

TTP2570 (May 2025 Timetable Offer)

XC Trains Ltd. Sole Reference Document

1. DETAILS OF PARTIES

- 1.1 The names and addresses of the parties to the reference are as follows:-
- (a) **XC Trains Limited** (Company Number 04402048) whose Registered Office is at: 1 Admiral Way, Doxford International Business Park, Sunderland, Tyne & Wear, SR3 3XP (“Crosscountry” or “XC”) (“the Claimant”); and
 - (b) **Network Rail Infrastructure Limited** whose Registered Office is at: Waterloo General Office, London, United Kingdom, SE1 8SW (“Network Rail” or “NR” (“the Defendant”)).
 - (c) Crosscountry correspondence address: 5th Floor, Multistory, 18 Priory Queensway, Birmingham B4 6BS
Network Rail correspondence address: The Quadrant, Elder Gate, Milton Keynes MK9 1EN, United Kingdom
- 1.2 Affected or interested parties:
Specific interested parties are expected to be (5.1) West Midlands Trains* (5.2) Freightliner and GWR* (5.3) Greater Anglia, (5.4) Colas and GBR*
(*denotes either minor interest / not directly impacted / improvement / no material change).

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 Part D of the Network Code conditions D5.1 and D2.7.4.

3. CONTENTS OF REFERENCE

The 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 Chair in respect of
 - (i) legal entitlement, and
 - (ii) remedies;
- (d) Appendices and other supporting material.

4. SUBJECT MATTER OF DISPUTE

4.1 This dispute is brought in relation to unsatisfactory schedules in the May 25 Timetable Offer, primarily increases in journey times.

4.2 The dispute is brought in accordance with the following parts of the Network Code Part D (summarised, not verbatim):

Principal Condition

D2.7.4 (D.5.1) Any Timetable Participant affected by the New Working Timetable shall be entitled to appeal against any part of it

Main Supporting Conditions

D2 D2.2.1, D2.4, D2.6, D2.7

D3 D3.4, D3.6 (3.6.1)

D4 D4.2 (4.2.1), 4.6 (4.6.1) (4.6.2) (4.6.3) (4.6.4)

4.3 The background to this dispute is in relation to selected schedules that were offered as part of the May 25 New Working Timetable.

There have been several instances of NR validation work in the May 25 Offer that XC have been unhappy with, and as such, XC have raised this dispute in accordance with D2.7.4

The items listed in part 5 were raised to NR either by or before the Offer Response deadline of D-24 (D2.7.3).

Either no attempts were made to try and rectify the issues when they were communicated to NR, or XC have received an unsatisfactory response.

XC have reluctantly accepted many unsatisfactory items that were raised as part of the Offer Response. Since submitting the *Notice of Dispute* (TTP2570), XC have accepted more unsatisfactory items. On a positive note, XC have worked with NR to resolve several of the original issues. To emphasise the point, the number of items initially listed for dispute has been reduced from a high point of approximately 70 items, down to the 4 contained in this paperwork. This is evidence that these four items remain particularly contentious.

It is worth noting that XC have tried to work with NR throughout the period before and after the Offer, Offer Response and Refresh. This dispute is therefore brought due to exhausting collaborative efforts to reach a satisfactory solution on the final four issues (7.5).

4.4 All references in 4.2 are available in the current version of the Network Code Part D

4.5 An evidence index is contained within the first page the Appendix.

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

5.1 Dispute Item 1: 1G71EX (SX) 19.03 Manchester Pic – Birmingham NS & 1M69EX (SX) 19.00 Bristol TM - Birmingham NS

Dispute Reason Summary

1G71 has an unacceptable and unnecessary amount of pathing time approaching Birmingham New Street. It has been timed to arrive 5 minutes later than bid. Estimated financial cost to XC (minimum): £ p/annum.

Estimated passengers impacted per day: 90 people

Background to Dispute

1M69 and 1G71 were both bid at Priority Date to use platform 7 (7.1.8). At the time, these were 2x 5-cars forming 1x 10-car. A further Priority Date Access Proposal (referred to as 'Priority Date Supplementary 07') was bid on 18 September that included reallocating the units working 1M69. This changed from a 5-car to an 8-car. This was bid in accordance with D2.4.3.

