

**Network Rail Response to Sole Reference to a Timetabling
Panel in accordance with the provisions of Chapter H of
the ADR Rules effective from 1 August 2010 (and as
subsequently amended)**

1 DETAILS OF PARTIES

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

- (a) Network Rail Infrastructure Limited whose Registered Office is 1 Eversholt Street London W1 2DN ("Network Rail") ("the Defendant")
- (b) Arriva Trains Wales whose Registered Office is at St Mary's House 47 Penarth Road Cardiff CF10 5DJ (ATW) ("the Claimant").
- (c) Network Rail contact details are Mark Hayles, Timetable Production Manager, Network Rail, The Quadrant Area D, Third Floor Willen, Milton Keynes, Bucks MK9 1EN mark.hayles@networkrail.co.uk 07850 465 9399

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This Response to the Claimant's Sole Reference includes:-

- (a) The Subject Matter of the dispute in Section 3
- (b) An Explanation from the Defendants perspective of each issue in dispute in Section 4
- (c) The decision sought from the panel in Section 5
- (d) Appendices and other supporting material.

3 SUBJECT MATTER OF DISPUTE

- 3.1 Network Rail is satisfied that the subject matter of the dispute is adequately outlined by ATW in its sole reference in Section 4.1.
- 3.2 This is a dispute relating to the extended Manchester services listed in ATW's paper paragraph 5.2.5 not being published in the December 2015 Timetable.
- 3.3 Network Rail will explain the decision and timeline to publish and then withdraw the services in the May 2015 timetable. Network Rail will do this as we believe this demonstrates the dialogue that was ongoing regarding these services informing the decision for the December 2015 timetable but this is not a matter to be included in this dispute.
- 3.4 This dispute centres on the Network Code Section D paragraph D2.4.1a where the Access Proposal submitted by ATW has not adequately informed Network Rail of the expectation of rights for the train path services requested.

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

- 4.1 Network Rail accepts that the extended paths were originally published in the May 2015 timetable. (ATW paper paragraph 5.2.4) These extensions were published as they were compliant with the Timetable Planning Rules. These services were published dependent on the train paths gaining Access Rights. These service extensions did not gain Access Rights and Network Rail was not made aware of the likelihood of them gaining Access Rights. This is the critical point of the case.
- 4.2 Network Rail agrees that the headcodes listed in paragraph 5.2.5 of ATW's paper are the headcodes involved in this dispute.
- 4.3 Network Rail agrees that these headcodes were included in the ATW Access Proposal submitted on the 6th March 2015 for inclusion in the December 2015 timetable.
- 4.4 Network Rail agrees that publishing these services for the May 15 timetable triggered Disputes TTP765 and TTP764 from Northern Rail and First Transpennine Express.

(ATW paper paragraph 5.2.6) and that when these path extensions were removed from the timetable these disputes were settled out of court.

- 4.5 Network Rail agrees that an Access Proposal containing these paths was submitted for the December 2015 timetable before the Priority Date. (ATW paper paragraph 5.2.8)
- 4.6 Network Rail further agrees that these paths were rejected as shown in **ATW Paper APPENDIX D2**, citing Network Code Part D paragraph 2.4.1 (a)
- 4.7 In the ATW paper paragraph 5.4.4 ATW advises that the performance of the Service Group affected is currently 93.7 %. The extension of these services puts this figure at risk. Maintaining and improving the performance of the network is one of the considerations D4.6.2 (c) within the overall objective contained in Network Code Part D paragraph D4.6 that Network Rail has to take account of when compiling the New Working Timetable. In addition Train Performance is a key regulatory measure of Network Rail. Therefore Network Rail needs to view the performance of the industry as a whole when making decisions regarding the New Working Timetable and not just the Service Group that is looking to be extended. For this reason Network Rail's Sale of Access Rights panel took the decision that Network Rail would not support a Section 22 application for access rights and ATW has been kept informed of these discussions and thought processes throughout. Network Rail has laid out its concerns on this as shown in **ATW Paper APPENDIX G**.
- 4.8 Specific performance concerns that Network Rail want to highlight are the performance between Slade Lane Junction, Ardwick and Manchester Piccadilly as this is particularly sensitive and delays in this area propagate in all directions. Although capacity may exist in theory, the effect of extending services is likely to be to the detriment of train performance in the area, not only on the specific line of route between Manchester Piccadilly and Manchester Airport, but further afield. The impact of reactionary delay relative to primary delay in this area is demonstrated in **APPENDIX H**. There are many examples of minor delays in this area translating into significant disruption, permeating across the route and into other parts of the network. The magnitude and longevity of such disruption is directly linked to and exacerbated by the volume of trains passing through the area. Any increase will be likely to worsen the ability to recover during

disruption. Any increase in services, such as the ones proposed, would undoubtedly affect service recovery.

