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BY EMAIL ONLY

17 February 2023

Chairman
Delay Attribution Board
Floor One, Mimet House
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NOTICE OF APPROVAL OF AMENDMENTS TO THE SEPTEMBER 2022 DELAY ATTRIBUTION PRINCIPLES AND RULES

1. This notice is given under Condition B2.7.2 of the Network Code. Terms defined in the Network Code have the same meaning in this notice. References in this notice to Conditions are references to Conditions of the Network Code.

2. On 14 February 2023 the Delay Attribution Board (DAB) submitted Proposals for Amendment to the Office of Rail and Road (ORR) in accordance with Condition B2.7.1.

3. The Secretary to the DAB has confirmed the reasons for the proposed amendments and these have been accepted by the DAB following the consultation process, as required by Condition B2.7.1.

4. For the purpose of Condition B2.7.2. ORR now gives notice to the DAB that it approves the Proposals for Amendment. All amendments included within the proposal will take effect from 1 April 2023.

5. The approved amendments are shown in the marked-up extracts from the Delay Attribution Principles and Rules attached to this notice at Schedule 1.

GERRY LEIGHTON
Duly authorised by the Office of Rail and Road

DAB P355

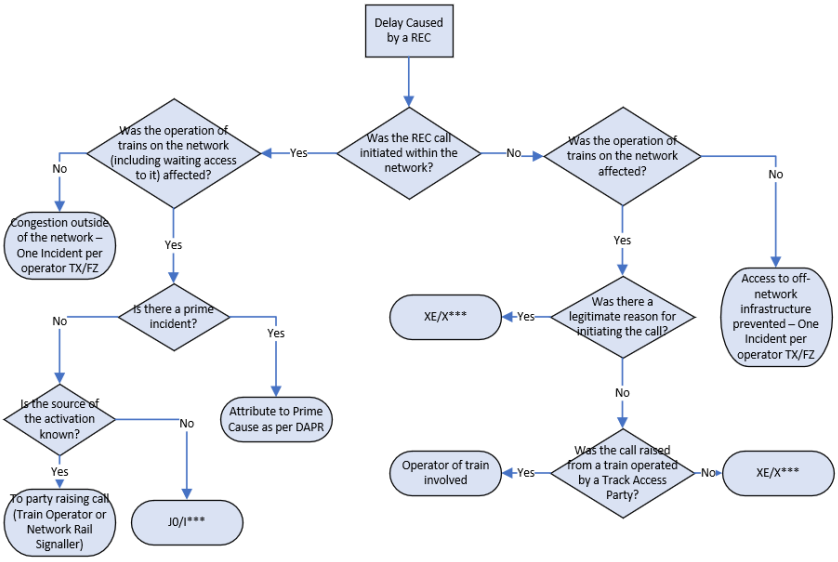
Amend DAPR Section G4 – including a fully reformatted flowchart and revised/expended scenarios of likely scenarios within Table G4.1 as below:

G4 Operational GSM-R Railway Emergency Call (RECs)

Under normal circumstances all ~~delays~~ incidents involving calls arising on and impacting the Network Rail network will be coded to the Prime cause for the reason for the REC. However, if the prime cause and/or the initiating train cannot be identified the delay will initially be coded J0 (zero). In these circumstances the delays may be recoded when further information becomes available.

Due to the nature of GSM-R, and the fact that trains on multiple rail networks may be covered by a single, shared GSM-R cell, there is potential for calls arising from outside of the Network Rail infrastructure to impact operations on it and vice versa. The source of a REC call (i.e. whether it has been initiated from within the Network or not) is therefore a key consideration when identifying responsibility for such delays as much as the reason for making the call and the party that did so.

The flowchart below indicates the facts that need to be identified following the initiation of a REC call and the appropriate attribution principle to apply once they have been confirmed.



