

**Dispute Party – MTR Corporation
(Crossrail) Limited**

**Timetable Dispute: TTP22517 and
TTP2521**

Defendant Submission

30 October 2024

1 DETAILS OF PARTIES

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

- (a) MTR Elizabeth line Limited, whose registered Office is at One Fleet Place, London, EC4M 7WS (**MTREL**).
- (b) First Greater Western Limited whose Registered Office is at Milford House, 1, Milford Street, Swindon. SN1 1HL ("Great Western Railway", "**GWR**") ("the Claimant"); and
- (c) Network Rail Infrastructure Limited whose Registered Office is at Waterloo General Office, London SE1 8SW ("**Network Rail**") ("the Defendant").

1.2 MTREL agree with the list of potentially affected third parties as listed within the Claimants Sole Reference Document.

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 fail to be determined as part of the dispute;
- (a) The decisions of principle sought from the Chair in respect of;
 - (i) legal entitlement, and
 - (ii) remedies;
 - (b) Appendices and other supporting material.

3 SUBJECT MATTER OF DISPUTE

MTREL does not dispute GWR's right to bring this dispute in accordance with Condition D5 of the Network Code insofar as the Network Code and ADRR are applicable.

GWR's dispute relates to the allocation of capacity to account for an engineering possession during the Easter 2025 period (Friday 18th to Monday 21st April 2025), exclusive of Sunday 20th April which was decisioned by Network Rail. MTREL understand that the works being undertaken in this possession include the replacement of track, switches and crossings at Acton East Junction, alongside works associated with the construction of Old Oak Common Station.

MTREL refers to previous disputes regarding this section of infrastructure, including TTP2243, TTP2244, TTP2245, TTP2260, elements of TTP2251, 2453, 2454, 2455, and 2456. There are many similarities between this dispute and those previously listed and would draw the panels attention to the hearing in July relating to TTP2243, TTP2244, TTP2245, TTP2251 and TTP2260, where the exact argument that is being heard today was adjudged and found in favour of the defendant (Network Rail).

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

4.1 Issues where the Defendant accepts the Claimant's Case.

4.1.1 MTREL accepts that these possessions are being sought to undertake track and associated renewals at Acton East Junction, alongside HS2 related works at Old Oak Common.

4.1.2 MTREL accepts that the dispute is focussed on the Easter 2025 weekend Restriction of Use, excluding the Sunday, and relates to:

(a) the overall quantum of trains paths available during the two-track railway possession,

and;

