
TIMETABLING COMMITTEE

Determination No. 109 and 110

(following a hearing at Kings Cross on 1st November 2000)

[Note: previous published determination was determination no.95]

1. The Committee was asked by North Western Trains Co Ltd (trading as First North Western (FNW)), and Northern Spirit Ltd (NS), to rule against Railtrack in respect of the alterations to the Rules of the Plan for the Summer 2001 Timetable, proposed in respect of a new 20mph blanket Permanent Speed Restriction (PSR), that was introduced in August 2000, between MP188 08 chains and Manchester Piccadilly Station.
2. The Committee noted that the two references approached the matter in question from differing perspectives, but that there was common ground in respect of assertions that:
 - 2.1. the mooted changes arise because of an intervention by HMRI that required Railtrack to modify an existing 25mph Temporary Speed Restriction to a 20mph restriction over a longer length of track. The objective of both levels of reduction was to achieve a reduction in the potential for SPAD accidents, pending the introduction of other, not yet specified, SPAD mitigation measures.
 - 2.2. the previous 25mph restriction had been administered as a Temporary Speed Restriction over a line with a general line speed of 45 mph. With the insistence upon the lower limit, and a possibility that the introduction of sufficient SPAD mitigation measures to permit the restriction to be lifted might take a considerable time, Railtrack had elected to administer the 20mph limit as a Permanent Speed Restriction; it was this election by Railtrack which engendered the specific need for amendments to Rules of the Plan for the Summer 2001 Timetable.
 - 2.3. Railtrack had not used due process for amending Rules of the Plan in accordance with both the Access Conditions and the National Rules of the Plan; in particular Railtrack had made use of Section 3 of the National Rules of the Plan “Procedure for Altering Rules of the Plan Other than with Effect from a Passenger Change Date”, when the changes in question would in practice only come into force at such a Change Date. Furthermore, a deadline for Railtrack to respond to Train Operator comments (National Rules of the Plan Section 3 paragraph 5.3) had not been respected.
 - 2.4. the mooted changes affecting both headways, and Sectional Running Times appear to create circumstances where the timetable aspirations of both NS and FNW may not be capable of fulfilment in respect of both quantum and timing of paths.
3. The Committee considered that, on grounds of practicality, it should deal with the two references within the text of a single determination.

4. The Committee noted that the substance of the Notice of Network Change (dated 6th July 2000) that had been the vehicle for introducing the 20mph restriction, had been the subject of a hearing before the Network and Vehicle Change Committee (NVCC 15 and 16).

5. The determination of that Committee had required Railtrack to review and revise the content of the original Notice of Network Change. This was principally to ensure that a clear distinction was drawn between those changes that were introduced at Railtrack's; behest, in accordance with Track Access Condition G1, and those others which would properly be deemed to be "*CHANGES IMPOSED BY COMPETENT AUTHORITIES*" (and therefore governed by Track Access Condition G5). In part, the NVCC had responded to a concern that the choice of method of implementation for a speed restriction had been influenced by the fact that the option chosen offered Railtrack a commercial advantage.
6. The Committee noted that the determination of the NVCC left with Railtrack the freedom to maintain the PSR, with some specific commercial provisions. It did not make it likely that there will be any consequential need to amend the proposed changes to the Rules of the Plan, although this was still a possibility that had to be provided for.
7. The Committee considered that the merits of the two references revolved around four considerations, namely:
 - 7.1. is a PSR the appropriate mechanism, or can SPAD mitigation measures to the satisfaction of HMRI be introduced quickly, permitting an early return to line speeds?
 - 7.2. has Railtrack followed the proper process to empower it to introduce these changes to Rules of the Plan? If not, should the proposals fall on procedural grounds?
 - 7.3. are the extended Sectional Running Times (SRTs) needed? Is the proposal to increase the headways between following trains from the current 2½ minutes (with occasional recourse to 2 minutes), to a uniform 3 minutes, justified?
 - 7.4. will the revised SRTs, combined with the increased headways, make it impossible to honour the Firm Contractual Rights (FCRs), and other timetable aspirations, of the two Train Operators?
8. The Committee heard that in the pre-bidding Draft Timetable, Railtrack had been able to meet all the FCRs of the Train Operators other than the Northern Spirit quantum of services between Manchester Piccadilly and Manchester Airport, but had not been able to achieve the same in respect of some contingent right services for NS, or some "Right to Bid" services for FNW. The Committee heard that subsequent work by Railtrack had suggested that
 - 8.1. for NS, all rights with respect to quantum could be met, along with all rights with respect to timing and stopping patterns, where these applied; two service extensions to Manchester International Airport, from Bridlington, and from Beverley, may not be capable of being timed to meet the Train Operators aspirations;
 - 8.2. for FNW, the precise manner and extent to which it will be possible to meet both timings and stopping patterns for the off-peak Marple services remains to be finalised; however Railtrack asserted that it would be possible to accommodate the quantum of "Fast" Marple services bid for by FNW with timings not dissimilar to those in the Bid.
9. The Committee took account of the Determination by the Network and Vehicle Change Committee in its Determination NV 15 and 16. This, together with the argument from Railtrack that it was desirable that headways should be such as to permit trains to be timed

