

Transport for Wales Rail Limited (TfWRL) response to Network Rail Representations on Proposed 4th Supplemental Agreement

7 January 2021

TfWRL are responding to Network Rail's representations of 21st December 2021 on its Section 22a application to operate 2tph between Wrexham and Bidston from May 2022. Paragraph numbering is our own.

In summary, TfWRL believe that Network Rail is unreasonably refusing to sell Access Rights in a way that shares capacity in an efficient and economical manner, and in the interest of prospective users of railway services, because:

- it has allowed freight operators to 'reserve' capacity, by timetabling paths (Train Slots) unsupported by Access Rights, and is factoring in these paths when making decisions on capacity. Even where freight rights requests to support some of these paths have been declined by Network Rail's SOAR Panel, the operator concerned has not followed through with a s22a application. Some of these timetabled paths are very poorly used;
- it is citing clashes with freight paths, many of which had been resolved in the December 2021 timetable had it operated as intended; and in other cases, for which solutions are available;
- it is citing performance concerns over the use of a rolling stock (cl.153) that will be infrequently used and phased out during the validity of an initial, interim timetable. Network Rail's own analysis demonstrated a higher level of performance resulting from the use of even a mixed deployment of cl.230 and cl.153 trains;
- it is citing its delivery of physical mitigations to Level Crossing risks as a reason to reject these rights (the requirement for mitigations having been formally recognised by the ESG in late 2019) despite a programme to complete these before the May 2022 timetable change; and even if that is not delivered, there are other interim measures that can be deployed to allow the service increment to be introduced; and
- it has raised concerns with maintenance access which it has not previously shared with us. Solutions are potentially available to address these concerns, but Network Rail has not given us the opportunity to consider this issue.

Our detailed comments on Network Rail's response are below.

Timetable Production (pp3-4)

1.1

'...TfWRL's aspirations...'

Throughout this process, Network Rail's philosophy over this timetable increment is that it is an 'aspiration', i.e. a 'hope or ambition'. It is not. A 2tph Wrexham - Bidston service is a *commitment*, made publicly by TfW Authority and Welsh Ministers to our customers and stakeholders (including DfT), to deliver a Metro service in North Wales, West Cheshire and the Liverpool City Region. To resource this commitment, a £25m investment has been made into trains (which can't usefully be used on other TfW routes); 20 Traincrew have been employed; Rail Network Enhancement Pipeline (RNEP) funding of £2m has been secured to improve Level Crossing Safety; and a significant amount of industry resource has been invested into developing the timetable.

1.2

'The infrastructure of this section does not lend itself to regular, patterned, mixed use running; An increase in services takes a lot of the available capacity.'

We concur that adding additional train paths on the current infrastructure is difficult, but it is not impossible. TfWRL's additional services do not require any additional infrastructure. Newly pathed freight services, particularly those to and from Padeswood Cement facility, occupy more capacity than a passenger service because the operator must marshal their train on the main running line. Our view is that this is not an efficient or equitable use of network capacity. However, no effort has been made by the freight operator or their customer to mitigate this inefficiency, either through investment into the Padeswood facility, or by pathing trains at hours which would not preclude 2 passenger trains per hour between 7am and 7pm (the core part of the day for passengers).

1.3

'The plan bid for the SCD May 2022 timetable was bid with class 153 timing load which has slower SRTs than the 230's originally proposed'

The bid for both the December 2021 and May 2022 timetables included cl.153 timing loads. This was done because Industry PMO (rightly) demand assurance that any planned timetable is deliverable, and as the availability of a sub-class of train new to the network can't ever be 100% guaranteed, TfWRL timed the initial 2tph timetable for cl.153. This strategy was corroborated when in SOAR panel of 18/8/21, Network Rail NW&C Route expressed concern over the potential availability and reliability of the cl.230 train. The strategy of timing for legacy trains and introducing new, faster trains to those timings has been successful elsewhere (notably GWR's introduction of the cl.80x IET) as it provides operators with the flexibility to substitute legacy stock as new trains 'bed in'. If Network Rail do not accept the strategy of timing for legacy stock but with the intention of introducing new stock onto those timings, there are serious wider implications for network performance and the railway's ability to introduce new trains.

