

SOLE SUBMISSION TO TIMETABLING PANEL

By

NETWORK RAIL INFRASTRUCTURE LIMITED

TTP Reference 739

***Network Rail's decision to alter the Timetable Planning
Rules for the South Wales Main Line***

1 DETAILS OF PARTIES

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

- (a) *Freightliner Group Ltd.* (Company number 05313119) whose Registered Office is at *3rd Floor, The Podium, 1 Eversholt Street, London, NW1 2FL* ("*Freightliner*" - "the Claimant"); and
- (b) *Network Rail Infrastructure Limited* (Company number 2904597) whose Registered Office is at '*Kings Place*', *90 York Way, London N1 9AG* ("*Network Rail*" - "the Defendant").
- (c) Freightliner contact details are *Jason Bird, Track Access Manager, 3rd Floor, The Podium, 1 Eversholt Street, London, NW1 2FL*
- (d) Network Rail contact details are *Toby Patrick-Bailey, Operational Planning 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:

- (a) First Great Western
- (b) Arriva Trains Wales
- (c) DB Schenker
- (d) Colas Rail Ltd

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-44 and D-26 are detailed in Network Code Part D, Condition 2.2.7

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 REFERENCE

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

- (a) The subject matter of the dispute in Section 4;
- (b) A summary of the issues in dispute in Section 5;
- (c) A detailed explanation of those issues in dispute prepared by the claimant in Section 6;
- (d) In Section 7, the decision sought from the Panel;
- (e) Appendices and other supporting material.

4 SUBJECT MATTER OF DISPUTE

- 4.1 The matter in dispute is Network Rail's decision to amend the Timetable Planning Rules (TPR), specifically the Sectional Running Times (SRTs) associated with certain freight timing loads between Margam TC and Llanwern Exchange Sidings
- 4.2 The focus of Freightliner's dispute is the methodology used to determine the revised SRT values
- 4.3 Network Rail notes that Freightliner is not disputing Network Rail's application of the Network Code, Part D, in terms of its compliance with Part D Condition D2.2.7

5 SUMMARY OF DISPUTE

- 5.1 During a review of unexplained train delay along the South Wales Main Line, notably between Margam Moors Junction and Bridgend (3,749 minutes 2012/13), Pontyclun and Cardiff (911 minutes 2012/13) and between Cardiff and Marshfield (1,252 minutes 2012/13), it was identified that Heavy Axle Weight (HAW) steel traffic running out of Margam TC towards Cardiff consistently failed to achieve the SRTs along the route (*Appendix A*)
- 5.2 Network Rail identified that the steel traffic, utilising timing loads accommodating Class 66 locomotives and running with a trailing weight of 2000 tonnes, 2200 tonnes and 2400 tonnes, was operating using inconsistent SRT values within the TPR, which Network Rail felt reasonable to address at the earliest opportunity in order to provide a New Working Timetable that is operationally sound. This complies with criterion (iii) in

Timetable Planning Rules Section 5.1.2 (*Appendix B*) detailing when an SRT may be re-calculated

- 5.3 To review the SRTs in use, data was collected during cab rides by Network Rail staff using a stop watch. This is consistent with the Timetable Planning Rules Section 5.1.2 detailing that 'actual timing of trains' is a legitimate method for calculation of TPR values. Timing points were established to align with TRUST timing points (therefore the system for delay investigation and allocation), and to ensure consistency and accuracy of the specific point of data capture. Data was collected (*Appendix C*) between the dates of 29/07/2013 and 10/07/2014 avoiding the leaf fall period and the worst of the winter weather which may have generated inaccurate seasonal results
- 5.4 Timing runs were completed throughout the day and night to gather a complete range of data. As part of the work several services were ridden in the middle of the night under trial type conditions to ensure services receiving the best possible aspect consistently and delivering the optimal timings that can be achieved on the route
- 5.5 To calculate revised SRTs using the extensive data collected, the 'fastest' 75% of the timing runs were used, thus removing any excessively long timings due to driving style or poor weather. From the remaining data a mean average was taken and then rounded to the nearest half minute. Taking the mean average allows for small variation in locomotive power (as this will vary between each unit due to mileages covered in lifetime and between services) driving style and railhead conditions
- 5.6 As no HAW restrictions existed on this line of route, it was identified that any proposed adjustments to SRTs identified should be also reflected in non HAW timing loads
- 5.7 As the only Timetable Participant operating services that utilise the SRTs Network Rail had reviewed, an informal meeting prior to formal consultation was held with DB Schenker on the 21st July 2014 to discuss the changes and the impact they would have on DB Schenker services, during which verbal acceptance of the revised values was received from DB Schenker

