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## ***ACCESS DISPUTE RESOLUTION COMMITTEE***

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**MINUTES of MEETING No. 58**  
held in London on 11 December 2002

**Present:**

Tony Holland, Chairman  
Bryan Driver, Independent Vice-Chairman  
Bill Davidson (Railtrack)  
Tony Deighan (Eurostar (U.K.))  
Julia Glenn (Railtrack)  
Graham Laycock (English Welsh & Scottish Railway)  
Mike Price (ScotRail Railways)  
Niel Wilson (North Western Trains)

**In attendance:**

Chris Blackman (Secretary)  
Martin Shrubsole (Clerk)

**Apologies:**

Ian Osborne (Freightliner)  
Tim Clarke (Anglia Railways)

**58/1 Minutes of meeting No.57**

The minutes of meeting no.57 held on 16 July 2002 were approved. The Chairman signed a copy of the minutes as a true record of the proceedings.

**58/2 Matters arising from the minutes of the previous meeting**

*57/5: Proposals for Change to the Access Dispute Resolution Rules*

The Secretary advised that the Proposals for Change had now been published for consultation. The period of consultation expires on 10th January, and the Class Representative Committee would be meeting in late January to consider any representations made by the Industry.

Members were critical of Direct Rail Services and West Coast Railway who had still not paid the annual levy, despite reminders; settlement was now four months overdue. Members observed that, in future, late payments may be subject to surcharge of interest.

### **58/3 Changes in Membership**

The Secretary reported on the results of elections that had taken place earlier in the day at the Annual Class Meetings. Members noted that the changes would be published in due course.

### **58/4 Budget outturn for 2002/03 and Preliminary budget for 2003/04**

Members noted the Committee's expenditure for the current year was satisfactorily within budget, and that the outturn for 2002/03 indicated a surplus of income against expenditure. Members also endorsed the preliminary budget for 2003/04; this will be subject to formal review at the next quarterly meeting, when further emerging data would also be taken into account.

### **58/5 Update on References**

The Secretary advised members that he had received notification of a reference from Thameslink Rail and two other Train Operators on the subject of charges associated with the application of the Railtrack Independent Station Access Conditions. A hearing is provisionally earmarked for February 2003.

### **58/6 Recent and prospective Proposals for Change to the Access Conditions**

It was noted that Proposals for Change to Part B of the Track Access Conditions had recently been the subject of consultation with Industry Parties, and had been approved subject to some minor modifications following discussion at a recent meeting of the Class Representative Committee. The proposals are now awaiting approval by the Rail Regulator.

### **58/7 Appeals referred to the Rail Regulator**

Julia Glenn explained that Railtrack was concerned at the time taken between the hearing by the Rail Regulator of an appeal against the determination of a Sub-Committee and the issue of a decision. It is realised that cases submitted on appeal will normally contain very significant issues, but nevertheless there was concern about the delay in the case of Railtrack's appeal against determination NV33, which had been submitted in early spring 2002, and heard by the Regulator in early July 2002. Judgement had been expected, initially in August, though revised to 31 October; however, the parties are still waiting for a decision. The delay was causing difficulties, as it was hindering the conclusion of that case and any possible associated related matters.

The general experience is that the appeal process is an unduly long process. Other Members commented, in respect of a different case where the decision is still awaited, that issues about points of principle relating to the development of the timetable need to be settled urgently in order that they can be incorporated into the next Timetable Development Period.

Following discussion Members agreed that the matter should properly be considered by the Class Representative Committee, which has oversight of the processes prescribed in the Track Access Conditions. Julia Glenn agreed to prepare a paper, which would be circulated to other Members present for comments prior to submission for the agenda of the next meeting of CRC due to take place in late January 2003.

**58/8 Dates for hearings in 2003**

The Committee agreed a programme of dates for quarterly meetings in 2003 as follows:

Tuesday 11 March 2003	in Room 230, East Side Offices at Kings Cross
Wednesday 18 June 2003	in Room 230, East Side Offices at Kings Cross
Wednesday 10 September 2003	in Room 230, East Side Offices at Kings Cross
Wednesday 10 December 2003	(venue to be decided)

The Committee agreed a programme of dates to be ear-marked for hearings in 2003 as follows:

Wednesday 22 January 2003	Tuesday 8 July 2003
Thursday 20 February 2003	Wednesday 20 August 2003
Tuesday 11 March 2003	Wednesday 17 September 2003
Thursday 24 April 2003	Wednesday 15 October 2003
Wednesday 21 May 2003	Wednesday 12 November 2003
Wednesday 18 June 2003	Wednesday 17 December 2003

**58/9 Date of next meeting**

This was earmarked for Wednesday 22 January 2003.