
TIMETABLING COMMITTEE

Determination No. 161A

(following a hearing at Kings Cross on 20th September 2002)

[Note: previous published determination was determination no.144 of 24th May 2002]

1. The Committee was asked by Arriva Trains Northern (ATN) that additional times be permitted the parties in order to reach agreement on
 - 1.1. Eastern Region Rules of the Route – Section 7 items for Summer 2003 and Winter 2003 Timetables;
 - 1.2. North West Zone Rules of the Route – Section 5 items for Summer 2003 and Winter 2003 Timetables; and
 - 1.3. North West Zone Rules of the Route – Section 7 items for Summer 2003 and Winter 2003 Timetables.

2. Taking account of the arguments presented by the two parties, and their acknowledgement that there are active discussions in hand, the Committee determined that it would allow the parties limited extensions of time limits on the following basis:
 - 2.1. All discussions must be conducted with the aim of reaching conclusion by a stipulated “drop dead date”;
 - 2.2. as at the “drop dead date”, ATN must itemise all those items still not resolved, and against which they still wish to appeal, and provide the Secretary to the Committee a written list of those items by close of work on that “drop dead date”;
 - 2.3. all items not advised on the “drop dead date” will be deemed to be items for which the right of appeal provided in Access Condition D2.4.6 has not been exercised, and Railtrack’s proposals will be deemed to have been accepted;
 - 2.4. for all items that remain a subject of appeal (having been advised by the “drop dead date”), full documentation for consideration by the Committee must be received by the Secretary by the specified “document submission date”. The Secretary will organise hearings before the Committee which will make its determinations on the basis of such documents as have been received by the “document submission date”;
 - 2.5. the requirement to comply with the “drop dead dates” and “document submission dates” is not intended to bring discussions to a close; the parties will be at liberty to advise the Secretary as and when any other items are resolved.

3. In respect of the three references the respective “drop dead dates”, “document submission dates” and hearing dates (which last must have resulted in determinations to timescales which can support the due Timetabling process) shall be:

3.1. North West Zone Rules of the Route section 5 items

	Drop Dead	Submission	Hearing
Summer 2003	4 th October	11 th October	25 th October
Winter 2003	4 th October	29 th November	31 st January 2003

3.2. Eastern Railway Rules of the Route section 7 items: and
North West Zone Rules of the Route section 7 items:

	Drop Dead	Submission	Hearing
Summer 2003	25 th October	1 st November	29 th November
Winter 2003	25 th October	29 th November	31 st January 2003

4. For the avoidance of doubt, these extensions of the time limits for appeals against Rules of the Route proposals apply only to the parties to the appeal that is the subject of this determination.

Tony Crabtree

Deputy Chairman of the Committee