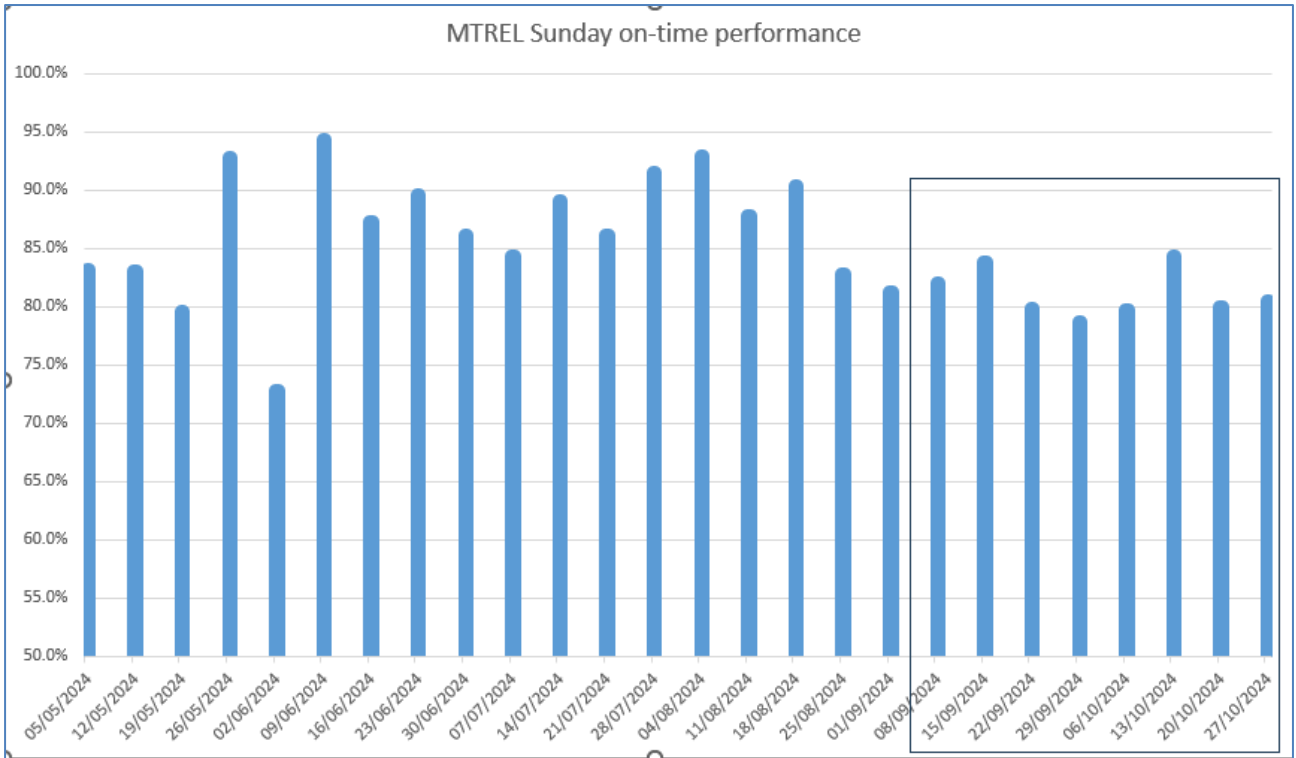
(b) the allocation of the two-track railway capacity between train operators.

4.1.3 MTREL accepts that the dispute relates to GWR not agreeing with Network Rail's application of the Decision Criteria under D4.6 of the Network Code

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

MTREL recognise the constraints on capacity that result from operating a two-track railway timetable and the associated performance challenges. MTREL agrees with Network Rail's contention that the maximum number of trains that can operate at a reasonable level of reliability is 14.5 trains per hour (tph) in each direction.

