
TIMETABLING COMMITTEE

Determination No. 136

(following a hearing at Kings Cross on 14th March 2002)

[Note: previous published determination was determination no.129 of 8th February 2002]

1. The Committee was asked by Arriva Trains Northern (ATN) to direct Railtrack, in respect of the Rules of the Plan/Rules of the Route proposals for the Winter 2002/2003 Timetable:
 - 1.1. to complete consideration of ATN's representations in relation to certain items, primarily Rules of the Route Section 7 Register items, of the Preliminary Proposal for Winter Changes (i.e. version 3 as published on 12/10/2001), in compliance with Track Access Condition D2.4;
 - 1.2. that where proposals for changes to Rules of the Route Section 7 items are brought forward, after the publication of the "Preliminary Proposals" for the relevant segment of the Timetable (i.e. Summer, Winter 1 or Winter 2), these should be progressed in accordance with the procedure set out in Section 3 of the National Rules of the Plan ("Procedure for Altering Rules of the Route or Rules of the Plan Other than with Effect from a Passenger Change Date").
2. The Committee noted that the process for the Rules of the Plan/Route proposals for the 2002/3 Timetable had been disrupted, as a carry-over from the special arrangements necessary in the wake of the accident at Hatfield in October 2000, and that
 - 2.1. these problems had been acknowledged by Railtrack, who had introduced a dedicated team to address them;
 - 2.2. there had already been much discussion between the parties in respect of many of the disputed items, and that special meetings were being convened;
 - 2.3. there had been instances where new or amended Rules of the Route Section 7 items had been introduced after the relevant Preliminary Proposals stage, and without appropriate consultation.
3. The Committee considered the existing Section 3 to the National Rules of the Plan ("Procedure for Altering Rules of the Route or Rules of the Plan Other than with Effect from a Passenger Change Date"), and concluded that
 - 3.1. in relation to Rules of the Route Section 7 items, which, by definition, affect only a portion of any period between Passenger Change Dates, National Rules of the Plan Section 3 provides an appropriate way of introducing new items, and ensuring the necessary consultation etc.; and
 - 3.2. where National Rules of the Plan Section 3 is used for new or amended rules of the Route Section 7 items, then, as soon as any necessary agreements are achieved, those items should be incorporated into subsequent versions of the Rules of the Plan/Rules of the Route.
4. The Committee therefore determined that, in this case
 - 4.1. the parties should conclude the due process of consultation on all outstanding items without delay, to the point of Railtrack decisions, in order to permit ATN, should such be necessary, to appeal any matters of substance to this Committee;
 - 4.2. where there is need to introduce new or amended Rules of the Route Section 7 items, then
 - 4.2.1. Winter 2 changes should be progressed in the normal manner; and
 - 4.2.2. outstanding Summer, and Winter 1 changes should be handled using the National Rules of the Plan Section 3 procedure.

Bryan Driver
Chairman