
ACCESS DISPUTES COMMITTEE

Abellio Greater Anglia Ltd ("AGA")

MTR Crossrail Ltd ("MTR")

Network Rail Infrastructure Ltd ("NR")

From: Hearing Chair
Floor 8
1 Eversholt Street
London NW1 2DN

Tel: 0207 554 0601

Fax: 0207 554 0603

e-mail: sec.adc@btconnect.com

Ref: ADC/TTP985

Date: 18 July 2016

Dear Sirs

Directions relating to Timetabling Dispute TTP985

I am conscious of the fact that through standard application of the ADR Rules MTR and NR will only have one working week to submit their responses to AGA's Statement of Case ('SOC'). If any supplementary questions arise from AGA's SOC it would be difficult for AGA to answer them in time to enable MTR and NR to deal with these issues in their replies. Given this, I hope that it will assist AGA (and thus MTR and NR) by indicating now areas that I would wish to see covered in AGA's SOC in order to enable MTR and NR to provide replies which will assist the Panel.

To assist my preparation for this case hearing, I have been supplied by the Committee Secretary with part of an undated document on NR's writing paper, which has assisted my understanding of the dispute and which has helped to formulate the questions now being posed. The 4 page NR document is entitled "Liverpool Street Stabling Platform 18 – AGA/MTR" and it was sent to the Committee Secretary on 16 June 2016 by AGA preliminary to service of its formal Notice of Dispute. I observe that it sets out the conclusions reached in NR's consideration of the Decision Criteria and would anticipate that the document will therefore be tabled formally in AGA's SOC.

I now **DIRECT** that AGA should deal with the following issues in its SOC, all referring to the weekday off-peak period specified in the Dispute:-

1. AGA is to confirm whether it agrees with NR's statement that AGA has no stabling rights at Liverpool Street in its Track Access Agreement or Station Access Agreement relating to Liverpool Street with effect from the December 2016 WTT change. If it does not agree, AGA is to explain why not, with supporting documents.
2. I understand that AGA's concept is that the spare set is not crewed, but that in the event of set failure at Liverpool Street the rostered driver, any other train crew, and passengers would transfer to the spare set. Will AGA please say whether in the event of a delay to an inbound set, or to a driver rostered to take out a departing service, it maintains stand-by drivers at Liverpool Street with route and traction knowledge to use the spare set.
3. Please confirm that Class 321 trains are cleared for use to Southend Victoria, Clacton-on-Sea, Colchester Town, Braintree and Norwich.
4. Is there any possibility of stabling the spare set at Ilford Depot?

5. If the spare set had to be stabled at Southend Victoria, does AGA maintain stand-by drivers there?
6. If the spare set were at Southend Victoria, with a stand-by driver available, will AGA please estimate how long it would take to reach Liverpool Street during the off-peak period?
7. The public timetable suggests that in the event of the cancellation of an AGA service departing from Liverpool Street the interval before the next service to the same destination would be: Southend Victoria: 18-22 minutes; Norwich 30 minutes; Ipswich (slow), Clacton-on-Sea, Braintree, Colchester North 60 minutes. Does AGA agree that this is correct?
8. Without breaching commercial confidentiality, is AGA able to give a broad indication of likely off-peak loadings on the services listed above?
9. The figures asserted by AGA and NR relating to the use of the spare set do not always refer to the same period, but there still seems to be a major difference between the Parties' understanding of how often the spare set has been used in the past. AGA is to provide the most accurate information available to it to establish how often the spare set has been used (both before and after MTR took over the Shenfield services), and the reasons for it being used.

MTR having become a Dispute Party, I **DIRECT** that in its SOC:

10. MTR is to answer Question 1 above in relation to its own Track Access Agreement and Station Access Agreement.
11. MTR is to confirm that its off-peak services to Shenfield run every 10 minutes.
12. If possible, and again without breaching commercial confidentiality, MTR is to provide a broad indication of the loading of its off-peak services.
13. If MTR's spare set were at Gidea Park, how long would it take to bring it into service (given that it would be crewed)?
14. Presumably it would be possible for a spare set located at Gidea Park to pick up the path of a cancelled service virtually anywhere between Liverpool Street and Shenfield; will MTR please confirm this.

It should be noted that, in the interests of effective case management, I may consider it appropriate to issue some Supplementary Directions after having opportunity to read AGA's SOC.

Yours faithfully

Clive Fletcher-Wood
Hearing Chair

Committee Secretary