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20 September 2016

Dear Rob

Network Code Part M – Appeal Related to Timetable Panel TTP985

Further to my letter of the 23 August 2016, MTR Crossrail has some supplementary evidence that we would ask the ORR to consider when reviewing the decision made by the Access Disputes Committee on 5 August 2016.

Additional Costs incurred by AGA

MTR Crossrail does not believe that Abellio Greater Anglia (AGA) has adequately demonstrated that they will incur additional costs if they can no longer stable a stand-by train at London Liverpool Street.

MTR Crossrail accept that AGA will incur some additional costs, but do not believe that the Access Disputes Panel has considered the impact on both operators.

In my letter of the 23 August 2016 we referred to the option of AGA stabling their stand-by train at Gidea Park Sidings rather than Southend Victoria and the costs savings involved.

MTR Crossrail has now reached agreement with Arriva Trains London to provide train crew for the Romford to Upminster service, operated by London Overground, from November 2016. This will release AGA train crew who currently operate this service, who could potentially be deployed to move the AGA stand-by train from London Liverpool Street to Gidea Park or Southend Victoria without the need for AGA to hire additional staff.

Usage of the Standby Train

MTR Crossrail has been carefully monitoring how often AGA has utilised the standby train at London Liverpool Street and in addition when TFL Rail could have used a stand-by train if it was available.

Date	AGA Stand-by train utilisation	TFL Rail potential utilisation
1 August 2016	Standby train not used.	Stand-by train available if required.
2 August 2016	Standby train not used.	Stand-by train available if required.
3 August 2016	Standby train not used.	2W30 15:40 Liverpool Street to Shenfield (due to a train defect).
4 August 2016	Standby train not used.	Stand-by train available if required.
5 August 2016	Standby train not used.	2W70 11:30 Liverpool Street to Shenfield (due to a train defect).
8 August 2016	Stand-by train formed 5V02 10:33 Liverpool Street to Ilford Depot. Stand-by train not available.	Stand-by train available if required.

9 August 2016	Stand-by train formed 1Y18 13:02 Liverpool Street to Ipswich.	Stand-by train available if required. MTR Crossrail could have used the stand-by train to form a service from Liverpool Street to Shenfield to connect with an AGA service to Ipswich.
10 August 2016	Standby train not used.	Stand-by train available if required.
11 August 2016	Standby train not used.	2W26 16:10 Liverpool Street to Shenfield (inward train delayed by passengers).
12 August 2016	Standby train not used.	Stand-by train available if required.
15 August 2016	Standby train not used.	2W98 13.50 Liverpool Street to Shenfield (due to a train defect) <i>or</i> 2W04 14.20 Liverpool Street to Shenfield (due to a train defect).
16 August 2016	Stand-by train formed 1F20 10.48 Liverpool Street to Braintree.	Stand-by train available if required. MTR Crossrail could have used the stand-by train to form a service from Liverpool Street to Shenfield to connect with an AGA service to Braintree.
17 August 2016	Stand-by train formed 1F20 10.48 Liverpool Street to Braintree.	Stand-by train available if required. MTR Crossrail could have used the stand-by train to form a service from Liverpool Street to Shenfield to connect with an AGA service to Braintree.
18 August 2016	Standby train not used.	Stand-by train available if required.
19 August 2016	Standby train not provided by AGA.	Stand-by train available if required.
22 August 2016	Stand-by train formed 1F20 10.48 Liverpool Street to Braintree.	2W74 11.50 Liverpool Street to Shenfield (due to a signalling problem). MTR Crossrail could have used the stand-by train to form a service from Liverpool Street to Shenfield to connect with an AGA service to Braintree.
23 August 2016	Stand-by Train formed 5M26 10:59 Liverpool Street to Orient Way. Stand-by train not available.	Stand-by train available if required.
24 August 2016	Standby train not used.	Stand-by train available if required.
25 August 2016	Standby train not used.	Stand-by train available if required.
26 August 2016	Standby train not used.	Stand-by train available if required.
30 August 2016	Standby train not used.	Stand-by train available if required.
31 August 2016	Standby train not used.	Stand-by train available if required.
1 September 2016	Standby train not used.	Stand-by train available if required.
2 September 2016	Standby train not used.	Stand-by train available if required.
5 September 2016	Standby train not used.	Stand-by train available if required.
6 September 2016	Standby train not used.	2C00 16.28 Liverpool Street to Gidea Park (due to a train defect).
7 September 2016	Standby train not used.	Stand-by train available if required.

8 September 2016	Standby train not used.	2W14 15.10 Liverpool Street to Shenfield (due to a train defect).
9 September 2016	Standby train not used.	Stand-by train available if required.
12 September 2016	Stand-by train formed 1Y16 12:02 Liverpool Street to Ipswich.	Stand-by train available if required. MTR Crossrail could have used the stand-by train to form a service from Liverpool Street to Shenfield to connect with an AGA service to Ipswich.
13 September 2016	Stand-by Train formed 5M68 16.24 Liverpool Street to Orient Way.	Stand-by train available if required.
14 September 2016	Standby train not used.	Stand-by train available if required.
15 September 2016	Standby train not used.	2W46 09:30 Liverpool Street to Shenfield (due to a train defect).
16 September 2016	Stand-by train formed 2F36 10:38 Liverpool Street to Colchester Town.	Stand-by train available if required. MTR Crossrail could have used the stand-by train to form a service from Liverpool Street to Shenfield to connect with an AGA service to Colchester Town.
19 September 2016	Standby train not used.	Stand-by train available if required.

During this period AGA used the stand-by train for a passenger service on six occasions, whilst MTR Crossrail would have used the standby train on at least fourteen occasions, six of which to assist AGA. The stand-by train would also have been made available for MTR Crossrail and AGA to use every day during this period.

On one occasion the AGA stand-by train was not provided and on two occasions it departed to Orient Way Sidings rather than remaining at Liverpool Street.

MTR Crossrail has offered to make the fully crewed stand-by train available to other operators to use, therefore providing a fully crewed stand-by train for the industry, regardless of the type of incident or operator involved, which in turn would protect industry PPM.

As AGA already has a second stand-by train available in platform one at Liverpool Street during the off-peak period during the week, MTR Crossrail's request is simply to replicate this arrangement with its own stand-by train rather than the current situation with AGA having two stand-by trains (platform 1 and platform 18) and MTR Crossrail having none.

MTR Crossrail would welcome the opportunity to meet with the ORR and the other dispute parties to discuss these issues further.

Yours faithfully,



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