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# **BY EMAIL ONLY**

11 November 2020

Chairman Delay Attribution Board Floor One, Mimet House 5a Praed Street London W2 1NJ

# NOTICE OF APPROVAL OF AMENDMENTS TO THE SEPTEMBER 2020 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 23 October 2020 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 2021 with the exception of the parts of Proposal NR P205 – External X Codes, which are listed in Appendix 1 to this notice; these may only take effect upon removal of the Passenger Charter and may not be published in the Delay Attribution Principles and Rules until the Delay Attribution Board is satisfied that Train Operators are no longer utilising the Passenger Charter.

5. The approved Amendments to the Delay Attribution Principles and Rules are attached to this notice at Schedule 1.

GERRY LEIGHTON Duly authorised by the Office of Rail and Road







# Appendix 1

The following parts of Proposal NR P205 may only take effect upon removal of the Passenger Charter and may not be published in the Delay Attribution Principles and Rules (DAPR) until the Delay Attribution Board is satisfied that Train Operators are no longer utilising the Passenger Charter:

- removal of Delay Code X3 from Section S of the DAPR;
- the amendment of all entries of "X3" in the DAPR to read "J6";
- the amendment of Delay Code J6 Description and Abbreviation;
- the removal of Delay Code X8 from Section S of the DAPR;
- the amendment of all entries of "X8" in the DAPR to read "I8"; and
- the amendment of Delay Code I8 Description and Abbreviation.

The above parts of Proposal NR P205 are highlighted in blue at Schedule 1.



# Schedule 1

#### DAB P331 – Foreword and Good Practice Statement

# Amend the Delay Attribution Statement Foreword to read as below (amendments in red):

This document, setting out the Delay Attribution Principles and Rules is issued to all Track Access Parties by the Delay Attribution Board.

The Delay Attribution Board is an Industry body remitted to provide guidance and assurance to the Industry on delay attribution issues.

The purpose of the Board (as defined by the Network Code paragraph B6.1) is to 'Lead, Advise and Monitor the effectiveness and accuracy of the delay attribution process and use of the Delay Attribution Principles and Rules and the Performance Data Accuracy Code'.

In this context the Board will:

- Oversee that delay attribution is undertaken in an unbiased and transparent manner;
- Oversee that appropriate training and competency assessment is available to everyone involved in the process of delay attribution;
- Provide guidance to Industry Parties on the process of delay attribution and the interpretation of the Delay Attribution Principles and Rules;
- Propose changes to the Delay Attribution Principles and Rules and Performance Data Accuracy Code to improve clarity, understanding and application
- Make recommendations for changes to the delay attribution processes to improve its efficiency and effectiveness and oversee the delivery of such changes

This document is updated by the issuing of amended Sections as inserts incorporating Proposals for Amendment that have been agreed pursuant to the process set out in Conditions B2.5 to B2.7 of the Network Code since the issue of the previous document. Consequently, those re-issued Sections supersede those previously published.

Proposals for Amendment made since the issue of the previous issue are recorded in the Version Control on the re-issued front page and are supported by a briefing of the changes.



# Amend the Delay Attribution Statement of Good Practice to read as below (amendments in red): -

This Statement of Good Practice is issued by the Delay Attribution Board to parties involved in the Delay Attribution Process. It has been developed in consultation with all Industry Parties and the Board considers it has full Industry support. While this Statement of Good Practice is not intended to create contractual rights or obligations, the Board expect Industry Parties to have due regard to this Statement when participating in the Delay Attribution Process.

Track Access Parties and their employees involved in the Delay Attribution Process should work together to achieve the industry vision of Delay Attribution; namely,

'For all parties to work together to achieve the core objective of delay attribution which is to accurately identify the Prime Cause of Reliability Events and delays to train services for performance improvement purposes'

In doing so, all parties should utilise this statement of good practice in undertaking the process of delay attribution by: -

- i. accepting that the prime objective of delay attribution is to identify the Prime Cause of delay to train services for performance improvement purposes;
- ii. accepting responsibility for ensuring that adequate resources are applied to the delay attribution process and that sufficient controls / processes are in place to ensure that attribution staff remain impartial open and honest in the attribution of, or challenge to, any delay incident;
- iii. committing to train their staff effectively in the process of delay attribution and maintain their competence through a regular programme of competency assessment;
- iv. ensuring that all appropriate information and systems are fully utilised and or investigated <u>before</u> allocation of any incident to an Industry Party;
- v. ensuring that all appropriate information and systems are fully utilised and or investigated before challenging any attribution made to a party
- vi. only challenging attribution of an incident where there are appropriate reasons for doing so, and in so doing providing substantive information that informs of exactly what is being challenged and why to enable, where possible, correct attribution;
- vii. working together to identify correctly the cause of an incident, no matter which party that incident is attributed to, recognising that it may be necessary to re-attribute on the basis of new information;
- viii. assisting the delay attribution process by providing whatever information is agreed necessary to enable the correct attribution of delay and confirming the source of the information as required.
- ix. working together to identify causes of delay (even below threshold) where practicable and cost effective;



