

Sole Submission to Timetabling Panel by Network Rail Infrastructure Limited

TTP Reference 625, 685, 733 and 872

Version N°: V3

Status: *Final*

Date: 09/03/2016

Authored by: *Shona Elkin*

Timetable Production Manager South East Route

Table of Contents

1. Details of the Parties 3

2. The Defendant's right to contest this reference 3

3. Contents of this reference 3

4. Subject matters in dispute..... 4

5. Decisions sought from the Panel 19

6. Appendices and annexes..... 19

7. Signatures..... 19

1. Details of the Parties

- 1.1 The names and addresses of the parties to the reference are as follows:
 - 1.1.1. *Freightliner Group Ltd.* (Company number 05313119) whose Registered Office is at *3rd Floor, The Podium, 1 Eversholt Street, London, NW1 2FL* (“Freightliner” – “the Claimant”) an; and
 - 1.1.2. *Network Rail Infrastructure Limited* (Company number 2904597) whose Registered Office is at *One Eversholt street, London, NW1 2FL* (“Network Rail” – “the Defendant”).
 - 1.1.3. Freightliner contact details are Jason Bird, Track Access Manager, 3rd Floor, The Podium, One Eversholt Street, London, NW1 2FL.
 - 1.1.4. Network Rail contact details are Shona Elkin, Timetable Production Manager, The Quadrant:MK, Elder Gate, Central Milton Keynes, MK9 1EN.
- 1.2 Third parties that may be affected by the Panel’s finding in any of the ways sought and determined under Section 8 are as follows: Greater Anglia, MTR (Crossrail), London Overground (LOROL), ScotRail, GTR, DB (Cargo), GBRF, Southeastern

2. The Defendant’s right to contest this reference

- 2.1 This matter is referred to a Timetabling Panel (“the Panel”) for determination in accordance with Condition D2 and D5 of the Network Code.
- 2.2 The contractual provisions which entitle Network Rail to make amendments to the Timetable Planning Rules between D-64 and D-44 are detailed in Network Code Part D, 2.2.6.
- 2.3 Network Code Part D Condition D2.2.8 allows for any Timetable Participant that is dissatisfied with Network Rail’s decision to appeal in accordance with Network Code Part D, Condition D5. Network Rail accepts that Freightliner Group Ltd is entitled to raise this dispute.

3. Contents of this reference

- 3.1 This response to the Claimant’s Sole Reference includes:
 - 3.1.1 **Subject matters in dispute;**
 - 3.1.1.1 Item 1a – Train service requirements for Network Services Trains.
 - 3.1.1.2 Item 1b – Procedure for amending the values in the Timetable Planning Rules.
 - 3.1.1.3 Item 2a – Stratford.
 - 3.1.1.4 Item 3b (part) – Hamilton Circle.
 - 3.1.1.5 Item 4 – Sussex.

Note to Panel:

- 3.1.2 **The following items in dispute have been resolved to Freightliner’s satisfaction separately:**
 - 3.1.2.1 Item 2b – Upminster. Network Rail agrees that an error has been made and this will be corrected in the next appropriate version of the TPR.
 - 3.1.2.2 Item 3a – Craigo. Network Rail agrees that the contractual times should be shown.
 - 3.1.2.3 Item 3b (part) – R&C lines. Network Rail did agree to revert these Rules. Freightliner and Network Rail agree that efforts should be focused jointly on the Rules changes needed to support the impending re-signalling works.

4. Subject matters in dispute

4.1 Item 1 a – Train service requirements for Network Services Trains

4.1.1 Contents

- Issues where Network Rail accepts Freightliner's case
- Issues where Network Rail qualifies or disputes Freightliner's case
- Issues not addressed by Freightliner which Network Rail believes and material
- Issues where Network Rail agrees with Freightliner's case
- Conclusion

4.1.2 Issues where Network Rail accepts Freightliner's case

Network Rail accepts that it does not update the National TPRs as regularly as its customers would like and will therefore increase the regularity. Following a meeting with Freightliner on the 3rd March 2016 to discuss these items, Network Rail will undertake a review of the ballast circulars to review whether these need to be updated more regularly.

4.1.3 Issues where the Defendant qualifies or refutes the Claimant's case

Network Rail does not agree that it must reflect the Network Services train slots in the Rules precisely as described in the Working Timetable. These slots are specifically referred to as 'preliminary' and provide a degree of protection to Network Rail within the creation of the Working Timetable for maintenance and safety related activities associated with these trains.