- 5.8 Noting the extensive end-to-end journey time difference, Network Rail felt it reasonable to consult adjusted SRTs for implementation at the earliest opportunity to optimise the New Working Timetable, particularly weighting criterion (c) of the decision criteria
- 5.9 Making reference to Network Code Part D, Condition D2.2.7 Network Rail distributed a proposal on 23rd July 2014 (*Appendix D*) to adjust the TPRs with documented supporting evidence (*Appendix E*) to begin a consultation period ending 6th August 2014. Network Rail feels this consultation period to be reasonable to provide sufficient opportunity for any new SRTs implemented to be included within the New Working Timetable at D-26, and indicative of similar consultation periods established for changes to the Rules to enable a Restriction of Use (Section 3.4 of the Timetable Planning Rules)
- 5.10 A timetable impact study was undertaken and distributed during the consultation period (*Appendix F*) detailing the alterations that would be applicable to affected services in the December 2014 timetable (and therefore indicative of alterations that would be required in the May 2015 timetable) to satisfy that the alterations to the TPR did not result in a loss of service provision or passenger connectivity in relation to criteria (d), and (f) of the decision criteria and in delivery of the Objective outlined in Network Code Part D Condition D4.1.1
- 5.11 Subsequent positive responses from First Great Western (*Appendix G*), and a lack of response (considered as acceptance) from other Timetable Participants prompted Network Rail to begin making the necessary changes in accordance with D2.2.7
- 5.12 A response from Freightliner after the close of the consultation period but prior to Network Rail's advice of the change was received by Network Rail on 12th August 2014 (*Appendix H*) proposing different values without supporting evidence and challenging the methodology used to generate the SRT values consulted
- 5.13 In responding to Freightliner on 20th August 2014 (*Appendix I*), Network Rail explained its methodology and responded to specific challenges which is further summarised in Section 6
- 5.14 Network Rail accepts an inadvertent error in distributing advice of the amendment to the TPR on the 20th August 2014 (*Appendix J*). As a specific process for consultation

is not outlined in D2.2.7, Network Rail felt it reasonable to clarify the decision in respect of the consultation that had already been undertaken. This was published on 05th September 2014 (*Appendix K*). It is noted that the adherence to the process outlined in D2.2.7 is not the topic of dispute by Freightliner. In making its decision, Network Rail has applied the Decision Criteria outlined in the Network Code to achieve the Objective outlined in D4.1

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

6.1 Issues where the Defendant Accepts the Claimant's Case

6.1.1 Network Rail accepts the claim by Freightliner (Freightliner sole submission 'Concerns') that DB Schenker are currently the only Timetable Participant operating services utilising the timing loads reviewed and that this may not be the case in the future

6.1.2 Network Rail accepts the claim by Freightliner (Freightliner sole submission 'Concerns') that there may be two values that are suitable for services between Margam Moors Jn and Stormy owing to the different speed at which services approach the section dependant on their origin (either Port Talbot direction or Margam T.C). Network Rail does not believe that the use of adjustment time to supplement an SRT calculated from the Port Talbot direction to Stormy (in order to reflect origin from Margam T.C) is sufficiently accurate owing to the variances in journey time as a result of the different trailing weights involved. It is noted that there are no services in the current timetable that utilise the timing loads affected travelling from the Port Talbot direction

6.2 Issues where the Defendant qualifies or refutes the Claimant's Case

6.2.1 Network Rail does not accept that its methodology equates to a deviation from 'standard practice', or that the methodology used would lead to a 'flawed' conclusion (Freightliner sole submission 'Concerns'). The methodology used is consistent with the TPR Section 5.1 and has been used previously to verify TPR values and generate accurate timetable planning data

6.2.2 Network Rail does not accept the claim by Freightliner (Freightliner sole submission 'Methodology') that the extensive data provided to support its proposal and decision (*Appendix D*) can be considered 'small and unrepresentative'. The data provided was captured by Network Rail staff on board the services detailed, and was therefore 'personally observed' as detailed by Freightliner

