TIMETABLING SUB-COMMITTEE

Determination No. 14

(Hearing held at Euston House on 18th June 1996)

The Committee was asked to hear a reference by West Anglia Great Northern Railway in relation to the proposed Rules of the Route concerning, firstly, the use of the definition of "No Booked Trains", and, secondly, the failure by Railtrack LNEZone to provide reasons in any of its consultation documents for changes to the Rules of the Route/Plan.

On the second issue, the Committee noted the written submissions from the Railtrack Zone giving assurance that it would forthwith comply with Access Condition D3.4.2(b) in providing reasons for changes to the Rules of the Route/Plan. The Committee wishes to emphasize that this should happen at both the preliminary and definitive stages of providing Rules of the Route/Plan.

On the first issue, the Committee considered the submission, heard statements from the parties and asked many questions to try and clarify the real issue of the dispute. In the Committee's view the extent of division between the parties was so slight as to justify an adjournment of the hearing whilst the parties themselves sought to close the gap.

The parties did this, and agreed a revision of the definition of "No Booked Trains" as follows:

No Booked Trains/NBT (White Period)

"No trains planned. Such periods to be defined by reference to the rights of Train Operators incorporated in the respective Track Access Agreements as the period when no trains are scheduled to be operated, except where the parties have agreed otherwise in accordance with procedures laid down in D3.4. Railtrack may thereafter plan in the knowledge that a possession will be authorised within the Zone's planning timescales."

In the parties' view this does not adversely affect any other party, but the Committee require that Railtrack should consult, by no later than Friday 21st June 1996, with any other party who may be affected. The Committee will, if necessary, entertain any reference from a party who submits that they are materially and adversely affected by such a redefinition.

The Committee chided the parties for not having taken every opportunity to meet to discuss the issues between them, and furthermore for the lack of clarity in the written submissions insofar as it was not clear what points were at issue. In the Committee's view, if the parties had met to draw up a joint submission, they would probably have resolved the issue.

Finally, the Committee drew the parties' attention to Access Dispute Rule A5.11.7 and wished them to understand that it had considered whether the case was so lacking in merit that there would be justification in raising an order for costs against the parties. However the Committee, in this case, decided not to invoke this power.

Bryan Driver Chairman, 18th June 1996