G4.1 Likely Circumstances:

No.	Circumstance	Delay Code	Incident Attribution

	a)	A Railway Emergency Call (REC) is initiated and an operational event on the ~~n~~Network is alleged or identified (Including Safety of the Line, reported in good faith.		Code as per relevant DAPR Section to the incident causing the REC initiation. Scenario includes cases where a train is standing outside of the ~~n~~Network but cannot access it (Per DAPR H.3.3)	
	b)	A REC is initiated, unable to identify a responsible party and/or no GSM-R Technician report supplied	J0(zero) or XE if identified as initiated outside of the ~~n~~Network.	Network Rail (IQ**/XQ**). In these circumstances the delays may be recoded to the responsible party when further information becomes available.	
	c)	REC initiated by a non-track access contract (TAC) party from off Network Rail network causing on-Network delay (Where the unit/loco aren't registered to a Track Access Party).	~~J0 (zero)~~ XE	Network Rail (~~IQ~~ XQ**)	

	d)	A REC is initiated in error from a train cab that is on the Network by a member of operational staff authorised to be there, or where it has not been possible to identify the person initiating REC	TG/FC/TH/TZ	Operator of train involved (T##*/F##*)	
	e)	A REC is initiated in error from a train cab that is on the Network by a member of train maintenance staff or cleaner	MF	Operator of train involved (M##*)	
	f)	A REC is initiated off Network in error from a train cab delaying trains on the Network	MU/TG/FC/TH/TZ as applicable to staff involved or XE if vehicle does not belong to an access party.	Operator of train involved (M##*) (F##*) (T##*) or Network Rail (X##*)	
	g)	A REC is initiated off Network Rail network in error from a train cab, preventing trains from accessing the Network and/or the off-Network Rail network location, including where it has not been possible to identify the person initiating REC	MU or XE if vehicle does not belong to an access party.	Separate incident per operator (M##*) or Network Rail (X##*)	
	h)	A REC is initiated from a train cab by a person not authorised to be there and no operational event is identified	VA (RZ/FZ for Charter/Freight) or XE if vehicle is not on the Network and does not belong to an access party.	Operator of train concerned V##* (R##*/F##*) or Network Rail (X##*)	

	i)	A REC is initiated in error by the Signaller	OC (or XE if the signaller works on another network)	Network Rail (OQ**/XQ**)	
	j)	A REC affecting the ~~n~~Network or access to it is initiated in error by a member of Network Rail maintenance staff or Contractor working for Network Rail	JL	Network Rail (IQ**)	
	k)	A REC is initiated from within the Network and affects a train that is outside the Network. The directly- affected train is not booked onto the Network but causes congestion affecting other services that are.	To Train Operator - One Incident per Operator affected - TX for Passenger and FZ for FOC	Operator of train concerned (T***/F***)	
	l)	A REC is initiated outside of the Network and prevents a train on the Network Rail Network (that is able to operate normally on that Network) from accessing the other Network's infrastructure	To Train Operator - One Incident per Operator affected - TX for Passenger and FZ for FOC	Operator of train concerned (T***/F***)	

m)	A REC is initiated from outside the ~~n~~Network for a valid reason. Trains on the ~~n~~Network would not be affected by the subject matter of the call but are brought to a stand purely as a result of being in the same GSM-R cell coverage area.	XE	Network Rail (XQ**)

Also amend the description of Delay Code XE within Section S to read as follows:

XE	Emergency GSM-R call raised outside the Network Rail network ~~but which brings trains running on Network Rail infrastructure to a stand~~ (made by a non-track access party and/or in respect of ~~an~~ a legitimate issue arising outside of Network Rail Infrastructure) ~~which would have not prevented the passage of a train beyond the fact that it was within the coverage area of the relevant GSM-R cell at the time)~~	GSM-R EXT

DAB P356

Develop the fourth bullet point within DAPR D4.3 to provide specific examples of failures to take "reasonable" actions to mitigate delay in cases other than when a specific agreed plan has not been applied, as below:

D4.3 If Network Rail or Train Operator after discussion, considers the other party has failed to mitigate in line with paragraphs D4.1 and D4.2 above, any subsequent attribution should then be made in line with the following:

- Any perceived failings of either party during an incident shall be highlighted in real time during the incident or event to which that failure is cited.
- Demonstration that a recovery plan was agreed / implemented and where that plan was not delivered.
- Demonstration that regular updates/conferences were held throughout the incident with plan adjustments agreed as appropriate.
- Identification where something reasonable could or should have been done; that wasn't (not necessarily part of any agreement), potentially including:

- The failure to apply a Special Box Instruction to mitigate for the impact of a known infrastructure defect and/or Accepted Design Limitation.
- Not accounting for infrastructure restrictions within freight schedules via the RT3973 process.

- The reason for the failure to mitigate was demonstrated and stated in any incident created. Referencing where time deadlines/trains/actions contravene any agreement for service recovery arrangements.
- Individual trains should be highlighted if they alone fall short of the agreed contingency plans – this makes for easier checking/challenging.
- Cognisance taken if there is more than one incident ongoing on the affected line of route/area.
- Any incident attributed as a "failure to mitigate" should be coded to the party's Operational Control code and NOT the code of the causal incident.

DAB P357

Add a new Paragraph O20 to DAPR Section O, as below:

O20 – Remote Condition Monitoring - Proactive Fault Finding and Preventative Fixes

Any delays caused during proactive or preventative maintenance of an asset where a potential failure mode has been identified through Remote Condition Monitoring (RCM), should have Delay Code J9 applied.

If no access is granted to attend the asset identified by RCM and that asset subsequently fails, then attribution should be to the asset.

In all other cases where proactive preventative maintenance is being conducted (non-RCM assets) should be coded to I6 (if line block taken) or to the asset.

DAB P358

Add a new Paragraph G1.6 to DAPR, as below:

G1.6 Trains losing time in multiple sections to an underlying fleet cause (including underpowered trains)

~~In cases where an underlying operator-responsibility fleet issue is preventing the traction from maintaining line speed with the result that the train loses time across multiple delay reporting sections of its journey, all ensuing delays are to be allocated to a single TRUST incident regardless of how many Network Rail GM areas it may traverse.~~

In cases where prime cause delays to a given train in more than one delay reporting section have been fully investigated and identified as an ongoing, underlying operator-responsibility fleet issue that is preventing the traction from maintaining its sectional Running Time (SRT), such delays are to be allocated to a single TRUST incident regardless of how many Network Rail GM areas it may traverse.

The same incident is also to be used to account for the impact that the issue causes to subsequent

workings of the affected traction.

Such delays will normally be coded to the relevant M*/N* code to indicate a traction defect, although in the case of freight moves, code FX is to be used in cases where the train is transporting a weight in excess of its timing load.

DAB P359

Remove codes FK and FS from DAPR Section S:

~~FK~~	~~Train diverted or re-routed at FOC request~~	~~DIVERT REQ~~

~~FS~~	~~Delay due to ETCS/ ERTMS on-board overriding driver command~~	~~ETCS O-RDE~~

Amend the existing description of code FJ to incorporate FOC diversion requests

FJ	FOC Control decision or directive including diversion requests and errors	FOC CONTRL

Add references to delay codes FE and FF in paragraph N5.1.a in connection with delays awaiting traincrew at a station

N5 Non-Station Staff Related Incidents

N5.1 Likely Situations

No.	Circumstances	Delay Code	Incident Attribution
a.	Waiting Train Crew	TG/TH/TI/FE/FF/YJ or YN	As per Section J2