The new operation in the supplementary bid for 1G71 (5-car) and 1M69 (8-car) attaching to form a 13-car, then departing as 5D69 via the Coventry / WL lines, uses the same schedules as they were bid at Priority Date D-40 (7.1.8). As such, the new operation continued to satisfy the operational criteria for accommodating a 13-car on the full length of platform 7.

1G71 has been amended by NR approaching Birmingham NS, and in doing so, has increased the level of pathing time in it. There are (or were) two reasons for this:

- 1) Network Rail making the claim that only platform 9 at Birmingham NS has been "assigned" for use as a 13-car platform, when two trains forming a 13-car are arriving from the Soho and/or Five Ways direction (7.1.1a & b). Pathing time has therefore been applied to 1G71 for platform reoccupation to use platform 9 only, waiting for platform 9 to become vacant (and possibly incurring junction margin penalties).
- 2) In the email from NR (7.1.1a), they stated that a 13-car Voyager train is 310m and could therefore not fit in platform 7. This is incorrect. NR's calculation was then updated to be 304.1m on a Teams call on 07 February (7.1.2). The source of this revision being the same NR individual who calculated and stated originally that figure to be 310m. Whilst the revised figure matches our internal documents, it contradicts NR's original position as to why a 13-car cannot fit in platform 7 (7.1.1a & b). Furthermore, this doesn't bear any relevance to NR's position of "only platform 9 being assigned for a 13-car".

What is the reason for NR's position that the train(s) cannot be accommodated in platform 7; is it due to NR's calculated length, or because platform 7 has not been "assigned" 13-car operation? If NR were making the claim that platform 7 could not accommodate a 13-car in this operation, then why is there reference to "assigning" platforms (platform 9)? NR's position is ambiguous and contradictory.

Timetable Planning Rules (TPR) (7.1.3), internal XC platform guides and train lengths (7.1.4) and internal XC safety processes and documentation (7.1.5a & b), and calculations based on this information (7.1.6) state that platform 7 can accommodate a 13-car with certain criteria (mentioned above). Although there is a discrepancy between the TPRs and the XC guide length (TPRs state 319m, XC guide 316.2m), the shorter quoted length can still accommodate the planned operation.

To ensure full use of the platform, a notification will be added to the driver schedule card instructing them to stop at the far end of platform 7a to utilise the full length of the platform (7.1.7).

NR may argue that the second train will stop 2m from the first. This is done only momentarily, with the train proceeding to stop 0.5m momentarily, then proceeds to couple, closing the gap between the two trains (7.1.5a). Even in the worst-case hypothetical unplanned situation where the second train would stop 2m from the first and not complete the coupling move, the overall length used still fits into the platform length (7.1.6) (NB: we do not plan for unexpected events; we plan the operation on formal instructions and them being performed as expected).

Even now, with a/some simple platform swap(s) for other operator(s) (XC have identified 1 WMT service that is required to move to platform 4, that by appears to be a better route and platform for the service), XC believe NR could still reduce the journey time and accommodate 1G71, 1M69 and 5D69 on platform 7. This is supported by a TPS extract in the appendix. The same extract shows that NR have already created alternative 'dummy' paths for these schedules to use platform 7 (7.1.9).

If NR believe that 13-car operation on platform 7 is not possible, then it should propose for consultation a Network Change, and amend the TPRs accordingly (via D2.2.1).

Had NR wished to assign 1G71, 1M69 and 5D69 a 'preferred' 13-car platform and without a journey time detriment, this could have been incorporated between the time of the PDNS supplementary bid (18 September 2024) and up to the New Working Timetable Offer (15 November 2024).

XC would like to add that since the inaccurate unit calculation was pointed out to NR, they have tried to find other non-operational reasons to prevent this 13-car operation taking place. In the Teams call (7.1.2), NR tried to make their new position one based on perturbation. They continued to state verbally that (not verbatim) "the New Street team don't like 13-cars". Not liking something, or planning for hypothetical possibilities of ifs, buts and maybes, does not constitute a good enough reason – or a reason at all – for NR's position.

XC therefore ask, if NR accept that this this train can be accommodated on platform 7 as XC have stated based on train planning rules, calculations etc, on what grounds are they refusing to accommodate this?

