

Joint response to the directions letter (attached) for TTP244

5.1 Please find attached WSMR dispute table plus London Midland summary table due to the many rights they hold

5.2 WSMR supplied in attachments.

5.3 Section NW3005 of Rules of the Route Gobowen (EXCL) – Saltney Junction state the Sunday / Monday route closure times are 2300 Sunday – 0510 Monday. These times are effective in version 6.0 of said Rules, published 1st September 2008. It is accepted that the GW731 Shrewsbury Crewe Junction – Ruabon show the Sunday / Monday times as 2300 Sunday – 0520 Monday and this will be duly corrected.

1J45 1917 Marylebone – Shrewsbury during Period B is actually driven by a block of the Stour Valley route between Soho North Junction and Wolverhampton Crane Street Junction between 2350 Saturday and 0500 Monday which necessitates all services between Birmingham and Wolverhampton to be diverted via Bescot.

We are still working with WSMR to find a solution to the Rules of the Route blockage during timetable B.

5.4 Whilst we note the issue raised by the secretariat condition D1.5 provides no direct cause of appeal since the implication assumes the parties reach an agreed position. In the case of TTP102 this is an appeal against Network Rail's unilateral decision to amend Rules of the Route.

5.5 We do not believe we have lacked the authority to resolve the conflict. We have been willing to facilitate discussions with other operators but to support WSMR's position in our view would be contrary to the decision criteria. We believe we have got the optimal solution for the timetable. If WSMR want to approach other operators they are quite entitled to do so.

If the ADRR plan ruled in favour of WSMR and required Network Rail to reduce the amount of pathing time in each WSMR slot, due to the tightly constrained nature of the West Midlands timetable, the effects on the national timetable could be far reaching. Network Rail would have to look at the whole design of the timetable between Euston and Glasgow Central, also the whole of the Chiltern line service to and from Marylebone, a large amount of the network used by Cross Country and London Midland to work out which slots could be flexed to accommodate WSMR in different slots and if that flex would be useable to provide WSMR with slots with reduced pathing time. This would have a ripple effect as far South as Bournemouth and, arguably, Penzance, and as far North as Aberdeen. Network Rail is concerned that this is a huge workload to achieve in a short space of time, potentially amending a very large number of slots for a number of operators for a very small number of WSMR slots, as this task will have to be completed before the final working timetable is available for T-12 alterations. We are currently in Week 4 of the Informed Traveller process for the Christmas and New Year Period.

5.6 Proscribed is an error and should read prescribed.

Access rights of Operators as of 1st February 2008

Operator	Access Agreement in place as at 1 Feb 2008	If yes, date approved.	If no, did NR expect that an access agreement would be in place prior to Timetable Commencement date	Summary of rights or rights expected to be approved.
WSMR	Yes	31/01/2008	N/A	5 trains each way mon-Fri; 3 each way Sat with contingent rights to 1 additional each way; 2 services WRX-MYB and 3 MYB - WRX on Sun with contingent rights for one service WRX-MYB
ATW	Yes	2004	n/a	All rights are firm contractual rights. In summary by Route Section: Inbound SX: 15 slots SHR-WVH, 16 slots WVH-BHM. SO: 17 slots SHR-WVH, 18 slots WVH-BHM. Sun: 9 slots SHR-WVH, 8 slots WVH-BHM. Outbound SX: 16 slots BHM-WVH, 17 slots WVH-SHR. SO: 18 slots BHM-WVH, 18 slots WVH-BHM. Sun: 13 slots BHM-WVH, 13 slots WVH-SHR. No rights between BHM and BHI either direction
Cross Country	Plymouth - Crewe	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Sunday

