
TIMETABLING SUB-COMMITTEE

Determination No. 39

(following a hearing at Kings Cross on 10th October 1997)

1. The Committee was asked by English Welsh and Scottish Railway (EWS) to rule against a proposed provision in the National Rules of the Plan that required Spot Bids to be supported in every instance with detailed intermediate timings.
2. The Committee recognised that the definition of a Spot Bid related solely to the point in the timetabling process at which a bid is made, and not to the type of service in question. The Committee noted that the inclusion in a Spot Bid of detailed timings would be appropriate to most types of service, but opined that to express this requirement as an absolute rule could not be supported from within the Access Conditions.
3. The Committee determined that the National Rules of the Plan could lay down some criteria of adequacy in relation to the information to be supplied in support of Spot Bids for different types of Service, and the Parties were invited to give this matter further consideration, and to report back to the Committee at a future date. Following such a report back there would be a requirement on Railtrack to carry out further consultation with Train Operators on any revised wording.

Bryan Driver
Chairman of the Committee

10th October 1997.

The Committee welcomed the introduction of National Rules of the Plan and the manner of their consultation.

The Committee defined its role in relation to this appeal on the following terms:

- i) Consultation on Rules of the Plan is governed by Access Condition D3.4, clause 3.4.5 of which prescribes the referral of disputes to the Timetabling Committee;
- ii) the dispute arises out of that consultation and was brought by RRNE within the allotted time limit;
however,
- iii) the section of the National Rules of the Plan is drafted in anticipation that the Access Conditions will be amended by the insertion of a new Condition D3.8 along lines that have been recommended by the Class Representative Committee, but which do not, as yet, have the approval of the Regulator.

The Committee, in formulating its views on the substance of the matters referred, determined that:

- a) it could not circumscribe the discretions of the Regulator in considering the proposed Condition D3.8;
- b) when the Regulator had made a decision on Condition D3.8, there would be a requirement on Railtrack to advise Train Operators that decision, and to consult with them after amending or re-affirming the content of Section 3 of the National Rules of the Plan;
- c) such future consultation would provide an opportunity for further consideration, by all Train Operators, of any amendments arising out of the Committee's deliberations; and
- d) the requirement for such exceptional consultation, in relation to a procedure that is not required to be enacted earlier than 26 weeks before the Summer 1998 timetable, can also be arranged to permit an opportunity for further reference to this Committee.

The Committee therefore determined on the substance of the matters as follows. In respect of paragraphs 3.3, 3.4 and 3.7 of the National Rules of the Plan, the Committee noted that the amendments that had been proposed jointly by Railtrack and RRNE did not appear to affect adversely the rights of other Train Operators. However the Committee directed that these amendments should not be adopted until they had been the subject of the additional consultation detailed in (c) above.

As regards the working of National Rules of the Plan paragraph 3.2 the Committee noted that the key issue related to the requirement Railtrack was placing on Train Operators that "Bids should also avoid conflicting with other Train Operators' Permanent Timetable paths not notified by Railtrack as requiring amendment". The Committee acknowledged that this requirement could be a difficult one for Train Operators to observe in some circumstances; moreover, in practical terms the Committee recognised that the systems and processes to achieve this conflict resolution were not available to, or appropriate to, all Train Operators at this time.

The Committee directed Railtrack to undertake a further review of the force and reasonableness of National Rules of the Plan 3.2 in relation to Revised Bid content and technical compliance, and to include a revised clause in the document circulated for consultation once the Regulator had given his ruling.

The Committee, for the avoidance of doubt, advised the parties that this determination should not be construed as slowing or interrupting the work going on in all train planning offices to facilitate introduction of the 'T-12' train planning arrangements from the Summer 1998 timetable.

The Committee envisaged that the further consultation with all Train Operators following the Regulator's decision on the new Condition D3.8 should be completed within four weeks from the day following the ruling, with one week allowed thereafter for reference to the Timetabling Committee, by analogy with D3.4.5.

Bryan Driver
Chairman of the Committee
13th June 1997