



Delay Attribution Board
Floor 8
1 Eversholt Street
London
NW1 2DN

To: Gerry Leighton,
Head of Stations, Depots and
Network Code
Office of Rail and Road
One Kemble Street
London
WC2B 4AN

Tel: [REDACTED]
Email: DABoffice@networkrail.co.uk

cc: Richard Morris
Chairman,
Delay Attribution Board.
Margret Child - ORR

Date: 15th February 2018

Submission of proposals for change to the December 2017 Delay Attribution Principles and Rules

Dear Gerry,

I am writing to seek ORR approval for a number of Proposals to change the Delay Attribution Principles and Rules in accordance with Track Access Condition B2.7.2.

Please find appended to this letter details of the following Proposals for Change:

- **DAB P299 – Service Recovery Activities**
- **DAB P300 – Failed Train Recovery**
- **DAB P302 – Externals**
- **NR P195 – OP removal**

The details provided for each proposal consist of the following information:

- 1** The Proposal for Change from the sponsor.
- 2** The industry responses to the Proposal for Change.
- 3** The Board considerations and decision on the responses from the industry.

The proposals for amendment to the Delay Attribution Principles and Rules were put out to Industry Parties for formal consultation in accordance with Track Access Condition B2.5.2. The deadline for Industry responses was the 26th January 2018. A number of Industry Parties responded to the consultation process and these responses are included in this submission.

All decisions made by the Board have been unanimous. A copy of the minutes of the meetings where the proposed amendments were agreed is available should you require it.

I await your advice on whether you approve the amendments proposed.



Delay Attribution Board
Floor 8
1 Eversholt Street
London
NW1 2DN

Finally, in accordance with Track Access Condition B2.7.1, the Board has agreed that any changes approved by the Regulator should come into effect on 1st April 2018.

For completeness, the following Proposals for Amendment that were consulted with Industry but not agreed by the DAB to progress into the DAPR were as follows;-

- **DAB P301 – Bird Size Proposal**
- **GTR P01 – Management TINs**

Should you wish to discuss any aspect of this submission or the proposals for that matter, please do not hesitate to contact me as detailed above.

Kind regards,

Mark Southon

Board Secretary
[REDACTED]

Response Matrix:

Proposal reference Number:	DAB/P299	DAB/P300	DAB/P301	DAB/P302	GTR/P01	NR/P195
Abellio Greater Anglia*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Arriva CrossCountry*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Arriva Rail Northern*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Arriva Trains London						
Arriva Trains Wales						
Chiltern Railways*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Colas Rail						
DB Cargo						
DB Regio Tyne & Wear						
Devon & Cornwall Railways						
Direct Rail Services						
East Midland Trains						
Eurostar International						
First Greater Western*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
First Transpennine						
Freightliner HH*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
GB Railfreight						
Govia Thameslink Railway*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Grand Central Railway						
Harsco Rail						
Heathrow Express						
Hull Trains						
West Midlands Trains						
Merseyrail						
MTR Crossrail						
NEXET Trains Ltd (c2c Rail)						
North Yorkshire Moors						
Scotrail						
Serco Caledonian Sleepers						
Southeastern Trains						
Stagecoach South West Trains						
Virgin Trains (West Coast)*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Virgin Trains East Coast	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
West Coast Railway Company						
Network Rail	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

*Response through DAMG

Note: TfL receive the Consultation documents and have provided a response which is included. However they are not an Access Party so its response should be treated as 'comments' only and was received after the Consultation closed.