	Plymouth - Manchester Piccadilly	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Saturday
	Plymouth - Manchester Piccadilly	Priority 3 rights		1 slot on a Sunday
	Paignton - Manchester Piccadilly	Priority 1 rights approved 11/11/07		1 slot weekday and Saturday
	Paignton - Manchester Piccadilly	Priority 3 rights		2 slots on a weekday, 3 slots on a Saturday and 1 on a Sunday
	Bristol Temple Meads - Manchester Piccadilly	Priority 1 rights approved 11/11/07		1 slot on a weekday
	Bristol Temple Meads - Manchester Piccadilly	Priority 3 rights		7 slots on a Weekday 7 slots on a Saturday and 5 slots on a Sunday
	Brighton - Manchester Piccadilly	Priority 1 rights approved 11/11/07	Not Bid for	2 slots on a weekday 1 on a Sunday
	Gatwick - Manchester Piccadilly	Priority 1 rights approved 11/11/07	Not Bid for	2 slots on a weekday 1 on a Saturday
	Bournemouth - Birmingham New Street	Priority 1 rights approved 11/11/07	only one slot bid for on weekday, Saturday and Sunday	4 slots on a weekday 1 on a Saturday and 3 on a Sunday
	Bournemouth - Derby	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Sunday
	Bournemouth - Leeds	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday, Saturday and Sunday
	Bournemouth - York	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Sunday
	Bournemouth - Newcastle	Priority 1 rights approved 11/11/07		1 slot on a weekday and Saturday
	Bournemouth - Edinburgh	Priority 1 rights approved 11/11/07	Not Bid for	3 slots on a weekday, 2 on a Saturday and 1 on a Sunday
	Bournemouth - Manchester Piccadilly	Priority 1 rights approved 11/11/07		7 slots on a Saturday and 1 on a Sunday
	Bournemouth - Manchester Piccadilly	Priority 3 rights		13 slots on a weekday, 6 slots on a Saturday and 9 slots on a Sunday
	Bournemouth - Glasgow Central	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday, 2 on a Saturday and 1 on a Sunday

	Bournemouth - Dundee	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Sunday
	Southampton - Manchester Piccadilly	Priority 1 rights approved 11/11/07		1 slot on a weekday and 1 on a Sunday
	Southampton - Manchester Piccadilly	Priority 3 rights		1 slot on a weekday
	Southampton - Edinburgh	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday and 1 on a Saturday
	Guildford - Manchester Piccadilly	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday
	Reading - Manchester Piccadilly	Priority 1 rights approved 11/11/07	Not Bid for	9 slots on a weekday
	Reading - Manchester Piccadilly	Priority 3 rights		1 slot on a Sunday
	Birmingham New Street - Manchester Piccadilly	Priority 1 rights approved 11/11/07	Only 6 slots bid for on weekdays, 5 slots bid for on Saturdays	11 slots on a weekday, 9 on a Saturday and 3 on a Sunday
	Birmingham New Street - Manchester Piccadilly	Priority 3 rights		1 slot on a Sunday
	Eastleigh - Newcastle	Priority 3 rights		1 slot on a weekday
	Guildford - Newcastle	Priority 3 rights		1 slot on a weekday and 1 on a Saturday
	Reading - Birmingham New Street	Priority 3 rights		3 slots on a weekday, 3 on a Saturday and 4 on a Sunday
	Reading - Edinburgh	Priority 3 rights		1 slot on a weekday, 1 on a Saturday and 1 on a Sunday
	Reading - Newcastle	Priority 3 rights		9 slots on a weekday, 9 on a Saturday and 5 on a Sunday
	Reading - York	Priority 3 rights		1 slot on a weekday and 1 on a Saturday
	Dundee - Bournemouth	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday and 1 on a Saturday
	Glasgow Central - Bournemouth	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday and 2 on a Saturday
	Edinburgh - Southampton	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday, 1 on a Saturday and 1 on a Sunday

