

**Sole Reference Submission to Timetabling Panel**

**Abellio Greater Anglia**

**TTP978**

**28<sup>th</sup> July 2016**

## **1 DETAILS OF PARTIES**

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

- (a) Abellio Greater Anglia whose Registered Office is at 1 Ely Place, London, EC1N 6RY "AGA" ("the Claimant"); and
- (b) Network Rail Infrastructure Limited whose Registered Office is at 1 Eversholt Street, London NW1 2DN "Network Rail" ("the Defendant")
- (c) AGA contact details: Dean Warner, Engineering Access Manager, Abellio Greater Anglia, 1<sup>st</sup> Floor, Suite D, The Octagon, Middleborough, Colchester, CO1 1TG.

## **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 Condition D3.4.16 and D5.1.1 of the Network Code.

## **3 CONTENTS OF REFERENCE**

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

## **4 SUBJECT MATTER OF DISPUTE**

4.1 This is a dispute regarding Restrictions of Use (RoUs) on the Norwich to London Great Eastern Main Line (GEML) at the same time as RoUs on its natural diversionary route via Cambridge.

4.2 This dispute arises over the interpretation of the Decision Criteria as detailed in Part D Clause 4.6.2 of the Network Code.

4.3 AGA believes that a route should be maintained between Norwich and London during 'traffic hours'. Norwich is one of the few stations on the AGA network where more than one route exists to London and unless disruptive engineering work is required that affects the diverging point of the two routes then one route should be available. Having a route available helps us meet and exceed our customer's expectations by getting them to and from London by train and in the shortest possible time.

'Traffic hours' can be broadly defined as the time when we are operating passenger services between Norwich and London i.e. our first weekday and Saturday service departs at 05:00 and our last service from London to Norwich departs at 23:30. Sunday services start from Norwich at 07:00 and the last service from London to Norwich departs at 23:30

This dispute is about three weekends in the autumn of 2016 where Network Rail intends to place a RoU on both routes at the same time.

On the GEML, the Crossrail Project has substantial renewal and enhancement works centred on Shenfield which are the driver for a series of eight weekend RoUs during autumn 2016.

Cambridge North is a new station currently being built between Cambridge and Waterbeach. Network Rail is working towards finishing the station and infrastructure alterations in time for the opening from the start of the May 2017 Timetable. This project also requires three weekend RoUs in the autumn 2016.

It is important to understand the timeline of informal discussions and formal proposals for these access requests which are explained in 5.1 below but also summarised in [Appendix A](#).

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

### **5.1 Shenfield Crossrail autumn 2016 weekend RoUs – Weeks 25 to 32**

The negotiation of these RoUs has been very protracted. During the second half of 2014, Network Rail mooted the possibility of an extended Sunday morning 10 hour RoU every Sunday of the 2016 Timetable Year. This was for Crossrail Project works on all lines through Shenfield and would be proposed as an Engineering Access Statement (EAS) Section 4 Possession Opportunity. This was declined by AGA because of the impact on Sunday leisure travel; these RoUs wouldn't finish until around 11:30 Sunday and if customers couldn't go out in the morning it was unlikely that they would use rail at all.

Network Rail decided against formally proposing this access and discussions continued during the first half of 2015 where AGA offered a counter-proposal of 5 full weekend RoUs in October 2016.

At the Crossrail Stakeholder meeting on 29<sup>th</sup> July 2015, Network Rail asked operators to consider 7 full weekend RoUs from mid-September through October 2016 followed by 7 x 10 hour Sunday morning RoUs from the end of October 2016 leading up to the 10 day Christmas continuous RoU. This was declined by AGA as 7 was a considerable increase over the 5 full weekends previously offered with little justification received (at that time) of the additional access requirement. Also, the 7 x 10 hour RoUs would have the same impact on Sunday leisure travel as mentioned above, particularly as it was more likely to be Christmas shopping traffic. However, Network Rail chose to go ahead with a formal proposal – now 8 full weekends (Weeks 25 to 32) but without the 10 hour RoUs – which was received on 27<sup>th</sup> October 2015. AGA formally declined this proposal (See [Appendix B](#)) on 11<sup>th</sup> November 2015 on the grounds of the sheer volume of disruption already planned on the GEML in 2016 and 2017. There were also many clashing RoUs on the GEML which needed to be withdrawn or moved otherwise customers would encounter double-bussing which have been subsequently been resolved.