1.4

'Freight services differed from the initial analysis'

Network Rail have pathed additional freight trains on the route since the since FSI's Technical Note of 26/6/20, none of which were declared to an active Event Steering Group (ESG), and despite the knowledge that TfWRL (and its predecessors) have openly declared their intention to operate 2tph from December 2021 since 2018. Whilst we note later in this response that Network Rail have declined to sell Access Rights for these freight paths, the paths are de-facto in the timetable and are being cited as a reason to reject TfWRL's proposals to operate 2tph. A table of these paths is shown below.

TfWRL Path rejected (all EWD)	Conflicting Operator + Headcode cited	Conflicting Path	Access Rights status of conflicting path	Amendments to TfWRL proposals necessary if TfWRL path is rejected	Resolution
2F51 07:09 Wrexham General – Bidston	DBC 6M76	00:34 Margam > Dee Marsh 07:50 EWD	Firm	ECS to form 2F51 is cancelled and diagram starts Bidston ~08:00 (loss of 2F51)	None (as of 17/9). FSI had 6M76 depart earlier from WRX (06:53).
	GBRf 6J40	06:58 Penyffordd > Coton Hill (Shrewsbury) 09:51 EWD	None	As above	None. Network Rail states that “2F51 0709 EX Wrexham General non-compliant with 6J40 & 6M76 between Wrexham and Dee Marsh. 6M76 has 2F52 following and cannot follow that with 2F53 following 2F52.”
2F52 07.29 Wrexham Central – Bidston	GBRf 6J40	06:58 Penyffordd > Coton Hill 09:51 EWD	None	2F52 Removed between Wrexham General and Wrexham Central	TfWRL have accepted this compromise as a temporary timetable solution but we are still seeking a track access right for Wrexham Central-Bidston
2J52 08:04 Bidston > Wrexham Central	GBRf 6J40	06:58 Penyffordd > Coton Hill (Shrewsbury) 09:51 EWD	None	None explored as this train was newly rejected for May’22, having been originally offered for Dec 21.	None. Network Rail states “This train was offered in Dec 21 as non-compliant headway with 2J53 Bidston-Dee Marsh. Train clashes with 6J40 Dee Marsh-Wrexham. 6J40 cannot be retimed to follow as it will [be] non-complaint with 2J53. 2J53 will then be non-compliant with 2J54 if retimed to follow.”
2J54 09:04 Bidston – Wrexham Central	DBC 6V75	09:24 Dee Marsh > 17:07 Margam EWD	Firm	2J54 is cancelled along with return working (10:05 Wrexham Central > Bidston). Would require unit to stable at Bidston ~09:10-10:55	FSI solution: 2J54 later departure from Bidston and extended dwell at Neston to accommodate 6V75. SO: 2J54 in path of 6V75 ex Dee Marsh. Unable to retime 6V75 earlier or later around 2J54, as 6V75 has 1110 ahead south of Wrexham
2F55 09.05 Wrexham Central – Bidston	GBRf 0V41	07:43 Tuebrook Sidings (Liverpool) > Penyffordd 09:36 ThO	Firm	2F55 Removed between Wrexham Central and Wrexham General	TfWRL accepted this compromise as a temporary solution in Dec’21 but it is now rejected outright in May’22
2J64 14.01 Bidston – Wrexham Central	GBRf 6J41	13:07 Penyffordd > Coton Hill (Shrewsbury) 15:50 EWD	None	2J64 Removed between Wrexham General and Wrexham Central	TfWRL accepted this compromise as a temporary solution in Dec’21 but it is now rejected outright in May’22