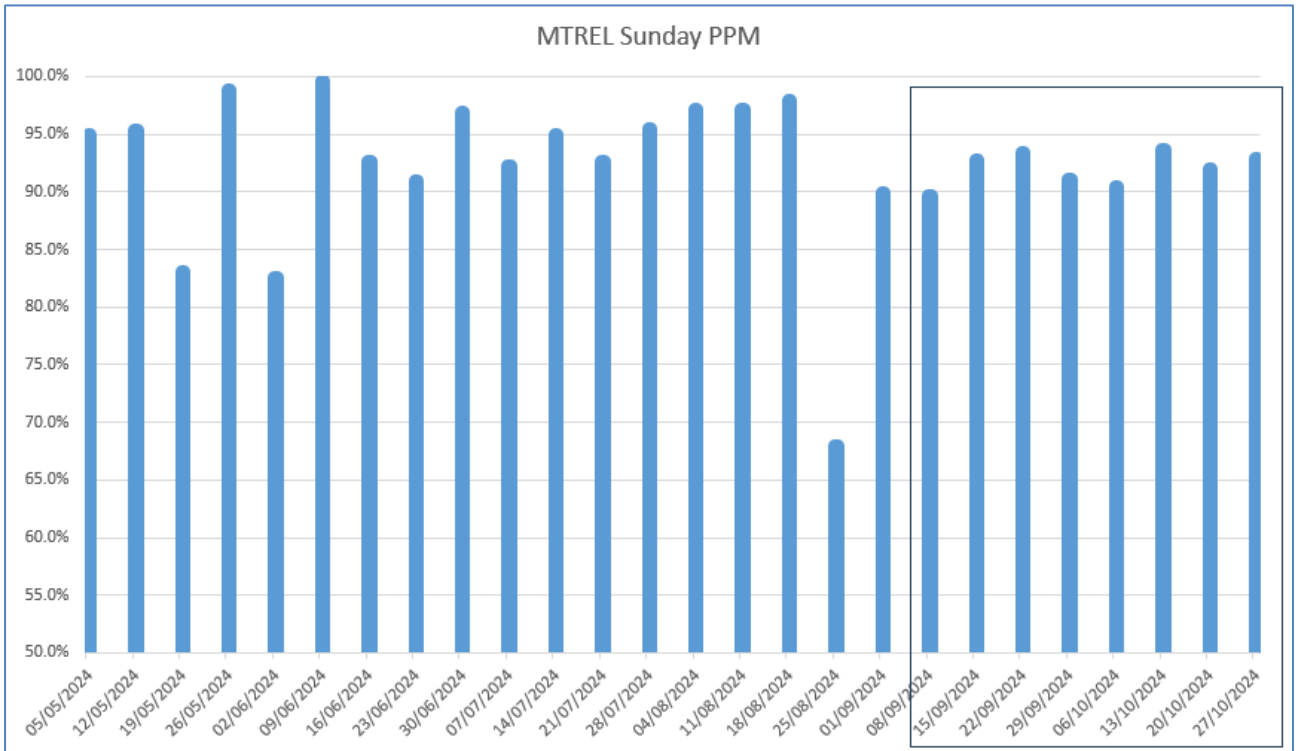
MTREL has worked with industry partners to improve performance on days when a two-track railway is in operation. During the recent period, between May 2024 and October 2024 (with the exception of the 08th September 2024 when there was significant disruption), it has not been possible to achieve acceptable performance levels with a 14.5tph timetable.



Above: MTREL on-time Sunday performance May to October 2024.

The 18 weeks prior to the September 2024 iteration of the two-track railway timetable, saw an average MTREL performance of 86.9% PPM. The average performance during a two-track railway possession, with 14.5tph, has seen on-time performance drop to 81.3%, which is well below our expectations. MTREL's Concession performance target is 95% PPM. We have seen a significant drop in PPM during periods of two-track railway operation.

Below: MTREL Sunday PPM performance, May to October 2024.



MTREL contend that there is a balance between performance, safety and capacity, which all need to be considered in any assessment of the allocation of capacity during engineering work, as per the Decision Criteria set out in Part D of the Network Code.

