

## Email from GBRf 12.08.2020

Dear Tamzin,

In response to the Hearing Chair's Second Directions Letter for GBRf's Timetabling Dispute TTP 1706, please see GB Railfreight's answers, below:

**Item 23:** Discussions have, of course, continued to take place between GB Railfreight and Network Rail after the submission of our Sole Reference Document. As of 15:10 on 12<sup>th</sup> August 2020, we believe we can only operate 25% of our Intermodal services out of Felixstowe; 0% of Sibelco sand services; 0% of Aggregate Industries services; 0% of Cemex services; 0% of Network Rail Supply Chain Operation services. This is because either the outward or return legs (or both), for each of the outstanding flows, have not been completed so GBRf has no sight of completed circuits.

This level of completion has not changed from when our Sole Reference Document was submitted on Tuesday 4<sup>th</sup> August 2020.

**Item 32:** I believe Item 32 should state ".....GBRf's request in paragraph 6.1(c), not 6.1 (d) as it, and paragraph 33, is discussing an item on Natural England.

**Item 34:** GB Railfreight confirms that the Hearing Chair has correctly interpreted GBRf's request as written in Item 33.

**Item 38:** GB Railfreight is asking that, under Network Code Condition 5.3.1(a), the Panel gives a general direction to Network Rail stating that there be a process for GB Railfreight to be able to recover all additional costs and lost revenue arising from this blockade, in whichever form it may take. The reason GBRf is asking for a determination on this is that GBRf believes there is no mechanism for it to be able to claim all these losses, under its Track Access Contract, and that GBRf will incur very significant losses. The attached "**CONFIDENTIAL Manea Blockade Revenue Figures FINAL inc. Claim**" spreadsheet shows the gap between our potential Total Lost Revenue and what our Total Claim could be under Schedule 4 of the Track Access Contract.

Regards,

Ian Kapur.

## Email from FL 12.08.2020

Dear Tamzin,

As promised please see below an update on the latest position re capacity.

Freightliner has received details from NR of some paths that can be accommodated during the proposed possessions. This confirmation has come in the form of 'dummy paths' that Freightliner can bid against. Our understanding to date is that Freightliner has received validated dummy paths for **33.7% of the schedules** over the proposed possessions. As confirmed by NR no offers have been made.

Note that not all of these dummy paths are suitable, for example a path for a container train over a route that is not cleared for container traffic.

Also the midweek dummy paths are all in one direction (import direction) and therefore we do not have complete circuits. As such it is not currently possible to verify the suitability of the paths from a resourcing or terminal perspective. No dummy paths have been provided for trains diverted via London midweek. Network Rail is aware that Freightliner is unable to bid against these dummy paths until it has sight of the holistic train plan.

Please see a breakdown below of our understanding over which schedules have validated dummy paths provided and which don't.

Headcode	Schedule - Day	Week			
		23	24	25	26
4E63.	MSX	y	Y	n	n
4E23.	MSX	y	y	n	n
4M81	SX	y	y	n	n
4E56.	SX	y	y	n	n
4E64.	FSX	y	y	n	n
4E64.	FO	n	n	n	n
4E59.	SX	y	n	n	n
4L53	SX	n	n	n	n
6L49	TO	n	n	n	n

4L87	MO	n	n	n	n	
4L87	MSX	n	n	n	n	
4L40	MSX	n	n	n	n	
4L83	SX	n	n	n	n	
4L78	FSX	n	n	n	n	
4L78	FO	n	n	n	n	
4L10	MTWFO	n	n	n	n	
4L10	ThO	n	n	n	n	
6L68/6L80	MSX	not needed	not needed	n	n	
6E80/6M01/6M86	MSX	not needed	not needed	n	n	
4L83	SO	y	y	y	y	
4E63.	SO	y	y	y	y	
4E24.	SO	y	y	y	y	
4M67	SO	y	y	y	y	
6E50.	TO	y	y	y	y	<b>Total</b>
<b>Dummy paths provided - %</b>		<b>50.0%</b>	<b>45.5%</b>	<b>20.8%</b>	<b>20.8%</b>	<b>33.7%</b>

Regards,

Peter

Peter Graham  
Rail Strategy Manager

## Email from FL 10.08.2020

Dear Tamzin,

Please see below Freightliner's response to the questions directed at Freightliner by the Hearing Chair.

*For Freightliner*

*21. Both GBRf and Network Rail have submitted that 'exceptional circumstances' as defined in D5.3.1(c) have arisen in Dispute TTP1706, albeit for different reasons.*

*22. It will be helpful if Freightliner will confirm before the hearing (and no later than by 1700 on Wed 12 Aug 20) whether it submits that 'exceptional circumstances' also arise in TTP1708. If so, does Freightliner rely on the reasons advanced by GBRf, the reasons advanced by NR both sets of reasons, or any different reasons (which should be explained)?*

Freightliner considers that the exceptional circumstances, as noted in Condition D5.3.1 (c), arise in relation to TTP1708. Our reasons are similar to those presented by GBRf in its SRD (Section 6.1), namely that:

- The very significant duration of the proposed possessions and the impact on Freightliner's train plan.
- The timing of the blockade (September – October), which is the peak period for container volumes to and from the deep-sea ports. Freightliner traditionally works with NR to avoid planning possessions that severely disrupt deep-sea container trains during the September – December peak period. Such a proposed possession over this period is absolutely exceptional.
- The very late-notice nature of this proposed possession, which impacts:
  - a. Freightliner's ability to plan and resource the critical trains services that are due to operate (note Freightliner has still not received any confirmed end-to-end timings for any services using the Single Line Working or on diversionary routes) and
  - b. The ability of NR to flex and thin out other services on other diversionary routes is impeded by the late-notice timescales. As we are well outside Informed Traveller timescales the flexing and or thinning out of other services is more restricted now. Given the significant nature of the proposed possessions a holistic approach that considered overall capacity both through the SLW and via diversionary routes should have been a key consideration of the access proposal. We consider that the exceptional nature of the timescales have restricted this consideration to the detriment of Freightliner's services.

*The Hearing Chair assumes that further discussions will have been taking place between the Parties. It would assist the Panel if all Parties could provide a brief summary by 1700 on Wed 12 Aug 20 of how many services of both Freightliner and GBRf have still not been accommodated with end-to-end paths through the SLW, or have been found diversionary routes.*

Freightliner has not received any offers for any end-to-end paths through the SLW or via diversionary routes. Discussions are on-going with NR and Freightliner will update the Hearing Chair by 1700 on Wednesday 12<sup>th</sup> to inform of progress.

Kind regards,

Peter

Peter Graham  
Rail Strategy Manager  
Freightliner Group Limited