

Access Disputes Committee – Timetable Panel

Govia Thameslink Rail Submission to Timetable Panel

Ref:- TTP762

Network Rail Proposals for Engineering Access 2015

Re:-Balcombe bi-directional signalling capability upgrade, first

commissioning stage: Weeks 51/52

(Friday 20 to Monday 23 March 2015)

Pf103/12/14v1

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 at Kings Place, 90 York Way, London, N19 9G ("NR") ("the Claimant"); and
- (b) Govia Thameslink Railway whose Registered Office is at 3rd Floor 41 – 51 Grey Street, Newcastle upon Tyne NE 1 6LE ("GTR") ("the Respondent").

This is a single party submission on behalf of Govia Thameslink Railway and the contact is:

GTR Paul French
Head of Train Planning
Govia Thameslink Railway
Hertford House
1, Cranwood Street
London
EC1V 9QS
Tel:- [REDACTED]
e-mail:- [REDACTED]

2 THE PARTIES' RIGHT TO BRING THIS REFERENCE

With reference to Network Code Condition D 2.2.8, this matter is referred to Timetabling Panel ("the Panel") for determination in accordance with Condition D 5.1.2 (a) of the Network Code and paragraph 3.5.4 of the 2015 Timetable Planning Rules.

3 CONTENTS OF REFERENCE

Govia Thameslink Railway (GTR) has produced this sole reference and it 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 the issues in dispute prepared by the Respondent in Section 6.

- (d) The decisions of principle sought from the Panel in respect of legal entitlement and remedies in Section 7; and
- (e) Appendices and other supporting material.

4 SUBJECT MATTER OF DISPUTE

- 4.1 GTR is the Train Operating Company which operates a daily service on the Thameslink route between Bedford/Luton – Brighton/Wimbledon, and also on the Great Northern route between London Kings Cross – Peterborough/Cambridge and Kings Lynn.
- 4.2 This dispute focuses on GTR's requirement to run an adequate late Friday evening service between Three Bridges and Brighton, and Network Rail's decision to impose a disruptive Restriction of Use (RoU) on the Brighton Main Line within the Kent and Sussex Route (K&SR) to prevent this.
- 4.3 Consequently, the essence of the dispute is Network Rail's decision to bring forward the hours of K&SR RoU P2014/2041105 between Three Bridges and Wivelsfield for the first commissioning stage of Balcombe bi-directional capability upgrade. This is to enable commencement at 2300 Friday 20th March instead of 0110 Saturday 21st March as previously informally agreed with GTR, and the Decision to include an additional RoU P2014/1823061 on the back of this work between Keymer Junction and Preston Park. These alterations will deny GTR the passage of 8 advertised services to and from Brighton at a sensitive time of the evening, necessitating rail replacement for approx. 650 passengers on late Friday night between Three Bridges and Brighton (see Appendix A). It should be noted that neither GTR or its predecessor FCC has ever conceded late night RoUs of this nature on a Friday night.
- 4.4 Referral will be made to the interpretation of Network Code Access Condition D 4.6, 'The Decision Criteria'.

5 SUMMARY OF DISPUTE

- 5.1 GTR has supported and engaged in a joint industry scheme led by Network Rail to upgrade the bi-directional capability of the route between Balcombe Tunnel Junction and Copyhold Junction. This will increase the volume of trains which will be able to operate whilst using this functionality.
- 5.2 Network Rail progressed its consultation for requisite K&SR access in accordance with Network Code Access Condition D3.4 relating to Section 3.1 of the Timetable Planning Rules.
- 5.3 GTR agreed a series of disruptive RoUs during 2013 and 2014 to facilitate the necessary work to accommodate Balcombe bi-directional capability. However, completion of planned final commissioning in Week 34 (0120 Saturday 15th to 0400 Monday 17th November 2014) was found to be undeliverable. Network Rail then split the commissioning and redesignated the final stage of this work within an existing RoU in Week 42 (0130 Sunday 11th January to 0400 Monday 12th January 2015). This was confirmed at the 'Operations & TOC Interface Meeting (No. 11)' on the 21st August 2014 (see Appendix B).
- 5.4 Network Rail then subsequently advised GTR at the 'Operations & TOC Interface Meeting (No. 13)' on the 21st October 2014 (see Appendix C) that final stage commissioning would not be achievable in Week 42 and that an alternative RoU strategy for full commissioning would be required, starting with the first stage in Week 52 (0110 Saturday 21st March to 0400 Monday 23rd March 2015). Final stage commissioning would be achieved within an existing RoU in week 1 (0210 Sunday 29th March to 0400 Monday 30th March 2015). This was agreed informally by GTR through a series of email chains (see Appendix D).
- 5.5 On 6th November 2014 at 0017, Network Rail proposed the additional week 52 RoU between Three Bridges and Wivelsfield (P2014/2041105) for the first commissioning stage of Balcombe bi-directional capability upgrade, from 0110 Saturday 21st March to 0400 Monday 23rd March 2015, through Late Notice Disruptive Access Request as already informally agreed by GTR (see Appendix E). At 0045 on the same day, Network Rail also proposed through Late Notice Disruptive Access Request a further additional RoU between