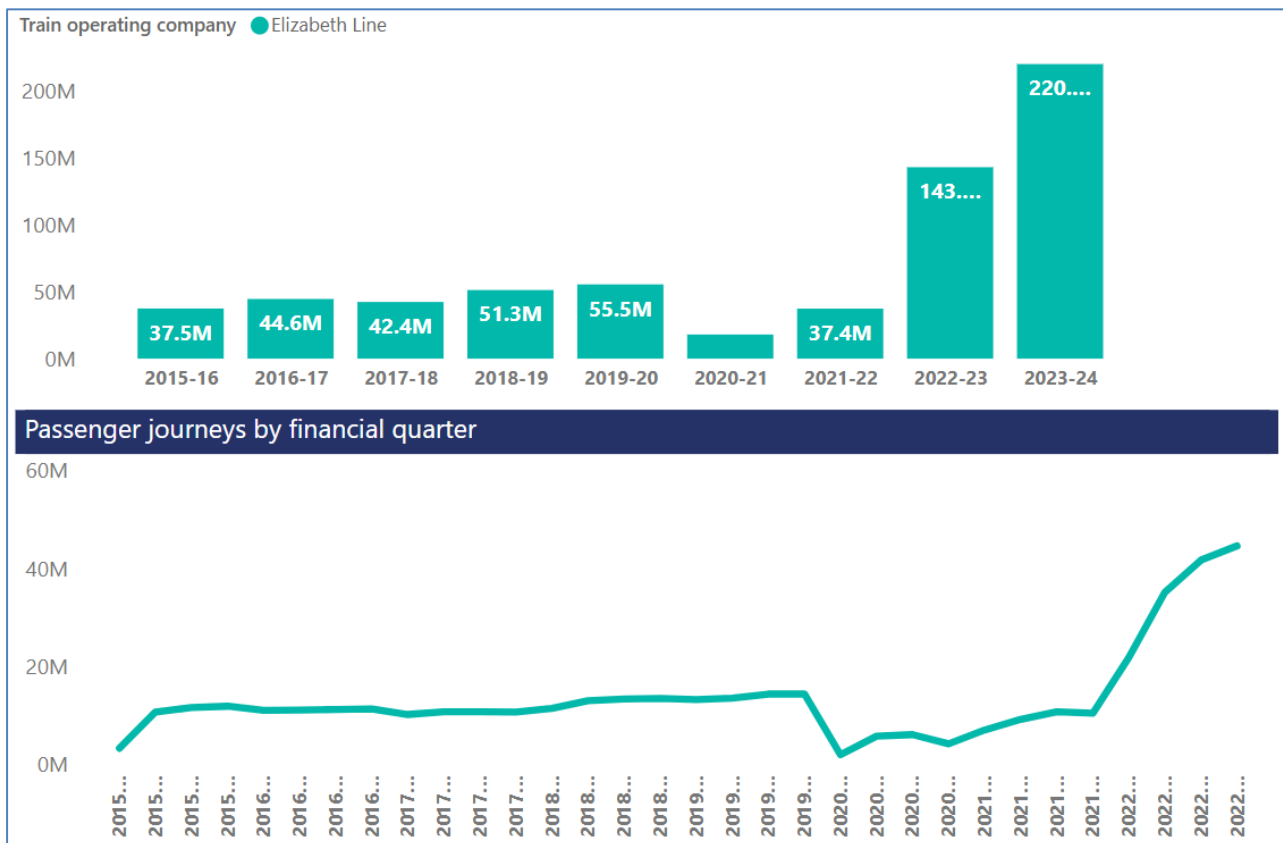
MTREL are unaware of any performance modelling being produced by either NR or GWR that demonstrates a robust operation can be achieved with a 15.5tph two-track railway timetable.

Furthermore, the above data demonstrates that a 14.5tph two-track railway timetable does not deliver an acceptable level of PPM or on-time performance. MTREL is keen to work with industry partners to explore suitable mitigations to improve performance during a 14.5tph two-track railway timetable, and accept that a 14.5tph two-track railway timetable provides a sensible balance between capacity, safety and performance.