6.2.3 Freightliner's supporting evidence (Freightliner sole submission 'Detail') is based on a 1996 Tratim table for a fully fitted freight train (wagons laden). This was calculated two years prior to the first British use of Class 66 locomotives, and cannot be considered a

'trusted computer model'. There appears to be no differentiation between class of locomotive and wagon type. Importantly in this scenario, the tractive effort of different locomotives should also be considered due to the undulating gradient profile of the route. Further more a comparison of the Sectional Appendix for Western Zone (1998) and the most recent Sectional Appendix for Western Route (*Appendix L*) highlights a number of infrastructure and measurement alterations that render the dated Tratim tables favoured by Freightliner inaccurate

- 6.2.4 Network Rail does not accept the claim by Freightliner (Freightliner sole submission 'Concerns') that its choice of measurement points will create inaccurate SRT data. The data captured reflects actual journey time between each point, with a mean average taken and suitably rounded to accommodate for slight variances in driving style and tractive effort. The locations were chosen for consistency with other systems and in agreement with the Timetable Participant operating the services being measured. Network Rail also notes that the 1996 Tratim data supplied by Freightliner is not consistent with the expectation detailed of precise Sectional Appendix mileage being used to calculate SRTs. Notably as an example of specific contention, the journey mileage quoted for the model at Stormy is not consistent with Freightliner's expectations for timing points. Stormy is quoted as being 24.46 miles from Cardiff in the down direction, but 24.10 in the up direction. The Sectional Appendix mileages place the two locations 24.26 miles apart
- 6.2.5 Importantly, it should be noted that the total recorded 'end to end' journey time between Margam TC and Marshfield is greater than the previously established journey time generated by the inaccurate SRTs at D-44, meaning suggestions of altering TRUST reporting points in specific places through the route will not counter Network Rail's 'end to end' findings
- 6.2.6 Section 5.1 of the Timetable Planning Rules stipulates the criteria that Network Rail will apply in deciding whether to re-calculate the Timetable Planning Rules. The evidence gathered demonstrating the continuing loss in time for specific timing loads supports Network Rail's decision to review these specific timing loads. It is noted that Freightliner's counter proposal proposes adjustments only to the timing loads Network Rail have identified as being inaccurate.

- 6.2.7 It is noted that Freightliner continue to question the SRT values associated with the section between Margam TC and Margam Moors Junction (Freightliner sole submission 'Detail') which have not been amended as part of this review. Network Rail has referenced that possible review of this section in future may be required pending the establishment of a consistent method of working within Margam TC itself, but has not proposed any alteration to the existing values established at D-44
- 6.2.8 Network Rail does not accept the claim by Freightliner (Freightliner sole submission 'Detail' regarding the calculation of SRT values between Stormy and Bridgend. Acceleration due to gravity is affected by opposing forces (such as friction and air resistance) which are overcome at a different rate by objects of different weights and profiles

6.3 Issues not addressed by the Claimant that the Defendant considers should be taken into account as material to the determination

6.3.1 Network Rail notes that Freightliner does not make reference or challenge to Network Rail's position that adjusting the TPRs was, acting reasonably, necessary for the optimisation of the New Working Timetable in relation to Network Code Part D Condition 2.2.7

6.3.2 Network Rail conducted a timetable study to demonstrate the impact of the revised TPR values in order to better articulate the impact that they may have to Timetable Participants

6.3.3 Network Rail notes that Freightliner does not make reference or challenge to Network Rail's application of the decision criteria in relation to its decision to amend the TPR

6.4 Why the arguments raised in 6.1 to 6.3 taken together favour the position of the Defendant

6.4.1 Network Rail has followed Network Code Part D Condition D2.2.7 to propose a change to the Timetable Planning Rules which was necessary for the optimisation of the New Working Timetable and would lead to a reduction in the degradation of performance caused by late running freight services on the South Wales Main Line. In deciding to implement the change, Network Rail has heavily weighted criterion (c) and found also that the other applicable criteria (d) and (f) support the decision

6.4.2 Network Rail has adhered to established practice by complying with Section 5.1 of the Timetable Planning Rules to identify what planning rules to review, and in the methodology for the review to be undertaken

