

Dispute Party – MTR Corporation (Crossrail) Limited

Timetable Dispute:

TTP2243, TTP2244, TTP2245,

TTP2251 and TTP2260

Defendant Submission

2 August 2023

Details of Parties

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

- 1.1 MTR Corporation (Crossrail) Limited**, whose Registered Office is at Providence House, Providence Place, London, N1 0NT (**MTR**);
- 1.2 First Greater Western Limited**, whose Registered Office is at Milford House, Milford Street, 1 Milford Street, Swindon, SN1 1HL (**GWR**);
- 1.3 Heathrow Express Operating Company Limited**, whose Registered Office is at The Compass Centre, Nelson Road, Hounslow, Middlesex, TW6 2GW (**HEOC**); and
- 1.4 Network Rail Infrastructure Limited**, whose Registered Office is at 1 Eversholt Street, London NW1 2DN (**Network Rail**).
- 1.5 The Claimant's' right to bring this reference**

This matter is referred to a Timetabling Panel (the **Panel**) for determination in accordance with Condition D5.1 of the Network Code.

1.6 Contents of reference

This Sole Reference includes:

- (a) Confirmation of the subject matter in dispute as set out by the GWR and HEOC in their sole references, identifying which MTR agree with and which MTR does not agree with, in Section 3;
- (b) A detailed explanation of the issues raised by the GWR and HEOC in their sole references, that MTR does not agree with, in Section 3;
- (c) Any further issues not raised by GWR and HEOC that MTR believe should be considered as part of these disputes;
- (d) appendices and other supporting material.

Subject Matter of Dispute

- 2.1** These disputes relate to the Network Rail's decisions regarding two-track access between Ladbroke Grove and Acton West and associated capacity allocation in Week 29 (2022/23), Week 33 (2022/23), Week 37 (2023/24) and Week 43(2023/24).
- 2.2** MTR has an interest in the disputes raised by HEOC and GWR (TTP2244, TTP2243, TTP2245 and TTP2260).
- 2.3** MTR also have an interest in the dispute submitted by GWR (TTP2251) regarding the Confirmed Period Possession Plan for Weeks 41-44 (2023/24) related to Week 43 only.
- 2.4 In summary, the following disputes have been raised with Network Rail: -**
- 2.4.1 Network Rail's decisions regarding late notice access in Week 29, 2022/23
TTP2244 - Heathrow Express Operating Company Ltd.
- 2.4.2 Network Rail's decisions regarding late notice access in Week 33, 2022/23
TTP2243 - First Greater Western Ltd.
TTP2245 - Heathrow Express Operating Company Ltd.
- 2.4.3 Network Rail's Decisions regarding late notice access in Week 37, 2022/23
TTP2260 – First Greater Western Ltd.
- 2.4.4 Network Rail's decisions in Confirmed Period Possession Plan for Weeks 41-44, 2023/24
TTP2251 - First Greater Western Ltd. (elements relating to HS2 access in Week 43 only).
- 2.5 TTP2244 - Heathrow Express Operating Company Ltd (Weeks 29 2022/23)**
- 2.5.1 HEOC believes NR has decisioned possessions without adhering to the requirements of the Network Code and the HS2 Supplemental Agreement.
- 2.5.2 Following on from TTP2207 (related to two-track railway capacity allocation in Week 11) HEOC asked Network Rail to confirm how it was implementing the recommendations from the TTP2207 Determination when considering further two-track railway possessions and requested that Network Rail;
- (a) undertake a comprehensive study to gather data and evidence regarding actual demand on relief line services between Paddington and Heathrow Airport, including intermediate stations.
- (b) provide a detailed plan outlining the methodology, criteria, and timeline for conducting a performance assessment of the Sunday two-track railway concept train plan.
- HEOC believe that Network Rail have failed to deliver these before issuing the decision for this possession.

2.6 TTP2243 - First Greater Western Ltd

2.6.1 GWR has suggested that Network Rail has not applied the Decision Criteria correctly when allocating capacity.

2.6.2 In addition, GWR suggest that the number of trains operated during a two-track railway should be 16 trains per hour in each direction instead of the 14.5 trains per hour proposed by Network Rail, and that the allocation of train paths has resulted in GWR being granted fewer than they require.