Network Rail is of the view that 1.18 is not applicable as Network Services Trains do not constitute an Access Proposal; their inclusion within the Working Timetable is consulted as part of the establishment of the National Timetable Planning Rules.

It is therefore Network Rail's view that the Decision Criteria are used as part of the development of the National Timetable Planning Rules in order to determine whether Network Services trains should be included.

Network Service Trains are required for safety reasons and it is important to "The Objective" that a certain level of protection is afforded to these services within the framework of the New Working Timetable. The periodicity of test trains is widely accepted within the industry as being the historical method of operating these services.

As many of Network Rail's infrastructure monitoring fleet must operate overnight for capacity purposes, Network Rail makes specific provision to enable its test trains to operate unimpeded by engineering works. This is outlined within Section 1.2.1 of the EAS and has no bearing on the services inclusion within the timetable or regularity of operation.

Network Rail does not consider the strategic capacity is a suitable mechanism for managing safety critical movements on the Network. The principle of Strategic Capacity is that it can be claimed by any Train Operator Variation request throughout the period of the timetable, which would subsequently

erode Network Rail's ability to safely monitor and maintain the asset. Network Rail requires consistency of operation both in regularity (to maintain monitoring frequencies) and in schedule patterns (to maintain circuits operated by the fleet) in order to satisfy its maintenance inspection regime.

4.1.4 Issues not addressed by the Claimant which the Defendant should be taken into account as material

Network Rail introduced the concept of flex for its services contained within the National Rules in recent years. This was in response to criticism that the services were effectively established with no details regarding possible flex, and was delivered to match the rights process at the time. Whilst Network Rail is open to reviewing the flex provided for infrastructure monitoring trains, it must maintain the rigid nature of operation in order to maintain the regularity in monitoring frequencies of the network. Small flexes to schedules can cause this monitoring to be disrupted due to adverse running conditions.

The requirement for these trains to be included in the Working Timetable is to satisfy Network Rail from an assurance perspective that its ability to manage the infrastructure is protected and that the timetable can be appropriately adjusted where patterns of maintenance need to be altered for things like patrolling.

That NR has removed a significant number of unused paths in the last 3 years; 24 paths removed in May 2015 and 79 removed in Dec 14.

Work is on-going within the industry to establish a baseline timetable which will establish a rolling list of services which will be kept more up to date as this addresses the mismatch of timescales between the creation of the Rules and the creation of the Working Timetable.

Many Timetable Participants have advised Network Rail of the potential future use of train slots within the timetable, either on an irregular short term basis or on an expected future need, where Network Rail has identified that train slots have not been utilised within the last 90 days.

4.1.5 Conclusion

Network Rail accepts the decision sought by Freightliner regarding the more regular revision of the National TPRs (A). Network Rail refutes the remaining decisions sought by Freightliner from the Panel (B, C and D)

4.2 Item 1 b – Procedure for amending the values in the Timetable Planning Rules

4.2.1 Contents

- Document purpose and background
- Document update
- National methodology
- Conclusion

4.2.2 Document purpose and background

Section 5 of the National Timetable Planning Rules states:

"5.1.1 This section sets out methodology that Network Rail will apply when generating new or amended Timetable Planning Rule values, for inclusion into route specific Timetable Planning Rules."

The document is owned and produced by Network Rail. It sets out the approach and framework that Network Rail will adopt when considering changes to the Rules.

Network Rail is of the view that document allows for flexibility and collaboration when proposing changes to the Rules. This is entirely within the spirit of Part D1.1.8. Network Rail does not need the agreement of Timetable Participants when establishing changes to the Rules. Network Rail is obliged to consult in accordance with Part D and to use the Decision Criteria in a visible and well considered way. Network Rail is obliged to consult but does not need agreement to establish individual timetable planning Rules changes.

Network Rail does not agree with Freightliner's view that 'the rules are inadequate and do not achieve the purpose for which they were first proposed'. The document is the product of a number of workshops and meetings with various Timetable Participants over time and comments continue to be welcomed as regards the document further refinement.

4.2.3 Document update

Since issuing V2.0 of the Rules, Network Rail has made some minor alterations to the content of the document. The revised version will be included within V3.0. Freightliner has been sent a draft of this document and has been specifically invited to make further comments and suggestions. The revised document is based upon the outputs of a joint industry workshop conducted at Westwood in Summer 2015.