Keymer Junction and Preston Park Junction from 0130 Saturday 21st March to 0415 Monday 22nd March 2015 (P2014/1823061) (see Appendix F).

- 5.6 By email on 6th November 2014 at 1130, Network Rail identified that the proposed Late Notice Disruptive Access Request issued earlier that day (P2014/2041105) was insufficient to deliver the proposed first commissioning stage of Balcombe bi-directional capability upgrade (see Appendix G).
- 5.7 On the 11th November GTR was party to email exchanges between Southern and Network Rail regarding progress updates on the Late Notice Disruptive Access Request issued on the 6th November for the first commissioning stage of Balcombe bi-directional capability upgrade (P2014/2041105), where different Network Rail functions held differing views (see Appendix H).
- 5.8 By email on 10th November 2014 at 1612, GTR responded to Network Rail's week 52 Late Notice Disruptive Access Request for the first commissioning stage of Balcombe bi-directional capability upgrade (P2014/2041105). The request was to query the status of the RoU (see Appendix I). At 1613 on the same day, GTR also responded to RoU P2014/1823061 (Keymer Junction to Preston Park). The request was declined awaiting updates to P2014/2041105 (see Appendix J).
- 5.9 On 14th November 2014 at 1243, Network Rail withdrew its Late Notice Disruptive Access Request for Week 52 (P2014/2041105) due to insufficient time to deliver the first commissioning stage of Balcombe bi-directional capability upgrade, stating *"access is now under review and will be re-proposed"* (see Appendix K). Later that same day, at 1253, Network Rail re-proposed the week 52 Late Notice Disruptive Access Request with the RoU to start earlier at 2300 Friday 10th March 2015 (see Appendix L).
- 5.10 By email on 17th November 2014 at 1419, GTR responded to Network Rail's week 52 Late Notice Disruptive Access Request (P2014/2041105). The request was declined, but alternative times were identified as being more palatable to GTR (see Appendix M).
- 5.11 On 23rd November 2014 at 2151 Network Rail issued its Decision to proceed with the extended times for the RoU to deliver the first commissioning stage of Balcombe bi-directional capability upgrade (P2014/2041105) as per the week

52 Late Notice Disruptive Access Request issued on 14th November at 1253 (see Appendix N).

- 5.12 On 26th November 2014 at 2135, Network Rail issued its Decision to proceed with the additional Keymer Junction to Preston Park RoU (F2014/1823061) as per the week 52 Late Notice Disruptive Access Request issued on 6th November at 0045 (see Appendix O).
- 5.13 Because of the value of the upgraded Balcombe bi-directional facility, GTR has regularly accommodated Network Rail's late notice disruptive requirements to progress this work. However, despite GTR's well-founded concerns regarding the impact of a 2300 Friday start in Week 52, Network Rail has chosen to impose this RoU without further consultation.
- 5.14 Whilst engineering access requests for this work have occurred in accordance with Network Code Access Condition D 3.4., GTR would emphasise that Network Rail has failed to *achieve the optimal balance between access for maintenance, renewal and enhancement work* as per Section 1.0 Introduction to the Engineering Access Statement 2015, relating to paragraph 3.1.2 of the Timetable Planning Rules 2015 (see Appendix P).
- 5.15 GTR would also contend that Network Rail has not amplified its references to the Network Code Access Condition D 4.6.1, 'The Decision Criteria', as mentioned in its Decision email dated 23rd November 2014 (see Appendix N).