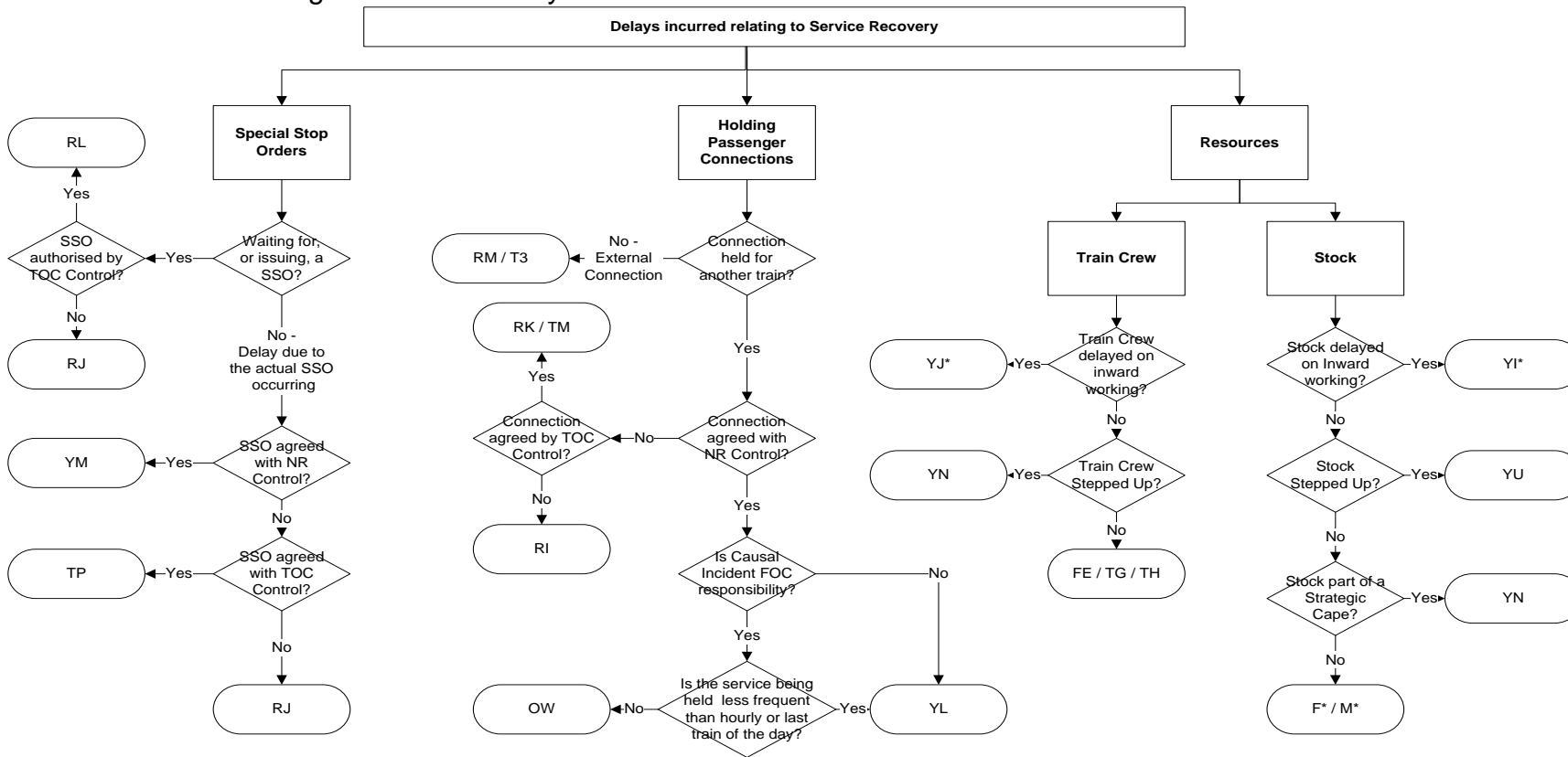
Note: Proposals for Amendment DAB P301 (Bird Strikes) and GTR P01 (management TINs) were not agreed by the DAB to progress and were withdrawn and are not included below.

Proposal Responses and Decision:-

Originators Reference Code / N ^o	DAB/P299 – Service Recovery Flow Diagram
Name of the original sponsoring organisation(s)	Delay Attribution Board
Exact details of the change proposed	<i>Add new flow diagram M3.2 to Section M as set out below</i> <i>Amend M3.1(d) Delay Code from RL to TP</i>
Reason for the change	<p>The previous set of Proposals for Amendment to the DAPR included a Proposal to amalgamate various scenarios relating to Service Recovery into one table within Section M (DAB P297)</p> <p>As part of the Industry feedback it was suggested to also formulate the scenarios into a flow diagram which is a format favoured by many users of the DAPR.</p> <p>This Proposal therefore sets out the principles of table M3.1 as a flow diagram for improved understanding and application.</p> <p>Amendment to M3.1(d) as RL should in fact be TP.</p>

DAB/P299 Response	Comments
DAMG - on behalf of the identified companies in the response matrix	Accepts this proposal as submitted.
Virgin Trains East Coast	Accepts this proposal as submitted.
Network Rail	<p>Accepts this proposal as submitted but raise the following points:-</p> <p>There is no reference to which incident reactionary delay should be attributed to. E.g if a connection is not agreed by NR and either agreed or not by the TOC the reactionary delay should be specific as to whether a new incident should be created or the delay should be reactionary to the causal incident.</p> <p>Also if NR has agreed to a connection being held as part of service recovery, irrespective of it being a FOC incident it should always be YL. As with any other incident where we are managing the network. In addition it is also good to reiterate last train of the day / hourly service principle.</p>
TfL	No concerns raised.
Board Decision	The Board, at its meeting of 13 th February, endorsed this Proposal for Amendment to be submitted for ORR Approval.