Freightliner makes repeated reference to the need for a Panel decision with regards to for example within Item Part 2a Stratford:

"6.2 That suggestions for changes to the Timetable Planning Rules should not solely concentrate on performance (perceived or actual) at the expense of other factors such as capacity: a balance needs to be made."

Within the Network Rail methodology paragraph 1.3 (V3.0) Network Rail does state that:

"The construction of a timetable does need to balance safety, capacity and performance expectations and the aspirations of all stakeholders involved, recognising that the application of these rules should protect against current or future committed service levels, coming to a balanced decision using criteria outlined in Part D of the Network Code."

Network Rail welcome comments from any Timetable Participant on the contents of the document. Network Rail will circulate a draft of the document in advance prior to the formal consultation process.

4.2.4 National Methodology (Freightliner 6.1 (b))

Network Rail welcomes the outputs of a working group or the workings of any Timetable Participant when it comes to the subject of a National Methodology. This National Methodology would need to be consulted with all Timetable Participants. Network Rail does not intend to convene any more working groups (6.1(b)).

4.2.5 Conclusion

Network Rail notes that Freightliner is not content with some the contents of the document in Section 5 of the National Timetable Planning Rules. Network Rail does not believe these to be of a material nature. Network Rail therefore refutes the claim that the document 'is not fit for purpose and should be removed from all versions of the Rules' (6.1 (a)).

Network Rail would encourage Freightliner to review the revised draft document sent to Freightliner on the 3rd March 2016 and would welcome any comments or feedback.

4.3 Item 2a – Timetable Planning Rules Anglia (Stratford)

4.3.1 Contents:

- Previous Determination
- Consultation process and Freightliner's behaviour
- Sectional Running Times and allowances at Stratford
- Issues not addressed by the Claimant
- Capacity Concerns
- Conclusion

4.3.2 Determination for TTP371/513/514/570/571 (part 5.2)

Freightliner alleges within their Sole Reference Document paragraph 5.45 that a previous Determination 'instructed that the TPRs applicable to the December 2012 timetable change should be restored with effect from the December 2015 timetable change'.

The Hearing Chair has asked for Network Rail's view on this matter and why Network Rail regards itself as being entitled to ignore a Direction from a Timetable Panel (letter from Hearing Chair 26th February 2016).

The Determination was issued on the 8th December 2014 and the relevant paragraph is 5.2:

"the Timetable Planning Rules applying between Forest Gate Junction and Stratford in the Liverpool Street to Seven Kings section of the Anglia Route should be restored to those which applied prior to the introduction of December 2012 Timetable, but only from the introduction of the New Working Timetable publication for December 2016 (effective from December 2015)".

Network Rail does not agree with Freightliner's interpretation of the previous Determination and it does not therefore accept that it has ignored the Determination.

5.2 of the Determination is sections 4.2.8 and 4.2.9 of the Determination, which state:

"4.2.8 As Network Rail had accepted that the required consultation had not taken place, the Panel proposed that the TPR should be restored to those which applied prior to the introduction of the December 2012 Timetable (as sought by Freightliner), but only from the introduction of the New Working Timetable Publication for 2016 (effective from December 2015). Therefore existing services and those currently in the Timetable planning process would not be affected, but Network Rail would need to revert to the earlier Rules unless in the meantime opportunity is taken to carry out the required consultation if changes to the Timetable Planning Rule are indeed still considered justified".

Network Rail interpreted the Determination to mean that it had an obligation to ensure that all Rules change proposals need to be consulted in accordance with the relevant Part D processes in an open and transparent way. Specifically with regards to Stratford, Network Rail understood from the Determination that it needed to revert to the pre-December 2012 Rules values unless the formal consultation process was undertaken as part of the establishment of the Rules for the December 2015 Timetable. Should Network Rail not carry out the necessary consultation, then the Rules for the December 2015 Timetable (2016 Rules), would revert to those previously in place prior to December 2012.