- x. avoiding adding abusive or derogatory comments to any records (systems based or otherwise) relating to Delay Attribution;
- xi. avoiding adding individuals' names to any incident, instead utilising roles or titles.
- xii. to work together to develop key indicators on the accuracy of the delay attribution process that enable each party to identify areas where the process is not being applied effectively and agree to identify and implement action plans to improve the process;
- xiii. having in place nominated persons for each level of the delay attribution and escalation process.

Reference should be made to Process Guide PGD4 that sets out the Board's suggested good practice for attribution, dispute and resolution processes.



#### DAB P332 – Section B Proposals

#### a) Amend reference in last sentence in B4.1 to read: -

See paragraph **B7.8** for definition of Reliability Events.

b) Amend reference in last sentence in B6.4 to read: -

This is detailed in paragraph C2.3.1

- c) Amend paragraph B6.12 to read as below
- B6.12 If an incident occurs off the Network Rail network e.g. a security alert or fire and it affects more than one station, yard, depot or running lines, a separate primary incident should be created for each directly affected location. The Network Rail Manager should represent these locations, notwithstanding the requirements of the DAPR when one incident for each affected train operator directly affected is required.

#### d) Amend paragraph B6.13 to read as below

B6.13 if an incident occurs off the Network Rail network and directly affects an on-network asset, the incident should be coded in accordance with DAPR Section O and the Responsible and Network Rail Manager codes should reflect the management area that owns the asset directly affected (not the off Network Rail network issue affecting that asset). Refer to Process Guide PGD14.

#### e) Amend paragraph B6.14 to read as below

B6.14 If a security alert occurs on the Network Rail network and affects more than one station, yard, depot or running line on the Network Rail network the incidents should be created in accordance with DAPR Section Q7 and the Network Rail Manager Codes should represent the management area that the incident occurred on.

#### f) Delete paragraph B6.16.1

- g) Add a new, second bullet to B6.17 E
- When delays occur as a result of schedule errors on VSTP schedules, the incident should be attributed a Network Rail Manager Code that represents the Route or management area on which the delay alert is generated but



allocated a Responsible Manager Code indicating the responsibility for the creation/validation of the VSTP that caused the incident.

#### h) Amend first sentence of B6.17 C as below (addition in red): -

Where Route or management area 'A' running line crosses over, or runs parallel to, Route or management area 'B' running lines...

#### i) Add new B6.17 G as below: -

#### G. Asset Failures

An asset failure on Route or Area 'B' that is caused by an asset or component failure on Route or Area 'A' should be attributed to an incident with a Network Rail Manager Code of Route or Area 'B' but with Responsibility assigned to Route or Management Area A.

#### j) Amend DAPR B7.5 to read as below: -

#### **B7.5 Responsible Train**

The Responsible Train is the train that is identified as being the interaction that causes a Reactionary Delay to either itself or the other train and is linked to the Causal Incident by identification of the Responsible Train utilising the relevant Y\* Code



#### DAB P333 – Section C Proposals

#### a) Amend first sentence in C2.3 to read: -

C2.3 In drawing together this document, cognisance has been taken of the contractual responsibilities of Train Operators and Network Rail to ensure that these are encompassed as far as possible in the Delay Codes

#### b) Amend C2.6 to read as below (alterations in red)

C2.6 For External Delay Code criteria to be met then at least two of the following criteria needs to be met:-

For weather related incidents: -

- the relevant authorities are advising the public not to travel due to the adverse weather being experienced on that day.
- a severe weather warning has been issued to the industry and is 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.
  - o motorway traffic being disrupted
  - o airports being affected
  - o 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, accepting all possible mitigation has been undertaken, is 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 where all possible mitigation is undertaken; or
- an impact on the operation of the Network Rail network or trains caused by individuals or organisations outside the railway industry



#### DAB P334 – Sections D and E Proposals

a) Replace the word 'cancellation' in the first line of D2.9 with 'Fail To Stop' so it (extract) reads as below: -

D2.9 Failures to call at a booked stop (otherwise known as cancelled stops or fail to stop)....

