planning systems) then WMT would expect that Network Rail is equally proposing to remove any other instances of 45 second dwell times on the UK network (as the practice is not unique), yet WMT is not aware of any similar proposals elsewhere nor aware of any previous formal request by Network Rail to progress these dwell time changes to the Coventry corridor (as the practice is certainly not new).
- 5.5 The above would suggest that the primary justification for extending the dwell times is the perceived performance improvement. Whilst that objective is laudable, if so then WMT would expect Network Rail to be able to quantify the overall performance benefits that could be realised by implementing the proposal, particularly considering that it has been 'imported' delay onto this line of route that has been the key causation factor in this route's poor performance since May 2019, which Network Rail's proposal does not address.
- 5.6 As part of its justification for the 1 minute minimum dwell times, Network Rail undertook manual stopwatch timings on 28th August 2019, 5th November 2019 and 6th November 2019 at Canley, Tile Hill, Berkswell, Marston Green, Stechford, Lea Hall and Adderley Park [Appendix 4]. Noting the inevitable variations in observed dwell time by individual

service (due to different loadings and times of day), when averaged-out the manual data does in fact show 'actual' observed dwell times of the following values:

- Canley – 48 seconds
- Tile Hill – 47 seconds
- Berkswell – 49 seconds
- Marston Green – 46 seconds
- Stechford – 48 seconds
- Lea Hall – 46 seconds
- Adderley Park – 45 seconds

5.7 Given that these are average values (reflecting variations by time of day and load), then this not only suggests that 45 seconds is consistently achievable for Class 350s, but also suggests that for some individual services and locations (with relatively low volumes of passengers) a 1 minute dwell time can be comfortably exceeded, so the universal 1 minute minimum is unnecessary.

5.8 WMT's own manual observations, taken on 16th January 2020 [Appendix 3], also suggest that a 45 second dwell remains appropriate (interestingly, WMTs observations also suggest some early running from previous stations - whereby the Class 350 had beaten the planned SRT, which would be a contributory factor in lengthening the observed dwells). Although accepting that this was a single day observation (WMT had offered to conduct a supplementary exercise but unfortunately this has been overtaken by the Coronavirus outbreak and suppression of passenger numbers), it does cast some doubt on the statement from Network Rail that extending all the dwell times to 1 minute would necessarily improve the right-time running of services at key nodes, unless a holistic review of all SRTs on the route is simultaneously progressed.

5.9 Equally, in WMT's experience extending dwell times on stopping services (with self-dispatch arrangements) doesn't necessarily yield a performance benefit because it does not always reflect day-to-day operations and the behaviours involved in the dispatch process. If 45 seconds reflects an observed 'actual' dwell time at a station, then uplifting this to 1 minute would deliver little improvement to daily operations because the physical running time from the previous station (in terms of the technical value, not the planned SRT) isn't ever likely to be an exact rounded half minute timing,

and the Conductor will dispatch the train when boarding and alighting is complete, not wait until the station clock has reached the next rounded half minute.

5.10 As an example; a train is booked to arrive at a station at 16.31 and depart at 16.32 with a 1 minute dwell. The train actually arrives at 16.31:38 (for example, given that the likelihood of a train arriving exactly at a rounded minute is low), the door opening and loading and unloading takes place in circa 30-35 secs, so the Conductor looks at the clock, sees that the time is 16.32:13, and as far as the Conductor is concerned; it is 16.32 which according to his/her jobcard means it is time to depart, so doors are closed (10 seconds), Conductor signals to the Driver and the train departs. In essence, if all boarding and alighting is complete then the Conductor doesn't wait for another 15 seconds until it is exactly 1 minute since the train's arrival (16.32:38) before it departing, the train is dispatched when loading and unloading is finished. WMTs experience contends that over a sequence of stations this can just lead to early running, and the service still 'out of path'.

5.11 Notwithstanding the above, WMT obviously has an incentive to improve train service performance on this corridor, in likelihood more than any other party. WMT completely accepts that right-time performance at key nodes is a principle to be supported, but does not believe that there yet been sufficient consideration of alternative options. The Guiding Principles for making amendments to the TPRs [Appendix 9], as set out in the National TPRs, state that *'where a deficiency in the delivery of the timetable has been identified, there are four potential courses of action to consider;*

- a) *Revise operational activities*
- b) *Infrastructure interventions*
- c) *TPR review*
- d) *Timetable change*

5.12 Paragraph 6.2.2 of the Guiding Principles then states that *'in respect of proposed upwards revisions of TPR values, the aim should be to enhance operational delivery prior to altering TPR values.'* Clearly there is an expectation that alternative solutions should be fully considered *before* amendments are made to the TPRs. WMT does not believe that those options have been fully exhausted, for example, noting that Network Rail's stated objective is performance improvement, then an equivalent assessment under Option (a) 'Revise operational activities', needs to be undertaken to consider the

time saving benefits of the revised dispatch process recently agreed between WMT and the RMT, which involves a practice of 'Driver open, Guard close', that will yield time savings of approximately 10 seconds per station call. This almost equates to the 15 second extension to the minimum dwell time that Network Rail is seeking, suggesting that the benefits could potentially be delivered by alternative methods.