Network Rail published their Decision notice on the 18<sup>th</sup> November 2015 and AGA issued its Notice of Dispute on 23<sup>rd</sup> November 2015, being recorded as TTP899 (now superseded by TTP978).

#### Cambridge North autumn 2016 weekend RoUs – Weeks 28, 29 and 30

The RoUs for the Cambridge North New Station Project (Weeks 29 and 30) were first proposed in the 2016 EAS Version 3 Subsidiary Rules Proposal published 27<sup>th</sup> March

2015 and accepted by AGA, appearing in the 2016 EAS Version 4 Final Rules published 10<sup>th</sup> July 2015. An additional RoU for Cambridge North (Week 28) was proposed on 9<sup>th</sup> March 2016 and Network Rail published their Decision notice on 23<sup>rd</sup> March 2016. This was also accepted by AGA. (See [Appendix C1 and C2](#))

It should be noted by the Panel that AGA did not mention the agreed Cambridge North RoUs in its 11<sup>th</sup> November 2015 declination of the Shenfield Crossrail RoUs in Weeks 25 to 32.

Shenfield Crossrail autumn 2016 Re-Proposal - Weeks 25 to 32

On 17<sup>th</sup> May 2016 Network Rail re-proposed the 8 weekends (Weeks 25 to 32) to address concerns of other operators. (See [Appendix D1](#)). AGA formally declined this re-proposal on the 25<sup>th</sup> May 2016 on the grounds of that Weeks 28, 29 and 30 now clash with RoUs for Cambridge North, blocking both routes between Norwich and London. (See [Appendix D2](#)). Network Rail published their Decision Notice on 9<sup>th</sup> June 2016 and AGA issued its Notice of Dispute on 10<sup>th</sup> June 2016, being recorded as TTP978. (See [Appendix D3](#))

Impact on customers

The three weekends in question are during October 2016 and our customers on our Intercity services between Norwich and London will include families on days out, customers on shopping trips, going to football and other sporting events.

On a Saturday approximately 3,700 journeys are made between Norwich and London and on a Sunday approximately 2,500.

Closing the GEML at the same time as the diversionary route via Cambridge is closed puts unnecessary disruption and inconvenience on our customers including longer journey times. The normal Saturday direct rail journey on our Intercity services between Norwich and London Liverpool Street is 1 hr 49 min or 1 hr 52 min depending on the stopping pattern. This is increased by over an hour to 2 hr 53 min or 2hr 56 min when customers are required to change at Witham for a bus to Newbury Park Underground Station on the Central Line and then Underground train to Liverpool Street.

<i>Typical journey times changing at Witham and Newbury Park</i>			
Norwich	dep	10:00 (train)	10:30 (train)
Witham	arr	11:17	11:44
	dep	11:22 (bus)	11:52 (bus)

Newbury Park Central Line Station	arr	12:20	12:50
	dep	12:31 (Underground)	12:58 (Underground)
London Liverpool Street	arr	12:56	13:23

A Passenger Focus survey titled “Rail passengers’ experiences and priorities during engineering works” from September 2012 (Page 26) found from their sample that only 44% of customers would travel if a replacement bus was involved which AGA is obviously keen to avoid.

The same survey also found that customers would accept a 40min longer train journey if they could avoid a replacement bus journey. If the Cambridge route was available on these three weekends, then customers could travel by rail between Norwich and London Kings Cross. Average journey times are around 2 hr 26 mins but some journeys can be as quick as 2 hr 07 mins using other operator’s services. Clearly the diversionary route via Cambridge is quicker and a more attractive journey experience than the bus to Newbury Park.

