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## ***TIMETABLING COMMITTEE***

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### **Determination No. 182**

(following a hearing at Kings Cross on 29<sup>th</sup> August 2002)

*[Note: the previous published determination is ttc180]*

1. The Committee was asked by Great Western Trains Ltd (GWT) to rule that Network Rail Infrastructure Ltd (NRI) should not be empowered to implement, within the Rules of the Route for 2004, a number of items which GWT considered prejudicial to its commercial interests.
2. In the event the Committee noted that the parties had continued with consultations, and had been able to reach agreement on some items. This only left the Committee to address
  - 2.1. Item 1: a Sunday afternoon “two track timetable” between London and Reading, to operate on seven non-consecutive weekends between 22<sup>nd</sup> May and 21<sup>st</sup> August 2004, in order to permit 30-hour possessions for engineering works at different points on the Great Western Main Line (GWML) between Ladbroke Grove and Dolphin Junction;
  - 2.2. Item 2: seven consecutive 12 hour periods on Saturday night/Sunday morning of Single Line Working over the Up Relief Line between Maidenhead and Twyford West whilst the other three lines were under Engineering Possession.
3. The Committee took note of NRI’s frank exposition of the shortcomings of track maintenance and track renewals policy in recent years, and the extent to which it had given rise to a backlog of deferred maintenance, together with significant stretches of track of poor quality, and subject to speed restrictions.
4. It had become apparent to NRI that any programme aimed first, at stemming the rate of deterioration, and then, at making good on the arrears, could only be achieved by the deployment of significantly greater Engineering Resources (which are not available) or by increased Access Time (Possessions). In particular NRI was seeking to deploy all its track renewal resources in as productive a way as possible, and contended this was best achieved by a programme of fewer possessions, but each of a longer duration than had been previous practice.
5. The Committee was pleased to note that GWT did not in any way dispute the necessity for all the works in question, but that GWT considered that the timings and length of the proposed works were unduly detrimental to its interests, as compared with the alternative, generally a greater number of shorter duration possessions. Furthermore, the Committee noted that, in neither case was GWT seeking to have the Committee uphold its Firm Contractual Rights, as a ground for overturning the proposed Rules of the Route.

6. Instead, GWT's particular concerns were itemised as follows:
  - 6.1. Item 1: GWT was not prepared to acquiesce to the principle of NRI's proposals because they would lead to a serious curtailment of the number of paths available during Sunday evening, and would impact adversely on the significant business carried on Sunday Evening services;
  - 6.2. Item 2: GWT was of the view that Single Line Working as proposed would not even be able to cater for the three (reduced at the hearing to two) trains per direction per hour, envisaged by NRI, and that, as a consequence, and when looked at "*in conjunction with other proposed possessions west of Reading*"
    - 6.2.1. "*would inevitably lead to GWT replacing services between Paddington and Bristol/Cardiff with road transport throughout, or cancelling throughout, neither of which is acceptable to GWT*";
    - 6.2.2. impact upon "country end" engineering works, and
    - 6.2.3. deny access of empty sets to Old Oak Common.
7. The Committee noted that, although it was a directly interested party, Thames Trains Ltd had not objected to the inclusion of either of these items in the Rules of the Route, but that it had concerns about the way in which available paths might be allocated. These concerns would, if realised, be brought to a future meeting of the Committee, in respect of a reference under D5.1.1(a).
8. The Committee sought to establish whether the proposed 30 hour possessions (Item 1) had been the subject of any detailed exchanges in relation to the options for e.g. earlier start times. In particular, it was concerned to establish whether there might be less disruption to passengers were the possessions to commence earlier (perhaps on Saturdays), and finish at or near the current 1600 on Sundays. In the event, the parties conceded that no such dialogue or evaluation of alternatives had been undertaken. However, it did appear that NRI expected that it would be able to offer GWT all but one of its normal Sunday Down paths, and all but five or six of those in the Up direction.
9. In respect of Item 2, the periods of Single Line Working, the parties were not able to demonstrate the rationale behind the particular choice of start and finish times, and whether or not these were the most appropriate to supply the needs of the maximum number of passengers.
10. The Committee therefore decided it would give directions as required by Track Access Condition D5.5.3(a) for each of the items drawn to its attention, insofar as they related to specific items of work in the 2004 Rules of the Route engineering programme on Great Western Region, and determined that its individual rulings should take into account the following factors:
  - 10.1. there is too much evidence that the parties have not engaged in sufficient frank and open exchanges, at the levels of both principle and detail;

- 10.2. where, in the interests of achieving engineering maintenance or renewals, a Train Operator is asked to accept a significant disruption or curtailment of its contracted services to the detriment of its customers, it is reasonable for the Train Operator to expect that the timing of such works will take into account the need to minimise such disruption to its customers;
11. With these considerations in mind the Committee therefore determined that, in respect of item 1,
  - 11.1. NRI should be entitled to include in the Rules of the Route seven weekend 30 hour possessions for the purpose of carrying out the works listed, and to cater for these possessions by the introduction of a “two track Timetable” over the sections of route affected; but
  - 11.2. there should be further dialogue between NRI and GWT (and such other Train Operators as might be affected) to establish whether the times and dates first proposed for the possessions and two track timetable were in fact those which minimised the impact on passengers; and that
  - 11.3. such dialogue should actively consider alternatives, including
    - 11.3.1. commencing the possessions on Saturdays outside the summer/ special events weekends;
    - 11.3.2. any such other combination of possessions and times as the parties may agree;
    - 11.3.3. alternative train plans, including consideration of collaborative working by all Train Operators.
12. In respect of Item 2 the Committee determined that NRI should be entitled to include in the Rules of the Route possessions and Single Line Working, sufficient to meet the needs of the works described. Again, however, there is a need for further dialogue to establish which times and dates are the least detrimental to the interests of all Train Operators.
13. In making these determinations, and for the avoidance of doubt, the Committee made the following stipulations:
  - 13.1. it is not the intention that NRI should be prevented from carrying out the works identified and for which the proposed changes to the Rules of the Route have been offered, and there is no requirement for the parties to consider options that would make it impossible to carry out the works in the 2004 Timetable;
  - 13.2. NRI is to make arrangements to keep a record of the use made of the possessions etc the subject of these determinations, so that future deliberations of this Committee may be informed as to what can be achieved in a given time, under given conditions;
  - 13.3. the parties are required to document the nature of the dialogue in which they engage as a consequence of this determination, with a written statement being submitted to the Secretary to the Committee on or before 1<sup>st</sup> October. In the

event that GWT can demonstrate that there has been no proper dialogue by that date the Committee will be prepared to reconvene to address remaining points of difference;

13.4. “proper dialogue” is to be understood as involving any other Train Operators or Industry Parties who may have an interest in the manner in which any works are carried out;

13.5. there is sufficient time available before any of these items needs to be implemented for radical solutions to be considered.

14. Nothing in this determination affects the rights of GWT to bring to this Committee any appeals it might wish to make about the content of the Draft Timetable, or any amended train plan devised to accommodate these possessions.

Bryan Driver  
Independent Vice Chairman