
TIMETABLING COMMITTEE

Minutes of Meeting No.31

held at Kings Cross on 24th August 2000

Present: Bryan Driver, (Chairman)
Graham Aitken
Geoff Appleby
Jason Bird
Tony Crabtree
Nick Gibbons
Julia Glenn

Apologies: Adrian Caltieri
Tony Deighan

In attendance: Chris Blackman
Martin Shrubsole

31/1 Introduction

The Chairman welcomed Nick Gibbons who was attending his first meeting as a Member of the Committee, and Julia Glenn who was attending her first meeting as alternate to Paul Richardson.

31/2 Minutes of meeting no.30

The minutes of meeting no.30 held on 17th January 2000 were approved. The Chairman signed a set of the approved minutes which will be retained on file. A copy will be circulated to all Industry Parties.

31/3 Record of Hearing of reference no.85

The Committee approved the Record of the Hearing of reference ttc85 on 21st December 1999 and the Chairman signed a set as a correct record. Circulation of the approved record will be in accordance with the laid down procedures, i.e. to Committee members/alternates and to the parties concerned in the case.

31/4 Record of Hearing of reference no.88

The Committee approved the Record of the Hearing of reference ttc88 on 5th January 2000 and the Chairman signed a set as a correct record. Circulation of the approved record will be in accordance with the laid down procedures.

31/5 Record of Hearing of reference no.89

The Committee approved the Record of the Hearing of reference ttc89 on 12th January 2000 and the Chairman signed a set as a correct record. Circulation of the approved record will be in accordance with the laid down procedures.

31/6 Record of Hearing of reference no.91

The Committee approved the Record of the Hearing of reference ttc91 on 12th January 2000 and the Chairman signed a set as a correct record. Circulation of the approved record will be in accordance with the laid down procedures.

31/7 Record of Hearing of reference no.93

The Committee approved the Record of the Hearing of reference ttc93 on 11th January 2000 and the Chairman signed a set as a correct record. Circulation of the approved record will be in accordance with the laid down procedures.

31/8 Record of Hearing of reference no.95

The Committee approved the Record of the Hearing of reference ttc95 on 17th January 2000 and the Chairman signed a set as a correct record. Circulation of the approved record will be in accordance with the laid down procedures.

31/9 Matters arising from the minutes of meeting no.30

There were no matters arising.

31/10 Reference no.101

The Committee noted that West Anglia Great Northern Railway (WAGN) had withdrawn the reference ttc101 for technical reasons; Railtrack had deferred until 2002 the engineering work at Hitchin which had precipitated the dispute, and had issued an amended Network Change notice in respect of the work. WAGN will await issue of the Rules of the Plan for 2002.

31/11 Request for deferral of a hearing of a reference

The Committee considered the joint memorandum from the parties (The Chiltern Railway Company and Railtrack) to reference ttc100.

Members noted that all but one of the elements of this reference, concerned with the 2000/2001 Rules of the Route, had been resolved by the parties themselves. The parties' memorandum explained that, as this outstanding element was concerned solely with those Rules of the Route/Plan which would apply for the Winter 2001 timetable, they wished to defer the hearing of the matter in order to enable Railtrack to give consideration to Chiltern Railway's arguments, and to have the opportunity to reflect them in the Winter Rules Revisions. Chiltern Railway 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 recalled a similar set of circumstances relating to reference ttc79. As Chiltern Railway had submitted a reference at the proper time, the particular issue is concerned solely with Rules of the Route for the Winter 2001/2002 period, and furthermore 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) Chiltern Railway has the right then to make a reference 'within 7 days' to the Committee concerning any change in the Winter Rules Revision; and
- (d) Chiltern Railway has the right then to ask for its reference previously and timeously 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.

31/12 Other references submitted to the Committee

The Secretary listed the position on other references that had been submitted to the Committee:-

ttc98: Meeting to be arranged to hear this reference on train regulation (under Condition H11.9).

ttc99: Hearing of this reference will take place on Wednesday 30th August 2000.

ttc100: Deferred. See minute 31/11 above.

ttc101: Withdrawn. See minute 31/10 above.

ttc102-104: These have been settled by the respective parties themselves.

ttc105: from Freightliner: arrangements will be made to hear this following the Network and Vehicle Change Committee's hearings in early September on the Major Project Notice for the West Coast Main Line.

ttc106: from English Welsh & Scottish Railway: to be arranged (as per ttc105 above).

ttc107: from Eurostar (UK): further discussions taking place between the parties.

ttc108: from Thames Trains: a reference concerning the Draft Timetable for Summer 2001. Date for a hearing to be arranged.

31/13 Any Other Business

Pre-Bidding for the Summer 2002 Timetable

Tony Crabtree explained that a particular set of circumstances had recently arisen when Condition D2.2 had been activated in respect of the Summer 2002 timetable.

Railtrack intended to carry out pre-bidding development work, followed by a conference to be held in Manchester in January 2001, leading to preparation of an Advance Draft Timetable. There could be implications for the Timetabling Committee resulting from these procedures.

A seminar had been held on 19th August 2000 with several Train Operators and Railtrack present (also sSRA represented) to review the matter. An emerging concern was whether Railtrack, in drawing up an Advance Draft Timetable, can be construed as making “decisions” when it puts trains on the graph; secondly, whether this might confer any advantage on some Train Operators, through squatters’ rights, at the expense of other Operators.

Geoff Appleby explained that the issue is clear that any ‘decision under Condition D2.2’ can be appealed to the Timetabling Committee; but it is necessary to look further, as Railtrack need to make a decision about whether the process should be in place. In fact it has done that, held consultation, issued a revised document and received no appeals in respect of that revised document. However, when it comes to detailed advance timetabling work, the question is whether or not Railtrack is making formal ‘decisions’. Railtrack’s view is that it is not making a “decision” at this point in time; the decisions (on which appeals can be made) are made following the Priority Date. In practice, if much work is done on an Advance Draft Timetable, and then, at the Priority Date, a Train Operator asks for a fundamental change, Railtrack would have to judge whether there is good reason for re-working a lot of the detail to the detriment of doing other work.

Tony Crabtree expressed concern that a dispute at pre-bidding may lead to a decision that would prejudice a formal Bid at the Priority Date. Geoff Appleby took the view that this would not happen as the Advance Draft Timetable would not confer any new Access Rights. It was however possible to bid for something new, and go for the Access Rights subsequently. Railtrack had concluded that the prioritisation set out in Condition D2.1.4 should apply during the advance drafting period except that the first priority would also be given to paths supported by Firm Contractual Rights which Railtrack expect to be in place by the Priority Date.

Concerns were also expressed as to what might happen if franchises changed hands, for there would then be changes to the identity of the bidders. A number of trains for the new Wales and Borders franchise will initially be bid for by North Western Trains, Wales & West, and Central Trains.

Members advocated that a paper should be prepared for ADRC to make them aware of the issues, prior to preparation of a note from that Committee to the shadow Strategic Rail Authority; the matter is considered sufficiently serious to warrant urgent action.

Geoff Appleby commented that the discussion had highlighted the need to review the definition of Firm Contractual Right. This was the subject of a separate memorandum being prepared for the next meeting of the Class Representative Committee in September.

31/14 Date of next meeting

DRAFT

Wednesday 30th August 2000 to hear reference no.99 from Connex South Eastern and Railtrack.