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26 February 2018

Chairman
Delay Attribution Board
Floor 8
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NOTICE OF APPROVAL OF AMENDMENTS TO THE DECEMBER 2017 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 13 February 2018 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, as set out in a schedule to this notice. The amendments will take effect on 1 April 2018.
5. A schedule of the approved Amendments to the Delay Attribution Principles and Rules is attached to this notice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gerry', is written over a light blue circular stamp.

GERRY LEIGHTON
Duly authorised by the Office of Rail and Road

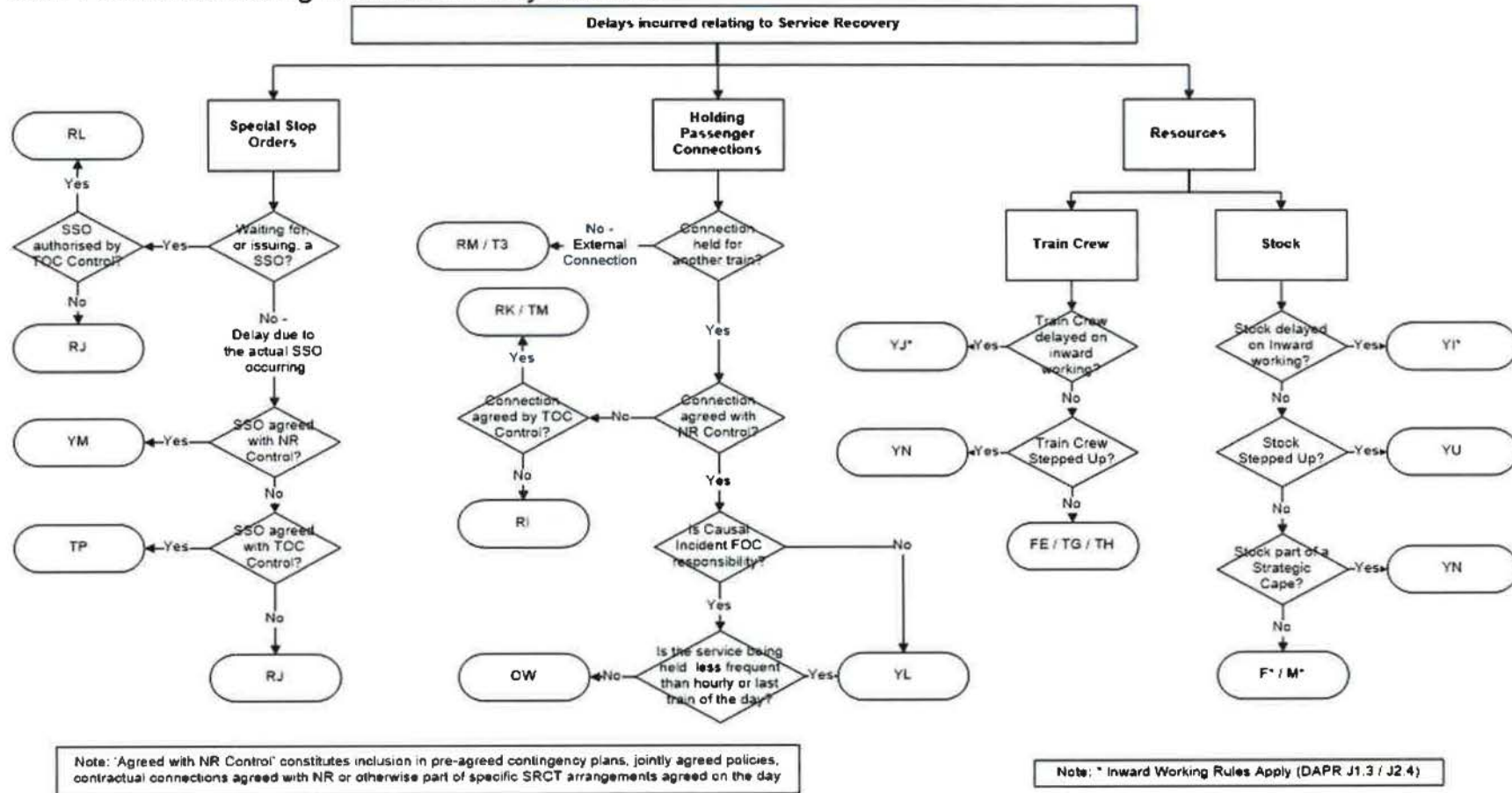


Schedule of approved amendments to the December 2017 Delay Attribution Principles and Rules