Prior to December's Direction letter, Network Rail had alerted the Hearing Chair on the 8th August 2014 to the fact that Network Rail and Freightliner did not agree on the meaning or interpretation of the expected Direction (July 2014). This resulted in a further written response from the Hearing Chair:

"The second paragraph of FL's e-mail at 13 06 on 8 August 2014 correctly reflected the intention of paragraph 1.1 of the Directions Letter: that The Timetable Planning Rules should revert to the pre-2012 version, but that the effective date selected for this change (as endorsed by the appointed Panel members) would be far enough in the future to:

- avoid affecting any services in the current timetable, or the versions already planned,*
- while giving Network Rail sufficient time to consult on all relevant industry parties to introduce any amendments reasonably required, but only after complying with the provisions of Part D of the Network Code".*

For the reasons stated above, Network Rail did not consider that it was required to simply restore the Rules applying pre-December 2012 from December 2015. Network Rail could amend the Rules applying prior to the introduction of the December 2015 timetable, provided that it consulted with the Timetable Participants. Earlier in the Direction's letter it is stated that:

4.2.7 "unilateral changes to the Timetable Planning Rules which have not been subject to proper consultation cannot simply be endorsed by a Panel".

Prior to the Direction being issued, it was clear that Network Rail had already commenced the process of consultation with regards to Part D process for the creation of the December 2015 Working Timetable because this is what it had been instructed to do; consultation was underway. Network Rail

did not understand from the Direction that it was expected to implement a set of Rules that only Freightliner agreed to; other Timetable Participants needed to be consulted. Given that Network Rail did understand the Determination and that Network Rail was not aware of any dubiety from the Hearing Chair following the clarification offered during August 2014, Network Rail did not consider any dispute or challenge to be necessary.

4.3.3 Consultation (D-64 to D-44) and Freightliner's actions

From August 2013 to September 2014, the on-going Stratford dispute has been an agenda item at the Anglia TPR forum. This was to provide all Timetable Participants with the opportunity to share views and offer comments.

Part D does not specify how consultation must take place. Network Rail has set up Rules forums on all Routes as it views the holding of a forum with a tracker of items discussed to be the most effective and collaborative set-up to host discussions.

Freightliner clearly expected a return to the previous Rules and made it quite clear that they would not accept any other solution, would say 'no' and '*defend their position to a hearing if necessary*' (email dated 5th August 2014). Freightliner also informed Network Rail that they would likely be joined by other industry parties in this matter also and that a saying of 'no' would be '*inevitable*' on behalf of a collective. To Network Rail this is evidence of Freightliner pre-empting the outcome of a consultation process where any Timetable Participant can propose changes and counter-proposals.

Specifically with regards to the December 2016 Rules, Network Rail held a D-64 meeting in York during September 2014 to which all Timetable Participants were invited to attend. This meeting followed on immediately after the Rail Industry Planning conference for ease of location given that the industry timetable planning community were all in the same place. Freightliner declined to attend that meeting. At the meeting Network Rail presented a slide per Network Route for changes being proposed for the Rules to inform the December 2015 Timetable. The slides were circulated in advance on the 19th September 2014 and Freightliner were on the distribution list. A slide on Stratford was included within the pack and all attendees were invited to offer comments (attached). None were received with regards to Stratford other than Greater Anglia's positive verbal confirmation that they were content with the values proposed and were not therefore seeking any alterations or amendments.

The Rules were re-proposed within V1.0 as Network Rail's counter-proposal to the earlier Rules and all subsequent versions of the Rules for December 2016 (for the December 2015 Timetable). The Anglia TPR forum has been meeting every 6-8 weeks since August 2013 and minutes are available if required plus an attendee list. Only Freightliner has maintained a disputed position, though DBS (now DB Cargo) stated that they were 'minded to agree with Jason Bird'. No further details have been provided by DB Cargo as to any specific issues or concerns.

Consultation post the Determination was carried out fully in accordance with Part D. Freightliner agrees with this point (meeting at Eversholt Street 3rd March with Jason Bird, Shona Elkin and Richard Parsons). Consultation is not the issue here.

Freightliner wants a discussion at Panel with regards to the specific differences between Network Rail and Freightliner on the subject of the values. This was stated at a meeting between Jason Bird, Shona Elkin and Richard Parsons at Eversholt Street, 3rd March 2016.

4.3.3 Sectional Running Times (SRT) Allowances and Junction Margins currently in use within the December 2016 Timetable

Freightliner alleges that the Rules currently in use at Stratford are unreasonable and should be struck out (6.1 Decision sought from the Panel). Freightliner has based this on 10 days' worth of CCF data and a number of calculations using TRATIM tables from 2007.

Network Rail responded in full to the technical points raised by Freightliner with regards to the calculations, observations and data used to formulate the Rules in previous Sole Reference documentation produced during 2013 and 2014. Network Rail wishes to confirm that its' position has not changed and that the substantive content of previous Sole Reference material remains a true and accurate reflection of the capability of the network at Stratford.