	Edinburgh - Bournemouth	Priority 1 rights approved 11/11/07	Not Bid for	2 slots on a weekday, 1 on a Saturday and 2 on a Sunday
	Manchester Piccadilly - Birmingham New Street	Priority 1 rights approved 11/11/07	only 3 slots bid for on weekdays, 5 on a Saturday and 2 on a Sunday	11 slots on a weekday, 7 on a Saturday and 2 on a Sunday
	Manchester Piccadilly - Reading	Priority 1 rights approved 11/11/07	only 1 slot bid for	7 slots on a Weekday
	Manchester Piccadilly - Reading	Priority 3 rights		2 slots on a Saturday
	Manchester Piccadilly - Guildford	Priority 1 rights approved 11/11/07		1 slot on a weekday
	Manchester Piccadilly - Southampton	Priority 1 rights approved 11/11/07		1 slot on a weekday, 1 on a Saturday and 1 on a Sunday
	Manchester Piccadilly - Bournemouth	Priority 1 rights approved 11/11/07		4 slots on a weekday 6 on a Saturday and 4 on a Sunday
	Manchester Piccadilly - Bournemouth	Priority 3 rights		9 slots on a weekday, 7 on a Saturday and 6 on a Sunday
	Manchester Piccadilly - Gatwick Airport	Priority 1 rights approved 11/11/07	Not Bid for	2 slots on a weekday
	Manchester Piccadilly - Brighton	Priority 1 rights approved 11/11/07	Not Bid for	2 slots on a weekday and 1 on a Sunday
	Manchester Piccadilly - Plymouth	Priority 1 rights approved 11/11/07		1 slot on a weekday
	Manchester Piccadilly - Plymouth	Priority 3 rights		1 slot on a Saturday
	Manchester Piccadilly - Cardiff Central	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Sunday
	Manchester Piccadilly - Cardiff Central	Priority 3 rights		1 slot on a weekday and 1 on a Saturday
	Crewe - Bournemouth	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday and 1 on a Saturday
	Crewe - Plymouth	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Sunday
	Newcastle - Bournemouth	Priority 1 rights approved 11/11/07	only weekday slot bid for	1 slot on a weekday, 1 on a Saturday and 1 on a Sunday

	Leeds - Bournemouth	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a weekday and 1 on a Sunday
	Sheffield - Bournemouth	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Saturday
	Derby - Bournemouth	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Sunday
	Birmingham New Street - Reading	Priority 1 rights approved 11/11/07	only 1 slot bid for	2 slots on a Weekday
	Birmingham New Street - Reading	Priority 3 rights		4 slots on a Sunday
	Birmingham New Street - Bournemouth	Priority 1 rights approved 11/11/07	only 1 slot bid for weekday, 1 on a Saturdays and 1 on a Sunday	3 slots on a weekday, 1 on a Saturday and 2 on a Sunday
	Birmingham New Street - Gatwick Airport	Priority 1 rights approved 11/11/07	Not Bid for	1 slot on a Saturday
	Edinburgh - Reading	Priority 3 rights		1 slot on a weekday, 1 on a Saturday and 2 on a Sunday
	Leeds - Reading	Priority 3 rights		1 slot on a weekday and 1 on a Saturday
	Newcastle - Guildford	Priority 3 rights		1 slot on a weekday and 1 on a Saturday
	Newcastle - Reading	Priority 3 rights		10 slots on a weekday, 10 on a Saturday and 3 on a Sunday
	Newcastle - Southampton	Priority 3 rights		1 slot on a weekday and 1 on a Sunday
	Sheffield - Reading	Priority 3 rights		1 slot on a weekday and 1 on a Saturday
	Nottingham - Bournemouth	Priority 3 rights		1 slot on a weekday and 1 on a Saturday
	Derby - Reading	Priority 3 rights		1 slot on a Sunday
	Manchester Piccadilly - Bristol Temple Meads	Priority 3 rights		10 slots on a weekday, 8 on a Saturday and 8 on a Sunday
	Manchester Piccadilly - Exeter St Davids	Priority 3 rights		1 slot on a weekday
	Manchester Piccadilly - Paignton	Priority 3 rights		2 slots on a weekday, 4 on a Saturday and 1 on a Sunday

