
TIMETABLING COMMITTEE

Determination No. 155

(following a hearing at Kings Cross on 22nd October 2002)

*[Note: the previous published determinations are no.161A and no.161B
both of 20th September 2002]*

1. The Committee was asked by Thames Trains Ltd (TTL) to rule that Railtrack should not be empowered to implement, within the Rules of the Route for 2003/2004, the following items which TTL considered prejudicial to its commercial interests:
 - 1.1. Item 01: a weekend “two track timetable” to provide for engineering works on the section of the Great Western Main Line between Ladbroke Grove and Reading East;
 - 1.2. Item 03: a programme of extended weeknight possessions between Southcote Junction and Newbury West on the Berks and Hants line (B&H);
 - 1.3. Item 05: a 16 day continuous blockade from 23rd August to 8th September 2003 of the line between Oxford North Jct. and Bicester North;
 - 1.4. Items 06A and 06B: two “100 hour” possessions, closing the Oxford, Worcester and Wolverhampton (OW&W) line on consecutive weeks commencing 28th June and 5th July 2003, the first between Wolvercot Jct. and Moreton-in-Marsh, and the second between Moreton-in-Marsh and Norton Jct.; and
 - 1.5. Item 08: renewals of no. 20 points at Worcester Shrub Hill, over three weekends, in each case employing methods of working which would preclude any access for passenger trains from the OW&W to either of the Worcester stations.
2. The Committee noted that the gaps in the numbering of the items that it was required to address reflected that the parties had continued with consultations, and had been able to reach agreement on some items.
3. The Committee took note of Railtrack’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 Railtrack that any programme aimed at first, stemming the rate of deterioration, and then, 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 Railtrack was seeking to deploy all its Track Maintenance resources in as productive a way as possible, and contended this required intensive use of possessions that were both longer in length of track, and of duration.

5. The Committee was pleased to note that TTL did not in any way dispute the necessity of all the works in question. However, TTL was unhappy that, whereas Railtrack had originally proposed an extensive programme of blockades affecting many routes and all Train Operators, much of this programme had met with opposition, and had not therefore been pursued further. The only survivors now were those the subject of this appeal, and that between Castle Cary and Cogload Jct., and TTL alleged that they did not seem to have been treated fairly by comparison with other Train Operators.
6. TTL's particular concerns were itemised as follows:
 - 6.1. Item 01: TTL was not prepared to acquiesce to the principle of Railtrack's proposals without some evidence of the degree of disruption and curtailment of TTL's services that would be involved. TTL had been promised a range of exemplary timetables to illustrate the scope of the impact of the proposed possessions on its services, but these had been much delayed; the critical draft relating to Sunday services had still not been made available;
 - 6.2. Item 03: TTL objected to the fact that, although they set out to provide an hourly evening service to Newbury and beyond, Railtrack's proposals would oblige them to substitute buses for all evening trains Monday to Thursday, after a 19.35 departure from Reading. Whilst noting some special elements within the works to be undertaken (e.g. road closures to permit re-ballasting of level crossings) TTL did not believe that Railtrack would actually require, or have work to justify, so many, so regular and so long (both time and distance) possessions;
 - 6.3. Item 05: TTL contended that it was not appropriate that a service catering primarily for commuters and school children should be prevented from operating for 16 days
 - 6.3.1. when there were so many hours, both midweek nights, Saturday Nights and all day Sundays, when it would be possible to obtain lengthy possessions without the need to disrupt any services at all; and
 - 6.3.2. the works when completed would not apparently deliver any improvements to the capability of line that might in turn benefit TTL and its customers.
 - 6.4. Items 06A, 06B and, to some extent, 08, were all linked; each precluded TTL from offering contracted through train services between Oxford and Worcester, and would, instead, require passengers to depend upon substitute bus services giving considerably extended journey times. There would also be a significant impact upon the trains that convey school children and commuters into and out of Worcester, particularly during the week of the Norton Junction blockade.
7. The Committee noted that, in respect of Item 01, there was no definite disagreement upon which to opine. However, it was uneasy that TTL did not appear to have been pro-active in seeking to participate in any sort of collaborative evaluation of the impact of the proposals in question.

