
TIMETABLING SUB-COMMITTEE

Determination No. 21

(Hearing held at Euston House on 22nd and 25th October 1996)

The Committee was asked to judge on a reference from Thames Trains Ltd, who alleged that Railtrack Great Western Zone had, in making offers for the first iteration of the Summer 1997 Timetable for the train equivalent to the current 0925 Newbury to Paddington, taken inadequate account of the Decision Criteria set out in Track Access Condition D4(f) and had offered an unduly extended journey time.

The Committee acknowledged that this was properly a matter for its jurisdiction and heard representations from Thames Trains Ltd and Railtrack Great Western Zone. Great Western Trains Co. Ltd as an interested party, were in attendance, and, in response to a request from the Committee, subsequently presented supplementary information.

In reaching a determination, the Committee considered it appropriate to remind all parties that, whilst the Bidding Information has considerable significance as a guide to the parties, all Train Operators should ensure that, no later than the Priority Date, they bid in a way which asserts their Firm Contractual Rights in the manner most favourable to their individual interests. Where Rights are not asserted by the Priority Date, they lapse for the Timetable Development Period in question.

The Committee was also concerned that when it questioned the parties, there was no evidence that there had been any consideration, or consultation on the possible options for meeting the conflicting needs of the operators involved. The Committee was also in difficulty because there was no documentation available to clarify the detail of the Firm Contractual Rights for Great Western Trains Co. Ltd as approved by the Regulator on 27th September 1996, which, to the extent that they affected either the Rights in relation to the 0645 Paignton to Paddington, or the Cheltenham to Paddington trains, could be germane to the decision. It was on this question that the Committee sought, from both Great Western Trains Co. Ltd and Great Western Zone, the supplementary information referred to above.

The Committee determined that, whilst the offer for an 0926 Newbury to Paddington fulfilled the Firm Contractual Rights of Thames Trains Ltd, Railtrack Great Western Zone had not given adequate weight to Decision Criteria D4(f) in offering a journey time significantly slower than that of the current 0925, and that there was no clear justification for decisions by Railtrack Great Western Zone on the relative priorities of the Thames Train Ltd, train and two trains of Great Western Trains Co. Ltd. It was noted by the Committee that issues relating to accommodating future Firm Contractual Rights for Heathrow Express alluded to in the Bidding Information, had not yet been fully addressed in the offers made in the current Timetable Development Period; these issues will need to be addressed in subsequent Timetable Development Periods.

The Committee was not satisfied that the rights of Great Western Trains Co. Ltd, in relation to the 0815 Cheltenham to Paddington service, required Railtrack Zone to have made the offer that had been made, where to make such an offer required the worsening of the path offered to another Operator, in breach of Access Condition D4(f). The Committee was not clear that a bid for an 0815 departure from Cheltenham in relation to an 0825-0835 departure carried with it equivalent rights in relation to journey time etc. The right to an 0825-0835 departure was deemed by the Committee to have been allowed to lapse for the Summer 1997 Timetable Development Period by the formulation of the Great Western Trains Co. Ltd first iteration bid.

The Committee therefore gave Railtrack Great Western Zone a general direction to seek, in conjunction with Thames Trains Ltd, and Great Western Trains Co. Ltd, a different set of timings between Newbury, Reading and Paddington which would give Thames Trains Ltd a service that would more nearly equate to the current 0925 Newbury service in terms of overall journey time, and in this respect Railtrack is empowered to act in accordance with Access Condition D3.3.5(c).

The Committee recommended Railtrack Great Western Zone and the Train Operators give specific consideration to any or all of the following possibilities:

1. Earlier departure from Newbury and throughout to Paddington for the Thames Trains Ltd service.
2. 0925 from Newbury to precede 0815 Cheltenham throughout from Reading to Paddington, with additional pathing time in Great Western Trains Co. Ltd's service, subject to the contractual cap.
3. Removal of the station stop at Slough from the Thames Trains Ltd service, possibly combined, in order to satisfy Decision Criteria D4(g), with a substitute call by another Thames Trains Ltd service, or by one of the Great Western Trains Co. Ltd services as an alternative to the insertion of pathing time.
4. Reviewing the relative merits, for the 0815 from Cheltenham, of 5 minutes pathing time before Reading, as compared with a station stop at Didcot.

The Committee noted that if Great Western Trains Co. Ltd considered that its bid for the 0815 Cheltenham to Paddington should be construed as wholly compliant, then Great Western Trains Co. Ltd was at liberty to make representation to that effect to an early meeting of the Timetabling Committee.

Bryan Driver
Chairman of the Committee
25th October 1996