Decision Criteria Dispute Elements

XC believe that NR have not acted in accordance with the Decision Criteria (D4.6):

D4.6.1 "the objective"

D4.6.2 "the considerations" a, c, d, e, f, j

D4.6.3 'acting fairly and non-discriminatory'

5.2 Dispute Item 2: 1M69EX (SX) 19.00 Bristol TM - Birmingham NS

Dispute Reason Summary

Being departed 5 minutes earlier than bid, having pathing time applied "to get back to booked [path]" (NR terminology) for a freight train (4L53DA 14.24 Barry Docks - Tilbury). Estimated financial cost to XC (minimum): £ p/annum. Estimated passengers impacted per day: 141.

Background to Dispute

1M69 was bid at Priority Date. It was bid to depart at 19.00. A 19.00 departure time is the same as the schedules in Dec 24, for SO and Su. Whilst there is no right to a standard departure time, increasing the journey time by 5 minutes is deemed unacceptable. Additionally, having a train that operates 7 days per week with the SX variant departing 5 minutes earlier than others could be confusing for passengers.

The retime of this train now causes the spread of services to Birmingham to be 'lop-sided' with departures at 18.33, 18.55 (1M69), and 19.33; the retiming has increased the gap between 1M69 and the following service. This equates to a new spread of services of being 22 then 38 minutes compared to something more balanced which is what we bid, to be 27 then 33 minutes.

XC responded to NR (7.2.1) prior to the Offer and Offer Response (via the shared online spreadsheet that XC use to communicate Offer and Offer Response comments), and subsequently, how XC were/are unhappy with the flex. The response was "please see railtrail comments" that say (7.2.2):

"Network Rail is flexing their rights to accommodate 4L53DA" and

"Depart 5 minutes earlier. Run UR till Horfield and increase dwell at Bristol Parkway to 3 minutes. Pathing added at westerleigh back to booked"

No further update to these comments were received before Offer Response. XC therefore interpreted that NR were not willing to look at the issue any further, to find an alternative. This has been confirmed by an email received from NR (7.2.7) admitting that NR had only looked at one option for 4L53DA. In the same email, NR said they would explore further options for 4L53DA to improve the path for 1M69. To date, no updates have been provided from NR, contrary to that email (7.2.7).

It would be useful to know when 4L53DA was bid to be included in the May 25 NWT. For comparison, 1M69 is a new/reinstated schedule and as such, the audit trail contains a 'created' entry (7.2.4). 4L53DA, apparently also a new schedule bid at Priority Date D-40, doesn't have such an entry in its audit trail, nor any audit trail entry prior to 04 November 2024 (7.2.3).

Contained in the train note (7.2.5), is reference to 4L53DA not passing a passenger service in the Severn Tunnel. On inspection, 4L53DA does pass a passenger train, 2U26 in Severn Tunnel, contrary to this instruction (7.2.6b).

4L53DA appears to be a duplicate of 4L50, albeit in a different time slot and route; 4L50 itself a hybrid schedule of two other schedules forming the same flow. The two schedules that form 4L50 have access rights attached: 4B49 Barry Island – Wentloog and 4L50 Wentloog – Tilbury. Neither schedule 4L50 (nor 4B49) affect the departure time of 1M69 (7.2.6a).

In relation to the access rights, the departure window from Wentloog is 16.00 – 17.00 for 4B49 (4L50 running in this slot departs at 16.27 as per the access rights, whereas 4L53 departs at 18.18).

XC therefore ask the question, what is the purpose of 4L53DA if 4L50 (and 4B49) serve this flow and with access rights? If the access right is satisfied/used by 4L50 (and 4B49), can an additional path (4L53) claim for the same access right, even when the departure window does not satisfy the rights?

Decision Criteria Dispute Elements

XC believe that NR have not acted in accordance with the Decision Criteria (D4.6):

D4.6.1 "the objective"

D4.6.2 "the considerations" a, b, c, d, e, f, i, j

D4.6.3 'acting fairly and non-discriminatory'

5.3 Dispute Item 3: 1N69EV (SX) 19.27 Stansted Airport – Birmingham NS

Dispute Reason Summary

a) This schedule has been offered departing 6 minutes earlier than bid.

b) The schedule has been changed since the Refresh PIF was made available.

Estimated financial cost to XC (minimum): £ p/annum. Estimated passengers impacted per day: 151.

Background to Dispute (part a)

This schedule is an extension to the current schedule. It was bid at Priority Date D-40 to start from Stansted Airport instead of Cambridge. The schedule was bid to depart at 19.27, to align with other XC services departing from Stansted Airport.