DAB P360
Add clause E2.5 as below
E2.5 - In the event that Network Rail is unable to investigate the cause of a delay on the date of occurrence, that delay should be allocated to an incident coded OU. Such delays should be subsequently reallocated to the appropriate ~~prime cause~~ incident (including use of codes TO and FO as covered in paragraph E2.1) as soon as it is possible to complete ~~investigations~~ a full and sufficient investigation, providing that this is within contractual timescales. Any delays that are allocated to OU but which cannot be investigated and reallocated within the contractual timeframe are to remain coded to OU. Process and Guidance Document PGD05 should be referred to for detail on the requirements for utilising, advising customers of the existence of and reattributing delays away from, incidents coded to OU.
DAB P361
Amend the heading of DAPR Paragraph Q5.13 as below:
~~Trains Utilised for Route Proving or Ghost Trains~~ Operator owned trains utilised for short-notice Network Rail activities.
Add a new paragraph Q5.13.1 as below:
Network Rail may on occasion utilise traction that is owned by a Train Operator at short notice for operational purposes, particularly in cases when poor weather that could potentially impact the operation of trains is expected. This may include “Route Proving” (running a train through a section of line to prove it is safe for the normal operation of trains) and running trains to keep rails, third rails and/or overhead line equipment in operable condition. These latter moves are sometimes referred to as “Ghost Trains”.
Renumber existing Paragraphs Q5.13.1. – 5.13.3. to 5.13.2- - 5.13.4 respectively to accommodate the new paragraph.
Amend existing paragraph Q5.13.3 (which will become Q5.13.4 as part of the above renumbering) as follows.
Any delays or cancellations incurred to a planned service as a result of ~~running unplanned additional ghost trains due to an Operators crew or fleet subsequently being late or not available for the next booked working~~ displaced stock or crew in consequence of their previously being utilised to run a Ghost Train should be attributed in line with DAPR Section M3.3 for hired and commandeered trains.
GBRf P004
Remove delay code AE
Revise delay code AZ as below
Other Freight Operating Company cause, to be specified (including congestion), in off Network Rail network terminals or yards

GBR005
Amend the short description for delay code FC in DAPR Section S, Part F
from “FOC DRIVER” to “DVR ERROR”
Add text to paragraph J2.2. (covering delays awaiting traincrew) so that it reads as follows:
J2.2 Normally the Minutes Delay should be coded FE (and not FC) for freight trains or TG/TH for passenger trains and attributed to the Operator.
Add a new Paragraph J3 as below:
J3 Traincrew Route knowledge issues (on a booked route) Delays or reliability events incurred as a result of traincrew not signing a route on a train that they have been rostered to work should normally be attributed to codes FF for freight and TI for passenger operators See section M1 for detail on route knowledge issues arising from unplanned diversions.
NR P217
Retitle Section D4 of DAPR as below
D4 ~~Failure to Mitigate~~ Mitigation
And add a new Clause D 4.4 as below:
D4.4 In cases where ~~a~~ an agreed plan for mitigation is implemented in response to a disruptive event (on the day of occurrence) those amendments (cancellations, diversions etc.) should be attributed to the incident they were implemented to mitigate for. This should include delays or cancellations stipulated within an amended plan that, in the event, occur after the responsible incident has concluded. The above is on the basis that it is rarely possible to predict the closure time of disruptive events with accuracy and amendments to services which may ultimately have been able to run as booked is a natural consequence of this. It may in any case not be possible to immediately return to the normal trainplan upon closure of an incident, bearing in mind the possible issues with displaced stock and traincrew following disruption.
NR P218
Amend Section O.19.2.1 on the subject of heat-related Speed Restrictions to read as follows:
~~O19.2.1 Speed restrictions:~~ ~~Note that DAPR Paragraph O18.4 may be applied to planned heat related Temporary Speed Restrictions that have been published in the Weekly Operating Notice, as it is permissible to allocate delays to an excludable P-Coded incident where engineering allowance exists. For TSP’s where no allowance exists, and for all Emergency Speed Restrictions, the principles detailed in~~

