

First Directions letter - 11.09.2019

ACCESS DISPUTES COMMITTEE

Having reviewed GBRf's Sole Reference Document, the Chair has asked me to issue the following Directions to elicit clarifications, which will assist the Panel in its consideration of the issues and also assist Network Rail in the preparation of its response Document:-

To Network Rail

- Can Network Rail ("NR") please produce within its Sole Reference Document details of the exchanges that have taken place between the Parties relating to the subject matter in dispute.
- Additionally, can NR outline the process and steps that the relevant timetable planner followed in producing, and issuing to GBRf, of Appendix A to GBRf's Sole Reference Document.

On behalf of Clive Fletcher-Wood, Hearing Chair

Tamzin Cloke
Secretary
Access Disputes Committee

Second Directions letter & response - 17.09.2019

ACCESS DISPUTES COMMITTEE

The Chair has asked me to issue the following Directions to elicit clarifications, which will assist the Panel in its consideration of the issues :-

To both Parties

The Hearing Chair is grateful to Network Rail for providing its Sole Reference Document ('SRD') before the time by which it had to be served.

He observes that the SRD does indicate a failure of communication between the Parties in the bid and offer process.

Network Rail indicates that there are no outstanding issues relating to 4N23 and 6H12. In relation to 6M79, however, Network Rail's position is less clear.

Both Parties are to advise the Secretary as soon as possible whether the Dispute is now settled. If not, both Parties are to indicate what issues remain in dispute concerning 6M79. This is to be provided as soon as possible with sufficient clarity to enable the Panel to prepare for the hearing.

On behalf of Clive Fletcher-Wood, Hearing Chair

Tamzin Cloke
Secretary
Access Disputes Committee

Tamzin,

As it stands right now:

- 4N23 - resolved;
- 6H12 - still working with NR to find a compliant solution; although 6H12 has been offered and is within its contractual arrival window, it does not have sufficient (contractual) unloading time before its next working. This is now being investigated; and
- 6M79 - a path has been offered, but with the 18:04 arrival time that was the reason for the rejection in the first place. This is within the contractual arrival window but is in conflict with the times shown in the Engineering Access Statement. We'd expect NR to seek to flex 6M79 to arrive by 18:00, or to make a minor change to the EAS so that the line blocks have a slightly later start (and presumably this latter option is the easier of the two).

Regards

Jason

Third Directions letter & responses - 17.09.2019

ACCESS DISPUTES COMMITTEE

The Chair has asked me to issue the following Directions to elicit clarifications, which will assist the Panel in its consideration of the issues :-

To both Parties

This morning's Directions were issued before the Hearing Chair had seen e-mails exchanged between the Parties yesterday which indicate that although both Parties regard 4N23 as resolved, acceptable solutions have not yet been identified for either 6H12 or 6M79.

The Hearing Chair will, as usual, encourage a continued dialogue between the Parties to enable them to reach an acceptable solution. If the Dispute as a whole cannot be resolved by 1600 on Friday, 20th September, each Party should submit then its summary of the issues still at stake and the contentions which it will want the Panel to consider.

While not forming part of the Directions, the Hearing Chair observes that if the exercise of its contractual flexing rights by Network Rail causes 6H12 to reach Drax with insufficient time to unload before the return working, then is it not open to Network Rail to flex the return working to provide sufficient unloading time? As far as 6M79 is concerned the Hearing Chair does wonder if operating a train with an arrival time only 4 minutes into a possession included in an Engineering Access Statement is an issue which it would be proportionate to be decided by a Timetabling Panel; as this would appear at first sight to represent a failure to apply flexibility to overcome a problem on this scales.

On behalf of Clive Fletcher-Wood, Hearing Chair

Tamzin Cloke

Secretary
Access Disputes Committee

NR Position 18/09/2019

To ADC,

In reference to the outstanding items 6H12 and 6M79:

6H12 – A Path has been offered to GBRf which arrives later into Drax than its current path (11:15 vice 11:04). Next working 4N61 departs Drax currently at 12:30. The contractual turnaround is 90 mins between arrival and departure. The current turnaround is 86mins, however, since the deficiency was highlighted, we have been able to retime 4N61 to depart at 12:45. This creates a compliant turnaround time at Drax. 4N61 also arrives at destination within the contractual timing window and with the appropriate contractual turnaround with its next service.

6M79 – A Path has been offered back to GBRf with a propelling move to destination commencing at 1758. Whilst this will be clear of the mainline before the Possession Opportunity is taken, we have obtained confirmation from the Engineering Access Planning Team within LNE & EM that they are willing to ease this possession by 5 minutes to 1805. The 5 mins easement will appear in the next version of the EAS that is issued (V4.1 for 2020 and V1 for 2021).

Network Rail considers both matters to have been resolved since receipt of the sole submission document, with this being the first opportunity presented to achieve these simple resolutions.

Kind Regards

Tamzin,

As it stands:

- 6H12 and 4N23 have now been amended and are satisfactory. We are now just awaiting agreement from Northern to two minor consequential changes to its services to accommodate (see attached email request);
- 6M79 has now been offered and a change to the EAS has been effected to accommodate it.

As soon as Northern replies in the affirmative, we will have concluded the dispute. The Panel may wish to consider directing that the changes to the two Northern services be made to bring the matter to an earlier conclusion, although I am confident, given the minor nature of the changes, that there will not be a problem.

Regards

Jason