
TIMETABLING COMMITTEE

Determination No. 35

(following a hearing at Kings Cross on 12th June 1997)

The Committee was asked to consider whether Central Trains Ltd, who currently do not operate a service to Manchester Airport, but who propose to do so in the future, were entitled to participate in consultation on detailed Rules of the Route for the Crewe to Manchester Airport section and how far their objections should be reflected in the final form of the Rules of the Route. The Committee acknowledged that these were properly matters for its consideration under Access Condition D3.4.5. The Committee, having considered all the submissions, which demonstrated an emerging consensus, reserved to itself the right to make a determination on the issues as first submitted. The Committee therefore found that:

- i) Central Trains, as “a person who proposes in good faith to enter into an Access Agreement” (Condition D1.2) should have been included in any consultation carried out under D3.4.1, and that this had in fact been done;
- ii) the manner of the consultation carried out was such that, whilst it could be construed as fulfilling the requirements of D3.4.2(a), it was deficient in fulfilling D3.4.2(b) insofar as it did not give an adequate account of the reasons for the Rules of the Route as proposed;
- iii) the most telling deficiency in respect of D3.4.2(b) was that the consultation did not explain that the Rules of the Route for 1998/9 on this section represented a peak of maintenance workload, which would permit a significant reduction in blockages associated with such maintenance in 1999/2000; and
- iv) there were expectations that other works (Manchester resignalling and West Coast Main Line upgrade) would mean that 1999/2000 Rules of the Route would still incorporate significant blockages in this area but to a lesser degree than if those proposed for 1998/9 had not occurred.

The Committee noted that Central Trains’ plans were not yet the subject of a Regulated Access agreement and that there remained unresolved questions of the extent and date of implementation of the Sunday element of the service proposed. The Committee considered that these unresolved items were not such that the Committee was minded to opine that Railtrack should reasonably have proposed Rules of the Route significantly different from those actually tabled.

The Committee noted that Central Trains would be disposed to withdraw its objection to the Rules of the Route proposed for 1998/9 in return for a commitment by Railtrack for a maximum of one period of blockage (for asset maintenance plan works), of a weekly duration to be determined, in the 1999/2000 Rules of the route. The Committee noted Central Trains’ preference that this be in Engineering Period 4, but cautioned that this needed to be the subject of due consultation by Railtrack with other affected Train Operators.

The Committee determined that it would expect future consultation on Rules of the Route to take account of the need for a full exposition of reasons (D3.4.2(b)), and for any subsequent amendments to take account, as proposed in this case, of the preparedness of individual Train Operators to accept short-term disbenefit for long term gain. However the Committee was concerned that Railtrack should not reach such bilateral understandings in ways that denied other Train Operators the opportunity for comment and, if necessary, reference to the Timetabling Committee before the issue of definitive Rules of the Route in the Bidding Information.

The Committee directed Railtrack to take account of this commitment in formulating its proposals for the Rules of the Route for 1999/2000.

Nothing in this determination is to be interpreted as modifying Railtrack's obligation to consult fully (including under Access Condition G) on all aspects of West Coast Mainline upgrade and Manchester resignalling.

Bryan Driver
Chairman of the Committee
12th June 1997