6.4.3 Freightliner's response to Network Rail's proposal was received after the close of the consultation period established, and although not stipulated at the time (as no supporting evidence was provided) is now clearly based upon dated modelling outputs from 1996 which were created prior to the introduction of the rolling stock concerned and cannot be considered to be robust in comparison to observed data of actual train movements

6.4.4 Freightliner has not demonstrated any interpretation of the decision criteria in its objection to Network Rail's decision. Network Rail summarises its application of the decision criteria in achieving the Objective outlined in Network Code Part D Condition D4.6.1 to amend the TPR values concerned as follows;

Decision Criterion	Evidence	NR Opinion	Weighting
(c) maintaining and improving train service performance	<p>The revised TPR values have been calculated using observed data for specific movements.</p> <p>The counter proposed TPR values have been provided using analysis of a 1996 computer model</p> <p>The revised TPR require alteration to schedules departing Margam TC towards Cardiff.</p> <p>Some minor consequential alterations have been required to passenger services. The allocation of capacity has not been affected through the revision of the TPR.</p>	<p>That the revised TPR values provide the most efficient and economical use of capacity by providing specific SRTs that represent the genuine capability of the infrastructure and rolling stock involved.</p> <p>That revised TPR values improve the reliability of freight services departing Margam and travelling forward through Cardiff and will reduce reactionary disruption.</p> <p>That the revised TPR values maintain the existing sharing of capacity and do so in a more efficient manner in providing a more accurate representation of the operating constraints of the infrastructure and rolling stock involved.</p>	In favour of amending TPR
(d) that journey times are as short as reasonably possible	<p>The revised TPR values have been calculated using observed data for specific movements.</p> <p>The counter proposed TPR values have been provided using analysis of a 1996 computer model</p>	That the revised TPR values provide the most accurate representation of the shortest possible journey time, having been calculated using observed data between two specific and consistent points.	In favour of amending TPR
(f) the commercial interests of Network Rail (apart from the terms of any maintenance contract entered into or proposed by Network Rail) or any Timetable Participant of which Network Rail is aware	<p>The revised TPR values (in either case) increase the end-to-end journey time for specific freight services between Margam TC and Marshfield.</p> <p>A capacity study was undertaken to demonstrate the impact on the timetable and associated ability to comply with the contracts that the affected timetable participants are party to</p>	The responses received through the consultation process and capacity study has demonstrated all participants are able to comply with any contract they are party to.	Balanced
(a) (b), (e), (g), (h), (i), (j), (k), (l), (m), (n), (o) Various	n/a	n/a	n/a

7 DECISION SOUGHT FROM THE PANEL

7.1 Network Rail seeks the following outcome from the Panel's Determination:

That Network Rail's decision to alter the Timetable Planning Rules for the May 2015 timetable is upheld

8 APPENDICES AND ANNEXES

<i>Appendix "A"</i>	<i>Comparison of TRUST reporting data to previous SRT values</i>
<i>Appendix "B"</i>	<i>Western & Wales 2015 TPR Version 4, Section 5.1</i>
<i>Appendix "C"</i>	<i>Example data capture for 1 movement; 6H21 10th June</i>
<i>Appendix "D"</i>	<i>Supplementary evidence to support proposal</i>
<i>Appendix "E"</i>	<i>Proposal to alter the Timetable Planning Rules</i>
<i>Appendix "F"</i>	<i>Timetable Impact Study</i>
<i>Appendix "G"</i>	<i>First Great Western response to proposal</i>
<i>Appendix "H"</i>	<i>Freightliner response to proposal</i>
<i>Appendix "I"</i>	<i>Network Rail response to Freightliner</i>
<i>Appendix "J"</i>	<i>Advise of alteration</i>
<i>Appendix "K"</i>	<i>Corrected advise of alteration</i>
<i>Appendix "L"</i>	<i>Comparison of 1998 and 2014 Sectional Appendices</i>

9 SIGNATURES

Network Rail confirms that it has complied with **Rule H21** of the Access Dispute Resolution Rules, which requires that

- (a) the relevant extracts of contractual Documents containing the provision(s) under which the referral to the Timetabling Panel arises and/or provisions associated provision(s) associated with the substance of the dispute; and
- (b) *[the relevant extracts of] **any other Documents referred to in the reference***.
[Rule H21(b) (I)]

The Defendant
For and on behalf of
Network Rail Infrastructure Limited

Signed



Toby Patrick-Bailey
Operational Planning Manager, Network Rail