Based on an email from NR (7.3.1a), XC believed that the 6-minute earlier departure time had no alternative. The email stated the problem, but didn't propose any solutions. Instead, it was handed over to the Operators to propose solutions. The email was interpreted that 1B11 couldn't be moved and that there was no opportunity to flex other services. This interpretation was reflected in the response from XC (7.3.1b). After exploring technical

solutions themselves, Greater Anglia (GA) sent their response (7.3.1c), yet didn't propose any improvements to 1N69. Again, it appeared that 1N69 could not depart at 19.27. The position adopted by GA was that 1N69 should be placed in its pre-Covid ("pre-curtailment") path.

The solution that GA proposed was then fully adopted by NR without any further investigation themselves (7.3.1d). Whilst this causes no issue if there is absolutely no alternative, NR (appearing to be) adopting a solution from a TOC as their own decision without backing it up through independent work, raises questions.

It subsequently transpired that there were other issues with similar XC departures from Stansted Airport. This started several email exchanges between XC and NR (7.3.1e). After a full review of the Stansted Airport departures, it was discovered that with some minor flexing to GA services (a much less impactful proposal to them; with little or no journey time detriment), 1N69 could depart in the standard slot at 19.27/28. This proposal was communicated to NR (12 Nov, 7.3.1e) to review and process in advance of the Offer arriving on 15 Nov 2024.

NR responded (14 Nov; 7.3.1b), disregarding completely the proposal put forward by XC (it appears NR didn't try to see if the XC proposal would work). Instead, NR chose to make some sort of grandiose statement about Stansted Airport departures not being in a standard hour in previous (pre-Covid) timetables, and thus, NR using their "current decision-making process" to apply departure times we found contentious. XC have yet to understand what this "current decision-making process" is, because XC have never seen a Decision Criteria.

Additionally, the statement in the same email *"As per our Teams meeting...1N69 following the pattern of 1N67 were suggested as a starting point...and reinvestigated later as appropriate"* was clear that further work on 1N69 was expected on all sides. This was repeated by XC on weekly Teams calls with NR. The departure time was not investigated further by NR, despite it having an 'amber' (unresolved) status on the extract on the same email (14 Nov; 7.3.1b).

The schedule was Offered departing at 19.21. This was then challenged by XC further as part of the Offer Response, with NR being informed that this schedule would be the subject of a Dispute. Only then, did NR take onboard the proposal XC sent on 12 Nov and had discussions with Greater Anglia to flex their services to allow 1N69 to depart at 19.27/28 as bid (03, 06 & 09 Dec; 7.3.1b) with flexes based on XC's proposal sent to NR on 12 Nov.

As is GA's right to refuse a flex request after Offer, GA refused to agree to the flexes (12 Dec, 7.3.1e). However, citing 'performance issues' as a reason, when the schedules work compliantly with the TPRs, is a questionable reason. NR then responded to our dispute warning, re-stating their original position (7.3.1f).

XC therefore pose the questions; why did NR not apply their flexing right to other services, acting fairly between Operators and thus, provide a better path for 1N69 when they had the opportunity to do so?

Background to Dispute (part b)

Although GA had refused to accept the flex request proposal (12 Dec 7.3.1b), when the Timetable Refresh was created (7.3.2) and made available for download on the morning of D-22 (Fri 15 Dec 2024), 1N69 was shown to depart at 19.27 (7.3.3), which XC accepted. NR then changed this to be 19.21 after the PIF was made available (7.3.4).

As far as XC are aware, any schedule in the Refresh is considered:

- an update of the schedule in the Offer
- has been consulted with the Operator(s) in question
- changes applied done so by consent of the relevant Operator(s) and in accordance with D3.6

- and is a 'Final Offer', with any subsequent changes done so via D3.6.

Decision Criteria Dispute Elements

XC believe that NR have not acted in accordance with the Decision Criteria (D4.6):

D4.6.1 "the objective"

D4.6.2 "the considerations" a, b, d, e, f, i, j

D4.6.3 'acting fairly and non-discriminatory'

D3.6 "flexes by consent"

5.4 Dispute Item 4: 1G22EH (SO) 10.41 Nottingham - Birmingham NS

Dispute Reason Summary

XC have been departed 2 minutes earlier from Nottingham, compared to our bid. Estimated financial cost to XC (minimum): £ p/annum. Estimated passengers impacted per day: 120.

NB: whilst the financial cost is minimal, the journey time for passengers is what remains important here, as does the principle of the use (or misuse) of BA / LTP for 3Qxx Network Service slots.