The timetable on the Anglia Route between Forest Gate and Stratford is robust, it performs and there are no concerns with regards to SRTs; - allowances (other than the dwell at Stratford itself for passengers and not part of this dispute) and junction margins.

Network Rail notes within the Directions letter from December that:

"The Panel felt that it was not likely to be productive for a hearing to seek to determine the number of associated points at the level of detail arising from the Parties' submissions".

Freightliner clearly wants a discussion at the Hearing on the detail at the level of which was provided by both Network Rail and Freightliner previously. Network Rail does not think that this would be productive or would lead to any resolution on the matter.

Network Rail has made Freightliner a counter-proposal in attempt to resolve this matter and this is below.

4.3.4 Issues not addressed by the Claimant which the Defendant should be taken into account as material; Network Rail counter-proposal

On the 28th July 2015, Network Rail concluded a fresh review into the various SRTs between Forest Gate Junction and Stratford as part of an on-going discussion with Freightliner with regards to their continued position of dispute. Network Rail undertook an analysis of thousands of trains both before and after the December 2012 Timetable change and these are below:

Route	Rolling Stock									
	Class 4 1600T					Class 6 600T				
	MG Calculated SRT	MF 25 %ile Pre Dec- 12	MF 25 %ile Post Dec- 12	MF 50 %ile Pre Dec- 12	MF 50 %ile Post Dec- 12	MG Calculated SRT	MF 25 %ile Pre Dec- 12	MF 25 %ile Post Dec- 12	MF 50 %ile Pre Dec- 12	MF 50 %ile Post Dec- 12
Forest Gate Jn EL to Stratford P10	239	282	303	351	366	185	368	333	420	424
Forest Gate Jn EL to Stratford P10A	251	N/A	357	N/A	499	198	N/A	360	N/A	499
Forest Gate Jn ML to Stratford P10	106	188	194	213	236	118	166	191	180	218
Forest Gate Jn ML to Stratford P10A	139	284	296	339	344	146	N/A	286	N/A	348
Forest Gate Jn from Woodgrange Park to Stratford P10	221	256	288	286	338	183	288	310	318	431
Forest Gate Jn from Woodgrange Park to Stratford P10A	233	345	347	387	417	197	N/A	372	N/A	500

The data within the table (a year prior to December 2012 and 2 years after December 2012) shows that for the sample services used, that the 25 percentile value for Up Main – Channelsea via platform 10 is significantly lower than the others and even at the 50 percentile value post December 2012 half the trains still take 4 minutes or less. On this basis, Network Rail proposed a change to a 4 minute value for this route. All the other values were above 240 seconds and therefore Network Rail did not believe a reduction was justified either by the data, or the potential performance risk.

In response on the 28th July 2015, Freightliner stated that it was minded to accept the proposal to reduce the SRT from Forest Gate Junction to Stratford Platform 10 to 4 minutes and to leave all other SRTs at 5 minutes (email attached). This is not mentioned in Freightliner's Sole Reference document and Network Rail believes it to be of material value.

Freightliner has asked the Panel to instruct that Network Rail should accept Freightliner's counter-proposal of the 5th November 2015. Network Rail does not accept the evidence provided by Freightliner as being of sufficient quality or quantity to justify changes to the current Rules. Freightliner has offered no assurance as to how any negative performance impacts will be managed or mitigated against.

No further responses or updates were made in response to that by Freightliner to Network Rail until the receipt of the counter-proposal during November 2015. Network Rail set out its' reasons for not agreeing to that counter-proposal in its V.2 responses to the Rules, 27th November 2015; Freightliner had provided insufficient evidence as to the sources of their data.

Finally, Freightliner was asked to provide detail on actual losses suffered as a result of the Rules changes. Network Rail notes that Freightliner has not '*suffered any direct financial loss that is quantifiable*' (email 2nd March).

In response to this and to aid the discussion at the Panel, Network Rail has undertaken a review of paths requested by Freightliner since December 2012 and subsequently rejected has explored whether the reason given within the 'offer response' was the lack of capacity at Stratford. The results are shown below:

December 2012	FLIM None	FLHH None
May 2013	FLIM None	FLHH None
December 2013	FLIM None	FLHH - unknown
May 2014	FLIM None	FLHH None
December 2014	FLIM None	FLHH None
May 2015	FLIM None	FLHH None
December 2015	<p>FLIM</p> <p>RE 4E24PD SX (no path through Barking – Woodgrange Park – Forest Gate Jn – Stratford)</p> <p>RE 4E61PD SX (as above)</p> <p>RE 4E65PD SX (as above – but existing 4E65 MTWO and 4E65 ThFO paths remain)</p> <p>RE 4E66PD SX (same reason as 4E65) FLHH none</p>	FLHH None

Freightliner has not had any paths rejected since 2012 for reasons of the Rules change alone.