PLEASE NOTE: For assistance please see Appendix S for a timeline that is cross-referenced against Appendices.

6 EXPLANATION OF THE ISSUE IN DISPUTE

- 6.1 GTR's dispute is very simple. It believes that route access for Friday night services between Three Bridges and Brighton should be available until at least 0015 Saturday (as per suggestion in Appendix M) and that there are sufficient passenger numbers to demonstrate that this is a necessity.
- 6.2 GTR believes that Network Rail has failed to satisfactorily optimise other previous or consider future disruptive RoUs to avoid this dispute and has weighted Decision Criteria (a) and (c) at the expense of any other considerations within Network Code Access Condition C 4.6.2. Network Rail has not subscribed to Section 1.0 of the Introduction to the Engineering Access Statement 2015 which states that Network Rail must have the "aim of achieving the optimal balance between access to the network for train operations and access for maintenance renewal and enhancement work" (see Appendix P).
- 6.3 GTR believes that Network Rail should also have taken account of other Decision Criteria within Condition 4.6.2. of the Network Code viz

Decision Criterion (b)

"That the spread of services reflects demand"

GTR View - GTR has compromised to accommodate Network Rail with all previous access necessary to develop the capability of Balcombe bi-directional signalling. But the level of passenger volume, and the scale of rail replacement to accommodate the same between Three Bridges and Brighton from 2300 Friday to 0015 Saturday is unacceptable (see Appendix A).

Decision Criterion (d)

"That journey times are as short as reasonably possible"

GTR view - Network Rail's request for additional access will require rail replacement vehicles between Three Bridges and Brighton generating a journey time of 70 minutes, with a train/bus connection of 10 minutes. The normal rail journey time between these two stations is 32 minutes.

Decision Criteria (i)

"Mitigating the effect on the environment"

GTR view – Network Rail's Decision will force many rail passengers onto alternative road transport of some volume. Also, usual passenger behaviour and attitude will be severely tested by inconvenience late on a Friday night/early Saturday morning. Environmental unpleasantness would be expected.

Decision Criteria (j)

"Enabling operators to utilise their assets efficiently"

GTR view – Network Rail's Decision will deny necessary train operation and will create extra empty train movements to avoid the wrong type of rolling stock being trapped for 54 hours south of the RoU. In addition there will be the potential need to have to re-allocate unit resources/types across the Friday and/or Monday day-time service thus risking short formations at a time when GTR is already being heavily monitored to reduce these.

- 6.4 For clarification, GTR does not seek to jeopardise the successful implementation of this Project and, indeed, has given much support to ensure that there is benefit to the industry upon completion. Nonetheless, it is unclear whether Network Rail has considered options as outlined in Engineering Access Statement 2015 paragraph 1.2.2. (see Appendix Q).
- 6.5 Furthermore, GTR believes that Network Rail has not invited a response in order to consider the view of the Timetable Participant as instructed per paragraph 3.5.1. of the Timetable Planning Rules 2015. This states: *'Network Rail shall give due consideration to responses received from Timetable Participants in accordance with paragraphs 3.4.1 or 3.4.2 above and shall decide which changes, if any, should be made to the Engineering Access Statement/Timetable Planning Rules'* (see Appendix R).
- 6.6 GTR would seek that any extraneous work caused by access relaxation should be rotated without endangering the benefit or delivery of any Project involved, and not affect industry crucial periods of route activity.