2.7 TTP2245 - Heathrow Express Operating Company Ltd (Week 33)

2.7.1 See comments under paragraph 2.5.

2.8 TTP2251 - First Greater Western Ltd (Week 43)

2.8.1 See comments under paragraph 2.6.

2.9 TTP2260 - First Greater Western Ltd (Week 37)

2.9.1 See comments under paragraph 2.6.

Explanation of the MTR position for each item in dispute and our arguments to support these

3.1 Passenger Loading Data

Network Rail has confirmed that they have completed analysis of passenger data, provided by MTR, GWR and HEOC for Sunday 11 June 2023 when a two-track railway was in operation and for Sunday 18 June, Sunday 25 June and Sunday 2 July 2023 when there was no restriction of use between Paddington and Reading (**HEOC SRD Appendix 1.11**).

Network Rail has confirmed that the capacity allocated to each operator was in proportion to the passenger demand recorded on these four dates and no operator was unfairly disadvantaged. Network Rail has confirmed that the 14.5 trains paths per hour (in each direction) does not need to be reallocated between operators. This also validates the reliability of forecast data used by Network Rail in its original capacity allocation decision (**Appendix 1**).

MTR was allocated 6 trains per hour in each direction (two between central London and Reading and four between central London and Heathrow). On a normal Sunday MTR would operate 10 trains per hour in each direction (two between central London and Reading, two between central London and Maidenhead and six between central London and Heathrow).

3.2 Performance Data

Two-track timetables on Western Route have typically performed poorly. MTR is supportive of the approach taken by Network Rail in allocating sufficient capacity to meet demand, whilst endeavouring to protect performance.

3.2.1 Performance Review of Sunday 11 June two-track railway

The performance data for Sunday 11 June was subject to a performance review by Network Rail.

This was shared with operators on 18 July (see **Appendix 2**). There were a number of incidents on the afternoon of 11 June 2023. However, the morning period was more stable, but also delivered a poor level of performance with only 26.4% of services arriving at Paddington on time (OT) and only 79.2% of departures from Paddington leaving on time.

Network Rail also compared the OT performance with all Sundays since the start of 2023, comparing performance between weekends without a two-track in operation and those with a two-track railway in operation. The data for arrivals at Paddington is shown in **Table 1.1**.

All of the two-track railway capacity studies undertaken by Network Rail, concluded a maximum of 14.5 trains per hour could be accommodated. This data demonstrates the performance impact of operating this level of service across all operators and justifies the prudent approach taken by Network Rail when allocating capacity during two-track railway possessions.

Table 1.1 - Sunday On-Time (OT) Performance Since January 2023

| Operator | Average % of on-time arrivals at Paddington | Average % of on-time arrivals at Paddington | Difference % |
|-------------|---|--|--------------|
| | No Two-Track railway possessions in operating | Two-Track Railway possession in operating (14.5 tph) | |
| MTR | 56.9% | 45.6% | -11.3% |
| GWR | 30.2% | 17.7% | -12.5% |
| HEOC | 65.6% | 48.3% | -17.3% |

(Also see **Appendix 2**)

3.3 Performance Modelling

Network Rail has not yet completed performance modelling for 14.5 trains per hour in each direction, although **Table 1.1** provides an insight into the likely performance of a two-track railway in the future.

Network Rail has not yet completed Performance Modelling to demonstrate that 14.5 trains per hour, or more, in each direction can be accommodated, whilst achieving the relevant performance targets.

MTR believe that there is insufficient data to enable Network Rail to make an informed decision on whether to increase capacity from 14.5 to 16 trains per hour in each direction (proposed by GWR) during a two-track railway.