In addition, Network Rail freight commercial have communicated that circa.20% of paths through Stratford for all freight operators in both directions are currently not used (90 day period between October and December 2015).

4.3.4.1 Conclusion

Network Rail refutes all of the claims made by Freightliner.

4.4 Item 3b – Timetable Planning Rules Scotland (Hamilton Circle)

4.4.1 Contents :

- Background context
- Recommended way forward

4.4.2 Background context

In respect of the Hamilton circle line, a previous dispute (with Freightliner) was settled through the introduction revised headways (compiled by Freightliner) that were subsequently published in version 1.0 of the 2016 TPRs (Appendix A, pages 54 and 55). Network Rail accepted Freightliner's counter proposal in that Network Rail agreed to consult the proposals by publishing them within the V1.0 Rules (2016).

The headway on this line was previously amended (in version 3.0 of the 2014 TPRs) by Network Rail without any details of how the revised value was calculated, nor any reason why it was in fact necessary, according to Freightliner. The changes were originally proposed, consulted and amended in v1.0 2013 TPRs as part of a wide-ranging review of TPRs that covered the majority of Motherwell SC's area of control. The values were revised following visits to Motherwell SC and subsequent Railsys modelling.

Between V1.0 Rules (2016) and V2.0 Rules (2016), Network Rail considered the representations of ScotRail and the objections made by ScotRail. Network Rail issued its final decision with regards to V2.0 (2016) and its decision was to revert to the pre-existing Rules and these were therefore changed (Appendix B, pages to the previous position), citing the following Decision Criteria:

" the reasons for this revision are specified below in accordance with D4.6. In achieving the objective specified in D4.6.1 the following considerations have been applied in making this decision: Network Rail is of the view that consideration a) is of overriding importance as using the headway values in version 4 will allow ScotRail to continue to run the number of trains they currently do. Network Rail also is of the view that consideration c) is met as the current headway values do not import delays."

This was advised to Freightliner verbally before publication and also in an email on the 4th February 2015 (attached).

4.4.3 Recommended way forward to Panel

Freightliner is seeking (6.1) that in respect of the Hamilton Circle line, the previously agreed and published headway entry in TPR 2016 version 1.0 should be reinstated. Should that give rise to

objections from other Timetable Participants then the normal procedure for challenging and/or disputing TPR change should apply.

Network Rail does not agree with this and considers that this process has already been followed. Network Rail therefore refutes Freightliner's case.

4.5 Item 4a – Timetable Planning Rules Sussex

4.5.1 Contents

- Issues where Network Rail does not agree with Freightliner's case
 - Use of data derived from the Signal Performance Assessment
 - Victoria Platform re-occupation
 - Brighton Platform re-occupation
 - Headways South Croydon and Redhill
 - Planning note at Brighton
 - Impact on capacity as a result of the above
- Conclusion

4.5.2 Issues where Network Rail does not agree with Freightliner's case

4.5.2.1 Use of data derived from the Signal Performance Assessment (SPA)

Changes proposed to the Sussex TPRs from the 2016 Rules were not as Freightliner suggests, 'largely' derived from the outputs of a 'Signal Performance Assessment (SPA) produced by Network Rail.

The SPA identified over 1000 potential changes to the Sussex Rules, where analysis outputs were at variance to the values within the current Rules. Network Rail systematically and iteratively investigated and consulted the SPA outputs in order to identify and remove proposed changes that were flawed, not representative of the timetable or the infrastructure on the ground, or of such marginal impact as to not be worthy of implementation.

A range of values proposed by the SPA were recommended for change within V1.0 of the Sussex Rules. A number of these were disputed by at least 1 Timetable Participant. These were subsequently confirmed as valid through observational analysis, or identified as invalid and withdrawn. All values proposed for change were tabled and discussed at length at the Sussex (South East) TPR forum and in various Rules proposals and documentation.

