

ACCESS DISPUTES COMMITTEE - TIMETABLE PANEL

First Capital Connect Ltd ("FCC") Representations to Timetable Panel

Ref:- TTP518

Network Rail Offer for the 2013 Principal Timetable

7 September 2012

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| 1.   | <b>Introduction</b>               | 1.1. This document is FCC's submission to the Timetable Panel in relation to TTP518. It is tabled in response to Grand Central Railway's (Grand Central) undated submission (Appendix A). FCC seeks recognition as a Dispute Party as indicated per Access Dispute Resolution Rules Definitions and Interpretations Page R6.  |
| 1.2. |                                   | FCC makes this submission with reference to Access Dispute Resolution Rules H19 and H21(b) Pages R59 and R60, and as requested by the Access Disputes Committee's Secretary on 28th August 2012.  |
| 1.3. |                                   | Grand Central's submission has not been directly received by FCC. It has been furnished to FCC in response to a request made to the Access Disputes Committee's Secretary dated 28th August 2012 (Appendix B). This request was made following relevant verbal information from Network Rail's LNE Lead Operational Planning Project Manager (LTP) on the same day. |
| 1.4. |                                   | FCC notes that the Grand Central submission Para 1.2. (Appendix A) indicates that FCC is a "possible affected third party"  |
| 1.5. |                                   | FCC is not in possession of a submission from Network Rail regarding this dispute   |
| 2.   | <b>Subject matter of dispute</b>  | 2.1. FCC understands that Grand Central's dispute with Network Rail concerns the status of train 1N90 07.49 (weekdays) Kings Cross - Sunderland.  |
| 2.2. |                                   | FCC understands that Grand Central is disputing Network Rail's interpretation of Network Code Part D Section 4.2.2 (d) in connection with this train  |
| 2.3. |                                   | FCC understands that Grand Central is claiming that Network Rail is in breach of its Track Access Contract by not accommodating their Firm Access Rights.   |
| 3.   | <b>Structure of this document</b> | 3.1. This document is organised as follows:   |
| 4.   | <b>FCC position</b>               | (a) Section 4 will explain FCC's involvement in this dispute<br>(b) Section 5 will summarise how Network Rail, Grand Central and FCC have co-ordinated prior to the dispute<br>(c) Section 6 will indicate FCC's preferred remedy to resolve their element of the dispute   |
| 4.1. |                                   | FCC submitted its Priority Date Notification Statement (PDNS) to Network Rail on 2nd March 2013.  |

- 4.2 Within the accompanying timetable and EMU diagram files to support the bid, FCC had indicated a new Empty Coaching Stock (ECS) train viz. 3R54 07+51 Kings Cross - Royston due 08+28. This train was timed compliantly with Train Planning Rules, and had a slot that was internally conflict-free (Appendix C)
- 4.3 The 3R54 path is critical to FCC, as it exceeds the 13-minute minimum turnaround of an 8-car portion within a 12-car service viz. 1T51 05.51 Kings Lynn - Kings Cross due 07.37. It also compliantly precedes 1C33 07.54 Kings Cross – Cambridge. Once at Royston, due 08+28, it then forms 1R54 08.34 Royston - Kings Cross; a minimum 6 minute turnaround for an 8-car EMU.
- 4.4 Grand Central's existing 1N90 07.49 Kings Cross - Sunderland made FCC's 3R54 07+51 Kings Cross - Royston non-compliant due to a sub-3 minute headway violation. However, Grand Central had bid for this path to depart at 08.20 in their equivalent PDS, but this was subsequently rejected by Network Rail. Consequently, retaining the 1N90 07.49 Kings Cross - Sunderland meant that FCC's 3R54 07+51 Kings Cross - Royston path was rejected too
- 4.5 As Network Rail could not accommodate FCC's preferred 3R54 07+51 Kings Cross - Royston path, an alternative departure at 07+52 was offered on 15<sup>th</sup> May 2012 (Appendix D). FCC viewed this path as non-compliant in the Digswell - Woolmer Green area to the extent that the turnaround at Royston would be broken. This was shared with Network Rail via e-mail on 25<sup>th</sup> June as referenced in Appendix E
- 4.6 On 5th July 2012, FCC referred the matter to the Access Disputes Committee as a Notice of Dispute, questioning the application of Decision Criteria within Network Code Part D Section 4.6.2 (a), (c), (f) and (j) (Appendix F)
- 4.7 On 9<sup>th</sup> July 2012, The Access Disputes Committee Secretary confirmed receipt of FCC's Notice of Dispute and designated the case under Ref.TTP496 (Appendix G)
5. **Network Rail, Grand Central and FCC co-ordinated position prior to the dispute.**
- 5.1 On 19th July 2012, Network Rail e-mailed Grand Central asking for agreement to retime 1N90 07.49 Kings Cross - Sunderland to depart at 07.48 to enable FCC's peak EMU diagrams to work in the time band concerned at both Kings Cross and Royston. (Appendix H). Network Rail acknowledged that this would require a goodwill gesture on the part of Grand Central as the request exceeded the Departure time Ranges within Schedule 5 of its Track Access Contract.
- 5.2 On 23rd July 2012, Grand Central agreed to retime 1N90 07.49 Kings Cross - Sunderland as requested in order to allow FCC's service to operate as bid (Appendix I).
- 5.3 Later, on 23rd July 2012, Network Rail responded to thank Grand Central whilst copying in FCC accordingly (Appendix J)
- 5.4 On 25th July 2012, Network Rail offered FCC a path for 3R54 at 07+51 from Kings Cross to Royston due 08+28 (Appendix K)