4.9 In order to accommodate these ATW services being extended to Manchester Airport, in a manner compliant with the Timetable Planning Rules other existing services with rights would require adjustment. This would include but is not limited to:

- (i) The TPE xx:40 Blackpool North – Manchester Airport service would be retimed from Manchester Piccadilly and would follow the ATW service through to Manchester Airport.
- (ii) This would then pass Heald Green West Junction after the xx:04 Manchester Piccadilly – Crewe service, unlike the current timetable where the service ex-Blackpool is timed to pass before.
- (iii) This usually forms the return working to Blackpool North, departing Manchester Airport every xx:29. The consequence of the ex-Blackpool train retimed later from Manchester Piccadilly is that the turnaround at Manchester Airport is reduced from 14 minutes to 8 or 9 minutes.
- (iv) The Northern Rail xx:16 Liverpool Lime Street – Manchester Airport would need re-timing later into Manchester Airport by 2 minutes (this follows the TPE ex-Blackpool).
- (v) The TPE xx:14 Cleethorpes – Manchester Airport would need re-timing to arrive into Manchester Airport 6 minutes earlier.
- (vi) Freight services (the hourly path to Trafford Park) on the Styal lines would require flexing, but the paths are as is, up to Wilmslow and from Slade Lane Junction.
- (vii) For the services which cross to the LNE route, the Manchester Airport – Middlesbrough service would be re-timed between Slade Lane Jnc and Manchester Piccadilly, with a reduced pathing time in the service from Cleethorpes approaching Heald Green.

(viii) The above list is not exhaustive as these were the changes that were made in order to be able to make the timetable TPR compliant for the May 15 Timetable. The timetable is a constantly evolving product and further adjustments may be needed in order to accommodate the paths as others services around these proposed extensions are likely to have changed since this date.

- 4.10 Paragraph 4.9 (vii) means that the performance risk of the service extensions directly affects the LNE Route as having the extra service each way between Manchester Airport and Manchester Piccadilly increases the likelihood of exporting any delay from this corridor onto the Stalybridge to Leeds and Stockport to Sheffield sections of the network.
- 4.11 Network Rail continues to assert that the point raised by ATW in paragraph 5.4.7 is accurate and that these extended services will reduce turnarounds at Manchester Airport and will therefore affect the robustness of the timetable. In order for these services to be extended the distance and time between services on the network has been reduced, the turnarounds have been reduced and the result is a timetable that although TPR compliant is less resilient to perturbation.
- 4.12 Further to paragraph 4.11 the route between Manchester Piccadilly and Manchester Airport already has c. 9 passenger services per hour in each direction. The introduction of additional services will therefore introduce tighter headways and a reduction in turnaround time for existing services. An example would be the reduced turnaround on the Blackpool North – Manchester Airport services; these trains would (generally) arrive at xx.21 rather than the current xx.15 but still form the xx.29 back to Blackpool – giving just 8 minutes to turnaround, meaning that a PPM failure on the inward service will automatically become a RT failure of the return working.
- 4.13 The key point in the performance debate is that the effect on performance would not be solely on additional ATW services (And in turn ATW PPM for the Service Group), but would also affect other operators who operate in the area. The presence of these additional trains will mean that recovering train performance in times of disruption is made more difficult – in terms of gaining suitable access for response teams to attend faults and being able to regain right time departures due to the volume of trains being

affected. At no point in ATW's paper have they articulated this and quantified the impact of it.