Background to Dispute

Whilst XC have (reluctantly) accepted some earlier departures of 1 minute for platform reoccupation elsewhere in the May 25 NWT Offer (for junction margins etc), in this instance, XC have been departed two minutes earlier due to subsequent flexes for a 'BA' path. A 'BA' path is a developmental or feasibility path.

XC had sent an email to NR proposing a change, that would allow for the removal of the dispute status attached to this item (7.4.1a). Because 1G22 was flexed due to 4M14, that was flexed for 3Q05FOBA, there were three stages to reverse the situation: flexing or removing 3Q05FOBA, removing/reducing the pathing in 4M14 then, by improving 4M14, this would allow 1G22 to depart as bid. The response from NR was that 3Q05FOBA was a to be treated like a WTT path and therefore remains (7.4.1b). They also state that this path is there "to reserve that path for the times it does run".

It is our understanding that BA schedules are developmental paths and are to be removed at the end of the timetable preparation period if they are not going to operate as planned. After XC summarised this position and sent this to NR for further review and response, XC received a further response regarding 3Q05FOBA; XC were informed again by NR that this is being used to reserve STP paths (7.4.2). XC do not believe that this is an accepted nor reasonable process for allocating STP capacity.

Should developmental schedule 3Q05FOBA – that itself is an invalid headcode and therefore is not a valid schedule – be removed, then 1G22 would be able to revert to the schedule XC bid; 1G22 and 4M14 can operate without needing to factor in the schedule for 3Q05FOBA.

An additional point to note, is that XC have agreed to flex our LTP services under STP conditions on the few occasions 3Qxx services are required to operate under STP conditions. This approach was applied in the NWC region for 1M88 via Styal, to accommodate 3Q38 and 3Q52 for one-off days (7.4.3). However, this approach does not appear to be consistent across NR regions.

Finally, it is worth drawing attention to TTP1069 (TTP1069 section 4.3.1) where a previous instruction was made to NR to withdraw all Network Service WTT schedules that plan to operate for fewer than every 13 weeks (7.4.4). This appears to be a dispute brought forward from a previous dispute, where NR had failed to comply. This dispute again shows NR failing to comply with previous resolutions.

Decision Criteria Dispute Elements (summary, not verbatim)

XC believe that NR have not acted in accordance with the following Decision Criteria nor in a fair manner between Timetable Participants. XC have not seen any evidence that the Decision Criteria has been applied prior to nor since our objections.

Decision Criteria Dispute Elements

XC believe that NR have not acted in accordance with the Decision Criteria (D4.6):

D4.6.1 “the objective”

D4.6.2 “the considerations” a, d, e, f, j

D4.6.3 ‘acting fairly and non-discriminatory’

6. DECISION SOUGHT FROM THE CHAIR

6.1 XC would like the Chair to rule in the following:

6.1.1 Dispute Item 1 (5.1)

XC wish for the Chair to rule that NR, in addition to acting contrary to the applicable sections of Part D (the main relevant parts of which have been mentioned earlier):

- have not understood the operational scope of the relevant infrastructure and the interaction with the relevant rolling stock
- have not used accurate train length or platform length data when forming their calculations
- have not engaged in the Offer Response fully and promptly (D2.7.3)
- are incorrectly using unofficial documentation to determine timetable planning rules and railway operations
- are appearing to be acting with invalid authority making self-prescribed determinations in relation to railway operations and the train planning rules
- In doing so, have failed to incorporate as efficiently as possible, schedules contained within our Priority Date bid, thereby leaving us with the current situation where these two schedules have been offered in such a way as to be detrimental to XC’s service offering
- Appear to be blocking this operation more on preference than operation.

As such, XC seek the following tangible outcomes:

Specific to this dispute item:

- NR use accurate and official data to calculate the correct infrastructure capability and operation of these services
- that 1G71, 1M69 and 5D69 are incorporated in such a way as to remove pathing time in 1G71 and 1M69 approaching Birmingham NS, and to use any appropriate platform as they are permitted to do based on the platform length and operation of the units in this situation, and thereby improve the journey time of the schedules mentioned in this dispute item.