5.13 Also it is not clear that the benefits of forthcoming and other potential timetable changes have been considered and assessed either, as per (Option (d)). Network Rail has highlighted the poor performance on this route, and WMT accepts that the performance of its services deteriorated significantly following the introduction of the May 2019 timetable, with the Coventry corridor being a particularly poor performing route. However, WMT has worked closely with Network Rail and other operators to amend the timetable to improve performance on this line, accepting that the structure of the timetable was a prime cause of the performance problems. This has been a particularly issue with the Coventry corridor due to the mix of arriving services at Coventry from different directions, leading to issues with the right-time presentation of longer-distance, Down-direction services at Coventry which the incremental timetable amendments since May 2019 have sought to address. These amendments have so far involved:

- Withdrawing the Long Buckby calls from some of the Euston-Birmingham-Rugeley / Crewe services in October 2019, in order to use to time saving to increase the probability of right-time arrivals at Coventry. This yielded an immediate improvement in PPM for arrivals from Euston at Rugeley TV from 75% to 80%.
- In December 2019, removing the Lea Hall and Marston Green calls from Euston-Birmingham-Liverpool services (to increase the dwell time at Birmingham New St), and also removing the Stechford and Lea Hall calls from the Rugeley-Birmingham-Euston services. The omitted station calls were then picked up by a new shuttle service working as a self-contained operation between Birmingham New St and Birmingham International. Following the December 2019 timetable change and the subsequent Christmas period, WMT performance had risen from 68.1% (P2009) to 83.1% (P2011) and 79.6%

(P2012), exceeding the performance figures seen prior to the May 2019 timetable change.

- For the May 2020 change WMT will be making further changes to the timetable including removing the Cheddington calls from Euston-Birmingham services and adding them into services that terminate at Milton Keynes, this should further improve the chances of right-time presentation at Coventry.

5.14 So the performance of the May 2020 timetable (taking into account the further likely incremental benefits realised by the changes proposed), needs to yet be fully understood, along with any other potential timetable options that may exist. This could involve smaller-scale changes - WMT has offered to work collaboratively with Network Rail to identify whether there are repeated 'problematic' trains failing to meet their booked dwell times regularly, and whether those specific dwell times could be increased at certain stations where the data demonstrates this is necessary. In fact, WMT's timetable bid for December 2020 already has some trains serving the Coventry corridor with primarily – and in some cases all, stops planned with 1 minute dwell times anyway, where loadings are higher. Disappointingly, Network Rail has not agreed to work jointly with WMT to explore this as an alternative approach, however the offer remains open, and in accordance with the TPR guidance WMT considers that these options should be fully explored and quantified before amendments to the TPRs are progressed.

Issue 2

5.15 Further to the above, quantifying the performance benefits arising from the proposed amendments is also important because a holistic view of the network outputs arising directly from the changes needs to be fully understood, before any conclusion about amending the TPRs can be drawn. Although train service performance is obviously important, it should not be the only consideration when reviewing the TPRs (if for example increasing the minimum dwell times on the Coventry corridor ends up being at the expense of capacity or journey times). For this reason the Guiding Principles for amending the TPRs clearly state that a timetable needs to balance safety, capacity and performance expectations of all stakeholders, and that amendments to the TPRs should take into account current and anticipated service levels and come to a 'balanced decision'.

- 5.16 The Coventry Corridor timetable study, produced by Network Rail on 17th January 2020 [Appendix 10], concluded that with the proposed longer dwell times implemented, the TPRs could still support the full quantum of train services in the May 2020 base timetable, however it was clear that for the full quantum of services to be maintained a number of flexes to multiple operators would need to be applied. Depending on the timetable option progressed (4 were proposed in the study), this could involve journey time extensions to longer-distance services, and / or the removal of calls from WMT services, or even the complete removal of the WMT Birmingham International ‘shuttle’ services introduced as part of a package of performance improvements in December 2019.
- 5.17 Given that none of the timetable options presented in the study comes without disbenefits (which in the case of the extension to longer-distance services could be commercial, or in the case of the proposal to remove the Birmingham International shuttle, represents a performance risk in itself), coupled with the fact that no quantification of the performance benefits arising from the dwell time extensions has been shared, then WMT has seen no evidence that Network Rail has applied the Decision Criteria, as obligated to under Clause D4.1 of the Network Code, in making its decision to progress with the changes to the TPRs.

Summary

- 5.18 In summary, WMT considers that Network Rail has not yet adequately demonstrated the need for the 1 minute minimum dwell times, or quantified the benefits (and disbenefits) arising from the changes in order to come to a balanced conclusion, or considered whether these benefits could be delivered by alternative methods – either through further incremental changes to the timetable, and / or the dwell time savings directly yielded from WMT’s revised dispatch procedure. Until then, WMT considers that making the proposed changes to the TPRs is premature.

6 DECISION SOUGHT FROM THE PANEL

- 6.1 That Network Rail has not provided sufficient justification for its proposal to extend the dwell times from 45 seconds to 1 minute, including quantification of the benefits, nor (in accordance with the Guiding Principles in the National TPRs) considered whether the outputs could be delivered by alternative options instead.

TTP1630 – Sole Reference from WMT

6.2 That in progressing the proposes changes to the TPRs through to version 2, Network Rail has not applied the Decision Criteria as required under D4.1.1.

6.3 For the two reasons above, that the proposed amendments to the TPRs for the 2021 timetable should be removed.

7 APPENDICES

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

8 SIGNATURE

For and on behalf of West Midlands Trains Limited

Signed _____



Print Name

_James Carter_____

Position

_Network Access Manager_____

THE APPENDICES

Appendix 1 - Extract from Version 2 of the Timetable Planning Rules, North West and Central Region, 2021 timetable

Appendix 2 – E-mail from Network Rail dated 17th January 2020

Appendix 3 – WMT dwell time observations

Appendix 4 – Network Rail dwell time observations

Appendix 5 – Minutes of the Central & WC South TPR Forum, 22nd January 2020

Appendix 6 – WMT Notice of Dispute to TTP

Appendix 7 – TPR Standard Values

Appendix 8 – Correspondence between WMT and Network Rail

Appendix 9 – National TPR Guiding Principles

Appendix 10 – Coventry Corridor Timetable Study