8. In respect of Item 03, the Committee was not convinced that Railtrack had indeed identified sufficient work, that they could resource, that would justify the scope of the possessions mooted. It noted that, when asked to address the matter, TTL acknowledged that bus substitution on Monday and Tuesday evenings did not pose major problems; however, TTL were anxious that there was a market that was more in need of protection in the latter part of the week. Indeed, there could be scope, from TTL's perspective, for accepting the proposed possessions every Monday and Tuesday, but confining the possession, and the service disruption, to West of Newbury on the other nights.
9. In respect of Item 05, and both Items 06, the Committee was sympathetic to the argument that there was ample time when no services were scheduled (at night on the OW&W, and at night and at weekends on the line to Bicester) to permit, with appropriate planning and forethought, most necessary works to be undertaken without disruption to passengers. In both cases TTL was advocating that the necessary works should be carried out over a series of weekend possessions affecting only weekend trade. This was opposed by Railtrack on the grounds that they had already committed all available weekend resources to other projects, and that, in some aspects, further delay to remedial works would push the horizon back beyond a time at which the track could potentially become unsafe.
10. In the case of Bicester the Committee also took into account that
 - 10.1. traffic volumes are generally adequately catered for by two car trains;
 - 10.2. the current running times, with significant long term TSRs are not competitive for off-peak travel to Oxford, but do compete well with peak-time road conditions;
 - 10.3. if the works have to be done in a blockade then TTL contend that it would be an appropriate course to ensure that, during the blockade, steps were taken, e.g. to improve the signalling or offer other infrastructure improvements of obvious benefit to customers;
 - 10.4. the works that Railtrack were planning to undertake to remove the TSRs would result in significant lengths of the line being laid in CWR;
 - 10.5. Railtrack were not able to state what scope the planned work would offer for e.g. raising the line speed above the current nominal 45mph. (i.e. where no TSRs apply).
11. 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 2003/4 Rules of the Route engineering programme on Great Western Zone. The Committee was not, however, satisfied that the discretions open to it as at the date of the hearing were as broad, or as potentially useful, as those that could have been open to the parties at an earlier stage in the planning process. In particular TTL could have been more proactive in seeking responses from Railtrack in respect of its explicit concerns, as opposed to contenting itself with registering items as "contentious". The Committee therefore determined that its individual rulings should take into account the following factors:

- 11.1. 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;
 - 11.2. where a stretch of railway line does not carry any regular services for significant periods, whether weekday nights and/or weekends, there should be a presumption that all maintenance of these lines should, as a first resort, be scheduled to be undertaken during these periods of no service;
 - 11.3. wider planning of engineering works should take into account the opportunities that the foregoing presumption offers for the scheduling of mechanical maintenance across a greater proportion of the working week;
 - 11.4. 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 such works will in turn deliver benefits appreciable by its customers;
 - 11.5. where it can be compellingly demonstrated that there is no alternative to extended night time possessions, or a lengthy mid-week blockade, then, in selecting the dates for such blockades the parties must take appropriate account of the requirements of the regular clientele. In particular, where trains conveying school children are concerned, it is undesirable to schedule such blockades during term times;
 - 11.6. where one Train Operator is to be subjected to several such disruptions to services then, wherever practical, the Train Operator should be given the opportunity to experience and manage all those disruptions over a single concerted period, rather than as a disjointed sequence of interruptions.
12. With all these considerations in mind the Committee therefore directed that
- 12.1. in respect of Item 01, Railtrack should provide TTL with all the promised timetables exemplifying the impact of a two track railway, and that, with a view to further dialogue, TTL should formulate, and advise Railtrack of its priorities in respect of services that may require any degree of curtailment. The Committee considers that the parties should be able to reach an understanding on this matter;
 - 12.2. in respect of Item 03, Railtrack should explore with TTL the options for subdividing the workload between Southcote Jct. and Bedwyn so that work on the section between Southcote Jct. and Newbury would be confined to Monday and Tuesday nights only, to permit a fuller timetable to operate between Reading and Newbury on other evenings;
 - 12.3. in respect of Item 05, Railtrack should explore:
 - 12.3.1. how far the works to be undertaken can in practice deliver line speed or other improvements of practical benefit to customers; and
 - 12.3.2. how to schedule the work for weeks that do not include any school travel

12.3.3. in making these provisos the Committee recognises that, on this unique occasion there is probably no alternative means of delivering the necessary restorative works on this section, within the horizon of collapse, other than by a continuous blockade, and that TTL should accept this arrangement. Furthermore, if Railtrack is able, through these works, to deliver line improvements, these may need to be the subject of the Network Change Procedure: this determination should not be seen as in any way prejudicing the outcome of such Network Change.

12.4. in respect of Items 06A, 06B and 08, the Committee accepts that, in all the circumstances of these instances and this timetable only, Railtrack should be allowed to undertake the works between Wolvercot Jct. and Norton Jct. on the basis of two consecutive weekday blockades. However, Railtrack should

12.4.1. seek to schedule the two blockades for weeks which do not fall within school term time, and

12.4.2. use all best endeavours to undertake the Switch & Crossing work at Worcester Shrub Hill over the three weekends before, between and after the two blockades.

13. For the avoidance of doubt, the Committee

13.1. expects that planning for future engineering works that will impact adversely upon services operated by TTL should take account of the general considerations outlined above; and

13.2. the parties should advise the Committee in writing of the manner in which they propose to fulfil the stipulations at 12.3.1, 12.3.2, 12.4.1 and 12.4.2 above, by no later than Friday 1st November 2002.

Bryan Driver

Independent Vice Chairman