
TIMETABLING COMMITTEE

Determination No. 161C

(following a hearing at Kings Cross on 25th October 2002)

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

1. The Committee was asked by Arriva Trains Northern (ATN) to rule that Railtrack should not be empowered to implement, within Section 5 of the Rules of the Route for the North West Zone for 2003/2004, the following items which ATN considered prejudicial to its commercial interests:
 - 1.1. proposals for 7 hr extended possessions on 32 midweek nights (i.e. over 8 weeks) of the line between Slade Lane Jct. and Manchester International Airport (MIA),
 - 1.2. proposals for 5½hr weeknight possessions (plus 2½hr SLW) on 32 midweek nights (i.e. over 8 weeks) on the Dore West to Chinley North line.
2. The Committee noted that the reference followed the procedure that had been laid down for the parties in Determination 161A, and that after formulating the reference the parties had continued with consultations, and had been able to reach agreement on a further item.
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. Railtrack had proposed programmes of Planned Cyclic Maintenance in an effort to reverse the generally downwards trend in measured Absolute Track Quality on both routes.
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 or by increased Access Time (Possessions). In respect of the Dore to Chinley line, in the two major tunnels (Totlely and Cowburn) tamping can only be undertaken under full possession of both lines (as opposed to the SLW option available for tamping of open air track).
5. The Committee noted that ATN's challenge to Railtrack's proposals stemmed from the following
 - 5.1. the possessions on both route sections would require a part of the 24 hour Transpennine service to MIA to be substituted by buses, with loss of passenger confidence and revenue;

- 5.2. it was not clear, in precise terms, what level of improvement Railtrack was aspiring to deliver in return for the extended possessions, and therefore what benefit would accrue to the Train Operator and its customers; and
- 5.3. ATN did not consider that Railtrack was currently making full use of the existing maintenance opportunities, for example
 - 5.3.1. the no traffic period at weekends between Dore and Chinley, and
 - 5.3.2. a four day blockade in August 2003 of Slade Lane Jct. in connection with the introduction of the Longsight Interlocking.
6. The Committee noted the scale of disruption and extent of bus substitution that would be required as a result of the implementation of these two sets of possessions. It noted that Railtrack was proposing that the possessions on the two routes should take place at the same time, thus reducing the impact on the Train Operator to a single time period; and also that, when it had been in difficulties of another kind (the shortage of Train Drivers), ATN had itself taken the initiative of substituting buses for some of the MIA services.
7. The Committee was appreciative of the effort that Railtrack was putting into trying to establish a more rigorous correlation between the amount of engineering effort that was put into a section of line and the level of improvement that could be achieved in measured Track Quality. The Committee was satisfied that this was a necessary and appropriate line of enquiry, which would be of significant assistance in the setting of future Rules of the Route.
8. 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 North West Zone, and that its rulings should take into account the following factors:
 - 8.1. it is apparent that this important initiative (Planned Cyclic Maintenance) requires very full and early dialogue with the Train Operators, and not just at the level of principle. Discussions, particularly where they bear on specific questions, must be properly minuted and followed up;
 - 8.2. where a stretch of railway 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;
 - 8.3. 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;
 - 8.4. 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;

- 8.5. Railtrack should be prepared to make its case for changes to the Rules of the Route by reference to clear statements of the qualitative improvements it expects to achieve.
9. With all these considerations in mind the Committee therefore directed that Railtrack should be allowed to implement its proposals for additional possessions in respect of both sections of route, but subject to the following provisos;
 - 9.1. Railtrack shall formulate and lodge with ATN and the Committee, by 29th November 2002, some form of statement of measures of the track quality of the lines in question as at the time of incorporating the possessions into the Rules of the Route;
 - 9.2. Railtrack shall also, again by 29th November 2002, make (and lodge with ATN and the Committee) an assessment of the extent of the improvement against those measures of track quality that it would consider represented a fair return on the amount of effort (and disruption) arising out of the implementation of these possessions;
 - 9.3. in due course, the Committee will expect to be advised of the extent to which the parties are satisfied that the efforts expended and the disruption incurred have delivered the assessed return;
 - 9.4. in addressing the foregoing points, Railtrack shall re-examine the extent to which it might yet be in a position to reduce the scale of the above possessions (but not the extent of the measured improvement in track quality) by fuller use of no train periods, and/or periods of other, already planned, disruption to ATNs services.

Bryan Driver
Independent Vice Chairman