- 4.14 In order to consider the likely knock on impact of late running ATW services onto other operators, it is worth looking at the proportion of trains that currently arrive at Manchester Piccadilly late. The PPM MAA for service group HL08 is currently 89.6% and therefore it could be assumed that, (given the 3-4 minute headways being introduced), that on average 1 in 10 ATW services will impact on other services. If considering this as a Right Time figure (approx. 70%), the knock on effect could reach 3 in 10 services having an effect. Although these paths are timetable compliant, the likely performance impact is a key risk during both modest and significant disruption.
- 4.15 The impact of the proposed ATW services reduces the turnaround time at Manchester Airport for Trans Pennine Express (Blackpool North to Manchester Airport) services from 14 minutes to 8 minutes. On consultation with the Network Rail Head Office Performance team, a simple analysis of TPE services shows that on average, 7.4% of their services arrive between 8 and 14 minutes late. Therefore it could be assumed that this indicates the proportion of trains that could be directly affected by these proposed additional services i.e. the amount of services that currently arrive late but are able to return on time, which would have an increased likelihood of late starts by the introduction of the proposed ATW service extensions.
- 4.16 The Route operational contingency plan currently documents a method of service recovery for the small number of ATW's current Manchester Airport services by cancelling them short at Manchester Piccadilly. Although an understood method of recovering services during *significant incidents* is documented and achievable through the Route's contingency plan, this will not always be possible or palatable for operators and passengers during non-severe perturbation, and would be likely to hamper the controller's ability to implement service recovery – particularly with the tighter headways. It is felt that the proposed increased service level and associated reduced headways would magnify and make small delays and lateness permeate outwards more so than is currently experienced.
- 4.17 Network Rail disagrees with ATW and the points made in paragraphs 4.4, and 5.2.7 of its paper. The services were removed from the May15 timetable at the request of Mike

Thomas from ATW. The e-mail of the 10th February is confirmation of Network Rail doing what it was requested to do. See **APPENDIX B**.

4.18 Network Rail refutes the point made in paragraph 5.4.2 of ATW's paper based on the sequence of events and discussions laid out in **APPENDIX A**. Network Rail offered the path extensions with the expectation of rights. These rights were not supported by the Sale of Access Rights panel. ATW was kept informed of these developments and following this decided to pursue a Section 22a to gain rights. Network Rail's understanding is that this application has not yet been formally submitted to the ORR and Network Rail has not seen the further timetabling work that ATW advised was taking place in Chris Dellards e-mail to Network Rail on the 24th April **ATW Paper APPENDIX H**.

4.19 In **ATW's paper APPENDIX C** it states in the table C2 that the additional extensions do not have any access rights. It does not though articulate where and when ATW expect to gain rights. Network Rail sees this as a clear failure of ATW to meet the requirements of paragraph 2.4.1 (a) of part D of the Network Code. The lack of information as to how they expect to gain rights when taken with the timeline of events regarding access rights for these services in **APPENDIX A** leaves Network Rail in a position where we do not expect them to be granted. The Sale of Access Rights Panel has declined to support the application for rights for these services. ATW has decided to pursue a section 22A application for rights but in the submission have not stated the progression of this. In the Access Proposal **ATW Paper APPENDIX C1** it is not mentioned at all.

5 DECISION SOUGHT FROM THE PANEL

5.1 The panel is asked to determine that ATW has failed to provide a valid Access Proposal in accordance with the Network Code part D paragraph 2.4.1 for the December 2015 timetable in relation to the extended Manchester Airport Services. ATW has informed Network Rail that these service extensions have no access rights but has failed to keep Network Rail advised regarding what expectations it has of them being granted. This is despite the lengthy correspondence on this matter and ATW being fully aware that Network Rail did not support these being granted due to the listed performance concerns that additional services in the area would have on the Railway performance as a whole.

APPENDICES

Network Rail confirms that it has complied with Access Dispute Resolution Rule H21. All appendices and annexes are bound into the submission and consecutively page numbered. To assist the Panel, quotations or references that are cited in the formal submission are highlighted (or side-lined) so that the context of the quotation or reference is apparent.

Any information only made available after the main submission has been submitted to the Panel will be consecutively numbered, so as to follow on at the conclusion of the previous submission.

6 SIGNATURE

For and on behalf of
[usually Network Rail Infrastructure Limited]

Signed

A handwritten signature in black ink, appearing to read 'Mark Hayles', written over a solid horizontal line.

Mark Hayles

Train Planning Production Manager