M3.2 Flowchart covering Service Recovery activities



Note: 'Agreed with NR Control' constitutes inclusion in pre-agreed contingency plans, jointly agreed policies, contractual connections agreed with NR or otherwise part of specific SRCT arrangements agreed on the day

Note: * Inward Working Rules Apply (DAPR J1.3 / J2.4)

Originators Reference Code / N ^o	DAB/P300 – Failed Train Recovery										
Name of the original sponsoring organisation(s)	Delay Attribution Board										
Exact details of the change proposed	<p>Add new Table and appended notes to Section M3 as below;-</p> <p>M3.3 Failed Train Recovery</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Circumstance</th> <th>Incident Attribution</th> </tr> </thead> <tbody> <tr> <td>1</td> <td> <p>Operator 'A' loco / unit is hired or commandeered under the Railway Operational Code to rescue a failed train operated by Operator 'B'.</p> <p>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 </td> <td> <p>Attribute to a separate incident but still coded to the same Responsibility of the original failed train incident to Operator 'B'</p> </td> </tr> <tr> <td>2</td> <td> <p>Operator 'A' loco / unit is hired or commandeered under the Railway Operational Code to rescue a failed train operated by Operator 'B'.</p> <p>The rescue loco / unit whilst travelling to site of the failed train is delayed by another incident impacting recovery further.</p> </td> <td> <p>Attribute any delay incurred to the rescue train / loco to the second impacting incident</p> <p>Any additional delay caused to the recovery operations of the failed train should remain attributed to Operator 'B'</p> </td> </tr> </tbody> </table>		No.	Circumstance	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'.</p> <p>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'.</p> <p>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</p> <p>Any additional delay caused to the recovery operations of the failed train should remain attributed to Operator 'B'</p>
No.	Circumstance	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'.</p> <p>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'.</p> <p>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</p> <p>Any additional delay caused to the recovery operations of the failed train should remain attributed to Operator 'B'</p>									

**PROPOSALS FOR AMENDMENT TO THE
DELAY ATTRIBUTION PRINCIPLES & RULES
April 2018 Edition
INDUSTRY FEEDBACK**

Consultation closed – 26th Jan 2018

	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:</p> <p>Attribute subsequent cancellation / delays to a new incident coded to the Responsibility of Operator 'A'</p> <p>If the loco / unit is commandeered:</p> <p>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'.</p> <p>The rescue loco / unit once attached to the failed train runs under VSTP conditions* but unvalidated to clear the line.</p> <p>(*whether the same schedule as the failed train, new schedule or no schedule)</p>	<p>Delay to the VSTP train itself (if a new schedule) under 5 minutes PN Delay Code per Paragraph L1.4</p> <p>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>
<p>NOTES:</p> <p>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'.</p> <p>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>			

**PROPOSALS FOR AMENDMENT TO THE
DELAY ATTRIBUTION PRINCIPLES & RULES
April 2018 Edition
INDUSTRY FEEDBACK**

Consultation closed – 26th Jan 2018

Reason for the change	<p>The Board recently undertook a review of Part H of the Network Code, and specifically the associated Railway Operating Code as part of the Board’s Objectives to ascertain if any element therein was deemed to be required for inclusion or clarification in the DAPR.</p> <p>As part of this review the main issue identified was the recovery of failed trains which had no mention in the DAPR.</p> <p>DAB has previously provided guidance (DAB33 Guidance) setting out certain principles in relation to recovery of a failed train were not incorporated into the DAPR at that time.</p> <p>Additionally, recent scenarios relating to failed train recovery of a similar nature have been raised to the Board for discussion so it was felt to align all three aspects to formulate appropriate entries into the DAPR.</p> <p>The above Proposal is the outputs of the DAB review and discussions taking into account Part H / ROC mechanisms, Attribution Principles and the previous DAB33 Guidance.</p>
-----------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

DAB/P300 Response	Comments
DAMG – on behalf of the identified companies in the response matrix	Accepts this proposal as submitted.
Virgin Trains East Coast	Accepts this proposal as submitted.
Network Rail	Accepts this proposal as submitted.
TfL	No concerns raised
DAB Decision	The Board, at its meeting of 13 th February, endorsed this Proposal for Amendment to be submitted for ORR Approval.