Amend M3.1(d) Delay Code from RL to TP

Add new flow diagram M3.2 to Section M as set out below:

M3.2 Flowchart covering Service Recovery activities



DAB/P300 – Failed Train Recovery

Add new Table and appended notes to Section M3 as below;-

M3.3 Failed Train Recovery

No.	Circumstances	Incident Attribution
1	<p>Operator 'A' loco / unit is hired or commandeered under the Railway Operational Code to rescue a failed train operated by Operator 'B'. The rescue loco / unit whilst working under rescue mode fails. Either:-</p> <ul style="list-style-type: none"> • On the way to the failed train • Once attached to and hauling the failed train • Whilst working back from where commandeered 	<p>Attribute to a separate incident but still coded to the same Responsibility of the original failed train incident to Operator 'B'</p>
2	<p>Operator 'A' loco / unit is hired or commandeered under the Railway Operational Code to rescue a failed train operated by Operator 'B'. The rescue loco / unit whilst travelling to site of the failed train is delayed by another incident impacting recovery further.</p>	<p>Attribute any delay incurred to the rescue train / loco to the second impacting incident Any additional delay caused to the recovery operations of the failed train should remain attributed to Operator 'B'</p>
3	<p>Operator 'A' loco / unit is hired or commandeered under the Railway Operational Code to rescue a failed train operated by Operator 'B' resulting in a delay or cancellation to a subsequent Operator 'A' working.</p>	<p>If the loco / unit is hired: Attribute subsequent cancellation / delays to a new incident coded to the Responsibility of Operator 'A' If the loco / unit is commandeered: Attribute to the incident of the original failed train of Operator 'B' (See Notes below)</p>
4	<p>Operator 'A' loco / unit is hired or commandeered under the Railway Operational Code to rescue a failed train operated by Operator 'B'. The rescue loco / unit once attached to the failed train runs under VSTP conditions* but un-validated to clear the line. (*whether the same schedule as the failed train, new schedule or no</p>	<p>Delay to the VSTP train itself (if a new schedule) under 5 minutes PN Delay Code per Paragraph L1.4 Delay to the VSTP train itself of 5 minutes and over and any other reactionary delay to other trains to be attributed as continued impact of the original failure of Operator 'B' train (Attributed to same incident of the original failure)</p>



	schedule)	
	<p>NOTES: If a loco or unit is 'hired' from an Operator it is construed as a Commercial decision. If a loco or unit is 'commandeered' from an Operator it is not construed as a Commercial decision as there is effectively no 'choice'. The same principles set out in the table above also apply to train crew if they are utilised to assist with working the rescue loco or unit or part of the recovery operation.</p>	

DAB/P302 – External Events

Amend I, J, V and X Code entries in C2.3 to read as below (alterations in red):-

C2.3

Delay Code Category	Brief Description	Default Attribution and Responsible Manager Code	Other Valid Responsible Manager Codes
I and J	Network Rail network infrastructure problems	Network Rail (IQ**)	CQ**,QQ**, OQ**
V	External events which are the responsibility of Passenger Train Operators	Operator (V###)	D###
X	External events which are the responsibility of Network Rail	Network Rail (XQ**)	O###

Replace current C2.4 with that as shown below:-

For Operators that are monitored under Passenger Charter arrangements the criteria, definition and application of External Delay Codes (V* and X*) should be taken as being Passenger Charter excludable events.