TfWRL Path rejected (all EWD)	Conflicting Operator + Headcode cited	Conflicting Path	Access Rights status of conflicting path	Amendments to TfWRL proposals necessary if TfWRL path is rejected	Resolution
2F71 17:05 Wrexham Central – Bidston	GBRf 6M42	09:06 Avonmouth > Penyffordd 17:46 MWFO	None.	16:01 Bidston > Wrexham Central cancelled. Would require unit to stable at Bidston ~16:10-17:55	Rejected by Network Rail and no resolution found
	GBRf 6V41	17:08 Penyffordd > Avonmouth 02:06 TThO	None.	As above	Reroute 6V41 via Marches and Severn Tunnel to enable to depart Penyffordd later. Not acceptable to GBRf and not offered by SO.
2J72 18:01 Bidston > Wrexham General	GBRf 6M42	09:06 Avonmouth > Penyffordd 17:46 MWFO	None.	Unit returns ECS to BKN and 5J72 removed	None
	GBRf 6V41	17:08 Penyffordd > Avonmouth 02:06 TThO	None	As above	Reroute 6V41 via Marches and Severn Tunnel to enable to depart Penyffordd later. Not acceptable to GBRf and not offered by SO.
5J72 18:55 Wrex Central – General	GBRf 6V41	17:08 Penyffordd > Avonmouth 02:06 TThO	None	Unit stabled	Reroute 6V41 via Marches and Severn Tunnel to enable to depart Penyffordd later. Not acceptable to GBRf and not offered by SO.
5J87 20:52 Chester DMUD – Birkenhead North EMUD	Avanti 5K32	21:10 Wrexham General > Crewe 22:31 SX	N/A – ECS move	Unit stabled	None. “Clash with 5K32 Croes Newydd North Fork, which is followed by 0F42. If 5J87 is retimed following 0F42 train will be foul of EAS north of Wrexham. If retimed earlier 5J87 would need to run more than 1 hour earlier ahead of 1J32 to Wrexham and 0F42 Penyffordd-Dee Marsh”
	Network Rail 1Q41	20:34 Dee Marsh > Margam 04:02 or 06:45 MO	Route measurement train	As above	As above
	GBRf 0F42	19:40 Penyffordd > Tuebrook Sidings (Liverpool) 22:29 WO	Firm.	As above	As above

Pink indicates a solution was found in the CTP but not accepted by MKQ/the FOC; Blue indicates solution still being developed or solution not identified

1.5

'Early analysis was undertaken with the following assumptions made' and 'This analysis concluded the following'

These quotes are excerpts from a summary of a Performance Analysis by Network Rail on the operation of the interim timetable on cl.15x SRTs. These have not been presented within the full context of the analysis undertaken, which concluded that the limited stop service would perform better than the existing, all-stations service:

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Averaged across 52 loaded-loaded turnrounds at both Wrexham and Bidston I would forecast the following figures for right-time starts, given the assumptions noted below.

- *Forecast for current 1tph service pattern = 47%*
- *Forecast for all 153 operation = 53% (+6%)*
- *Forecast for 153 operation of the stopping services = 64% (17%)*

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Other elements of the analysis demonstrated that deploying cl.230s on the all-stations diagrams, and cl.153s on the limited-stop diagrams, improved right time starts to 78% at Wrexham and 51% at Bidston. The analysis also concluded that adding the semi-fast service to the existing service pattern should, improve performance of this group of services overall, because it features more robust recovery time.

We recommend that Network Rail provide ORR with the full analysis and report developed in July 2021.

1.6

'Noting that if TfWRL introduce 230s on 153 diagrams'...

The timetables bid for both December 2021 and May 2022 are interim only and separates resourcing into two, discrete sets of diagrams:

- 2x all stations in both directions, i.e. the existing 1tph timetable, with its limited turnaround times
- 2x limited stop in both directions, i.e. an overlay on top of the existing 1tph timetable, featuring the extended turnaround time at Wrexham Central

It is TfWRL's intention to prioritise the operation of the cl.230 train onto the 2x all-stations diagrams, where their superior performance will offer greater recoverability en-route and improve the % of right-time starts. As the 2x limited stop diagrams have greater recovery time, these could be resourced with other stock TfWRL will have available, which could include the CAF cl.197 Civity train when these become available for service in 2022. Should insufficient cl.230s/197s be available on any individual day, then a cl.15x train can still be substituted and meet the running times.

Therefore the figures presented represent an *absolute worst case* of the service being operated solely with cl.15x trains, which is unlikely to happen, and in a timetable that only operates for 7 months.

In December 2022, when the cl.230 train will have been in operation for some time, TfWRL will introduce an 'end-state' timetable with all trains timed for cl.230. In this timetable, trains will operate 'limited stop' in one direction, and all-stations in the other direction, equalising recovery time between the two types of diagram, resulting in recovery time of 11-12 minutes at Wrexham Central.

1.7

'International Union of Railways guidelines'

We ask for guidance from ORR on whether these blanket occupancy limits, *proposed* in UIC 406 5.2.1.1, should have any bearing in deciding whether to grant Track Access rights. They do not form part of either Part D of the Network Code, or Network Rail's Code of Practice for managing Congested Infrastructure, and we do not accept their use in the Decision Criteria.