MTR cannot accept the risk of poor performance as a result of an increase in trains paths during a two-track railway, without proper performance modelling taking place and suitable mitigations put in place. Furthermore, the above activities need to consider the high frequency service that this two-track possession will interface with within the Central Operating Section (**COS**). Any late presentation into the COS from western route is difficult to recover due to close headway between services and short turnarounds at terminal locations. Furthermore, following the introduction of the May 2023 timetable MTR services now operate direct from Heathrow to Shenfield, therefore any delay on western route has the potential to impact operations on Anglia route.

Finally, the MTR Concession Agreement incentivises MTR to deliver exceptional train performance and any decrease in performance would result in significant financial penalties to TfL. These penalties would not all be performance related, as customer satisfaction is also a measure that we can be penalised for should customer feedback fall below a certain level.

3.4 Capacity Allocation

Given the information available at the time, MTR support the prudent decisions made by Network Rail when allocating capacity during the two-track railway possessions associated with the Old Oak Common HS2 station works.

MTR agrees to the Network Rail application of the Decision Criteria (**Appendix 1**) for allocating capacity for the previous possessions and the possessions that form part of this dispute.

3.5 Capacity Studies

Network Rail has produced Capacity Studies for two-track railway possessions on the Great Western Main Line in the area around the Old Oak Common HS2 station site.

MTR serves a number of markets on the Western Route, including connecting a number of local stations with Heathrow Airport and providing valuable interchange opportunities at Ealing Broadway for example (central and District lines).

It is also important that where possible we continue to serve our smaller stations, such as Acton Main Line, West Ealing and Hanwell.

The Concept Train Plan (CTP) considered the impact of possessions on the Western Route and suggested that Acton Main Line should be served by 4 trains per hour in each direction. However, during the capacity study work for weeks 29,33 and 37, MTR has agreed for Acton Main Line stops to be reduced to 2 trains per hour in each direction to aid with performance and assist in the planning of HEOC and GWR pathways.

It is important that all of our stations receive a regular service in each direction where at all possible. Acton Main Line is one of the stations that only have platforms on the Relief Lines along with West Ealing and Hanwell. Therefore in the scenario where possessions close the Relief Lines these stations will not receive a service. For HS2 Old Oak Common works alone there are 64 days between 2024/25 and 2029/30(**Appendix 3**) where Acton Main Line, West Ealing and Hanwell will not receive a service due to Relief Line possessions. If services were not permitted to call at Acton Main Line during Main Line possessions this would lead to a further 66 days of disruption for MTR passengers (**Appendix 3**).

Furthermore, the completion of the Crossrail project in May 2023 the expectation of the MTR service on the western route has changed dramatically. MTR now operates a more frequent service to many stations on the western route with improved accessibility and journey times to many central London destinations. MTR believe the decision by Network Rail regarding capacity allocation and the associated Capacity Studies enables MTR to deliver a level of service that MTR passengers have come to expect. Whilst also considering the needs of other operators on the route.

3.6 HEOC Disputes TTP2244 / TTP2245

MTR acknowledge that Network Rail has not undertaken sufficient performance modelling to confirm that the timetable for operating 14.5 or 15.5 trains per hour in each direction is robust, however there is some performance data as described in section 3.2, that indicates the expected level of performance that would be achieved with 14.5 train paths per hour in each direction.

MTR is happy to review our position once that the performance modelling has been completed.

MTR notes that the Passenger Loading data has only recently been made available, which demonstrates that capacity was allocated according to passenger demand on Sunday 11 June, Sunday 18 June, Sunday 25 June and Sunday 2 July 2023.

MTR does not support the HEOC request for their frequency to be increased from 2 trains per hour in each direction to 4 trains per hour in each direction on 15 October 2023 (week 29) and 12 November 2023 (week 33) as this would suggest that either: -

- (a) The number of trains per hour during the two-track railway is increased from 14.5 to 16.5, which MTR does not consider to be robust (pending any performance modelling and implementation of any associated mitigation measures).
- (b) The number of train paths allocated to other operators is reduced in order to enable HEOC to operate additional services.