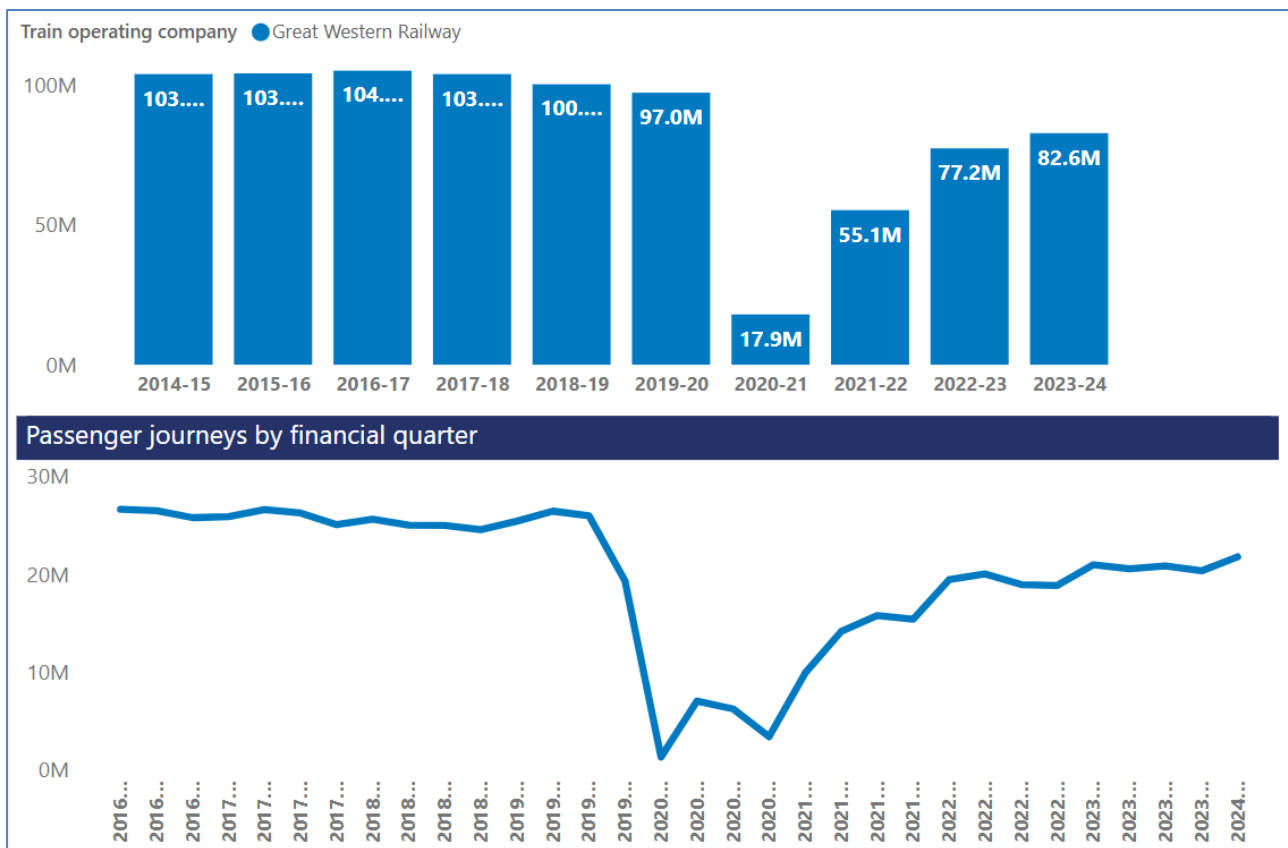
Due to the many challenges on Western Route, MTREL achieved an average of 92.5% PPM between May and September 2024, which reduced to 92% PPM during the current two-track railway period, in spite of the exhaustive measures put in place to mitigate delays.

Whilst some progress has been made by Project Brunel to improve infrastructure performance, following ORR enforcement action, the infrastructure is still fragile. Recovery of the train service following an infrastructure failure is even more challenging when a two-track railway timetable is in operation. It is therefore important that two-track railway capacity is not oversold and that concerted efforts continue to improve the reliability of a 14.5tph two-track railway timetable.

ORR data shows the significant increase in passenger numbers on the Elizabeth line, with MTREL carrying 44.544 million passengers in Quarter One 2024/25. Even pessimistic passenger growth forecast figures predict growth of 8% in 2024, although this is expected to be exceeded (there are currently issues with collating accurate passenger data due to the recent TfL cyber attack, but revenue data suggests significant growth is continuing). This is reinforced by TfL's recent order for an additional ten Class 345 units (9 carriages each) to cope with the forecasted increase in passenger demand.



Above: Elizabeth line passenger growth 2015 to 2024 (in millions).



Above: GWR passenger numbers 2015 to 2024 (in millions).

There is no evidence to support the GWR suggestion that should the two-track railway timetable capacity not be increased to 15.5tph, the 14.5tph capacity should be redistributed between operators, with a suggested reduction in MTREL’s frequency from 6tph to either 5tph or 4tph.