1.8

'Capacity usage has also been assessed by expressing the used minutes in a set window of time as a percentage'

Network Rail's analysis of capacity utilisation is flawed for two reasons;

- it assumes that all of the freight paths in today's timetable remain as timed in May 2022. The premise behind this Section 22a application is that some of those freight paths that have no access rights are removed by Network Rail, and that other paths that do have access rights are retimed (within the parameters of their access rights). If the ORR agrees with this application, then the capacity utilised will be much lower as a result
- it assumes that the freight paths in the timetable are 100% utilised. We know from the analysis Network Rail conducted when resolving an access dispute for the December 2021 timetable, some of these paths are very poorly utilised. On 1/12/21 we asked Network Rail for evidence that these paths are being utilised, and we await a response; in the meantime, interrogation of Trust data between 29/11/21 and 22/12/21 demonstrates the following usage of non-passenger paths;
 - DBC 6M76 = 76%
 - GBRf 6J40 = 0%
 - DBC 6V75 = 76%
 - GBRf 0V41 = 0%
 - GBRf 6J41 = 0%
 - GBRf 6M42 = 42%
 - GBRf 6V41 = 54%
 - GBRf 0F42 = 0%
 - DBC 6V80 = 17%
 - Network Rail 1Q41 = 0%

Despite the limited sample window cited above, it is apparent to us that Network Rail's analysis presents an inaccurate reflection of capacity utilisation or the performance risks that may result.

1.9

'The additional 1tph has been rejected in the SCD May 2022 offer.'

This statement does not adequately describe the history of the development of the interim December 2021/May 2022 timetables.

TfWRL have followed the industry process for developing this timetable, even where it has been suspended as a result of Covid-19. In December 2020, we submitted a 'Notice of Significant Change' (NOSC) citing our intention to bid cl.150 traction in our December 2021 timetable. It was not until after the December 2021 bid was being validated (in Summer 2021) that Network Rail noted any concerns over the use of cl.15x traction. Despite those concerns, conditional Access Rights and timetable paths were still offered for December 2021 that included cl.15x traction and 2tph in some hours. These 2tph in some hours were then *withdrawn* in Network Rail's May 2022 timetable offer despite SOAR's recommendation.

Level Crossings (pp4-5)

2.1

'The current programme estimates that delivery will be completed towards the middle of May 2022'

The programme indicates a completion date of 6/5/22, i.e. before the timetable change date of 15/5/22. If the programme slips, Network Rail have said 'we would look to implement other risk mitigation actions (such as public safety engagement) on a short-term basis to allow services to start'.

Freight (p5-6)

3.1

'Following the September 2020 SoAR decision, GBRf preceded to consult the 4 competing access rights as a Section 22a application (17th SA), which has been consulted but is still to be submitted to the ORR.'

If this application has been left pending for 15 months, then we would question whether it actually reflects a genuine traffic need?

3.2

(Table)

The table presents a number of clashes for which solutions had previously/have been identified, and we do not understand why these are being cited as a reason to refuse the sale of access rights:

- 2F51: The clash with 6M76 was resolved by FSI but could not be resolved by Capacity Planning in the May 2022 offer
- 2F55: The clash with 0V41 was resolved by curtailing TfWRL's train at Wrexham General instead of Central in the December 2021 offer, which TfWRL had accepted as an interim solution. 0V41 is not utilised (see 1.8 above)
- 2F71: The clash with 6V41 can be resolved by retiming and re-routing 6V41 (see 3.3 below); the clash with 6M42 requires further work but we contend that this should be similarly retimed such that it arrives at Penyffordd at a less critical time. 6V41 is poorly utilised (see 1.8 above)
- 2J52: The clash with 6J40 was resolved by curtailing TfWRL's train at Wrexham General instead of Central in the December 2021 offer, which TfWRL had accepted as an interim solution. 6J40 is not utilised (see 1.8 above)
- 2J54: The clash with 6V75 was resolved by FSI but could not be resolved by Capacity Planning in the May 2022 offer
- 2J64: The clash with 6J41 was resolved by curtailing TfWRL's train at Wrexham General instead of Central in the December 2021 offer, which TfWRL had accepted as an interim solution. 6J41 is not utilised (see 1.8 above)
- 2J72: The clash with 6V41 was resolved by curtailing TfWRL's train at Wrexham General instead of Central in the December 2021 offer, which TfWRL had accepted as an interim solution. 6V41 is poorly utilised (see 1.8 above)

3.3

'Network Rail voiced concerns around... a negative impact on current freight traffic and the potential for freight growth out of the Penyfford terminal.'