Virgin West Coast	Euston - Birmingham New Street	Priority 1 rights / best achievable rights	50 slots bid Weekdays, 43 Saturday and 34 Sunday	52 slots on a weekday and Saturday and 25 on a Sunday
Virgin West Coast	Birmingham New Street - Euston	Priority 1 rights / best achievable rights	50 slots bid Weekdays, 44 Saturday and 33 Sunday	52 slots on a weekday and Saturday and 25 on a Sunday
Virgin West Coast	Birmingham New Street - Wolverhampton	Priority 1 rights / best achievable rights	23 slots bid Weekdays, 20 Saturday and 21 Sunday	25 slots on a weekday and 19 slots on a Sunday
Virgin West Coast	Wolverhampton - Birmingham New Street	Priority 1 rights / best achievable rights	23 slots bid Weekdays, 21 Saturday and 16 Sunday	25 slots on a weekday and 19 slots on a Sunday
London Midland	EJ01 Service Group			
C	Kidderminster - Leamington Spa	Approved 11th November 2007		3 weekday paths
C	Leamington Spa - Birmingham Snow Hill	Approved 11th November 2007		3 week day paths, 1 Saturday path
C	Leamington Spa - Great Malvern	Approved 11th November 2007		1 weekday path
C	Leamington Spa - Worcester Shrub Hill	Approved 11th November 2007		2 Saturday paths
C	Stourbridge Junction - Leamington Spa	Approved 11th November 2007		2 Saturday paths
C	Worcester Shrub Hill - Leamington Spa	Approved 11th November 2007		2 Saturday paths
London Midland	EJ03 Service Group			
A	Birmingham New Street - Lichfield City	Approved 11th November 2007		2 weekday paths 1 Saturday path
A	Birmingham New Street - Lichfield Trent Valley	Approved 11th November 2007		2 Saturday path, 2 weekday path and 2 Sunday path
A	Blake Street - Longbridge	Approved 11th November 2007		2 weekday path, 1 Saturday path

A	Four Oaks - Redditch	Approved 11th November 2007	5th Supplemental changes from 26/0/1. Expected to be approved before timetable change.	26 weekday paths, 25 Saturday paths and 1 Sunday path.
A	Four Oaks - Wolverhampton	Approved 11th November 2007		1 weekday path
A	Lichfield City - Redditch	Approved 11th November 2007	5th Supplemental aims to change from 3 weekday paths and 27 Saturday paths. Expected to be approved before timetable change.	3 weekday paths, 2 Saturday paths
A	Lichfield Trent Valley - Birmingham New Street	Approved 11th November 2007	5th supplemental aims to change from 2/2/3. Expected to be approved before timetable change.	37 weekday path, 38 Saturday path and 54 Sunday path
A	Lichfield Trent Valley - Longbridge	Approved 11th November 2007		39 weekday paths and 27 Saturday paths
A	Lichfield Trent Valley - Redditch	Approved 11th November 2007		37 weekday paths, 38 Saturday paths and 54 Sunday paths
A	Longbridge - Four Oaks	Approved 11th November 2007	5th Supplemental increases from 26 weekday paths. Expected to be approved before timetable change.	34 weekday paths and 29 Saturday paths
D	Birmingham International - Birmingham New Street	Approved 11th November 2007	5th Supplemental increases from 11 weekday and 11 Sunday paths. Expected to be approved before timetable change.	33 Weekday and 33 Saturday paths
D	Birmingham New Street - Coventry	Approved 11th November 2007	5th Supplemental aims to reduce from 40/48/32	38 weekday paths, 37 Saturday and 30 Sunday paths