Amend C2.5 to read as shown below (alterations in red):-

C2.5

In the event of a request to **attribute** a particular incident to an **External Delay Code** which does not appear to accurately reflect the circumstances of the incident or meet the criteria laid down for **External Delay Code application** (as defined in paragraph C2.6), the request must be further confirmed with the **Party** to avoid **misapplication of the DAPR**. The **Party** should be asked to justify the details of the request, which must then be entered in the **incident text** and the incident recoded. Such recoding should not be undertaken without supporting justification being provided and documented.

Amend C2.6 to read as shown below (alterations in red):-

C2.6

For External Delay Code criteria to be met then at least one of the following **criteria needs to be met:-**

For weather related incidents:-

- the relevant authorities **are** advising the public not to travel due to adverse weather
- a severe weather **warning** has been issued to the industry **relevant to the cause of delay and in the vicinity in which the delays are occurring**
- other modes of transport **in the vicinity** are being affected by **the** severe weather;
e.g.
 - motorway traffic being disrupted
 - airports being affected
 - local roads **being** affected
 - ferry sailings are **being** disrupted or suspended
- **Route Controls declaring a RED alert in accordance with National Control Instructions and Extreme Weather Action Team (EWAT) being initiated.**
- a railway asset is operating outside of the design parameters due to the conditions being experienced

And are otherwise outside Industry control

Note: For further advice on weather events please refer to Section Q5

For non-weather related incidents, either:-

- an incident that is **wholly outside Industry control; or**
- an impact on the operation of the **Network Rail network or trains** caused by individuals or organisations outside the railway industry

Amend Q5.1 to read as shown below (alterations in red):-

Q5.1

If weather is **classed as** severe then **External Delay Codes can be applied but** it should be noted that, **for attribution purposes**, to be classed as severe at least one of the criteria below **needs to be** met: -

- the relevant authorities **are** advising the public not to travel due to adverse weather
- a severe weather **warning** has been issued to the industry **relevant to the cause of delay and in the vicinity in which the delays are occurring**

- other modes of transport **in the vicinity** are being affected by **the** severe weather; e.g.
 - motorway traffic being disrupted
 - airports being affected
 - local roads being affected
 - ferry sailings **are being** disrupted **or suspended**
- Route Controls **declaring** a RED alert in accordance with National Control Instructions and Extreme Weather Action Team (EWAT) **being** initiated.
- a railway asset is operating outside of the design parameters due to the conditions being experienced

And are otherwise outside Industry control

In all cases the **severe** weather needs to have been the **direct and immediate** cause of the issue and outside the control of the parties involved. **This includes:-**

- **The severe weather is occurring on the actual day of the Delay Incident and;**
- No reasonable or viable economic mitigation was possible against the impact of the weather.

Amend Delay Code listings on page S1, SECTION S to read as follows (alterations in red):-

V - **EXTERNAL EVENTS** – TOC RESPONSIBILITY
 X - **EXTERNAL EVENTS** - NETWORK RAIL

Amend V and X Code tables on pages S11 and S12 in SECTION S to read as follows:-

V - EXTERNAL EVENTS – TOC RESPONSIBILITY

Abbreviated Departmental Cause Codes: EXT

These codes cover **events considered to be outside the control of the Rail Industry** but normally attributable to Passenger Train Operators under the Track Access Performance Regime.

VX	External events occurring on the LUL or other non NR running lines	LUL CAUSES
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X - EXTERNAL EVENTS - NETWORK RAIL

Abbreviated Departmental Cause Codes: EXT

These codes cover events considered to be outside the control of the Rail Industry, but normally attributable to Network Rail under the Track Access Performance Regime

NR P195 – OP Delay Code

Remove Delay Code OP from the DAPR

Delete Delay Code OP entry from Section S

Amend E5.1 (first sentence) replacing OP to read:-

All delays where Network Rail is unable to investigate and/or record cause as a result of TRUST System failures, including SMART site failures, shall be coded **OU/OQ****.