in the expectation that they will proceed on Green signals, led the Committee to determine as follows:

- 9.1. the Committee does not consider it appropriate to revisit the merits of Railtrack's decision to respond to the directions of HMRI in respect of a 20 mph speed restriction, by the introduction of a PSR through the mechanism of a Network Change. In such circumstances the Committee noted that it had, in a previous determination (TTC93, paragraph 10.8), advocated that Rules of the Plan should be adjusted to align with the outcome of a Network Change. However, Railtrack should be clear that, as and when there is the opportunity for the speed limit to be raised, then immediate steps should be taken to introduce commensurate new changes to the Rules of the Plan;
- 9.2. in respect of the processes used by Railtrack to introduce these changes to the Rules of the Plan, Section 3 of the National Rules of the Plan is not inappropriate to the task. As for the decision, by Railtrack, that it would fulfil its obligation to respond to the comments of Train Operators (National Rules of the Plan Section 3 paragraph 5.3) by calling a meeting of all affected parties, the Committee judged that seeking such a consultative approach must pass any test of reasonableness, even if it means that only the moves to set up the meeting are complete within the nominal time-frame; in the event the meeting itself was also held at the earliest practicable date;
- 9.3. the Committee is satisfied that, with the imposition of a 20mph PSR in an area where SRTs had previously been calculated by reference to a 45mph line speed (albeit in recent times subject to a 25mph Temporary Speed Restriction), changes to the SRTs are necessary. Furthermore the Committee is happy to accept Railtrack's judgement that, in such circumstances of increased SRTs, an increase in the minimum headway is a reasonable corollary, necessary to preserve the desirable principle of timing trains to run under Green signals. However, the Committee would expect Railtrack to exercise appropriate discretion, were it to find that inflexible application of the revised headway value led to difficulties in pathing of particular individual services;
- 9.4. in respect of the consequences, for the production of the Summer 2001 Timetable, of the introduction of these revised SRTs and increased headways, the Committee is minded to accept Railtrack's assertion that it will still be possible to offer paths that fulfil all FCRs and generally meet all Bidders' aspirations. That said, and because this assertion has still to be substantiated, the Committee is disposed to grant to the Train Operators affected by these specific changes to the Rules of the Plan, an exceptional right of further appeal to the Committee. This exceptional right of appeal will apply in the circumstances where a Train Operator is able to demonstrate that, solely as a consequence of the changes to Rules of the Plan made to implement the PSR arising out of the Notice of Network Change dated 6th July 2000 (and any amendments made to comply with Network and Vehicle Change Committee determination NV15 and 16), Firm Contractual Rights properly declared by the Summer 2001 Priority Date will, in the paths offered by Railtrack, be frustrated.

Bryan Driver

Chairman
Timetabling Committee