D	Birmingham New Street - Northampton	Approved 11th November 2007	5th Supplemental increases from 38/33/27. Expected to be approved before timetable change.	71 weekday paths, 68 Saturday paths and 30 Sunday paths
D	Coventry - Northampton	Approved 11th November 2007	5th supplemental reduced from 3 weekday and 2 sundays	1 weekday path 1 Sunday paths
	Birmingham New Street - Wolverhampton	Approved 11th November 2007	5th supplemental reduced from 71/67/30	66 weekday paths, 69 Saturday paths and 30 Sunday paths
D	Coventry - Wolverhampton	Approved 11th November 2007	5th supplemental reduced from 1 Saturday path	0
B + D	Birmingham International - Walsall	Approved 11th November 2007	5th Supplemental Agreement reduced from 41 weekday paths	0
B	Birmingham New Street - Hednesford	Approved 11th November 2007	5th supplemental reduces from 13 weekday and 14 Saturday paths	3 weekday and 2 Saturday paths
B	Birmingham New Street - Rugeley Town	Approved 11th November 2007	5th supplemental reduces from 6 weekday and 4 Saturday paths	2 weekday paths
B	Birmingham New Street - Rugeley Trent Valley	Approved 11th November 2007	5th Supplemental increases from 2 weekday paths, 40 Saturday paths and 26 Sunday paths. Expected to be approved before timetable change.	59 weekday path, 58 Saturday paths, 28 Sunday paths
B	Birmingham New Street - Stafford	Approved 11th November 2007	5th Supplemental reduces from 21 weekday paths	0
B	Birmingham New Street - Walsall	Approved 11th November 2007	5th Supplemental increased from 28/69/29. Expected to be approved before timetable change.	58 weekday paths, 58 Saturday paths and 30 Sunday paths
B	Hednesford - Birmingham New Street	Approved 11th November 2007		13 weekday paths and 14 Saturday paths

E	Stafford - Birmingham New Street via Wolves	Approved 11th November 2007		1 weekday path
E	Shrewsbury - Walsall	Approved 11th November 2007	5th Supplemental reduced from 3 weekday and 1 Saturday	0
E	Walsall - Wolverhampton	Approved 11th November 2007		31 weekday paths 33 Saturday paths and 30 Sunday paths
A	Redditch - Blake Street	No	5th supplemental aimed to create this service. Expected to be approved before timetable change.	1 Saturday path
A	Blake Street - Birmingham New Street	Approved 11th November 2007	5th supplemental aims to increase from 1 weekday and 1 Saturday path. Expected to be approved before timetable change.	1 weekday and 2 Saturday paths
London Midland	EJ04 Service Group			
E	Birmingham New Street - Crewe	Approved 11th November 2007	1 less weekday train runs since 4th Supplemental dated 8th May 2008. 5th Supplemental intends on reducing a further 5 weekday trains	3 weekday paths, 3 Saturday paths and 2 Sunday path
E	Birmingham New Street - Liverpool Lime Street	Approved 11th November 2007	2 more weekday trains run since 4th Supplemental dated 8th May 2008. 5th supplemental aims to increase all paths substantially from 46/29/12. Expected to be approved before timetable change.	60 weekday paths, 60 Saturday paths and 22 Sunday paths
E	Birmingham New Street - Preston	Approved 11th November 2007	5th Supplemental aims to run to Stafford only for future.	1 weekday until principal change date

E	Birmingham New Street - Shrewsbury	Approved 11th November 2007	5th supplemental aims to increase rights from 31 weekday and 29 Saturday. Expected to be approved before timetable change.	36 weekday 32 Saturday paths
	Shrewsbury - Wolverhampton	Approved 11th November 2007	5th supplemental aims to reduce rights from 4 weekday and 1 Saturday	2 weekday paths

London Midland Access Rights

To be shown in conjunction with London Midland rights table.

Code	Summary
A	Increase in service is 2 paths per hour Birmingham New Street to Four Oaks in each direction SX from 1925. So, 2 trains per hour Bham – Four Oaks (WSMR do not go via Aston on Saturdays?) all day.
B	Additional hourly service New Street to Walsall from 2042 each working day.
C	No change to services on Leamington Corridor SX.
D	SX change in extension of hourly Birmingham New Street – International to Northampton: Compelled to run this as far as Coventry to provide existing service level at local stations as all have to be semi-fast.
E	Reduction in service as Walsall – Wolverhampton rights not exercised. Others no change.