- b) Remove Section D6
- c) Add 'PGD' ahead of the '6' in the last line of D2.14 (extract) to read: -

.....are covered in DAB Process and Guidance Document PGD6 – Joint Responsibility Application.

#### d) Add a new sentence to the end of E2.1 to read: -

See Process Guide PGD19 setting out the expected investigations and freeform templates.

#### e) Add a new sentence to the end of E2.2 to read: -

See Process Guide PGD19 setting out the expected investigations and dispute templates.



			-
a)	A Railway Emergency Call (REC) is initiated and an operational event 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
end Ci j)	rcumstance in G4.1(j) as follows: - A REC is initiated in error by a member of Network Rail maintenance staff or Contractor working for Network Rail	JL	Network Rail (IQ**)
e the ir		tion should be	nade to the Tra

# d) Add note under the table in G6.1 as follows: -

Note: TPWS overspeed is triggered by the calculated average speed between the two TPWS grid pulses processed on board the train and is NOT the speed at the time of TPWS activation itself.



#### DAB P336 – Section J Proposals

- a) Amend 'YG' to read 'YJ' in J1.1
- b) Add additional note under table J2.3

Note: Train Crew, by definition in the Network Code are "those persons on a train responsible for the operation of that train". This can include any onboard staff that are required for safety or operational reasons (e.g. sleeping car attendants) but does NOT include those staff where the train could effectively run without them being on board (e.g. catering staff carrying solely out catering duties)



# a) Add the word 'general' to the first sentence in the third paragraph of K3 (after bullets) to read as below: -

If after due consideration the regulation is deemed to be within the general Regulation Instructions for that location...

### b) Add new Paragraph K4 as below: -

K4 Where the Signaller incorrectly applies a specific regulating policy (i.e where the instruction relates to specific trains or class of trains rather than general principles) then any resulting delay should be attributed to a new Prime Cause incident and coded OB.

### c) Amend current K4 to be K5 and amend last sentence to read: -

The only exception is when the simplifiers are produced by Capacity Planning specifically for the Signallers and which should be coded to (QA/QM/QQ\*\*)

d) Add new Heading K6 as below: -

**K6 Incorrect Routing of Trains** 

- e) Amend current K5 and K6 to be K6.1 and K6.2 respectively
- f) Amend 'Signalman' to 'Signaller' in the last sentence of the new K6.2
- g) Add 'Note:' and 'PGD' prior to the '10' under table K8 to read: -

Note: For further scenarios and allocation relating to Permissive Working at stations please refer to Process Guide Document PGD10



#### DAB P338 – Section L M P R S Proposals

- a) Move the first Note and associated two bullets in L1.2 to below the table of circumstances in L1.2
- b) Renumber the two notes in L1.2 as Note 1 and Note 2 respectively
- c) Add 'PGD' prior to the '9' in the second sentence of M2.7 to read (extract): -

...to DAB Process Guide Document PGD9 – Managing Freight Services during Disruption...

#### d) Amend P2.4 to read: -

When diversions or single line working are necessary due to an emergency possession or unplanned blockage of a route any Minutes Delay should be attributed to the appropriate incident as per Section O1. The incident should be coded to the appropriate Delay Code to reflect the actual reason for the possession (where the issue identified, and possession taken are on the same day).

#### e) Amend DAPR R1.3 circumstance i to Delay Code VA

f) Add note under R4.3 in Section R to read: -

Note: For further guidance on the application of the Holding Codes please refer to Process Guide PGD7

#### g) Add note under the Y\* Code table in Section S to read: -

Note: For application of Y\* Codes please refer to Process Guide PGD3



#### DAB P339 – Section Q Proposals

#### a) Rewrite paragraph Q1.2 to read: -

Q1.2 Any asset faults or failures relating to infestation such as rodent damage, insects, molluscs, arachnids or bird droppings causing contact issues or electrical failures should be considered as infestation and coded to the asset directly affected.

#### b) Add note under Q2.2 to read: -

Note: An ESR in place on subsequent days due to structural damage following a bridge strike should be coded to JD

#### c) Amend last sentence in Q3.3 to read: -

In these circumstances joint responsibility may be applicable so refer to Section D2 and Process Guide PGD13 for further guidance.