~~sections O19.2.1.1 - O19.2.1.4 below must be followed.~~

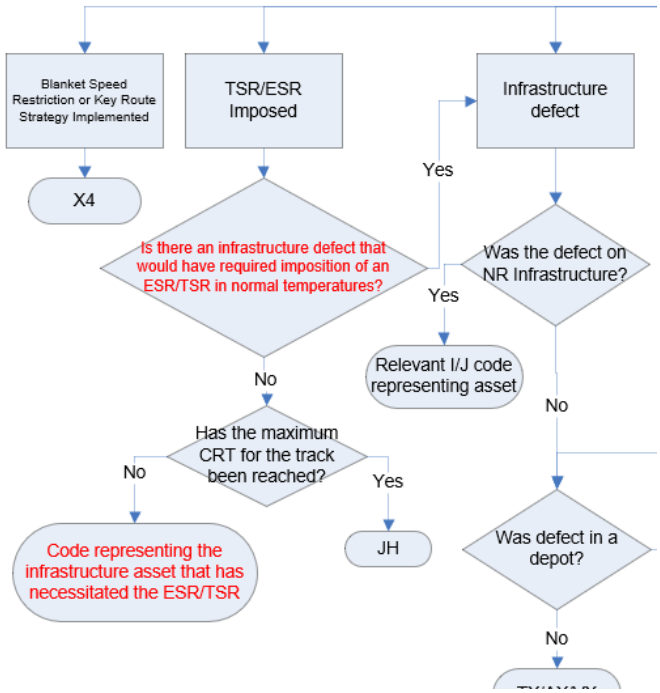
O19.2.1.1 Blanket Speed restrictions should be coded to Delay Code X4 (usually one TIN per DU Area per day), subject to meeting criteria of there being no reasonable or viable economic mitigation.

O19.2.1.2 ~~General heat speeds~~ Speed Restrictions imposed in consequence of the Critical Rail Temperature (CRT) being reached where there is no underlying infrastructure issue that would have caused a speed to be in place irrespective of temperature should be coded to JH. This includes cases where rail stressing is required to improve heat resilience, but the line is otherwise fit for the normal running of trains. ~~where the Critical Rail Temperature for the track has been reached~~ (A new JH TIN should be created for each speed restriction ~~per day~~ that is imposed via the issue of a new emergency wire, even in cases where a speed at the same location is applied on multiple days during prolonged periods of hot weather. A single incident should, however, be used to account for heat speed restrictions that remain in place over the course of multiple days without being withdrawn)

O19.2.1.3. ~~Where renewals work is being / has been undertaken or there is an underlying fault with the track then use the delay code appropriate to the condition causing the restriction~~. Where an infrastructure defect has resulted in the need for a speed restriction to be imposed irrespective of whether CRT is reached, this should be allocated using the delay code appropriate to the condition causing the restriction. This remains the case even when CRT is reached and/or the effect of high temperature results in a speed restriction becoming more restrictive than would otherwise be the case. In such instances, incidents should not be recoded to JH, nor should separate incidents using the JH code be created to capture delays incurred whilst CRT is exceeded.

O19.2.1.4 Any speed restriction due to a buckled rail or other track defect (including when the CRT has not been exceeded) should be coded to IR or IS as appropriate.

Also amend the ESR/TSR section of flowchart Q5.8 on the subject of heat impact to read as below:



NR P220

Add Delay Code XJ to DAPR Section S as below

XJ	Asset failures caused by heat in external ambient air temperatures ~~of 40 degrees centigrade or above~~ exceeding Network Rail design standards in the vicinity.	ASSET HEAT

Reword DAPR Section O.19.2.2.1.

