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## **ACCESS DISPUTES COMMITTEE**

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Arriva Trains Wales Ltd ("ATW")	<b>From:</b> Floor 8 1 Eversholt Street London NW1 2DN
Northern Rail Ltd ("Northern")	
Network Rail Infrastructure Ltd ("Network Rail")	<b>Tel:</b> 0207 554 0601 <b>Fax:</b> 0207 554 0603
West Coast Trains Ltd ("Virgin")	<b>e-mail:</b> <a href="mailto:sec.adc@btconnect.com">sec.adc@btconnect.com</a>
First/Keolis Transpennine Ltd ("TPE")	<b>Ref:</b> ADC/TTP376 & TTP377 <b>Date:</b> 14 September 2010

Dear Sirs

### **Directions relating to Timetabling Panel hearing of dispute references TTP376 and TTP377**

Further to the Directions Hearing held yesterday, at which your companies were represented, I now give the following directions:-

1. Dispute references TTP376 and TTP377 shall be consolidated for hearing by a Timetabling Panel on Wednesday 29 September 2010. In the event of either dispute being withdrawn prior to the hearing, the Panel will proceed to hear the remaining dispute only.
2. ATW and Northern will each prepare with Network Rail their own respective joint submission document and provide it to the Secretary by 14 00 on Tuesday 21 September.

In contributing to each of these joint submissions, Network Rail should describe in high level terms –

- (a) the planning for the relevant Restrictions of Use undertaken at the various stages arising in the context of the Rules of the Route process and the development of the Confirmed Period Possession Plan, pursuant to both the late-notice change procedure (Network Code Condition D2.1.10 and National Rules of the Plan Section 3.1) and the Supplemental Timetable Revision Process (Network Code Condition D4.8); and
- (b) the nature and extent of the engineering work required to be undertaken during the relevant Restrictions of Use and also the potential physical impact upon the condition of the infrastructure if the work is not carried out within the timescales envisaged by the current Confirmed Period Possession Plan.

Continued ....

3. Network Rail should provide sufficient information to explain and clarify the over-arching considerations relating to all potentially affected passenger and freight operators taken into account by it in planning the relevant work and putting forward the proposed Restrictions of Use, including those considerations relating to the two operators with whom each of the joint submissions is being prepared. This information should include an account of Network Rail's evaluation and application of the Decision Criteria (Network Code Condition D6) in proposing the Restrictions of Use in the light of such considerations.

Network Rail may provide such information in its contributions to each of the respective joint submissions or, if it wishes, in a separate document; any such document should be with the Secretary by 16 00 on Tuesday 21 September.


4. Network Rail should ensure that all documents submitted to the Secretary contain maps or diagrams which enable the boundaries of the relevant possessions and the siting of the relevant work within the possessions to be identified and the available train service options for all potentially affected operators to be appreciated.
5. Should they wish to declare themselves as Dispute Parties, TPE and Virgin should do so to the Secretary by 16 00 on Thursday 23 September. In making such a declaration, a statement should be provided which sets out that operator's issues for the Panel's consideration.

I reserve the Hearing Chair's entitlement under Rule H19 of the Access Dispute Resolution Rules to exercise a discretion to withhold consent to any application to become a Dispute Party by TPE, Virgin or any other Resolution Service Party received after 16 00 on 23 September. Any such withholding of consent will not prevent TPE, Virgin or any other Resolution Service Party from attending the hearing as an interested party.

6. All documents sent to the Secretary in connection with this hearing shall be copied to the other addressees of this letter. The Secretary will separately issue details of the representatives within each company to whom such documents are to be copied.
7. Dispute Parties should consider the documents which other parties submit for the Panel's attention and include any response in their opening statement to the hearing on 29 September.

Yours faithfully

Peter Barber  
Hearing Chair

  
Committee Secretary