#### d) Amend DAPR Q4.1 circumstances h and k to read as below: -

r			
h.	Trespass on Network Rail	VA	Train Operator
	network infrastructure where		of train
	access is gained by persons		concerned
	exiting directly from within a		(V##*)
	passenger train (including ECS)		
	without permission.		

k.	Trespass on Network Rail	ХА	Network Rail
	infrastructure where access is		(XQ**)
	gained via a station		

#### e) Remove Q4.2

f) Amend last sentence in Q4.3 to read: -



In these circumstances joint responsibility may be applicable so refer to Section D2 and Process Guide PGD6 for further guidance

### g) Renumber Q4.3 to Q4.2

h) Amend DAPR Q5.4 circumstance i to read; -

i.	Miscellaneous obstructions on the line	XW	Network Rail
	due to the effects of high winds		(XQ**).
	(including trees)		

#### i) Amend Q5.5 to read:-

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 two of the criteria below needs to be met: -

- the relevant authorities are advising the public not to travel due to the adverse weather being experienced on that day.
- a severe weather warning has been issued to the industry that is 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.
  - o motorway traffic being disrupted
  - o airports being affected
  - o local roads being affected
  - o 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 accepting all possible mitigation has been undertaken, is 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
- j) Amend last sentence in Q5.5 to read: -

In these circumstances joint responsibility may be applicable so refer to Section D2 and Process Guide PGD6 for further guidance

#### k) Amend Q5.12 d to read: -

- d) Reduction in speed due to sighting of infrastructure assets (e.g.TSR boards) due to snow on and obscuring the asset (for falling snow, see c above) IW / XT.
- I) Amend the last sentence in Q7.2 to read: -

In these circumstances joint responsibility may be applicable so refer to Section D2 and Process Guide PGD6 for further guidance

h	Fire in Network Rail buildings other than stations:	Caused by vandalism.	Network Rail (XQ**).
		xv	
		Not caused by vandalism.	Network Rail (OQ**).
		ov	
k	Fire in Fleet depot:	Caused by vandalism.	Passenger Operator(s) – separate incident for
		VF	each affected (VH##*).

#### m) Re-format Q8.1 circumstances h, k and l



		Not caused by vandalism. MU	Separate incident for each Train Operator affected. (M##*)
I	Fire on passenger train.	Caused by vandalism. VF	Operator of train involved (V##*).
		Not caused by vandalism. MD/M8	Operator of train involved (M##*).

#### n) Amend the last sentence in Q8.2 to read: -

In these circumstances joint responsibility may be applicable so refer to Section D2 and Process Guide PGD6 for further guidance



#### DAB P340 – Diversions Proposal

#### Add new Section M4

#### **M4 Diversionary Routes**

M4.1 The following diagram is provided to support this Section M4 and set out the attribution principles for line blocking incidents affecting diversionary routes.



Reference should also be made to Process Guide PGD11 Queue of Trains.

M4.1.1 In the following paragraph 'Line block incident' can be taken to be either an infrastructure or train related cause.

#### M4.2 Unplanned line block incident at C and diversionary route via D open

M4.2.1 Any delays experienced due to trains running via D (including reactionary delays) should be allocated to the incident at C.

#### M4.3 Unplanned line block incidents at both C and D

M4.3.1 When two unplanned line blocking incidents are ongoing simultaneously, and each prevents use of the diversionary route to mitigate the other (i.e. a train cannot be diverted) then any delays or cancellations resulting from those events should be attributed as a direct delay to the incident occurring on the train's booked line of route (and not the incident preventing the diversion).

M4.3.2 Where a line blocking incident occurs first (at C) and another line blocking incident then occurs (at D) then attribution should be as follows: -

- i. Trains booked via C that are delayed going through C allocated to the incident at C
- Trains booked via C that are diverted via D and are delayed due to the diversion (i.e. prior to the incident at D) allocated as scenario A above (to the incident at C)
- iii. Trains booked via C that are diverted via D and are then also delayed by the incident at D attributed to both incidents in proportion to the impact (i.e. if the diversion causes 10 minutes delay to journey time then 10 minutes



allocated to the incident at C – any additional delay allocated to the incident at D)

 Trains booked via C that would have been diverted via D but couldn't be (when the incident at D occurred prior to the opportunity to divert that train) allocated to the incident at C (i.e. the direct cause of the delay to that train is the incident on its booked line of route not the inability to divert the train)

Note 1: The same principles would apply as above for trains booked via D.

Note 2: Where a second unplanned incident occurs after a train is already on diversion (rather than prevented from taking that diversion) then any additional delay (over and above that which would be ordinarily caused by that diversion) should be attributed to the second unplanned event.

#### M4.4 Unplanned line block incident at C and a Planned line block incident at D

M4.4.1 Any delays experienced by trains booked via C should be allocated to the incident at C. The diversionary route is planned not to be available and thus cannot be the cause of delay.

