
ACCESS DISPUTE RESOLUTION COMMITTEE

MINUTES of MEETING No. 20 Held on 13th January 1997

Present:

Bryan Driver (Chairman)
Tim Clarke (Anglia Railways)
Grahame Cooper (Railtrack)
Nigel Fulford (Great Western Trains)
Philip O'Donnell (Railtrack)
Ian Osborne (Freightliner)
Michael Woods (Eurostar (U.K.))

In attendance:

Chris Blackman (Secretary)
Martin Shrubsole (Alternate Secretary)

Apologies:

Ian Braybrook (English Welsh & Scottish Railway)
Bob Urie (Regional Railways North East)

20/1 Election of Deputy Chairman

Members noted that the term of office of the Deputy Chairman had expired.

Michael Woods proposed that Bob Urie should be re-elected and this was seconded by Nigel Fulford. There being no other nominations Bob Urie was formally re-elected as Deputy Chairman for a further period of twelve months.

20/2 Accommodation

The Secretary reported that the meeting would be the last to be held at Euston House. Future meetings will be held in the Committee's offices at Kings Cross.

20/3 Consideration of Reference AD10

The Committee noted the joint submission from ScotRail Railways and Railtrack, regarding relocation of snow ploughs, heard oral presentations from John Ellis Managing Director of ScotRail Railways and from Peter Brown of Railtrack, and took the opportunity to ask a number of questions of the parties.

Having also taken account of previous rulings in relation to the Committee's own determination [AD]1, together with submissions [AD]6 and the Network and Vehicle Sub-Committee's determination no.2, the Committee decided that:

1. it would not in this case make a formal determination;
2. it would advise the parties that they had not properly conducted a dialogue;
3. as one of the parties considered that dialogue should be conducted under part G of the Access Conditions, that should be the structure; and
4. if, at the outcome of proper discussions, the parties could not agree, the points of difference should be referred to the Network and Vehicle Change Sub-Committee in accordance with Condition G6.

The parties' attention was drawn to the fact that the Network and Vehicle Change Sub-Committee would be competent to rule on:

- i. its own locus;
- ii. any questions of materiality;

and that Committee would expect to receive a submission that clarified points of disagreement in such a way that that Committee would rule in the ways envisaged in Condition G6.5.3(a).

20/4 Hearing of Reference AD11

The Committee considered reference AD11, a joint submission from ScotRail Railways and Railtrack. The Determination No.11 is attached.

20/5 Outstanding references

Arrangements had been made to hear a reference from Great Western Trains on Tuesday 21st January and Friday 24th January 1997. However, not all the papers have yet been received and members noted that this meeting may require to be postponed.

20/6 Date of next meeting

Tuesday 21st January at 10.00 in East Side Offices, Kings Cross.