CROSS COUNTRY SUMMARY

Base rights		Weekdays	Saturdays	Sundays
Leamington Spa	Birmingham New Street	26	16	12
Birmingham New Street	Wolverhampton	28	19	7
Wolverhampton	Birmingham New Street	30	15	10
Birmingham New Street	Leamington Spa	30	17	14

Level 1 excercised				
Leamington Spa	Birmingham New Street	3	9	3
Birmingham New Street	Wolverhampton	9	13	4
Wolverhampton	Birmingham New Street	11	12	7
Birmingham New Street	Leamington Spa	10	8	6

Level 3				
Leamington Spa	Birmingham New Street	30	22	20
Birmingham New Street	Wolverhampton	26	19	18
Wolverhampton	Birmingham New Street	23	23	16
Birmingham New Street	Leamington Spa	25	24	17

**Wrexham & Shropshire Track Access
Assessment of Compliance of Dec 2008 Timetable Offer**

Table No	Description of Right	Achieved Y/N	Commentary
2	Quantum of passenger train slots:	Y	In addition to those rights listed Wrexham & Shropshire currently have additional rights to 1 train slot in each direction on a Saturday, and one additional Train Slot between Wrexham General and London Marylebone on a Sunday. These rights are contained within a supplemental that is valid until Dec 08. NR have offered slots to enable continuation of these rights and these will be the subject of an additional supplemental shortly.
4	Calling Patterns: <ul style="list-style-type: none"> Banbury Tame Bridge Parkway Wolverhampton Cosford Telford Central Wellington Shrewsbury Gobowen 	<p>N</p> <p>Y</p> <p>N</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>	<p>1 Train Slot (SX 16.33 ex Marylebone) has not achieved a stop at Banbury due to insufficient time available in that section of the path. WSMR have reluctantly accepted this on the basis that other work being undertaken with NR on line speeds should allow this stop to be re-instated in the future.</p> <p>Wolverhampton stop not achieved on 1 Train Slot when requested (SX 06.47 ex Marylebone).</p>

Table No	Description of Right	Achieved Y/N	Commentary
	<ul style="list-style-type: none"> Chirk 	N	1 Train Slot (SX 05.12 ex Wrexham General) has not achieved a stop at Chirk due to insufficient time in the path in this area.
	<ul style="list-style-type: none"> Ruabon 	N	2 train slots (SO 09.26 and 12.20 ex Wrexham General) have not achieved stops at Chirk due to insufficient time in the path in this area. One of these is contingent as stated in foot note 6. 1 Train Slot (SX 05.12 ex Wrexham General) has not achieved a stop at Ruabon due to insufficient time in the path in this area.
6	Calling Patterns	Y	
8.3	Departure Arrival Time Ranges <ul style="list-style-type: none"> Description 1.1 	N	Train arrival at Marylebone is 08.57. Wrexham and Shropshire are happy to deem this right as achieved.
	<ul style="list-style-type: none"> Description 1.2 and n/a 	Y	
8.5	Turnarounds	Y	

2 Passenger Train Slots

Table 2.1: Passenger Train Slots

1					2		
Service Group: EI01 Wrexham General to London Marylebone							
Service description					Passenger Train Slots		
From	To	Via	Description	TSC	Total Weekday	Saturday	Sunday
Wrexham General	London Marylebone	High Wycombe	1.1	22757001	5	3	2
London Marylebone	Wrexham General	High Wycombe	1.2	22757001	5	3	3

4 Calling Patterns

Table 4.1: Calling Patterns

1					2	3
Service Group: EI01 Wrexham General to London Marylebone						
Service description						
Between	And	Via	Description	TSC	Regular Calling Pattern ¹	Additional stations ¹
London Marylebone	Wrexham General	High Wycombe	1.1 and 1.2	22757001	Banbury, Tame Bridge Parkway ² , Wolverhampton ³ , Cosford, Telford Central, Wellington ⁴ , Shrewsbury, Gobowen ⁵ , Chirk ^{5,6} and Ruabon ⁵ .	Birmingham International

¹ The Train Operator may only call at Banbury, Wolverhampton and Birmingham International for the purpose of picking up passengers in the northbound direction and for setting down passengers in the southbound direction.

² The right to call at Tame Bridge Parkway for one northbound service on a Saturday shall be a Contingent Right.