7 DECISION SOUGHT FROM THE PANEL

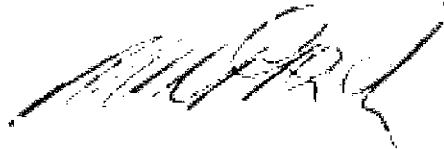
7.1 The Panel is asked to determine that

Network Rail be directed to accommodate the necessary Balcombe bi-directional commissioning work within a revised, compromised access proposal of 0015 Saturday 21st March to 0430 Monday 23rd March; or to a more suitable access strategy, by applying the suggested Network Code Decision Criteria and associated Engineering Access Statement and Timetable Planning Rules conditions, to thus ensure that GTR's busy late night Friday service between Three Bridges and Brighton is preserved

8 SIGNATURE

For and on behalf of Govia Thameslink Railway Ltd

Signed



Print Name Mark Parnham

Position Network Rail Engineering Planning Date 19th February 2016

Authorised Representative

- Appendix A Friday Night Passenger Loading Detail
- Appendix B Minutes from Balcombe Bi-Di Operations & TOC Interface Meeting No. 11 (21/08/14), confirming week 42 as final commissioning for full bi-directional capability upgrade.
- Appendix C Minutes from Balcombe Bi-Di Operations & TOC Interface Meeting No. 13 (21/10/14), confirming weeks 34 & 42 as unavailable to complete commissioning for bi-directional capability upgrade and progression of weeks 52 & 1 instead.
- Appendix D Email chains between Network Rail, GTR and Southern dated 28th October to 3rd November 2014, eventually resulting with informal agreement for additional week 52 RoU between 0110 Saturday 21st March and 0400 Monday 22nd March 2015.
- Appendix E Email from Network Rail to GTR dated 6th November 2014 requesting Late Notice Disruptive Access in week 52 between Three Bridges and Wivelsfield from 0110 Saturday 21st March to 0400 Monday 22nd March 2015.
- Appendix F Email from Network Rail to GTR dated 6th November 2014 requesting Late Notice Disruptive Access in week 52 between Keymer Junction and Preston Park from 0130 Saturday 21st March to 0415 Monday 22nd March 2015.
- Appendix G Email from Network Rail to GTR dated 6th November identifying that original Late Notice Disruptive Access proposal between Three Bridges and Wivelsfield from 0110 Saturday 21st March to 0400 Monday 22nd March 2015 was insufficient to complete first stage of the commissioning.
- Appendix H Email chains between Southern and Network Rail dated 11th November 2014.

- Appendix I Email from GTR to Network Rail dated 10th November 2014 responding to the Late Notice Disruptive Access Request in week 52 between Three Bridges and Wivelstield from 0110 Saturday 21st March to 0400 Monday 22nd March 2015.
- Appendix J Email from GTR to Network Rail dated 10th November 2014 responding to the Late Notice Disruptive Access Request in week 52 between Keymer Junction and Preston Park from 0130 Saturday 21st March to 0415 Monday 22nd March 2015.
- Appendix K Email from Network Rail to GTR dated 14th November 2014 withdrawing the week 52 Late Notice Disruptive Access Request between Three Bridges and Wivelsfield from 0110 Saturday 21st March to 0430 Monday 22nd March 2015 that was issued on 8th November 2014.
- Appendix L Email from Network Rail to GTR dated 14th November 2014 requesting extended Late Notice Disruptive Access in week 52 between Three Bridges and Wivelsfield from 2300 Friday 20th March to 0400 Monday 22nd March 2015.
- Appendix M Email from GTR to Network Rail dated 17th November 2014 responding to the extended Late Notice Disruptive Access Request in week 52 between Three Bridges and Wivelsfield from 2300 Friday 20th March to 0400 Monday 22nd March 2015.
- Appendix N Email from Network Rail to GTR dated 23rd November 2014 with Decision to publish extended Late Notice Disruptive Access in week 52 between Three Bridges and Wivelsfield from 2300 Friday 20th March to 0400 Monday 22nd March 2015.
- Appendix O Email from Network Rail to GTR dated 26th November 2014 with Decision to publish Late Notice Disruptive Access in week 52 between Keymer Junction and Preston Park from 0130 Saturday 21st March to 0415 Monday 22nd March 2015.
- Appendix P Engineering Access Statement 2015 Referencing Section 5.0 and Timetable Planning Rules 2015 referencing paragraph 3.1.2.

- Appendix Q Engineering Access Statement 2015 Referencing paragraph 1.2.2.
- Appendix R Timetable Planning Rules 2015 referencing paragraphs 3.4.1, 3.4.2 and 3.5.1.
- Appendix S Timeline cross-referenced with relevant Appendices.