This statement appears to demonstrate that Network Rail are prioritising freight traffic, including unsubstantiated future traffic, over a committed and resourced increase in a passenger service and a key political commitment to public transport in North Wales at a time of Climate Emergency.

TfWRL understand the role freight operators play in the national economy and the environmental benefit of bulk cargo being conveyed by rail. In this application, we are not asking for it to be

removed - but for network capacity to be allocated in a way that is more efficient. As per Network Rail's Future Services Integration (FSI) recommendation of July 2020 (Wrexham – Bidston December 2021 Technical note, p14, D.03), TfWRL and FSI have identified methods of doing this (such as retiming 6V41 17:08 Penyffordd > Avonmouth 02:06 later and operating via Hereford instead of via Wolverhampton); but in this exemplar case, the freight operator concerned has declined, and Network Rail have refused to apply the Decision Criteria to “share capacity on the Network... in the most efficient and economical manner in the overall interest of current and prospective users and providers of railway services”.

Maintenance Access (p6-7)

4.1

'It was identified by Network Rail that the introduction of 2 trains an hour on the line would detrimentally impact their maintenance access.'

Network Rail has not previously shared any of the stated information about Maintenance access with us. In June 2021 Network Rail undertook a full consultation on TfWRL's proposals within all parts of Wales Route and with NW&C and FNPO Routes, and we are not aware that any maintenance access concerns were raised at that time. TfWRL's proposals were discussed at SOAR Panel three times, on 19/7/21, 16/8/21 and 13/9/21, and we are not aware that Maintenance access concerns were raised on any occasion.

TfWRL (and its predecessors) has shared its proposals for 2tph with Network Rail since 2018, with full timetable bids for the December 2021 and May 2022 Timetables submitted in the correct timescales.

Specifically, Network Rail suggests that the Maintenance Delivery Units (DUs) could support 2tph except on Thursdays, and that TfWRL may wish to consider covering Network Rail's costs for additional staffing resource to enable a full 2tph service to operate. An enhanced passenger service that does not include Thursdays does not provide a customer-focused timetable and does not allow the creation of a North Wales Metro service.

The existing productive time of 23 minutes per hour during the day is noted. Clearly many routes do not have any productive time during the daytime: this is managed through various staffing and technological means with no impact on Network Rail's ability to maintain those routes.

Conclusion

5.1

'we specifically note that the plan for SCD May 2022 utilised Cl153 rolling stock'

As per 1.3, TfWRL followed the Network Code, submitting a NOSC in 2020 to ensure Network Rail were aware of the intention to time this service for cl.15x. In this response, Network Rail are representing TfWRL's choice of traction as a surprise. We bid cl.15x timings in our December 2021 and May 2022 timetables for the right reasons - to be able to assure the industry and our customers of the deliverability of the timetable.

5.2

'The 2tph proposal presents a number of conflicts with freight which prevents the 2tph plan from operating throughout the day, weekdays and Saturday's.'

TfWRL have worked with Network Rail, DB Cargo and GBRf to resolve these conflicts since mid-2020 and we have been successful in resolving many conflicts, through the pragmatism of the freight operators. Network Rail also does not record that, in order to operate at least some of the 2tph, TfWRL have accepted the curtailment of some trains at Wrexham General instead of Wrexham Central in the interim timetable. But, there are solutions to remaining conflicts - such as re-routing

6V41 (as per 3.3 above) - that have not been fully considered by Network Rail despite offering a more efficient use of network capacity.

5.3

'Network Rail will continue to work with TfWRL to access any options that are presented by TfWRL that go towards addressing the performance and operability concerns.'

On 8th December, TfWRL met with System Operator and asked them to consider whether a rebid using cl.230 timings and/or the service resourced with a mix of cl.230 and cl.197s would be acceptable. We await a response (at time of writing); but regardless of the traction timing used, there will remain clashes with freight paths as a result of Network Rail's timetabling decisions and its use of Network Capacity, over which we are seeking ORR directions through this application.

5.4

'In addition, we note that the level crossing enhancements are required to be delivered before the service can be introduced.'

This contradicts Network Rail's earlier statement which states that it 'would look to implement other risk mitigation actions (such as public safety engagement) on a short term basis to allow services to start'.