³ The right to call at Wolverhampton for one southbound service on Weekdays shall be a Contingent right.

⁴ The rights to call at Wellington for one service in each direction on Weekdays and for one service in each direction on Saturdays shall be Contingent Rights.

⁵ The rights to call at Gobowen, Chirk, Ruabon on the first northbound service on Weekdays shall be Contingent Rights.

⁶ The right to call at Chirk for one southbound service on a Saturday shall be a Contingent Right.

6 Journey Times

Table 6.1: Maximum Journey Times

1					2	3	4
Service Group: EI01 Wrexham General to London Marylebone							
Service description							
From	To	Via	Description	TSC	Calling Pattern	Specified Equipment	Maximum Journey Time (minutes)
Wrexham General	London Marylebone	High Wycombe	1.1	22757001	Ruabon, Chirk, Gobowen, Shrewsbury, Wellington, Telford Central, Cosford, Wolverhampton, Tame Bridge and Banbury	1 x Class 67 plus 3 or 4 x Mk 3 coaches plus 1 x Mk 3 DVT	Monday to Friday – 270 Saturday – 270 Sunday - 250
London Marylebone	Wrexham General	High Wycombe	1.2	22757001	Banbury, Tame Bridge, Wolverhampton, Cosford, Telford Central, Wellington, Shrewsbury, Gobowen, Chirk, and Ruabon	1 x Class 67 plus 3 or 4 x Mk 3 coaches plus 1 x Mk 3 DVT	Monday to Friday – 271 Saturday – 270 Sunday - 262

Table 8.3: Departure/Arrival time ranges

1					2	3	4
Service Group : EI01 Wrexham General to London Marylebone							
Service description							
From	To	Via	Description	TSC	Days	Station	Departure/arrival time ranges
Wrexham General	London Marylebone	High Wycombe	1.1	22757001	Mon – Fri	London Marylebone	1 arrival per day 0900 – 1000
London Marylebone	Wrexham General	High Wycombe	1.2	22757001	Mon – Fri	London Marylebone	1 departure per day 0625-0705 1 departure per day 1600 – 1700
London Marylebone	Wrexham General	High Wycombe	n/a	22757001	Saturday	London Marylebone	1 arrival per day 0930 – 1030

Table 8.5: Turnaround Times

1					2	3
Service Group : EI01 Wrexham General to London Marylebone						
Service description						
From	To	Via	Description	TSC	Station	Minimum Turnaround Time
Wrexham General	London Marylebone	High Wycombe	1.1	22757001	London Marylebone	40 ¹
London Marylebone	Wrexham General	High Wycombe	1.2	22757001	Wrexham General	20

Notes to Table:

¹ The right to a 40minute turnaround at Marylebone is contingent for the first arrival of the day at Marylebone on Monday to Friday.

ACCESS DISPUTES COMMITTEE

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(on behalf of the Disputes Chairman)

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Ref: ADC/TTP244
Date: 2nd September 2008

cc: Panel Members appointed to hear TTP244
Sir Anthony Holland, Disputes Chairman
Martin Shrubsole, Clerk to the Panels

CONFIDENTIAL

TTP244 Wrexham, Shropshire and Marylebone Railway Company Limited ("WSMR") –v- Network Rail Infrastructure Ltd ("Network Rail" or "NR"):-

Operation of Network Code Part D 1.5 and D3 (and related provisions) in respect of making appropriate provision for Train Slots commensurate with the status of access rights

1. The case for which you have submitted your arguments, will be heard by a Timetabling Panel chaired by myself, on Monday 8th September 2008.
2. Sir Anthony Holland, the Disputes Chairman, has delegated to me (under ADR Rule A1.5) responsibility for carrying out the review of "all the relevant issues of law raised by the dispute..." that is required in compliance with ADR Rule A1.4(c). The following points are put to the attention of the Parties and the Panel in the context that references to a Panel must, by the terms of the Access Dispute Resolution Rules (15th April 2005), be determined "*on the basis of the legal entitlements of the dispute parties and upon no other basis*" (Rule A1.18).
3. I have thus far had the benefit of considering the Joint Submission, and I have in addition acquainted myself with Schedule 5 of WSMR's Track Access Agreement, as published on the website of the Office of Rail Regulation. I am arranging for this latter document to be available to Panel Members.

