
TIMETABLING COMMITTEE

Determination No. 67

(following a hearing at Kings Cross on 30th October 1998)

[Note: no determinations were issued in respect of references 64 to 66 inclusive; previous published determination was determination no.63]

1. The Committee was asked by Northern Spirit Limited to issue directions to Railtrack, in relation to proposals made by Northern Spirit, for amendments to Sectional Running Times (SRT) for DMU(E) services within the North West Zone.
2. The Committee noted that, on the date at which the reference was first filed, the parties were in dispute as to both the derivation of SRTs, and their date of introduction on several routes. As of the date of the hearing only one issue remained in dispute. This related to SRTs between Manchester Piccadilly and Manchester International Airport for DMU(E) services.
3. The Committee acknowledged that this issue, as part of the process for revising Rules of the Plan, fell within the scope of the Committee. The Committee further noted that precise definition of the point of principle dividing the parties had not become clear until the parties had exchanged papers. The Committee once again stressed the importance of adequate preparation, and where possible joint submission, if the parties are to get the full benefit of the dispute resolution process. However the Committee was satisfied that the matter as finally presented was one of substance that required the Committee's determination.
4. In considering the matter in dispute the Committee took note of the following points:
 - 4.1 Northern Spirit had sought revised DMU(E) SRTs for its Transpennine express services; these had been derived from a re-running of the "Derby" model, as paid for jointly by Northern Spirit and Railtrack;
 - 4.2 for most routes for which SRTs had been re-assessed Railtrack had either accepted the proposals derived from the Derby model, or agreed to undertake a further review; Northern Spirit's objective in each case being implementation with effect from the Winter 1999 Timetable.
 - 4.3 in relation to services between Manchester Piccadilly and Manchester International Airport, Railtrack had not been prepared to consider amending SRTs, even though the results from the "Derby" model suggested possible amendments.

5. The Committee noted that Railtrack, in order to justify its rejection of Northern Spirit’s proposals, had offered the following justification,

“Manchester Piccadilly to Manchester Airport

The existing Sectional Running Times offered on this route arise from the following clause taken from section 5.1 of North West Zone Rules of the Plan.

- (ii) *Where frequent suburban-type services are to be resourced by a mix of multiple unit types, it is permissible for the whole group of services to be timed using SRTs relating to the type of MU with the poorest performance. However, this principle may not be applied where the MU types are not interchangeable (e.g. due to incompatible braking systems).*

The Timetable on this route relies on Sectional Running Times based on this clause. In addition, the timetable that currently exists revolves around the junctions at Slade Lane and Ardwick. Railtrack’s position is that we propose to undertake a comprehensive review [of] the SRTs for this route with a view to introducing any changes at such time that all the Train Operators concerned consider that the timetable should be recast.”

6. The Committee, in questioning Railtrack, learnt that the commitment in the final sentence above was understood by Railtrack to imply a review of SRTs to coincide with the implementation of Manchester South re-signalling at an uncertain future date. The Committee accepted that this was not an adequate response to meet Northern Spirit’s needs.

7. The Committee considered the force of section 5.1(ii) of North West Zone Rules of the Plan and came to the following conclusions:

7.1 In the full NW Zone Rules of the Plan the paragraph quoted by Railtrack is prefaced “correct SRTs must be used except as follows:-”; this would imply that the provisions of section 5.1(ii) have the force of a dispensation from the use of “Correct SRTs”.

7.2 if the dispensation is described as “permissible”, then it may be proposed by any Access Party, but it cannot be enforced at the will of any one party; it shall only apply in circumstances where Railtrack and any affected Train Operators agree that it should apply. The reference before the Committee implies that there is no such agreement. Furthermore:

7.3 this clause relates to “using SRTs” (which must therefore already be in existence) and cannot be prayed in aid in relation to the processes for deriving and determining the values of SRTs. It followed therefore that:

7.4 Railtrack’s stated reasons for failing to respond to Northern Spirit’s proposals for revised SRTs between Manchester Piccadilly and Manchester International Airport were not valid.

8. The Committee then considered the standing of Section 5.1(ii) of North West Zone's Rules of the Plan in relation to the current timetable of services between Manchester Piccadilly and Manchester International Airport:

8.1 there are 6 DMU services per hour, one timed at DMU(A) SRTs, three timed at DMU(S) SRTs and two at DMU(E) SRTs. Some of these services are operated by Northern Spirit and some by North Western Trains;

8.2 by virtue of past practice the time values for the three sets of DMU SRTs – namely (A), (E) and (S) – have been aligned to the values derived in respect of DMU(A);

8.3 between Manchester Piccadilly and Slade Lane Junction more than 20 different types of rolling stock are in operation over routes which, subject to the exigencies of the service, vary in detail, and relationship to timing points, on an hourly basis, and that the pragmatic solution that had been adopted for this section was for all trains to be timed to one of a limited number of standard running times.

9. The Committee therefore determined that:

9.1 specific SRTs, for all sections of route and for each relevant type of rolling stock, should be derived using the established methods and the Derby model, and agreed as part of consultation on the Rules of the Plan between Railtrack and those Train Operators affected; the implementation and use of such agreed rolling stock specific SRTs is generally a matter of right for Train Operators;

9.2 where, as in Section 5.1(ii) of the North West Zone's Rules of the Plan, there is a permissive dispensation from using the SRTs that would normally apply to that type of rolling stock (i.e. the "correct SRTs"), the use of alternative SRTs arising from this dispensation must be agreed between the parties (Railtrack and those Train Operators affected) through the normal timetabling processes including the rights of appeal.

9.3 in areas of significant route complexity and rolling stock variety, such as in the immediate vicinity of Manchester Piccadilly Station, it is open to Railtrack to incorporate into the Rules of the Plan a practical simplification of SRTs to be applied across groups of trains in place of the normal rolling stock specific SRTs.

Such an option is:

9.3.1 subject to the right, of any Train Operator who objects to any aspect of the Rules of the Plan, to bring the point at issue to the Timetabling Committee in pursuance of Access Condition D3.4.5; in which case:

- 9.3.2 Railtrack will have the opportunity to demonstrate that such simplified SRTs are a reasonable proxy for the generality of the rolling stock specific SRTs they would displace.
- 9.4 Railtrack should immediately review the rolling stock specific SRTs proposed by Northern Spirit for the section Slade Lane Junction to Manchester International Airport, with a view to incorporating rolling stock specific SRTs for DMU(E), for this section, in the Bidding Information for the Winter 1999 Timetable.

Bryan Driver
Chairman of the Committee
30th October 1998