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| 5.5.       | On 26th July 2012, FCC withdrew its Notice of Dispute from the Access Disputes Committee (Appendix L)   |
| 5.5.       | On 28th August 2012, FCC was verbally advised by Network Rail's LNE Lead Operational Planning Project Manager (LTP), that Grand Central had suspended its agreement to retime IN90 quoting non-compliant Train Planning Rules issues in the Royston area. Also that the matter had been referred to the Access Disputes Committee   |
| 5.6.       | FCC sought clarification from the Access Disputes Committee on 28 <sup>th</sup> August and subsequently received details of TTP518.   |
| 6.         | <b>FCC's preferred remedy</b>   |
| 6.1        | It is essential that FCC maintains an operationally compliant path circa 07+51 from Kings Cross - Royston due 08+28 in order to return as the 1R34 08.34 Royston - Kings Cross. This relationship cannot be undone without upsetting the intensity of the Great Northern a.m. peak operation together with a proportion of its significant volume of passengers. The current offer from Network Rail fulfils this requirement.    |
| 6.2.       | FCC appreciates Grand Central's position and supports its aspiration to find a 1N90 path which suits its business and offers the best compliant opportunity within its Track Access Agreement   |
| 6.3.       | FCC would request that the Panel determine that Network Rail should maintain the mutually agreed offer for 3R54 07+51 Kings Cross – Royston whilst revisiting the application of all Operator's timetable rights to find a mutually compliant resolution for 1N90 07+49 Kings Cross – Sunderland, including the application of timetable flexing rights, as reflected within Network Code Part D and the Decision Criteria within |
| 7.         | <b>Referenced Appendices</b>  |
| Appendix A | Grand Central Sole Reference Document for TTP518  |
| Appendix B | E-mail between FCC and ADRC to identify TTP518  |
| Appendix C | FCC PDNS File extract – Timetable and EMU diagrams  |
| Appendix D | E-Mail between Network Rail and FCC re 3R54 path post-Offer   |
| Appendix E | E-all between FCC and Network Rail responding to 3R54 offer   |
| Appendix F | Letter from FCC to ADRC activating Dispute re 2013 New Working Timetable  |
| Appendix G | E-mail between ADRC and FCC referencing Dispute re 2013 New Working Timetable   |
| Appendix H | E-Mail between Network Rail and Grand Central to retime IN90  |

- Appendix I E-mail between Grand Central and Network Rail agreeing to retime 1N90
- Appendix J E-Mail between Network Rail and Grand Central acknowledging agreement of retiming 1N90
- Appendix K E-mail between Network Rail and FCC offering revised path for 3R54
- Appendix L E-mail between FCC and ADRC to withdraw Dispute TTP 496 re 2013 New Working Timetable

**8. Signature**

For and on behalf of First Capital Connect Ltd



**Signed**

**Date** 7th September 2012

**Name** Paul French **Position** Head of Planning