4.5.3 Victoria Platform Reoccupation

The changes to the Rules at Victoria were consulted by Network Rail in a covering letter to the December 2016 Rules on the 22nd December 2014 (attached). Network Rail provided reasons and responded to Freightliner's comments to the effect that it did not agree. The revised value was proposed for 9 to 12 (inclusive) and 15 to 19 (inclusive) and for Platforms 13 and 14 where movements are to/from the Slow Line to 4 minutes.

The platform reoccupation margin at Victoria was proposed for change from 3 minutes to 4 minutes with an acceptable derogation; consecutive moves to and from the same platform for example. The reason for the derogation to permit non-consecutive move sequences 3 minutes apart was to protect current service levels and also to reflect the finding that a 3 ½ minute platform re-occupation value is sustainable in many cases, but incompatible with planning principles at a major terminal station.

Victoria Central interlocking was renewed during 2013 and was modernised from Route Relays to Solid State or Computer Based Interlocking (Westlock); the result of which was a slower than previous platform reoccupation which had been observed by the signallers at the Victoria Area Signalling Centre. Detail of this was provided by Network Rail in its V2.0 response letter (attached).

Prior to the commencement of the December 2015 Timetable, the vast majority of platform reoccupations at Victoria were planned to be undertaken with a value of 4 minutes. The Rules change proposal therefore sought to normalise the practical application of the existing Rules across the Central side of Victoria. A comparison of instances of 3 minute re-occupation between the May 2015 and December 2015 for the morning peak hours:

7am – 8 am

May 15 - 1 occasion

Dec 15 – 0 occasions

8am – 9 am

May 15 6 occasions

Dec 15 2 occasions

9am – 10 am

May 15 3 occasions

Dec 15 3 occasions

No reduction in capacity at Victoria has been deemed necessary and indeed there is 1 additional train per hour in the off-peak in December 2015 Timetable over May 2015's. The December 2015 Timetable also saw a reduction of 58% in instances of 3 minute single platform reoccupation (source GTR September 2016 attached).

Network Rail has followed Part D2.2.3, 2.2.4 and 2.2.6.

4.5.4 Brighton platform reoccupation

Prior to the December 2015 Timetable change, all services with the exception of 2 in the evening peak were planned on a 4 minute platform reoccupation at Brighton.

Network Rail undertook observational analysis at Brighton on the 7th September 2015 which confirmed that the minimum platform re-occupation needed to be 4 minutes.

Reasons were provided by Network Rail in their V2.0 response letter (attached) which detailed that Network Rail was making the changes because it needed the operational plan to be robust.

4.5.5 Headways at South Croydon and Redhill

Freightliner alleges that the new headway values at South Croydon and Redhill make no logical sense and that the values appear to be derived from the SPA which appears to be erroneous. Freightliner alleges that the derivation of the margins is unclear and has never been explained. This is not factually correct nor a reflection on the hours spent undertaking observational analysis and communicating these outputs to Timetable Participants at the Sussex (South East) Rules Forum to which Freightliner are invited and have attended.

4.5.5.1 South Croydon

The revised headway value at South Croydon is a specific recommendation for 1 particular move within the timetable only, the default headway being 3 minutes. This move is as follows:

“South Croydon

First Movement Second Movement Value

Pass Platform 5 to the Down Slow Depart/Pass Platform 4 to the Down Slow 3½”

Network Rail was aware that Freightliner has disputed the revision for reasons of the SPA. This is why Network Rail wrote into its V2.0 response letter the following:

“Trains on the Down Slow are subject to approach control on T137. This is due to the slow speed crossover on a complex track layout. The line speed from the Down Slow via Platform 5 is 20mph whereas the line speed is 60mph via Platform 4. Therefore a train passing or starting from Platform 5 will have retarded acceleration/speed with a comparable move from Platform 4. The increase in headway reflects this restriction.”

Network Rail believes this reason to be adequate.

4.5.5.2 Redhill

The revised value at Redhill is a specific recommendation for 1 particular move within the timetable only:

“Passing on Up Redhill line Departure from Platform 1 or 2 in the Up direction, calling at Merstham 2½”

Network Rail were aware that Freightliner was seeking greater clarity as to what margins were appropriate and the reasons for them which is why Network Rail wrote into its V2.0 response document that on-site observations had taken place both on the platform at Redhill and concurrently at the Three Bridges Area Signalling Centre between the 7th and 9th January 2015 in respect of several proposed Rules change locations including Redhill and South Croydon. All affected Timetable Participants were invited to attend these observations. Freightliner did not attend. The outputs were discussed at the Sussex Rules forum on the 22nd January 2015 (attached).