Originators Reference Code / N°	DAB/P302 – External Events																			
Name of the original sponsoring organisation(s)	Delay Attribution Board																			
Exact details of the change proposed	<p>Amend I, J, V and X Code entries in C2.3 to read as below (alterations in red):-</p> <p>C2.3</p> <table border="1"> <thead> <tr> <th>Delay Code Category</th> <th>Brief Description</th> <th>Default Attribution and Responsible Manger Code</th> <th>Other Valid Responsible Manager Codes</th> </tr> </thead> <tbody> <tr> <td>I and J</td> <td>Network Rail network infrastructure problems</td> <td>Network Rail (IQ**)</td> <td>CQ**, QQ**, OQ**</td> </tr> <tr> <td>V</td> <td>External events which are the responsibility of Passenger Train Operators</td> <td>Operator (V##*)</td> <td>D##*</td> </tr> <tr> <td>X</td> <td>External events which are the responsibility of Network Rail</td> <td>Network Rail (XQ**)</td> <td>O##*</td> </tr> </tbody> </table> <p>Replace current C2.4 with that as shown below:-</p> <p>C2.4 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.</p>				Delay Code Category	Brief Description	Default Attribution and Responsible Manger 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##*
Delay Code Category	Brief Description	Default Attribution and Responsible Manger 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##*																	

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 5 to read as follows (alterations in red):-

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

	<p>Amend V and X Code tables on pages S11 and S12 in SECTION S to read as follows:-</p> <p>V - EXTERNAL EVENTS – TOC RESPONSIBILITY</p> <p>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.</p> <table border="1" data-bbox="424 792 1374 869"> <tr> <td data-bbox="424 792 517 869">VX</td> <td data-bbox="523 792 1225 869">External events occurring on the LUL or other non NR running lines</td> <td data-bbox="1232 792 1374 869">LUL CAUSES</td> </tr> </table> <p>X - EXTERNAL EVENTS - NETWORK RAIL</p> <p>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.</p>	VX	External events occurring on the LUL or other non NR running lines	LUL CAUSES
VX	External events occurring on the LUL or other non NR running lines	LUL CAUSES		
Reason for the change	<p>As part of the DAB Objectives, a review of the attribution criteria for External events and associated Delay Codes was remitted to take place.</p> <p>All the entries in the DAPR relating to external issues are currently factored around ,and include wording relating to, Passenger Charter which was felt neds to be removed with a greater focus on the events themselves and the attribution criteria for V* an X* Code usage.</p> <p>However, the DAB are fully aware that three TOCs still have Passenger Charter arrangements in place with the DfT and so this is reflected in the revised C2.4.</p> <p>This Proposal therefore looks to clarify and enhance the current criteria of V* and X* Delay Codes and clarify the conditions when they should apply.</p> <p>A further work stream in 2018 will look at the Delay Codes themselves in terms of improving descriptions, abbreviations and appropriate usage.</p>			

DAB/P302 Response	Comments
DAMG - on behalf of the identified companies in the response matrix	Accepts this proposal as submitted.
Virgin Trains East Coast	Accepts this proposal as submitted.
Network Rail	Accepts this proposal as submitted.
TfL	No concerns rasied.
DAB Decision	The Board, at its meeting of 13 th February, endorsed this Proposal for Amendment to be submitted for ORR Approval.

Originators Reference Code / №	NR P195 – OP Delay Code
Name of the original sponsoring organisation(s)	Network Rail
Exact details of the change proposed	<p><i>Remove Delay Code OP from the DAPR</i></p> <p><i>Delete Delay Code OP entry from Section 5</i></p> <p><i>Amend E5.1 (first sentence) replacing OP to read:-</i></p> <p>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**.</p>
Reason for the change	<p>Delay Code OP should be utilised ONLY to capture delays that were unable to be fully investigation by Network Rail due to a TRUST system failure</p> <p>Ultimately it should only be utilised as a temporary code with investigations and reattribution occurring subsequently meaning very little delay remains (or should remain) in that Code</p> <p>Delay Code OU is now utilised for effectively the same activity.</p> <p>Despite only having one use set out within the DAPR, Delay Code OP has been mis-used, being applied to delay incidents that have an identified prime cause but utilising OP as TRUST access being the root cause of the delay.</p> <p>The alternative of setting out all the scenarios where it should not be used was seen to be counterproductive for such a seldom used code.</p>

NR/P195 Response	Comments
DAMG - on behalf of the identified companies in the response matrix	Accepts this proposal as submitted.
Virgin Trains East Coast	Accepts this proposal as submitted.
Network Rail	Accepts this proposal as submitted.
TfL	No concerns raised
DAB Decision	The Board, at its meeting of 13 th February, endorsed this Proposal for Amendment to be submitted for ORR Approval.