M4.4.2 For attribution purposes the term planned is deemed to represent what is in the agreed plan of the day as at 22.00 the day before in terms of infrastructure availability, the associated train plan and any Train Operator resources (e.g. stock and train crew). This includes: -

- Assets planned not to be used where no amendment to the plan is required (e.g. sidings or loops that are not used in everyday operations).
- Assets planned not to be used where the short-term plan is amended to reflect it (e.g. a platform out of use, units out of service, train crew strike or a line of route closed due to a land slip)
- Assets planned not to be used where the longer-term plan is amended to reflect that restriction (e.g. a booked engineering possession)

Note: Where any Industry asset is unavailable for use and is not planned to be utilised in the Plan of the Day that asset cannot be considered to be a new Prime Cause of delay, or considered a Failure to Mitigate, should an unplanned incident occur requiring use of that asset.



#### DAB P341 – PN Delay Code

Rewrite paragraph L1.4 to read as below: -

**L1.4** Where a VSTP schedule has been agreed, input and that train incurs delay then that delay only can be attributed to Delay Code PN when: -

- The train running under VSTP loses up to and including 4 minutes in running with no identified reason **and** causes no reactionary delay to other trains as a result of its late running; or
- The train running under VSTP loses up to and including 4 minutes in running due to an issue with the VSTP schedule **and** causes no reactionary delay to other trains as a result of its subsequent late running; or
- The train running under VSTP loses up to and including 4 minutes delay due to being regulated for another service (due to the VSTP schedule) and causes no reactionary delay to other trains as a result of its subsequent late running.

#### Add new sub paragraph L1.4.1 as below: -

L1.4.1 If the train running under VSTP incurs a delay that is not related to its schedule or incurs a delay of 5 minutes or more to itself or causes reactionary delay to another train then the all delays incurred, including that to the train running under the VSTP, should be attributed to the appropriate Delay Code and **not** PN.



#### DAB P342 – Other Networks

#### Add new paragraphs A2.4 to Section A of the DAPR to read as below: -

A2.4 Where the DAPR is being utilised for other infrastructure networks any references to Network Rail, such as 'Network Rail network', 'Network Rail Manager Code' or 'Network Rail Responsible Manager Code' should be read as 'Infrastructure Manager' in all respects. The DAPR remains written as to be applied to the Network Rail network and as such any non-Network Rail operated infrastructure is considered off the Network Rail network.

NR P203 – Delay Code JG Proposal to remove Delay Code JG from the DAPR Remove JG entry from DAPR Section S Amend DAPR O18.4 circumstances c and d to read as follows: -				
d.	Where an already existing TSR or ESR remains in place due to possession work not being completed or is still more restrictive than that planned.	As appropriate to pre- existing condition not remedied (NOT JG)	Network Rail (IQ**)	

#### Amend DAPR 019.2.1.3 to read

O19.2.1.3 Where renewals work is being / has been undertaken then use <del>JG</del> the Delay Code appropriate to the condition causing the restriction.



# Amend DAPR Flow diagram Q5.8

Replace 'JG' termination box under the TSR/ESR tranche to read 'IR or IS as appropriate'

NR P204 – Delay Code QT

Remove Delay Code QT from the DAPR

**Remove QT entry from DAPR Section S** 

NR P20	NR P205 – External X Codes					
Ameno	Amendments to X* Delay Codes					
Remov	Remove Delay Code XD from Section S of the DAPR					
Redefi	Redefine Delay Code XN as follows: -					
XN	Road or Crossing related incidents including cars on the line, level crossing misuse and emergency services being prioritised over rail services (NOT bridge strikes)	ROAD/XING				
Remov Remov Ameno	all entries of 'XD' in the DAPR to read 'XN' The Delay Code XF from Section S of the DAPR The Delay Code XH from Section S of the DAPR A 'XH' entry in DAPR O19.2.2.3 to read 'JF' A all other entries of 'XH' in the DAPR to read 'JD'					



ХК	National Grid Power Supply Failure where local area is also affected (including outages, surges, blips where standby generator or UPS is installed and working)	NATL GRID
Amenc	Delay Code XM description and Abbreviation to read: -	
XM	External utility incident including gas, water mains, overhead power lines	EX UTILITY
Remov	e Delay Code X3 from Section S of the DAPR	
Amenc	all entries of 'X3' in the DAPR to read 'J6'	
Amenc	Delay Code J6 Description and Abbreviation to read: -	
J6	Lightning strike on protected and unprotected asset	s LIGHTNIN
Remov	e Delay Code X8 from Section S of the DAPR	
	e Delay Code X8 from Section S of the DAPR all entries of 'X8' in the DAPR to read 'I8'	
Amenc		