

---

## *ACCESS DISPUTES RESOLUTION COMMITTEE*

---

### NOTES OF MEETING HELD ON 1ST NOVEMBER 1994, BOARDROOM, RAILTRACK HQ

#### Present:

Richard George, G.W. TOU  
Bob Urie, N.E. TOU  
Lloyd Rogers, Gatwick Express  
Ian Braybrook, Loadhaul  
John Ellis, Production Director, Railtrack  
Philip O'Donnell, Head of Passenger, Railtrack

#### In attendance:

Martin Idale, Loadhaul  
Martin Shrubsole, BRB HQ  
Chris Blackman, Train Planning, Railtrack HQ

The meeting noted at the outset that there had been confusion about the identity of Committees, but determined that it was meeting as the Access Disputes Resolution Committee and not the Industry Disputes Resolution Committee. The Access Disputes Resolution Committee is defined in the annex to the Access Conditions as having at least 2 sub-Committees reporting to it, one of which would be the Timetabling Committee. For the moment it was agreed to address the processes and procedures to be adopted by the Access Disputes Resolution Committee, and the setting up of the Timetabling Committee.

It was noted that, whilst references would go direct from the Timetabling Committee to the Regulator, the Access Disputes Resolution Committee would oversee the resourcing of the Timetabling Committee, and would want the opportunity to comment on matters of principle.

The meeting then addressed the agenda.

#### 1.1 Workload

The Committee's view is that in accordance with Part D of the Access Conditions, the Timetabling Committee would accept references for adjudication after closure of an iterative cycle, i.e.

in response to offers. Secondly, disputes about rules of the route would also be handled by the Timetabling Committee.

The Access Disputes Resolution Committee is effectively a Track Access Disputes Resolution Committee dealing with all other matters not handled by the Timetabling Committee; this would cover matters such as rolling stock change, infrastructure change, network change; which are essentially bi-partite matters of a track access nature involving a TOU (or group of TOUs) and Railtrack.

It is considered that matters concerning claims or liability are outside its purview. It was judged that matters concerning Part D of the Access Conditions would dominate the workload of the Committees, not only in the short term but in the longer term as well.

## 1.2 Membership

It was noted (Annex 4.1.2.) that the Timetabling Committee would not include an Independent Station Operator as a member; the meeting went further and agreed that it is inappropriate for an Independent Station Operator to be a member of the main parent Committee either, as the Access Conditions will not be an adjunct to the function of an Independent Station Operator. This matter will require to be referred to the Regulator.

**Action:** MRS/CB

The Train Operators had formally elected members for the Access Disputes Resolution Committee who were present at the current meeting. Membership of the Timetabling Committee is by determination / resolution of the parent Committee. It was agreed that members of the sub-Committee should desirably be people with a strong degree of access planning knowledge, but it is recognised that it would be a useful link for one of the TOU representatives to be common to both Committees.

Noted that the freight operating companies had formally nominated Martin Idale as their member of the Timetabling Committee.

**Action:** Railtrack and TOUs to determine quickly their representatives for Timetabling Committee

All members of the Access Disputes Resolution Committee would consider the name of their alternates and advise them to

Martin Shrubsole / Chris Blackman, who would act as Secretaries.

### 1.3 Chairman

Noted that in the short term Terry Worrall had been nominated as Chairman, principally for the Timetabling Committee, but potentially for both Committees. In the medium term, from April 1995, the Access Conditions require the appointment of an external person. The Committee recognised and would seek to take stock of possible nominees bearing in mind the need for them to have recent knowledge (and experience) in the field of access planning.

## 2. Committee Processes

It was noted that there are already some major issues, mainly concerning Rules of the Route, which needed to be brought before the Timetabling Committee, so the setting up of a first meeting of that Committee is now urgent, and should preferably take place during the third week of November.

### 2.1 Rules of Procedure – Receiving Submissions

It was agreed that submissions from the parties concerned should be in writing, and that Martin Shrubsole and Chris Blackman would set out proposals for the formal headings of a submission.

Representation at hearings should be by one person only from each party.

Papers (submissions) will need to be submitted a prescribed number of days in advance of the hearing. The Chairman and Secretaries will determine the necessity for any other potentially interested parties to be asked to comment, or to be available to attend.

### 2.2 Reaching Decisions

The Chairman would decide if it is necessary for a decision to be made by vote (see Annex paras. 5.8 and 5.13)

It would be necessary to distinguish between cases which involve matters of principle, and those which involve decisions between two views.

### 2.3 Advising Decisions

This would be done in writing to the principal parties and copied to the Regulator and other parties involved.

It was agreed that notification of decisions on principle or interpretation of the Access Conditions would be circulated as part of the minutes to all Industry Parties, Train Operators and Zones, as well as to the Regulator and Franchising Director.

#### 2.4 Workload and Meeting Frequency

A further meeting of the Access Disputes Resolution Committee would be required within 2 weeks to agree the procedures drawn up by Messrs. Shrubsole and Blackman. The meeting also wished there to be a procedure pack in place for use in preparing for the first hearings.

#### 2.5 Interface with the Role of Regulator and Final Appeal

The Regulator would be advised of the deliberations and judgements of the two Committees.

#### 3. Publicising Roles of Committees

An advice would be drawn up to all Train Operators and Railtrack Zones detailing the procedures for referring matters to the Committee(s), for the hearings themselves, and the method of dissemination of decisions.

#### 4. Advice to the Regulator

The Regulator would be advised information as cited in paragraphs 2.3 and 3 above. The Committee remitted Messrs. Blackman and Shrubsole to consult with the Regulator, and OPRAF as necessary, about the procedural proposals.

### **NEXT MEETING**

14th November 1994 at 1630, Boardroom, Railtrack HQ.