Generally, but in relation to this dispute item (in principle):

- NR are instructed now and, in the future, to not use any unofficial document to plan the operation and movement of railway vehicles on the Network
- NR are instructed now and, in the future, to use correct information (in this instance, vehicle/train lengths) to plan the operation and movement of railway vehicles on the Network

- NR are instructed now and, in the future, to not 'make up their own rules', and that any changes to the existing agreed operation of railway infrastructure and rolling stock movements must be addressed and consulted through the correct industry processes.
 - Not use 'preference' over permitted operation when accommodating Access Proposals / schedules.
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6.1.2 Dispute Item 2 (5.2)

XC wish for the Chair to rule that NR, in addition to acting contrary to the applicable sections of Part D (the main relevant parts of which have been mentioned earlier):

- have over-reached the definition of "contractual flex" by flexing a train by this amount of time
- that 4L53DA is an invalid schedule
- have not given due regard for the journey time of a class 1 passenger service, in relation to a class 4 freight service by failing to apply the Decision Criteria, nor acted fairly between Operators as is required for NR to do so, as per D4.6
- If it is found that 4L53DA was bid after Priority Date D-40, that NR has given this train the same priority as a schedule bid at Priority Date D-40. Furthermore, when incorporating 4L53DA, that this would have a detrimental effect on the class 1 schedule bid at Priority Date D-40 (D2.4.4)
- Have not responded fully and promptly (D2.7.3)
- Contradicted their own planning rules regarding dangerous goods and passenger trains in the Severn Tunnel.

As such, XC seek the following tangible outcomes:

- Revert 1M69 to the time and schedule it was bid at, at Priority Date D-40
 - Re-examine 4L53DA and apply an alternative schedule that reuses the times and rights of 4L50 and 4L49, and thus, time to avoid impacting 1M69.
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6.1.3 Dispute Item 2 (5.3)

XC wish for the Chair to rule that NR, in addition to acting contrary to the applicable sections of Part D (the main relevant parts of which have been mentioned earlier):

- have over-reached the definition of "contractual flex" by flexing a train by this amount of time
- stating that because 1N69 had run in an earlier path in a previous timetable and should therefore use the same again, is not a reasonable approach when incorporating an Access Proposal into a timetable
- have not applied the Decision Criteria, nor acted fairly between Operators as is required for NR to do so, as per D4.6
- have not responded fully and promptly (D2.7.3)
- have not acted in accordance with D3.4, where NR variations with at least 12 weeks' notice are for restrictions of use only
- have flexed an Operators' service contrary to D.3.4 and therefore in breach of D3.6 "Timetable variation by Consent"

As such, XC seek the following tangible outcomes:

Specific to this dispute item:

- 1N69 (SX) is retimed in TPS to depart at 19.27 as was bid at Priority Date D-40, and more importantly, the time it is departing in the Refresh PIF

Generally, but in relation to this dispute item (in principle):

- To adhere to acting fair and reasonable between Operators (D4.6.3)
 - In relation to D4.6.3, apply fair flexing rights to all Operators
 - That 'this is what operated before' is not an acceptable position when accommodating an Access Proposal.
 - That 'performance concerns' when train slots are valid, is not a justifiable reason to prevent the inclusion or improvement of a train slot
 - Apply fair and reasonable Decision Criteria
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6.1.4 Dispute Item 2 (5.4)

XC wish for the Chair to rule that NR, in addition to acting contrary to the applicable sections of Part D (the main relevant parts of which have been mentioned earlier):

- have not applied the Decision Criteria, or acted fairly between Operators as is required for NR to do so, as per D4.6
- NR have not acted in accordance with the nature of 'BA' / developmental paths.
- Are not acting in accordance with LTP and STP protocol (by using an LTP schedule to reserve capacity in the NWT for an STP schedule)
- Are acting contrary to a previous ADC determination (TTP1069 section 4.3.1)

As such, XC seek the following tangible outcomes:

Specific to this dispute item:

- Remove the schedule for 3Q05FOBA from occupying capacity in TPS
- Retime 4M14 as necessary, and revert/retime 1G22 to as bid at Priority Date D-40

Generally, but in relation to this dispute item (in principle):

- Not to reserve STP slots by using LTP slots and capacity
- Apply Decision Criteria clearly and fairly, in relation to class 3 services
- To adhere to the ruling in TTP1069 (4.3.1).

7. APPENDICES

This has been included in a separate accompanying document, due to its size.

8. SIGNATURE

For and on behalf of **XC Trains Limited**



Michael Gatenby
Timetable Strategy Manager, Crosscountry Trains

Wednesday 19 February 2025