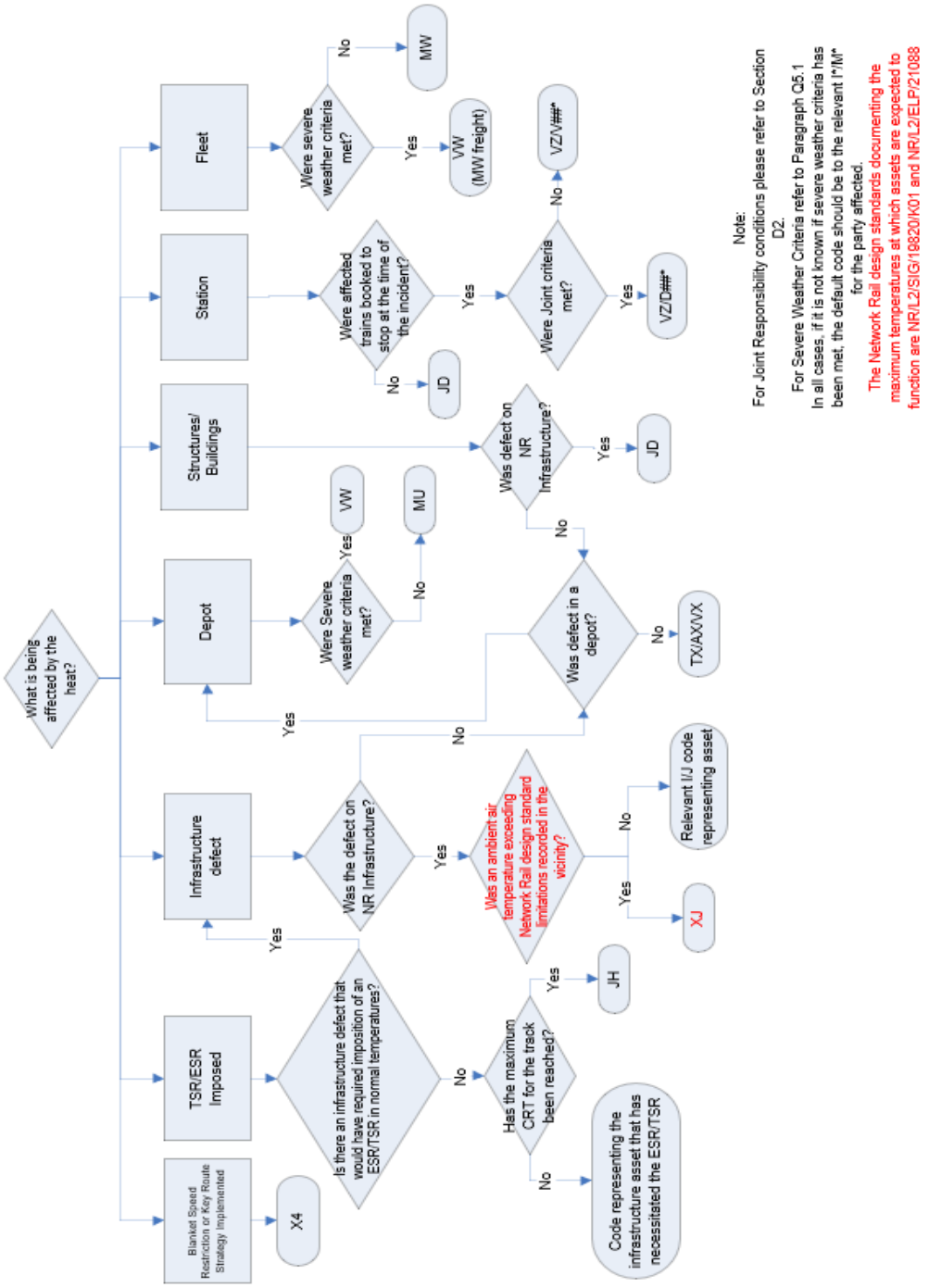
Asset failures caused by hot weather, excluding damage to buildings, structures and embankments, should be coded XJ if an ambient external air temperature ~~of 40 degrees centigrade or above (or 38 degrees for OHLE installed on or before 2010) is recorded in the vicinity, and/or if a temperature of 70 degrees is recorded inside a location cabinet.~~ (or internal cabinet temperature) that exceeds Network Rail's design standards for the operation of assets in hot weather.

Any heat-related failures in temperatures below this – even if extreme weather criteria as detailed in Section Q5.1 are met – must be allocated to the asset that has failed. This will indicate that the asset has either failed to perform as designed or that equipment outside of the required design parameters has been installed.