Norwich	dep	09:38 (train)	09:57 (train)	10:40 (train)	10:57 (train)
Ely	arr		10:45		11:46
	dep		10:52 (train)		11:52 (train)
Cambridge	arr	10:59	11:07	11:59	12:08
	dep	11:15 (train)	11:15 (train)	12:15 (train)	12:15 (train)
London Kings Cross	arr	12:04	12:04	13:05	13:05

At a meeting between Network Rail and AGA on the 20<sup>th</sup> June 2016, Network Rail took away an action to move the Cambridge North RoUs to Weeks 34, 35 and 36 and look at other ways of delivering the project. (See penultimate bullet point in [Appendix F](#)). However, we were advised by Network Rail on 13<sup>th</sup> July 2016 that “we have tried our utmost to move the Cambridge North possessions from weeks 28-30 to weeks 34-36, but this has not proved to be possible, and on that basis, we intend to keep Cambridge North in weeks 28-30”. (See [Appendix G](#)). We understand the move to Weeks 34-36 was objected to by the other operators affected i.e. Govia Thameslink Railway and CrossCountry.

Having agreed to the Cambridge North RoU in Weeks 28, 29 and 30, AGA believes that Network Rail has failed to apply Part D 4.6.2(d) that journey times are as short as reasonably possible. The optimum journey time for passengers travelling from Norwich to London via the GEML is 1 hr 49 min or 1 hr 52 min, when the route is open throughout. This substantially increases to 2 hr 53 min or 2hr 56 min when a bus

operation from Witham to Newbury Park has been put in place. Were the diversionary route via Cambridge available, journey times would be up to 49 minutes quicker than the bus replacement service in place on the GEML. AGA believes that by imposing both RoU's at the same time Network Rail has failed to properly apply this part of the Decision Criteria.

## **6 DECISION SOUGHT FROM THE PANEL**

- 6.1 The Panel is asked to determine that Network Rail be directed to adjust the combination of Restrictions of Use between Norwich and London on Sat/Sun 8<sup>th</sup>/9<sup>th</sup>, 15<sup>th</sup>/16<sup>th</sup> and 22<sup>nd</sup>/23<sup>rd</sup> Oct 2016 (Weeks 28, 29 and 30) so that a through rail route is available to customers travelling between the two cities.
- 6.2 AGA would also like to invite the Panel to consider a similar dispute for the weekend of Saturday 31<sup>st</sup> Dec 2016 and Sunday 1<sup>st</sup> January 2017 (Week 40) where Network Rail have proposed an additional RoU for Cambridge North at the same time as the Shenfield Crossrail 10 day Blockade RoU. This is referenced as TTP968 and raised here for the purposes of efficiency.

## **7 APPENDICES**

AGA confirms that it has complied with Access Dispute Resolution Rule H21. All appendices are cross referenced. To assist the Panel quotations or references that are cited in the formal submission are also shown within the appendices.

## **8 SIGNATURE**

For and on behalf of Abellio Greater Anglia Limited

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Signed

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Print Name

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Position

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The Appendices:

- A Weeks 28, 29, 30 Access Negotiation Timeline.
- B Volume of disruption on GEML in 2016 and 2017 email.
- C1 Cambridge North RoUs Weeks 29 and 30 access negotiation.
- C2 Cambridge North RoUs Week 28 access negotiation.
- D1 Shenfield Crossrail RoUs Re-Proposal - Weeks 25 to 32 NR Proposal.
- D2 Shenfield Crossrail RoUs Re-Proposal - Weeks 25 to 32 AGA response.
- D3 Shenfield Crossrail RoUs Re-Proposal - Weeks 25 to 32 Decision Notice and Notice of Dispute.
- F Possessions Meeting 20th June - Summary and Actions email.
- G Network Rail cannot move 28 29 30 email.