3.7 GWR Disputes TTP2244 / TTP2245 / TTP2260

MTR acknowledge that Network Rail has not undertaken sufficient performance modelling to confirm that the timetable for operating 14.5 or 16 trains per hour in each direction is robust. GWR has suggested that their proposed timetable of 16 trains per hour in each direction, based on the Timetable Planning Rules, is sufficiently reliable. MTR do not support this position as performance modelling has not been completed and there are other factors to consider when implementing a timetable other than compliance with the timetable planning rules, especially considering current levels of performance on the Western Route.

GWR implies that a consequence of the introduction of the high-frequency metro style Elizabeth line operation, has reduced the number of train paths allocated to them. This has been a known feature of the Elizabeth timetable, since the Track Access Option was approved in 2008, and provides a number of benefits including supporting the regeneration of west London, additional housing and connectivity with Heathrow Airport. A reduction in the number of MTR services on Western Route could also result in a reduction in the number of services operating through the Crossrail Central Operating Section (CCOS), with stations such as Bond Street and Tottenham Court Road seeing a reduced service. This is due to the capacity available for reversing trains reliably at Paddington via Westbourne Park Sidings. The Crossrail project also pre-dates the introduction of HS2 and Old Oak Common station.

In addition, MTR and GWR both hold firm access rights, so equal consideration should be given to allocation of capacity, subject to the correct application of the Decision Criteria.

Furthermore, the 14.5tph total quantum of services and the allocation of 6.5tph for GWR services has been the prescribed capacity allocation for some time on the western route (**Appendix 4**). MTR do not believe GWR have faced a further reduction of service due to the decisions made by NR relating to capacity for these possessions.

MTR does not support the GWR request to increase the number of trains per hour in each direction from 14.5 to 16 or for the number of paths allocated to GWR to be increased at this stage. Insufficient performance modelling has been undertaken to demonstrate that more than 14.5 train paths per hour can be accommodated, whilst retaining an acceptable level of performance. In addition, the passenger demand data, which we acknowledge has only recently been made available, suggests that there was sufficient capacity allocated to each operator to meet the demand.

GWR has also suggested that the possessions on 12 November 2023 (week 33), 10 December 2023 (Week 37) and 21 January 2024 (week 43) are withdrawn if their capacity is not increased. MTR do not support this position as we believe that this will have a detrimental impact on the construction of Old Oak Common station.

Decision sought from the Panel

MTR requests that the panel uphold the decisions made by Network Rail in relation to capacity allocation for Old Oak Common station two-track railway possessions in weeks 29, 33, 37 and 43.

Signature

For and on behalf of *MTR Corporation (Crossrail) Limited*

Signed



Print Name

Jonathan James

Position

Head of Contract Management

Appendix 1 – Decision Criteria HS2 two-track possession (Issued by Network Rail 7 February 2023)

File included separately.

Appendix 2 – HS2 OOC Week 11 Performance Review (Issued by Network Rail 18 July 2023)

File included separately.

Appendix 3 - Extract from Old Oak Common Rail Systems Main Works 181602. Possession Strategy Proposal (Issued by Network Rail 2 May 2023)

File included separately.

Appendix 4 – Thames Valley Capacity Studies since January 2023 (Issued by Network Rail)

Week 43 Sunday Ladbroke Grove – Acton West ML Block Capacity Study (Issued by Network Rail 25 October 22)

Week 44 Sunday Ladbroke Grove – Acton West RL Block Capacity Study (Issued by Network Rail 3 November 22)

Week 45 Sunday Ladbroke Grove – Acton West ML Block Capacity Study (Issued by Network Rail 31 October 22)

Week 46 Sunday Ladbroke Grove – Acton West RL Block Capacity Study (Issued by Network Rail 3 November 22)

Week 47 Sunday Ladbroke Grove – Acton West ML Block Capacity Study (Issued by Network Rail 2 November 22)

Week 48 Sunday Ladbroke Grove – Acton West RL Block Capacity Study (Issued by Network Rail 22 November 22)

Week 03 Sunday Ladbroke Grove – Acton West ML Block Capacity Study (Issued by Network Rail 19 December 22)

Week 11 Sunday Ladbroke Grove – Acton West ML Block Capacity Study (Issued by Network Rail 27 February 23)

Files included separately.