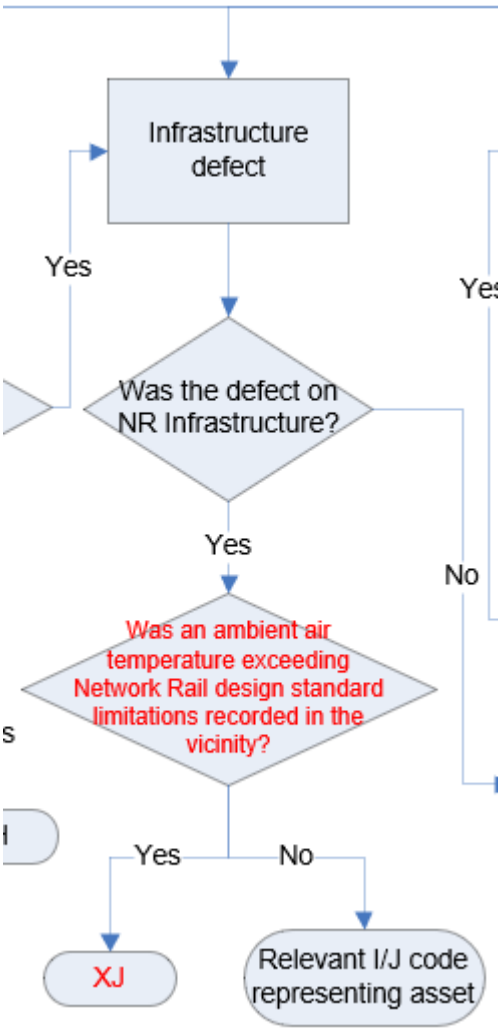
~~This is in accordance with Network Rail Standards NR/L2/SIG/19820/K01 and NR/L2/ELP/21088, which state that Network Rail signalling and OHLE assets respectively should be able to function at temperatures up to this mark~~

At the point of publication, the relevant Network Rail standards documenting these maximum temperatures are NR/L2/SIG/19820/K01 and NR/L2/ELP/21088. Again, as at the point of publication, these document the maximum temperature at which equipment is designed to work as being 40 degrees centigrade or above (or 38 degrees for OHLE installed on or before 2010), and 70 degrees for equipment located within a location cabinet.

Update Heat flowchart Q 5.8 to reflect the scenarios for infrastructure failures incurred in extreme heat as below:



[Specific amendments to the flowchart extracted and expanded below for ease of readability:]



Note:
For Joint Responsibility conditions please refer to Section D2.
For Severe Weather Criteria refer to Paragraph Q5.1
In all cases, if it is not known if severe weather criteria has been met, the default code should be to the relevant I*/M* for the party affected.
The Network Rail design standards documenting the maximum temperatures at which assets are expected to function are NR/L2/SIG/19820/K01 and NR/L2/ELP/21088

NR P221

Amend the description of delay code IW in DAPR Section S as below:

IW	Non severe weather - snow/ice/frost affecting infrastructure equipment excluding points	INF WEATHR

Also amend DAPR "Likely weather scenario" Q.5.4.m as below

m.	Ice/Snow affecting operation of Network Rail ~~infrastructure~~ signalling equipment including obstacle detection and wire runs, but not ~~necessary to introduce~~ involving introduction of a winter Key Route Strategy.	IW	Network Rail (IQ**).

Also add a new scenario Q.5.4.u as below

u.	Icicles hanging from Network Rail structures (including tunnels) where severe weather criteria have <u>not</u> been met – including where resulting damage to a train or its load has occurred. (For icicles on the OHLE see circumstance g above)	IW	Network Rail (IQ**/XQ**).

With existing Scenarios Q.5.4. u-ac renumbered as Q.5.4. v-ad respectively

NR P222

Add the following to the "Delay Codes" column of Clause O18.4.b

IV (for embankment work)
JS (for track condition work)