4.5.6 Planning note at Brighton

Network Rail did introduce a new planning note at Brighton. This is intended to provide clarity and impart information and to encourage optimal planner behaviour, but this is not written as an instruction and therefore not a Rule. What is written is:

“Where possible a departure from Platform 7 towards London Road (Brighton) should not be planned simultaneously with an arrival into Platform 8 from London Road (Brighton). This is because the route setting out of Platform 7 will default to the second set of crossovers at the north end of the platform which prevents a route being set into Platform 8.”

The note is unclear.

Network Rail does believe that this is necessary and is not unnecessarily restrictive. Therefore this will be re-worded as a Rule to provide greater clarity.

Freightliner does not operate trains at Brighton and GTR have not disputed the planning note. However Network Rail will work with both at the next Rules forum to re-word the Rule.

4.5.7 Impact on capacity and the extent to which Network Rail has not considered this (Freightliner allegation)

Freightliner were asked to respond on how they understood that they would potentially be affected in terms of capacity constraints due to the Sussex changes over a route that Freightliner did operate trains. Freightliner’s response is below:

Re 1.3

“A longer reoccupation margin reduces the theoretic capacity of each platform. For example, London Victoria has a minimum (loaded-to-loaded) turnaround allowance of 12 minutes for “Main Line” services. With a 3-minute reoccupation, this permits a maximum of 4 trains per hour per platform. With a 4-minute reoccupation, technically that works out to 3.75 per hour, which effectively reduces to 3 per hour in a standard-hour pattern. A longer reoccupation may drive a less efficient timetable design for any future change in service pattern. For example if a train departed London Victoria on the hour and the same platform was reoccupied at 4 minutes past the hour, in order to maintain journey times, the second train would leave its origin a minute later than it would under a 3-minute reoccupation; this in turn could require adjustments to other services to maintain headways and margins at other locations – possibly to the extent that fewer planned moves become available overall, or potentially trains become spaced at intervals which leaves an insufficiently wide gap to path a freight service.”

Network Rail does not agree with Freightliner’s rationale. Network Rail undertook a complete re-cast of the freight paths in both directions within a standard off-peak hour as part of the December 2015 Timetable validation. Work commenced on this from D-55 to D-40 and took several weeks of careful planning and input from both Capacity Planning and the Network Rail Route.

This work provided for robustness within the timetabled and operational paths for freight on the Brighton Main Line. Paths not in use have been protected as QJ paths within the timetable (any operator can utilise these, not just freight).

Freightliner have stated that *"this quantum of space is not adequate for the needs of the freight industry going forward"*. This is a separate issue and there are other mechanism available for Freightliner to specify their on-going and future business aspirations.

Future timetable development for 2018 is on-going in a structured manner under the aegis of the Thameslink Events Steering Group. As part of that process, Network Rail has issued to Timetable Participants a draft Train Service Specification for all operators. Freightliner has been invited to provide input and comments (meeting 8th March 2016).

There are more performance robust paths available for freight in the December 2015 Timetable than in the May 2015 Timetable, but not necessarily more paths in terms of quantum overall. All existing Level 1 rights have been catered for. What has been provided for is a standard path in every hour in both directions.

4.5.8 Conclusion

Network Rail does not agree that the disputed parts of the Sussex TPRs are unreasonable and should be removed. Network Rail refutes all aspects of Freightliner's case.

5. Decisions sought from the Panel

- 5.1 Item 1a – Train service requirements for Network Services Trains.
 - 5.1.1 Network Rail refutes Freightliner's case and the decisions sought from the Panel.
- 5.2 Item 1b – Procedure for amending the values in the Timetable Planning Rules.
 - 5.2.1 Network Rail refutes Freightliner's case and the decisions sought from the Panel.
- 5.3 Item 2a – Stratford.
 - 5.3.1 Network Rail refutes Freightliner's case and the decisions sought from the Panel.
- 5.4 Item 3b (part) – Hamilton Circle.
 - 5.4.1 Network asks the Panel to note its recommendation.
- 5.5 Item 4 – Sussex.
 - 5.5.1 Network Rail refutes Freightliner's case and the decisions sought from the Panel.

6. Appendices and annexes

- 6.1 Appendices relating to each item in dispute have been attached in separate files.

7. Signatures



S. Elkin

Signed on behalf of Network Rail

Timetable Production Manager South East