Reducing Elizabeth line service levels on the Western Route will have a consequential impact of capacity through the Crossrail Central Operating Section (CCOS) and on Anglia Route and will increase the number of Elizabeth line trains from Shenfield / Abbey Wood that would need to be reversed at Paddington. This has an increase in performance risk caused by detraining additional services at Paddington. There may also be secondary issues with overcrowding on Elizabeth line services, introducing an increased safety risk.

On a high-frequency metro railway it is very difficult to adjust train frequencies at certain times of the day. This is not a practical suggestion from an operational, performance or safety perspective and would compromise our Concession Agreement obligations with TfL.

MTREL would consider any reduction in the service frequency currently proposed, a potential safety risk. The Elizabeth line enjoys high passenger loadings at weekends, often exacerbated by cultural or sporting events (including West Ham vs Southampton on Friday 18th April 2025, Tottenham Hotspurs vs Nottingham Forest on Saturday 19th April 2025 and the Harlem Globetrotters at the O2 Arena on Monday 21st April 2025).

MTREL has worked hard, alongside other industry partners, to improve the reliability of the two-track railway timetable operation. However, we continue to observe a relatively high volume of cancellations to GWR services due to a lack of train-crew, which has a consequential impact on the Elizabeth line and other passenger train operators. We have not seen any evidence to demonstrate that GWR can reliably operate a 14.5tph timetable.

In addition, we have noted that GWR does not always optimise capacity during a two-track railway timetable, by diagramming high density rolling stock formed of 9/10 car IETs and 8/12 car 387s.

MTREL would like to understand more detail of the GWR resource plan for Easter 2025 and whether alternative options are being explored, such as enhancing the SWR service between Reading and Waterloo.

MTREL has a variety of stakeholders who expect a high-frequency, reliable, metro service at weekends. This includes our inner stations (some of which are impacted by Piccadilly line upgrade works at weekends) and airport traffic, in particular to Heathrow.

4.3 Issues not addressed by the Claimant that the Defendant considers should be taken into account as material to the determination

MTREL held a meeting with GWR (16th October 2024) to discuss the GWR proposal of varying capacity across the day. MTREL were surprised that, without further discussion or correspondence, that a dispute was progressed by GWR.

MTREL agreed to consider the GWR proposals, but this would require a robust operational review, discussion with stakeholders and a thorough assessment of current and future passenger loadings.

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

There are three distinct points that support both the MTREL and NR positions:

1) Performance data has shown that operating a 14.5tph service does stretch the operational capability of the route and is detrimental to performance. Any further increase in tph would see this deteriorate to unacceptable levels.

2) Any increase in capacity on the Thames Valley corridor during a two-track railway operation, would compromise performance and safety and may well impact on our contracted customer satisfaction scores and associated penalties. We also suggest that this could damage the commercial interests of all train operators. GWR have not provided any evidence to the contrary of this position.

2) The GWR proposal to reduce MTREL services at certain times of the day has not been proven to be operationally practical.

5 DECISION SOUGHT FROM THE CHAIR

5.1 MTREL seeks confirmation that Network Rail has the capability and entitlement under Network Code Part D to decide to limit capacity (in this case the number of trains per hour) provided those decisions are justified by reference to the application of the Decision Criteria based on the information available to us at the time in line with the determinations in TTP2453 - 2456.

5.2 MTREL seeks confirmation that NR's allocation of that capacity is justified by reference to the application of the Decision Criteria based on the information available to us at the time.

5.3 MTREL seeks confirmation from the Chair that exceptional circumstances are not applicable in this instance as claimed by GWR.

5.4 MTREL confirms that no costs are sought on this matter.

6 APPENDICES

There are no appendices supplied by MTREL.

7 SIGNATURE

For and on behalf of
MTR Elizabeth line

Signed

James Linley

Head of Performance & Planning
