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## ***TIMETABLING COMMITTEE***

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### **Determination No. 89**

(following a hearing at Kings Cross on 12<sup>th</sup> January 2000)

*[Note: previous published determination was determination no.88]*

- 1 The Committee was asked by Thames Trains to rule that Railtrack had been incorrect, in relation to the Summer 2000 Timetable, to allocate to Great Western Trains (GWT) a Train Slot departing Paddington at 1036 and bid for by Thames Trains for a 1036 SX Paddington to Oxford service. The Committee noted that the key issue in dispute related to Railtrack's ability to find Train Slots for both the trains requested.
- 2 The Committee noted that the path in question formed part of Thames Trains' long term aspiration to introduce a regular 15 minute service between Paddington and Oxford, but that Thames Trains, although it had ensured that the 1036 path figured in its declaration at the Timetable Conference, currently does not have such rights incorporated within an Access Agreement.
- 3 GWT's right to the path, by contrast, arises from a general quantum right for Train Slots within a service group, amplified in terms of its qualitative rights by specific declaration at the Timetable Conference, in accordance with the provisions of Access Condition D2.1.2.
- 4 The Committee noted that:
  - 4.1 on other occasions it had ruled in favour of the presumption that regular interval services, within a standard hourly pattern, are to be encouraged, but that
  - 4.2 these should not be to the exclusion of significant, but established, off-standard services;
  - 4.3 GWT's service to Cheltenham is such an established off-standard service, albeit one that, in recent timetables, has operated at times different from GWT's Bid for the Summer 2000 Timetable; and that
  - 4.4 the time of departure bid for by GWT for this Timetable related to a proposal, having the support of Railtrack and Wales & West Passenger Trains, that improved the regularity of the service between Swindon and Cheltenham in the middle of the day.
- 5 The Committee was disappointed to note, once again, that the level of prior discussion between the interested parties in this dispute had not been as thorough or as open as it might have been; however the Committee was encouraged that, within the body of the hearing, a preparedness emerged to explore some options, not previously considered, to find an alternative incremental Train Slot for Thames Trains.

- 6 The Committee determined that:
- 6.1 Applying tests of priority, as in Access Condition D3.4.1 (and as in section 7 of the National Rules of the Plan), the Committee was satisfied that in the immediate circumstances of the Summer 2000 Timetable, GWT's right in regard to this path should be considered the stronger.
  - 6.2 to the extent that it was demonstrated that both trains could not be accommodated, then, within the context of the Summer 2000 Timetable, Railtrack had been right to allot the 1036 Train Slot to GWT rather than Thames Trains;
  - 6.3 this decision should not be construed as implying that Thames Trains is to be prevented at future Timetables from re-bidding for this slot, as a further stage towards the implementation of a regular 15 minute Timetable service;
  - 6.4 Railtrack should persist with its efforts to achieve the maximum possible level of open dialogue between all parties to ensure that future Timetables on this route, whilst honouring all asserted Firm Contractual Rights,
    - 6.4.1 meet all reasonable aspirations for regular service patterns; and
    - 6.4.2 allow adequate capacity for contracted "off-standard" services, and other services as envisaged in Access Condition Decision Criterion D4(h).

Bryan Driver  
Chairman