4. On the basis of my reading of these documents I am satisfied that the matter is one that should properly be heard by a Timetabling Panel, meeting under the terms of Access Condition D, as all the matters in question arise because a *"Bidder is dissatisfied with ...decision[s] of Network Rail made under this Part D"*.
5. I consider that, although the main points of the arguments by both sides are fairly clear, there are a number of relevant matters of fact which will be of direct relevance to determining *"the legal entitlements of the dispute parties"* which need to be put before the Panel in clearer form. Specifically I direct the parties to produce, and submit to the Secretary of the ADC by no later than 13:00 on Friday 5th September documents clarifying the following matters:-
 - 5.1. WSMR's letter of 25th July 2008 to Graydon Thatcher (attached as an appendix to the Joint Submission) makes reference to a range of rights, of varying status, held by a number of industry parties. It is of critical importance that the Panel has before it a tabular summary, showing, for each of the Train Operators, the relevant Firm Rights (Condition D3.2.3 (a)), or *"rights or expectations of rights"* (Condition D3.2.3 (b)) in question, that are referred to in that letter, and giving the date of the Track Access Agreement that gave effect to those rights. This should be accompanied by further commentary (which may reflect where the Parties hold conflicting views) clarifying
 - 5.1.1. the status of those Firm Rights, rights or expectations of rights at the Priority Date;
 - 5.1.2. the standing to which those Firm Rights, rights or expectations of rights, are, or should have been, accorded in the operation of Condition D3.2.3.
 - 5.2. In paragraph 7.4 of the Joint Submission is the statement that *"NR have offered paths that are technically compliant (with two exceptions relating to stopping patterns)"*. Could the Panel please be supplied with a note, or a table, which clarifies, on a service by service basis, which of WSMR's Firm Rights have been honoured, and which not.
 - 5.3. What is the factual position in respect of the Sunday line opening hours for the section Shrewsbury Crewe Jct to Ruabon, given the discrepancy between two Network Rail publications? Is this a change from previous arrangements? How exactly does it affect the offers that can be made to parties with Firm Rights, as compared with those with *"rights or expectations of rights"*?
 - 5.4. Many of the arguments appear to revolve around questions of whether documents produced, for example to support Condition D1.5, become set in stone, or can, where other entitlements have to be considered, be amended. I will expect the Parties, when they appear before the Panel, to have given consideration to the implications for this case of the Office of Rail Regulation's findings in relation to the appeal against the Panel's findings in respect of TTP102 (this can be found on the ORR's website, and also by reference to the Directory (Network Code Part D) section of the ADR website).
 - 5.5. At paragraph 8.10, Network Rail suggests that it has lacked the authority to manage the resolution of the conflicts in question in the timetable to a conclusion. The attention of the Parties is drawn to the powers that Network Rail may acquire in this

respect in accordance with the provisions of Condition D 3.4.2(a). Will Network Rail please confirm that, in the event that the Panel were to determine in such a way that would require Network Rail to exercise such flexing in respect of the Train Slots of other Train Operators, it would be in a position so to act.

- 5.6. In the normal course of events, the Panel must assume that the submission says what the Parties mean it to say. In this submission however, in paragraphs 6.4 and 8.2 there is reference to courses of action that are "proscribed" (OED "*Put outside the protection of the law*", or "*reject or denounce as dangerous*") Please confirm whether this is the force of the argument being advanced in relation to Condition D1.5, or whether we have to deal with a misprint.
6. If you have any queries regarding any of the points raised above they should be put initially to the Committee Secretary, Tony Skilton. He will of course ensure that your responses to these points are circulated to the Panel members on Friday afternoon. Please therefore ensure that you comply with the deadline stated in paragraph 5 above.

Bryan Driver
Panel Chairman

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