
TIMETABLING COMMITTEE

Minutes of Meeting No.24

held at Kings Cross on 16th September 1999

Present: Bryan Driver, (Chairman)
Geoff Appleby
Jason Bird
Graham Laycock
Mike Romans
Paul Richardson

Apologies: Graham Aitken
Tony Crabtree
Adrian Caltieri

In attendance: Chris Blackman

Present for item 24/3:

English Welsh & Scottish Railway

Ian Smith Access and Facilities Team Leader

Ian Rixon Post Office Network Strategy Manager

Railtrack

Tim Robinson Business Manager (R.e.s)

Richard Cole Customer Access Manager (GW Zone)

24/1 Election of Deputy Chairman of the Timetabling Committee

Mike Romans was nominated by Geoff Appleby and, in the absence of other nominations, was duly elected unopposed as Deputy Chairman of the Committee.

24/2 Settlement of disputes by the parties

The Committee noted that, in the case of reference ttc79 received from Northern Spirit, two of the three elements which were concerned with the 2000/2001 Rules of the Route had been resolved by the parties themselves. The Parties had sent a formal note to the Committee saying that, as the third element was concerned solely with those Rules of the Route/Plan which would apply for the Winter 2000 timetable, they wished to defer the matter in order to enable Railtrack to give consideration to Northern Spirit's arguments, and to have the opportunity to reflect them in the Winter Rules Revisions. Northern Spirit however wished to be sure that, in the event that any of the points it advocated were not incorporated into the Winter Rules Revisions it could then nevertheless bring a reference to the Committee on any such unresolved issues.

The Committee acknowledged that the issues raised by the parties' request for a deferral did not warrant any oral presentations from the parties nor did it require

any further clarification through the medium of questions to the parties, and it would therefore make its decision on the basis of the written submissions received.

The Committee took the view that the fact that Northern Spirit had submitted a reference at the proper time meant that they were entitled to have the reference heard by the Committee unless the parties first resolve it themselves. As in this particular case the issue is concerned solely with Rules of the Route for the Winter 2000/2001 period, and Railtrack has agreed to give the matter further consideration, the Committee directed that:

- (a) the parties should enter into further discussions;
- (b) Railtrack should decide by no later than the last day for publishing Winter Rules Revisions whether to make any changes to the Rules of the Route;
- (c) Northern Spirit has the right then to make a reference 'within 7 days' to the Committee concerning any change in the Winter Rules Revision; and
- (d) Northern Spirit has the right then to ask for its reference previously submitted to be heard by the Committee in respect of any aspect in that reference which has not been amended in the Winter Rules Revision.

24/3 Hearing of Reference no.80

The Committee considered the papers submitted jointly by the Parties, English Welsh & Scottish Railway (EWS) and Railtrack in support of reference ttc80, and agreed that the matters referred lay within its locus.

The Parties advised the Committee that, in the case of two of the three outstanding issues Railtrack had acknowledged that it would need to make, by the conclusion of the Bidding Period, an offer that was compliant with EWS's Flexing Rights. On this basis the EWS representatives were willing to await Railtrack's further work during the timetabling process, but wished to reserve the right to refer the matter back to the Committee. The Committee agreed that the parties should continue discussions between themselves and, if the issues were not resolved, submit an updated joint reference on the issues for a reconvened hearing.

The parties then withdrew.

When the Committee had completed its preliminary review of the papers relating to the remaining issue the parties were admitted to the hearing and made opening statements. As the hearing progressed it became apparent that there was a significant lack of understanding by the parties of some key issues. After further discussion the Committee concluded that it would terminate the hearing and instruct the parties to hold further discussions in order to clarify the issues and the particular aspects on which they were unable to reach agreement, and, if appropriate, to submit a fresh joint reference to the Committee.

In the circumstances the Committee considered it inappropriate to make a formal determination, but elected to issue an 'Extraordinary note of deliberations' instead.

24/4 Date of next meeting

It was noted that a further meeting would be arranged to hear reference no.83 from Thames Trains.