
TIMETABLING SUB-COMMITTEE

Determination No 5

(Hearing at 40 Bernard Street on Wednesday 28th June 1995)

The Committee noted the application by Regional Railways North East TOU asked the Committee to determine that Railtrack North East Zone, in formulating the 1996/7 Rules of the Route, for the routes Doncaster to Cleethorpes, and Nunnery ML-Retford-Wrawby Junction, was acting in breach of the Access Condition D, by increasing the Engineering Recovery Allowances, and in particular the elements ascribed to Condition of Track.

The Committee considered that the reference, in the terms in which it was made, fell within the locus of the Timetabling Sub-Committee, and that Access Conditions D4(a),(c),(d),(e) & (f) were pertinent.

The Committee, in making its determination, noted that the arguments advanced by the parties revolved around


- (i) the practice in the Railtrack North East Zone of expressing allowances in terms of separate Engineering Allowance and Condition of Track; and
- (ii) the appearance that the Condition of Track Allowances proposed included changes that should have been subject to the application of the procedures in Access Condition G, Network Change.

In respect of (ii), the Committee determined that, given that Access Condition G makes provision for compensation in circumstances where Access Condition D does not, the procedures under Access Condition D, for changes to Rules of the Route, should not be used to circumvent the Network Change Procedures, in those cases where the Train Operator might reasonably expect Access Condition G to be invoked.

The Committee directed that the Zone and the Train Operator should engage in further discussions with a view to agreeing allowances, by 14th July, for inclusion in the Bidding Information, for the 1996/7 Timetable.

To the extent that the allowances in relation to Engineering Recovery that were included in the Bidding Information were still not acceptable to the Train Operator, the Zone should invoke Access Condition G, as the means to resolve outstanding differences.

In respect of (i), the Committee advocated that the parties should give further thought to evolving a consistent basis for the inclusive expression of all aspects of Engineering Recovery Allowances.

A handwritten signature in black ink, appearing to read 'T P Worrall', with a long, sweeping horizontal stroke extending to the right.

T P Worrall

Chairman Timetabling Sub-Committee

28th June 1995