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## ***TIMETABLING SUB-COMMITTEE***

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### **Determination No. 18**

(Hearing held at Euston House on 18th October 1996)

The Timetabling Committee was asked to consider a reference by South Wales & West regarding the re-timing for the Summer 1997 Timetable of a through train, the 0602 Carmarthen to Waterloo, which meant that an established connection with a Eurostar (U.K.) departure at 1157 from Waterloo to Paris would be severed.

The Committee acknowledged that this was a matter properly brought to its attention in accordance with Track Access Condition D5, and one upon which it should properly opine. However, the Committee reproved both parties in respect to the difficulty that it had experienced in interpreting the submissions, in particular in relation to the precise definition of the Firm Contractual Rights of South Wales & West Railway, and those Rights of other operators in whose interests it was alleged South Wales & West's service required to be flexed.

In response to clarification, the Committee noted that, within the provisions of Section 3.4.2 of the South Wales & West Track Access Agreement, Railtrack had rights to flex a "Through Train", such as the 0602 Carmarthen to Waterloo beyond otherwise defined flexing limits, but that this did not detract from South Wales & West's acknowledged Firm Contractual Right to connect with a Eurostar departure at Waterloo.

The Committee was, however, concerned that South Wales & West, in formulating its bids in accordance with Condition D2.7, had not formally asserted its right to the specific connection under clause D2.7(f) and that therefore the Firm Contractual Rights to make that connection had technically lapsed for the Timetable Development Period in question. Given this lapse Railtrack had in fact honoured all South Wales & West's Firm Contractual Rights.

Nevertheless, the Committee determined that the connection in question ought to be recognised in any application of the Decision Criteria in Condition D4(e).

For that reason and taking account of possibilities tabled at the meeting, the Committee directed Railtrack to explore all available other options for adjustments to the timings of either South Wales & West's service, or to the services of other operators, with the general aim, subject to the application of the Decision Criteria of achieving an arrival time in Waterloo for the 0602 from Carmarthen sufficiently early to restore a workable connection with the 1157 Eurostar (U.K.) departure for Paris.

For the avoidance of doubt the Committee ruled that, in accordance with Track Access Condition D3.3.5(c), this determination empowered Railtrack to flex the timings of services of other operators, within their agreed flexing limits, even where the services affected were the subject of previously accepted Bids.

**Bryan Driver**  
**Chairman of the Committee**  
**18th October 1996**